

**Land acquisition for agribusiness development in South Comoé region, Côte
d'Ivoire**

by

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Declaration

I, **Kablan Antoine Effossou** declare that the thesis, which I hereby submit for the degree **PhD Environmental management** at the University of Pretoria, is my own work and has not previously been submitted by me for a degree at this or any other tertiary institution.

Signature:  Date: 17 November 2021

Ethics statement

The author, whose name appears on the title page of this thesis, has obtained, for the research described in this work, the applicable research ethics approval.

The author declares that he has observed the ethical standards required in terms of the University of Pretoria's Code of Ethics for Researchers and the Policy guidelines for responsible research.

Signature

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Date



Disclaimer

This thesis adopts the publication style of writing for each analysis chapter. The thesis comprises of six (6) chapters, with four (4) objectives that are presented in a paper format for publication. Consequently, three (3) articles have been published in peer - reviewed journal, covering objective 1,2 and 3. One (1) objective 4 is still under preparation for submission.

All work done in this study is the original contribution and efforts initiated by the student as principal investigator.



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Publication and Manuscripts

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Land reform in Côte d'Ivoire and the implications on agribusiness development; the case of oil palm plantations in South Comoé. **This paper relates to objective 4 of the thesis.**

Abstract

Agribusiness which contributes significantly to most economies in Africa is under threat from socio-economic and political factors which affect their productivity. This study set out to investigate the factors influencing the growth of agribusiness (agri-value chain) in sub-Saharan African countries (SSA) using South Comoé region of Côte d'Ivoire as a case study. The research is built on the argument that there is a lack of viable policy frameworks to guide effective negotiations for land acquisition and benefits sharing in the process of establishing agribusiness. The research aim was achieved through an empirical study based on focus group discussions (FGDs) and key informants' interviews. The data were thematically analysed and discussed through the perspectives of rural community members, agribusiness investors and local government authorities (key participants identified) of the districts of Bonoua, Adiaké and Aboisso, South Comoé region. The results of this study revealed how legal pluralism (customary and modern tenure systems) posed a challenge for land acquisition negotiation for agribusiness development. The lack of integration of customary laws in the colonial and post-colonial eras created inequality in the land acquisition process. Inequalities in the negotiation of land for the establishment and grow of agribusiness has resulted to conflicts experienced in a number of countries in SSA. In addition, this study shows that the benefit sharing mechanism practiced in South Comoé, Côte d'Ivoire is inconsistent with universal standards such as that defined by the Nagoya Protocol designed to ensure fair benefit distribution in biodiversity conservation. As such the rural communities suffer marginalisation in the negotiation of benefits for the sacrifice of communal land for the establishment of Agribusiness Corporation. Moreover, the inequalities and marginalisation of



grassroots communities during the negotiation of land and benefits sharing was found in this study to stem from the lack of viable land reform policy to secure the tenure rights of such rural community members. The results of the study therefore suggest a dire need for the government of Côte d'Ivoire to design effective land reform policy which takes into consideration rural community rights for the establishment of agribusiness. The land reform policy should ensure adequate negotiation of communal land and benefits thus creating an enabling environment for the growth of agribusiness. The study thus contributes to knowledge on the key role of land reform policy in ensuring the growth of agribusiness in sub-Saharan Africa.

Key words: Agribusiness development, Côte d'Ivoire, conflicts, benefice sharing, land, oil palm, policy, rural community, sub-Saharan Africa.

Résumé

L'agrobusiness qui contribue de manière significative à la plupart des économies africaines, est menacée par des facteurs socio-économiques et politiques qui affectent leur productivité. Cette étude visait à étudier les facteurs influençant la croissance de l'agrobusiness (chaîne de valeur agricole) dans les pays d'Afrique subsaharienne (ASS) en utilisant la région du sud Comoé en Côte d'Ivoire comme étude de cas. La recherche est fondée sur l'argument selon lequel il existe un manque fiable de cadres politiques pour guider des négociations efficaces pour l'acquisition de terres et les avantages liés à l'établissement de l'agrobusiness. L'objectif de la recherche a été atteint grâce à une étude empirique basée sur des discussions de groupe et des entretiens avec des informateurs clés. Les données ont été analysées



thématiquement et discutées à travers les perspectives des membres des communautés rurales, des investisseurs agrobusiness et des autorités gouvernementales locales (participants clés identifiés) des communes de Bonoua, Adiaké et Aboisso de la région du sud Comoé. Les résultats de cette étude ont révélé comment le pluralisme juridique (systèmes fonciers coutumiers et modernes) a constitué un défi pour la négociation d'acquisition de terres pour le développement de l'agrobusiness. Le manque d'intégration des lois coutumières de l'époque coloniale à l'époque postcoloniale a créé des inégalités dans le processus d'acquisition des terres dans les zones rurales. Les inégalités dans la négociation pour l'acquisition des terres pour l'établissement et la croissance de l'agrobusiness ont entraîné des conflits vécus dans un certain nombre de pays d'Afrique subsaharienne. En outre, cette étude montre que le mécanisme de partage des avantages pratiqué dans la région du Sud Comoé, en Côte d'Ivoire, est incompatible avec les normes universelles telles que celles définies par le Protocole de Nagoya visant à assurer une répartition équitable des avantages dans la conservation de la biodiversité. En tant que telles, les communautés rurales souffrent d'une marginalisation dans la négociation des avantages pour le sacrifice des terres communales pour la création d'une société agroalimentaire. De plus, les inégalités et la marginalisation des communautés de base lors de la négociation des terres et du partage des bénéfices ont été trouvées dans cette étude comme découlant de l'absence d'une politique fiable de réforme agraire pour sécuriser les droits fonciers des membres de la communauté rurale. Les résultats de l'étude suggèrent donc un besoin urgent pour le gouvernement de la Côte d'Ivoire de concevoir une politique de réforme foncière efficace qui prenne en considération les droits des communautés rurales dans l'établissement des agrobusiness. La politique de réforme agraire devrait garantir une négociation adéquate des terres communales et des avantages, créant ainsi un environnement propice à la croissance de l'agrobusiness. L'étude contribue ainsi aux connaissances



sur le rôle clé de la politique de réforme agraire pour assurer la croissance de l'agrobusiness dans les pays d'Afrique subsaharienne.

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List of abbreviations

ABS: Access to benefit sharing

AfDB: African Development Bank

AFOR: National rural land agency /Agence Fonciere Rurale

ATOE: Alfa Trading Oil Extraction

BS: Benefit sharing

BSMs: Benefit sharing mechanisms

CBD: Convention of Biological Diversity

CDC: Cameroon Development Cooperative

CPR: Common pool/property resources

DRC: Democratic Republic of Congo

FAO: United Nations Food and Agriculture Organization

FGD : Focus Group Discussion

FPI : Front Populaire ivoirien

GDP: Gross Domestic Product

IMF: International Monetary Fund

JARD: Journal of Agribusiness and Rural Development

JARTS: Journal of Agriculture and Rural Development in the Tropics and Subtropics

LSLA: Large scale land acquisition

NGO: Non-Governmental Organization



NRM: Natural resources management

Palm CI : Palm Oil Production in Côte d'Ivoire

PDCI : Democratic Party of Ivory Coast /Parti democratic de Côte d'Ivoire

RHDP : Rassemblement des Houphouetistes pour la Democratie et la Paix / Rally of Houphouetists for Democracy and Peace

SOCABO : Agricultural Cooperative Society Bonoua /Société Coopérative Agricole de Bonoua

SODEPALM : Oil Palm Development Society / Société de Développement du Palmier à Huile

SAGJ: South African Geographical Journal

SSA: sub-Saharan Africa

UN: United Nations

UNECA: United Nations Economic Commission for Africa

US: United States of America

VGGT: Voluntary Guidelines for the Responsible Governance of Tenure



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CHAPTER 1:

General Introduction

This chapter provides a brief introduction to the study by highlighting the relation between (i) conflicting land tenure systems (ii) large scale land acquisition, (iii) benefit sharing mechanism and (iv) land reform policy that affect agribusiness development in SSA. The chapter also provides the background of the study, theoretical framework and outlines the aim, objectives and structure of this thesis



1.1 Introduction

The sustainability of agribusiness in Sub-Saharan Africa (SSA) is threatened by growing concerns about the processes associated with its establishment (German et al., 2011). Agriculture forms the backbone of the economies of most African countries (Amungo, 2020), making a significant contribution to their gross domestic product (GDP). For example, the contribution of agribusiness to GDP is 19% for Ghana, 16% for South Africa, 23% for Uganda and Kenya and 21% for Zimbabwe (Rankin et al., 2016). Cocoa represents 39% of Côte d'Ivoire's and 16% of Cameroon's commodity exports (Läderach et al., 2013; Addison et al., 2016). Ethiopia's coffee production accounts for 25% of GDP and 55% of its foreign exchange earnings (Rubben & Herras, 2012). According to the Oxford Business Group (2021) Africa has over 60% of the world's uncultivated arable land area. However, there are many challenges associated with the development of agribusinesses in SSA (Weatherspoon et al., 2001). One of these challenges is a lack of transparent land acquisition systems for large-scale farming (Anseeuw et al., 2012). Few studies have investigated how different land tenure systems and land acquisition processes across SSA limit the growth of agribusinesses in the subcontinent.

Berge et al. (2014) and Sone, (2012) revealed that conflicting tenure systems is one of the major challenges affecting the establishment of agribusiness because land acquisition is often fraught with irregularities. Historically, legal pluralism has been shown to be one of the causes of land conflicts (Baldarelli, 2017; Mac Clay & Feeny, 2018; Adekola et al., 2021). Various land tenure systems on the continent are rooted in the heritage of colonial Africa. According to Chimhowu & Woodhouse (2006), land tenure systems in SSA countries derive from the western land tenure system. Many rural communities were dispossessed of their land through land policies enforced by the colonial administration because customary rights were viewed as an undeveloped



and undocumented (Chinene et al., 1998). German et al. (2013) and Essougong & Tegua (2019) also affirm that legal pluralism (both customary and modern land tenure systems) pose a hindrance to the establishment of agribusiness. Therefore, this study seeks to understand how conflicting land tenure systems affect the process of acquiring land for establishment and growth of agribusiness in Sub-Saharan Africa.

Large-scale land acquisition (LSLA) is not a new phenomenon in SSA, it could be traced to the colonial era which introduced plantation agriculture (Roudart & Mazoyer, 2019). However, according to Cotula et al. (2014) and Smaller & Mann (2009) over the past two decades, large-scale land acquisition became of great concern driven by global food and energy crises. Laura et al. (2013), Anseeuw et al. (2012) and Nolte et al. (2016) argue that many land transactions take place behind closed doors, which leads to conflicts between community members and agribusiness developers. A case in point was experienced in Cameroon where the government leased out thousands of hectares of land to Herakles Farms for oil palm producing with the exclusion of the local communities spurred a resistance from the community members (Pemunta, 2018). The conflict stems from the fact that a few rural chiefs and local elected authorities, with absolute land rights, collude with multinational companies and government officials thus failing to protect the most disadvantaged masses (Anseeuw et al., 2012). For example, only a few local elites are often engaged in the process of land acquisition to the neglect of the rural majority who also have access to communal land (Fongong et al., 2016).

Another key factor hampering agribusiness in SSA could be the benefit sharing mechanisms. Problems of equitable benefit sharing exist in various sectors such as mining and forestry. Tshidzumba et al. (2018) revealed that a lack of trust and transparency are the causes of unfair benefit sharing between companies and rural



community members. For example, Tshidzumba et al. (2018) argue that the benefit sharing arrangements for the exploitation of communal forests in South Africa is dismal. Despite efforts to create jobs and build basic infrastructure in rural areas, many agribusiness companies face challenges in operating their businesses in rural communities due to lack of trust between various parties over equitable benefit sharing (Tysiachniouk & Petrov, 2018). Many small farmers are willing to lease land for the establishment of agribusiness but remain hesitant due to the lack of trust amidst unclear benefit sharing policies in the agricultural sector. This partly because rural community members fear losing their land since there is no guarantee that they will be adequately compensated. The establishment of agribusiness needs to be guided by a legal instrument such as the Bonn Protocol which governs access to genetic resources under the United Nations Convention on Biological Diversity (CBD) (Tully, 2003). The Bonn Protocol will be discussed in details in section 1.5.3.

The study also sought to examine the role of land reform policies in shaping land acquisition process and benefit sharing modalities in compensation for the release of communal land for agribusiness development. Chimhowu (2019) points out that since independence there has been efforts in introducing land reforms in most African countries to address past imbalances in the land system inherited from the colonial administration. For example, between 1990 and 2017, several new land laws were enacted in sub-Saharan Africa recognizing the customary land system and the rights of various members of rural communities. Many countries such as Kenya, Mozambique, Tanzania, Ethiopia, Rwanda, and Ghana have made progress in post-colonial land reforms for agricultural development to alleviate poverty (Asiama et al., 2019; Chimhowu, 2019). Cheteni & Mokhele (2019) noted progress in the post-apartheid land reform policy for the South African agricultural production even though post-apartheid land reforms still face challenges between the stakeholders. In Zimbabwe, the failure of the post-colonial land reform policy has greatly affected the



growth of the agricultural sector (Mkodzongi & Lawrence, 2019). Despite some progress made in parts of Africa, there are few land reform policies aimed at promoting large-scale land acquisition. In Cameroon, one of the world largest tea producing countries, few land titles have been delivered under the 1974 Land Ordinance (Essougon & Tegua, 2019). Similarly, Aka Lamarche (2019) pointed out that in Côte d'Ivoire the procedure of the issuance of a land certificate is costly and can take a long period of time (five to six years) which negatively affects the land market in rural areas particularly for large-scale agricultural investments.

The study had the following research questions. In what ways do conflicting land tenure systems hinder land acquisition for agribusiness development in SSA? What are the impacts of land tenure systems on land acquisition process for agribusiness development in South Comoé? How consistent are benefit sharing mechanisms practiced for agribusiness development in South Comoé with universally accepted standards such as the Bonn Protocol for CBD? What is the role of land reform policies in the development of agribusiness in Côte d'Ivoire?

1.2 Motivation

Côte d'Ivoire is one of the leading countries in Sub-Saharan Africa in the development of the agribusiness sector. Côte d'Ivoire had become the world leader of cocoa production with an annual production of 303,621 tons by 1977. In 1993 the cocoa production in Côte d'Ivoire was 803,799 tons/year, in 2010 the country produced 1.4 million tons (Ongolo et al., 2018). However, the growth of agribusiness in Côte d'Ivoire in recent years has not been very successful. According to Moyo (2011) and Pica-Ciamarra et al. (2007) conflicting land tenure systems, land loss in rural areas affect the establishment of large-scale food and cash crops. There are various known contributing factors to the slow growth of Agribusiness in Côte d'Ivoire including unclear land markets. The land market was challenged by clientelism and corruption



among local elected authorities, lineage elders in the settlement of conflict between local community and outsiders (Chauveau & Colin, 2010). Nevertheless, the dynamism in the land market operations and the consequences on the growth in agribusiness has not been fully understood. This research therefore aimed at filling the knowledge gap.

Section 1.1 above has raised the problems of (i) conflicting land tenure systems, (ii) benefit sharing mechanism and (ii) land reform policy that favour land acquisition for large-scale farming across SSA. In spite of some of the strides made in large scale farming by some SSA countries such as Kenya and Côte d'Ivoire, the question that arises is whether there are lessons to be learnt from these countries on how to grow the agribusiness sector in the SSA region. This study thus critically examines the issues of land tenure systems, land acquisition process, benefit sharing mechanisms and land reform policies and their implications on the growth of oil palm plantation in South Comoé, Côte d'Ivoire. The concepts have been further theorised in section 1.5.

1.3 Aim

This study aimed to investigate the underlining factors accounting for the slow growth of agribusinesses per hectare in SSA using the case of South Comoé, Côte d'Ivoire. This aim if further broken down into sub-objectives listed below in section 1.4.

1.4 Objectives

The study investigates factors that hinder agribusiness development in Côte d'Ivoire. A total of four (4) objectives are stated below.



The study sought to:

- (i) Understand the impact of land tenure conflicts and agribusiness development in sub-Saharan Africa countries.
- (ii) Understand the impacts of conflicting land tenure on land acquisition for agribusiness development in the South Comoé region, Côte d'Ivoire.
- (iii) Understand the mechanism of benefit sharing linked to the establishment of agribusiness development such as oil palm plantations in the South Comoé region, Côte d'Ivoire.
- (iv) Examine land reform policy in Côte d'Ivoire and its implication on agribusiness development in the case of oil palm plantations in South Comoé.

1.5. Theoretical framework for understanding land acquisition, land reform policy, and benefit sharing for agribusiness development

Land acquisition of large-scale farming in Africa, particularly south of the Sahara has been a contentious issue for decades. This study is interested in understanding the processes of land acquisition and the barriers that hinder the smooth acquisition of land for large-scale farming or agribusiness development in Sub-Saharan Africa (SSA) and in Côte d'Ivoire in particular. Africa has 60% of the World's uncultivated arable land (Oxford Business Group, 2021). Most of these lands are in rural areas where tribal authorities hold the balance of power when it comes to who should use or develop the land. However, in most cases, communal claims to land or land rights are not aligned to state land tenure laws leading to conflicts over land rights (Berge et al., 2014). In some cases, local peoples have resisted the acquisition of land for large-scale farming by big multinational companies on the grounds that the benefits are not equitably shared (Pemunta, 2018). Thus, the relationships between land tenure systems, land acquisition for agribusiness development and benefit sharing among multiple actors need greater understanding if the barriers to large-scale farming and



agribusiness development in SSA must be removed. Three theories; 1) Dependency theory and the 'fortress' conservation, 2) Common property theory and 3) the benefit sharing approach provide an important foundation for understanding patterns of land acquisition and benefit sharing as part of agribusiness development.

1.5.1. Dependency Theory and the Fortress conservation of Natural Resource Management (NRM)

According to Ferraro (2008), the dependency theory is a second fundamental school of thought that enhance the understanding of the process of development in poor countries. This theory explains that one of the main causes of underdevelopment lies in the history of the colonial systems' control of natural resources. The colonial administration had set up a system of resource exploitation that prevented less powerful countries from competing with European countries for control of the world market (Ferraro, 2008). Prebisch (1962) defined dependency theory as the type of relationship between developing and developed countries that influences global market rules. The world market required developing countries to export their raw materials to Western countries. In return, the developed countries manufactured these raw materials and resell them to the most disadvantaged countries. The "added value" of these products always cost more than the primary products (Ferraro, 2008). Dependency theory argues that despite increased trade with developing countries, the international trading system remains controlled by developed countries to maximize their interests at the expense of poor countries (Smith, 1978). Thus, the developed states continue to prosper and the poor countries continue to suffer (Smith, 1978). The mode of control of the global market system has been described as a new form of colonialism to control the natural resources of developing countries (Bosch , 1997).



Dependency theory originally emerged as a critique of neoclassical economic theory where trade was expected to benefit all parties (Ferraro, 2008). Consequently, dependency theorists have shown that developed countries have always experienced higher growth than developing countries (Ferraro, 2008). A study conducted in Latin America and Africa, reveals that developed countries make more profits than poor countries on the trade market (Kaufman et al., 1975). The most disadvantaged people in rural areas still face a problem of poverty due to the effects of dependency theory (Matunhu, 2011). Ironically, Africa has a huge area of uncultivated arable land in the world (Oxford Business Group, 2021). According to Smith (1978) one of the explanations for the problem of economic growth in developing countries refers to dependency theory. Dependency theory is used in this study to understand the relationship between agribusiness companies and disadvantaged rural communities in the establishment of oil palm plantations in the southern Comoé region. The post-colonial economy of Côte d'Ivoire was based on the production of cocoa for export more than at any other period in its history. The export of its raw materials revealed the dependence of Cote d'Ivoire on the developed nations. The legacy of the colonial administration justifies the use of the dependency theory in Côte d'Ivoire which today still exports raw materials to the world market. Therefore, the study attempted to demonstrate how the exploitation of local communities during the acquisition of land for the establishment of agribusiness generates tensions and resistance from the community members as a way of expressing their dissatisfaction with the process. Access to and control of land was in the interests of the colonial economy based on a system of “fortress” approach to resource conservation discussed in Section 1.5.1.1.

1.5.1.1 The “fortress” conservation: a form of access and control of communal lands and natural resources



The use of the “fortress” conservation has been central in this study to show the control of natural resources under British, Belgian and French colonial administration in SSA. Access to land in the Congo Basin for rural communities was essential for food production, building materials and bush meat (Ndoye & Tieguhong, 2004). However, under European administration, the “fortress” conservation strategies put in place prevented rural communities from accessing much of the land classified as a forest reserve. Indeed, the “fortress” conservation had led to the expropriation of land from rural communities. The colonial administration imposed the concept of protected areas and forest reserves on local communities thus depriving the local communities from accessing land which they once depended on for their livelihoods (Jepson & Whittaker, 2002; Ylhäisi, 2003). Access to natural resources was deeply based on a systemic top-down approach with the exclusion of rural communities in the decision-making process (Ferraro, 2008). At the independence of most African countries, the establishment of large-scale plantations continued for the benefit of transnational companies. However, as noted by Njoh (2013) the post-colonial administration made little effort to harmonize conflicting land tenure for a clear process of communal land acquisition. The “fortress” conservation is applied in this study to illustrate the unequal power relations between the agribusiness investors, the elites, and the community members resulting in the deprivation of the community members’ access to the communal land.

1.5.2. The theory of Common property

The concept of common property provides a useful premise for examining collective management of communal land to achieve a common goal. Ostrom (1990) proposed eight strategies for the collective management of shared resources to achieve a collective goal. Ostrom’s approach positions resources users at the centre of the management of their resources in terms of defining management rules, implementing the rules, instituting conflict management mechanisms with limited government



intervention. Ostrom's approach promotes common resources management governance by enhancing cooperation and collective efforts and decision-making among resources users with the aim of minimizing tragedy in the commons. According to Damodaran (1991) and Agrawal (2001) common property is defined as a system in which all members of the community have equal rights and access to land resources based on the principle of "equities" and "inclusions". Common property was developed by scholars such as (Ostrom, 1990; Bromley et al., 1989) in response to Garret Hardin who said that: "the action of self-interested individuals does not promote the public good". In his publication, Hardin (1968) described "the tragedy of the commons" in which free access to all non-renewable goods can lead to their overexploitation as well as their disappearance. Hardin made it known that there was a risk in depleting a common resource while maximizing the interest of a minority of individuals who exert very strong influence over the public good to increase their profits.

Using the terms Common Pool Resources (CPR), Ostrom analysed a number of common properties, including pastures, forests and fishing ground, to see how various communities benefit from common resources. The theory of Common Property also explains the danger of individual exclusive rights over common resources (Ostrom, 1990). Community ownership is not a new concept. It was once prevalent in Europe before the enactment of the Private Property Laws, (Rosenman, nd). Communal land was used for grazing based on a set of local community principles for proper land use.

However, by the end of the 18th century, the concept of communal lands died out along with lands appropriated by influential institutions during the Industrial Revolution (Rosenman, nd). In this way, most common lands in Europe were converted to private lands under the laws of each country. What happened in Europe during the Industrial Revolution for economic development and private interest was replicated in Africa under the French and British colonial administration instituting the notion of private property. The colonial administrations introduced the agribusiness systems in Africa which led to the quest for vast land area for investments.



This study uses the theory of Common Property to illustrate how the side-lining of community involvement in the management of communal resources and decision-making process will result in the misappropriation of the common property by a powerful minority group whose interest is mainly profit making. According to Ostrom (1990), if individuals from the same community using the same commons fail to establish clear property rights, they will end up being inexorably overexploited. The exclusion of common resources users has disrupted indigenous socio-economic systems. Unwritten African customary law, considered 'inferior' compared to modern law, has been replaced by Western law with the introduction of the concept of private property titles (Okoth-Ogendo, 1993; Arko-Adjei, 2011; Platteau, 2000). There has been a failure of colonial and post-colonial land reforms, with the marginalization of the most vulnerable rural communities in decision-making by the elite (Lahi, 2008). Comprehensive land reform programs in customary contexts are often ineffective and usually costly (Bruce, 1993). Similarly, as discussed by Hornby et al. (2017), "Land titling is questionable for securing land tenure" is therefore not appropriate for increasing investment in rural land. Ostrom's contribution here in the debate of communal land acquisition is crucial and the tragedy of the common pool projected by the neoclassical theory could be turned into an opportunity (Ostrom, 1990). To prevent the degradation of natural resources, sound management of communal lands requires an institutional framework based on principles of equity. The subject of communal land arrangements attracted a lot of interest in the 1980s when Ostrom started a workshop on common property. According to Andersen (2011), land professionals encourage the harmonization of the existing land tenure system to establish land regulations for the management of common resources.

However communal lands in SSA are under threat as they are not certified (Assemble-Mvondo et al., 2014). In addition, the modern land tenure system did not formally recognize customary rights. Communal lands are under enormous pressure in an unclear land acquisition process in rural areas (Anseeuw et al., 2012). The initiated



post-colonial land reform empowered the national authority to act as custodian of all land resulting in expropriation of communal lands. The case in point was the 1974 land ordinance in Cameroon where all land is vested in the government (Lucain, 2017). The livelihood of most rural communities still depends on communal lands yet land reforms has not been developed to promote the collective management of communal lands (Bromley et al., 1989). During the 1980s, scientists began to emphasize the need for the NRM debate to encourage transparency and the role of local communities in accessing and controlling land.

Community involvement and the bottom-up approach to communal land management which encourages local communities' participation in land management decision making will ensure more benefits for investors and national institutions (Castella et al., 2007). The inclusion of all stakeholders appears to be the key feature of common property management. Collective action by all actors on communal land can facilitate access to information and enable customary rights holders to control their traditional lands. This is possible when users are involved in decision-making and have their say in the management of the common resource for benefits sharing mechanisms.

1.5.3. The context of benefit sharing

Given the great concerns about equitable benefit sharing arrangements in the agricultural sector (Winickoff, 2008), there is a need to understand the theory around which benefit sharing agreements are designed and implemented.

1.5.3.1 The benefit sharing approach

Benefit sharing 'denotes a form of societal commitment to channel some kind of returns, be they monetary or non-monetary, back to a range of designated participants'



(Nkhata et al. 2011:2). The concept of benefit sharing is ambiguous, interpreted and implemented differently in different fields including biodiversity, hydrology, mining, pharmaceutical industries and in infrastructural development. This has thus led to the designing of various approaches for the understanding and implementation of benefit sharing although Nkhata et al. (2011) noted that there are few theoretical frameworks to enhance an understanding of benefit sharing. In this regard, Nkhata et al. (2011) proposed a framework for understanding how benefit sharing can be arranged amidst complex environments. Nkhata et al.'s model defines the relationship between the ecosystem, the resources users and those involved in the infrastructural development who enable and regulate the benefit sharing. On the other hand, the Convention of Biodiversity which was constituted in 1992 has made attempts to regulate the exploitation of natural resources and one of these approaches is through the Bonn guidelines. The Bonn guidelines were developed in 2001 to regulate access to genetic resources and equitable benefit sharing and amended and adopted in 2002. The guidelines were intended to enable various parties, governments, and stakeholders to develop strategies for accessing genetic resources and ensuring equitable benefit sharing in a regulated manner. The Bonn guidelines determine steps for access and benefit sharing. The aim of these guidelines is to prevent biodiversity loss while promoting sustainable development. The following steps which are applicable to this study were extracted from the Bonn guidelines: 1.) the procurement of informed consent before accessing genetic resources, 2.) reciprocal agreement on the terms and conditions for accessing and using genetic resources, 3.) equitable benefit-sharing for the use of genetic resources. These indicators are further fleshed out in chapter 4 of this thesis.

According to Nkhata et al. (2011) an equal benefit-sharing agreement is important to guide all stakeholders in formulating effective responses to unexpected events. In the context of land acquisition for agribusiness development this process can foster the



capacity of communal land actors to deal with tensions within the framework of an equal benefit sharing agreement.

1.6 Description of the study area and data collection procedure

The study was conducted in the South Comoé region, Côte d'Ivoire, with case studies drawn from Aboisso, Adiaké and Bonoua. The estimated population of the South Comoé region is over 642,000 inhabitants living mainly in rural areas (Zahouli et al., 2017). South Comoé is located in the south-eastern region of Côte d'Ivoire and covers an area of approximately 800 km² (Amon et al., 2015). The specific research area is located between Kakoukro-Limite and Soumié carréfour in the districts of Aboisso and Bonoua (Figure 1). Rural community members in the study area depend largely on communal lands for building materials, agriculture, and firewood.

1.6.1 Geographical location, socio-economic and cultural setting of the study area

The South Comoé region receives an annual rainfall between 1,250 mm and 2,400 mm (Worou et al., 2019). The territory between the Kakoukro- limite, in the district of Bonoua, and the village of Soumié Carréfour, in the district of Aboisso, presents some specific characteristics compared to the general context of the South Comoé region (Figure 1). This area was considered a "no man's land" in the absence of customary control at the start of the colonization of Cote d'Ivoire in 1893. During the colonization of Côte d'Ivoire, this area was depopulated and served as a buffer zone between the kingdoms of the Agni Sanwi and Abouré peoples. Uninhabited by the Agni and the Abouré communities this area between Kakoukro limite and Soumié Carrefour was national forest reserve that was gradually occupied by large scale oil palm and rubber



plantations (strongly supported by the public company and the private agribusiness corporations) in the absence of a clear land policy for land acquisition in communal land. Similarly, the establishment of agribusiness in the region of South Comoé attracted migrant workers in search of jobs. The influx of migrant workers triggered population growth and increase competition for scarce resources which often resulted in conflicts. A large group of migrant farmers from the north, centre, and centre-east of Côte d'Ivoire (Baoulé, Sénoufo, and Akye communities), as well as communities from Burkina-Faso and Mali is present. The settlement of migrant farmers (colonial era) who were mostly agricultural labourers working in the cocoa, coffee, and oil palm plantations in the Bonoua and Aboisso districts, influenced the expansion of so-called rent crops plantations in the region due the availability of affordable labour. In the 1990s, due to land pressure and the lack of a land policy, rural communities and some agribusiness companies claimed land because the land was considered 'no man's land' for a long period and suffered from a huge informal land market. Communal lands were also granted. Likewise, indigenous people claimed lands that belonged to the two kingdoms (Agni and Abouré) according to their matrilineal practices. As a result, today, little land is available for small-scale and large-scale food and commercial farming.



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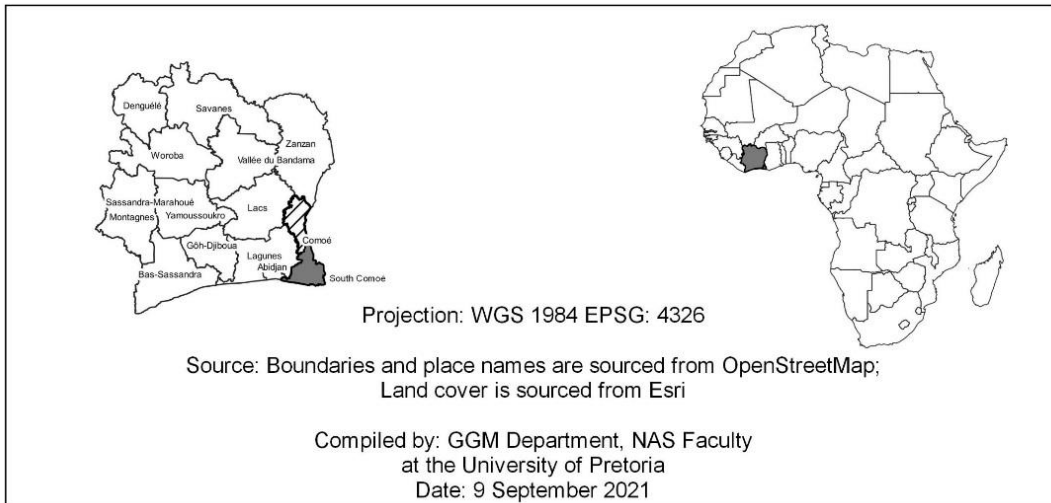
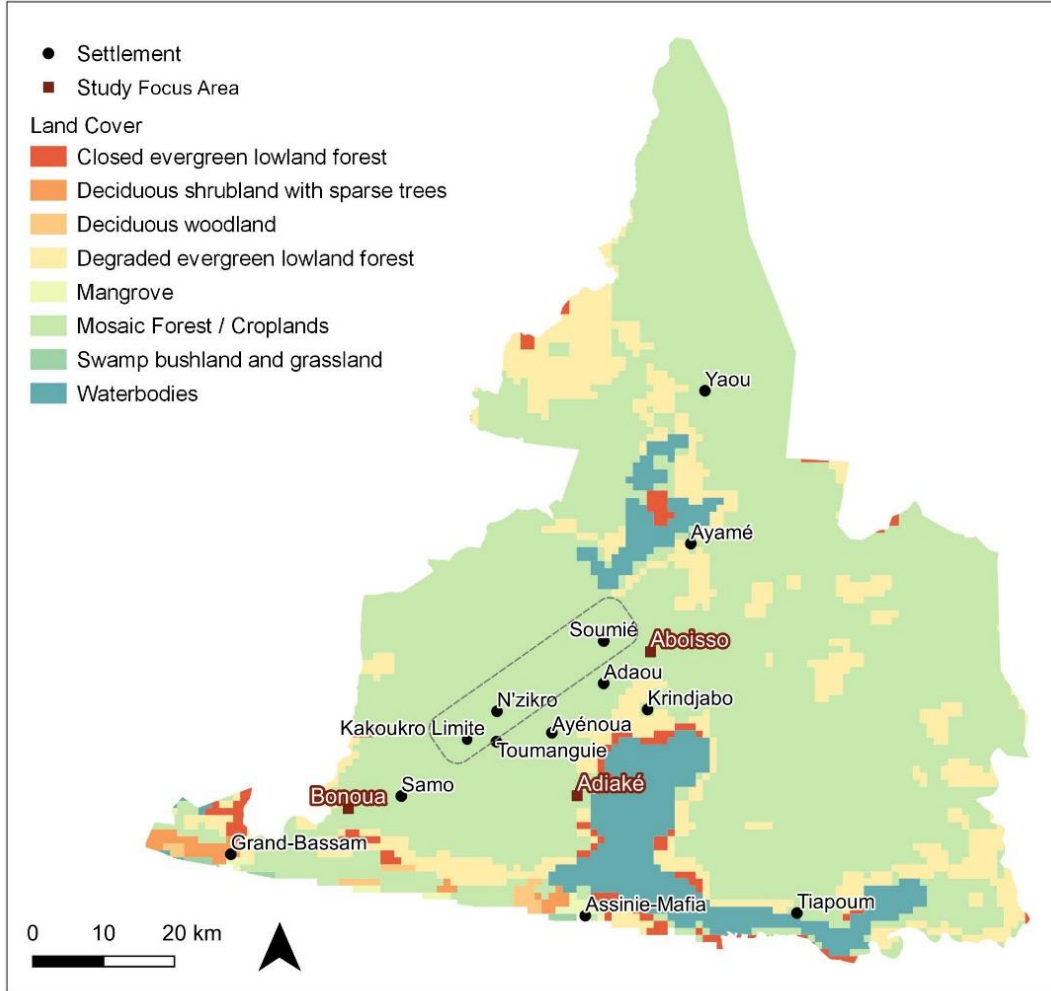




Figure 1: Map of South Comoé region, Cote d'Ivoire

The choice of Côte d'Ivoire for this study centres on its leading role in commercial agriculture globally, especially in the cocoa production sector. The cash crop economy has grown rapidly; while land pressure has arisen as a result of population growth and an increase demand for land for local livelihoods. South Comoé region was also selected mainly because of the question of post-colonial land policies context with the issue of land acquisition for large scale farming (Ongolo et al., 2018). The districts of Bonoua, Aboisso and Adiaké, have experienced reconversion of the cocoa fields in favour of the cultivation of oil palms and rubber. The dynamism of the cultivation model, from cocoa production to oil palm and rubber, has increased the demand for land for agribusiness development (Bignebat & Colin , 2010). The cash crop selected for the study is oil palm cultivation mainly oriented towards the export market. There are large scale oil palm companies (30,000 hectares and above) managed by Agribusiness Palm CI (a national private company), the transnational agribusiness companies Dekel Oil and ATOE representing 2,650 hectares, discussed in Chapter 4.

Table 1: Land acquisition status of the agribusiness companies in the district of Aboisso

Target region South Comoé	Location	Investor name	Investor country of origin	Negotiation status	Implementation status	Production size (hectare)	Nature of deal	Crop
Cote d'Ivoire	Toumanguié Aboisso	Palm CI (SIFCA)	Cote d'Ivoire	Contract signed	In operation (production)	28000	Lease / concession	Oil palm
Cote d'Ivoire	Ayénoouan village	Dekel Oil	Israel	Contract signed	In operation (production)	2000	Lease	Oil palm
Cote d'Ivoire	Soumié Carrefour	ATOE	Lebanon	Contract signed	Start-up phase plantation	650	Lease	Oil palm

Source: Author adapted from field data (2019)



According to Table 1, the amount of land acquired by Dekel Oil and ATOE is much less than that of PALM-CI. This explains the relative saturation of communal land in the South Comoé region. The average area per small farmer is 3.9 ha for cocoa, 3.1 ha for rubber, 1.9 ha for oil palm, and 2.2 ha for coffee (Ministry of Agriculture and Rural Development, 2016). There is a growing tension between smallholders with customary rights and Dekel Oil, a transnational agribusiness corporation, due to incomplete contracts signed that many agribusiness companies themselves fail to honour.

1.6.2 Research design and sampling techniques

The study employed a qualitative approach to analyse conflicting land tenure systems and the implications for the acquisition of land for agribusiness establishment and also to assess the consequences of the benefit sharing modalities applied and land reform policies on the growth of agribusiness in sub-Saharan Africa. A total of 50 participants were selected for interviews for this study. Out of the 36 land users' twenty participants who own land and have access to communal land in Aboisso, 10 smallholder farmers in Bonoua and 6 other smallholder farmers in Adiaké were selected for individual interviews in this study. Purposive or targeted sampling was used to select key participants (rural community leaders, representative of agribusiness promoters and local government authority) in the district of Aboisso, Bonoua and Adiaké who matched the research objective. According to Marshall (1996), the purposive sampling method appears to be the most commonly used sampling technique in qualitative research. However, during the month of August 2019 the whole 36 small holders were selected only in the districts of Aboisso and Bonoua for the FGDs where the three agribusinesses surveyed were located in Toumanguié, Ayénouan and Soumié, as



explained in section 1.6.1. This sample was selected based on the availability of interview participants.

The research participants constitute communal land users (N = 36), local government officials including the sub-divisional authority and agriculture department (N = 8), and representatives of agribusiness investors (N = 6) who were part of the oil palm plantations directly or indirectly were interviewed. The data were collected from the 3rd of July 2019 to 30th of August 2019 from the districts of Bonoua, Adiaké, Aboisso and the neighbouring villages of South Comoé comprising two large kingdoms (Abouré and Agni Sanwi).

Table 2: Categories of key informant participants in the district of Aboisso, Bonoua, Adiaké.

Local government authorities	Agribusiness developers	Rural community leaders
<ul style="list-style-type: none"> Sub divisional authority (<i>sous-préfet</i>) of Adiaké 	<ul style="list-style-type: none"> Agribusiness company X, a national private oil palm production (located in Toumanguié Aboisso) 	<ul style="list-style-type: none"> Adaou (Aboisso) Yapokro (Aboisso) Nzikro (Aboisso) Ayenouan (Aboisso) Toumanguié (Aboisso) Assalékro (Aboisso) Assouba (Aboisso) Soumié carrefours (Aboisso)
<ul style="list-style-type: none"> Sous-préfet of Adaou (Aboisso) 	<ul style="list-style-type: none"> Agribusiness company Y, ATOE a transnational corporate (located in Soumié /Aboisso) 	<ul style="list-style-type: none"> Adiaho (Bonoua) Bonoua (royal palace)
<ul style="list-style-type: none"> Agricultural Department officials in Bonoua , Aboisso , and Adiaké 	<ul style="list-style-type: none"> Agribusiness company, Z a transnational corporate (located in Ayénouan Bonoua) 	<ul style="list-style-type: none"> Djiminikofikro (Adiake)



The three categories of participants selected constitute those with good knowledge in the process of land acquisition for agribusiness development. Local government authorities in Aboisso, Bonoua and Adiaké, who work directly with smallholder farmers and agribusiness promoters, helped the researcher identify agribusinesses corporates representative and key community farmer leaders. The selection of smallholder participants was also facilitated by the rural community member liaisons persons who then introduced some key rural community members who further referred potential participants in a snowball approach. According to Biermacki & Waldorf (1981), a snowball sampling approach is a referral approach in which people who know other people with some characteristics suitable to the research objectives refer them to be selected for participation in the study. Efforts were made to ensure that the sample was spread out spatially over the districts of Adiaké, Bonoua, and Aboisso, in order to be representative.

Smallholders, agribusiness developers, and local government authorities were contacted to arrange an appointment for interviews and also to choose a time and venue convenient to each participant. The three categories of key informants were interviewed separately to avoid the influence of one party over the other. However, during FGDs with the local community members, lineage elders requested that the migrant community should participate in the discussions. Nevertheless, the researcher was aware that conducting FGDs with different community members could either be influenced by landowners with customary rights over those who only have access to land. It was, however, explained to participants that the study had neither the objective to redistribute land amongst communities.



1.6.2.1 Data collection procedure

Focus group discussions and key informant interviews were the main qualitative data collection methods utilised in the study. The focus group discussions included participants from the community who were mostly farmers depending on the communal land for their livelihoods. On the other hand, key informant interview participants constitute mostly of agribusiness and local government officials from the department of Agriculture and the head of the sub divisional office of Adiaké and Adaou/Aboisso. The key interviews and focus group discussions were done with the consent of the participants included in Appendix A. The study was conducted with ethical approval from the University of Pretoria Ethic committee (Reference number: 180000017) (Appendix B). Before data collection commenced, an authorization was granted by the traditional authority of Bonoua (See Appendix C). The traditional authority in Bonoua later introduced the researcher during data collection to the chieftaincy of Adiaké, and the neighbouring villages in the district of Aboisso. In addition, in the research area the '*Préfet de region*' high local government authority of the South Comoé region granted a letter of authorization to the researcher to facilitate engagement with the local community leaders, agribusiness developers and other local government authorities such the sub-divisional authority of Adaou and Adiaké who are conversant with the research topic (Appendix D). All the documents are attached in the Appendices 'section of the thesis. This section describes the data collection instruments and processes including focus group discussions and key informant interviews.

1.6.3 Focus Group Discussion

De Vos (2011) asserts that focus groups are a means of better understanding how people feel or think about an issue. A focus group discussion is defined as "*interview*



style designed for small groups of unrelated individuals, formed by an investigator and led in a group discussion on some particular topics' (Barbour, 2008; Berg, 1998). A FGD was used in the study to gather the small holders to discuss a specific topic in land acquisition, benefit sharing mechanism process in order to stimulate debate. The discussions were carefully planned and designed to gather data in a permissive and non-threatening environment. Focus groups were arranged with considerations for small holders who own land and those who have only access to communal land. By categorizing group participants, a process of sharing and comparing how each social system views issues of land acquisition and agribusiness development were facilitated (De Vos, 2011). The groups included a maximum of ten participants as suggested by De Vos (2011) and Kumar (2011) to enable adequate participation and allow easy management of the discussions. There are different opinions on the number of participants involve in FGDs however, Blackburn & Stokes (2000) suggest six to ten in FGDs. The participants in the FGDs in the districts of Aboisso and Bonoua share a common interest in communal land issues for agribusiness development. The meeting was held under the moderation of the researcher to discuss on conflicting land tenure systems, land acquisition, and benefit sharing in the establishment of agribusiness.

The participants were selected in a manner which ensured the representation of different categories of participants as suggested by Henman & Chambers (2001). The selection of participants for the study was guided by the research objectives as set out in Section 1.4. Participants were informed that the research was an academic study for the purpose of accomplishing a doctorate degree. In addition to the focus group discussion some key informants' interviews involving local government officials and agribusiness developers were conducted (discussed in section 1.6.4.).

Table 3: Focus group discussion in the districts of Aboisso and Bonoua

Localities surveyed (focus group discussions)	Rural community participants
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1. Adaou village (District of Aboisso)	6
2. Adiaho, District of Bonoua	8
3. Yapokro village (District of Aboisso)	10
4. Asselekro village (District of Aboisso)	6
5. Assouba village (District of Aboisso)	6

1.6.4 Key Informant interviews

Key informant interviews were conducted with local government officials (N=8) and the agribusiness developers' representatives (N=6). According to the USAID (Centre for Development Information and Evaluation, 1996) key informant interview refers to an in-depth data collection process involving the participation of people with first-hand knowledge about the topic of interest. The local government officials and agribusiness investors were interviewed on their perceptions of and experiences on land acquisition processes, benefit-sharing mechanisms, land reform policies and the tensions between, agribusiness investors and the local communities. The Government Officials and the representatives of the agribusiness investors were interviewed on how the conflicting land tenure system, and land acquisition and benefit sharing policies shaped the processes in the negotiation of land and benefits for agribusiness investment, and the implications thereof.

1.6.5 Secondary data

In order to provide the context and theoretical background of the conflicting land tenure system, land acquisition, benefit-sharing and agribusiness development, data was sourced from scientific articles through Web of Science, Research gate, the Google Scholar, the Land Matrix online database, FAO statistics and the World Bank. The terms used to search for literature separately and in combination include



“agribusiness”, “land acquisition, developing countries”, “land conflicts”, “customary land tenure, modern land tenure system” and “benefit-sharing”.

1.6.6 Field data preparation and analysis

The field data were collected and saved in different formats including audio and written documents which were later organised before the data analysis to make the data usable for analysis and interpretation. In order to make meaning from the raw data, they were coded manually using the open coding system. The open coding system refers to the process of going through the data line by line as suggested by Holton (2007). The data coding process began with reading through the transcript to pick out what the three categories of participants said in relation to the research objectives in order to highlight the relevant information (Saldana, 2009; Vaismoradi et al., 2016).

Pseudonyms were adopted to protect the participants' identity as per the ethics requirements. All the research transcripts were considered during the coding process and segments that aligned to the research objectives were highlighted. The segments were further grouped into various categories from which the research themes emerged. The main categories which emerged from aggregating the codes covered conflicting land tenure systems, land acquisition, benefit sharing and land policy.

1.6.7 Challenges faced in the field

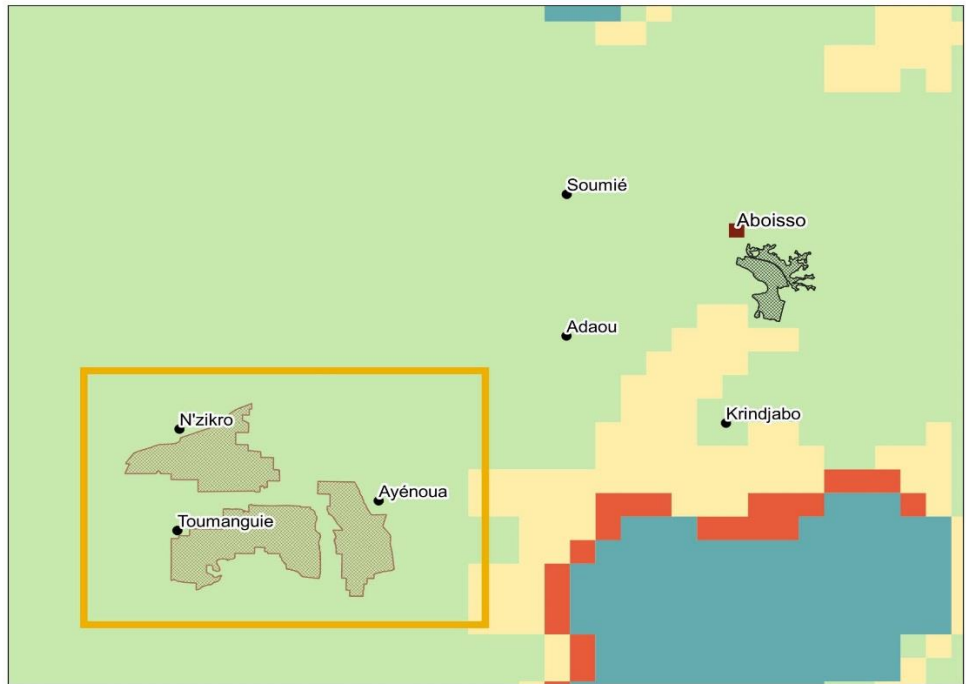
A major challenge experienced during the field work stemmed from the political situation in Côte d'Ivoire at the time. The fieldwork took place during the period when Côte d'Ivoire was preparing for the 2020 presidential elections. The tensed political atmosphere in Côte d'Ivoire during the data collection period created fear amongst some community members to freely expressing themselves on account of being



identified and penalised. Some high-profile members who had a high impact on the nature of the research findings were not willing to divulge information, citing that the land issue was politically sensitive. The majority of the research participants resisted being recorded either visually or audio-visually. This posed a challenge in capturing all that was said as participants refused to be recorded.

The fact that the South Comoé community members are faced with land ownership conflict with the migrant farmers, agribusiness corporates, local elected authorities, led to some participants acting violently and being extremely sensitive to the topic under discussion. In the same vein, this led to reluctance in participation as targeted participants became suspicious of the researcher. Moreover, some of the interview questions and topics triggered past and present political thoughts that made participants emotional as the study focused on access to land and customary rights. In order to calm down the reluctance to participate in the research among participants as reflected in the above-mentioned political concerns, the researcher explained to the participants that the research was solely academic and assured them that the rights to anonymity will be respected.

Furthermore, the villagers were under the impression that if outsiders write down their names they will receive compensation of land loss. It was, however, explained that the researcher had neither the objective nor power to resolve land issues, or to reward research participants with either cash or kind.



- Settlement
 - Study Focus Area
 - Road
 - ▨ Cultivated Land Oil Palm Agribusiness Palm CI Toumanguie
 - ▨ Cultivated Land Agribusiness Oil Palm
- Land Cover
 - Closed evergreen lowland forest
 - Degraded evergreen lowland forest
 - Mosaic Forest / Croplands
 - Swamp bushland and grassland
 - Waterbodies

0 4 8 km



Projection: WGS 1984 EPSG: 4326

Source: Boundaries, road and place names are sourced from OpenStreetMap; Land cover is sourced from Esri; Digitized cultivated land from Google Satellite

Compiled by: GGM Department, NAS Faculty at the University of Pretoria
Date: 9 September 2021



Figure 2: Digitised cultivated land of the oil palm agribusiness, Palm CI Toumanguié



1.7 Thesis outline

This thesis comprises three fully published articles and one article which is yet to be submitted to a journal for peer review. Currently, one article is published in the South African Geographical Journal, one published in the Journal of Agriculture and Rural Development in the Tropics and Subtropics, one published in the Journal of Agribusiness and Rural Development, while one is still in preparation for submission. Each article is presented separately, as a chapter, as illustrated in Figure 3, and is presented as a final manuscript. The thesis follows a paper format with each chapter (section) presented as a stand-alone contribution. Each chapter has its own introduction, results, discussion, conclusions, and its own list of references. Nevertheless, the chapters are interconnected to build up a single-story line. Articles two, three and four have almost the same methods since the data was collected in the same study area using a similar research protocol.

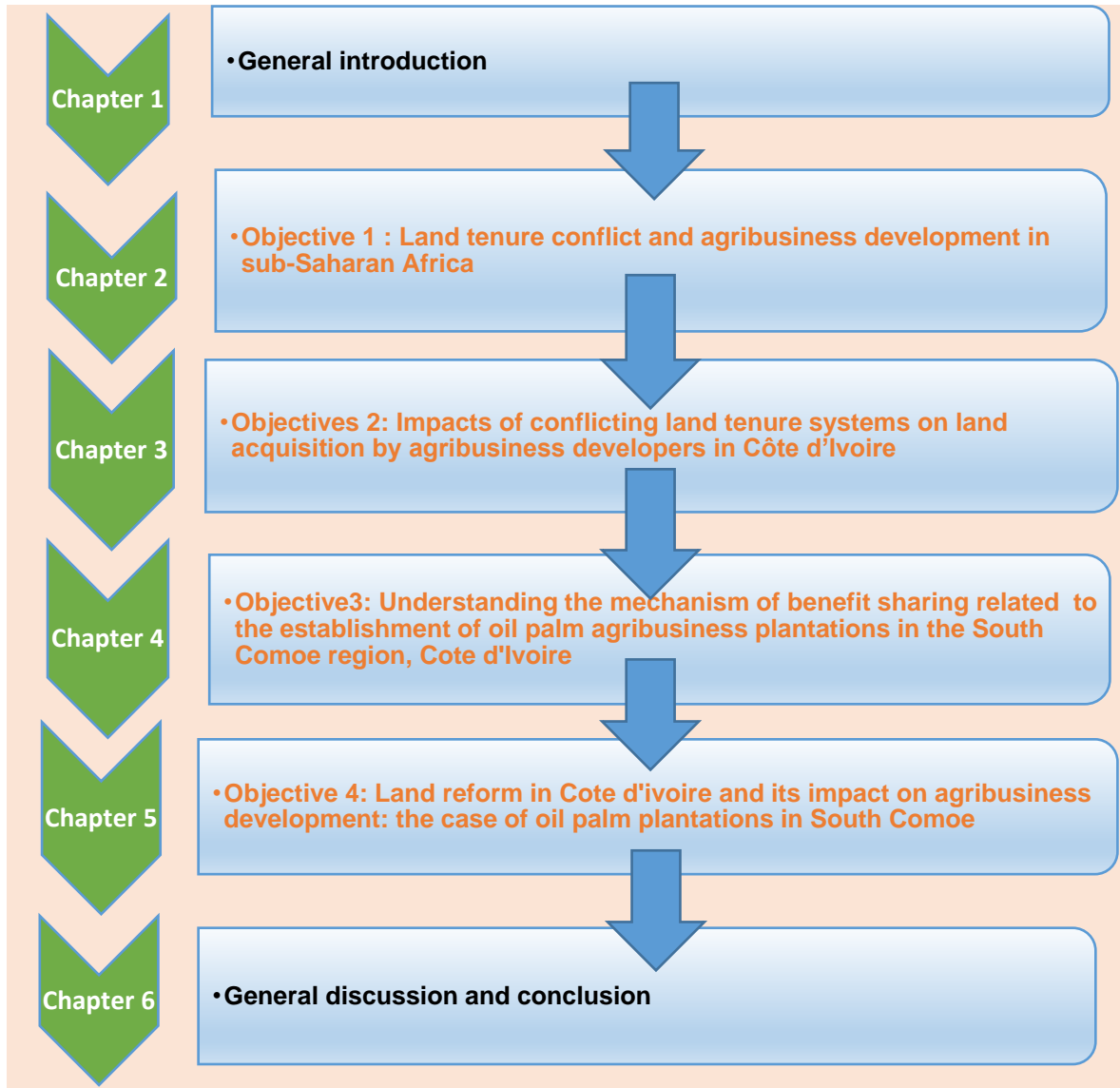


Figure 3: Schematic representation of the thesis



Chapter 1

This chapter provides the overview of the research background including theoretical frameworks, research problem, aims and objectives as well as the structure of the thesis.

Chapter 2

This chapter provides a methodical review of the literature, examining the different land tenure systems across SSA, to assess the extent to which conflicting land tenure systems (customary and statutory) impact on agribusiness development in SSA. The chapter describes the hypothesis of whether the land tenure system rooted in the British common law is better than the French civil law for the growth of agribusiness in SSA.

Chapter 3

In this chapter the question is whether Côte d'Ivoire, the world's leading producer of cocoa, has been spared from the rampant tensions between the customary and modern (Western-centric) land tenure systems, stymieing the development of agribusinesses in SSA, in regard to the land acquisition system for large scale farming. The case study of Côte d'Ivoire shows the different perceptions of various stakeholders over the legal pluralism (customary and modern tenure systems). Rural communities, local government authorities and agribusiness developers have different opinions on the land tenure systems for the growth of agribusinesses in the districts of Bonoua, Adiaké and Aboisso, which has not been explored in previous studies.



Chapter 4

This chapter examines the rural communities' perspectives on benefit sharing mechanisms from agribusiness investment. Similarly, the chapter seeks to assess local community members' views on how they benefit from agribusiness corporations in south Comoé, regarding the access and control to land resources.

Chapter 5

This chapter critically examines the strengths and weaknesses of the Ivorian post-colonial land policy for the establishment of agribusinesses. This is done through the communities, local government authorities and agribusiness developers' lens with a particular focus on the establishment and growth of agribusinesses. Considering the role of agribusiness development in Côte d'Ivoire, the chapter focuses on what the state has done after independence regarding land policy for agribusiness development and benefits sharing in the midst of large-scale farming in South Comoé that needs a strong intervention in the adoption of land reform policy.

Chapter 6

This chapter provides a synthesis of this study (Conclusion and recommendations) and highlights the opportunities for future research.



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CHAPTER 2¹:

LITERATURE REVIEW

Land tenure conflict and agribusiness development in sub-Saharan Africa

This paper relates to objective 1 of the thesis

¹ This chapter is based on the manuscript titled '*land tenure conflict and agribusiness development in sub-Saharan Africa*'

Effossou, K.A., & Cho. M.A (2021). Land tenure conflict and agribusiness development in sub-Saharan Africa. *South Africa Journal of Geography* .103(2021).1-22.

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Abstract

There is a growing demand for large areas of land for commercial agriculture by multinational agribusinesses to meet the increasing demand for food in sub-Saharan Africa (SSA) and the export market. Land tenure system is identified as one of the factors stymieing the growth of agribusinesses in SSA. The difficulties involved in land tenure system for agribusinesses have been frequently attributed to the co-existence of conflicting customary and statutory tenure systems. However, there is paucity of literature on the variability in land tenure system across SSA and their impacts on agribusinesses establishment. This paper reviews the literature on different land tenure systems and their implication for the growth in agribusiness across SSA. The method used for the literature review involved an analysis of published literature accessed from credible online sources. The analysis reveals that differences between the land tenure systems have varying impacts on agribusinesses development across SSA. The study also found that the lack of compatibility between the statutory laws and customary laws generates resistance by some local community members against agribusiness investors particularly when members of the local communities feel sidelined in the land negotiation processes. The paper therefore articulates a compelling need for SSA countries to harmonise the existing land tenure systems to foster the development of agribusiness sectors for the growth of the national economies.

Key words: Land, tenure, acquisition, agribusiness, development, conflicts



2.1. Introduction

In several African countries, co-existing land tenure systems (customary and modern tenure systems) affect the operations of agribusiness in diverse ways (Adekola et al., 2021; Baldarelli, 2017). According to Chimhowu (2019) 'customary tenure' refers to land that is collectively owned under the authority of traditional leadership, while modern land tenure is based on private property rights derived from the Western tenure approach (Chimhowu & Woodhouse, 2006). The majority of modern tenure systems across SSA are inherited from the French civil and British common law systems (Joireman, 2001). In the absence of adequate post-colonial land reform, the modern and customary tenure systems very often contradict with resulting complexity in land acquisition process for the development of agrobusiness (Woods, 2003; Hughes, 2013).

This paper focuses on how conflicting land tenure systems affect agribusiness operations in SSA in the production phase of the agricultural value chain. Understanding the constraints to the development of agribusiness in SSA is crucial because agriculture is the mainstay of the economies of African countries (Amungo, 2020). There is no clear figure that confirms the contribution of agribusiness in Africa as a whole, but for a small number of countries. For example, agribusiness contributes about 16% to the Gross Domestic Product (GDP) of South Africa, 23% in Uganda, 23% in Kenya, 21% in Zimbabwe and 19% in Ghana (Rankin et al., 2016). For specific sectors like cocoa production, agribusiness contributes 3.4% of the GDP of Ghana and 7.5% of that of Cote d'Ivoire. Cocoa accounts for 39% of Cote d'Ivoire commodity export, while in Cameroon cocoa accounts for 16% of its commodity export (Laderach et al., 2013; Addison et al., 2016). Coffee production in Ethiopia accounts for 25% of the GDP and 55% of its foreign exchange earnings (Rubben & Herras, 2012). The share of export earnings for some key agricultural commodities as a percentage of GDP in 2009-2010 was 27% for tea in Kenya, 25% for coffee in Rwanda, 61% for



coffee in Burundi and 38% for cotton in Benin just to cite a few examples (Addison et al., 2016). Despite the varying contributions of agribusiness to the GDP in SSA, Frainer et al. (2018) and Bornhofen et al. (2019), argue that the contribution of agribusiness to GDP of African countries is still far lower than its full potential.

Nolte et al. (2016) noted that Africa is the most targeted continent for agribusiness development with Ethiopia, Sudan and Mozambique dominating the list. According to Balestri and Maggioni (2019), Africa has 750 agribusiness projects covering 56 million hectares of land in comparison to Asia with about 17 million hectares, and Latin America with 7 million hectares. African colonisation coincided with the period of industrialisation in Europe which triggered a high demand for raw materials (Austin, 2010). Moreover, Africa's cheap labour and abundant arable land were perceived by various colonial administrators as useful to produce cash crops such as cocoa, tea, coffee, rubber, and palm oil (Sharp, 2003; Webb, 2019). Even though the historical data on agribusiness development in SSA is scarce, there is evidence that a significant proportion of agribusiness exists (Ross, 2014). For example, as far back as 1880s, cocoa plantations already existed in Côte d'Ivoire, Ghana, and Nigeria, which were established for the production and exportation of cocoa to Europe (Rassam, 1990; Ross, 2014). By the 1930s, cocoa production in SSA accounted for two-thirds of the global export (Ross, 2014). Also, in 1880s, thousands of tons of palm oil were simultaneously produced in Cameroon, while peanuts and rubber were produced in Senegal for European markets (Austin, 2010). Between 1897 and 1960, the value of foreign trade in crop exportation from previous colonies under British common law system such as Ghana and Nigeria, increased by 20 folds (Austin, 2010).

Several studies (Bussher et al., 2019; Delville & Robin, 2019) have shown that one of the main factors stymieing the growth of agribusiness in Africa is the complex land tenure system resulting mainly from the variability in the land tenure systems. Mutangadura (2007) argues that the development of agribusiness is not growing as expected and remains difficult in various SSA due to several factors. These factors



include absence of skills, lack of national funding, and elite capture of natural resources (Mutangadura, 2007). Nevertheless, the co-existence of differential land tenure systems has been identified as one of the factors that deeply impede the growth of agribusiness in SSA (Rasmikayati et al., 2020). In many places in SSA land belongs to community members than to individuals while in other places land belongs to the state (Claxton, 2002). According to Becker (2013) customary tenure is dominant in most rural African societies where traditional rulers play a key role in land governance. Customary tenure systems tend to be complex due to lack of clear ownership, as these systems do not issue land certificates (Dagrou, 2007).

The fluid nature of customary land tenure system creates a leeway for land grabbing which is defined as the forceful occupation of land either legally or illegally (Kasanga et al., 2018). Land grabbing is not a new phenomenon in SSA, and it is a complex concept. Complex in the sense that land grabbing could occur in two ways namely external invasion of communal land or through the invasion of state land by local communities claiming entitlement over state resources (Kachika, 2013; Nolte et al., 2016). Nevertheless, this study focuses on land grabbing by external parties for agribusiness investments. Land deals in most of SSA during colonial and post-colonial eras side-lined the indigenous people who have depended on the land throughout their lives (Anseeuw et al., 2012; Nolte et al., 2016). Modern land tenure systems derived from the colonial era, was introduced to ensure legitimate and permanent occupation of land (German et al., 2013). The implementation of modern land tenure system brought about the growth in the dispossession of land previously controlled by local communities under a customary land tenure system (Nolte et al., 2016). Land deals in most parts of SSA often lack transparency and neglect the involvement of community members in land acquisition and compensation negotiation (Anseeuw et al., 2012). In general, Asiama et al. (2019) argue that conflicting land tenure has been a problem in SSA for large scale farming for a long period of time.



Woods (2003) and Hughes (2013) have argued that the customary systems which in many cases are based on oral tradition, rather than on written law (Rassam, 1990; Kabia, 2014), remain at conflict with statutory systems inherited from mainly France and Britain civil and common law systems, respectively, thereby impacting on agribusiness development in SSA. Munteanu et al. (2017) and Sunderlin et al. (2018) contend that African countries still need to work towards the harmonisation of their national land tenure systems to secure an enabling environment for agribusiness development on communal land (Toulmin & Quan, 2000).

The literature on conflicting land tenure systems and the implications on the process of land acquisition for large-scale cash crop investment, is fragmented and lacks deeper insights, thus making it difficult to appreciate the full extent of such conflicts in SSA. Although it is well established that land tenure systems influence the growth of agribusiness, the variations in the impacts across different regions in SSA are yet to be understood. Thus, the purpose of this paper is to review existing literature on how differences in land tenure systems across SSA affect the growth of agribusinesses. To achieve the objective, this paper discusses existing literature on the evolution of land tenure systems in SSA and the implications for agribusiness development.

This paper therefore seeks to address the following questions:

- How has land tenure systems evolved under the French and British systems of administration in SSA?
- What is the relationship between land tenure systems and land acquisition for agribusiness development in SSA?
- To what extent has conflicting land tenure systems stymied agribusiness development in SSA?



2.2. Method

The review focusses on the expected linkages between different land tenure systems and agribusinesses outlined in figure 4. The method used for the literature review is based on secondary data to cover as many sources as possible of published literature. The search was collected from online databases, particularly scientific articles from Web of Science, Research gate, the Google Scholar, the Land Matrix online database, FAO statistics and the World Bank. Recent literatures on the land tenure systems, the process of land acquisition, agribusiness development in developing countries, land conflicts, are examined for collecting and organising literature (Bernard, 2017). The terms used to search for literature separately and in combination include “agribusiness”, “land acquisition, developing countries”, “and land conflicts”, “customary land tenure, modern land tenure system”. The initial review resulted in more than 200 articles, from which 100 articles that met all the criteria were included in the list of references. A specific set of the study inclusion criteria was formulated before the search began as suggested by Higgins et al. (2018). The criteria used for inclusion are:

- (1) articles which are directly related to land acquisition in SSA for the development of agriculture and agribusiness.
- (2) articles in peer-reviewed journals.
- (3) articles published in the last 15 years; and
- (4) articles focusing on SSA.

Subsequently, codes were developed to capture the main factors influencing land tenure patterns for successful agribusiness development and its contribution to the economies of SSA. The codes have been grouped around the themes, namely, “the status of agribusiness in Africa”, “the land tenure systems in Africa” and “the



relationship between land tenure system, land acquisition and the development of agribusinesses”. Logical coding has been applied to extract key messages in a rigorous process (Bernard, 2017). Then, a qualitative synthesis method was used to study the relationships between the variables (Sandelowski & Barosso, 2006 ; Bearman & Dawson, 2013; Kristiansen et al., 2019). Only those variables with sufficient enough coverage are discussed in detail.

2.3. Results

This section presents the findings of the literature review in relation to; (i) the evolution of land tenure system in SSA; (ii) the relationship between land tenure systems and land acquisition for agribusiness development in SSA and (iii) the impacts of conflicting land tenure systems on land acquisition for agribusiness development.

2.3.1. *The evolution of land tenure systems across SSA*

The process of land acquisition for large scale farming has evolved over time from similar systems in the colonial and post-colonial eras and recently to a new phenomenon called “land grabbing” in the 2000s. Therefore, in this part of the paper the statutory and customary land tenure practices that have governed land acquisition are examined to identify some commonalities and differences in the systems in different parts of SSA and the factors influencing the variations.

2.3.1.1. *The origins of the statutory system in SSA*

The evolution of land tenure systems across SSA is shaped by two historic periods: the colonial and post-colonial periods (Essougon & Tegua, 2019). The present land tenure system in SSA is complex because it was influenced by two complicated but



somewhat varying colonial processes (Essougon & Tegua, 2019). The French civil law that dates back to 'Napoleonism' (1807) was based on general and local European customary laws which defined relationship among people, goods and land ownership. However, during colonisation, France proceeded to reinforce its dominion over SSA. Through this, France could expropriate land without the consent of rural communities. On the contrary, the British common law was less repressive than the French civil laws (World Bank Toolkit, 2006).

Between the 1880s and the 1900s, Africa was colonised by France, Great Britain, Germany, Portugal, Spain, Italy, and Belgium (Iweriebor, 2011). These colonial administrations took charge of the natural resources within their respective jurisdictions (Bruschi, 2005). According to Ylhaisi (2003), the management of natural resources was rooted in the top-down system that created dependency of local communities on their respective colonial administrations. These administrations seldom recognised the rights of local communities to access natural resources. For instance, Toulmin & Quan (2000) reported that in French-speaking countries, the colonial system was based on the direct rule and the French Civil Code (Woods, 2003). The French administered through a more centralised approach where the local population played an insignificant role (Ali et al., 2018). For example, in Cote d'Ivoire, the French colonial administration claimed ownership of all the vacant land (Mitchell et al., 2011). Furthermore, in the French UN trusteeship part of Cameroon (in 80% of the territory), all uncertified land was entrusted to the state (Essougon & Tegua, 2019). On the other hand, Peters (2009) and Ali et al. (2018) noted that under the British colonial rules, the system of land ownership was rooted in the English Common Law, which was however more flexible than the French civil laws. The British common law system provided more freedom to customary authorities over land resources (Woods, 2003). Tenants had to pay occupational fees to landowners (chiefs of communities/tribes). According to Siems (2007), this was not the case with the French civil law system.



Nevertheless, the British colonial system applied in their administered territories, introduced discriminatory land reform policies which favoured the white farmers as opposed to the local farmers who were mainly blacks. A typical example is the case of South Africa where the colonial rules such as the native land Act 27 of 1913 of South Africa led to the transfer of land to white farmers who occupied more than 90% of farmland for agribusiness development (Feinberg, 1993). The productive land and minerals were allocated to new white farmers while the natives were relegated to unfertile parcels of land (Jankielsohn & Duvenhage, 2018; Makombe, 2018). Similarly, in Zimbabwe, according to the land apportionment Act of 1930 and the native land husbandry Act 52 of 1951, the colonial administration transferred half of the farmland to white farmers for agribusiness development while 95% of the natives were left with dry and less fertile land (Duggan, 1980; Mkodzongi & Lawrence, 2019).

2.3.1.2. The customary systems

The present challenges confronting agribusiness development in SSA is embedded in the dominant customary tenure of many of the countries. There is a form of customary tenure that is based on family lineage: patrilineal and matrilineal customary tenure (Becker, 2013). According to customs, some rural community members have access to land through inheritance which others do not have (Barry & Danso, 2014). The customary land tenure system was not in favour of the Western tenure model of private property ownership (Shivji, 1996).

Customary tenure under patrilineal and matrilineal systems represents complex land tenure which affects the land acquisition process for commercial farming for outsiders (Berge et al., 2014). Nevertheless, the process of land acquisition under customary tenure could be more difficult in some areas relative to others. According to Becker (2013), in the patrilineal system practiced in West Africa under the administration of



local authorities, the system of land administration excludes the rights for some actors to access customary land. For instance, in the Bamana lineage in Mali, the traditional authority in collaboration with lineage heads render land acquisition very complicated for commercial food and cash crop investment. While in Ghana, the patrilineal custom is more flexible than that of Mali in terms of ceding land to strangers (Barry & Danso, 2014). Moreover, in Gabon, the ethnic groups of Pouvi and Bateke in the South which operates within a matrilineal system, access to resources is more flexible relative to some places practicing the patrilineal systems (Walters et al., 2015). In Customary tenure, rules of land rights are endogenous to each group, (Berge et al., 2014). However, the customary system was marginalised under the colonial rule (Walters et al., 2015). The existence of patrilineal or matrilineal systems cannot be overlooked as factors influencing land acquisition for agribusiness development. There is increasing calls for post-independence land tenure reforms that seek to harmonise the customary and statutory tenure so that they allow agribusinesses to acquire land (Chauveau & Colin, 2010). Some of the studies identified have presented an argument that many communities along the rainforest areas of Gabon are friendlier than the desert parts of Mali in terms of the practice of the customary tenure system (Walters et al., 2015). However, the impacts of varying customary tenure systems on agribusiness development have not been examined (Duporge et al., 2018).

The review uses some evidence to illustrate differential land tenure systems across SSA countries shaped by the French civil and British common law systems. Additionally, the review outcome suggests that differential land tenure patterns shaped by patrilineal and matrilineal customs may have varying effects on land acquisition for agribusinesses. The next section reviews the literature on how the inherited colonial systems of administration influence the designing of land reform programmes in both Francophone and Anglophone countries in SSA.

2.3.2. The post-colonial land reform programmes and land tenure conflicts



The literature reviews further reveal that post-colonial land reforms have largely replicated colonial land reform policies despite efforts made by several governments to transform land administration (Toulmin & Quan, 2000). De Villier (2003) argues that the land reform programme must involve local institutions that would remove state barriers engrained in the French and British colonial rules to secure access to land rights. Nevertheless, German et al. (2013); Essougon & Teguaia (2019) and Njoh (2013) have argued that the land resources are still under the two institutional frameworks: customary rights and statutory system which is under the power of post-colonial governments across SSA. The customary and statutory systems operate simultaneously, and in some instances the statutory system which was inherited from the colonial administration turn to override the customary system (Asiama et al., 2019). For example, the Land Ordinance in Cameroon which existed from the time of independence until 1974, guaranteed greater security of land through the provision of a land title upon the registration of the land as opposed to the customary system that does not (Fonjong et al., 2010). However, in other countries such as Burkina Faso and Benin, the customary rights are more recognised by the laws (Wily, 2011). Burkina Faso and Benin experiences are akin to the situation in Mali and Cote d'Ivoire, where the constitution guarantees the rights of all citizens to own land (Becker, 2013). Similarly, Holden & Tilahun (2020) claim that in Ethiopia, the land reform that took place in 1998 and 2016 provided smallholders with land certificates. There are more examples of land reforms across SSA notably in Ghana and Uganda which are rooted in customary tenure systems. For instance, land reform programmes in Ghana and Uganda are more centred on communal ownership which encourages high agricultural production, (Obeng-Odoom, 2012). Moreover, using a study conducted in Malawi, Berge et al. (2014) suggest that customary tenure system might ensure secure communal land tenure. Obeng-Odoom (2012) and Berge et al. (2014) also argue that the statutory system as opposed to the customary system, impedes secured land tenure systems for rural communities. The above discussions on post-colonial land



reform programmes across SSA therefore implies that there is no standardise land reform programme. The diversity in land reforms in SSA has varying implications for land acquisition and land tenure conflict. For instance, Cotula et al. (2004) explained the complexity of the land tenure system in SSA creates more conflicts that may affect land acquisition for agribusiness development.

Complex land tenure systems under the statutory laws are noted to have generated conflict situations in some nations in SSA. For example, the Tanzania Land Acquisition Act of 1967 section 11 and the Section 3 of Land Act No. 4 of 1999, empowers the president of the republic to acquire any portion of land in the country for national development. These clauses remain a threat to rural communities who are likely to lose their land, especially when there is no cadastral plan (Kusiluka et al., 2011, p.73). Moreover, in the absence of clear customary land administration, the acquisition of communal land by Tanzanian national authorities mostly results to violence (Asiama et al., 2019). Similarly, in Cameroon, the state has dominant control over about 90% of land while the elites own about half of the remain 10% under the Land Ordinance of 1974, adopted after independence (Fon et al., 2010; Sirvio, 2016; Ordway et al., 2017). The state's expropriation of communal land under the Land Ordinance of 1974 has instigated violence in certain parts of Cameroon (Ngwoh, 2019). This, therefore, makes the contradictory land tenure system in Cameroon a worrisome issue (Fon et al., 2010; Assembe-Mvondo et al., 2014). Additionally, in East Africa as observed in the Ethiopia, customary rights are not accorded impetus (Cotula, 2011). Even when the customary tenure system is recognised like in the case of Ghana, Côte d'Ivoire and Mali, tenure security becomes a challenge in the absence of title deeds over communal land (Cotula, 2011; Amanor, 2012). Moreover, in Malawi, the Malawian National Land Policy of 2002 under Article 25 of the Land Law has failed to fully protect rural communities with customary rights over rural land (Peters, 2013). According to Peters (2013), the policy of 2002 has deprived rural communities of their customary



rights over their ancestral land. Custody over land is vested in the President of the Republic on behalf of all Malawian citizens (Peters, 2013).

Land tenure conflicts has often occurred as a result of inconsistencies in differential tenure systems leading to the marginalisation of the customary system as discussed in the section above. Asiamama et al. (2019) argue that the neglect of customary land tenure systems in the national land laws derived from Western land tenure, results in landowners with customary rights being increasingly threatened by the phenomenon of large-scale land acquisition for agribusiness development (Brockhaus et al., 2003). Failure in current land policies to integrate customary rights in land reform programmes has led to rampant land conflicts between agribusinesses and smallholders (Borras Jr & Franco, 2010; Antonio & Griffith-Charles, 2019). Land tenure conflicts adversely affects the development and growth of agribusiness in several places with a typical example occurring in Cote d'Ivoire where cocoa production on communal land was interrupted (Berry, 2017). Land tenure disparities, land tenure conflicts and the impacts on agribusiness has been extensively discussed in section 2.3.5 with some concrete examples. The constraints on agribusiness establishment are further compounded by the temporal occupation of land by agribusiness investors. Laws in a number of countries only offer temporal but often long-term tenancy to agribusiness investors. For, instance Article 226 of the 1992 Ghanaian Constitution, creates provision for agribusiness investors to rent land for up to 50 years, but are not allowed to buy land (Nnoko-Mewanu , 2016,p.11). While in Côte d'Ivoire, the Land Law No.98-750 of December 23, 1998, does not permit agribusiness companies to obtain land certificates (Dagrou ,2007). Insecure land tenure systems as that experienced by agribusiness investors in some parts of SSA, has often being a challenge in the growth of the business. A case in point was experienced in Zimbabwe under the post-colonial land reform program titled “fast track land reform” which led to the radical withdrawal of land rights from foreign investors (Mkodzongi & Lawrence, 2019). Nevertheless, the government of South Africa applied a more liberal and consultative approach to ensure



a smooth land distribution among the previously disadvantaged blacks. For instance, the post apartheid government introduced a land reform programme which encourages the “willing buyer and willing seller” relationship. This land reform program has three components amongst which are: (i) Land Redistribution Act 126 of 1993 (renamed in 1998) aimed at transferring commercial land owned by white farmers to small black holders; (ii) the restitution of Land Rights Act 22 of 1994 which guided the legal implementation of the Land Redistribution Act (in 1999, more than 311,000 hectares were restored to more than 83,000 beneficiaries); and (iii) Land Tenure Reform Programme (Land Right Act 31 of 1996) which encourages the provision of more secure land to the most disadvantaged communities in the former Bantustans regions (Cliffe, 2000). Although the post-colonial land reforms across SSA have not been entirely favourable towards the integration of customary tenure systems thus generating conflicts, there has been some success stories on the harmonisation of the dual land tenure systems (Chimhowu ,2019).

2.3.3. Similarities and differences in the land tenure systems under the colonial/post-colonial laws

The review of literature portrays some distinctions and similarities in the colonial and post-colonial land tenure systems which are important to consider in articulating the effects on land acquisition for agribusiness. The section endeavours to expose the factors under different systems of governance which account for conflicts in land acquisition for agribusiness establishment.



Table 4: Similarities and differences between the French and British civil and common law systems.

Similarity	Differences	
	French speaking	English speaking
<ul style="list-style-type: none"> • Most post-colonial government sustain the land tenure system inherited from the French and British colonial administration • In the 1990 most of the SSA countries (3/4) have land reform programme to remediate the past inequality inherited from the colonial system in access to land by rural community • Both French and English-speaking nations have experienced an improvement in post-colonial land reforms which recognise customary rights. • In most of SSA countries the states do not adequately compensate rural community for the loss of their land (Wily, 2011). 	<ul style="list-style-type: none"> • In the French speaking countries, a general land law was designed for the federation of French West African Nations which was based on the French colonial tenure system of 1932. The French government through Article 10 of the decree of 23 10 1904 claimed all vacant land in its colonies. French civil code gave power over land ownership for food and cash crop production to the central colonial administration (Chauveau & Colin, 2010). 	<ul style="list-style-type: none"> • In contrast to the French land tenure system, the British colonial administration adopted the concept of native land in 1930 which allowed rural communities to claim ownership rights over their land (Opoku, 1973).

In the period before colonialism in many parts of SSA land was governed by different traditional rules (indigenous people) (Cotula et al., 2007). However, under the colonial administration, many rural communities were deprived of their land because of the direct and indirect rules applied by France and Britain because they found the customary tenure an undeveloped legal system (Chinene et al., 1998). According to



Cotula (2007) the customary tenure failed to provide adequate tenure security for investment and agriculture productivity (Cotula, 2007). Table 4 represents some similarities and differences observed under the two colonial administrations. The review outcome reveals unequal power relationships between the states and rural communities over land ownership. This stemmed from the fact that colonial land tenure policies were inherited by both former French and British colonies as earlier explained which promoted land concession and grabbing from the indigenous owners (Kalabamu, 2019). The post-colonial land reforms introduced by various governments in both French and English-speaking nations, in most cases have not considerably ameliorated the constraints set by the colonial land reforms towards the legitimisation and ownership of communal land by the rural communities (Tagliarino et al., 2018). Nevertheless, the British former colonies appear to be more engaging with the customary tenure system as compared to the French former colonies (Lee & Schultz, 2011; Mitchell et al., 2011). The British former colonies facilitate communal land control by traditional authorities (Joireman, 2001). In the British Southern Cameroon, for example, the British used local authorities to administer the area according to the customs of the place (Fon et al., 2010; Lee & Schultz, 2011). Similarly, in Ghana, the British colonial government recognised the customary rights of the locals over their land (Mitchell et al., 2011). The implications of the different land tenure systems on the growth of agribusiness in SSA are discussed at length in section 2.3.4.

2.3.4. The impact of the statutory and customary systems on land acquisition for agribusiness development in sub-Saharan Africa

The relationship between land tenure system, land acquisition and agribusiness in Africa is usually complex in several aspects as illustrated in figure 4 (Brottem & Ba, 2019).

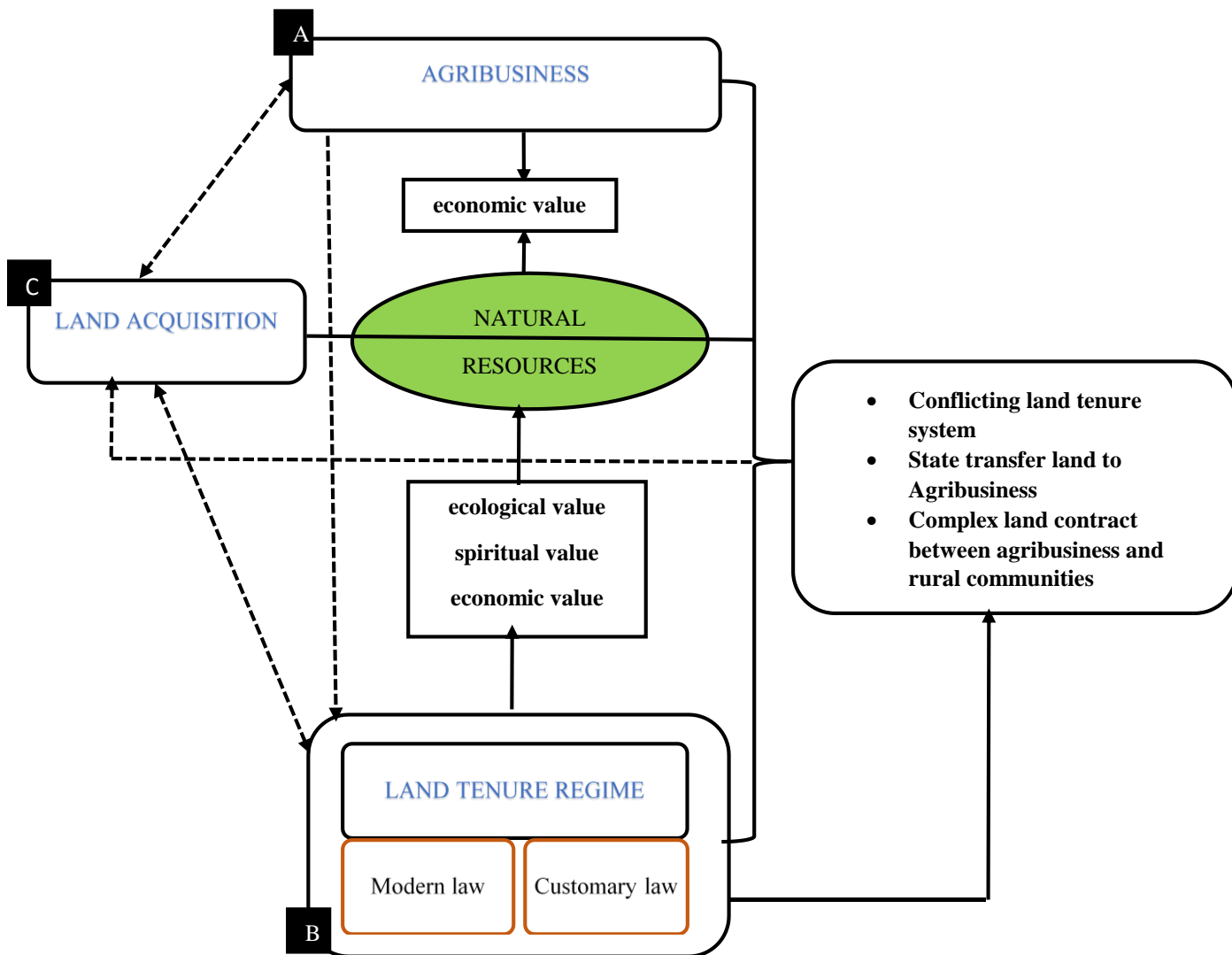


Figure 4: The interaction between key concepts (A) Agribusiness, (B) Land regimes, (C) Land acquisition



Figure 4 further depicts the interlinkages between modern and customary land tenure systems and the implications for the acquisition of land for agribusiness development in SSA. The diagram describes how agribusiness development is intimately reliant on land acquisition as well as land tenure system. Cotula (2007) argues that the difference between customary and statutory land tenure system is blurred and the dichotomy between the two systems should not be therefore considered absolute. The fundamental differences between exogenous and indigenous land lies in the form of administration. The exogenous or statutory land is administered by the state using legal processes for instance land reform acts while indigenous land tenure systems operate under the administration of traditional authorities who are perceived as custodians of communal land (Cotula, 2007). Due to the different forms of land administration which constitute different requirements for the acquisition of land, the customary and the modern land tenure systems often conflict in most of SSA countries (Eck, 2014). Furthermore, the statutory land tenure system in other words known as exogenous system, has shaped indigenous land tenure practices through the promotion of the monetarisation and registration of land. Land registration processes and the monetarisation of land have influenced the growth of unequal power relationships to the advantage of a minority elite group while the majority less privilege is disadvantaged (Cotula, 2007). Moreover, the land registration under the dual tenure systems varies with a longer timeframe undertaken for the registration of communal land than the statutory registration process for state land. In Zambia for example, negotiation and registration of communal land for agribusiness establishment commences with community consultation and later passes through various approval steps (Anseeuw et al., 2012). The approval process goes through the village committee approval, local Council approval, Commissioner of lands' approval and Presidential approval (Metcalf & Kepe, 2008). Whereas the negotiation and registration of a state land takes a shorter procedure since it does not include the consultation and approval of local committee and council.



The interaction of differential tenure systems discussed in the sections above has important implications for the land acquisition process for agribusiness development (Boudreaux & Schang, 2019). The increasing conflicts over land resources are motivated by ambiguous interpretation of the land tenure systems (Woods, 2003). In several rural areas, land disputes are on the rise because of contradictions in the customary system that continues to conflict with the statutory land tenure systems (Busingye , 2002; Kleinbooi , 2010). Some agribusiness developers take advantage of the fact that governments can expropriate communal land, and this often leave the concerned community members vulnerable (African Press , 2007 as cited in Cotula et al.,2008; Mugambwa , 2007).

2.3. 5. The acquisition of land for agribusiness and land tenure conflicts

Land acquisition in SSA varies in terms of tenure systems, cultural patterns and governance structures as seen in the previous sections of the paper. Thus, implying that in some parts of SSA land acquisition process under customary or statutory systems may generate conflicts while in other cases they may not. The conflict scenario may result from how land acquisition is negotiated between agribusiness investors and the states or local authorities. There is a paucity of literature on forceful acquisition of land for large scale commercial farming which have been noted to create tension. For example, in East Africa, where plantations were established under the British colonial administration through the acquisition of communal land (Merot-L'anthoene et al., 2019), land was forcefully acquired for plantation farming (Hughes, 2013). Conversely, by the early 1900s, concession companies-controlled rubber cultivation in Equatorial Africa (Dinham & Hines, 1984). Even the dry land of mainland Tanzania, the settlers acquired it for irrigation projects to cultivate crops such as peanuts and cotton (Austin, 2010). Furthermore, the natives of SSA either conceded



land for agribusinesses or it was forcefully expropriated, and the natives were made to work as labourers (Nolte et al., 2016; Anseeuw et al., 2012; Morrison et al., 2019; Konishi, 2019).

Furthermore, in Cameroon, the Cameroon Development Corporation (CDCs) remains the largest agro-food industry in the country under a parastatal administration with a stronger government influence. The CDC is involved in the production of banana, oil palm and rubber plantations and occupies a surface area of 41,874 hectares (Kimengsi et al., 2016). The company acquired national land and monopolised communal land, which is not different from what the German, French and British did (Baye & Epo, 2012). Such modus operandi in agribusiness development is not unique to Cameroon. It also existed in countries like the Democratic Republic of Congo (DRC) (Grant et al., 2014), where Belgian oil palm plantations were acquired by UNILEVER, which is the world's largest food corporation (Grant et al., 2014). UNILEVER continued to displace indigenous Congolese from their land in the same way it was done under the colonial administration of King Leopold (GRAIN, 2015). Today, the Congolese National Plantation-“Huilerie du Congo ” owns 24% of UNILEVER and occupy a surface area of 100,000 hectares (GRAIN, 2015). The forceful acquisition of land has generated conflict situations in some parts of SSA because of the concentration of power among local elite who in most cases dominate the land negotiation and compensation process to their advantage (Anseeuw et al., 2012).

Table 5: Cumulative land transactions in designated countries in major regions since 2000 in (Hectare).



African/region/Country	Number of deals	Land size(ha)
Francophone Africa		
DR Congo	64	1179524
Rwanda	8	125816
Guinea	8	2639215
Cote d'Ivoire	12	64141
Anglophone Africa		
Tanzania	67	15251182
Ghana	8	2639215
Sierra Leone	33	492079
South Africa	14	393572
Malawi	13	314813
Namibia	15	117548
Mixed regime		
Cameroon	18	1240371
Other		
Ethiopia	117	3831135
Total	444	41489297

Source: The Land Matrix database (2019)

Table 5 represents land acquisition in major former French and British colonies. SSA attracts most transnational agribusinesses. For example, Land Matrix (international



land monitoring which monitors land acquisition to promote accountability and transparency) database has highlighted in a report that out of eleven countries targeted in land deals, seven are located in SSA: DRC, Ethiopia, Sierra Leone, and Tanzania (Table 5). The most impressive case is the DRC, where 50% of arable land were leased to transnational agribusiness companies (Friis & Reeberg, 2010). Since the 2000s, 41000000 hectares of land in East Africa, West Africa, and Southern Africa have been leased for agribusiness development (Table 5). As seen in Table 5, Tanzania (15251182 hectares), is the most targeted country, followed by Ghana (2639215 hectares), and Cameroon (1240371 hectares). South Africa with 393572 hectares of targeted land has fallen in the number of land transactions. This is because since the end of apartheid regime, South Africa has experienced internal land problems and the land acquisition process is long and complex as compared to other countries in SSA (Jankielsohn & Duvenhage, 2018). Most agribusiness investors in SSA are from Europe, the US and Middle East (Anseeuw et al., 2012). However, some land acquisitions in SSA also involves African middle-income countries such as South Africa and Egypt which are in search of vast land for agricultural production or for other economic activities (Anseeuw et al., 2012).

Interestingly, in most cases, the acquisition of the land for large scale commercial farming have been under the control of national land authorities in accordance with existing regulations in various countries (Cotula , 2011). Nolte (2015), Nolte & Voget-Kleschin (2014) argue that the land transaction process is also usually not transparent because it is done behind closed doors. Such secret deals, promote land grabbing for agribusiness development where there is no prior consent from rural communities as noticed in the discussions above (Sone, 2012). Thereby leading to conflicts between rural communities and agribusinesses in some areas but not necessarily in every scenario as highlighted in section 2.3.5 paragraph 2 (Boudreaux & Schang, 2019; Nolte, 2015).



The trend of land acquisition in SSA contradicts the aim of the post-colonial land tenure reforms which were intended to promote, land ownership (Kalabamu, 2019) although not all cases ended up in the forceful acquisition of land. A case in point is Mozambique where the government of Mozambique leased more than one million hectares of communal land for food and cash crop agribusiness development (Clements & Fernandes, 2013). Similarly, in Madagascar, the Republic of South Korea intended to acquire more than one million hectares of land for food and biofuel production (Balestri & Maggioni, 2019). In a related case, the United Arab Emirates tried to acquire land in South Sudan for food production (Balestri & Maggioni, 2019). The United Kingdom acquired thousands of hectares of land in Ethiopia, Zambia and Swaziland to cultivate *Jatropha* plants (Balestri & Maggioni, 2019). A German company- Flora Eco Power- also acquired land in Ethiopia for biofuel production, while an American company-Dole Food and Chiquita Brands is in negotiation with the government of Angola to acquire vast amount of land for banana production (Mhlanga, 2010).

The irregularities in land tenure systems encourage the unclear acquisition of communal land for agribusiness (Assemble-Mvondo et al., 2014; Balestri & Maggioni, 2019; Sone, 2012). Given the importance of land and the vulnerability of rural communities, large-scale land acquisition is not a new phenomenon in SSA (Balestri & Maggioni, 2019; Roudart & Mazoyer, 2019). This has created conflict over land use between government, agribusiness developers and other stakeholders like the rural communities (Nolte et al., 2016). As mentioned above, agribusinesses usually target national land and the transfer of the land between the government and agribusinesses does not often consider the interests of the local occupants (Assemble-Mvondo et al., 2014).

Since 2000, the growing phenomenon of land acquisition for agribusinesses, has been a source of tension and inter-communal or extra-community conflicts in some places but less violence in other areas (McMichael , 2012). Smallholders continue to lose



land, and land conflicts continue to affect agribusiness activities in terms of insecure land, rooted in a failed land tenure reform in most parts of SSA (Moyo, 2011; Pica-Ciamarra et al., 2007). A case in point was experienced in Cameroon where the national government negotiated and leased out 73, 000 hectares of land under unclear land acquisition terms to Herakles Farms (an American oil palm producing company) to the exclusion of the local communities which depended on the land for their livelihoods, spurred a resistance from the local communities (Pemunta, 2018). Furthermore, in Southern Ethiopia, disputes emerged between state-owned agribusiness Kuraz Sugar Development Project and the native people of the Lower Omo Valley when it acquired 245, 000 hectares for producing sugar cane (Kamski, 2016). In 2008, the agribusiness company, Siva Group acquired 700,000 hectares of land in Liberia, 42,000 hectares in Sierra Leone and in partnership with Dekel Oil, acquired 27,000 hectares in South Comoé, Cote d'Ivoire. These acquisitions created conflicts involving the rural community (GRAIN, 2014). There are also land conflicts in several other SSA countries such as, Rwanda, Kenya, and Uganda, which resulted in broken land policies. While South Africa promotes a synergy between traditional institutions and elected local government, the failed land reform programme in Zimbabwe discussed under section 2.3.1.1 led to the deterioration of the national economy (Boudreaux, 2009; Bob, 2010; Mkodzongi & Lawrence, 2019). In the 1980s, land conflicts were so severe in Sudan that they generated civil war (Wily, 2011). While in Cote d'Ivoire, during the armed crisis of 2002, the demands of the rebels were prominently the reform of rural land law No. 98-750 of 23 December 1998 (Dagrou, 2007).

From the above discussions, it is obvious that land conflicts can be partly attributed to the failure of land reform programmes. The literature shows that the land conflicts that occurred frequently during the colonial era are sustained in post-colonial era. Lineage members usually have unrestricted access to land resources, while non-lineage members may only have access to such resources under strict conditions



which are usually obtained through a short lease agreement (Pica-Ciamarra et al., 2007; Colin et al., 2007). Most short lease agreements are often verbal or ambiguous. This leads to land conflicts such as the case of cocoa regions in Ghana and Cote d'Ivoire (Berry, 2017). However, Mushinge & Mulenga (2016) argue that customary and modern tenure systems in many SSA do not necessarily generate conflict.

The consolidation of the different tenure systems may facilitate conflict free acquisition of land in SSA under customary land laws (Chimhowu, 2019). For instance, Kenya, Tanzania, and Mozambique have made progress through the integration of customary tenure with statutory system for agricultural development. Several new land rights were introduced. To mitigate land conflicts and promote development, the consolidation of various tenure systems involves the privatisation of ownership which enable individual title to assure customary rights. Undoubtedly the move towards private ownership implemented to secure land that recognise customary rights as property under statutory law (Chimhowu, 2019). Similarly, Asiama et al. (2021) have reported how land use consolidation in Ghana, Rwanda and Ethiopia contribute to agricultural development and food security. Notwithstanding Kenya, Tanzania Mozambique, Ethiopia, and Ghana example, since this research subject has grey areas that are yet to be researched, exploration of the significance of consolidating statutory and customary tenure systems is recommended for further research.

2.4. Conclusion

This study employed various evidences from existing literature to understand the impacts of different land tenure systems across SSA on the growth of agribusiness. In



pursuit of the research agenda, the evolution of land tenure systems was examined across three eras namely, pre-colonial, colonial, and post-colonial. The research further constitutes of a comparative analysis of land tenure system under the French and British colonial administrations. Moreover, the study analysed how land tenure systems under statutory and customary laws could affect the acquisition of land for agribusiness development differently. The outcome of the review revealed a disparity in land tenure systems in both colonial and post-colonial eras with a strong influence from the colonial land administration. For instance, land tenure systems in the former French colonies presented more complexity relative to the former British colonies.

Nevertheless, both colonial administrations did not sufficiently integrate the customary tenure systems which pre-existed before colonisation. The statutory tenure system was inherited by most post-colonial governments in SSA in spite of its marginalisation of the customary land administration. Although the study revealed that land acquisition for agribusiness development under the post-colonial era was characterised by forceful possession, it further portrayed that not every land deal was done forcefully. The review illustrates the consequences of the perpetual marginalisation of the customary tenure system in land acquisition process under the post-colonial regime and the resistance of some local communities which are poised to protect their land from foreign investors. These conflicts situations have repercussions for the growth of agribusinesses in SSA since they create disruptions. Understanding the interlinkage between land tenure, land acquisition and agribusiness is significant for the mitigation of conflict situations between agribusiness developers and rural land users. Therefore, the paper recommends the design of clear land reforms which recognise customary rights to land and allow for the engagement of community members in the process of acquisition of communal land for agribusiness investments. Although the outcome of the literature review appears to portray differential land tenure systems as a contributing factor affecting agribusiness growth on the other hand there are some



variabilities in the conflict scenarios. The study further showed that it is not in every circumstances or settings that conflicts arise from differences in land tenure systems.

The unique contribution of this paper lies in its examination of how differential land tenure systems that is statutory and customary juxtapose to create challenges for the growth of agribusiness in SSA which is an area that has not been explored in previous scholarships. The paper thus contributes to expanding on existing scholarships on the constraints stymieing the growth of agribusiness in SSA. The study further acknowledges the role of consolidated land tenure systems in mitigating land tenure conflict and recommends further research in this area.

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2.5. References

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CHAPTER 3²:

Impacts of conflicting land tenure systems on land acquisition by agribusiness developers in Côte d'Ivoire

This paper relates to objectives 2 of the thesis

² This chapter is based on the manuscript titled '*Impacts on conflicting land tenure systems on land acquisition by agribusiness developers in Cote d'Ivoire*'

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Abstract

Large scale farming relies on favourable land tenure systems. However, conflicting land tenure is affecting agribusiness development in sub-Saharan Africa. A key question is whether Côte d'Ivoire, the world's leading producer of cocoa, has been spared from the rampant land tenure challenging large scale farming. This paper is a reflection on the consequences of legal pluralism on the development of agribusiness. Through a case study of a region of south-eastern Côte d'Ivoire it intends to demonstrate that the coexistence of neo-customary and bureaucratic forms of land tenure constitute a major obstacle for agribusiness development. Qualitative methods including individual interviews and focus group discussions were employed. Results reveal that land tenure systems is intricately linked to the complexity of agribusiness development. The study further finds land tenure systems are a source of conflicts between agribusiness developers and smallholders. Hence, agribusiness finds it difficult to grow due to land tenure systems, which cause immense hardship for agribusinesses developers in the South Comoé. The case of the South Comoé region therefore articulates a compelling need for policymakers to consolidate the land tenure system which has failed to secure land for agribusiness development.

Keywords: Land tenure systems, agribusiness development, Rural Land Act N0.98-750.



3.1. Introduction

Agricultural production is a fundamental livelihood to many African countries but the productivity per hectare remains lower than in other continents (Aavadi et al., 2020; Smith, 2008), partly due to the prevalence in a number of areas of smaller scale and emerging agriculture (Marcacci et al., 2020). Meanwhile, the continent has about 198-446 million hectares of underutilised arable land (Chamberlin et al., 2014). On the other hand, agribusiness development that could have given the much-needed boost to agricultural production has been slow to take off in certain regions of Africa (Suttie & Benfica, 2016).

According to McMichael (2012), agribusiness refers to public and private enterprises or industries engaged in food production, storage, food processing, and distribution, manufacturing and distribution of farm equipment and commodities. In the 1980s Ewell Roy defined the agribusiness sector as “the coordinating science of providing inputs for agricultural production and then producing, processing, and distributing food and fiber” (Desai, 1974; Gandhi, 2014). The definition of agribusiness also includes agricultural services and international trade. However, this study shall focus on the difficulties faced by agribusinesses operating in South Comoé, Côte d’Ivoire at the production (food and cash crops) phase of the agricultural value chain including companies that market agricultural production without transforming it (Burnod et al., 2012).

There is a range of factors challenging agribusiness development in the production sector of the agricultural value chain, but this study focuses on conflicting customary and statutory tenure systems across the continent (Asiama et al., 2019). The ambiguities in the legal pluralism (customary and modern tenure systems) have in certain areas resulted in conflicts between communal land users that own customary rights and the agribusiness developers that claim it (Nolte et al., 2016). For example,



Pemunta (2018) reported that, in Southern Cameroon, land disputes had arisen between the indigenous people and Herakles, an American oil palm producing company due to its acquisition of more than 70,000 hectares of land from the government. Similarly, conflicts have occurred in Southern Ethiopia between the state-owned company Kuraz Sugar Development Project and the indigenous people of the Lower Omo Valley when it acquired 245, 000 hectares of land for producing sugar cane (Kamski, 2016).

Additionally, Bottazzi et al.(2016) argues that land tenure systems in Sierra Leone are one of the factors behind land conflict when there is no opportunity for some rural communities (women, migrants, and youth) to voice their opinions over land deals. Aka Lamarche (2019) has reported that in many African countries' land conflict is related to a common phenomenon of the inconsistency of legal pluralism. For example, the land governance regime in Cote d'Ivoire consists of two systems of laws that traditional rules are superimposed over modern rules, which causes confusion. As such the 1998 Rural land Act 98-750, land pressure often results in tensions because traditional land users fear losing access and control to their traditional land for large scale farming (Colin, 2017). In Côte d'Ivoire conflicts are quite visible between agribusiness developers and rural communities when a party ignores the terms of the contract signed or does not wish to respect the transfer of property rights (Kouamé, 2010).

On the other hand, in developed countries suitable land tenure systems have allowed large-scale farming to flourish. For example, Swaffield et al. (2019) revealed that the land tenure system in the Netherlands allows increased agricultural productivity despite the small landmass of the country. In Europe, most land is certified, registered and socially well recognised by all land actors (Holtslag-Broekhof, 2016). As a result, the land market and land ownership have a tangible relationship with agribusiness development. Munteanu et al. (2017) and Sunderlin et al. (2018) contend that African countries need to continue to work towards the land tenure systems that allow free



land acquisition for agribusiness development. Therefore, understanding existing land tenure systems in Africa remains critical because the lack thereof is considered as one of the constraints for agriculture production. What is more, many parts of SSA are semi-arid areas and agriculture production is inherently difficult (Mason et al., 2015). Across SSA land legislation poses a problem with regards to its proper implementation (Cotula, 2007; Chimhowu, 2019) and because the land is controlled by lineage families or clans under the authority of traditional chiefs (Berry, 2017; Comaroff & Comaroff, 2018; Chimhowu, 2019). In several part of SSA customary tenure under patrilineal and matrilineal systems represents complex land tenure which affects outsiders for large scale farming (Berge et al., 2014). In the Agni Sanwih and Abouré kingdoms as for most of the other Akan ethnic groups of Côte d'Ivoire the kinship system is matrilineal claiming descent from a common ancestor (Kouamé, 2010). These traditional rules constraint explains why contrary to most the indigenous Akan groups, the Abouré and Agni sanwih's family leaders play a significant role where land is transferred to outsiders (Chimhowu, 2019).

There are three main types of the land market in many SSA which are "plant share", sales, and rental contract (Burnod et al., 2012). Nerveless the land tenancy market in Cote d'Ivoire has evolved in recent years between rural land users and agribusiness developers. Colin (2017) argues that land lease in South Comoé, Côte d'Ivoire occur mostly under share cropping practices of '*domientché/ yomientché*' which means plant and share in the local language of Abouré and Agni Sanwi people. According to Colin (2013) this land contract arrangement is considered as the most lease contract in many rural areas in Côte d'Ivoire. It based on ex-post rent payment proportional of the actual production or fixed rent contract with an amount of agreed money paid upfront production (Bignebat & Colin, 2010). Most agribusiness corporates recently chose contract farming in Côte d'Ivoire because provide them more access to communal land with abandoned coffee and cocoa plantation for new cash crop planting (Burnod et al., 2012; Bignebat & Colin, 2010). Rural community members provide land, and the



agribusiness developers create new oil palm, rubber tree plantations by providing capital and expertise require. In South Africa contract farming is subject to land reform program for further compensation of rural land users in exchange of their land. The development of contract farming to large scale farming in SSA seems to be a significant way of land acquisition (Burnod et al., 2012).

Several studies have indicated that conflicts between customary and modern land tenure systems continue to limit the optimal development of agribusinesses involved in large-scale farming (Boudreaux & Schang, 2019; Eck, 2014). The question is whether Côte d'Ivoire has been spared from concerns over conflicting land tenure systems in agribusiness development. In other words, are conflicting land tenure systems, one of the limiting factors to the growth of agribusiness in South Comoé? Therefore, the study sort to answer to the following questions:

- How the conflicting land tenure systems impact on the process of land acquisition for agribusiness development in C Côte d'Ivoire?
- What were the perceptions of local community members on the conflicting land tenure systems?

The study investigated the impact of conflicting land tenure systems on land acquisition by agribusiness developers for large-scale farming in Côte d'Ivoire. This was done by critically examining, (i) the evolution of the land tenure systems in Côte d'Ivoire, and (ii) the views of communal landowners, the implementing authorities, and agribusiness developers.

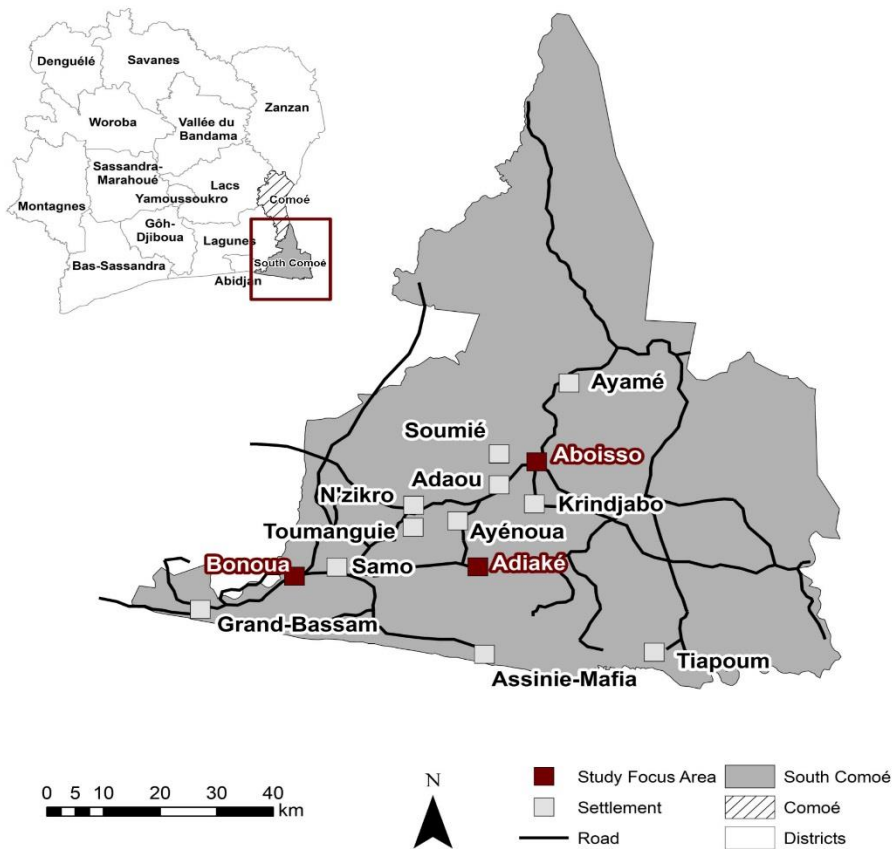
3.2. Study area background, materials, and methods

Côte d'Ivoire has been successful in the production and export of cash crops, notably cocoa and coffee. Côte d'Ivoire is the world's largest cocoa producer, with about 42%



of world total cocoa, and the seventh-largest producer of *Robusta coffee* (Mota et al., 2019). According to Läderach et al. (2013) and Addison et al. (2016), cocoa production accounts for almost 39% of Côte d'Ivoire export. Similarly, Ducroquet et al. (2017) and Ruf et al. (2019) have argued that Côte d'Ivoire has increasingly become the world's leading producer of cashews, the world's seventh-largest rubber producer and the largest producer in Africa. There is a potential for further growth in large-scale farming by agribusinesses, as only 11.6 % of the land is cultivated out of about 22% of arable land (Aka, 2007).

The study was conducted in the South Comoé region, Côte d'Ivoire in three districts namely-Aboisso, Adiaké and Bonoua (Amon et al., 2015), as shown in the location map (Figure 5). South Comoé covers an area of about 800 km² (Amon et al., 2015). Within the Aboisso, Adiaké and Bonoua districts, there is no clear legislation on how to secure communal land for agribusiness development due to the non-adequate consolidation land tenure systems (Dagrou, 2007:50). The study area offers optimal conditions for cash crop production such as cocoa, palm oil, rubber trees and pineapples, including high rainfall (between 1.250 and 2.400mm) (Worou et al., 2019). The study area has large plantations of monocultures owned by big, national and transnational agribusiness corporates.



Projection: WGS 1984 EPSG: 4326
Source: Boundaries and place names are sourced from OpenStreetMap
Compiled by: GGM Department, NAS Faculty
at the University of Pretoria
Date: 9 September 2021

Figure 5: Location map of the study area South Comoé region



3.2.1. Methodology

Data were collected through a survey conducted in the districts of Aboisso, Adiaké and Bonoua in the South Comoé region from 3rd of July 2019 to 30th of August 2019. The researcher aimed to analyse the impacts of conflicting land tenure systems on land acquisition by agribusiness developers. Participants were placed in three categories (i) communal land users (N=36), (ii) the implementing local government authorities (N=8), and (iii) agribusiness developers (N=6) to participate in the interview by using snowball and purposive random sampling methods. The snow-ball sampling approach is also referred to as a referral approach which allows identified participants who know other people with characteristics that are suitable for the research aims, to refer them for selection (Biernacki & Waldorf, 1981). Thus, 36 land users who depend on the communal land for their livelihood are knowledgeable about the land tenure, land acquisition issues with the establishment of agribusiness in their district were selected through the snowball sampling technique to participate in FGDs.

On the other hand, eight local government authorities and six agribusiness developers from the three districts were selected using purposive or targeted sampling technique to participate in the key informant interviews. A snowball sampling technique was adopted wherein rural community and local government authority liaison persons assisted in introducing some key community members as well as local government authorities and agribusiness developers who further referred potential participants. All participants were made to understand that the research was done purposefully for knowledge generation to assist in identifying the issue related to the land tenure systems, land acquisition, and agribusiness development emanating from the co-existence of the customary and modern tenure system. Involving the three categories of participants in the study was key to obtaining their perception of conflicting land tenure systems.



Three FGD meetings were conducted to obtain in-depth information from rural community members as described by Joshi et al. (2017). Table 3, section 1.6.3 shows the FGDs meeting in the districts of Aboisso and Bonoua. The discussions were carefully planned and designed to gather data in a permissive and non-threatening environment. The groups included a maximum of six to ten participants of lineage elders who own land and those who have access to land. The six-ten participants were selected in line with De Vos' (2011) recommendation for the number of participants for a focus group meeting to enable effective participation by participants. The FGDs were audiotaped and lasted 45-60 minutes. FGDs were conducted in an open-ended method, allowing the participants to express their views on how the conflicting land tenure systems impact land acquisition for agribusiness establishment. This method was used to allow the researcher to better capture deeper insight into the participants' real perceptions on the conflicting land tenure system for the establishment of agribusinesses (MacMillan et al., 2002). Côte d'Ivoire has almost 62 local languages, with each community having its own language. Nevertheless, French is the common and most widely spoken language in the South Comoé region. However, local languages such as Agni, Abouré, Malinké are extremely popular in South Comoé. The researcher was assisted by an interpreter with sound knowledge of the study area and the interpreter was used to assist those who are not French speaking. Clear instruction was given to the interpreter to translate into local language for those respondents who cannot read, speak and understand French.

The key informants representing the agribusiness developers were drawn from three oil palm plantations operating in the districts of Aboisso including company X located in Toumanguié (national private company), and two companies represented as Y and Z located in Ayénouan and Soumié, respectively, which are transnational corporates. While the local government authorities were representatives of the district department of agriculture and local administrators in Bonoua, Adiaké and Aboisso. The key



informant interviews were done to assess the impacts of conflicting land tenure systems on land acquisition by agribusiness developers and the perception of local community members on the conflicting land tenure system. Each key informant interview was conducted for about 45-60 minutes, following participants' consent. Moreover, follow-up interviews were done as required to verify some of the revelations from the FGDs meetings.

A folder was created for each area where the data was collected. Dates and names were assigned to each folder. The identities of key informants interviewed and focus groups participants were concealed to maintain confidentiality. Furthermore, pseudonyms were assigned to participants in this paper to mask their real identifications. The findings which emerged from the interviews and FGDs were presented along several themes including:

- *The interaction between customary land tenure and land acquisition for large scale farming*
- *The suitability of statutory land tenure for land acquisition for large scale farming*
- *The relationship between communal landowners and agribusiness developers and*
- *The views of various stakeholders on land acquisition by agribusiness developers.*

The results for each theme were analysed by linking the findings to the research aims, objectives and existing literatures on the subject matter to confirm or disagree with the research assumption.

The write-ups of the results of the interviews and FGDs were coded manually for data analysis in order to highlight the relevant information (Saldana, 2009:14-26). The manual coding allows the researcher to transcribe exactly what the participants said on each page and the codes were then categories to bring out suitable meaning from the data (Bailey, 2008) as discussed in chapter one. The categories represent similar



and different views depicting the complexity of human thoughts. The categorisation of the data was followed by a thematic data analysis process (see section 1.6.6). The quotation presented in the results emanated from the key informant interviews and FGDs from the feedback obtained from respondents during the fieldwork.

3.3. Results

The impacts of conflicting land tenure systems on land acquisition for large-scale farming will be presented here, as per the following themes: (i) the interaction between customary land tenure and land acquisition for the establishment of agribusiness, (ii) the inconsistency modern /statutory tenure, (iii), the relationship between the communal landowners and agribusiness developers in South Comoé, and (iv) finally, the strengths and weaknesses of the customary tenure and modern tenure for land acquisition for agribusiness development, based on the views of rural communities, national authorities, food and cash crop agribusiness developers.

3.3.1. The interaction between customary land tenure and land acquisition for large scale farming in South Comoé, Côte d'Ivoire

The results demonstrate how the heterogeneity of land tenure systems complicates land acquisition for agribusiness development, especially agribusiness corporates that lease vast land for large scale farming. The results of this study reveal that community members in South Comoé held similar opinions on issues of customary land tenure. The results show that there is an interaction between traditional land ownership and land acquisition in term of agribusiness development. A large portion of communal land remains under the control of the traditional authorities under the control of Abouré and Agni Sawih Kingdoms in South Comoé. Based on the participants' point of view



during key informant interviews and FGDs in the districts of Bonoua and Adiaké large families and lineage authorities controlled two-thirds of the cultivated and non-cultivated land for agribusiness developers. In the words of Kadjané (pseudonyms used throughout)

“The two kingdoms have their own traditional rules with regards to communal lands. Customary tenure remains the dominant system governing land acquisition for agribusiness development.” (FGDs in Bonoua, July 2019).

Certain rural communities’ members in the district of Aboisso during the FGDs held similar opinion by mentioning that in the districts of Bonoua and Adiaké, land resources were in the hands of traditional authorities, and that access to land was derived through customary rights. According to Assalé community members,

“The land belongs to the family of a matrilineal lineage with a common descendant. The land does not belong to whoever put a value on it as opposed to the 1970’s slogan but land belong to a family.” (FGD in Aboisso, July 2019).

According to the perception of indigenous and migrant communities from Adaou, Nzikro and Ayénouan villages indicate that indigenous communities had customary rights, while migrant farmers and agribusiness developers did not. Niangoran says,

“Each village usually consists of a number of indigenous people and migrant groups organised according to their first descendants. Many households of Adiaho and Adaou villages are indigenous people enjoying customary rights not held by migrants’ farmers. Even agribusinesses only benefited temporary rights over the communal land that they cultivate. The majority of customary landowners who are indigenous people only have access to land either by inheritance or donation. Those who don’t have customary rights don’t have the legal right to the land they cultivate.” (Interview in Ayénouan,

July 2019).

Land acquisition by agribusiness corporates (state-owned companies) is also identified. Originally, they have access to land through ambiguous long-term leases



with rural community leaders. For example, SOCABO (a private-owned company) and SODEPALM (a state-owned company) obtained communal land due to the generosity of the indigenous Agni and Abouré community in the districts of Bonoua and Aboisso. Taniah pointed out that,

“ Some agribusiness companies got access to communal land early in the 1970s during the period of first agribusiness corporates in South Comoé.”

(Interview in Nzikro, July 2019).

Certain rural communities in the districts of Bonoua and Aboisso living in areas of agribusiness estates were flexible in terms of land acquisition by agribusiness companies for palm oil production. Some respondents indicated that the land in South Comoé was owned by the state. The interpretation that land is owned by the state was not shared by everyone interviewed. For example, certain community members in the FGD in Bonoua, disagreed with the statement of some community members in Aboisso. Bléou stated for example that,

“ Land has never been owned by the state. As the land is always temporarily occupied by rural communities in South Comoé.” (FGD in Aboisso, July 2019).

The interpretation of a rural community leader in Bonoua in terms of traditional land acquisition for agribusiness aligns with previous statement of the FGD in Aboisso.

This clearly shows the impact of the customary and modern tenure systems related to the administration of land resources, which, according to Kraidy’s quote below, could widely impact land acquisition for agribusinesses.

“Traditional land has never been fully owned by the state and this would not be possible at Bonoua to even transfer communal land to agribusiness developers unless the President of Côte d’Ivoire understands each village customs relating to the communal land.”(Interview with Kraidy in Bonoua, August 2019).

Certain agribusiness developers held similar opinions regarding customary rights of smallholders, arguing that they fail to protect agribusiness development in palm oil and



rubber trees in Ayénouan in quote below. Some respondents claimed Article 1 of the Rural Land Act No. 98-750 states,

"<Only the state, and Ivorian nationals can own rural land>. However, land acquisition remains a problem as most rural land is governed under various traditional rules in the kingdom of Agni and Abouré which prevents land acquisition by agribusinesses." (Interview with Koblata in Ayénouan, July 2019).

All agribusiness developers in palm oil production in the districts of Bonoua and Aboisso held similar opinions and were worried that customary tenure under traditional rules remain a source of conflict between agribusiness developers and communal landowners regarding land acquisition. According to participants in Aboisso there was no appropriate traditional rules written recorded in the Agni and Abouré Kingdoms. Adoni for example mentioned that,

"The customary tenure has caused immense hardship for agribusiness developers across the South Comoé region. One of the major barriers to land acquisition is the inefficient customary land tenure system. Also, the 1998 rural Land Act No.98-750 formally recognised the customary tenure system, this has strengthened the customary rights in South Comoé thereby impacting negatively on land acquisition for agribusinesses." (Interview in Aboisso, July 2019).

3.3.2. Inconsistency of statutory land tenure for land acquisition for large scale farming in South Comoé in Côte d'Ivoire

The assessment of the land tenure is important for large scale land acquisition for agribusiness development in south Comoé. This study reveals that the complexity of the statutory tenure system was inherited from the French colonial administration. Anoh and Agama who are members of local authorities in Aboisso and Bonoua pointed



out that the government of Côte d'Ivoire followed the path laid out by the French colonial administration. While Adoubi indicated that, land acquisition by agribusiness developers has been a persistent problem in South Comoé. Agama thought that in the absence of land legislation, through the slogan '*the land belongs to whoever put it in value*' that was considered as 'land law' attracted many migrant farmers and agribusiness developers in South Comoé.,

"Post-independence Côte d'Ivoire followed the path of the colonial administration. In order to address the land tenure systems, the land Act was passed in 1963 by the National Assembly which expounded on the question of vacant land without owners. This Act was never promulgated due to fear of violence from traditional leaders. The absence of land legislation was filled in by the declaration of President Houphouet Boigny in the 1970s that <the land belonged to whoever developed it>." (Interview with Anoh, in Aboisso, July 2019).

"In the absence of land tenure legislation, Côte d'Ivoire enacted many decrees regulating the sale of land that allowed only the state to sell land. All the customary land was placed under the domain of the state (Decree No.64-164 of April 1964)." (Interview with Agama in Bonoua, August 2019).

There were common concerns of local government authorities about the presence of agribusinesses involved in large scale farming in Bonoua, Adiaké, Aboisso and neighbouring villages. They noted that land acquisition and land occupation were no longer aligned with the 1970s slogan as before. For example, N'da in Aboisso noted in the quote below that in 1998, in order to address the rampant land conflict, Côte d'Ivoire adopted a new rural Land Act No. 98-750 as a priority of the Ivorian government in terms of increasing access to rural land. Article.5 states *"Ownership of customary land is possible by purchase, inheritance and donation between individuals or individuals will"*. N'da pointed out that,



“The adoption of the 1998 Land Act was necessary because of the informal land market and, the increasing land conflicts. Many agribusiness developers thought that communal land was vacant and only those who were financially well off could acquire land.” (Interview in Aboisso, July 2019).

Similarly, local government authorities highlighted, unpredictable Rural Land Act No. 98-750 of 23 December 1998 as a hindrance of large-scale land acquisition for agribusiness development. The coexistence of the two tenure systems was subject to conflict. According to N'da, there were not clear land acquisition systems for agribusiness development in the following quote

“The land legislation came under severe criticism. For example, the coexistence of the two-tenure systems acknowledged by the Rural Land Act of 1998 (Article 1) revealed tension that affected the land acquisition system for agribusiness development.” (Interview in Aboisso, August 2019).

Some agriculture officers in Adiaké argue that the benefit of the new Rural Land Act 98-750 is just adequate to protect smallholders' rights over landed properties. Land users are now able to own land certificates through the rural land Act. The respondent testified that it provided adequate assistance to rural communities by granting them private ownership of rural land through the issuance of land certificates. Dadié says,

“For the first time in the land tenure history in Côte d'Ivoire, small farmers can be owners of their traditional land through the issuance of a land certificate that prevented land grabbed.” (Interview with Dadié in Adiaké, August 2019).

3.3.3. The relationship between communal landowners and agribusiness developers in South Comoé

The relationship between rural land users and agribusiness developers is also investigated. The participant during the key informant interviews claims there were



tensions between lineage land owners and agribusiness developers in South Comoé. Many rural communities, agribusiness developers and local government authorities perceived that the relationship between the smallholder farmers and agribusiness developers was most often plagued with conflicts. According to rural communities in the district of Aboisso, the differential interpretation of the statutory and customary land tenure systems was the common source of conflict that affected land acquisition for agribusiness development as noted by Assémian, in the quote below:

“We perceive the land acquisition trends by agribusiness developers as entailing the loss of our ancestral land. also, a right of permanent land use is granted to any member of our family while the grant of temporary right of land use is compulsory to agribusiness developers, we don’t know them so they cannot have a permanent right on our land.” (Interview in Adaou, August 2019).

A rural community leader interviewed at the royal palace of Bonoua was dissatisfied with the land acquisition process by agribusiness developers. According to Otchomou,

“The land was not for sale as a family legacy. Land sale today remains a discretion contract between parties. We think that the conflictual land market is not as a result of the customary land tenure systems instead they originated from unclear land contracts signed between some communities and agribusiness developers with regards to the domientche (sharecropping) practices rights in place.” (Interview in Bonoua, July 2019).

The agribusiness developers held similar views in terms of conflicting tenure systems. Certain agribusiness developers blamed the government for being inefficient in implementing the Rural Land Act No. 98-750 because the Act was not successful to resolve the tension between the statutory and customary tenure system. As N’doli explains,

“ Not all small holders have customary rights to be issued a land certificate by the government. For example, Article 1 of the Rural Land Act No 98-750



declares that only the state authorities and Ivorian nationals can own rural land.” (Interview with N’doli in Toumanguié, July 2019).

Koblata another agribusiness developer in Ayénouan in the quote below observed that the customary land tenure system issues have created frustration and insecurity for agribusiness developers for free land acquisition.

“I think that local communities do not appreciate land acquisition for agribusiness development due to cultural constraints that often disturb agribusiness developers. The issues of customary rights lead to reoccurring land tension between agribusiness developers and local communities.” (Interview in Ayénouan, August 2019).

Benié a senior local government authority in Bonoua and Dadié a local authority ministry of agriculture in Adiaké held similar opinion regarding conflicts between agribusiness developers and rural communities about the land tenure system under the Rural Land Act No.98-750. They also indicated that the role of customary land tenure could not be modified and continues to be a major factor that hinder land acquisition by agribusiness developers.

“The neo-customary land tenure system has hitherto been dominant in rural South Comoé region. The lineage elders have customary rights to freely transfer land to whoever they want.” (Interview with Benié in Bonoua, July 2019).

“The unclear customary tenure creates more conflicts between agribusiness corporates and communal land owners during land acquisition. Many communities find themselves landless after all.” (Interview with Dadié in Bonoua, August 2019).

3.3.4. Views of various stakeholders on land acquisition by agribusiness developers



The rural community members perceive the land acquisition approach as being unfair and exclude most of the rural community members. For instance, the rural community members who participated in the research, reported that they could not directly meet with the agribusiness developers. The reason being that the lineage elders and few local elected elites dominated the land acquisition process and side-line the community members during the land negotiation for agribusiness establishment. The study revealed the area of farmland held by agribusiness investments to more than 30.000 ha for oil palm production in Aboisso. The exclusion of rural community members during the land acquisition negotiation process has resulted in tensions between the agribusiness investors and the rural communities as was highlighted by participants in Ayénouan village. Revelations from the key informant interviews and FGDs, suggest that in a number of cases, land disputes were experienced emanating from land acquisition process for large scale farming. For example, Alasane smallholder in the quote below who owns land was anxious since he could lose land due to unclear land acquisition for agribusiness development and land rights change.

“I do not feel happy and secure with the customary rights that should safeguard communal land on behalf of the entire community. The customary law here is complex towards outsiders. This has increased land conflicts.” (Interview in Ayénouan, July2019).

Certain rural communities' members in Ayénouan village said they have lost land due agribusiness development under ambiguous land tenure systems and informal land market. According to Koné's community leader testimony, land transaction to agribusiness corporates was done behind closed doors. This frustrated community members, and ultimately led to disputes. The change of ownership from migrant farmers and indigenous communities to the benefits of large-scale farming had increased land conflicts because of the exclusion of some community leaders during land negotiation.



“We have suffered from encroachment by the indigenous community from Adaou village located about 9km from our village in majority inhabited by the indigenous community of Agni sawih. It was in May 2014 we learned that an agribusiness company originated from Israel was about to move on our traditional land. The village community of Adaou holder of customary rights of identified land in Ayénouan village, mainly inhabited by migrant farmers, decided to lease a plot of 50 hectare to the agribusiness corporate for palm oil plantation.” (Interview with Koné in Ayénouan, July 2019).

The other rural communities in Toumanguié held similar opinions regarding their consent before assessing land for large scale farming. According to participants during the FGDs there were several protests against land ownership transfer to agribusiness developers until the final negotiation between different stakeholders. Table 6 shows the case of Ayénouan community members in conflicts with traditional rulers involve in land transfer to agribusiness corporates. According to participants, there was a clear indication that the land market was only possible behind closed doors, without the full participation of all the rural community members.

Table 6: Land actors and long-term lease contract on communal land for agribusiness development

Target area	Agribusiness developer	Stakeholders	Nature and status of the deal	Land intended size	Crop
Ayenouan area 5°22' 13" N 3° 19' 47" W	Palm oil company Y, Ayenouan Registration Number RCCM No1 Abidjan 2008B-1531	<ul style="list-style-type: none"> Customary chief of Adaou- ID961241800268 Land lord of Adaou -ID 990802101294 	Leased signed 2008	50 hectare	Oil palm



		<ul style="list-style-type: none"> Head of Ayénouan – ID99082100075 			
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Source: Fieldwork, 2019

During key informant interviews and FGDs certain community members in Yapokro and Ayenouan also stated that the emerging land acquisition in 2008 by company Y and the replanting of palm trees by company X (previously state-owned company) intensified pressure over traditional land previously owned by rural communities within agribusiness estates. As Koné and Kassi explain in the quote below.

“One agribusiness corporate acquired our traditional land. Only three main stakeholders (the customary chief and traditional ruler from Adaou and the chief of Ayénouan) agree to lease land with a promise that the lease of the land would only be possible after obtaining the customary rights of an established land certificate to the agribusiness with a lease of 90 years from 1st October 2008 to end on 30 September 2098. On May 2014 we were informed that our community leaders have given 50 hectare of land to one of the agribusiness corporates without our consent to this transaction. We refuse to let our ‘ancestral’ land be stolen.” (Interview with Koné in Ayénouan, July 2019).

“Land and water resources were abundant around the village of Yapokro. Today it is so bad they grabbed all the land for agribusiness palm oil plantation. Here they gave us a piece of land because there is not much land left for us. In Yapokro land is what we have. At the time of the SODEPALM, the land was quite simply grabbed by the state. Nobody



cares about us, now we want to extend the village along the main road is meant to take part in our land.” (kassi, FGDs in Yapokro, August 2019).

According to the perception of the participants from rural communities, land acquisition by agribusiness developers entails the displacement from their homes. For example, the land acquired by company X during the privatisation of the state-owned company in investigation that involves 30,000 hectares of land in Toumanguié, Aboisso shows that, the size of the farm area based on key informant interviews and FGDs alone. According to participants' quotes, agribusiness Y has been interacting with landowners for some years, proposing to develop oil palm plantations in a partnership framework, but de facto impose largely incomplete and leonine contracts signed that itself does not respect.

According to Alou testimony below, a government representative in the district of Aboisso indicated that land that had been transferred to agribusiness developers by lineage elders was converted into palm oil plantation.,

“In Aboisso alone agribusiness corporates X, Y and Z owned land above 600 hectares each for palm oil plantation. Some of the agribusiness corporates are attracted by land acquisition because of the absence of clear land legislation and land acquisition systems.” (Interview in Aboisso, August 2019).

The farm areas around Toumanguié, Ayénouan, and Soumié village in the district of Aboisso managed by oil palm corporates which was previously owned by the rural community according to participants are displayed in Table 7.

According to agribusiness investors several problems were encountered in the process of acquiring land in the districts of Aboisso and Bonoua due to the unclear process in obtaining land rights under the customary law. The agribusiness investors indicated their dissatisfaction with the land market in which the communal landowners could deny at any moment the content of the contract formally signed between parties. For instance, Adoni noted that:



“Based on our own experience, the customary right represents one of the problems to the development of agribusiness in Côte d'Ivoire due to land conflicts in place. We have to discuss with the community leaders to obtain land, but we do not know the exact traditional rules related to the land resources. We also do not know the list of family members who own communal land at the time of land market negotiation.” (Interview with Adoni in Aboisso, July 2019)

The farm area around Toumanguiéé, Ayénouan, and Soumié village in the district of Aboisso managed by Agribusiness oil palm corporates was previously owned by rural community according to participants is shown in Table 7.

Table 7: Farm area cultivated by agribusiness corporates in the district of Aboisso

Agribusiness corporates	Farm area (ha)	Nature of land market	Crop
Agribusiness X Toumanguié	28,000	Lease /concession	Oil palm
Agribusiness Y Ayenouan	2,000	Lease	Oil palm
Agribusiness Z Soumié	650	Lease	Oil palm

Source: Field work, 2019

According to the agribusiness investors in Toumanguiéé there is a total of 62759.41 ha farm area owned by rural community members in South Comoé region consisting of 2534.19 ha of large village plantation cultivated by 93 smallholders located in 13 villages shows in table 8.

Table 8: Farm area cultivated by small farmers supervised by Agribusiness Company X in oil palm production in South Comoé region

Type of cultivated land area owned by small farmers	Farm area (ha)	Average of farm area (ha) per	Number of smallholders	Number of villages
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		smallholder per village		
Large village plantation (LVP)	2534.19	29.37	93	13
Medium village plantation (MVP)	32344.72	9.42	4804	50
Small village plantation (SVP)	27880.59	3.54	6999	56
Total	62759.41	-	11896	119

Source: Field work, 2019

The average area per smallholder is about 29.37ha. Similarly, there is 32344.72 ha of medium village plantation owned by 4804 smallholders located in 50 villages. While the small village plantation represented 27880.59 ha owned by various number of smallholders (6999) located in 56 villages. The village plantations are independent out-growers created with the endorsement of the agribusiness company X.

However, Table 9 shows a specific type of village plantation in the focus study area between Kakoukro limite and Adaou village for oil palm production.

Table 9: Cultivated land by smallholders endorsed by agribusiness X in oil palm production between Kakoukro-limite (District of Bonoua) and Adaou (District of Aboisso)

Villages	Number of smallholders	Average farm area by smallholders' holders (ha)
Koffikro *	563	4.30
Nzikro *	413	4.91
Samo**	327	5.32
Adaou**	308	5.16
Toumanguie*	392	4.01
Soumie ***	21	24.66
Ayenoua **	9	24.25
Yapokro ***	8	10.32
Diatokro *	14	4.36
Kakoukro-Limite **	4	11.75

SVP*, MVP**, LVP***

Source: Field work, 2019

According to agribusiness investors the village plantation was associated with industrial plantation to encourage agribusiness development in communal land to



provide benefits to rural community members. In return the smallholders should sell their production to the agribusiness corporate under contract. As kobenan explains

“The productivity of the village plantations is around 5 to 8 tons per hectare on average per year and one ton per hectare could generate around 40.000/Franc CFA (67US\$). What is more the industrial plantation could generate twice more benefits with more financial means than the village plantation. However, the land tenure system remains a major problem that stymieing the agribusiness development” (Interview, August 2019).

During the key informant interview certain agribusiness developers in Aboisso stated that one of the key challenges was due to the fact that the communal landowners did not confirm who owns land among the family members. One of the cases cited was the existence of an extensive list of unidentified family members who own communal land. Therefore, participants argued that widespread customary rights abuse have resulted in repeated land disputes based on each parties' interests. As Koutou explains,

“If I know the members of a family who own land, I would like to ask each of them to sign a contract, but from the first landowner such as the grandfather to the current grandchild, there are several uncles, aunts, and nephews. All of them claim to be landowners from the same descendant. In the absence of a land certificate, most of the time landownership is with problems. This does is not free the land market for agribusiness development.” (Interview in Aboisso, August 2019).

There was real concern raised by participants that land acquisition by agribusiness investors and the legal pluralism, (customary and statutory land tenure system) need to be given attention by policy makers.



The point of view of various stakeholders regarding the strengths and weaknesses of the land tenure systems is shown in Table 10. Respondents during the key informant and FGDs revealed that the conflicting tenure systems have raised tensions for cash crop production in South Comoé.

Table 10: Strengths and weaknesses of land tenure systems from the views of different stakeholders

Feature	Strengths	Weaknesses
Land legislation under modern tenure		
<ul style="list-style-type: none"> • Decrees No.64-164 of April 1964 • The 1970s slogan 'land belongs to who put it in value' enacted as land policy 	<p>Access to communal land was successful for:</p> <ul style="list-style-type: none"> • Cocoa production by community members. • State- owned company agribusinesses. 	<ul style="list-style-type: none"> • May cause the long absence of legal land legislation 1960-1998. • Leads to illegal rural land occupation. • Increasing land conflicts. • May lead the government to fully control the national land.
<p>New land tenure systems Rural Land Act N098-750 of 23 December 1998</p>	<ul style="list-style-type: none"> • Enables private rights • Enables the state and smallholders to raise their rights to ownership of land. • Allows the Issuance of land certificates. • Enables land lease for agribusinesses. 	<ul style="list-style-type: none"> • Leads to conflicts between the customary and statutory tenure system • Slows the implementation of the land Act. • The Article. 1 of the new Land Act is a concern: communal land cannot be owned by migrant and agribusiness developers. • The land legislation does not give to provinces and municipalities effective legal action for the establishment



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		<p>of spatial policy for agribusiness development</p> <ul style="list-style-type: none"> • May cause the lack of land certificate. • Slow land acquisition.
Customary tenure		
<p>Customary right Fully recognized by the rural land act No98-750</p>	<ul style="list-style-type: none"> • Enables customary rights. It is crucial for food and cash crop production. • Allows smallholders to rent or sell land with land certificates. 	<ul style="list-style-type: none"> • May lead to tensions between land actors because customary right vary among different social group of the Agni and Abouré people. • Results in conflicts given that several family members hold customary rights. • Slow the issuance of land certificate because communal land is not individually owned • Leads to ambiguous land transactions in the absence of legal document over spontaneous agricultural activities.
Statutory tenure		
<p>New modern law N098-750</p>	<p>Acknowledges national authority over land resources.</p>	<ul style="list-style-type: none"> • Results in absence of regional land regulation. • Results in absence of agricultural lease Act in any form of land acquisition for agribusinesses.



		<ul style="list-style-type: none"> Reveals the dynamism of land tenure system inherited from the colonial administration.
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3.4. Discussion

The study sought to investigate the impact of conflicting land tenure systems on land acquisition by agribusiness developers for large-scale farming in Côte d'Ivoire. The study revealed that in South Comoé, Côte d'Ivoire the coexistence of customary and modern tenure systems was one of the difficulties for the agribusiness developers to acquire land for food and perennial crops in terms of the inconsistency of land tenure systems. The conflicting land tenure systems emerged from the introduction of the statutory legal system under the colonial administration as elaborately explained in chapter two of this thesis. According to the dependency theory, the introduction of the plantation system was a strategy instituted by the colonial administration to encourage the bulk supply of raw materials in the world market and the legal systems were put in place to achieve this aim (Ferraro, 2008). Nevertheless, most former African colonies still have remnants of the colonial land policies which is generating conflict as was noted in the outcome of this research. The findings corroborate with those of Brottem & Ba (2019), who recorded that land tenure systems and land acquisition are intricately linked to the complexity of agribusiness development in SSA. The results reveal that the heterogeneity of the land tenure systems negatively impacts agribusiness development in the study area.

The results obtained are in line with previous findings by Busingye (2002) and Kleinbooi (2010) that show that in Southern Africa, conflicting land tenure systems negatively impact land acquisition for agribusinesses. The complexity of legal



pluralism (customary and modern tenure) rooted in the legacy of the colonial administration and the post-colonial nature of many SSA that negatively affect agribusiness development (Busscher et al., 2019; Dell'Angelo et al., 2020). Hence, in these areas, agribusiness is not well developed due to conflicting land tenure systems that impose constraints on land acquisition for large scale farming. Pica-Ciamarra et al. (2007) also pointed out that little has been done to address the issues of land acquisition for agribusiness development even though there are efforts in land reform in many SSA countries (Chimhowu, 2019; Toulmin & Quan, 2000).

As shown above, the difficulties identified in agribusiness development is not exclusive to Côte d'Ivoire. Berry (2017) also highlighted that clear land tenure systems must be acceptable by various stakeholders in terms of free land acquisition for agribusiness development, the case for cocoa farming in Ghana. Furthermore, in the case of Cameroon, Pemunta (2018) highlighted the importance of the consolidation of the land tenure systems. In Tanzania, land grabbing has resulted in violence between the rural community and the state (Kusiluka et al., 2011; Asiama et al., 2019). Similarly, according to GRAIN (2014) and Kamski (2016) in Liberia land disputes have occurred between the state and rural communities concerning land acquisition for agribusiness development.

Cotula (2011) pointed out that in Ethiopia, customary rights are not well recognised concerning land acquisition for agribusiness development. There have also been land conflicts in Rwanda, Kenya and Uganda due to conflicting land tenure systems (Boudreaux, 2009). In Zimbabwe, land acquisition for agribusiness development is also challenged, as a result of land reform. In Mali, land issues were due to the coexisting conflicting land tenure systems (Suyanto, 2007). On the contrary, Cheteni & Mokhele (2019) reported that the land reform in South Africa has some positive impacts on agribusinesses and the empowerment of black farmers, which was consistent in the post-apartheid land reforms.



3.5. Conclusion

This study investigated the factors affecting the growth of agribusiness in Sub-Saharan Africa using South Comoe, Côte d'Ivoire as a case study. The fact that though Côte d'Ivoire, is the world-leading producer of cocoa, it still faces challenges in the growth of the industry constitute the underlying drive for this research. Furthermore, the relationship between legal pluralism, land acquisition and agribusiness development have not been sufficiently explored by previous studies. Using FGDs and key informant interviews, the study investigated how conflicting land tenure systems affect the land acquisition process and therefore the growth of agribusiness.

The findings revealed that one of the main problems experienced by agribusiness investors stems from conflicting land tenure systems. This existing legal pluralism turns to negatively impact land acquisition for agribusiness development. This is coupled with the fact that the land acquisition process lacks inclusivity with the process often dominated by local elites and traditional authorities. Similarly, neo-customary rights were dominant and conflicting with the statutory tenure system an unsurprising finding, given the colonial and post-colonial history of Côte d'Ivoire. The land tenure system prior to the 1998 land reform disrupt agriculture development as such efforts are made by the government to adopt the Rural Land Act No. 98-750 of 1998 for land acquisition. However, the findings of the study show that little has been done for agribusiness development, due to the tension between customary rights and statutory tenure (Rural Land Act No. 98-750). The study contributes to existing debates about the legal pluralism in agribusiness development.

Therefore, the outcomes of the study have led to the suggestion of the following recommendations:

- Policymakers in Côte d'Ivoire should enable and support the consolidation of the land tenure systems with adequate protection of customary right in land acquisition process, as well as the effective implementation of the existing Rural



Land Act No.98-750, which has failed to offer opportunities for clear land acquisition for agribusiness development.

- The land policy must include clear articles for land acquisition for the establishment of large-scale farming, with the support of the local government authorities. A strong partnership should be established between potential agribusiness investors, the Government and smallholders to minimise conflicts.
- Effective land policies should be put in place from Cote d'Ivoire jurisprudence on the development of land legislation to ensure fairness land acquisition for agribusiness development.
- Consolidation of land tenure systems must be made easier for all stakeholders to comply with the laws. For example, the issuance of land certificate should be easy for rural community and agribusiness developers to get permits or authorization for large-scale farming, to access and use of land. Moreover, agribusiness corporates should endeavour to engage with the local actors under stipulated guidelines including international, national and customary frameworks for land acquisition.
- There must be penalties for persistent non-adherence to rules of laws. The implementation of the land policy might determine who can use the land resources and, for how long.
- The customary legal system should be well established in manner that clarifies the land tenure system and eases communication with the relevant actors during land acquisition negotiation process.

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3.6. References

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CHAPTER 4³:

Mechanisms and consequences of benefit sharing from oil palm agribusiness plantations establishment in South Comoé Region, Côte d'Ivoire

This paper relates to objectives 3 of the thesis

³ This chapter is based on the manuscript titled 'Mechanism and consequences of benefit sharing from oil palm agribusiness plantations establishment in South Comoé region, Cote d'Ivoire'

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Abstract

One of the main difficulties facing agribusiness development in Côte d'Ivoire, is the issue of benefit sharing. Although communal land is expected to be equitably beneficial to all who have a stake on the land, unclear benefit sharing principles and modalities affect the implementation of benefit sharing to the disadvantage of the rural community members. Using a qualitative research approach, the study investigates if the benefit sharing approach practiced by oil palm plantations investors in South Comoé align with globally established standards of access and benefit sharing (ABS). To this end data for the study was collected from 50 participants: rural community's members (N=36), agribusiness developers (N=6) and local government authorities (N=8). The results revealed inequality in the land acquisition and benefit sharing negotiation process in favour of local elites. Lack of fairness experienced in the benefit sharing approach in the districts of Aboisso, Bonoua and Adiaké was attributed to the lack of institutional, policy and legal frameworks to guide a fair benefit sharing. Inequality in benefit sharing scheme affects the working relationship between the parties thus generating tensions with consequences on the stability of commercial farming. The study contributes to the debate on the marginalisation of smallholders in the distribution of benefits from agribusiness investments.

Therefore, the designing of policies and practical measures that bring together rural communities and agribusiness developers to negotiate fair benefit sharing terms in line with international standards including honesty, inclusive participation of rural community in land acquisition process are recommended.

Keywords: Agribusiness, access and benefit sharing, land tension, Côte d'Ivoire



4.1 Introduction and background

Agriculture is the mainstay of the economy of many African countries (Amungo, 2020). According to Balié et al. (2019) the agricultural sector in sub-Saharan Africa (SSA) generates about 25% of the gross domestic product (GDP). For example, the agricultural sector contributes to about 21% of the GDP of Kenya, 24% in Uganda (Mwadzingeni et al., 2020), 18% in Ghana (Akrong et al., 2020), and 3% in South Africa that represent 14.6% of South Africa trade value (Mwadzingeni et al., 2020). The agribusiness sector (agriculture global -value chain) involves 65% to 70% of the rural community in farming activities (Balié et al., 2019; Warinda et al., 2020). With more than 60% of the world's uncultivated arable land in Africa (Oxford Business Group, 2021), Africa has a huge potential for land acquisition and investment in agriculture (Mdee et al., 2020). Nevertheless, challenges associated with land acquisition for large-scale farming and lack of suitable benefit-sharing mechanisms are affecting the slow growth of commercial agriculture (agribusinesses in the production sector of the agri-value chain) in Africa (Mac Clay & Feeny, 2018; Tshidzumba et al., 2018). This paper discusses benefit-sharing mechanisms (BSM) as related to the establishment of large commercial farms in Africa from multiple stakeholders' perspectives.

Benefit-sharing in agribusiness sector is considered as any action designed to ensure equitable distribution of benefits derived from the investment on land for agribusiness (Cock et al., 2010). Similarly, Schroeder (2007, p.207) defines benefit sharing as a compensation mechanism where "each party gives one thing and receives another, with a focus on the equivalence of the exchange". The definitions of benefit sharing emphasize the promotion of equity in benefit sharing. Tysiachniouk & Petrov (2018) and Dutfield (2002) caution that agribusinesses or other natural resource exploiters



and land developers must agree on a BSM before the land is acquired for large-scale farming or for resource exploitation. However, Koutouki & Von Bieberstein (2011) reported that most often land acquisition processes for agribusiness development do not adequately result in equitable compensation of the local communities. This is to a large extent due to the lack of national legal frameworks which define the mechanisms by which benefits are distributed between local communities and agribusiness investors (Rabitz, 2017; Cernea, 2008; Abubakari et al., 2020).

The nature and form of benefit sharing vary across different sectors and are interpreted differently by various actors. The variations in the interpretation and implementation of benefit sharing approaches hinge on the financial strengths of companies utilizing genetic resources (Laird & Wynberg, 2008). Benefit sharing packages could be in the form of monetary or nonmonetary (infrastructural development, transfer of skills, technology transfer, capacity building, distribution of shares in the business or distribution of equipment such as farming equipment) in a rural setting (Sholilah & Chen, 2020). Within the context of this research, parties involved in benefit sharing may include companies that want to carry out commercial investment within a community, the government, traditional authorities, and the local communities at large.

Collaborative planning and equitable benefit sharing are encouraged in the conservation sector in order to regulate the exploitation of natural resources. Equitable and fair benefit sharing approach for the use of genetic resources constitutes one of the three key objectives of the United Nations Convention on Biological Diversity (CBD) (Buck & Hamilton, 2011). The CBD defines standard practice and legal requirements for benefit-sharing known as “access and benefit sharing (ABS) of genetic resources” (Buck & Hamilton, 2011). Various governments have formalized ABS through the adoption of articles relating to ABS drafted in the CBD and through the Bonn Guidelines on ABS (Tully, 2003). The Bonn Guidelines provide specific requirements for benefit sharing which includes: 1.) the procurement of informed



consent before accessing genetic resources, 2.) reciprocal agreement on the terms and conditions for accessing and using genetic resources, 3.) equitable benefit-sharing for the use of genetic resources. Although the Bonn Guidelines outlined general guidance on access to genetic resources and benefit sharing practice under the CBD, individual organizations or companies are required to develop tools and approaches that will enable them to comply with the Bonn Guidelines (Tully, 2003). The 2014 Nagoya Protocol to the convention on CBD also defines how benefits accruing from the use of genetic resources should be equitably shared amongst the targeted beneficiaries, and the mechanisms for local resources actors to benefit from external entities' exploitation of the biological resources (Morgera et al., 2014).

Nevertheless, BSM are not well formalised in the agribusiness sector in SSA. Therefore, benefits from the investments in agribusiness do not adequately trickle down to communities in compensation for the loss of their land (Adonteng-Kissi, 2017). Several studies have pointed to the fact that benefits from the acquisition of communal land for various development projects and the deviation of local livelihoods, are hardly equitable (Robertson & Pinstруп-Andersen, 2010; Zoomers, 2011). Particularly in agribusiness, the lack of equity in benefit sharing approaches may be attributed to the marginalization of local resources actors and poor systems of governance. For example, in some parts of Brazil, agribusiness is negotiated through a neo-liberal approach, and through a top-down approach across various SSA countries (Loris, 2018). Suyanto (2007) and Debonne et al. (2018) argue that the guiding principles for agribusiness influence the kind of benefit sharing mechanisms (BSM) adopted. De Jonge (2011) argues that the failure of government investment policies, and clear definition of what is termed as "fair" and "equitable" in international treaties lead to discrimination against local communities. According to Chamberlain & Anseeuw (2019), Commercial farming negotiation processes in many parts of Africa are dominated by high-level government administrative officials and very often exclude grassroots stakeholders. Martin & Rice (2019) provided insights into benefit sharing



arrangements in the process of acquiring communal land for the exploration of coal Seam gas. Using a theoretical model in their analysis, Martin & Rice (2019) identified a flaw in the landholder compensation policy and regulation. According to Alemagi & Kozak (2010) public institutions and rules of law are reasonably inefficient, and that translates into inadequate benefits earmarked for community members. Moreover, Sone (2012) argues that the acquisition of communal land by agribusiness investors is often fraught with irregularities due to unclear and ineffective mechanisms applied.

The inequitable benefit sharing tendencies have incited conflicts (Cernea, 2008; Rist et al., 2010; Luttrell et al., 2013). For instance, in the Southwest of Cameroon, land disputes arose between an American oil palm producing company, Herakles, and the natives, when the Cameroonian government ambiguously allocated 73,000 hectare of land to Herakles (Pemunta, 2018). Similarly, in Southern Ethiopia, disputes emerged between state-owned agribusiness Kuraz Sugar Development Project and the native people of the Lower Omo Valley when the Project acquired 245, 000 hectare for producing sugar cane (Kamski, 2016).

The growth of cash crops in Côte d'Ivoire (cocoa and coffee) in the early 1920s, and 1930s under colonialism, encouraged an influx of immigrants interested in large-scale agriculture (Chauveau, 2000). Cash crop investment in the Southern and Western Côte d'Ivoire was also encouraged by President Houphouët-Boigny in the 1960s (Langer, 2010). Since the 1960s there has been an evolution in the land acquisition arrangements. At the very early stage, negotiations to gain access to land was done verbally between foreign investors and local communities (World Bank, 2017). The negotiations involved mechanisms governing the sharing of benefits in order to stabilise social and economic relationships between the parties. Eventually, the land arrangements between the local and the foreign investors became complicated due to a number of reasons: (1) the foreign investors registered massive success in cash crop business which generated resentment from the local communities; (2) the return of youths from the city who intended to access land for production fuelled competition



over access to land; (3) the tension brewing from the competition over land was exacerbated by political debates on the fact that nationality should be the basis for the ownership of land (World Bank, 2017). As far back as the 1950s, there has been tension arising from discontent local groups in protest against the large influx of foreign agribusiness investors (Chauveau, 2000). The underlining cause of local resistance to foreign investments in agribusiness is not clearly articulated. Although benefit sharing has been identified by researchers in the field of biodiversity and conservation, it has received little attention in the agribusinesses sector. The question is whether the ABS Bonn guidelines approaches practiced promote equity and affects the sustainability of agribusiness in sub-Saharan Africa. In other words, is benefit sharing one of the limiting factors to the growth of agribusiness in South Comoé? This paper seeks to assess the consistence of benefit sharing approach practiced in Cote d'Ivoire with globally established ABS frameworks.

This study investigated the above BSM criteria mainly from the perspectives or views of the stakeholders including community landowners, agribusiness developers and local government authorities. The study employed focus group discussion (FGDs), and key informant interviews for the data collection in South Comoé Cote d'Ivoire.

4.2 Study area, Materials, and Methods

4.2.1. Study area and research context

The research was conducted in the districts of Bonoua (5.2712° N, 3.5959° W), Adiaké (5.2858°N, 3.3036° W), and, Aboisso (5.475° N, 3.2031°W) in South Comoé, Côte d'Ivoire. South Comoé is located in the southeast corner of Côte d'Ivoire and covers an area of about 800 km² (Amon et al., 2015) as shown in the study area map (Figure 6). The three districts consist of indigenous and migrant communities. South Comoé has a population of 642,000 inhabitants (Zahouli et al., 2017). More than 60% of local



household in the districts depend for their living on communal land for agriculture purposes both for subsistence and cash crop production (Aka, 2007). The study area offers optimal conditions for cash crop agribusiness development, including high annual rainfall (between 1,250 and 2.400mm) (Worou et al., 2019). The main problems in the districts include poverty, corruption practices in land lease negotiation, lack of clear land tenure policies, high vulnerability to unequal power relations in land acquisition negotiation process, unequal access to and control over land resources by all stakeholders. In the lease market (*Domientche*, language from Ghana) rural land users bring the land to the investor and receive a rent proportional of the value of the land after deduction of the production costs (Colin, 2004). In some places local land users are not happy because of lack of access and control to land by both agribusinesses and rural communities in BSMs in place in South Comoé. However even though land users are now able to own communal land through land certificates under the rural land Act No.98-750, it is still the state backed by national officials which stipulate how communities should use and control communal land. The study employed the following ABS Bonn Guidelines in analysing the modalities applied by agribusiness investors in benefit sharing in Cote d'Ivoire using South Comoé Region as a case study:

- i. Procurement of consent before accessing land for large-scale and long-term commercial farming of oil palm,
- ii. Are the local community users satisfied with the benefits emanating from the establishment of oil palm plantations in South Comoé?
- iii. Are there policies guiding benefit sharing from the establishment of oil palm farming in South Comoé?

Therefore, BSMs in communal land in Cote d'Ivoire is far from being truly well implemented.



4.2.2 Methodology

The data used in this study were obtained from primary and secondary sources. Primary data were collected through fieldwork from 3rd of July 2019 to 30th of August 2019 in the districts of Aboisso, Adiaké and Bonoua, South Comoé. The researcher aimed to analyse the communal land users' benefit from agribusiness development. In this study, 50 participants were selected to participate in the interview by using snowball and purposive random sampling methods. The snow-ball sampling approach is also referred to as a referral approach which allows identified participants who know other people with characteristics that are suitable for the research aims, to refer these for selection (Biernacki & Waldorf, 1981). Thus, out of the 50 participants, 36 community members: land owners and those who have access to land who depend on the communal land for their livelihood and are knowledgeable about the investments and issues with the establishment of agribusiness in their district were selected through the snowball sampling technique to participate in a FGD.

On the other hand, eight local government authorities and six agribusiness developers were selected using purposive or targeted sampling technique to participate in the key informant interviews. The selection of the participants was facilitated by rural community liaison persons who introduced some key community members who further referred potential participants. All participants were made to understand that the research was done purposefully for knowledge generation to assist in identifying the issue related to land acquisition and benefit sharing and to make recommendations for the mitigation of conflicts emanating from unfair benefit sharing. Involving the different groups of stakeholders in the study was key to obtaining diverse perspectives and opinions on the BSM applied by the oil palm plantation investors in the districts of Aboisso, Bonoua and Adiaké. Participants were placed in three categories (i)



communal land users (N=36), (ii) the implementing local government authorities (N=8), and (iii) agribusiness developers (N=6).

Five FGDs were conducted to obtain in-depth information from rural community members as described by Joshi et al. (2017). The discussions were carefully planned and designed to gather data in a permissive and non-threatening environment. The groups included a maximum of six to ten participants as suggested by De Vos (2011) so that each participant could fully participate. The FGDs were audiotaped and lasted 45-60 minutes. FGDs were conducted in an open-ended method, allowing the participants to express their views on how benefits from agribusiness establishment in their area, are distributed. This method was used to allow the researcher to better capture deeper insight into the participants' real perceptions and opinion on benefit sharing of agribusiness development (MacMillan et al., 2002). Table 11 shows the FGDs guide.

Table 11: Interview guide for focus group discussion meeting

Localities surveyed (focus group discussions)	Rural community participants	Questions
<ul style="list-style-type: none"> • Adaou village (District of Aboisso) 	6	<ol style="list-style-type: none"> 1. Describe the approach in which benefits from agribusiness investments are shared among various stakeholders 2. How satisfied are you with the benefit-sharing approach applied by the agribusiness investors? 3. How does the benefit-sharing approach impact your livelihoods?
<ul style="list-style-type: none"> • Bonoua (Adiaho) District of Bonoua 	8	
<ul style="list-style-type: none"> • Yapokro village (District of Aboisso) 	10	
<ul style="list-style-type: none"> • Asselekro village (District of Aboisso) 	6	
<ul style="list-style-type: none"> • Assouba village (District of Aboisso) 	6	

The key informants representing the agribusiness developers were drawn from three oil palm plantations operating in the districts of Aboisso including company X located in Toumanguié (national private company), and two companies represented as Y and Z located in Ayénouan and Soumié, respectively, which are transnational corporates. While the local government authorities were representatives of the District Department



of Agriculture and local administrators. The key informant interviews were done to assess the benefit sharing approach from an institutional, policy and practical point of view. Each key informant interview was conducted for about 45-60 minutes, following participants' consent.

Secondary data was drawn from existing literature that shows dynamics in agribusinesses and benefit sharing. Furthermore, an existing benefit sharing framework was adopted from the field of biodiversity management to guide the assessment of the effectiveness of benefit sharing approach employed by agribusiness developers in the study area. The available literature enabled the researcher to understand the views of different stakeholders (rural community, local government authorities, and agribusiness developers) on the ABS of oil palm plantation investment in South Comoé.

The views of the various stakeholders that were recorded (with their permission) during the key informant interviews and FGDs were transcribed and coded manually for data analysis (Bailey, 2008; Saldana, 2009). A folder was created for each area where the data collected was stored. Dates and names were assigned to each folder. The identities of agribusiness investors who participated in the research have been concealed to maintain confidentiality. Furthermore, pseudonyms have been assigned to participants in this paper to mask their real identifications. The findings which emerged from the interviews and FGDs have been presented in the form of descriptive narratives.

The coding process began with reading through the transcript to pick out what the three categories of participant said (Vaismoradi et al., 2013). All the research transcripts were considered during the coding process and segments that aligned to the research objectives were highlighted. The segments were further grouped into various categories from which the research themes emerged. as discussed in chapter one section 1.6.6. The coding process was not done separately because the



participants had similar opinion on the topic. The data were presented using primary quotes in the analysis of results section. The following themes emerged from the analysis of results: the involvement of grassroots communities in land acquisition and benefit sharing negotiations process and the integration of equity in benefit sharing policies.

4.3. Results

The field data collected is presented and analysed in this section under broad themes with respect to the alignment of the BSM in the establishment of oil palm plantation in South Comoé to the ABS Protocol. These include assessing (i) attainment of consent, (ii) participants' satisfaction with the benefits derived from the establishment of large oil palm plantations and the modalities of benefit sharing and (iii) the policy framework guiding benefit sharing with respect to the acquisition of communal land for large-scale commercial farming.

4.3.1. Prior consent before accessing land for large-scale/long-term farming of oil palm plantations

The feedback of FGDs participants (N = 36) indicated that the ABS criteria were largely ignored with respect to the establishment of oil palm plantations in South Comoé across the 10 villages visited within the districts of Aboisso, Bonoua and Adiaké. Participants generally agreed that the consents of community members were seldom obtained before the acquisition of land for the establishment of oil palm plantations by the agribusiness corporates in South Comoé region. On the other hand, the participants revealed that the investors of oil palm plantations rather preferred to obtain consent from community leaders and locally elected authorities. In fact, the participants raised the issue of the general lack of transparency in the land negotiation



process and the terms of the contract signed between parties were only known by the community leaders and the elected local authorities. For instance, Harouna, a community member of Bonoua mentioned in the quote below that not all smallholders who owned a plot of land were consulted in the process of land acquisition for oil palm plantations.

“In Bonoua, communal lands were traditionally allocated to rural communities. However, agribusiness developers usually only sought the consent of lineage elders to have access the communal land to establish their plantations.”
(Harouna, interview in Bonoua, July 2019).

Certain rural community leaders in Aboisso expressed similar opinions to that of rural community member of Bonoua regarding the exclusion of smallholders in the land negotiation process. For instance, a community leader who was interviewed in Adaou in the district of Aboisso during the FGDs confirmed that land acquisitions for oil palm production were negotiated with lineage elders only. In addition, Amalaman, a community leader stated that

“Agribusiness for oil palm production was welcomed on communal lands due to the potential benefits it brought in Aboisso. You know the agribusiness developers promised to construct hospitals, schools and roads such that we did not have to worry. The agribusinesses supposed to play a role in supplying young palm trees, and fertilizers to grow palm plantations. That was when the lineage elders ceded land for commercial farming to them”. (Amalaman, FGDs in Adaou, July 2019).

4.3.2 Participants’ satisfaction with the benefits derived from the establishment of large oil palm plantations and the modalities of benefit sharing



Community members were questioned about their satisfaction with the benefit sharing approach. Local communities in the districts of Aboisso, Bonoua, Adiaké and other neighbouring villages indicated that they were not satisfied with how the benefits from the investment of oil palm plantation in their region were shared, despite the fact that some of them have individual land contracts signed with agribusiness investors. Such contracts in the region were called “*domientche*” practices, literally interpreted as “plant and share”. According to participants the smallholders brought land to agribusiness developers and received money proportional of the value of the land after deduction of the production costs. Many participants interviewed also expressed their dissatisfaction in terms of the benefit sharing arrangements on the fact that local community members were excluded from the negotiations. Bohoussou for example mentions that

“Smallholders were not able to clearly participate in the benefit sharing arrangement from the establishment of oil palm plantation. You know if the situation persists, smallholders’ households would have been affected negatively”. (Bohoussou, interview in Bonoua, July 2019).

Even Adjéi, Koffi and Adoubi, community members in Bonoua, Yapokro and Assalékro noted during a key informant interview and FGDs that the benefits obtained from oil palm plantations were only enjoyed by a few elected elites and lineage elders who had access and control over land. The views of Adjéi, Koffi and Adoubi were explained in the quotes below:

“There was no benefit from oil palm investments. Very often agribusiness development benefited a few elected authorities and community leaders, while many smallholders were suffering. Such injustice has generated negative attitudes among local community members of Aboisso, Bonoua towards agribusiness developers. As they represent the main users of communal land



with more than 30,000 hectare of palm oil production.” (Adjéi, interview in Bonoua, July 2019).

“ Some family leaders elected authorities and village leaders select members of communities to benefit from the oil palm investments based on lineage’. (Koffi, FGDs in Yapokro, July 2019).

“Sometimes only households who were directly involved with agribusinesses could benefit. For example, selling their produce to large scale agribusinesses received benefits from agribusiness investors through incentives, training and access to fertilizers”. (Adoubi, interview in Assalékro, August 2019).

In addition, Assoa also mentions that there were issues with marketing regulations that affected smallholders adversely. For instance, Assoa says when market prices collapsed because of excess supply of palm oil, smallholders did not get compensated for any loss.

“Through privatization of state-owned companies, the palm oil sector experienced overproduction which led to a drop in prices. Smallholders did not receive any compensation from agribusiness investors for the loss of our palm produce”. (Assoa, interview in Aboisso, July 2019).

Niamian and Tamikolo (community members of Assouba and Toumanguié villages) gave more insight on the local communities’ dissatisfaction with the benefit sharing approach. Both of them related the issue as far back as the colonial era. Niaman talked about the persistence of injustice in the benefits sharing from agribusiness in South Comoé, Cote d’Ivoire as follows:

“Rural communities were ignored in the benefit sharing from land acquisition for commercial farming under the colonial administration. The arrangement was made behind closed doors and that was disturbing to the community members. If communities around palm plantation production could get better financial



support, they would support the plantation investment initiative". (Niamian, FGD in Assouba, July 2019).

Tamikolo mentioned, " *many smallholders' livelihoods depended on 'domientchie' practices.*

Most of the communities in Ayénouan, Yapokro, Soumié, and Assalékro and Toumanguié villages around the plantation estates received a little financial support from the oil palm investors that only benefited local elected authorities and few family heads. It also remains a question whether financial support towards few family heads could make up the loss of land". (Tamikolo, interview in Toumanguié, August 2019).

The expression of local communities' dissatisfaction because of the unequal benefit sharing approach is evidence in the situations of conflict that was experienced in the South Comoé region. For instance, Prégnon in Adiaké noted in the quote below that when community members realised that they were cheated in the benefit sharing process, they built up a resistance against the agribusiness investors.

"During oil palm production, many smallholders under contract signed realized that they earned less money than expected. The situation led to conflicts because agribusiness developers with bank loans tried to make profit at the expense of smallholders. This made smallholders to start delivering their products to other agribusiness developers with whom no contracts existed". (Prégnon, interview in Adiaké, August 2019).

It could therefore be said that the exclusion of community members in the negotiation process for land acquisition and establishment of oil palm plantation in South Comoé and poor benefit sharing structures are causing a general dissatisfaction amongst community members. The current benefits were in form of monetary and



nonmonetary such as basic infrastructural development, transfer of skills, capacity building, distribution of farming equipment and fertilizers.

4.3.3 The existing policy framework guiding benefit sharing from the exploitation of land resources

The local government authorities and agribusiness investors that were interviewed noted the absence of a legal framework that defined provisions and modalities for benefit sharing with respect to land acquisition for agribusiness development. According to agribusiness developers in the district of Aboisso, policies had to encourage inclusive participation during negotiation of both individual and communal land holders for agribusiness development. The participants were interrogated on the existence of laws that govern land acquisition and benefit sharing and how they are implemented. The following responses were captured:

“There was the need of clear laws on how land was transferred to agribusiness investors. The sharing of profits had to be done through a well signed document in the name of each community member or the family who owns the land. Having a clear contract signed would enhance investor’s commitment towards respecting the terms of the benefits sharing”. (Agribusiness Developer, Interview in Aboisso, July 2019).

Similarly, a government official highlighted the lack of policy in land acquisition guiding benefit sharing as a hindrance to agribusiness development in the following quote:

“I think that rural communities were not getting fair benefits because the benefits were largely skewed in favour of the agribusiness corporates. The distribution of benefits needed policy that was viable taking into account the interests of smallholders”. (Interview with government official in Bonoua, July 2019).



Another government official in Adiaké (Péléforo) opted of the opinion that policy guiding benefit sharing was needed in Cote d'Ivoire to ensure fairness in the distribution of benefits. Péléforo explains

“The lack of fair benefit sharing was because of unclear policy that created a network of relationship involving local elected authorities in land acquisition and distribution of benefits in a way that it gave them more advantages than rural community members”. (Interview in Adiaké, August 2019).

The quotes above highlight the absence of a clearly defined policy which guided land acquisition and benefits sharing between agribusiness developers and smallholders. Due to this to lack of clear policies, agribusiness developers in oil palm plantations fail to engage with local communities appropriately at the advantage of few elite to achieve equitable benefit sharing systems.

4.4. Discussion

The study revealed inadequacies in the engagement of communal landowners in the districts of Aboisso, Bonoua, Adiaké and other neighbouring villages in the land acquisition negotiations. The interview participants noted that mostly traditional leaders and elected authorities were engaged in land acquisition negotiation process which probably explained the general dissatisfaction of communal land users and owners about the benefit sharing approach in South Comoé. This outcome was of great concern since the terms and conditions which included how the owners of the land would be compensated were defined and negotiated at the level of land acquisition negotiation. Other studies (Toft, 2013; Holtslag-Broekhof et al., 2016) highlighted injustices that result from poor and unequitable approach adopted during the negotiation of land for agribusiness investment, thus corroborating the results of this study.



Participants' revelation suggested that social and cultural inequality and lack of policy framework were among the factors accounting for the unequal distribution of benefits. Social and cultural inequality which emerged from the study included lack of inclusive participation in the land acquisition and benefit negotiation phase. Participants' account illustrated how preferences for the negotiation of land and benefits were extended to a few elitist classes in South Comoé, traditional authorities and in some cases family heads. This approach appeared problematic because it was unlikely that the benefits would trickle equitably from those engaged down to the rest of the community members. This research outcome contradicts Ostrom's (1990) approach in the management of communal land explained in section 1.5.2 of this thesis. According to Ostrom (1990), the local resources users should constitute an integral part in the management of communal resources. Hicks (2020) argues that the silencing of the majority of the community members in the land acquisition and benefit sharing stage increases the probability of them receiving unfair benefits from the investment.

Challenges affecting equitable benefit sharing process which emerged from the findings include: institutional issues, and lack of adequate policy. For instance, agribusiness developers noted that unsecured land tenure system poses a challenge to identify legitimate community members with tenure rights. Such situations generated conflicts between community members who felt sidelined in the benefit negotiation process and the agribusiness investors (Colin & Ayouz, 2006). Similarly, from the local government officials' perspectives unclear customary land rights generate conflict and tension between community members and agribusiness investors. According to the local government officials, weaknesses in the land acquisition policy accounted for fuzzy benefit sharing terms. In addition, the local government officials argued that their neglect in the benefit sharing arrangements and



decision making, hindered their intervention to protect the rights of smallholders. The various accounts of the government officials and local community members therefore suggested that conflicting land tenure systems, policy issues, institutional arrangements, poor governance, and political manoeuvre constituted obvious challenges forestalling equitable benefit sharing. Hence, the field resulted concurred with the findings of Wangu et al. (2020) that benefit sharing from agribusinesses did not reach the most vulnerable land users in the community. Unequal benefit sharing could affect smallholders' food security as noted by Olounlade et al. (2020) in a study conducted in Benin. This study has illustrated that agribusiness development may have contributed in widening the socio-economic gaps in Africa. The iniquity in benefit sharing experienced in the study area was not an isolated case since other developing nations including Mexico, South Africa and Nigeria had also undergone a similar experience with regards to ABS (Lucas et al., 2013). Campbell et al. (2001) and Gill (2020) argued how benefit sharing has failed in many places in SSA. For example, Liberia's forests were under pressure from mining and agriculture. However, benefit sharing including productive and non-productive, monetary and non-monetary benefits was a failure. This failure existed because of the lack of a reliable regulations on the benefit sharing mechanism to rural communities to stimulate economic development and empower rural communities who livelihood depended on forest resources. In addition, the water service in South Africa reflected a failure of benefit sharing from access to and use of ecosystem service. According to Nkhata et al, (2009) decisions on benefit sharing was made in the context of complex socio-ecological systems in which the demands for benefits from ecosystem services were uncertain. The trend in unequal benefit sharing experienced across developing nations therefore generates a concern about land acquisition systems and the implications for local communities' access to adequate benefits.



The findings further revealed that benefit sharing arrangements remained controversial because there was a lack of emphatic collaboration among stakeholders in land negotiations and distribution of benefits. Thus, the principle of good governance including accountability, equity and responsibility suggested by Machado et al. (2017) and Keping (2018) seemed not to be adequately practiced in the study area as observed in the results. Moreover, the mode of benefit sharing arrangements practiced in South Comoé contravened global and well recognized benefit sharing standards such as the Nagoya Protocol of 12th October 2014 cited in the literature section of the paper which emphasize the necessity for an equitable benefit sharing approach (Morgera et al., 2014). However, the inequitable benefit sharing approach was not only detrimental to the disadvantaged communities but also affected the growth of agribusiness development in South Comoé since it spiked conflict. Therefore, resolving issues related to equitable benefit sharing was key to mitigating conflicts between agribusiness investors and community actors.

Policy constraint emerged as a key obstacle to equitable benefit sharing in agribusiness investment in South Comoé. The land reform policies of Cote d'Ivoire did not clearly define community participation in land acquisition process and benefits distribution as such collaborative benefit sharing arrangements became problematic (Burnod et al., 2010). The results therefore indicated that though Cote d'Ivoire was a successful country in agribusiness establishment (cocoa, palm oil, and coffee product) most of the benefits were enjoyed by agribusiness operators. National land policies in most Sub-Saharan Africa for instance in Ghana, required the full consultation of rural landowners or occupiers over the expression of interest to acquire the land for investment purposes (German et al., 2013). These authors also showed that there were no legal laws in Ghana which defined the terms for compensation for the loss of livelihoods. The views of smallholders suggested that there may be a lack of adequate policy framework for equitable participation in land acquisition and benefit sharing as



was noticed also in the study by German et al. (2013). Although the view of smallholders pertained to large scale and small-scale farmers it was necessary to understand how local communities benefited from the loss of land used for e.g oil palm plantations. The findings therefore confirmed the assertion by Koutouki & Von Bieberstein's (2011) that there was inequality in the benefit sharing approach in agribusiness establishment to the advantage of agribusiness developers. Grajales (2018) argued that although agribusiness investors had interacted with smallholders for so many years, they did not honour the promise to develop the land in a partnership arrangement as well as their promise of the provision of infrastructural development such as the construction of roads and other social amenities.

4.5 Conclusions

This study set out to investigate the consistence of benefit sharing mechanisms practiced in South Comoé with internationally recognized ABS frameworks. The rationale for the study was based on the argument that benefits from the use of communal or private land was not equitably distributed amongst the community members and those exploiting the land. Furthermore, knowledge on land acquisition and benefit sharing in agribusiness research was very limited thus leaving a lot of unanswered questions. Using FGDs and key informant interviews, the study investigated how land acquisition and benefits from the establishment of large-scale oil palm plantation in the districts of Aboisso, Bonoua and Adiaké were negotiated. The outcome of the research led to the following conclusions outlined in the next paragraph.

The findings revealed uneven benefits from agribusiness investment between agribusiness developers and rural communities. Empirical evidence denoted that mostly elected elites and lineage elders who own rights to land were engaged in land



acquisitions thus sidelining a vast majority of the members of local communities. This exclusive tendency turned to affect the compensation that local community members were entitled to in exchange for the loss of communal land which was their main source of livelihood. The unevenness in the distribution of benefits is largely attributed to lack of institutional, legal or policy frameworks which should define the modalities for the distribution of benefits from agribusiness investments in rural communities. The exclusion of the majority of rural community members from the land acquisition negotiation process and subsequently of the distribution of benefits has triggered conflict in different parts of SSA including South Comoé. The conflict situations disrupted the smooth investment of agribusiness and the generation of profits, thus implying that unequal distribution of benefits from agribusiness affected both investors and rural communities adversely. Therefore, policies and practical measures should be put in place to ensure fairness in the negotiation of land and distribution of benefits. The study contributed to existing debates about the marginalization of local communities in BSMs arrangements and implementation in the agribusiness sector.

The outcomes of the study have led to the following recommendations:

- Good governance practices including transparency, inclusive participation, honesty which were strongly advanced as constraints to equitable benefit sharing, should be strictly adhered to by all parties in the process of land acquisition and benefits negotiation.
- Concrete tenure arrangements should be made both culturally and administratively to ease the identification of the right parties to be consulted in land negotiation and benefit sharing processes.



- Government policies which served as frameworks for the sustainable management of land should clearly articulate the involvement of stakeholders in land acquisition and benefit sharing process at all levels.
- Government officials should ensure that policy guidelines on equitable distribution of benefits accruing from the use of communal land for the establishment of agribusiness were adequately implemented.
- Agribusiness investors should adhere to both statutory and customary laws in the negotiation of land and benefits during the initial planning phase of the business establishment
- Community members should work with agribusiness investors and government officials in creating an enabling environment for the establishment of agribusiness in a manner that resulted in mutual satisfaction.

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CHAPTER 5⁴:

Land reform in Côte d'Ivoire and its implication on agribusiness development: the case of oil palm plantations in South Comoé

This paper relates to objective 4 of the thesis

⁴ This chapter is based on the manuscript titled '*Land reform in Côte d'Ivoire and its implication on agribusiness development: the case of oil palm plantations in South Comoé*' (**In preparation**).

Effossou, K.A., Cho, M.A., Ramoelo. A., & Cho.A.N.M.(nd). Land reform in Cote d'Ivoire and its implication on agribusiness development; the case of oil palm plantations in South Comoe.



Abstract

Land reform policy constitutes a guideline to ensure equitable and effective distribution of land geared at promoting the development of a nation. The aim of this study is to investigate the adequacies of the land reform policy in Côte d'Ivoire in promoting agribusiness, both from content-based analysis and local perspectives, using oil palm plantation farming in South Comoé as a case study. The findings from the content analysis revealed inadequacies in the policy on issues of land acquisition, tenure ship, and benefit sharing mechanisms. The above findings were corroborated by the views of various stakeholders. For example, local actors revealed the lack of secured tenure rights for rural community members operating under the customary system and their non-involvement in negotiations on land acquisition for plantation farming and the attendant benefits from such investments. The outcome of this study, therefore, contributes to the quest for a strong institutional and legislative basis for the establishment and growth of agribusiness.

Keywords

Agribusiness development, communal land, land reform, model of land policy in Côte d'Ivoire.

5.1. Introduction

Land policy is essential in the establishment of agribusiness in terms of the way it moderates institutions' access and control of land (Tshidzumba et al., 2018). Post-colonial land reform programmes in sub-Saharan Africa (SSA) emerged to address



the injustices of colonialism that stripped rural communities of their land (Clarke, 2007). Notwithstanding, the establishment and growth of large-scale farming is plagued by unclear land reform programmes, which is acknowledged as a major constraint to agribusiness development in SSA countries (Peluso & Lund, 2011).

Land reform refers to an approach undertaken by most post-colonial governments to rectify the irregularities in colonial land policies and to ensure that disadvantaged and powerless groups benefit from land redistribution (Wegerif, 2004). Ghatak & Roy (2007) identified four categories of land reform in India: land tenancy, land ceiling, abolition of intermediaries and land consolidation. This study focuses on two categories of land reform in the agricultural sector, namely, (i) the reform that seeks to improve land ownership, land tenancy, and, (ii) the reform that promotes the consolidation of distinguished land tenure systems (customary and statutory) to facilitate the acquisition of land. Dagrou (2007) and Chauveau (2018) argue that land reform should encourage private ownership of landed property and empower community members to make decisions over communal land for food production. Nevertheless, the process of land transaction remains unclear under inconsistent land reform policies. The lack of clarity of the land reform policies may create an opportunity for it to be manipulated by some elected authorities who collude with agribusiness investors (Promsopha, 2018). However, in the case of post-independence Botswana, structures and policies were put in place to prevent the misappropriation of land resources by powerful elites. Thus, the government of Botswana increased traditional land from 47% to 71%, while state land decreased from 48% to 23%. This was to empower rural communities to have control over land (Kalabamu, 2019).

Many land reform policies on the continent of Africa seek to address the pitfalls in land policies inherited from previous colonial administrations (Joireman, 2001) which did not favour local ownership of land in many countries. The understanding of land policies and their implications on agribusiness development is also critical because



most of rural African populations depend on land for their livelihoods (Oxford Business Group, 2021).

Studies have documented the effects of land reform policies on large-scale agricultural production. For instance, Nnoko-Mewanu (2016) noted that in Ghana, the constitution of 1992 allows Ghanaians to lease land for up to 50 years to agribusiness investors, allowing for a long-term investment. In contrast, in Cote d'Ivoire, the rural land act of 1998 does not make provision for the transfer of land for large-scale farming (Dagrou, 2007). Cotula, (2011) argued that in some parts of East Africa, customary rights are still not recognised. Pica-Ciamarra et al. (2007), Colin et al. (2007), Asiama et al. (2019) and Berry (2017) show that conflicts often occur in certain East African countries because of the dominance of customary rights amidst the inconsistent land reform policies for large scale farming. In southern Africa, the government of South Africa, for example, has applied a more liberal and consultative approach to ensure a smooth process of land redistribution among the previously disadvantaged population. Post apartheid government introduced a land reform policy that encourages “a willing buyer - willing seller” relationship (Cliffe, 2000).

In the case of Zimbabwe, Moyo (2011) argues that Zimbabwe’s radical land reform policy accounts for low investment in the agricultural sector. For example, “the distribution of land among land beneficiaries under the Zimbabwe post-colonial land reform policy is relatively uneven” (Moyo, 2011). Cliffe et al. (2011) also highlighted that Zimbabwe’s political elites took advantage of their positions and grabbed land for personal gain, to the detriment of the poor masses.

According to Chimhowu (2019), Kenya, Tanzania, Ghana, and Mozambique have made progress through the integration of customary tenure with the statutory system for agricultural development. In fact, several studies show that land conflicts that occur among stakeholders are the result of a lack of an adequate land policy for large scale farming (Paradza et al., 2020; Walker, 2003; Asaaga & Hiron, 2019). The above



perspective is shared by Wubneh (2018) who concluded that the lack of growth of agribusiness in SSA could be attributed to the ineffectiveness of land reform programmes for large-scale land acquisition by agribusiness developers. On the other hand, in a developed country such as the Netherlands, land reform has evolved over several centuries with an emphasis on individual land ownership (Carmona et al., 2019).

Although some authors have recorded case studies of land reform successes as mentioned in the paragraph above, there is limited available literature on how land reform promotes or stymies agribusiness establishment, impeding an understanding of the challenges experienced by agribusiness investors. Therefore, this study aimed to investigate how land reform policy affects the growth of agribusiness in SSA using Cote d'Ivoire as a case study. The study, therefore, reviewed the contents of post-colonial land reform policies in Cote d'Ivoire and their implications for the growth of agribusiness from the viewpoint of stakeholders such as local government authorities, rural community members, and agribusiness developers. Stakeholders' perceptions in this research refers to their views about the existing land reform policies and how that affects agribusiness growth in Cote d'Ivoire. The key task in this study was to examine the implementation of the policy at the grassroots level and the challenges experienced by the stakeholders. The purpose of the assessment was to understand the stakeholders' thoughts about the post-colonial land reform policies and implications for the growth of agribusiness in Cote d'Ivoire using oil palm plantation farming in South Comoé as a case study.

5.2. Description of the study area, materials and methods

5.2.1. Study area



The study was conducted in the South Comoé region, Côte d'Ivoire, in the district of Aboisso (5.475° N, 3.2031° W), Adiaké (5.2858° N, 3.3036° W) and Bonoua (5.2712° N, 3.5959° W) (Amon et al., 2015). South Comoé, is located in the southeast part of Côte d'Ivoire and covers an area of about 800 km² within the South Comoé region (Amon et al., 2015). The existing land tenure system in the study area is inherited from the French colonial administration system (Joireman, 2001) and is dominated by customary rights. Nearly 80% of the land is under various traditional regulations recognised by the rural land act of 1998 (Dagrou, 2007). The country has a large rural population, characterized by frequent land conflicts that result from complex land tenure systems (Grajales, 2020). Under the post-colonial administration, communal land was occupied and influenced by the 1970s land policy in southern Cote d'Ivoire. For example, some rural communities have no permanent ownership of the cultivated land but a right of use (Chauveau & Colin, 2010). As customary rights were often ignored with the ineffective land policy the 1970s land slogan ensured various farmers access to communal land (Boone, 2018). There is a convincing argument for the land reforms enacted after independence, however, little had been done for the development of large-scale farming.

5.2.2. Data collection procedure

The study utilised both secondary and primary data. The secondary data was drawn from existing literature that shows dynamics in post-colonial land reform policies in Cote d'Ivoire. These included policies on land acquisition, land distribution, land tenure and benefit sharing modalities. The policy documents were obtained through an online search using Google Search and from the Ministry of Agriculture and Rural Development. The available literature enabled the researcher to understand the adequacy of land reform policy in Côte d'Ivoire and its implication on the establishment and growth of agribusiness.



Furthermore, the researcher sought to understand the factors that led to the difficulties of the post-colonial land reform policy promoting the establishment and growth of agribusiness. Finally, the secondary data analysis allows to understand the challenges facing the implementation of the rural land act N 98-750 of the 23 December 19988 for agribusiness development.

The primary data used in the study were collected through fieldwork from July to August 2019 in the districts of Aboisso, Adiaké and Bonoua. In this study, 50 participants were selected to participate in the interview by using snowball and purposive random sampling methods. The snowball sampling approach is also referred to as a referral approach which allows identified participants who know other people with characteristics that are suitable for the research aims, to refer them for selection (Biernacki & Waldorf, 1981). Thus, out of the 50 participants, 36 smallholders who depend on the communal land for their livelihoods and are knowledgeable about the land reform policy and issues with the establishment of agribusiness in their district were selected through the snowball sampling technique to participate in a FGD.

On the other hand, eight local government authorities and six agribusiness developers were selected using purposive or targeted sampling techniques to participate in the key informant interviews. The selection of the participants was facilitated by local government officials and a community liaison person in the District where the study was conducted, who introduced some key smallholders and agribusiness representatives who further referred potential participants. All participants were made to understand that the research was done purposefully for knowledge generation to assist in identifying the issues related to land reform policies and agribusiness development in order to make recommendations for the mitigation of land tenure conflicts. Involving the different categories of stakeholders in the study was key to obtaining diverse perspectives and opinions on the impacts of land reform policy for



agribusiness development in the districts of Aboisso, Bonoua and Adiaké. Participants were placed in three categories: (i) communal land users (N=36), (ii) local government authorities (N=8), and (iii) representatives of agribusiness investors (N=6).

One FGD was conducted in Adiaho (District of Bonoua) to obtain in-depth information from rural community members as described by Joshi et al. (2017). The discussions were carefully planned and designed to gather data in a permissive and non-threatening environment. The group included a maximum of six to ten participants as suggested by De Vos (2011) so that each participant could fully participate. The FGD was audiotaped and lasted 45-60 minutes. FGD was conducted in an open-ended method, allowing the participants to express their views on how the land reform policy impact the establishment of agribusiness in their area. This method was used to allow the researcher to better capture deeper insight into the participants' real perceptions and opinions on land reform policy

The key informants representing the agribusiness developers were drawn from three oil palm plantations operating in the districts of Aboisso including company X located in Toumanguié (national private company), and two companies represented as Y and Z located in Ayénouan and Soumié, respectively, which are transnational corporates. While the local government authorities were representatives of the district department of agriculture and local administrators. The key informant interviews were done to assess the land reform approach from an institutional, policy and practical point of view. Each key informant interview was conducted for about 45-60 minutes, following participants' consent. Follow-up interviews were however conducted when necessary.

The policies were reviewed to ascertain the strength and weaknesses of the post-colonial land reform policy. The field transcripts of the key informant interviews and FGDs were coded manually for the data analysis (Saldana, 2009). The researcher created a folder for each area where the data was collected with a date and name for



each folder. The manual coding allowed the researcher to transcribe exactly what the participants said on each page with a clear title, which is important for interpreting the data collected (Bailey, 2008). Any personal information or identifiable information of participants was removed to maintain confidentiality. The findings of the interviews and FGD were presented in the form of descriptive narratives. The quotations presented in the results were from key informants and FGD obtained from the feedback given by respondents during the fieldwork.

5.3. Results

Section 5.3 analysed the post-colonial land reform policy in Cote d'Ivoire to determine the strengths and weaknesses in relation to land acquisition, land tenure, and benefits sharing. The aim of analysing the policy was to investigate how they promote or stymie the growth of agribusiness in Cote d'Ivoire. Furthermore, the perception of various stakeholders on the effectiveness of the policies at the implementation level, were also analysed in this section.

5.3.1 Post-colonial land reform policies in Cote d'Ivoire

The lack of sound land policy poses a challenge to the smooth establishment and growth of large-scale farming in many SSA countries (Boudreaux & Sacks, 2009). This section of the study analysed the strengths, weaknesses, and the failure of the implementation of post-colonial land reform policy and the implications for the growth of agribusiness in Cote d'Ivoire. Post-colonial land policy reform started in 1963 under the regime of the president Houphouet Boigny to solve the problem of the past unbalance land tenure systems under the French colonial administration. The 1963 land reform was not approved by the state due to the fear of violence in rural areas because ignored the vacant land (Rassam, 1990). In the absence of land laws several circulars and decree were adopted as discussed in section 5.3.1. The 1998 rural land



Act 98-750 was enacted under the regime of President Henry konan Bedié who took power after the death of the country's long-serving President (Houphouet Boigny in 1993) which was aimed at promoting customary rights and mitigating tensions (World Bank, 2017). According to Aka Lamarche (2019) and Dagrou (2007) Cote d'Ivoire passed a significant Rural Land Act 98-750 which granted land registration and land certificate rights to rural communities over their traditional land. See table 12 as a means of understanding the post-colonial land policy reforms.

Table 12: The post-colonial land policy reforms

1. Land law of 1963
Summary
The 1963 land law was developed for economic development, but had the consequence of favouring the national elites' interests and ignoring customary rights. The 1963 land law reinforced the state ownership of all land within the country and made those who occupied them temporal ownership. Land registration was done on behalf of the state. This had the consequence of generating tensions between the state and rural community members for communal land loss (Dagrou, 2007). Consequently the 1963 land law was not implemented because of its weaknesses. All land was vested to the state. The 1963 land law attempted to (i) abrogate all customary rights to land, (ii) allow the state to allocate all land, and (iii) made individual rights to land revocable until land was registered for full ownership (Strozeski, 2006).
Strengths
<ul style="list-style-type: none"> Enabled the state to assume ownership of all unregistered and uncultivated lands, without any distinction, and which never actually came into force.
Weaknesses
<ul style="list-style-type: none"> Led to conflicts between rural community leaders and the state. Land registrations were made in the name of the state even though a title of ownership was issued to the occupant.
2. Decree No.64-164 of 11 April 1964
Summary
This decree was implemented to allow the state to regulate the land market. All land sales transacted through private contract were considered invalid. The Ministry of Finance (where the cadastre is located) confirmed the 1964 decree and declared all private contracts null and void. Only registered land was valid (Rassam, 1990).
Strengths
<ul style="list-style-type: none"> Access to land was successful for rural communities and private agribusiness corporations for cash crop (cocoa, coffee, oil palm, and rubber trees) farming in the forest belt. Access to land was successful for the State-owned company for large scale farming. Eliminated land sale through private contracts. Encouraged economic development.



Weaknesses <ul style="list-style-type: none"> The decree was not fully implemented leading to land occupation in rural areas and increasing land conflicts. Limited penalties for any infraction. Contradicted rural community members' practices to land.
3. Law No. 64-379 of 7 October 1964
Summary <p>Outlawed polygamy and regulated inheritance. This legislation aimed to prohibit matrilineal succession, whereby a man's property passes to his sister's sons, and generational succession, whereby a man's property passes first to his brothers and only after their death to his son. The law specified that succession is to be from father to sons. Matrilineal inheritance was illegal (Rassam, 1990). Unfortunately, this law failed because of the Ivorian custom based on matrilineal and polygamy.</p>
Strength <ul style="list-style-type: none"> Access to communal land was successful from father to sons after the death. Reduced conflict of inheritance through father to son.
Weakness <ul style="list-style-type: none"> May have caused conflict because polygamy and matrilineal inheritance were deeply rooted in the Ivorian custom.
4. Decree No. 71-74 of 16 February 1971
Summary <p>The decree 71-74 related to any domain land and strengthened the 1964 land law. It provided additional provisions of the decree of July 9, 1936, and stated that the state will not recognise any private land contract. It prohibited any private land contract. According to the provisions of article 2 "<i>the rights relating to the use of the land, known as customary rights, are personal to those who exercise them and cannot be ceded to any title whatsoever</i>" (Dagrou, 2007).</p>
Strengths <ul style="list-style-type: none"> Regulated the administrative procedures relating to traditional lands and public lands. Reduced illegal private land markets. Prohibited the sale of land within the customary land ownership domain. That customary rights are personal and non-transferable.
Weaknesses <ul style="list-style-type: none"> May have caused the lack of regulations penalty in the informal land market in rural areas and increasing land conflicts between rural community and the state. May have caused conflict between customary rights and the modern tenure system due to a lack of policy.
5. Circular of December 19, 1984
Summary <p>The circular of 1984 fixed the size of land concessions and defined administrative procedures for land grants and leases. It is relative to the allocation of cultivable land. Until 1984, no such procedure existed in the post-colonial land policy that was established under the colonial administration in the 1938 supplement, which is ad hoc in nature. The 1984 land legislation established the procedure for land rights (Rassam, 1990; Strozeski, 2006).</p>



Strengths
<ul style="list-style-type: none"> • Successful access to land for small scale and large-scale farming: cocoa, coffee, oil palm, and rubber trees, in the forest zones.
Weaknesses
<ul style="list-style-type: none"> • Resulted in increasing land conflict with ineffective land policy pertaining to land concessions. • The lack of a land policy may have led to land occupation in rural areas. • Led to conflict because buyers asserted their permanent ownership of land whereas sellers (local people) considered the buyers to have a right of use, and not ownership. • The results were contrary to the aims of the land tenure systems due to inconsistent f regulations.
6. The rural land act 98-750 of December 23, 1998
Summary
<p>The 1998 land reform policy established the procedure to acknowledge customary rights over their traditional land and to render communal land more secure in Côte d'Ivoire. This policy was a response to challenges in access and control to land, in a context of high tensions between locals and outsiders (migrant farmers and agribusiness corporations) in the forest zones of the country. Section 1 Article 1 states that only Ivorians can own land (Dagrou, 2007).</p>
Strengths
<ul style="list-style-type: none"> • Enabled rural community members to raise their rights to ownership of their traditional land. • Allowed the issuance of a land certificate to the local community that can enable land to be leased for large scale farming. • Enabled the state to raise its rights to land ownership in rural areas.
Weaknesses
<ul style="list-style-type: none"> • Led to conflicts between agribusiness developers and rural community members to secure land ownership. • Slowed the establishment of agribusinesses with ineffective land policy that regulates land acquisition and benefit sharing between rural communities and agribusiness corporations. • May have limited the issuance of land certificates to agribusiness corporations regarding the decree 99-594 of 13 October 1999 fixing the terms and conditions of land ownership in rural areas. • The decree 99-594 resulted in ambiguity and contradiction related to the issuance of land certificates, for example, to the Agribusiness Corporation. It was admitted that the non-Ivorian may apply for a land certificate while they contract a long lease with the state. • Resulted, in the inconsistency of regulations that the agribusiness corporations right seem to depend on the goodwill of the rural community members who apply for the land certificate. • Led to discriminatory interpretations against agribusiness corporations. • May have limited local government capacity to ensure responsibility in rural land management, in the issuance of a land certificate, the establishment of agribusiness corporations. • Resulted in the inconsistency of a specific policy framework to resolve land disputes on the establishment of agribusiness. • Resulted in the inconsistency of a policy on land restitution of any land previously conceded to the establishment of agribusiness corporations.



According to Rassam (1990) the post-colonial land policy programme followed the path laid by the previous colonial administration. For example, the 1963 land reform was enacted to solve the problem of the past unbalanced land policy. The land policy was devoted to the question of "vacant land without owner" and the registration process thereof. The 1963 land reform was not approved by the state due to the fear of violence which may emanate from the deprivation of customary rights over vacant land (Rassam, 1990).

The post-colonial land reform policy failed as a result of the following reasons: The government failed to tackle: (i) the past political, ethnicity and religion violence across the rural-urban areas, (ii) the failed promise of tenure security leading to land dispossession in rural areas, (iii) the corruption in the land acquisition procedures resulted in a deliberate failure of the implementation of the land laws and (iv) the coexistence of differences source of customary and modern tenure norms.

5.3.1.1 Strengths of the land reform policies

The land reform policies in Cote d'Ivoire facilitated the land acquisition process through the elimination of intermediaries, the reinforcement of customary rights, and the promotion of equity in the access of land. For instance, Decree No. 64-164 of April 16, 1964, eliminated the sales of land through a private contract. The rural land act 98-750 of 23 December 1998 recognised and reinforced customary rights to land and encouraged those with customary rights to register their land by 2008. This measure was intended to give smallholders and lineage elders with customary rights land tenure security (Dagrou, 2007; Chimhowu, 2019). Moreover, the rural land act 98-750 promoted equity in the access to land. Djémou (2021) attested that the adoption of the rural land act 98-750 seemed to strengthen the land policy in Cote d'Ivoire because of increasing informal land markets which are not legally valid in court decisions.



Notwithstanding the successes registered in the Cote d'Ivoire land reform policies, certain flaws were noted and these are discussed below.

5.3.1.2 Weaknesses of the land reform policies

The Cote d'Ivoire land reform policies had the following flaws: inequality in inheritance practices, lack of established regulations for large scale farming, and promotion of social inequality. For instance, Law No. 64-378 of 7 October 1964 stipulated that "*inheritance should be from father to son and prohibited matrilineal inheritance and polygamy.*" This law had a bias against the matrilineal system of inheritance and failed because polygamy and matrilineal inheritance were deeply rooted in the Ivorian customs. Furthermore, the Decree of 16 February 1971, which was intended to regulate the administrative procedures for the negotiation of both traditional and public lands, promoted the illegality of private land. The 1971 decree failed to specify penalties for the illegal occupation of land and to define regulations for the establishment of large-scale farming in rural areas. Moreover, Babo (2010) argued that the inconsistency in the land regulations was further compounded by the declaration of President Houphouët Boigny in 1970 that "*the land belongs to who develops it.*" This declaration was considered as a "law" by several communities. Chauveau & Colin (2014) argued that the declaration of President Houphouët Boigny was a political slogan that encouraged the arbitrary occupation of communal land for large-scale farming. Although Djémou (2021) viewed the positive impact of this slogan in terms of stimulating economic growth, it also gave those who had the financial means, such as foreign investors, the freedom to acquire more land in rural areas, to the detriment of poor rural community members (Dagrou, 2007; Ousmane et al., 2020).

Dagrou (2007) further contended that the decrees, circulars, laws, and slogan were considered ineffective, and they failed in the late 1980s, leading to various land



conflicts. The scarcity of agricultural land and the collapse of the price of cocoa in the world market, disrupted the Ivorian cocoa market, which led to land pressure and tensions in rural areas (Amanor, 2012). Boone (2018) points out that one of the virulent social conflicts in rural areas in Cote d'Ivoire in the 1990s is rooted in the inconsistency of land reform policies.

5.3.2 Stakeholders' perceptions of the impacts of land reform policy on agribusiness development

This section presents the empirical findings on the views of participants about the land policies in Cote d'Ivoire and the implications for the growth of agribusiness. It includes assessing stakeholders' perceptions about the land policy for agribusiness development.

5.3.2.1 The perceptions of stakeholders on the effects of post-colonial land reform policy on the growth of agribusiness in South Comoé

The empirical results revealed that the post-colonial land reform policies were either unavailable or ambiguous. Participants generally agreed that there are no rules that regulate the establishment of large-scale farming. All the participants revealed that the policies failed to address issues related to the establishment of agribusiness. Participants identified issues with various decrees and land laws in Cote d'Ivoire that were inherited from the colonial era. For example, Dadié's view in the quote below supports the assertion that the post-colonial government adopted colonial laws did not encourage the involvement of indigenous farmers.

"The post-colonial land laws were an extension of the legacy of the land policy implemented by the colonial administration which ignored the uncultivated land of the Agni sanwi and Abouré kingdoms in South Comoé region." (Interview with Dadié, July 2019).



Zaka and Yao (local government authorities in Adiaké and Aboisso), in the quotes below, provide more insights on the inconsistency of land policy. Both local government authorities interviewed mentioned that the failure of the land policy in the 1960s generated discontent among rural communities and lineage elders who felt that their rights with regards to uncultivated land were deprived.

“The post-colonial administration carried out the legacy of the colonial land tenure systems which ignored the notion of vacant land.” (Zaka interview in Adiaké, July 2019).

“The post-colonial land policy failed to provide regulations to prevent land loss resulting from the establishment of large-scale farming.” (Interview with Yao in Aboisso, July 2019).

Kouassi mentioned that:

“After decades of lack of land policy, the state instituted the land reform in 1998. The objective of the policy was to promote equitable access to land and reduce land conflicts in rural areas.” (Kouassi, interview in Adiaké July 2019).

Moreover, Bindé, Assoumou and Beda noted during the key informant interviews that the lack of land reform policies encouraged unlawful land occupation and land dispossession. The rural land reform of 1998 did not provide regulations for free land acquisition which created conflict between agribusiness developers and land users

“In the three districts of South Comoé, the long absence of land policy encouraged land occupation by foreign investors for large scale farming. There was no consistent land policy under the rural land act that protect the communities regarding their occupied land. Only few indigenous people were granted land certificates since the adoption of the land reform programme in 1998.” (Interview with Bindé in Aboisso, July 2019).



“The decentralization of the services of the Ministry of Agriculture and the allocation of more responsibility to the local government representatives to issue land certificates, will facilitate local actors’ involvement in large scale farming.” (Interview with Beda in Aboisso, July 2019).

“Cote d’Ivoire is the world largest cocoa producer; however, smallholders are hesitant to lease land to agribusiness developers due to the inconsistency of land policy that regulate land acquisition. Similarly, many indigenous people find it difficult to exercise their tenure rights after the death of their father under the existing policies. Migrant farmers also have difficulty proving their property rights.” (Interview with Assoumou in Aboisso, July 2019).

The agribusiness developers in oil palm production who were interviewed in the districts of Aboisso and Bonoua mentioned that there were issues with the land acquisition and tenureship. Yapo says

“The large-scale plantations investors were ignored from land acquisition in communal land under the adoption of land policies. Agribusiness development in South Comoé did not receive any attention in the rural land act of 1998.” (Yapo interview in Soumié, August 2019).

Assépo indicated that very often land leases depend on traditional practices commonly called ‘*domientchie*’ in the districts of Aboisso, Bonoua and Adiaké, which creates a hindrance to agribusiness development. Assépo explains:

“The smallholders bring their land and get a rent proportional to the value of the land after production. Agribusiness corporations -see the land reform programme as a threat for large scale farming because there are no regulations for the establishment of agribusinesses.” (Assépo, interview in Bonoua, July 2019).

Sindou (rural community member) noted that:



“Rural community members continue to claim fair benefit emanating from the agribusiness corporation. They also claim back their land forcefully occupied by agribusiness corporates due to unclear land market in oil palm farming.”
(Sindou, FGD in Adiaho, July 2019).

The above quotes suggest that there are gaps in the post-colonial land reform policies which need to be addressed by the government. For example (i) the rural land act 98-750 was enacted under the coexistence with modern tenure system that complicated the process of land acquisition, (ii) moreover customary laws are dominant in the rural areas however informal land market remained the dominant form of access to land, (iii) the rural land act 98-750 struggles to be appropriately implemented and access to land is based on customary law in various places (iv). Moreover, ineffective implementation of land reform policy of impact on the process of land negotiations for agribusiness in South Comoé.

The irregularities discussed in the paragraphs above generated various tensions in the 1990s and 2000s in Cote d'Ivoire. After the death of President Houphouët Boigny in 1993, his successor Henry Konan Bedié introduced the concept of 'Ivoirité' which offered certain privileges to the indigenous people over migrant farmers in terms of access to land. This shift led to long-simmering tension along lines of ethnicity across the increasing community divide. The land reform of 1998 brings together two antagonistic groups: the pros and cons of the advantages and disadvantages of the new Rural Land Act of 1998 leading tension between indigenous land owner foreign migrant farmers and agribusiness developers in the southern areas of Cote d'Ivoire.



5.4. Discussion

This paper was intended to illustrate how land reform policies could affect the growth of agribusinesses. This study investigated: 1) the impacts of post-colonial land reform policy on agribusiness development in Cote d'Ivoire using South Comoé as a case study. The study assessed the content of the land policies with focus on how they address matters related to land acquisition, tenure-ship and benefit sharing. Furthermore, 2) the study further assessed the stakeholders' perceptions of the impacts of land reform policy on agribusiness. The outcome of the research revealed the inadequacy in post-colonial land reform policy which poses a challenge to the growth of plantation agriculture. The findings revealed the strengths and weaknesses of the land reform policy. The land reform policies in Cote d'Ivoire were designed to encourage fair access to land. As stipulated in the rural land act of 1998, the land policy was intended to promote fairness in the land acquisition process by reinforcing customary rights and eliminating intermediaries in the land negotiation process. In principle, rural communities have a fiduciary duty to lease land to agribusiness corporations but very often there is no direct consultation with the majority of the rural community members during the negotiation process. Local intermediaries and government intermediaries initiate contact with some traditional leaders on the terms and conditions of the land market for agribusiness development. They expect the establishment of large-scale farming to benefit the entire rural community. However, failure of the land policy results in a lack of regulations for clear land market in the land acquisition process for large scale farming which is done in the interest of investors.

The intermediaries make it easier for corporate investors to access land by obtaining permission from a few rural community leaders to market their land. The inconsistency of land reform policy encourages informal land markets for the establishment of agribusiness with negative impacts on the rural community members in South Comoé, Cote d'Ivoire. In fact, a lack of policy is responsible for the unclear land market.



German et al. (2013) argued that the role of intermediaries in Ghana and Zambia negatively affect the rural community's interest in land acquisition, without their consent to determine whether the land would benefit the entire community. There is also poor policy enforcement to reinforce customary rights for equity in the access and restitution of land by agribusiness corporations. Ousmane et al. (2020) pointed out that little has been done regarding the issues of land restitution to rural communities in and around the large-scale farming areas in Cote d'Ivoire.

Other factors that constrain agribusiness development in South Comoé were investigated. These were found to be: a lack of established regulations for large scale farming, and promotion of social equality through fair benefit sharing practices. Dagrou (2007) argued that there has not been a separate policy for agribusiness corporations except for the brief objectives stated in the 1998 rural land act 98-750 for equitable access to land for agriculture production. These failures in the land reform policy and social inequality have amounted to unpredictable tensions in the land acquisition process and benefit sharing between agribusiness corporations and rural community members.

Despite some positive impacts of land reform policy, a problem exists on the issuance of land certificates which constrains the Agribusiness Corporation in taking effective investment decisions in land acquisition in South Comoé Côte d'Ivoire. Essougon & Tegua (2019) emphasised that in Cameroon, one of the world largest tea producing countries, few land titles have been delivered under the 1974 Land Ordinance, which led to tensions with rural communities. Similarly, Aka Lamarche (2019) pointed out that in Cote d'Ivoire only 3,000 land titles have been issued. The procedure of the issuance of a land certificate in Côte d'Ivoire is costly and can take a long period of time (five to six years) and only 2 to 3% of land is registered, which negatively affects the land market in rural areas for the development of large-scale farming.



There is a concern with the failure of the land policy that do not promote agribusiness development. For example, the lack of a land board that controls the land leased, protecting both rural community members and agribusiness corporations to promote the establishment and growth of agribusinesses.

The results obtained is in line with a previous study by Wily (2011) who claimed that in Uganda, Sudan, and Gabon, the ineffective land reform policy negatively influenced land ownership because land is difficult to register to protect smallholders in the establishment of large-scale farming. According to Essougon & Tegua (2019) the inconsistencies or failure of land reform policy hinders agribusiness development because of tensions between stakeholders.

Land policy constraints to agribusiness development such as land acquisition, tenure-ship and benefit sharing have been identified by the study to constitute setbacks to the establishment of agribusiness in south Comoé. This constraint can be attributed to the lack of regulations to promote agribusiness due to the inherent risks of land expropriation characterised by the size of cash crop commercial farming. The cash crop farming in the study area is large scale farming that needs vast tracks of land of 200 hectares or more in rural areas. This needs government intervention regarding land reform policy to reduce tensions between agribusiness developers and smallholders regarding the exclusion of rural community in the process of land acquisition and benefit sharing to access and control land. In this light, Mendola & Simtowe (2015) underscored the benefit of the implementation of sound policy to increase land access to all stakeholders, and reduce conflicts and past inequality, because land is a vital asset for food production. Collins et al. (2019) also showed the need for adequate land reform policy to sustain agricultural production to avoid conflict and boost development in agricultural productivity. For example, in Brazil and Mexico, the failure of land reform policy negatively affected rural community members and the state. This resulted in conflict given that small farmers cannot hold land title in rural



land and the fear of land loss can disrupt the establishment of large-scale farming (Alston et al., 1999; Dower & Pfutze, 2020).

Unsuccessful land reform policy in several African countries such as Rwanda, Kenya, Uganda and South Africa, may cause tensions between rural communities, the state or local government authorities and negatively affect the establishment of agribusiness development (Makombe, 2018). In the case of Zimbabwe, this has been caused by failure of the radical post-colonial land reform policy against the growth of agribusinesses (Boudreaux, 2009; Bob, 2010; Nampewo, 2013).

In contrast, in the 1970s, the Chilean government introduced land reform policy that positively affected rural development in the redistribution of natural resources (Murray et al., 2009). Examples of developing countries where land reform and land redistribution led to increased agricultural production are Egypt and Bolivia (Azadi et al., 2020). Furthermore, in the case of post-apartheid South Africa, despite some challenges, it is important to mention the significance of land reform policy in the agricultural sector between small scale and large-scale farmers (Cheteni & Mokhele, 2019). Furthermore, according to Mendola & Simtowe (2015) in Taiwan and South Korea after the Second World War, land reform policy benefited two thirds of the rural community in food production.

Notwithstanding, comparing the experience of land legislation in Côte d'Ivoire (1998) and the Netherlands (1924), land legislation in the Netherlands gives an incentive to agribusiness developers in land acquisition for large scale farming. This is contrary to Côte d'Ivoire, where land acquisition in rural areas is not well regulated. Chauveau (2018) argued that the issue of land acquisition in Côte d'Ivoire is due to dominant customary rights, while Brussaard (1992) indicated that the Netherlands land policy allows the government to effectively control rural land through the Bureau of Agricultural Land and Agricultural Lease Act, protecting both rural communities and agribusiness developers.



In some aspects land policies in Côte d'Ivoire do not fully meet some standards in Africa and the world at large in terms of land acquisition for food security as they exclude some stakeholders' access to secure rural land (Mckay et al., 2016). Of particular importance are: (1) the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT); (2) the Principles for World Food Security; and (3) the Framework and Guidelines on Land Policy in Africa (F&G) developed by the African Union (AU), the UN Economic Commission for Africa (UNECA), and the African Development Bank (AfDB) and accompanying principles for large-scale land-based investments in Africa for equity (Mckay et al., 2016).

As a recommendation, policymakers in Côte d'Ivoire should adopt policy that consolidate land tenure systems, land tenancy, and the elimination of intermediaries, to improve security of land tenure and property rights for the establishment of large-scale farming. Emphasis needs to be placed on any land reform policy that secures land, for the establishment of agribusiness corporations and fair benefit sharing for rural community members involved in agribusiness development.

A further study is needed to investigate land reform policy and its implementation in Cote d'Ivoire that all stakeholders must adhere to. Effective land policy means the government makes it easier for all stakeholders to comply with the laws. For example, easier obtaining of permits or authorization for large-scale farming, for access and use of the land. Also, there must be penalties for persistent non-adherence to the rule of law. The implementation of the land policy may determine who can use the land resources and for how long, and how benefits are distributed between rural community members and agribusiness corporations. Furthermore, a land policy must specify how to issue an agreement to the intermediaries to regulate the land market for land acquisition for agribusiness corporations.



5.5. Conclusion

It has been established that despite the performance of agribusiness development in Cote d'Ivoire, the establishment of agribusiness is still facing challenges that stymie the sector. The main challenge identified is a lack of land reform policy for the establishment of agribusiness that includes land acquisition, tenure-ship and benefit sharing. Few studies have offered suggestions on how to improve the land policy to increase the growth of agribusinesses. The study aimed to investigate how land reform policy will promote the growth of agribusiness in Cote d'Ivoire. The study identified the participants' views about the relationship between land reform policy and agribusiness development. The findings show that land policy has an implication in large-scale farming and benefit sharing. However, there is a lack of land reform policy regulating the establishment of agribusinesses. The findings show that the land policy does not lay down the regulations for the establishment and growth of agribusinesses. The lack of land policy hinders agribusiness development and results in land conflicts between rural community members and agribusiness developers. Based on the findings, the study recommends that a land reform policy that acknowledges agribusiness development, improves the land acquisition system, land tenure-ship and benefit sharing, must be encouraged. The study contributed to existing debates about policy issues affecting rights to communal properties.

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CHAPTER 6

SYNTHESIS

6.1. Introduction

This thesis examined the factors affecting the growth and sustainability of agribusinesses in sub-Saharan Africa. To achieve this broad objective, the study investigated how the co-existence between statutory and customary laws, benefit sharing modalities as well as land reform policies, affect the growth of agribusiness. The research project started from the following premises: that conflicting land tenure systems, unequitable benefit sharing mechanisms and the lack of clearly defined land



reform policies are impediments to the growth of agribusiness in SSA, using South Comoé, Côte d'Ivoire as a case study. The literature review showed the impacts of legal pluralism in land acquisition for agribusiness development in SSA countries. In the absence of adequate post-colonial land reform policy, the customary and the modern tenure systems are contradictory in how they affect the land acquisition process for the establishment of agribusiness corporations (Woods, 2003; Hughes, 2013).

The study had the following research questions. How do conflicting land tenure systems hinder the establishment of agribusiness in SSA? What are the impacts of land tenure systems on the land acquisition process for agribusiness development in South Comoé, Côte d'Ivoire, from the perspective of the stakeholders? How are benefit sharing mechanisms practiced in South Comoé and what are the implications for agribusiness growth? How do land reform policies affect the establishment of agribusiness in Côte d'Ivoire?

Key informant interviews and focus group discussions were used to collect data to answer the research questions. These provided insight into the complexity of land tenure systems, the issues with the benefit sharing mechanisms practiced in Côte d'Ivoire, and the post-colonial land reform policies for agribusiness development. The study was carried out in the districts of Aboisso, Adiaké and Bonoua in the South Comoé, Côte d'Ivoire.

This summary chapter constitutes the research problems, main results, their implications on agribusiness development, and provides recommendations for further studies. The specific objectives have been divided into four sections:

- (i) To examine the statutory and customary land tenure systems and their implications on the growth of agribusiness in sub-Saharan African countries.
- (ii) To assess the perception of stakeholders on conflicting land tenure systems for agribusiness development in South Comoé, Côte d'Ivoire.



- (iii) To examine the impacts of the benefit sharing approach applied in oil palm agribusinesses in South Comoé, Côte d'Ivoire.
- (iv) To investigate the stakeholders' perceptions on the land reform policy and agribusiness development in South Comoé, Côte d'Ivoire.

6.2 Research outcomes and implications

This section constitutes a summary of the main findings in line with the research questions of this study and their implications for the growth of agribusiness in South Comoé. Lastly, this section provides practical and policy recommendations. The section covers the following themes which are discussed in the subsequent paragraphs: conflicting land tenure systems in sub-Saharan Africa; Impacts of conflicting land tenure systems on land acquisition by agribusiness developers Côte d'Ivoire; Benefit sharing mechanism in relation to land acquisition for large scale farming (oil palm) in South Comoé; and Impact of land reform policy in oil palm development in South Comoé.

6.2.1. Conflicting land tenure systems in sub-Saharan Africa

A comprehensive literature review process revealed that conflicting land tenure systems constitute a major hindrance to the growth of agribusiness in SSA. The conflicting land tenure systems stem from the co-existence between statutory law inherited from French civil law and British common law and customary laws which are indigenous laws practiced by the rural populations. The results of the literature review depicted a disparity between statutory and customary land tenure systems, under colonial and post-colonial regimes, and sidelining of the customary law. The results



further show how the opposing legal systems created a major challenge for the negotiation of land for the establishment of agribusiness. Differences were identified in land tenure systems under French civil law and British common law. For example, land tenure systems in former French colonies were more complex regarding access to communal land compared to former British colonies. The French administration was more centralized; thus, the rural community played an insignificant role (Ali et al., 2018). France could expropriate land without the consent of rural communities. All unregistered land was designated to the state (Essougon & Tegua, 2019). On the other hand, British common law was less repressive and provided more freedom to rural community authorities over their traditional land (Woods, 2003).

However, both colonial administrations did not sufficiently integrate the customary land systems that existed before colonization. This lack of integration of the customary system becomes problematic for the establishment of agribusiness corporations in communal land where the rules of the rural community on land tenure practices are dominant. These findings concur with Alden Willy's (2018) assertion that dominant customary rights are at odds with the modern tenure system. Ali et al. (2018) indicated that the inconsistency between customary and modern land tenure systems was one of the most significant difficulties encountered in the process of the establishment of agribusiness (the agri-value chain) in that it affects the land acquisition negotiation and benefits sharing. The conflicting land tenure systems have implications for the access and control of land by both the investors and the community members. Access and control of communal land have been the root of the conflicts between multinational companies with an interest in large-scale agriculture and local community members who feel alienated in the land negotiation process. The research project outcome is unique in that it demonstrated how differentiated land tenure systems (statutory and customary) juxtapose to create challenges for the growth of agribusiness in SSA, an area that has not been explored by previous researchers. The next section represents



an illustration of a practical example of how conflicting land tenure systems affect the acquisition of land for large-scale agricultural investment.

6.2.2. Using a Côte d'Ivoire case study to analyse the impacts of conflicting land tenure systems on land acquisition process for agribusiness investment

Côte d'Ivoire, the world's largest producer of cocoa, experiences the effect of conflicting land tenure systems on the land negotiation process for the establishment of large-scale agriculture. Legal pluralism causes difficulties for investors in agribusinesses in South Comoé, Côte d'Ivoire. The rural community participants' accounts hold that some agribusiness companies have taken advantage of the 'broken land tenure systems' in Côte d'Ivoire to unlawfully occupy their land. Further accounts from rural community members revealed how previously cultivated land owned by the community members are now occupied by large-scale plantations (Nolte et al., 2016). The conversion of small-scale farm land has thus resulted in the shortage of land for small-scale farming which the communities depend on for their survival. The local government authorities' members on the other hand associate the problem arising from conflicting land tenure system with the absence of policies that regulate the land acquisition process in rural areas. The government, in adopting the Rural Land Law No. 98-750 of 23 December 1998, tried to ease the land acquisition process for potential agribusiness investment. Moreover, the views of agribusiness investors on the inadequacy of the land reform policy in ensuring proper integration and functioning of the distinctive land tenure systems, corroborate the Local Government Authorities' opinion. In the absence of effective land policies, irregularities in the negotiation of land for large-scale agriculture are likely to occur. For instance, the local community participants noted that they were side-lined in the land acquisition negotiation process which only included local elites and traditional authorities. The exclusion of community



members in the land acquisition negotiation process is noted to have resulted to unfair benefit-sharing terms as explained in the subsequent paragraph.

6.2.3. Benefit-sharing mechanisms in relation to land acquisition for large scale farming (oil palm) in South Comoé

The benefit sharing approach adopted by the agribusiness investors to ensure the compensation of the communal land was assessed using the Bonn framework for Biodiversity Management. The assessment procedure included determining if participants' consents were sorted during the acquisition of land, if the land negotiation process was based on mutual terms and if the benefits from the use of the communal land for agribusiness investment was equitably distributed for all the stakeholders. The benefit-sharing approach by agribusiness developers in Côte d'Ivoire was assessed and found to be inconsistent with international legal instruments such as the Nagoya Protocol and the Bonn Guidelines. The outcome of the research revealed inequality in access to the benefits particularly among the local resources' users. The inequality in the distribution of benefits is largely attributed to the lack of policy guiding benefit-sharing from the exploitation of communal land for agribusiness development. The lack of legal instruments to guide an equitable benefit sharing process is seen as one of the reasons why agribusiness development is challenged in Côte d'Ivoire. In addition, a previous study in the South African forestry sector had highlighted that the lack of transparency, greed, and unfair benefit sharing between transnational corporations and rural community members was a challenge for the establishment of agribusiness on communal lands (Tshidzumba et al., 2018). Similarly, Kayumba (2014) identified the concerns of rural community members about the absence of a legal framework to ensure equitable sharing of the benefits of mining projects which led to the loss of land from rural communities in Kenya. The agribusiness sector must



be reformed and aligned with the principles and standards of the Nagoya and Bonn guidelines on equitable benefit sharing in order to prevent conflicts (Buck & Hamilton, 2011; Koutouki & Von Bieberstein, 2011; Morgera et al., 2014). This study outcome thus illustrates the conflict between agribusiness investors and rural community members stemming from an uneven benefit sharing approach and an inadequate and unclear land reform policy. Moreover, the inadequate land reform policy hindered the growth of agribusiness as articulated in the next section.

6.2.4. Impacts of land reform policy in oil palm development in South Comoé

The land reform policies' content and implementation were assessed through content-based analysis and stakeholders' perception respectively to ascertain if the land reform policies adequately address the issues of land acquisition and equitable benefit sharing. The outcome of the research revealed inadequacies in the policies, particularly in the areas of land acquisition and benefit sharing. In Côte d'Ivoire, there is land legislation, a reference document, according to the local government authorities who participated in this study, which integrates customary rights, but has challenges in its implementation. This is similar to Holden & Tilahun's (2020) revelation that customary tenure systems have been integrated with modern tenure systems that protect the rights of rural communities. However, ambiguous tenure systems (customary and modern) continue to create tensions between agribusiness developers and rural community members. The inadequacies in the land reform policies hinder agribusiness development since there are no proper guidelines in accessing resources and ensuring equitable benefit sharing. A similar study conducted in Malawi noted that inadequate land reform policy poses an obstacle for the procurement of land for agricultural development (Berge et al., 2014). These issues constitute a bone of contention between the investors and the local communities.



6.3 Conclusion

This study investigated the different land tenure systems across SSA, to assess the extent to which customary and statutory tenure impact on the establishment of agribusiness in SSA. One of the questions raised by the study was whether Côte d'Ivoire the world largest producer of cocoa was spared from the conflicting tenure systems that hinder the land acquisition for agribusiness development. In addition, the study examined the benefit sharing mechanism from agribusiness investment regarding land acquisition in rural areas. The Ivorian postcolonial land reform policy was also investigated through the perception of various stakeholders for agribusiness development and benefit sharing with particular focus on the large-scale oil palm plantation in the southern east of Côte d'Ivoire. The research findings show that in the case of Côte d'Ivoire the stakeholders had various perception of the land tenure systems. The rural community members also found difficult to cope with equitable benefits sharing that accrue from the establishment of the agribusiness corporates in absence of legal instruments that guide the modalities in benefit sharing systems e.g the Nagoya protocol and Bonn Guidelines. Considering the importance of the establishment of agribusiness and benefit sharing Côte d'Ivoire need a strong land reform policy in the sector of land acquisition and agribusiness development for the development of the rural areas and the country at whole. The study outcome contributes to existing debate about land tenure systems, land acquisition and benefit sharing process in rural development. The study also illustrates the contribution made by rural development in explaining the conflicting land tenure system and the inconsistency of the post-colonial land reform policy for the establishment of agribusiness in rural areas. The study contributes to the inclusion of the stakeholders



in land acquisition, benefits sharing and the post-colonial land reform policy where much research is still to be conducted.

6.4 Recommendations

This section presents a summary of the recommendations that emerged from this study on conflicting land tenure systems, benefit sharing, the land acquisition process and land reform policy for agribusiness development.

- The study recommends the inclusion of smallholder who own and have access to land in decision making on land acquisition and benefit sharing process. The smallholders should involve in decision making to influence socio-economic norms to reinforce the collective identity of the community in order to avoid the feelings of those who have only customary right over communal land.
- The government of Côte d'Ivoire as policy makers must rethink how land acquisition in communal land provide both benefits to the rural community members to support the establishment of agribusiness in rural areas and national development the same time.
- The government of Côte d'Ivoire needs to strengthen policies to harmonise the relationship between land acquisition process and agribusiness development.
- The government needs to implement an effective land reform policy for the establishment of large-scale farming.
- In order to achieve rural development, it recommended community partnership with agribusiness developers to re-examine the type of benefits before contact signed.



- To reduce conflicts over land and uphold a good relationship between agribusiness developers and rural community policies should be oriented in ways that adopt the customary right in access and control to land.
- The study recommends adequate protection of smallholders' rights in the context of land acquisition and benefit sharing process despite the formal recognition of customary rights.
- Integrated statutory and customary land tenure systems should make effective policies to ensure the development of guidelines for the acquisition of land which will allow agribusinesses and intermediaries to negotiate a proper approach based on communal land rights to access communal land.
- Ineffective land tenure systems and inadequate benefit sharing systems for agribusiness development in south Comoé might be used for future studies in access to communal land in agribusiness development in various region in Cote d'Ivoire and elsewhere in SSA.
- The study recommends further research studies to consolidate land tenure systems in mitigating land conflict in the establishment of agribusiness.
- Policymakers in Côte d'Ivoire must enable the effective implementation of the Rural Land Act No.98-750 to offer opportunities for clear land acquisition for agribusiness development, with the support of local government authorities, to build a partnership with rural community held customary rights in order to reduce conflicts.
- Mutual agreement between rural community members and agribusiness developers in relation to the ABS protocol in South Comoé may be useful for land acquisition and equitable benefit sharing in agribusiness development.
- A comparative study is proposed between French and English-speaking countries in SSA. They could share their experience of land acquisition mechanisms in rural areas and thus find a new way of addressing the conflicting



land tenure systems and benefit sharing mechanisms with the aim of strengthening agribusiness development.

6.5 References

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Curriculum-vitae

Kablan Antoine Effossou is an Ivorian national and holder of an M.Sc. in Environmental Management from the University of Pretoria, Gauteng South Africa in 2014. He obtained at the University Félix Houphouët-Boigny (UFHB) (formerly known as University of Cocody-Abidjan) a DUEL II in geography formally known as National Diploma in South Africa, a Licence (officially known as Bachelor's in Sciences (BSc) in South Africa and Honour in Environmental Sciences at the Department of Institute of Tropical Geography (IGT).

In 1997-1999 he joined the National Centre of Remote Sensing and Geographic Information (Cote d'Ivoire) *CNTIG* intern. From 2000 to 2008 he joined Bougainville and Lycée St Joseph high school in Cote d'Ivoire as a lecturer of History and Geography. In 2014 he joined Tshikovha Environmental Consulting and Communication, Pretoria, South Africa, as a Junior Environmental Management Practitioner. He then joined, since 2016, UNISA as an independent contractor (lecturer assistance at the College of Agriculture and Environmental Sciences, UNISA, Florida, South Africa) registered with the personnel number 90283619.

He is currently enrolled for a PhD Environmental Management at the University of Pretoria at the Centre for Environmental Science (CFES) at the Department of Geography, Geoinformatics and Meteorology, Faculty of Natural and Agricultural Sciences, Gauteng South Africa. His current research interests include land tenure systems and agribusiness development in sub-Saharan Africa (agri-value chain).



APPENDIX A: Consent and assent forms

CONSENT AND ASSENT FORMS

Date.....

INFORMED CONSENT TO BE READ OUT TO POTENTIAL PARTICIPANTS

(AGRIBUSINESS EMPLOYEES/OWNERS/REPRESENTATIVES, GOVERNMENT OFFICIALS, TRADITIONAL LEADERS AND COMMUNITY MEMBERS (who own land and have access to land))

I am a Doctoral student in the Faculty of Natural and Agricultural sciences, University of Pretoria. I am currently working on a research project entitled '**Land Acquisition for Agribusiness development in South Comoé region Cote d'Ivoire**'. The study intends to investigate the current land tenure system, land acquisition, benefits sharing process and land reform policy in Cote d'Ivoire for agribusiness development. The study will focus on the districts of Bonoua, Adiaké, Aboisso and neighbouring villages as its case study. The study will involve various stakeholders engaged in land acquisition for agribusiness development.



For the purpose of this study, I kindly request you to participate in an interview discussion. Your participation will enable me collect relevant information that will help me achieve the goals of the study. I, therefore, request you to read the information provided below, or have it read out to you, before you make an informed decision regarding your participation in this study.

RESEARCH PROCEDURE

1. Title: *Land Acquisition for Agribusiness development in South Comoé region Côte d'Ivoire*

2. Purpose of the study: This study aimed to investigate the underlining factors accounting for the slow growth of agribusinesses per hectare in SSA. The study therefore critically examined the land tenure systems, land acquisition process, ABS Bonn Protocol benefit sharing mechanism and land reform policy related to commercial farming of palm oil in South Comoé, Cote d'Ivoire.



3. Procedures: Focus Group discussion and interviews will be conducted in the presence of the researcher within 45-60 minutes. During this process, you are allowed to withdraw either yourself and/or your contribution at any time you wish to do so. You will not be forced to provide information related to this study. All information that you supply will remain confidential and your identity will not be revealed to other participants or in the final draft report. Furthermore, with your consent I will record our conversation to allow me to capture all useful information and to be able to cross-check the authenticity of the recorded information. A written draft of our interview will be sent to you to amend or confirm, if requested, before I use it as data in my study.

4. Benefits: The findings of the study will be useful to the government, policy makers and society at large as it will provide a basis for policy reform and an incentive for effective policy implementation and will stimulate further academic research in land tenure and land acquisition for agribusiness development and fair benefit sharing among stakeholders. This will in turn enhance economic development and wellbeing of rural communities in Cote d'Ivoire.

ORAL DECLARATION

I..... (Name) of.....
(Address) agree to participate in the study mentioned above. I understand that I have the right to withdraw myself from participating in the study at any time when I feel to do so.

YES	NO
-----	----



Faculty of Natural and Agricultural Sciences

I understand that my personal information and identity will be kept confidential and it will not be disclosed without my authority.

YES	NO
-----	----

Kablan A Effossou

Signature.....

PhD (Environmental Management)
Faculty of Natural and Agricultural Science
University of Pretoria
Pretoria
0002
Republic of South Africa

Mobile: +27-79-9659-351 (South Africa).

Email: kablanef@gmail.com; u11193906@tuks.co.za

Prof Moses Azong Cho

Signature.....

Supervisor

Precision Agriculture Group, Council for Scientific and Industrial Research (CSIR), Pretoria,
South Africa

Pretoria
0002
CSIR
Pretoria
P.O. Box 395
Republic of South Africa

Email: mosesazong@gmail.com



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Natural and Agricultural Sciences

Prof. Abel Ramoelo

Signature.....

Co-supervisor

Centre for Environmental Sciences (CFES), Department of Geography,
Geoinformatics and Meteorology, University of Pretoria, South Africa

Private Bag X20.

Hatfield 0028

Republic of South Africa

Email: abel.ramoelo@gmail.com



APPENDIX B: Ethic letter of Approval



Faculty of Natural and Agricultural Sciences
Department of Geography, Geoinformatics and Meteorology

Wednesday, 08 August 2018

NAS Research Ethics Committee
Faculty of Natural and Agricultural Sciences (NAS)
University of Pretoria

Dear Sir/Madam,

Re: Application for Ethics Clearing – PhD Proposal

Mr Kablan Effossou (#11193906) is currently busy with his PhD (Environmental Management) in the Department of Geography, Geoinformatics and Meteorology at the University of Pretoria. I am supervising his research project together with Dr Hein van Gils.

For his research project Mr Effossou plans to investigate *Land Acquisition for Agribusiness in the Communal Highlands of North West Cameroon* using a variety of data sources. Geographical information sources used in the project are available free of charge online. Information extracted from the Land Matrix are available for academic purposes. All sources will be duly acknowledged in the final thesis. Data sources and their relevant data custodians are listed below:

- Geographical data; DIVA-GIS (refer to <http://www.diva-gis.org/> for terms of usage)
- Land Matrix database (see separate permission letter)

Yours sincerely,

Christel Hansen
Lecturer: Department of Geography, Geoinformatics and Meteorology



Motivation letter to the Ethic committee

May 20, 2019

Kablan A Effossou

Student number: 11193906

Ethics Clearance Reference: 180000017

Email: kablanef@gmail.com

Cel phone: 0799659351

Motivation letter

Dear Sir or Madam,

I am a PhD student in the Faculty of Natural and Agricultural Sciences, University of Pretoria Student no: U11193906/ Ethics reference number: 180000017. I have been unable to go to the field to collect the data as part of my studies after the ethics clearance approval on November 2018. Therefore, I wish like to inform you that contrary to the initial field work (Ndop borough North West Cameroon). I have agreed with my supervisors to go for data collection rather in Bonoua/Aboisso borough in Cote d'Ivoire (Ivory Coast for the similar land issues). I may attribute my delay in collecting the data to the following reasons:

- i. The Anglophone Regions of Cameroon (North West) have been agitating and complaining of marginalization and outright domination by the francophone majority

- ii. These grievances have been harboured by the Anglophones for many years till their outburst in 2016 against French dominance in the educational and judicial systems.



- iii. After a series of failed negotiations, the separatists are operating in the background both in and out of the country. Armed groups are formed and there has been ongoing killing and kidnapping
- iv. Since the post-election in October 2018 it has been reported by media and key informants' continuous reinforcement of boycott by armed groups
- v. Attack on any public and para public institution and personnel in the Anglophone regions
- vi. Boycott of government activities
- vii. Blocking of circulation and free movements within periods dictated from abroad
- viii. Ghost town is declared each time the arrested and detained members of the interim government are to appear in court.

These strategies are reinforced by the various groups that are found in almost all the villages in the study area and results to painful consequences. The national military is an attempt to ensure the respect of law and order, are in confrontation with armed groups come in to confrontation with them this has led to frequent gun battles between the military and the separatist fighters. The situation has resulted to disastrous consequences on the people of these two anglophone regions as follow

Many deaths have been registered civilian, separatists and the military

(After 20 months of gunshot 1850 people had been killed (Source Crisis Group, 2019),

- Very internally 530000 displaced people (Source Crisis Group, 2019).
- Many villages, private and public institutions burnt down, bridges destroyed and major road network destroyed
- Very high rate of out migration to Nigeria with 35000 refugees (Source Crisis Group, 2019)
- Separatists fighters controlling major road axis



- Movement and circulation have become very difficult Insecurity on high
- According to the UN more than 1million Anglophone citizens are found under critical humanitarian crisis

Before reconsidering the initial filed work, I have mobilised the people from the North-West English-Speaking Region to assist in my data collection activities and also paid in advance for the accommodation despite the on-going crisis in Cameroon.

With the above-mentioned difficulties, I decided to change location from Cameroon to Cote d'Ivoire a set of contacts have been made including:

- Local communities
- Land officials
- Agribusiness local managers
- Internal transport arrangement
- Accommodation

Against this, I would like to appeal to the ethics committee to re-consider my initial field for data collection and avail me another opportunity to collect the data from Sud-Come/South-Comoé Province, Cote d'Ivoire/Ivory Coast. The current thesis title should be LAND ACQUISITION FOR AGRIBUSINESS DEVELOPMENT IN THE SOUTH COMOE REGION, COTE D'IVO IR E. However, with the coming new field, I am ready to hit the ground running by proceeding on the field trip for data collection in Cote d'Ivoire to complete my research work. My supervisors and I have decided the paper approach, that is, each chapter in the thesis shall be a publishable paper.

Thank you for considering my request. I look forward to your response. Kindest Regards,

Kablan Effossou



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Faculty of Natural and Agricultural Sciences
Ethics Committee

E-mail: ethics.nas@up.ac.za

14 May 2020

ETHICS SUBMISSION: LETTER OF APPROVAL - AMENDMENT

Mr KA Effossou
Department of Zoology and Entomology
Faculty of Natural and Agricultural Science
University of Pretoria

Reference number: 180000017

Project title: Land acquisition for agribusiness in the communal highlands of North-West Cameroon

Dear Mr KA Effossou,

We are pleased to inform you that the Amendment conforms to the requirements of the Faculty of Natural and Agricultural Sciences Research Ethics committee.

Please note the following about your ethics approval:

- Please use your reference number (180000017) on any documents or correspondence with the Research Ethics Committee regarding your research.
- Please note that the Research Ethics Committee may ask further questions, seek additional information, require further modification, monitor the conduct of your research, or suspend or withdraw ethics approval.
- Please note that ethical approval is granted for the duration of the research (e.g. Honours studies: 1 year, Masters studies: two years, and PhD studies: three years) and should be extended when the approval period lapses.
- The digital archiving of data is a requirement of the University of Pretoria. The data should be accessible in the event of an enquiry or further analysis of the data.

Ethics approval is subject to the following:

- The ethics approval is conditional on the research being conducted as stipulated by the details of all documents submitted to the Committee. In the event that a further need arises to change who the investigators are, the methods or any other aspect, such changes must be submitted as an Amendment for approval by the Committee.

Post approval submissions including application for ethics extension and amendments to the approved application should be submitted online via the ethics work centre.

We wish you the best with your research.

Yours sincerely,

Chairperson: NAS Ethics Committee



APPENDIX C: Authorisation granted by the traditional authority



MINISTERE DE L'INTERIEUR ET DE LA SECURITE

REPUBLIQUE DE COTE D'IVOIRE

REGION DU SUD COMOE

Union - Discipline - Travail

DEPARTEMENT DE GRAND BASSAM

Bonoua le, 15 mai 2019

LE CONSEIL DE LA CHEFFERIE

TRADITIONNELLE DE BONOUA

03 BP 1325 BONOUA

Tel: 0022587875141

Objet: Autorisation

Je soussigne **AHOULOU JEAN FRANÇOIS**, Chef de terre du peuple Abouré de Bonoua (Sud Comoé), au nom de la chefferie traditionnelle de Bonoua, Sud Comoé (Côte d'Ivoire), nous avons bonne connaissance du projet d'études qui sera conduit au sein de notre communauté par **KABLAN A. EFOSSOU ETUDIANT EN PHD A L'UNIVERSITE DE PRETORIA -AFRIQUE DU SUD**.

Comme précise dans le courrier qui nous a été adressé par **KABLAN A. EFOSSOU**, le titre de son projet de recherche est "**L'ACQUISITION DES GRANDES SURFACES DE TERRE DANS LE DOMAINE DES PROPRIETES COMMUNE VILLAGEOISES DANS LA CIRCONSCRIPTION DE BONOUA, SUD COMOE**".

En tant que chef de communauté et porte parole de la chefferie traditionnelle de Bonoua, par ce présent courrier je donne la permission à **KABLAN A. EFOSSOU** de conduire sa recherche d'études au sein de notre communauté. Se réfère à son courrier du 10 Mars, 2019, toute participation à cette recherche est volontaire, et tout participant peut s'abstenir, retirer son droit de participation sans contrainte à tout moment. En plus il a été clair qu'aucun envoi d'incitation financière, matérielle ou autre voie que ce soit n'est autorisé à monnayer la participation de qui que se soit tout au long du processus de la collecte des données sur le terrain.

En foi de quoi cette lettre lui est délivrée pour lui faire valoir ce que de droit.

Pour toute question complémentaire, vous êtes le bienvenu à tout moment à la chefferie traditionnelle de Bonoua.

AHOULOU JEAN FRANCOIS CHEF DE TERRE



APPENDIX D: A letter of authorisation granted by the prefet de region, Sud Comoé

MINISTÈRE DE L'INTERIEUR
ET DE LA SECURITE

REPUBLIQUE DE COTE D'IVOIRE
Union – Discipline – Travail

REGION DU SUD-COMOE

DEPARTEMENT D'ABOISSO

PREFECTURE D'ABOISSO

Aboisso, le 17 juillet 2019

NR25/P.ABO/CAB

AUTORISATION DE RECHERCHE

Le Préfet de la Région du Sud-Comoé, Préfet du Département d'Aboisso, soussigné, demande aux Autorités administratives, aux Responsables des services publics et parapublics du Département, aux autorités coutumières ainsi qu'aux ménages du Département, de bien vouloir fournir à Monsieur **KABLAN Effossou**, Etudiant inscrit en Doctoral, à l'Université de Pretoria (Afrique du Sud), les informations nécessaires à la rédaction de son mémoire portant sur le thème : « **L'Acquisition des terres dans le foncier rural sud-Comoé, Côte d'Ivoire** ».

En foi de quoi, cette autorisation est établie pour servir et valoir ce que de droit.

Le Préfet

BONI Kofi Ernest
Préfet Hors Grade

