

# IMPACTS OF CONFLICTING LAND TENURE SYSTEMS ON LAND ACQUISITION BY AGRIBUSINESS DEVELOPERS IN CÔTE 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 challenge of rampant land tenure facing commercial 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 Cote d'Ivoire, it intends to demonstrate that the coexistence of neo-customary and bureaucratic forms of land tenure constitutes a major obstacle for agribusiness development. Qualitative methods were employed, including individual interviews and focus group discussions. The results reveal that land tenure systems are intricately linked to the complexity of agribusiness development. The study further finds that land tenure systems are a source of conflict between agribusiness developers and smallholders. Hence, agribusiness finds it difficult to grow due to land tenure systems, which cause immense hardships for agribusiness developers in 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 No. 98-750

## INTRODUCTION

Agricultural production is fundamental to the livelihood of people in 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 a much-needed boost to agricultural production has been slow to take off in certain regions of Africa (Suttie and 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, Cote d'Ivoire at the production (food and cash crops) phase

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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 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 palm oil producing company due to its acquisition of more than 70,000 hectares of land from the government. Similarly, conflicts 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) argue that land tenure systems in Sierra Leone are one of the factors behind land conflicts when there is no opportunity for some rural communities (women, migrants, youths) to voice their opinions over land deals. Lamarche (2019) has reported that in many African countries land conflict is related to the common phenomenon of inconsistency of legal pluralism. For example, the land governance regime in Cote d'Ivoire consists of two systems of laws that are superimposed on top of one another, those being traditional rules and modern land tenure conventions, which is often a source of confusion. According to the 1998 Rural Land Act 98-750, land pressure often results in tensions because traditional land users fear that they will lose access to and control of their traditional land for large-scale farming (Colin, 2017). In Cote d'Ivoire, conflicts are quite visible between agribusiness developers and rural communities when a party ignores the terms of the contract 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 commercial 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 land tenure systems that allow free land acquisition for agribusiness development. Therefore, understanding existing land tenure systems in Africa remains critical because the lack of such an understanding is considered to be one of the constraints on agricultural production. What is more, many parts of SSA are semi-arid areas and agricultural 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 and Comaroff, 2018; Chimhowu, 2019). In several parts of SSA, customary tenure under patrilineal and matrilineal systems represents a complex form of land tenure which affects outsiders who want to implement commercial farming (Berge et al., 2014). In the Agni Sawih and Abouré kingdoms, as for most of the other Akan ethnic groups of Cote d'Ivoire, the kinship system is matrilineal, claiming descent from a common ancestor (Kouamé, 2010). This traditional constraint of the rules explains why, contrary to most of the indigenous Akan groups, the family leaders of the Abouré and Agni Sawih play a significant role in the transference of land to outsiders (Chimhowu, 2019).

There are three main types of land market in much of SSA. These are "plant share", sales and, rental contract (Burnod et al., 2012). However, the land tenancy market in Cote d'Ivoire has evolved in recent years through the actions of rural land users and agribusiness developers. Colin (2017) argues that land lease in South Comoé, Cote d'Ivoire occurs mostly under sharecropping practices of 'domientché/ yomientché', which means plant and share in the local language of the Abouré and Agni Sawih people. According to Colin (2013), this land contract arrangement is considered to be the most widely used lease contract in many rural areas in Cote d'Ivoire. It is based on ex-post rent payments proportional to actual production or a fixed rent contract with an amount of agreed money paid upfront before production (Bignebat and Colin, 2010). Most agribusiness corporations recently chose contract farming in Cote d'Ivoire because it provides them more access to communal land with

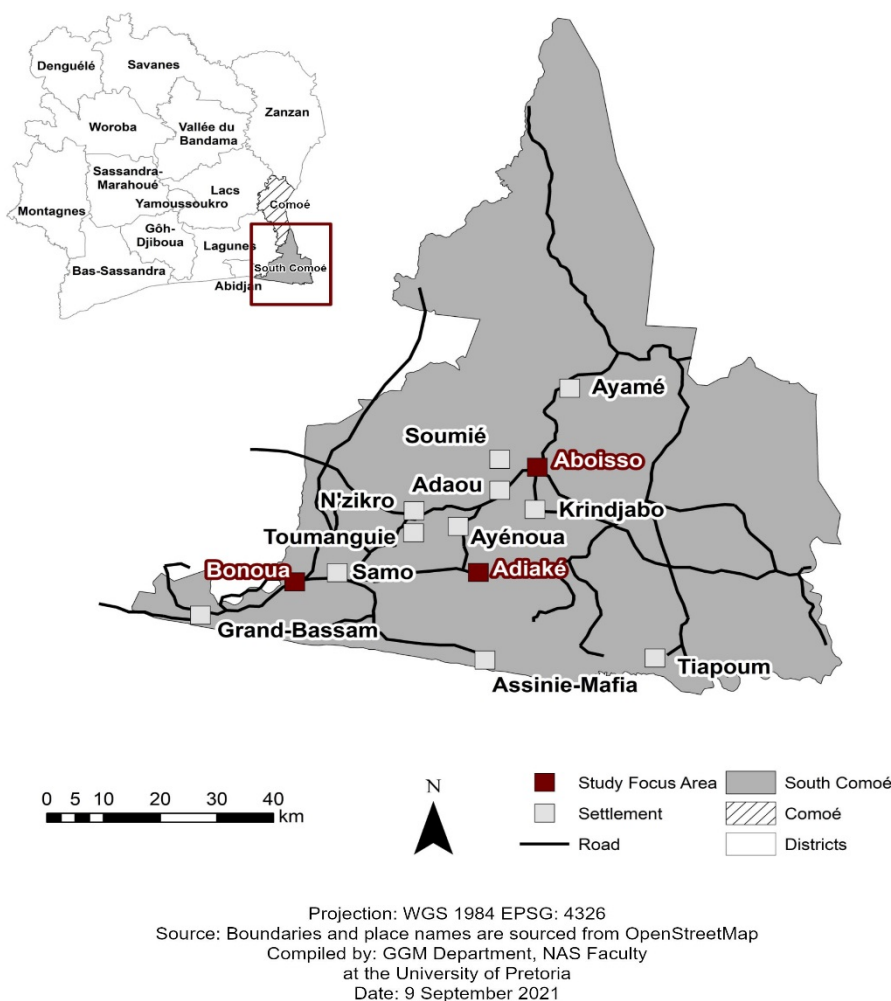
abandoned coffee and cocoa plantations for new cash crop planting (Burnod et al., 2012; Bignebat and Colin, 2010). Rural land users provide land, and the agribusiness developers create new palm oil and rubber tree plantations by providing the capital and expertise required. In South Africa contract farming is subject to a land reform program for further compensation of rural land users in exchange for their land. The development of contract farming into large-scale farming in SSA seems to be a significant way of acquiring land (Burnod et al., 2012).

Several studies have indicated that conflicts between traditional and modern land tenure systems continue to limit the optimal development of agribusinesses involved in large-scale commercial farming (Boudreaux and Schang, 2019; Eck, 2014). The question is whether

Cote 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, this study sought to answer the following questions:

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

This study investigates the impact of conflicting land tenure systems on land acquisition by agribusiness developers for large-scale commercial farming in Côte d'Ivoire. This will be done by critically examining,



**Fig. 1.** Location map of the study area, South Comoé region

(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.

## 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 the world's total cocoa production, 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 exports. Similarly, Ducroquet et al. (2017) and Ruf et al. (2019) have argued that Côte d'Ivoire has become the world's leading producer of cashews, and the world's seventh largest rubber producer, and its largest producer in Africa. There is the potential for further growth in large-scale commercial farming by agribusinesses as only 11.6% of the land is cultivated out of about 22% of arable land (Aka, 2007).

This 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 on the location map (Fig. 1). South Comoé covers an area of about 800sqkm (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 inadequate consolidation of land tenure systems (Dagrou, 2007). 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 2.400 mm) (Worou et al., 2019). The study area has large plantations of monocultures owned by big, national, and transnational agribusiness corporations.

## METHODOLOGY

Data were collected through a survey conducted in the districts of Aboisso, Adiaké and Bonoua in the South Comoé region in July and 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 these for selection (Biernacki and 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). 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 6–10 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 the acquisition of land 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). Cote 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.

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). 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. The quotation presented in the results emanated from the key informant interviews and FGDs from the feedback obtained from respondents during the fieldwork.

## RESULTS

The impacts of conflicting land tenure systems on land acquisition for large-scale commercial farming will be presented here based on the following themes: (i) the

interaction between customary land tenure and land acquisition for agribusiness establishment, (ii) the inconsistency of modern (statutory) tenure, (iii), the relationship between the communal landowners and agribusiness developers in South Comoé, and finally, (iv) the strengths and weaknesses of the customary tenure and modern tenure for land acquisition for agribusiness development based on the views of rural communities and national authorities, as well as food and cash crop agribusiness developers.

### **The interaction between customary land tenure and land acquisition for large-scale commercial 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 corporations that lease vast areas of land for commercial 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 terms of agribusiness development. A large portion of communal land remains under the control of the traditional authorities of the Abouré and Agni Sawih Kingdoms in South Comoé. Based on the participants' points of view during key informant interviews and FGDs in the districts of Bonoua and Adiaké, 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. Traditional 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 expressed a similar opinion during the FGDs 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 members of the Assalé community: "The land belongs to the family of a matrilineal lineage with common descendants. It does not belong to whoever put a value on it, as opposed to the 1970's slogan that land belongs to the family" (FGD in Aboisso, July 2019).

According to the perceptions of indigenous communities from the villages of Adaou, Nzikro, and Ayénouan, indigenous communities have customary rights, while migrant farmers and agribusiness developers do not. Ni-angoran 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 migrant farmers. Even agribusinesses only benefit from 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 corporations (state-owned companies) has also been identified. Originally, they have access to land through ambiguous long-term leases with rural community leaders. For example, SO-CABO (a privately owned company) and SODEPALM (a state-owned company) obtained communal land due to the generosity of the indigenous Agni and Abouré communities 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 the first agribusiness corporations in South Comoé” (Interview in Nzikro, July 2019).

Certain rural communities living in areas of agribusiness estates in the districts of Bonoua and Aboisso were flexible in terms of land acquisition by agribusiness companies for palm oil production. Some participants 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 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 agribusinesses aligns with the previous statement from the FGD in Aboisso.

This clearly shows the impact of legal pluralism (traditional 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. “Traditionally, the land has never been fully owned by the state, and it would not be possible at Bonoua to even transfer communal land to agribusiness developers unless the President of Côte d’Ivoire understands each village’s customs relating to communal land” (Interview in Bonoua, 2019).

Certain agribusiness developers held similar opinions regarding the customary rights of smallholders, arguing that they fail to protect agribusiness development of palm oil and rubber trees in Ayénouan in the quote below. Some participants 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 kingdoms of Agni and Abouré, which prevents land acquisition by agribusinesses” (Interview with Koblata in Ayénouan, July 2019).

All agribusiness developers of palm oil production in the districts of Bonoua and Aboisso held similar opinions and were worried that customary tenure under traditional rules remains a source of conflict between agribusiness developers and communal landowners when it comes to land acquisition. According to participants in Aboisso, there was no written record of appropriate traditional rules in the Agni and Abouré Kingdoms. Adoni, for example, mentioned that: “The customary tenure has caused immense hardships 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 traditional tenure system, which has strengthened the customary rights in South Comoé, thereby impacting negatively on land acquisition for agribusinesses” (Interview in Aboisso, July 2019).

### **Inconsistency in statutory land tenure for land acquisition for large-scale commercial farming in South Comoé, Côte d’Ivoire**

The assessment of 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 the 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, the slogan “the land belongs to whoever put a value on it”, which was considered to be ‘land law’, attracted many migrant farmers and agribusiness developers to 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 replaced by the declaration of President Houphouët Boigny in the 1970s, who said that <the land belongs 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, only allowing 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 commercial farming in Bonoua, Adiaké, Aboisso, and neighbouring villages. They noted that land acquisition and land occupation were no longer aligned with the 1970 slogan as before. For example, N’da in Aboisso noted in the quote below that in 1998, 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 that “Ownership of customary land is possible by purchase, inheritance, and donation between individuals and by the will of individuals”. N’da pointed out in the quote below 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 the unpredictable Rural Land Act No. 98-750 of 23 December 1998 as a hindrance to large-scale land acquisition for agribusiness development. The coexistence of the two tenure systems was subject to conflict. According to N’da, there were no clear land acquisition

systems for agribusiness development, as indicated 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 tensions 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 participant 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 of Côte d’Ivoire, small farmers can be owners of their traditional land through the issuance of a land certificate that prevents land grabs” (Interview Adiaké, August 2019).

### **The relationship between communal landowners and agribusiness developers in South Comoé**

The relationship between rural land users and agribusiness developers was also investigated. During the key informant interviews, a participant claimed that there were tensions between lineage landowners 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 a 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 of agribusiness developers as entailing the loss of our ancestral land. Also, the right to permanent land use is granted to any member of our family while the grant of the temporary right to land use is compulsory to agribusiness developers. We don’t know them so they cannot have a permanent right to 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 of agribusiness developers. According to Otchomou: “The land was not for sale as a family

legacy. Land sale today remains a discretionary contract between parties. We think that the conflicting land market is not a result of the customary land tenure systems, but rather, it originates from unclear land contracts between some communities and agribusiness developers with regards to the rights of *domientche* (sharecropping) practices that are 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 it was not successful in resolving the tension between the statutory and customary tenure systems. As N’doli explains: “Not all smallholders 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 in Toumanguié, July 2019).

Koblata, another agribusiness developer in Ayénouan, observed in the quote below that 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 tensions between agribusiness developers and local communities” (Interview in Ayénouan, August 2019).

Benié, a senior member of the local government authority in Bonoua, and Dadié, a minister from the ministry of agriculture of the local authority in Adiaké, held similar opinions 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 hinders land acquisition by agribusiness developers. “The neo-customary land tenure system has hitherto been dominant in the 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 corporations and communal landowners during land acquisition. Many communities find themselves landless after all” (Interview with Dadié in Adiaké, August 2019).

### **Views of various stakeholders on land acquisition by agribusiness developers**

According to the rural community members who participated in the research, they could not openly meet with the agribusiness developers. There was interference from the elders and some local elected authorities in the process of communal land acquisition for agribusiness development. The study revealed the area of farmland held by agribusiness investments to be more than 30,000 ha for palm oil production in Aboisso. According to the participants, the popular view held by disadvantaged community members was that the land acquisition process was unfairly conducted, which was detrimental to the sustainability of their livelihood and generated conflicts. The outcome of the interview reveals that rural community members in Ayénouan village acknowledged the tension related to land acquisition for agribusiness development. Based on the participants’ points of view during key informant interviews and FGDs, rural communities indicated that in a number of cases, they experienced land disputes for commercial farming. For example, the Alasane smallholder in the quote below was anxious since he could lose land due to unclear land acquisition for agribusiness development and land rights changes. “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, July 2019).

Certain members of the rural community in Ayénouan village said they had lost land due to agribusiness development under ambiguous land tenure systems and informal land markets. According to Koné’s community leader testimony, land transactions involving agribusiness corporations were done behind closed doors. This frustrated community members and ultimately led to disputes. The change of ownership from migrant farmers and indigenous communities to large-scale commercial farming increased land conflicts because of the exclusion of some community leaders during land negotiations.

“We have suffered from encroachment by the indigenous community from Adaou village located about 9km from our village and inhabited mostly by the indigenous community of Agni sawih. It was in May 2014 we learned that an agribusiness company from Israel was about to move onto our traditional land. The village community of Adaou that holds the customary rights over the identified land in Ayénouan village, which is mainly inhabited



**Table 1.** 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	· Customary chief of Adaou-ID961241800268 · Landlord of Adaou -ID 990802101294 · Head of Ayénouan-ID99082100075	Lease signed 2008	50 hectares	Palm oil

Source: Fieldwork, 2019.

by migrant farmers, decided to lease a plot of hectares to the agribusiness corporation for palm oil plantation” (Interview with Koné in Ayenouan, July 2019).

The other rural communities in Toumanguié held similar opinions regarding their consent before assessing land for commercial farming. According to the participants, during the FGDs there were several protests against land ownership transfer to agribusiness developers before the final negotiation between different stakeholders. Table 1 shows the case of Ayenouan community members in conflict with traditional rulers involved in the land transfer to agribusiness corporations. According to the 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.

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: “One agribusiness corporation 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 the 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 the end of 30th September 2098. In May 2014, we were informed that our community leaders gave 50 hectares of land to one of the agribusiness corporations 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 plantations. 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, which is meant to occur on our land” (Kassi, FGDs in Yapokro, August 2019).

According to the perceptions of the participants from rural communities, land acquisition by agribusiness developers entails the displacement of some community members from their homes. For example, the land acquired by company X during the privatisation of the state-owned company in an investigation that involves 30,000 hectares of land in Toumanguié, Aboisso shows that the size of the farm area was allocated 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 imposing largely incomplete and leonine contracts that itself does not respect.

According to Alou’s testimony below, a government representative in the district of Aboisso indicated that land that had been transferred to agribusiness developers by ancestral leaders was converted into palm oil plantations: “In Aboisso alone, agribusiness corporates X, Y, and Z owned land above 600 hectares each for palm oil plantations. 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 area around Toumanguié, Ayenouan, and Soumié villages in the district of Aboisso managed by palm oil agribusiness corporations was previously owned by the rural community according to the participants, as shown in Table 2.

**Table 2.** 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 agribusiness developers in the districts of Aboisso and Bonoua, there were numerous problems for the agribusiness corporations to acquire land due to the dominant customary rights under traditional authorities. The agribusiness developers 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. Adoni sums up a point made by the agribusiness developers: “Based on our own experience, the customary right represents one of the major constraints to the development of agribusiness in Côte d’Ivoire due to land conflicts occurring

**Table 3.** Farm area cultivated by small farmers supervised by Agribusiness company X in oil palm production in South Comoe region

Type of cultivated land area owned by small farmers	Farm area (ha)	Average of farm area (ha) per smallholder per village	Number of smallholders	Number of villages
Large village plantation (LVP)	2 534.19	29.37	93	13
Medium village plantation (MVP)	32 344.72	9.42	4 804	50
Small village plantation (SVP)	27 880.59	3.54	6 999	56
Total	62 759.41	–	11 896	119

Source: field work, 2019.

there. We have to speak 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 negotiations” (Interview with Adoni in Aboisso, July 2019).

According to the agribusiness investors in Toumanguié, there is a total of 62,759.41 ha of farmland owned by rural community members in the South Comoe region consisting of 2,534.19 ha of large village plantations cultivated by 93 smallholders located in 13 villages. The average area per smallholder is about 29.37 ha. Similarly, there is 32,344.72 ha of medium village plantation owned by 4804 smallholders located in 50 villages. While the small village plantation represented 27,880.59 ha owned by various smallholders (6999) located in 56 villages. The village plantations are independent out-growers created with the endorsement of agribusiness company X.

However, Table 4 shows a specific type of village plantation in the focus study area between Kakoukro limite and Adaou village for oil palm production.

According to agribusiness developers, the village plantation was associated to the industrial plantation to

**Table 4.** Cultivated land by smallholders endorsed by agribusiness X in oil palm production between Kakoukro-limite (District of Bonoua) and Adoua (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.

encourage agribusiness development on communal land to provide benefits to rural community members. In return, the smallholders should sell their production to the agribusiness corporation 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 as many benefits with more financial means than the village plantation. However, the land tenure system remains a major problem that stymies agribusiness development” (Interview, August 2019).

During the key informant interviews, certain agribusiness developers in Aboisso stated that one of the key challenges experienced was due to the fact that the communal landowners did not confirm who owns the 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, the participants argued that widespread customary rights abuses 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 communal landownership is ambiguous. This does not free the land market for agribusiness development” (Interview in Aboisso, August 2019).

There were real concerns of land acquisition by agribusiness developers, and legal pluralism (customary and statutory land tenure systems) needs to be given attention. The interaction of the two systems was one of the factors identified as a barrier to land acquisition in the districts of Bonoua, Adiaké, Aboisso, and neighbouring villages in the South Comoé region, according to the agribusiness palm oil developers interviewed.

## DISCUSSION

This study sought to determine the impacts of conflicting land tenure systems on land acquisition for the establishment and growth of agribusinesses in South Comoé, Côte d'Ivoire. In the case of the districts of Aboisso, Adiaké and Bonoua, out of 50 participants, the majority stated that legal pluralism (customary and modern

tenure systems) is one of the difficulties for agribusiness developers who want to acquire land for commercial farming in terms of the inconsistency of land tenure systems. The findings corroborate those of Brottem and 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 point of view of various stakeholders regarding the strengths and weaknesses of the land tenure systems is shown in Table 5. During the key informant and FGDs, the participants revealed that the conflicting tenure systems have raised tensions around commercial cash crop production in South Comoé.

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 is rooted in the legacy of the colonial administration and the post-colonial nature of many SSA countries that negatively affects 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 commercial 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 to introduce land reform in many SSA countries (Chimhowu, 2019; Toulmin and Quan, 2000).

As shown above, the difficulties identified in agribusiness development are not exclusive to Côte d'Ivoire. Berry (2017) also highlighted that clear land tenure systems must be accepted 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

**Table 5.** Strengths and weaknesses of land tenure systems from the viewpoints of different stakeholders

Feature	Strengths	Weaknesses
<b>Land legislation under modern tenure</b>		
<ul style="list-style-type: none"> <li>· Decrees No. 64-164 of April 1964</li> <li>· The 1970s slogan 'land belongs to whoever put a value on it enacted as land policy</li> </ul>	<p>Access to communal land was successful for:</p> <ul style="list-style-type: none"> <li>· Cocoa production by community members.</li> <li>· State-owned company agribusinesses.</li> </ul>	<ul style="list-style-type: none"> <li>· May cause the long absence of legal land legislation 1960-1998.</li> <li>· Leads to illegal rural land occupation.</li> <li>· Increasing land conflicts.</li> <li>· May lead the government to fully control the national land.</li> </ul>
<ul style="list-style-type: none"> <li>· New land tenure systems</li> <li>· Rural Land Act N098-750 of 23 December 1998</li> </ul>	<ul style="list-style-type: none"> <li>· Enables private rights.</li> <li>· Enables the state and smallholders to raise their rights to ownership of land.</li> <li>· Allows the issuance of land certificates.</li> <li>· Enables land lease for agribusinesses.</li> </ul>	<ul style="list-style-type: none"> <li>· Leads to conflicts between the customary and statutory tenure systems.</li> <li>· Slows the implementation of the Land Act.</li> <li>· The Article. 1 of the new Land Act is a concern: communal land cannot be owned by migrant and agribusiness developers.</li> <li>· Land legislation does not give effective legal action for the establishment of spatial policy for agribusiness development to provinces and municipalities.</li> <li>· May cause the lack of a land certificate.</li> <li>· Slow land acquisition.</li> </ul>
<b>Customary tenure</b>		
<p>Customary right Fully recognized by the Rural Land Act No 98-750</p>	<ul style="list-style-type: none"> <li>· Enables customary rights. It is crucial for food and cash crop production.</li> <li>· Allows smallholders to rent or sell land with land certificates.</li> </ul>	<ul style="list-style-type: none"> <li>· May lead to tensions between land actors because customary rights vary among different social groups of the Agni and Abouré people.</li> <li>· Results in conflicts because several family members hold customary rights.</li> <li>· Slows the issuance of land certificates because communal land is not individually owned.</li> <li>· Leads to ambiguous land transactions in the absence of legal documents over spontaneous agricultural activities.</li> </ul>
<b>Statutory tenure</b>		
<p>New modern law N098-750</p>	<p>Acknowledges national authority over land resources.</p>	<ul style="list-style-type: none"> <li>· Results in absence of regional land regulation.</li> <li>· Results in absence of Agricultural Lease Act in any form of land acquisition for agribusinesses.</li> <li>· Reveals the dynamism of the land tenure system inherited from the colonial administration.</li> </ul>

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 has also been challenged as a result of land reform. In Mali, land issues occurred due to the coexisting conflicting land tenure systems (Suyanto, 2007). On the contrary, Cheteni and Mokhele (2019) reported that land reform in South

Africa had some positive impacts on agribusinesses and the empowerment of black farmers, which were consistent with the post-apartheid land reforms.

## CONCLUSION

This study investigated the opinions of stakeholders about land tenure systems for agribusiness development

in the districts of Bonoua, Adiaké, and Aboisso. The argument of the study was based on the fact that Côte d'Ivoire, the world-leading producer of cocoa has suffered from rampant tension between modern and customary tenure systems (legal pluralism), thus impeding the growth of agribusiness. Furthermore, the relationship between legal pluralism, land acquisition and agribusiness development is limited and has not been sufficiently explored in previous studies. Using FGDs and key informant interviews, the study investigated if stakeholders have different opinions about the land tenure systems for commercial farming. The outcome of the study led to the following conclusion outlined in the paragraph below.

The findings revealed that one of the main problems for agribusiness developers to access land is due to conflicting land tenure systems. This legal pluralism negatively impacts land acquisition for agribusiness development. Empirical evidence has indicated that some agribusiness companies have abusively occupied land, while others are now farming various plots of land previously farmed by rural land users. Similarly, neo-customary rights were dominant and conflicted with the statutory tenure system, which was an unsurprising finding given the colonial and post-colonial history of Côte d'Ivoire. The land tenure system prior to the 1998 land reform disrupted agricultural development, which led to the government adopting the Rural Land Act No. 98-750 in 1998 for land acquisition. However, the findings of this 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). This study contributes to existing debates about 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 land tenure systems, as well as the effective implementation of the existing Rural Land Act No. 98-750, which has failed to offer opportunities for free land acquisition for agribusiness development.
- The land policy must include clear articles for land acquisition for the establishment of large commercial 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 by legal authorities in Cote d'Ivoire to facilitate the development of land legislation to ensure fair 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 certificates should be easy for rural communities, and agribusiness developers should be able to get permits or authorization for large-scale commercial farming to access and use the land. Moreover, agribusiness corporations 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 the law. The implementation of land policy should determine who can use the land resources and for how long.
- The customary legal system should be well established in a manner that clarifies the land tenure system and eases communication with the relevant actors during the land acquisition negotiation process.

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