

SMALLHOLDERS AND LARGE-SCALE LAND ACQUISITION IN WEST AFRICA: THE CASE OF THE MANAGEMENT COMMITTEES OF CUSTOMARY LAND IN BENIN

Introduction

Rather than analyzing large-scale land investments as a top-down phenomenon orchestrated by foreign markets and endangering the land rights of small producers in the South (Borras and Franco, 2010), this article examines the crucial role of lineage organizations in land transactions based on a case study of Benin. Despite land reform in Benin in 2013 aimed at combating massive land purchases and land speculation, the multiplicity of large-scale customary land transfer agreements in rural areas is putting a strain on the reliability of land Rules defined by the land administration. The agreements are formalized for the benefit of national and / or expatriate purchasers through the interference of actors outside the State (Lascoumes and Le Gales, 2012) as is the case for the management committees of customary. These agreements reflect connivance levels between communal land structures and Associations of nationals of lineages. The role of Southern states and national elites in large-scale land investment has been extensively documented in the Anglo-Saxon literature. The journal "Development and Change" devoted a special issue: state representatives and local elites generally welcome agribusiness investments but find themselves competing over the corresponding benefits and over land management more generally" (Burnod et al., 2013 :1). Thus, power disparities within developing countries shape the evolution of these land acquisitions (Fairbairn, 2013). However despite these writings on the issue, the role of smallholder farmers themselves has been little developed. Analysis of the profile and motivations of the management committees and the strategies they mobilize to build their legitimacy (Abeles, 2007) in the framework of the development of land agreements and their relations with the public services will allow to outline the main lines of ethnography of the mediation of land transactions. It is fact indeed a question of refuting the normative reductionism of land grabbing to analyze, through empirically research, on the concrete ways in which large-scale land-sale agreements are negotiated and formalized, and to see how social logics contribute to disarticulation of public action for land regulation. Community land regulation can thus serve as an indicator for analyzing the relationship between land administration, local populations and the business community (Avohoueme, 2016, Teyssier, 2004). First, we will describe the socio-land context of the commune of Djidja. Second, the profiles of the actors, their perceptions, motivations and practices of intermediation of the committees of management of the family property patrimony will be described. Thirdly, the relations of these committees with the land administration will be analyzed.

Djidja between land management committees and reorganization of regulations for the transfer of agricultural land

Located 36 kilometers north-west of the city of Abomey, Djidja is a border town of the Republic of Togo. It is a former area of agricultural settlement. This term comes from "dji djè" which means abundance of harvests in the national language Fongbe. The name would have been attributed by Tegbessou (1740-1774), a king of Abomey. The territory of Djidja was part of the ancient kingdom of

Abomey. This explains today the presence of several families from this area and former court officials on the land of Djidja. They have acquired property rights over vast areas since the colonial period. Media for its land sales, it is the first region going to North Benin where land is available. Corn loft and yam from the Zou department, it is an area where indigenous lineages have cleared large areas for the cultivation of yams and have thus acquired rights of clearing on large areas. So the land belongs to the lineages that control it. Inheritance is the main way of accessing land. Djidja is characterized by crystalline soil, bar land and a watershed that is the Couffo River. It counts 123 804 households according to the last national census of 2014. Djidja is a commune subdivided in 12 districts and 99 administrative villages. The main cash crops are cotton and soybeans. We encounter forest massifs, shallows, quarries of granite as well as multiple animal species at the heart of a social organization alongside tradition and modernity. The two ethnics groups are the *fons* and the *agous*. Most migrants are *adja*, *mahi*, *fon* etc. Due to the very active land market, land is increasingly being bought by urban elites. This causes the rapid fragmentation of several lineage domains. The principle of the inalienability of the lineage property that try to restore certain customary chiefs is in fact challenged in several villages. Many sales of family parcels take place without the consent of all the beneficiaries. Some of them find themselves despoiled. Non-consensual land sales are often contested and deemed fraudulent by some lineage members. At the confluence of multiple issues, the sale of arable land is variously appreciated in local opinion and is the subject of today many conflicts sometimes violent. While some - farmers, communal authorities and other land managers - work for production, others campaign for commodification. Djidja is nevertheless the first municipality in Benin that has attempted to limit the sale of land through a law communal in the year 2011 N ° 4 G / 14 / C-DJ / SG before the Land and Domanial Code (CFD) Against massive land purchases. Djidja is thus a particularly interesting field to understand the social dynamics of regulation of land sales in Southern Benin, as there is a high level of migration, availability of agricultural land, which particularly attracts "urban investors - a shared opinion on the issue of the sale of lineage land, local arrangements for regulating land sales and a continuing conflict between indigenous peoples and between indigenous peoples and migrants. These historical, environmental, demographic, economic and social factors have directly influenced and shaped the emergence of lineage management committees in the villages of Djidja over the past two decades.

Land Management Committees and Regularization of Sales of Farmland

"After the amicable renegotiation of this transaction, the buyer gave us 200,000 CFA (305, 34 euros) to fix the situation". [A member of the Land Management Committee of the H. Lineage, Mandjavi, September 24, 2015]

Today, many young illiterate and / or literate villagers sharing kinships form land management committees of their lineages. In the ranks of the leaders of these organizations, there are small agricultural producers, craftsmen, priests of traditional religion, unemployed people, etc. They are not remunerated for the services they perform, but they receive mission expenses for various activities. For members of these committees, all land sales must go through their approval and the profits must be invested for collective concerns. Committee members felt it was necessary to stop the "fraudulent" sale of lineage parcels. These lineage organizations designate by "fraudulent transaction" all the sales of lineage surfaces carried out without the consequent Community regulatory system and legitimate practice.

It is not a matter of refusing sales but of preventing everyone from selling. All sales of family land must be centralized by these committees. To achieve this, the members try to monitor the lineage reserves and to reconstruct the actual limits of the reserves. As a result, the members of the offices refuses certain "irregular" land transfer agreements formerly passed between certain indigenous peoples and buyer. This is the case of the land transaction that took place in 2014 in one of the hamlets of Monsourou. Indeed, although not a holder of the 500 hectares, a group of 5 farmers A. concluded a monetary transaction at the end of 2014 on this area with an agent of an agricultural promotion institution at the rate of 50 000 CFA francs per hectare . The vendors are natives of Mousourou. Their fields are located close to the 500 hectares commercial transactions. The proximity of the vendors' fields to the 500 hectares without being the sole cause of the sale of the said lands is one of the determining factors. The sellers are related (father and son, son of uncle etc.) between them. This area would be owned by the H. family community. In 2015, this monetary transaction was denounced by members of the H family management property committee. The committee's office used resource person testimony, photographs And to writings to justify the effectiveness of their right of land appropriation. Convinced by this evidence, the buyer has favored the path of negotiation amicably. The land transfer agreement was renegotiated. The contracting parties had to establish a new sales agreement in accordance with the renegotiated clauses after the cancellation of the old convention at the mayor's office.

Land management committees or bureaucratic power?

As part of the sale of the 250 hectares of land located in Gounoukouin, the property management committee of the holding family community tried to convince the members of the lineage installed in the area. All 20 indigenous households were displaced for financial compensation from land sales fees. Households cultivated maize, yam, soybeans and cotton on one-third of the acreage. The rest of the area was partially occupied by migrants. The allocation of land sales funds was made by the land management committee for the benefit of Aboriginal occupants. However, the 5 households migrants installed on the surface obtained nothing in compensation for their displacement. The area was bought by a Benin-Brazilian agribusiness. Through meetings, plot visits, advocacy, litigation and sales of lineage domains, lineage organizations function as boards of directors. They decide instead of lineages through the proxies they obtain from the legatees of each lineage subgroup. They ensure that the interests of all lineage components considered as shareholders are respected. Committees very often use written documents to land tenure and processes for the sale of land:

"During the session, we exhibited certain exhibits such as documents on the history of the Monsourou settlement, photographs of the limits of the family reserve, sound documents relating to the testimonies of certain sages." [Felix, member Of the Family Community Committee G, Agouna, September 23, 2015].

Ace, there are both young people and seniors. The head of the family community shall be desfler the birth of this committee, its chairman officially brought the news to the president of the tribunal of first instance of Abomey by letter dated September 10, 2013. The management committee of the property of this lineage was born following a " A constitutive general assembly held on 15 August 2013 at the General Education College (CEG1) of the said commune. The management bodies of this organization consist of: an executive board of 13 members, 5 councilors and a supervisory committee of 3 members. In the offiignated as an advisor to that office. The members were sworn to act with sincerity, loyalty and honesty before the assembly of the sons and daughters of their respective

family communities. This ceremony preceded their taking office. The functioning of the committee is governed by internal statutes and regulations.

Land mediation and socio-community investment

The 250 hectares of land acquired by agribusiness were obtained through the mediation of the land management committee of the family community holding the reserves. Upon his arrival in Benin, the agrobusiness man first surveyed the locality of Lokossa in the department of Mono in southern Benin. His research was unsuccessful. He was directed to Djidja. At the level of this commune, he made connexion with a geometer affiliated with the community holding the 250 hectares. His connection with the surveyor facilitated negotiations with the committee which found him 250 of land located in Gounoukouin, a village in the district of Monsourou in Djidja. "Concerned about the issue of unemployment, the difficulties of the farmers and the West African market with the giant Nigeria, we are setting up a factory producing 110,000 tons of rice per year on a 250-hectare site obtained Through the mediation of a lineage committee ". Infrastructure works are currently underway in the field, followed by the development of large areas for rice cultivation. So, through this land transfer agreement, the committee tries to strengthen its social audience. Beyond community infrastructure and labor opportunities, some land investments provide the villagers with opportunities for negotiated access to agricultural land. After buying two hundred hectares in Djidja an agent of a mobile phone company has decided for seven years to lend parcels of land to the landless peasants of the village in which the space is located. It is sufficient for the latter to make the request and undertake to release the land at the end of a period chosen by mutual agreement. A committee has also built a water tower for the benefit of the village from the proceeds from the sale of one hundred and fifty hectares ceded to the village of Mandjavi. The same committee also contributed to the rehabilitation of a royal palace. "Because of our affiliation with this royal lineage, we felt challenged by the very advanced ruin of the palace" [Member of lineage organization, Djidja, 2015]. The works cost about 3 million CFA francs, or 4580,152 euros. Financing was mobilized through land sales. Funds resulting from land sales are sometimes domiciled in agricultural credit "*Crédit Agricole Mutuel Caisse Locale (CLCAM)*". In addition, the lineages at which committees are established are for the most part family groups whose ancestors are founders of villages. This is the case of the family H. founder community of Mandjavi, which is one of the populous neighborhoods of the urban core of Djidja. Thus, with a strong social persuasion, land management committees of large-scale family-owned communities are driving new dynamics for large-scale land investments in Djidja. On the one hand, they facilitate the sale of lineage reserves and on the other attempt to define new social norms for the supply of farmland and lineage by investors. Through their interventions, the management committees of lineage land estates draw new contours of social regulation of the commodification of agricultural land.

Community regulatory system and legitimate practice

The question of local modes of regulating access to land has been analyzed in Benin since 2000, respectively, by Mongbo (2000). Local literature has emphasized the popular practices of writing in conjunction with an old merchandising of land transactions (Le Meur, 2008). Indeed, the delegated rights as well as the institutional environment were treated. In reality, what should be understood by the concept of land regulation? This concept does not have the same connotation for all the disciplines of the social sciences. But before discussing the conceptual considerations, it is necessary

to retrace the context of the resurgence of debates around the question of regulation in the world and in Africa in particular. Since the 2008-2009 global food crisis, there has been a recomposition of actors' play, which has resulted in "the rise of new players in the sector of food security governance" (Briscas and Daviron, 2012: 155). The relationship between the actors and the land has changed, resulting in a high level of commodification that the scientific literature describes as a "rush to rural lands". Recent announcements of large-scale land acquisitions have revealed the African continent as a new and privileged target of land ownership (Cotula et al., 2009; Von Braun and Meinzen-Dick, 2009) cited by Burnod et al. (2011). Despite waves of disputes both in the North and South that were observed, the governments of the countries concerned could do nothing to reverse the trend. "Governments may play a key role in promoting and welcoming investors" (Burnod et al., 2011: 118). In addition to state actors, land management committees of family collectivities appear to be key players in the regulation of large-scale land investment in Benin. They mediate large-scale land acquisitions through the negotiation, regularization and organization of the movement of occupants of land transactions. From this point of view, the regulation of massive purchases on a large scale can not be analyzed as the prerogative of state actors. For Varone et al. (2008), it is imperative to take into account the set of institutional rules codifying the social relationships underlying the use of natural resources. For these authors, the analysis of the effects of the modalities of regulation on sustainable development requires, beyond the analysis of public policies, a link between what they call "institutional configurations" and the right of ownership. From their reasoning they lead to the theoretical framework of "institutional resource regimes" (IRR) whose objective is to identify the different formal modalities of regulation of access to natural resources. The interest of their work lies in the fact that they have succeeded in reconciling two approaches, namely political science and political economy, in the same approach. Thus, their study directs the reflection towards the track on the effects of regulation by establishing the causal relationship between actors and resources via the regulatory institution. In applying the RIR theory, political scientists Varone et al. (2008) studied the evolution of public regulatory policies and property law in Switzerland. This is illustrated in Figure 1 below.

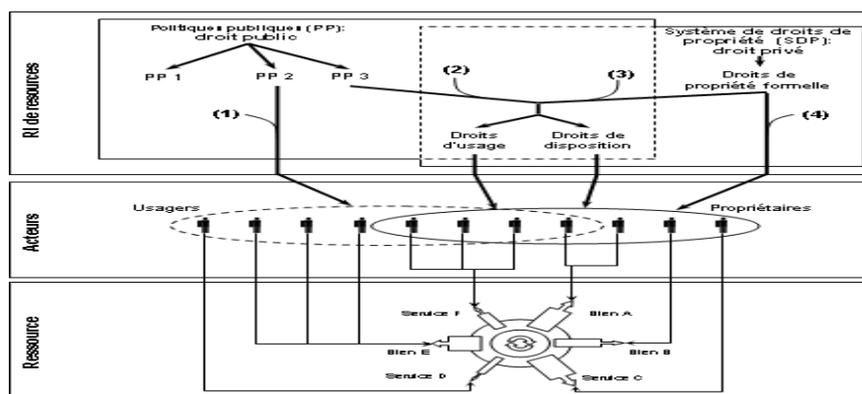


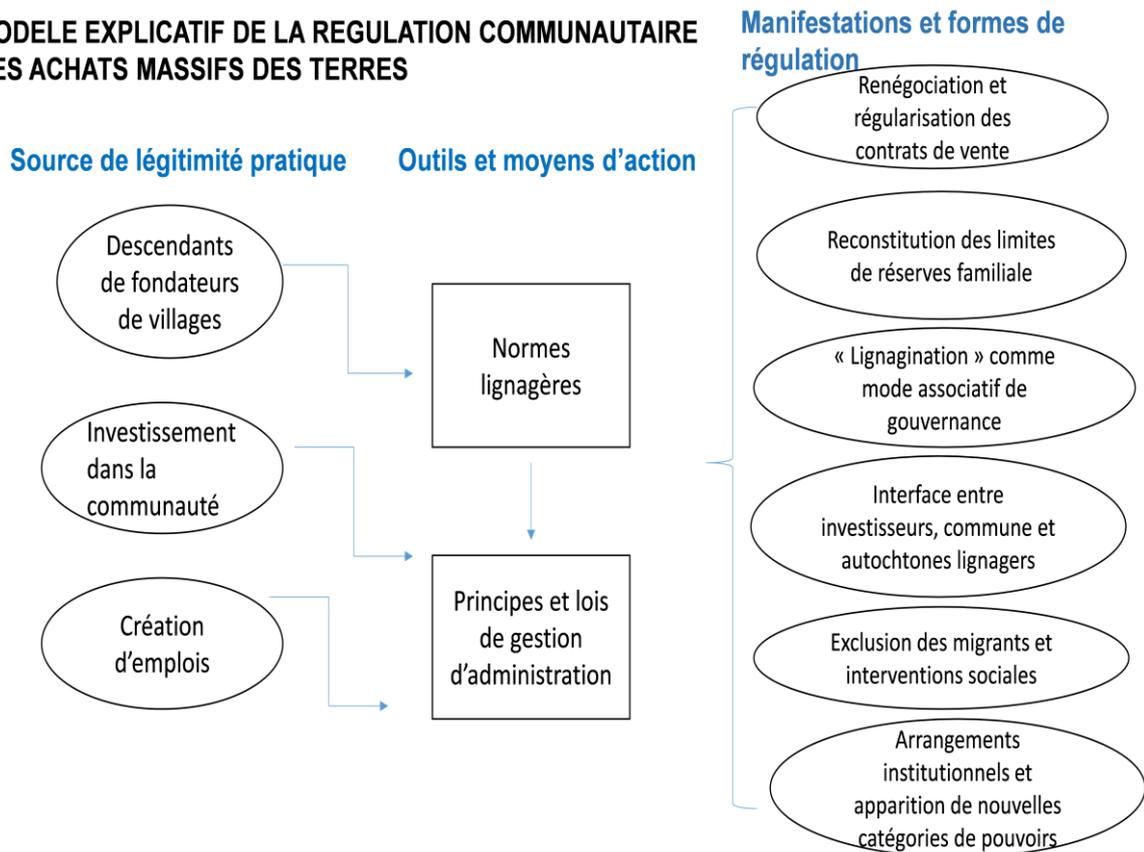
Figure 1: Modalities of regulation within an IRR

Source: Varone et al., (2008)

The analysis of Figure 1 shows that the Institutional Regime of Resources (IRR) is composed of a system of formal and private property rights and of all the public policies regulating the different (Rival) uses made by the different groups of users of the resource. In doing so it significantly influences the sustainability of the state of the resource. A situation of sustainable use implies that the capital of the resource is not affected by the sum of the different simultaneous uses (goods and

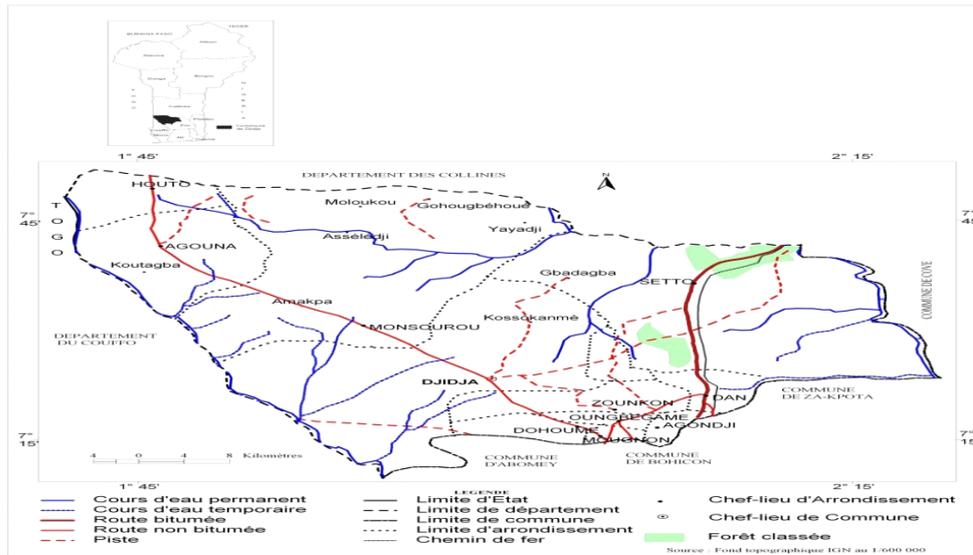
services consumed) of the latter. The IRB approach does not take into account the extra-legal experiences of land regulation. Yet, without official powers, members of the management committees of lineage land owners manage to influence the local methods of access to land in Benin. Chauveau *al.*, (2010) rightly speak of a "local regulation of land tenure". Based on the assumption of a plurality of official and unofficial actors as authors of land regulation, these socio-anthropologists define the "local regulation of land tenure" as all the public or private actors, individual or collective, who play (Assignment or validation of rights, registration, arbitration, etc.) without prescribing their status under the law with their relations of complementarities, competition, competition or synergies (Chauveau et *al.*, 2010). Instead of understanding the concept of regulation by the multiplicity of actors, the current situation in Djidja, with the influence of the landowning landowners' committees, shows that the analysis of the community dynamics of land sales governance from an empirical perspective is even more interesting. It appears to be a way to decipher the room for maneuver of communities in decisions concerning the use of agricultural land, the social organization related to the monetary transaction of agricultural land, the source of legitimacy for local actors involved in sales of agricultural land. Agricultural lands, their cognitive universe and the process of recomposition of some major statements of customary principles. The fact that the members of the committees are descendants of village founders gives them room to maneuver in the process of land expropriation and negotiation. The simultaneous use of lineage standards and the civil code in the regulation of transactions by committees may also explain their local anchoring. The accession of certain customary chiefs to committees is a source of legitimacy for the functioning of committees. They thus benefit from several entries within the communal administrative circuits. Committees seek to capture employment and investment opportunities for the benefit of the community through sales of farmland. In this paper, we present the results of a study on the impact of the investment in infrastructure development. All this appears as resources of power. In addition to the heads of family communities with customary stewardship of family reserves, committees have become new land tenure clusters in some communities and / or communities. The traditional governance of customary land is being transformed with the development of an associative system characterized by some form of bureaucratization. As a space of power and land control, clan land management committees play an important role in the development of rural territories through land expropriation for land investment (Boamah, 2014). Figure 2 below summarizes the different parameters that define community regulation in Benin.

MODELE EXPLICATIF DE LA REGULATION COMMUNAUTAIRE DES ACHATS MASSIFS DES TERRES



Source: Avohoueme Togbe from field data, 2015

Figure 2 shows that the legitimacy of the land committees' actions stems from three factors: the affiliation of their members with village founders, their investments in the community and the creation of employment for the villagers. Based on these sources of practical legitimacy and family socio-cultural values and the formal rules governing land relations, committees play a dominant role in the organization of land sales and in the preservation of family land holdings. They appear as structures for the mediation and control of family land resources. As a support the land in Djidja is subject to very dynamic and diversified regulation modalities. Figure 3 below shows the terrain map and administrative distribution of Djidja.



Conclusion

The communal context of the informalization of land sales procedures combined with environmental, demographic, economic and social factors directly influenced and shaped the emergence of land line management committees in Djidja, Benin. Supported by the support of certain heads of family and political-administrative authorities, lineage organizations question individual sales of family plots. Despite the sometimes non-legalistic nature of their claims, the committees succeeded in regularizing certain land transactions related to lineage lands. Because of their connivance with local land institutions, their relationship with the founders of villages and especially their social intervention in favor of the collective interest; These committees build their local legitimacy. Strengthened by their mediation in the context of these land investments, they try to negotiate certain prerogatives of the local chieftains and the municipal authorities. This is the case of land expropriations often carried out at the level of family reserves. Most of these disposessions turn to the disadvantage of agricultural migrants. Of course, these committees are driven by issues of opening up the villages. But they appear more like devices of control, exclusion of migrants and dominion of the pre-existing lines structures. Their functioning is structured around the management of land investments that seem to constitute their resource of power. Due to their mode of action modeled on the board of directors and their speeches, lineage committees participate in a reorganization of intra-family management of land. To this end, they constitute essential actors in local planning and planning policies. Are these new ways of regulating lineage land appropriate to the challenges of rural development?

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