



From given word to written record: ethnography of a changing land market in Zoundéléguévogo (Northern Côte d'Ivoire)

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Abstract

In Zoundéléguévogo (northern Côte d'Ivoire), there is a self-normed type of land regulation. It is characterized by a shift from the oral mode to the elaboration of a guide, with a view to mitigating conflicts linked to the individualization of land transactions. This study questions the determinants of this change and analyzes its social efficiency. The approach is qualitative, involving observation, individual interviews and focus groups with 35 local and state land stakeholders. The results show that the social anchoring of this neo-institutional mechanism was fostered by an awareness of the written word and an organic desire to reduce the risks of uncertainty associated with the oral mode of land management. This initiative, co-constructed with decentralized structures, has given Zoundéléguévogo a local identity in the process of securing land tenure.

Keywords: Land market, land guide, land tenure security, local initiative, Cote d'Ivoire

Introduction

The debate on land tenure security in Africa has led to the confrontation of two antagonistic ideologies: firstly, the substitution paradigm (Bruce and Migot-Adholla, 1994) ^[2] highlights the informal nature of local land rights, which only provide tenure security when the stakes are low. They must therefore be replaced by a formal, private property system. In contrast, the ideology of adaptation considers land tenure security to be a question of institutions, linked to the legitimization of rights in a given space and the social norms that justify them. Consequently, local land rights are potentially capable of being regulated, provided they are subject to social consensus (Lavigne, 2010) ^[7].

Zoundéléguévogo, a Korhogo village in northern Côte d'Ivoire, seems to be part of this adaptive trend in land tenure security. In fact, since 2020, with the institutional support of the Ministry of Construction, Housing and Urban Planning (MCHUP), this village has implemented a scriptural land regulation tool called the "Guide". This document has since served as a reference base for the entire chain of land market operations.

A closer look at the literature on the dynamics of securing land tenure reveals that the use of written documents in land transactions in the African context is not, strictly speaking, a new trend. Chauveau and Koné (1998) ^[3] show that in Zahia (western Côte d'Ivoire), the practice of issuing "small receipts" has long been a feature of the land market. These informal documents ("*foro sèhè*") are the prerogative of non-native purchasers, who are keen to secure in writing the land ownership rights they have acquired from native sellers, in order to reduce the risk of opportunistic manoeuvres. Furthermore, in Madagascar, land governance, inherited from the Australian Torrens Act, is based on local recognition of "small papers", authenticated by the town hall (Teyssier, 2010) ^[10]. Similarly, in the Comoros Islands, the use of hatwi (writing) for land contracts dates back at least fifty years, and developed in conjunction with a literacy policy (Lavigne, 2002: 4) ^[6]. In this way, local land actors adapt to their environment by inventing new endogenous

paper-based security systems, which sometimes pre-exist government action (Basserie and Ouédraogo, 2007: 2) ^[11].

In this respect, exploratory survey indicators show that the shift from oral to written mode has been anchored in Zoundéléguévogo land market practices by individual, collective and even institutional subjects, due to the pressure of the land market, which requires greater predictability.

The heuristic concern linked to this mutation of land regulation in Zoundéléguévogo therefore questions its determinants and analyzes its factors of stability, assuming that this neo-institutional device is a collective object built on the inoperability of the oral mode of land management.

So as to confront our research hypothesis with previous observations, the hierarchical acts of our contribution are first articulated on the conditions of data production; then the results of our investigations are presented and discussed.

Methodology of the study

This section sets out the methodological, technical and analytical approach to the study.

1. Choice of method and tools

This study is central to the analysis of the changing dynamics of the land market. It is therefore intrinsically qualitative in nature, which determined the methodological approach to the investigations. Empirically, the survey process involved observation, individual interviews and focus groups from March to June 2022.

2. Investigations and empirical analysis

The exploratory survey and document impregnation enabled us to identify the key aspects of the study, which were explored in greater depth through interviews with the manager of the local land committee, the delegate of the Korhogo ^[2] tax department, the Korhogo regional director of construction, housing and urban planning, and users of the guide who were selected rationally. A total of 35 respondents, including 32 land purchasers and the 3 institutional players mentioned above, were interviewed on

the following topics: the local and institutional factors that favored the implementation of the guide; the guide's social impact in the transition from oral to written land tenure regulation in Zoundéléguévogo; and finally, the perception of the guide by its users. A focus-group with the ICC^[2] trade-union body was also mobilized to assess the determinants of this structure's request for more than 100 ha of Zoundéléguévogo land, in order to create a housing estate for its members. All these data were analyzed using MAXQDA software.

Results

1. The Zoundéléguévogo land guide: descriptive considerations

The description of the guide takes into account its physical characteristics and its mode of use.

1.1 Physical characteristics

The Zoundéléguévogo land guide is a register of several dozen pages, designed in different volumes, according to the demand for registration of land transactions. It is made of bound A4 ream paper and stamped by the MCHUP Regional Office. In its structure, it presents the following data: the cover page specifying the nature of the document (guide); on the first page, the village allotment decree is set out; this is followed by a model of the village allotment letter; finally, there are sheets to be filled in, covering the identifiers of the contracting parties and the parcel (s) involved in the transactions.

These sheets provide the following information:

- The lot and block numbers of the parcel(s) involved in the transaction
- The surface area and precise location of the parcel(s) involved in the transaction
- Purchaser details: surname, first names, telephone numbers and place of residence
- The date of the transaction and its registration in the land guide
- Any observations (disputes) made concerning the plot of land.

All of the guide's scriptural elements therefore provide objective information on the transaction itself and its contracting parties.

1.2 Guide's mode of use

In practical terms, when a land acquisition process within the Zoundéléguévogo land portfolio has met the social requirements of availability (guaranteed in this case by the village land management committee) and solvency of the purchaser, the parcel (lot and block), together with information on the identifiers of the contracting parties, are first recorded in the land guide, officially recognized as a document with administrative value by the MCHUP Regional Department. Following this preliminary step, the village allotment letter (photo 3), co-signed by the head of the land commission and the village chief, is drawn up, specifying the definitive nature of the right in favor of the purchaser.

2. From oral to written land regulation: factors of change

This chapter looks at the determinants of the social anchoring of the Zoundéléguévogo land guide.

2.1 The growth of the land market and the inefficiency of oral management of land transactions

The Zoundéléguévogo land guide initiative was launched against a backdrop of strong land speculation, fostered by a quartet of structuring factors: (i) Korhogo's status as a university town and the post-2010 political-military crisis redeployment of public and private administration, which have increased the need for land for real estate purposes and public easements; (ii) urban sprawl resulting from population growth, requiring new spaces that absorb rural franchises^[3]; (iii) the building of a football stadium to host the 2024 Africa Cup of Nations (AFCON); (iv) the revitalization of the airport business, which favors the reclassification of agricultural land as building land, driving up the cost of land supply. All these factors have spurred the growth of the land market in Korhogo and its neighboring localities, notably Zoundéléguévogo, by further transforming the status of local players from social agents to economic agents. Oral governance has been rendered obsolete and ineffective in securing land rights. Indeed, the oral nature of land transactions, which until then had been part of a non-formalized social economy, no longer guaranteed stable relationships in the face of the over-determination of the market value of land.

2.2 Land pressure and awareness of the written word

The increasingly speculative land environment in Zoundéléguévogo has led actors to mobilize the written word, through the land guide, as a modality of action in its own right to reinforce predictability, in the context of the inefficiency of oral management of land transactions. As evidenced by the verbatim reports below, the land pressure induced by market dynamics has prompted land users to mobilize the written word as an optimal means of securing land rights:

"We used the guide to acquire 274 lots for COIC workers, because each letter has an allocation number; this guide is welcome because it solves the problem of selling to several people" (S.M., SG of the COIC workers' union, June 2022).

In Zoundéléguévogo, awareness of the written word is fostered firstly by a meso-social context (Poro region) marked by an increase in the literacy rate to 54%; and secondly by the social impact of NICTs, which are contributing to the emergence of a digital society. The adoption of the land tenure guide by local actors in Zoundéléguévogo therefore reflects an awareness of the written word, motivated by its uses in terms of traceability and security in a society increasingly dominated by a written culture. The appropriation of the land guide is also a strategic rationality on the part of actors, aimed at reducing the risks of uncertainty in the dynamics of land supply and demand.

2.3 Institutional support in implementing the guide

Institutional support is a form of governance in which the superstructure is no longer positioned in a directive and vertical logic, but rather in a participative and horizontal dynamic in terms of assistance and coaching in the operation of sub-state initiatives. In this respect, the social anchoring of the "guide" within the Zoundéléguévogo community of land stakeholders was also determined by an ecosystem of institutional support that gave an official stamp to the endogenous approach. This was mainly due to the joint support provided by the MCHUP and the tax

department. This support consisted of advisory and technical assistance in drawing up and structuring the guide. *"The 2013 decree organizing the land sector demonstrated to village chiefs in the Poro that the Zoundéléguévogo land allocation model should serve as an example to avoid any land conflicts. Henceforth, only the village attestation recorded in the guides validated by the Housing Construction Directorate here in Korhogo will be valid"* (Mr. A.L., MCHUP Regional Director for Poro, March 2022).

This institutional contribution is also perceptible through the collaborative framework that consists of the MCHUP recording updated information from the Zoundéléguévogo land guide. This data is used as a consultative basis in the process of issuing the Final Concession order (FCO). The example of Zoundéléguévogo was also a textbook case that led the MCHUP's Poro region management to initiate the "Empty Drawer" program. The aim of this project was to motivate other localities bordering Korhogo to adopt Zoundéléguévogo's initiative by "emptying", i.e., abandoning the old informal and democratized practices of land transactions. This institutional support was also reflected in the media, with the broadcast on the Ivorian Television Broadcasting 1 (ITB 1) news of the official presentation ceremony for the Zoundéléguévogo land guide, in Korhogo's prefecture, in March 2021. The presence of administrative, political and customary authorities at this event reinforced the document's social legitimacy and encouraged its adoption.

3. The social impact of the Zoundéléguévogo land guide

This section describes the social impact of the Zoundéléguévogo land guide.

3.1 Pacifying social relations by optimizing the visibility of land transactions

The watertightness of the links between land and social dynamics provides a window of understanding into the manifestation of land conflicts. Indeed, the peacefulness or conflict of land use has an influence on the nature of the links between land actors in the social area. In the case in point, iterative interviews with the local land management committee, the village chiefdom, certain land purchasers and the MCHUP regional directorate, reveal that the implementation of the Zoundéléguévogo land guide has effectively contributed to a curving of the conflict space. As the head of the land management committee attests, the guide's adoption has had a noticeable impact on the stability of social ties in Zoundéléguévogo:

"In Zoundéléguévogo, land conflicts have decreased. On TV, everyone saw that you can't pay for land until you've been through the commission and the guide" (Y.K., President of the Zoundéléguévogo land management committee, March 2022).

Furthermore, in order to reduce the number of disputes linked to land fraudulently sold by the brothers of the local land manager, all deeds of sale prior to the village letter and the guide were renegotiated by the founding family with the abused purchasers^[4]. This provision for social appeasement, in the context of the new "institutional arrangement", is carried out either through full reimbursement, or through the allocation of non-contentious land. And in this case, the new acquisition is automatically recorded in the land guide, along with all previous transfers made by the founding family prior to the guide.

3.2 The Zoundéléguévogo land guide: a lever for local development

In Zoundéléguévogo, collective action to implement the guide has not only effectively contributed to pacifying social relations concerning land tenure, it has also fostered concrete actions in the field of community impact activities. One of the most emblematic is the building of a human-powered village pump by the village land management committee. This local initiative was implemented using funds generated by the fees charged for the issuance of the village letter, which amounts to 100,000 CFA (around €153^[5]). These funds also provide the chiefdom with a source of financing for social obligations such as funerals, religious sacrifices, the reception of local and state authorities...

3.3 The Zoundéléguévogo land guide: a local identity in the process of securing land rights

The Ivorian government's technically-oriented efforts to register land rights were preceded by a local, informal and totally decentralized system of securing land tenure on paper. It is within this continuum of endogenous land practices, developing in the shadow of modern law, that the Zoundéléguévogo land guide is contextualized. From this point of view, it can be seen as an instituting effect of local initiative in the self-promotion of land tenure security. This approach is unprecedented in the Poro region, for as the head of the local land management committee pointed out: *"in the north here, we really weren't used to this"*. Zoundéléguévogo is therefore part of a localized mode of land regulation embedded in a global system of regulation and governance. This specificity can also be understood by the fact that local space generates identities, which explains the existence of differentiated regulatory trajectories within the society.

4. Constraints and weaknesses of the Zoundéléguévogo land tenure guide

In this section, we highlight the various constraints on the implementation of the Zoundéléguévogo land tenure guide.

4.1 Marginal obstacles in implementing the guide

Even if the adoption of the Zoundéléguévogo land tenure guide is largely consensual, marginal obstacles indicate that this confluence is not entirely angelic. Indeed, there have been constraints within the village's founding family, and more specifically among the chief's potential heirs, including the current head of the land committee. For commercial reasons, some of the siblings circumvented the new scriptural arrangements to have village letters drawn up, either in their own names, or fraudulently in the name of the head of the family, or that of the land commission. But these actions could not succeed because of the social control mechanism exercised by the collective family subject. We have thus witnessed a conflict between prescribed provisions and preferential logics in the process of securing land tenure.

"I had enough conflicts, some of my brothers left me and then sold land anarchically: they made a logo and then even sold on my behalf and signed on behalf of the old man (land chief). But today, some people say that if you don't pay the land with me, it's not guaranteed" (Y.K., president of the Zoundéléguévogo land management committee, March 2022).

This situation also reveals that the process of securing land tenure in rural areas is also a social arena or field of competition, power stakes and strategic interests, determined by actors with sometimes heterogeneous motivations.

4.2 Univocal management of financial flows generated by the land guide: the risks of "institutional shopping"

The Zoundéléguévogo land tenure system is anchored in the principle of primo occupation, which confers on the founding family the right to enjoy the entire bundle of land rights (usus, abusus and fructus) on village land. In this respect, the committee set up to regulate land affairs is a product of this family. It is headed by Y.K., the village chief's eldest nephew, who is appointed *primus inter pares*. This designation is not only statutory from the point of view of the local system of inheritance devolution, it is also motivated by the profile of the attendant: in addition to the social seniority, he justifies by his initiation into the *poro*, a cultural obligation which gives him the right to speak within the *aeropagus*, he is the most intellectually educated of his endogenous group, and is also well introduced to the decentralized administration. However, observation of the committee's operations reveals that, although Y.K. regularly reports to the chieftdom on his activities, management of the land tenure security route remains highly individualized. This situation increases the risk of collusion between social status and personal ambitions through the strategic exploitation of the system by the actor; particularly as substantial costs are incurred in the chain of registration to the land guide. All of which can lead to what Bierschenk (1994, quoted by Chauveau and Koné, 1998: 6) ^[3] has called "institutional shopping", i.e., a set of biases linked to opportunistic and self-serving practices in the institution's operating process.

Discussion

The present study in Zoundéléguévogo has phenomenized the scriptural mode as a framework for analyzing rural dynamics of land tenure security, within a context of meshing of the land market. In echoing the formalist predictions of the evolutionary theory of property rights, securing land tenure through the written word in Zoundéléguévogo thus constitutes a local initiative to reduce the factors of the "imperfect commodification of land" (Le Roy, 1997) ^[8].

Similarities with this propensity can be found in Chauveau and Kone's study (1998) ^[3], which reveals the long-standing practice of securing land tenure on paper in the village of Zahia (western Côte d'Ivoire). These practices are not simply the product of "civil society", but a demand for recognition by the public authorities. In this vein, Teyssier (2010) ^[10], who analyzes the relevance of land decentralization in Madagascar, argues that the expansion of towns and the weakening of customary regulatory bodies have led to a growing need in rural societies to secure land rights through the written word. This observation is shared by Basserie and Ouédraogo (2007) ^[1], for whom local actors adapt to changes in their environment by inventing new land tenure practices that develop on the periphery of legality. This endogenous administration of land tenure security also integrates the need to decentralize land management by granting greater autonomy to local stakeholders. This is what is behind Benin's land tenure reform, which recognizes

the right of rural communities to define specific land management rules in accordance with the general interest and the laws of the republic (Fandohan and Kakpo, 2008) ^[4]. However, this "imperialism of the written word" (Giardinelli, 2017: 5) ^[5] in the process of securing land tenure as the result of social Darwinism, is not an unequivocal opinion. Indeed, for Lavigne (2002) ^[6], even if the popular practice of using the written word in land transactions in rural Africa is a proven fact through the breakdown of local arbitration mechanisms, it does not signify a clear-cut break with enculturated forms of land regulation. These either endure, or evolve in a hybrid mode with the scriptural. In this respect, delegated rights that emphasize the contractual relationship are not particularly insecure for the author. Besides, some authors like Ouédraogo (2011: 2) ^[9] invite us to take a step back when apprehending the security dynamics of the land sector, wary of the imported gaze of uniformist and evolutionist tendencies. For the analyst, African communities have historically generated land tenure systems that are unique to them, and whose coherence and logic can only be understood by looking at them for what they are and not for what they lack.

Conclusion

The written word as a socio-land tenure fact served as a factual unit of observation and comprehensive analysis of a change in land tenure practices in Zoundéléguévogo. Against a backdrop of a rampant land market, fueled by the impact of urbanization on the rural economy, the local stakeholders have implemented a neo-institutional framework through a guide, which serves as a generating principle for a new land tenure dynamic. Indeed, as an organic desire to reduce the unpredictability of the oral mode of land management, sometimes source of conflicts, this scriptural corpus participates in the construction of a social dynamism pacified by the de-subjectivation of the contracting forms of the land market. By integrating a global context of social change marked by the disappearance of the oral and customary mode of land regulation, and by the development of an awareness of the written word, this scriptural device has benefited from the support of decentralized public services, which have thus positioned themselves as structuring structures of its social legitimacy. Ultimately, the Zoundéléguévogo land guide, understood as a local initiative of an "intelligent village", stands out as a local identity and as an "ex ante" device in the state process of formalizing land rights.

References

1. Basserie V, et Ouédraogo H. La sécurisation foncière: un des défis majeurs pour le nouveau siècle. In Grain de Sel. N°41, 2007, 13-14.
2. Bruce JW, Shem MA. Searching for land secure security in Africa. Atlanta, Kendall / Hunt publishing company, 1994, 282.
3. Chauveau JP. et Koné M. Décentralisation de la Gestion Foncière et "Petits Reçus" : Pluralisme des Règles, Pratiques Locales et Régulation Politique dans le Centre Ouest Ivoirien ", in *Bulletin de l'APAD*, N° 16, 1998, 25.
4. Fandohan S, et Kakpo B. La gestion foncière rurale communale : objectifs, processus de la réforme et grandes options des dispositifs en place. Le cas du

- Bénin", 17 p., in *Vers une gestion foncière communale : stratégies, outils et conditions de réussite*, Atelier d'échanges de pratiques, Cotonou, 2008, 20-25.
5. Giardinelli A. La parole, mère de l'écrit: transmission, créativité et matérialité" in Conférence "Speech, the mother of writing - transmission, creativity and materiality", Togo, 2017, 5.
 6. Lavigne D. Ph. Les pratiques populaires de recours à l'écrit dans les transactions foncières en Afrique rurale. Eclairages sur les dynamiques d'innovation institutionnelle", in IRD REFO, Document de travail de l'unité de recherche 5, N° 7, 2002, 22.
 7. Lavigne D. Ph. Sécurisation foncière, formalisation des droits, institutions de régulation foncière et investissements. Pour un cadre conceptuel élargi", 29 p., in *Revue des questions foncières*, FAO N°1, 2010, 5-34.
 8. Le Roy E. La sécurité foncière dans un contexte africain de marchandisation imparfaite de la terre ", in Blanc-Pamard C (ed), *Dynamique des systèmes agraires: terre, terroir, territoire*, Paris, Orstom, 1995, 455-472.
 9. Ouédraogo H. De la connaissance à la reconnaissance des droits fonciers africains endogènes ", *Études rurales* [En ligne], 187 | 2011, online January 01, 2011. accessed January 08, 2020. URL: <http://journals.openedition.org/etudesrurales/9388>; DOI: 10.4000/etudesrurales.9388
 10. Teyssier A. "The experience of Madagascar. Decentralizing land management ", in *Perspectives*, N° 4, 2010, 4.