

Property rights and rural resource management : the case of tree crops in West Africa

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ABSTRACT

The spread of tree crop cultivation in the West African humid zone has led to the commercialization of rights in tree crop farms, but not to the full privatization of rights in land. For one thing, rights in trees may be held and exchanged separately from rights in land. Also, inheritance, tenancy, and some labor arrangements often create multiple rights in trees and hence counteract privatization. Over time, individuals' control over tree crop farms has depended more on their ability to exercise their claims vis a vis those of other rightholders, than on the way in which they acquired their rights in the first place. In this article, this argument is developed with reference to women's control over tree crops, and the role of sharecropping and other labor arrangements in defining rights in farms.

KEY WORDS : Privatization — Multiple rights — Access — Migration — Women — Sharecropping.

RÉSUMÉ

Droits fonciers et gestion des ressources rurales : le cas des économies de plantation en Afrique de l'Ouest

L'extension de l'économie de plantation dans les régions humides d'Afrique de l'Ouest a introduit une relation marchande dans les droits sur les plantations, mais non l'entière privatisation des droits sur la terre. D'abord les droits sur les arbres peuvent être détenus et échangés de façon distincte des droits sur la terre. Ensuite, l'héritage, la variété des baux et certaines dispositions relatives à la main-d'œuvre créent souvent de multiples droits sur les arbres et par là-même contrarient le processus de privatisation. A la longue, le contrôle des individus sur les plantations dépend davantage de leur capacité à exercer leurs revendications face aux autres détenteurs de droits que de la manière dont ils ont acquis ces droits au début. Cette argumentation sera développée grâce à l'exemple du contrôle des femmes à l'égard des plantations et de celui des modalités de la rémunération des manœuvres (partage du produit et autres formes) dans la définition des droits sur les exploitations.

MOTS-CLÉS : Privatisation — Multiplicité des droits — Accès aux ressources — Migration — Femmes — Rémunération des manœuvres.

The spread of tree crop production in West Africa introduced a potentially significant force for privatization of rural rights in land. Tree crops are generally

considered to be the personal property of the individual who plants them. Planters control output to tree crop farms and may also alienate the trees—by lease, gift, mortgage, or sale. In principle rights in trees do not extend to the land on which they are planted, but in practice transfers of trees by sale or pledge have come to be treated as transfers of rights in land as well. (BERRY, 1975; GASTELLU, 1980; HILL, 1963; LLOYD, 1962.) Since tree crops were developed for their commercial value, increased planting led to the growth of a market in trees themselves. The resulting commercialization of rural assets, together with individual ownership of trees, have been taken to mean that the spread of tree crop cultivation has acted as an impetus towards privatization of rural land rights. (KÖBBEN, 1963; BIEBUYCK, 1963.)

At the same time, there are several mechanisms of acquiring rights in tree crops which do not extinguish previously existing rights and which therefore lead to the multiplication of rights (and right-holders) in individual farms. Inheritance, tenancy and some labor arrangements often create multiple rights in tree crop farms and, in so doing, work against privatization. Over time, the actual pattern of control over tree crops and their proceeds has depended not so much on the formal rules of access and transfer as on interactions among potential right holders. Individuals' access to tree crop farms has depended more on their ability to exercise their claims vis a vis those of other rightholders, than on the way in which they acquired their rights in the first place. (Cf., HILL, 1963: 112.)

Both in acquiring rights over trees, and in exercising and defending them vis a vis other claimants, West Africans have drawn on a variety of multi-stranded social relationships, including descent, marriage, ethnicity, and patron-client ties. The development of tree crop cultivation promoted rural commercialization and created a category of individually owned assets, but did not lead unambiguously to privatization or the emergence of a class of capitalist farmers. Instead, both the definition and enforcement of property rights in tree crop economies, and associated patterns of rural accumulation and differentiation, have been mediated through pre-existing social relations which have shaped, as well as reflected changing patterns of access to and control over productive resources.

In the following pages I develop this argument as follows. First I describe and illustrate processes whereby rights in farms have proliferated over time. Then I trace changing patterns of rights in tree crop farms for two socially defined categories of people—viz., women and sharecroppers—in order to illustrate the ways in which social relations have influenced the construction of property rights and patterns of differential access to rural assets. I conclude with some comments on the implications of changing rights in tree crop farms for the conceptualization of rural property rights and their influence on patterns of agricultural development and rural differentiation in West Africa.

THE PROLIFERATION OF RIGHTS IN FARMS

The principle that trees belong exclusively to the individual who plants them suggests that, other things being equal, tree crops are private property. However, other things are not equal. For one thing, most planters have employed other people's labor at some stage in the life cycle of their farms, and labor has often been recruited through pre-existing, multi-stranded social relations. Also, since economic trees (cocoa, coffee and kola especially) usually live and bear fruit for a number of years, most tree crop farms are eventually inherited—a process which often adds new claimants to the roster of persons with interests in a given farm. Both labor arrangements and inheritance practices have worked to create multiple, overlapping rights in particular farms, and to multiply the number of right-holders with potential claims to the proceeds of a farm or the power to

transfer rights therein to other people. This proliferation of rights in farms has also been reinforced by migration and by the transmission of information concerning farm histories in the settlement of disputed claims.

Inheritance

Throughout the humid zone of West Africa, inheritance rules and practices involve the devolution of property to groups of people creating "a drift towards lineage property." (HILL, 1963: 115.) In patrilineal descent systems, a man's property is often inherited jointly by his children, or the children of each wife. In matrilineal Akan communities, a man's property passes to a single heir, but the heir is chosen by the decedent's matrilineal kin (abusua) and is supposed to administer the property for the benefit of the abusua, not "failing to pay due regard to the needs of the sons (and widows) of the deceased." (HILL, 1963: 113.) As farms become the property of groups of heirs, transfers from one individual to another (through mortgage, gift or sale) may be challenged on the grounds that the person who alienated the farm did not exercise exclusive rights over it to begin with. (OKALI, 1983; BERRY, 1975; GASTELLU, 1980.) Thus, even outright sales of tree crop farms do not necessarily create private property: "toute partie du terrain vendue à son tour par le détenteur du titre foncier sera réclamée par les héritiers à son décès..." (WEBER, 1977: 132.)

Labor

The principle that trees belong to the person who plants them has been extended to include persons other than the original planter who have worked on the farm. By "investing" their labor in a farm, it is argued, people may build up an interest in it over time—especially if they were not fully compensated for their labor at the time it was performed. (BERRY, 1975, 1985; OKALI, 1983; ROBERTSON, 1983.) Such arguments are most likely to be advanced with respect to persons who have worked on a particular farm over a period of years—such as wives, junior kin, or sharecroppers. In principle, claims based on labor do not supercede those of the planter or his/her heirs, but coexist with them; hence, they serve to multiply interests in and claimants to individual farms.

Oral history

Another mechanism through which claims on a farm may multiply over time is the actual transmission and interpretation of information about past transactions. In the past, written records of transfers of rights in farms were scarce, and documents recording the act of planting itself virtually non-existent. Thus, when disputes arose, settlements were likely to be based more on the reputations of available witnesses than on the "facts" of prior transactions. (Cf., PARKIN, 1972.) Moreover, as the claims acquired through the investment of labor or inheritance were rarely spelled out (in terms of amount or timing), they have been subject to multiple and conflicting interpretations.

Migration

Reinterpretation of rights to tree crops has been common in areas with large numbers of migrant farmers, where disputes often arose over the respective rights of indigenous land holders and immigrant planters. The importance of migration

in the development of tree crop production was first demonstrated for southern Ghana by Polly HILL (1963), and subsequently documented for Nigeria and Ivory Coast as well. (BERRY, 1975; CHAUVEAU and RICHARD, 1977; DUPIRE, 1960; KÖBBEN, 1956; OLUSANYA, *et al.*, 1978.) Migrant farmers usually obtain rights to cultivate tree crops in exchange for annual payments which attest to the landowners' continuing interest in the land itself. The resulting overlap of rights to tree crops and the land they stand on has, in turn, given rise to conflicting claims to the income from tree crop farms, or the right to alienate the trees themselves. For example, sales of land have sometimes been reinterpreted as customary tenancies, and the ownership of farms has been disputed by the descendants of both landowners and tree crop planters. (BERRY, 1975; DUPIRE, 1960; GASTELLU, 1981/2; KÖBBEN, 1963; OKALI, 1983; WEBER, 1977.) In other words, the presence of large numbers of migrant farmers in the tree crop zone has reinforced the tendency for tree farms to "accumulate" claims over time.

The proliferation of rights and interests in tree crop farm means not only that access to and control over tree crop farms is often contested, but also that the outcome of such contests depends on processes of negotiation, adjudication, or conflict among the interested parties. Because particular rights are usually not precisely specified, disputes are rarely settled on legal grounds alone, but also according to the abilities of rival claimants to influence the settlement process. This ability rests, in turn, on social relations and processes not directly tied to tree crop production *per se*. In the following sections, I will illustrate this point by discussing changing rights in tree crop farms for two categories of people: women and sharecroppers.

WOMEN'S "UNDER-INVESTMENT" IN TREE CROP FARMS

For the most part, rural women in West Africa have participated in tree crop cultivation by working on farms owned and/or managed by men, rather than by planting and acquiring farms of their own. In Ivory Coast, Nigeria, and Cameroon, both the proportion of rural women who own tree crops, and the proportion of tree-crop farmers who are women are relatively low. (BERRY, 1975; CHAUVEAU, 1979; CHAUVEAU & RICHARD, 1977; GALLETI, *et al.*, 1956; GASTELLU, 1984; GUYER, 1984b; WEBER, 1977.) The chief exception is in areas of Ghana where descent is reckoned matrilineally, and tree crops were grown primarily by local, as opposed to migrant farmers. In some communities, fifty percent or more of the resident women own tree crops. (BECKETT, 1944; HILL, 1963; OKALI, 1983; MIKELL, 1984; VELLENGA, 1977.) In surveys of two villages—one in Asante and one in Ahafo—OKALI (1983: 58) found that 44% of the cocoa farmers were women, many of them locally born, who had planted cocoa for themselves on land belonging to their own descent group. Indeed, male strangers to Ahafo sometimes gained access to land by marrying local women. Since a male stranger's access to land is contingent on good relations with their affines—who also stand to inherit his farms—"it is presumed that he cultivates for the benefit of his children." (OKALI, 1983: 62.) Even among the matrilineal Akan, however, men own over half the acreage under tree crops, and women's holdings are smaller, on the average, than men's. (HILL, 1975; MIKELL, 1984; OKALI, 1983.)

Moreover, in Akan communities where large numbers of women have established and/or acquired tree crop farms in the past, there is evidence that the incidence of female ownership has declined over time. In the Sunyani district of Ghana, MIKELL (1984: 206) found that women has stopped acquiring farms after the 1940's; that the proportion of total cocoa output and income produced on women's farms had declined over time; and that—despite many women's

expressed desire to bequeath their farms to their daughters—when female farm owners died, their farms usually passed to the control of man. In Akokoaso, rates of female farm ownership were somewhat lower in the 1970's than those recorded by BECKETT (1944) forty years earlier. (OKALI, 1983.)

The low or declining rate of women's ownership of tree crop farms is not the inevitable consequence of jural discrimination against women with respect to property rights. West African women participate extensively in rural production and exchange throughout the region, and a great many rural women have opportunities to earn cash income which they control independently of their husbands or male kin. Since tree crops have become one of the principal income-generating assets available to rural people with modest incomes, one would expect a substantial number of women to have invested part of their savings in bearing trees. That they have apparently not done so is the result of several factors which have combined to restrict women's ability to commute jurally recognized claims to tree crop farms into effective control of the trees or their fruit. These factors include explicit restrictions on women's access to the right to *plant* permanent crops; limitations on women's ability to mobilize labor (both other people's and their own) for tree crop farming; and women's inability to assert their claims vis a vis those of men in cases of disputed rights to particular farms.

In the early stages of tree crop development, many women found it difficult to obtain rights to plant permanent crops on land controlled by the male members of their own or their husbands' descent groups. In an Ewe community in eastern Ghana, for example, BUKH (1979) found that women who farmed on their fathers' land were not allowed to plant tree crops because these would be inherited by their children and thus lost to the woman's lineage. Elsewhere, women have sometimes been explicitly prohibited from planting tree crops (WEBER, 1977; cf., GALLETTI, *et al.* 1956: 127; GASTELLU, 1984.)

More often, women were precluded from planting tree crops for themselves by the terms on which they participated in the rural economy as a whole. Also, women have rarely migrated to new farming areas on their own, but tend to follow their husbands and assist on the husbands' farms. In Brong Ahafo, migrant women found that "as strangers their cultivation rights were restricted, [and] they were unable to establish themselves even as subsistence producers on their own since in this capacity they would be unable to pay for the land. They therefore continued in the only way possible, on their husbands' farms." (OKALI, 1983: 97.) HILL (1963: 116) reported that "it is unusual for a woman to be a member of a company in her own right..." although women were sometimes left in charge of their husbands' farms while the men "were travelling about managing the work on their various lands." (*ibid.*: 117.)

Thousands of Yoruba women also "followed their husbands" in migrating to the forest belt to plant cocoa, assisting on their husbands' farms until the young trees were mature enough to support the cost of hired laborers. Like Akan wives, Yoruba women frequently assumed responsibility for managing mature farms when their husbands established new farms or other enterprises elsewhere. (BERRY, 1985; OLUSANYA, *et al.*, 1978. Cf., BOUTILLIER, *et al.*, 1977; CHAUVEAU, 1979.)

In general, women found it difficult to mobilize labor—their own as well as other people's—for tree crop cultivation. Often they were simply too busy with food crop production and other domestic and productive chores to have time for tree crop planting. In female food farming systems, women are often responsible for providing most or all of the foodstuffs consumed by members of their immediate households, and cannot abandon food crop cultivation to plant and tend tree crops unless they have access to alternative sources of income to buy food. (GUYER, 1984b.) In addition, women do most of the domestic work, devoting several hours each day to fetching wood and water, cooking, and child

care—and are often expected to work on their husbands' farms as well. In principle, they could hire in labor to cultivate food crops or help with other income-generating activities (food processing, trade, crafts), and some women do this although those with sufficient working capital to hire in labor can just as well hire labor to cultivate tree crops on their behalf as hire in labor to release their own time to work on tree crop farms. (GALLETTI, *et al.*, 1956; BERRY, 1975.)

The majority of West African farmers—male and female—do not have sufficient working capital to establish tree crop farms solely with hired-in labor. Increased labor hiring has been a consequence of, rather than a condition for, the spread of tree crop cultivation, with income from early maturing farms a principal source of working capital for paying hired workers. (BERRY, 1975; CHAUVEAU, 1979; GALLETTI, *et al.*, 1956; HILL, 1956, 1963.) For both men and women, it has usually been necessary to establish or acquire mature tree crops in order to be able to substitute hired for unpaid labor. The difference is that men have found it easier to mobilize unpaid labor—usually from subordinate family members, including their wives—to establish tree crop farms in the first place. (1) Husbands' rights to the labor of their wives (and fathers to that of their unmarried daughters as well as sons) have meant that women are far more likely to work on their husbands' farms than vice versa. (BERRY, 1975: 172ff; DOZON, 1977: 479; GALLETTI, *et al.*, 1956: 77; OPPONG, *et al.*, 1975: 72.)

In some areas, this problem intensified as men withdrew their labor from food crop production in order to specialize in the more remunerative cultivation of cocoa and coffee. (BUKH, 1979; GUYER, 1984b; WEBER, 1977.) When this occurred, the burden of feeding the household was relegated increasingly to women, tying up more of their labor in food crop cultivation and prolonging their inability to move into tree crop production on their own account.

Also, in farming systems where both men and women participated in food crop production, tree crops proved easier to integrate into men's than into women's fields or farming tasks. Tree crops grow best on newly cleared forest land. Since heavy clearing is usually men's work, men were often able to plant tree crops in direct conjunction with their on-going farming activities. (CLEAVE, 1974.) This technical advantage was especially marked in areas where men took full responsibility for initial cultivation of newly cleared forest plots. In Cameroon, for example, "the cultivation of cocoa... fit into Beti ideas about the division of labor like a hand into a glove. It was grown in field types which had always been associated with male labor... In terms of labor organization, establishing a young cocoa farm was almost identical to melon-seed cultivation, ... and, like melon-seed, cocoa is a constituent of male wealth." (GUYER, 1984b: 52.)

Restrictions on women's ability to mobilize labor for tree crop cultivation were partly the result of custom and partly a matter of financial exigency. Because their access to the labor of relatives (other than that of their unmarried daughters and young sons) was limited and their responsibilities for the daily provisioning of their households substantial, most women could not afford to invest in assets, such as tree crops, with a long gestation period. They were simply not in a position—socially or economically—to forego current income generating activities in order to invest in income streams which would only materialize after several years. (Cf., GUYER, 1980; SPIRO, 1980.)

Because of the conditions under which women could mobilize others' labor, and demands on their own time associated with the division of labor by gender in domestic and local farming systems, in the early stages of tree crop cultivation, men planted farms for themselves while women worked on the young farms of their husbands or senior agnates. However, this does not explain why women with accumulated savings from other occupations did not invest more extensively in established tree crops, or why female farm ownership tended to decline over time in places such as Sunyani and Akokoaso. To understand the low and

declining rate of women's investment in tree crops, we must also take account of the ways claims on farms were exercised over time.

Throughout the humid zone of West Africa, the division of agricultural and domestic labor is embedded in conjugal and domestic relations. The specific division of responsibility for household expenditures varied among local areas and even households within one locality. Tree crops created new employment opportunities, new demands on people's time and resources, and new flows of cash income in rural economies of the humid zone, but people's responses to these changes were played out in the context of conjugal and domestic relations.

Wives' labor on their husbands' farms and the "returns" they expected, were rarely expressed as an explicit, single-stranded contract, but tended rather to merge with conjugal rights and responsibilities in general. Wives were usually not paid for helping on their husbands' farms. Service on their husbands' tree crop farms often originated as an extension of wives' conjugal obligations to contribute to household consumption and assist in husbands' farming activities. It was expected that husbands, in turn, would contribute to the household budget and provide their wives with additional goods or services from time to time, but what specific additional claims a wife could make in return for her labor on a tree crop farm was rarely articulated.

Accordingly, the rearrangement of domestic rights and responsibilities which followed the spread of tree crop cultivation occurred unevenly, and patterns of control over assets and income varied among localities. In western Nigeria, for example, wives' claims appear to have been directed towards the husband, rather than the farm. I never encountered a court case in which a woman claimed a share of her husband's farm because she had worked on it in the past. Rather, when the husband's farm matured, a wife expected to be released from her obligations to help him, leaving her free to develop her own independent sources of income. (BERRY, 1975, 1985 (2)).

In Akan communities in Ghana, wives' expectations were focussed more directly on the farm. In the Ahafo village studied by OKALI, "none of the wives assumed that they had established a joint concern with their husbands in [the sense] that both had equal rights to it, although they did expect some compensation other than the food crops, possibly even a fraction of the established farm." (OKALI, 1983: 103.) OKALI also cites a number of court cases in which a woman advanced claims to all or part of an established tree farm on the grounds that she had invested her labor in the farm during her husband's lifetime. Although she does not present a large number of decisions handed down in such cases, her evidence does not suggest that women amassed much property in this way.

In short, even in societies in which women have been able to invest in tree crop farms—through access to planting rights and/or the means to establish tree crop farms or to acquire already bearing trees—it has been difficult for them to maintain control over their farms in the long run, or to assert their claims to farms vis a vis those of men in the context of open-ended, overlapping, and proliferating rights to rural property.

LABOR ARRANGEMENTS

Much of the labor on tree crop farms in West Africa is performed by men, under a wide variety of contractual arrangements. Farmers have often relied heavily on the labor of junior or subordinate kinsmen—especially during the early years when immature trees do not yield enough to cover the cost of hiring in labor to work them, or to release the farmer's time from other tasks for tree crop cultivation. Like Yoruba wives, junior men in Yoruba, Baule, Beti, and other

societies worked for their seniors in exchange for future protection and assistance. Often, this assistance took the form of support while the junior kinsman established a farm or other enterprises of his own. (BERRY, 1975, 1985; CHAUVEAU, 1979; WEBER, 1977).

In some areas, male laborers may consider that they have acquired an interest in the farm itself by investing their labor in it, even when they were remunerated for their labor at the time it was performed. (OKALI, 1983: 99.) For example, ROBERTSON (1983) argues that in Ghana this was sometimes the case with sharecroppers, especially those who had worked on particular farms for a number of years.

Sharecropping is widespread in the tree crop economies of Ghana and Ivory Coast, where it takes several forms. In general, sharecropping derives from the Akan custom of presenting a chief or stool-holder with one third (*abusa*) of any game, minerals, or forest produce collected from the territory under his jurisdiction. (DUPIRE, 1960; GASTELLU, 1980, 1981/2; HILL, 1956; KÖBBEN, 1956.) As people began to migrate into forested areas to plant tree crops, Akan chiefs sometimes granted cultivation rights to stranger farmers in exchange for one third of the farm when the trees were established. (3) Also, some strangers obtained cultivation rights in exchange for one third of the annual cocoa crop. (HILL, 1956: 14.) Such farmers were, in effect, tenants; their position in the cocoa economy was similar to that of Yoruba or Baule tenants who paid a fixed annual amount of cocoa (or cash) in exchange for long-term cultivation rights. Like other tenant farmers, *abusa* or share tenants owned the trees they planted and could dispose of them—by sale, mortgage, or bequest. (DUPIRE, 1960: 67; HILL, 1956: 14.) Landowning lineages or chiefs sometimes sought to exploit the possibilities of such tenancies, arguing that land sales to companies of migrant farmers really involved only sales of long-term cultivation rights, and that as continuing “owners” of the land, chiefs were entitled to one third of its fruits. (GASTELLU, 1981/2.) GASTELLU (1980) also describes cases of Agni chiefs-turned-planters who in effect “leased” stool lands to themselves, claiming one third of the crop as their traditional chiefly prerogative and an additional third as their owner’s share of the proceeds of the farm. (Cf., KÖBBEN, 1956, on the Bete; WEBER, 1977, on the Beti.)

Abusa laborers, who weeded and harvested other people’s farms in exchange for one third of the crop, were not farm owners. Often referred to in the literature and by English-speaking West Africans as “caretakers”, they performed a variety of tasks. In the 1950’s, *abusa* laborers working for Agni farmers in Ivory Coast were expected to spend one day a week helping their employer establish a new plot of cocoa and also to clear a plot for food crop cultivation at the end of the farming season. (KÖBBEN, 1956: 87-88.) Sometimes *abusa* men supplied their own tools; frequently they were given plots of land on which to grow their own food crops while they were attached to a particular tree crop farm. (ROBERTSON, 1983: 467.) Like sharecroppers in other parts of the world (and farmers’ wives in the tree crop economies of Nigeria and Ghana), *abusa* laborers served in part as farm managers, assuming sole charge of a farm while the owner managed additional farms or pursued other occupations elsewhere. (HILL, 1956, 1963.) They sometimes hired in additional labor, or drew on the assistance of their wives and children to enable them to sharecrop more or larger farms. (HILL, 1963: 189; ROBERTSON, 1983: 467.)

ROBERTSON suggests that sharecropping contracts created a basis for laborers to develop rights in land. “In southern Ghana, it is probable that in the many instances where the ‘caretaker’ is a nephew, *abusa* is a preliminary step towards inheritance of the farm... Much the same process may be taking place in the many instances where the ‘caretaker’ is a son. *Abusa* may provide a gradual and unostentatious strategy for patrilineal deposition *inter vivos*.” (ROBERTSON, 1983: 468.) Similarly, *abusa* contracts between non-kin may lead to laborers’

acquiring rights in farms over time. Migrants often gained access to land in tree crop growing areas by working as abusa laborers. In Ghana, Mossi and other migrants entered into abusa contracts with Akan farmers, who also gave them land for cultivating food crops. Eventually they managed to settle their families in the forest belt and some acquired tree crops of their own. (ROBERTSON, 1983.) In western Nigeria, migrant laborers from the Middle Belt rarely planted tree crops, but some established themselves as commercial food crop growers in cocoa farming areas, producing for the local market and even founding their own villages. (BERRY, 1975.)

During the rapid colonization of new lands in southwestern Ivory Coast after 1960, competition for agricultural labor was intense and farmers recruited workers (including non-Ivorians) by promising them assistance in establishing tree crop farms of their own. (BOUTILLIER *et al.*, 1977; CHAUVEAU, 1979; SCHWARTZ, 1979.) DUPIRE observed in the late 1950's that abusa laborers stood a better chance than daily or task workers of becoming tenant farmers. In old cocoa growing areas of Ghana, where farm productivity had declined, farmers sometimes gave up their own shares of farm output or granted proprietary rights directly to their abusa laborers in order to retain their services in the face of declining returns to tree crop cultivation itself. (OKALI, 1983.) In some areas of Ghana, an abusa man's tenure could be regarded as heritable or even saleable. Some abusa laborers actually received compensation for trees destroyed in the colonial government's campaign against swollen shoot disease in the late 1940's. (HILL, 1956.)

Sharecroppers are more likely to develop rights in farms if they have worked on them for a number of years. However, abusa contracts do not invariably mature towards full proprietary rights in farms in the long run. In Ghana, as farms planted in the late nineteenth or early twentieth centuries matured, the share of the crop allocated to laborers sometimes declined or abusa laborers were replaced altogether by cheaper nkotokvano laborers. (HILL, 1963.) In general, "it is impossible to estimate the proportion of people who 'graduate' through an abusa contract to full proprietary interest in the farm." (ROBERTSON, 1983: 469.)

Whether or not former laborers assert claims to tree crop farms often appears to depend more on changing economic and political conditions than on the original terms of the labor contract. For example, increases in the proportion of farms worked by sharecroppers have occurred in periods of labor scarcity, which were brought about either by rapid expansion of tree crop planting, as in Ivory Coast in the 1960's, or by declining returns to cocoa production and high rates of rural outmigration, as in eastern Ghana in the same period. Like long-term labor-credit arrangements among agnates or between spouses, abusa contracts have been used to recruit and finance farm labor by farmers without ready access to working capital. Similarly, sharecroppers may expect future assistance from the farm owner in acquiring farms of their own. However, these expectations are not formalized: like labor-credit arrangements among kin, they resemble the generalized expectations of future support which clients hold of their patrons, rather than a future contract in which amounts and dates of future transactions are clearly specified. The ambiguities of such arrangements leave them open to re-interpretation as economic conditions change, or social and political relations between share tenants and farm owners shift over time.

Thus, the fact that, over time, some abusa men have become farm owners does not necessarily imply that abusa contracts have an innate tendency to mature into farm ownership. It has been common throughout the tree crop zone for low status people—immigrants, strangers, junior kin—to begin by working on others' farms, then gradually to accumulate the financial and/or social means to establish or acquire farms of their own. Such life stories are as common in western Nigeria—where share contracts are relatively rare—as in the Akan areas of Ghana and Ivory Coast, where abusa is a predominant form of labor arrangement.

The ambiguity of *abusa* and other long-term labor-credit arrangements is central to understanding differential access to tree crop farms. ROBERTSON (1983: 471-472) concludes that, in Ghana,

usufruct is very durable, may be bought and sold, bequeathed or used as collateral; it cannot however, be resolved into black-and-white categories as distinct as 'ownership' and 'non-ownership'. As Polly HILL has cogently argued, any attempt to define proprietary interests in such terms is fruitless: 'it is the degree of individual control which must be considered.' (1963: 112). It is therefore unhelpful to think of abusa as necessarily maturing to outright ownership of the land...

I would agree, and add that it is not *abusa* (or any other particular contract) which has militated "against the polarisation of southern Ghanaian society into distinct classes" (1983: 473), but rather the long-term tendency for people to move into tree crop farming and out again (into more lucrative forms of enterprise or employment) as their means permit. (Cf., BERRY, 1985.) The indeterminacy of labor contracts means not that they have prevented differentiation, but that the long-term implications of labor-credit arrangements for patterns of control over rural property are subject to change over time as economic conditions change and differentiation occurs. Similarly, the property rights exercised by particular categories of people—e.g., women or sharecroppers—depend on their changing relations with other individuals and groups in the rural economy.

PROPERTY RIGHTS AND RESOURCE MANAGEMENT: IMPLICATIONS FOR RURAL DEVELOPMENT

So far, I have argued that across the West African forest zone, rights in tree crop farms tended to multiply over time. Because of their longevity, most tree crops are inherited, and inheritance practices usually foster or create multiple claims on property. Further, the frequency with which strangers have acquired cultivation rights, and labor has been mobilized through non-market mechanisms, has also contributed to the proliferation of rights in cultivable land and tree crop farms. Taken together, these processes created overlapping rights which have frequently given rise to tension, litigation, and sometimes outright conflict.

The issues arising in such conflicts are complex, in part because the individuals involved are often engaged in multiple relations of exchange and obligation. As OKALI (1983: 99) points out, what participants in a given farming enterprise expect of one another may depend on several factors:

Persons who assist in farm development are likely to consider that... they will get some return for their investment... Returns may be visible in the form of cash, food crops, ... land or other assistance with the establishment of separate properties and include ultimately the transfer of ownership of the farm itself... Since returns may not reflect inputs in farms but may rather be related to other services received or other obligations of the farmers involved, [resource allocation in] cocoa farming [must be] placed within the context of total rights and obligations of the actors involved...

In other words, if a farm owner engages his/her sibling or nephew as an *abusa* or family laborer, it may be difficult to distinguish the farmer's obligations to those persons as laborers from his/her obligations to them as junior kin. Similarly, a

wife's interest in her husband's farm, which arises from the labor she has invested in it over time, may become conflated with her conjugal rights.

In addition to the ambiguities which surround property rights that are embedded in multi-stranded social relationships, the terms of specific contractual exchanges are often imprecise. COMAROFF's (1980) observation that marriage transactions serve to define spheres of ambiguity within which people negotiate rights and responsibilities over long periods of time may also be applied to the delineation of property rights through inheritance and/or labor-credit relations. An *abusa* contract, for example, may specify clearly what tasks a laborer is to perform in exchange for a specific share of the crop, while at the same time the terms of a worker's maturing interest in the farm are left vague, subject to change with changing economic conditions or shifts in relations of authority and obligation between the farmer and farm worker.

The proliferation of overlapping and open-ended rights in tree crop farms has affected patterns of rural investment and rural differentiation in the humid zone of West Africa in several ways. First, if social status (gender, marriage, seniority) affects a person's ability to acquire or exercise property rights, the rate of return to investment in a given type of asset will vary among social groups within a given community. Women may have "under-invested" in tree crops partly because experience has taught them that they are likely to receive lower returns from tree farms than men do.

Similarly, in a tight rural labor market, sharecroppers may find that farm owners are willing to yield them a higher proportion of farm output—or an interest in the farm itself—to ensure access to their labor. This has occurred both in periods of rural decline and in contexts of rural expansion. In older cocoa areas of eastern Ghana, declining yields and rural outmigration in the 1950's and '60's made it difficult for farm owners to recruit laborers. To secure labor, many farmers ceded two thirds or even the entire crop to the *abusa* laborer who weeded and harvested the farm. (OKALI, 1983.) In the 1960's and early '70's, a similar problem of excess demand for farm labor faced planters in the rapidly expanding tree crop economy of southwestern Ivory Coast. Farmers recruited sharecroppers by promising them land (or even farms) of their own—a practice which enabled some non-Ivorians to acquire farms in defiance of national law. (CHAUVEAU, 1979; SCHWARTZ, 1979.)

Second, because social status and social relations help to determine people's access to and returns from rural assets, many rural people devote part of their savings to establishing or strengthening their social positions, rather than investing everything in productive capital. In these circumstances, investment in social status is clearly directed toward future profit as well as security—contrary to the conventional microeconomic assumption that profit and security are mutually exclusive goals. (See, e.g., LIPTON, 1968; BERRY, 1980.) Investment in social status as a means to strengthen property rights may help to explain a wide array of rural expenditures, from weddings to palaces. (BERRY, 1985; GASTELLU, 1984; PARKIN, 1972.) It may also help to account for West Africans' widespread preference for relatively liquid forms of rural assets and income-generating activities. West African women tend to specialize in trade, processing or food crops—rather than investing in tree crops, houses, or other assets with long gestation or payoff periods. (5)

Finally, the open-ended and overlapping nature of rights in tree crop farms means that rural differentiation in tree crop economies arises as much from relations of power as from relations of production. As we have seen, multiple, open-ended claims to rural property have created spheres within which actual patterns of access and control are subject to on-going re-negotiation or dispute. Redistribution of income or control over assets themselves can be touched off not only by changing economic conditions, but also by political processes originating independently of the rural economy. Chiefs have sometimes taken advantage of

changing political conditions to revive dormant rights over land and land users, or to re-define the terms of present land using arrangements. In Nigeria, as cocoa prices rose and pressures for local self-government mounted after 1945, the chiefs of Ife insisted successfully that all "non-Ifes" growing cocoa on Ife land must pay an annual fee (*isakole*) to their Ife "landlords"—regardless of how long they had lived on Ife soil, or whether they had ever paid *isakole* before. (BERRY, 1975.) This coup affected the division of proceeds from hundreds of cocoa farms in Ife, and underscored the non-Ifes' status as "strangers" in the Ife area. This served, in turn, to undermine their role in local political affairs, and helped to protect the dominance of Ife interests in the emerging regional political party system. (BERRY, 1985; CLARKE, 1980; OYEDIRAN, 1973; PEEL, 1983.)

Similarly, in Brong Ahafo, cocoa farming provided not only a source of revenue for various levels of local and national government, but also an arena wherein local political factions struggled for potential advantage at the national level by manipulating the terms of control over rural property, produce, and the loyalties of rural producers. (DUNN & ROBERTSON, 1973.) In Ivory Coast, the government's effort to simplify land tenure and reward agricultural enterprise by abolishing customary tenures and declaring a policy of "land to the tiller" left open the question of who was to allocate cultivation rights in unoccupied areas. As rising prices for cocoa and coffee touched off a scramble for uncultivated land in the southwest, strangers sometimes constituted themselves "chiefs", allocating use rights to latecomers (often in exchange for labor) on land which they themselves had occupied only shortly before. (SCHWARTZ, 1979: 99.)

Across the humid zone of West Africa, then, the spread of tree crop cultivation led to the commercialization of various rights in rural property, but not to their consolidation into forms of exclusive control over land or trees. What Polly HILL so aptly denominated "the degree of individual control" over tree crop farms remained subject to redefinition—among kin, through the courts, and through local and national political processes. In all these arenas, the outcome of conflict over rights in tree crop farms depended on the political as well as the economic resources of the contestants, and on their relative successes in deploying these resources to acquire and defend rights in rural property.

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Footnotes

- (1) The same is true of food crop production. (GUYER, 1980.)
- (2) Some Yoruba women also received gifts of money to help them start a trade, but among my informants, farmers' wives usually obtained such gifts from their agnates rather than their husbands. (BERRY, 1985: 95.) In Ivory Coast, Baule farmers "employed" their wives (and junior kinsmen) in exchange for expectations of future support or assistance in establishing independent occupations of their own. (DUPIRE, 1960: 128-9; CHAUVEAU, 1979.)
- (3) In such cases the stranger often sold his portion of the farm, moving on to establish another farm somewhere else with the proceeds. (HILL, 1963: 15-16.)
- (4) Sometimes the ambiguous nature of contractual relations is reflected in local terminology. In the cocoa farming areas of southwestern Nigeria, the Yoruba term *olori oko* (lit., owner of the farm) is used to refer both to landholders and to tenant farmers. (BERRY, 1975: 95.)
- (5) Indeed, one wonders whether they also eschew land augmenting investments (such as fences, wells, alley crops)—for fear of losing control of the assets before they pay off or can be sold. If so, this could contribute to low yields and agricultural stagnation.