SUMMARY PAPERS

Review of local land governance in West Africa and Madagascar

This note is based on the scoping paper for the regional seminar on local land management in West Africa and Madagascar convened by the French Development Agency's "Land Tenure & Development" Technical Committee (CTFD) in Saint-Louis, Senegal, on 6-10 March 2023.

The seminar was attended by 70 participants from different institutional backgrounds (civil society organisation leaders and facilitators, land administration officials, academics, experts and researchers) who shared their experiences and analyses of initiatives in their countries (Benin, Burkina Faso, Côte d'Ivoire, Guinea, Senegal, Madagascar, Mali and Niger). The meeting was led by Sidy Mohamed Seck, Oussouby Touré and Pierre-Aimé Ouédraogo, who organised the sessions and moderated the discussions with support from the CTFD's technical and scientific secretariat (GRET). The discussions were informed by presentations based on analyses of current experiences in the eight target countries undertaken for the meeting.

> ## INTRODUCTION

Joint discussions on the way forward for the "Land Tenure & Development" Technical Committee's work on a topical issue

Over the last 25 years, the "Land Tenure & Development" Technical Committee (CTFD) has provided opportunities for various groups of actors (experts, researchers, heads of public institutions, project operators and civil society organisations) to share their thoughts and experiences and feed into land policy debates. The main aims of its work, which is supported by the Agence Française de Développement, are to:

> produce new knowledge on emerging land-related issues of shared interest;

> and promote forums for multi-stakeholder debate and use its analyses to support processes to recognise and secure local land rights and establish land management systems that are accessible to as many people as possible.

In recent years the CFTD has conducted studies on land-use conversion methods, the land-related impacts of emerging special economic zones, the benefits of promoting common property approaches, the changing dynamics of agrarian structures and their implications for young people's access to land, and the links between land and violent conflict.

In 2019, the Committee started supporting initiatives in Madagascar and seven West African countries (Burkina Faso, Mali, Benin, Côte d'Ivoire, Guinea, Niger and Senegal) to:

> enable strategic land policy actors in these countries to contribute to debates, examine

issues in greater depth, and support the implementation of land reforms;

> and facilitate regional and international networks to enable actors to benefit from other countries' experiences and expertise, and see how debates are conducted in each country.

Since March 2019, several countries have held workshops to stimulate multi-stakeholder debates on land policies and their trajectories, and support joint initiatives to encourage civil society groups and researchers to participate in policy dialogue. The CTFD has provided flexible support to various initiatives to generate knowledge, capitalise on experience, organise consultations, support advocacy, communication, exchange and dialogue activities, and build the capacity of land actors.

The regional seminar on *Local land management* provided a forum for exchanges between the CTFD and its partners in various countries, and between the partners themselves. Participants were able to make new connections, share their experiences, identify subjects of common interest, assess the progress of ongoing processes in various countries, and identify their most pressing issues.

Interactive discussions on interlinked themes informed by analysis of local land governance initiatives and discussions with practitioners

The overall aim of the seminar was to deepen joint reflection and public debate on land policies and levers for promoting better local land and natural resource governance in the eight countries concerned.

Its specific objectives were to:

> use crosscutting analysis to examine current trends and dynamics in decentralisation and local land governance;

> identify and discuss the major issues, problems and key aspects of these developments;

> and find common ground and explore relevant and shared perspectives for future work.

The seminar's themes were chosen with the following main requirements in mind:

> having no more than four themes, in order to focus discussions and address the topics in depth;

> and structuring the reflection and discussions around common issues in the countries concerned, in order to set benchmarks for progress.

See Box 1 on next page.

> BACKGROUND INFORMATION

Decentralisation processes based on different models face common challenges and share similar weaknesses

The historical contexts and processes that led to decentralisation reforms in West Africa and Madagascar affect the extent to which power is transferred from the central to the local level. It is important to remember that the introduction of decentralised systems also affects the mechanisms, processes and institutions that local actors use to manage land and natural resources in their territories. A common feature of land reforms is that they promote decentralised land management, and accordingly transfer certain prerogatives to local authorities and communities to ensure the provision of high-quality local public services that recognise and secure the land rights of various local actors.

Some observers maintain that the drive towards democratisation in West Africa in the early 1990s led governments to start decentralisation processes and follow the "good governance" policy promoted by international financial institutions, which is based on the premise that decentralisation and democratisation are a condition for economic and social development.[1] In reality, the context of every decentralisation process is determined by a combination of exogenous and endogenous factors, whose respective weight and influence vary according to each country's circumstances.

In showing how different actors' logics are interconnected, Marie and Idelman's study (2010)[2] enables us to understand decentralisation as a response to multiple expectations, particularly:

● **those of the working classes,** who have suffered decades of economic hardship and hope to improve their livelihoods through greater openness to the world; they hope that decentralisation will reduce State interventions and return governance to the traditional authorities;

● **those of the middle classes,** particularly urban elites pressing for a pluralist democracy (multi-party system, freedom of the press, etc.). Their mobilisation led to decentralisation being included in the main recommendations of national conferences held in the early 1990s

1. Alou, M. T., 2009: *La décentralisation en Afrique : un état des lieux de la recherche en sciences sociales. In* Revue CAIRN.
2. Marie, J. and Idelman, E., 2010: *La décentralisation en Afrique de l'Ouest : une révolution dans les gouvernances locales.* ECHOGEO, 13/2010.

BOX 1
Selected topics for debate on various aspects of local land management

Theme 1: How to ensure that different levels of local land governance and land actors are properly interconnected?

How can local land governance better prevent and manage conflicts over access to natural resources, in security crises and in relatively stable situations? How can local land governance actors work more closely with the institutions that are established during decentralisation/deconcentration, and ensure that all different stakeholders and interests are properly represented? What approaches should be adopted to improve capacity-building support for local land governance bodies?

Theme 2: How can livestock rearing systems be better protected (by securing pastoral rights, planning developments, etc.)?

What are the main challenges in planning land use and maintaining the functions of rural and peri-urban areas during security crises and in relatively stable situations? How are governments proposing to promote a sustainable balance between the individualisation of land rights and initiatives to recognise/secure/develop common resources, in this case pastoral "commons"?

Theme 3: Where do land observatories stand and what functions do they fulfil in terms of institutional anchorage and citizen watch initiatives?

What types of land observatory should be established to promote greater citizen control and effective land monitoring at the local level? What empirical studies and observations should be used to build up knowledge of local land dynamics? What mechanisms should be used to ensure that information that is intended to influence local and national decision-making processes is widely disseminated? What lessons can be learned from previous and current experiences, particularly in terms of the usefulness of the products generated?

Theme 4: Equitable and inclusive land access: CSO strategies for land governance that limits exclusionary practices and recognises delegated rights

How can land assets be managed more inclusively at family and lineage level? Given the increasing fragmentation of family land, what processes are needed to recognise/secure the rights of socially dependent family members (mainly women and young people)? What legal innovations are needed to guarantee/secure delegated rights? How can the exclusionary effects of programmes to formalise local land rights or set up land registries be limited?

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in Mali, Niger, Benin, Gabon, Togo and Chad.[3] In the specific contexts of Mali and Niger, democratic aspirations were coupled with the need to resolve the crisis caused by the outbreak of Tuareg autonomy and independence movements in their northern regions. The commitment to start decentralisation processes helped bring peace back to these areas, for a while at least;

● **those of certain ruling political classes,** who recognise that the central State has failed to administer the country effectively and want to establish a more efficient mode of government that will fulfil two functions:

> enable the incumbent regime to retain its supervisory function, overall control and above all, ability to manage the power that enables the State to retain control over public resources,

> transfer State responsibilities for managing public services to local authorities, while avoiding entrusting this responsibility to traditional bodies;

● **donors** that had imposed certain requirements during the period of structural adjustment, in this case the World Bank, which made loans conditional upon the implementation of decentralisation policies.[4]

As Marie and Idelman note, "*the starting point for decentralisation in Africa was a meeting of internal aspirations and external ideologies. In short, the people who demanded 'less State' were served 'more State' in the Western style.*[5]"

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3. These political meetings were held at the behest of powerful opposition movements, which were largely composed of civil society organisations. Their outcomes varied from country to country. "*Benin's transition model influenced the political dynamism of French-speaking countries in the early 1990s. Seven countries adopted this new form of democratisation with varying degrees of success*" (Babacar Guèye, 2009: *La démocratie en Afrique: succès et résistance*. In "Pouvoirs", 2009/2, No. 129).

4. France's policy on Africa follows the same logic as the La Baule speech, which clearly stated that France's involvement in Africa would be conditional upon democratisation and "good governance".

5. Ibid.

BOX 2
The foundations of decentralisation in West Africa

Decentralisation processes in West Africa are based on certain historical, socio-cultural, political and legal foundations:[6]

- **historical and socio-cultural:** traditional societies function according to principles of autonomously managed community affairs and subsidiary powers devolved to various categories of actor;

- **political:** decentralisation became a preferred option when the "welfare" state proved incapable of satisfying citizens' needs (supply of goods and services). It was seen as a way of democratising the management of public affairs, and distributing power by delegating certain responsibilities down to different levels, including grassroots communities;

- **legal:** decentralisation aims to encourage the emergence of multiple autonomous centres of decision-making, particularly local bodies that derive their legitimacy from suffrage and have legal control over their activities. It also aims to get local elected representatives involved in development (their choices are independent of those made by the central authorities, even though local authorities have to comply with State regulatory mechanisms).

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6. *Burkina Faso: Vision prospective de la décentralisation (VPD) au Burkina Faso à l'horizon 2040.* Volume 1, main document, Version of 24 February 2017.

The public authorities created three levels of local government as part of the decentralisation process: the region, the department (or cercle in Mali), and the commune. These local authorities share two main features: moral and financial autonomy, and being governed by a deliberative assembly elected by universal suffrage.

It is worth mentioning that different countries followed different paths in this process: Burkina Faso and Senegal took a gradual approach to setting up local authorities, while Mali opted to establish communes across the entire country in one fell swoop. There are also national variations in the way that territories were reorganised. Some countries (Benin and Guinea Conakry) opted to transform former administrative districts into local authorities; Mali and Senegal simultaneously created local authorities and established new territorial entities; while others went for a mixed option. For example, Burkina Faso chose to transform certain former administrative divisions (*départements*) into territorial authorities, and create a new class of territorial authority (regions).

Whichever path they followed, these countries faced a common challenge caused by the fact that land management was seen as marginal to the decentralisation process[7]. Mali, Burkina Faso and Senegal created rural communes without clarifying which land matters they would be responsible for or setting communal boundaries (the sole focus was on identifying the villages that would constitute the basic unit of local government in rural areas). Their approach was undoubtedly informed by the knowledge that clarifying these points could trigger endless disputes and weaken social cohesion between neighbouring communes.

Local and regional authorities are also constrained by the limited powers and resources that have been transferred to them. Local elected representatives in most countries accuse the central authorities of denying them the funding they need to implement their new powers. This makes it very hard to build viable local authorities, as they are not usually allowed to institute property taxes (although communes in Burkina Faso can charge for the communal land services that they provide).[8] Communal investment is also severely hampered by low local tax recovery rates, which are generally between 20% and 40%.[9]

Local authorities need to mobilise internal financial resources in order to be viable. Natural resource management could be an important source of funding for them, but this assumes that they have clear rights to manage and appropriate these resources, which is not always the case. This explains why the

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7. IRAM, 2008 : *Décentralisation et gouvernance locale en Afrique des processus, des expériences.*

8. Cf. Decree No. 2012-862/PRES/PM/MEF/MATDS authorising the collection of revenues relating to communal land services. This decree is the legal basis of the municipal councils' authority to deliberate on a certain number of costs commonly referred to as "local costs".

9. Revenues from central taxation are prioritised over resources mobilised through local taxes, which affect a minority of taxpayers in a small number of local authorities (Chambas, G., 2000: *La mobilisation des ressources locales au niveau des municipalités d'Afrique subsaharienne.* Ministry of Foreign Affairs).

delays in transferring certain spheres and competences from the State to the local level are such an important issue.

These constraints are compounded by other difficulties that prevent local authorities from fulfilling their roles effectively, namely:

> insufficient human resources to carry out their missions, particularly those requiring specific skills, knowledge and expertise;

> lack of transparency in the management of local affairs (including land management) and poor accounting processes;

> problems rolling out public policies across the country, due to the territorial administration's inability to coordinate government action at the decentralised level.[10]

Diverse local land management approaches and trajectories in different countries

The legislative reforms in these countries have resulted in political and administrative powers being transferred to local institutions, mainly local authorities that include grassroots communities composed of different-sized groups of villages and settlements. As mentioned above, the creation of these local authorities gave rise to new territorial entities in some countries, while in others local authorities were superimposed on existing administrative districts.

Regardless of the approach adopted, one of the issues that decentralisation policies raise is how local authorities that have land management powers[11] can establish their legitimacy in this sphere

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10. Senegal is an exception in this respect. Indeed, the adoption of the third Decentralisation Act in 2013 was intended to help organise the country into "*viable, competitive territories that are conducive to sustainable development by 2022.*" A study by Bâ *et al.* shows that the Act 3 reform is helping consolidate local governance by improving territorial equity and equality, thereby bringing territories closer together, bringing local elected representatives and the populations they represent closer together, and increasing visibility between urban and rural authorities. However, "*institutional changes and reorganising the territorial framework have not been enough to remove the constraints caused by the new arrangements and create links between municipalities*" (Boubacar Bâ and Rougyatou Kâ, 2021: *Acte III de la décentralisation sénégalaise : l'épreuve de la cohérence territoriale et du développement territorial*. Initiative Prospective Agricole et Rurale [IPAR]).

11. In Benin, Burkina Faso, Mali, Niger and Senegal, local governance bodies have little or no authority over land management.

Goubré lowland in Burkina Faso, Dec. 2014 © I. Touré

BOX 3
An innovative land reform in Madagascar

The land reform adopted in Madagascar in 2005 included several major innovations.

The first was legal recognition of landholders' rights based on local and customary rules. The State is no longer regarded as the default owner of untitled land, which is considered to be the property of private individuals (presumed ownership). This system of ownership based on local rules led to the creation of a new legal category: untitled private property (PPNT).

The second major innovation was to decentralise land management, so that the State and its decentralised land services no longer have the monopoly on land management. New powers were to be transferred to the communes, and communal land offices were introduced. These new bodies were integrated into the land governance system, and were intended to supplement rather than replace existing decision-making bodies (customary representatives and councils, *fokontany* chiefs and communal teams). They can issue legal documents recognising existing land rights on untitled private property.

The third innovation was the introduction of a certificate that constitutes legal proof of land ownership, meaning that title deeds are no longer the only legal document proving land ownership. Both documents record private property rights held by one or more individuals, which may be transferred through sales, mortgage or inheritance. The bottom-up procedure for confirming rights means that certification is much cheaper and quicker than registration, and is accessible to the vast majority of households in communes where communal land offices have been set up.

Source: Burnod, P. and Grislain, Q., 2023:
L'Observatoire du foncier à Madagascar: trajectoire et enseignements.

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when village and inter-village entities are already in place to deal with local land matters.[12] These local customary governance bodies still play an important role in managing natural resources (in this case, collective land). It is very important to develop local capacity for dialogue and negotiation in contexts where the same space is used for multiple purposes (farming, livestock rearing, fishing, gathering, etc.), and users' diverse needs and interests are served by multiple, overlapping access and use rights. Customary institutions seek to regulate these rights in order to take account of the needs and interests of all users of common natural resources.

In the eyes of grassroots communities, granting local authorities major land management prerogatives automatically distances rural land users from decision-making by introducing a new institutional actor that could tip the balance of power away from customary authorities.

Experience has shown that in countries such as Senegal, where customary land institutions have neither legal nor administrative status,[13] the new bodies that emerged tried to absorb all the other structures and exerted their power through various neo-patrimonial practices (capturing financial resources, clientelist land allocations, etc.). In Mali, formal land governance bodies (land commissions) and customary authorities manage land in an unregulated way.[14]

One of the major challenges in these situations is finding a balance between the local land management powers assigned to communal authorities and the roles traditionally played by pre-existing village bodies (Idelman, 2009).[15] Burkina Faso is an interesting case in point, in that its Village Land Management Commissions (CVGTs), which have now become Village Development Councils (CVDs), act as a bridge between the local authority and the village. "*CVDs have a hierarchical relationship with the local authorities, and their members should represent village interests rather than partisan politics. The 2007 legislation on CVDs lists natural resource management and conflict resolution among their responsibilities.*

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12. These entities are run by authorities (village chief, land chief, forest chief, water chief, etc.) who are generally chosen by the elders of the lineage that founded the village or oversees a particular resource.

13. The 1964 law on the national domain abolished customary rights.

14. In Mali, access to bourgou pastures in the inland Niger delta is supervised by traditional guardians known as "djowro", who now levy cash taxes. Some customary authorities grant use rights to migrants wishing to cultivate land, while others lay down regulations governing the use of hunting resources (hunting season, location, type of animals) in collaboration with hunting fraternities.

15. Idelman, E., 2009: *Local authorities and local territories in West Africa.* "Land Tenure & Development" Technical Committee Briefing Notes.

CVDs are also responsible for preparing village development plans and plans to protect natural resources" (Hilhorst, 2008).[16]

The nature of institutional pluralism and complex interplay between land actors calls for a nuanced approach in contexts where actors have to negotiate "layered" or "stacked" institutions, standards and rules, and arbitrary behaviour by certain local elites. These situations can sometimes be beneficial in terms of laying the ground for agreements on land tenure rules and procedures (by building negotiation strategies), and stable forms of coordination that provide a degree of predictability in relations between different stakeholders (Koné and Chauveau, 1998).[17]

Another important point to bear in mind when examining local land management is how the conditions in which new local land management structures emerge are linked to changes that affect customary institutions.

New local land management structures face challenges on at least two levels:

> implementing the land powers transferred from the State when they are still trying to delineate their territory;

> and the public authorities' unwillingness to transfer part of the State's land to local authorities so that they can establish their own domains.

Customary land management institutions are also hampered by several factors, especially if they are not inclusive:

> loss of legitimacy due to their supposed or proven bias in favour of land speculators, or (frequent) accusations of corruption by rural producers;

> the propensity of certain customary institutions to play the State's game by pandering to political allegiances/affiliations instead of defending their communities' interests;

> and weakening intergenerational ties in a context where the emergence of informal and formal land markets is exacerbating the problems

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16. Hilhorst, T., 2008: *The role of local governance bodies in natural resource management in Mali, Burkina Faso and Niger.* Royal Tropical Institute.

17. Koné, M. and Chauveau, J.-P., 1998: *Décentralisation de la Gestion Foncière et "Petits Reçus": Pluralisme des Règles, Pratiques Locales et Régulation Politique dans le Centre-Ouest-Ivoirien.* Bulletin de l'APAD, 16, 1998.

Ferlo landscape between Widou and Tatki in Senegal, Sept. 2020 © I. Touré

caused by shrinking lineage land reserves (which are causing concern about the future prospects for rural youth).

At another level, local land governance bodies also have to deal with increased competition for control and use of land, which often causes conflict. This explains why many countries are interested in formalising land transactions and access to land, particularly in areas where pressure on land is fuelled by growing land markets (peri-urban areas, high-potential territories, etc.). These transactions mainly involve middle-class city dwellers, members of the diaspora, and investors (agribusiness). Some investors try to legalise or formalise their land acquisitions, while others have no immediate plans to develop their plots and simply fence them off while waiting to see how the land market plays out, thereby preventing other actors such as herders from accessing the land.

The governments in Côte d'Ivoire, Benin and Burkina Faso responded to this situation by introducing policies to decentralise registration procedures or formalise land transactions. Critical analysis of the Rural Land Use Plans (PFR) that were used to do this raised a number of concerns, namely:

> rural people's ambivalent perception of PFRs;

> the perceived lack of transparency in operations to secure land tenure;

> the reactivation of latent land disputes;

> local land management institutions' lack of legitimacy;

> and the social and practical difficulties of identifying local land rights (Ouédraogo, 2004).[18]

Increasing conflict and insecurity is making land and natural resource management more complex

Generally speaking, observers largely ascribe the changes taking place in rural areas of the Sahel and West Africa to:

> environmental, institutional and socio-economic factors that are reconfiguring rural areas and production systems;

> and new competition for access to natural resources that is upsetting old balances between agricultural and pastoral activities and heightening tensions between farmers and herders, and between resident and transhumant herders.

We need to question the traditional analytical approach that focuses on "farmer-herder" conflicts and reduces security issues to hostilities between two professional/ethnic/religious communities.

This obscures several important dimensions of land-related conflicts in rural areas, particularly:

> the diversity and flexibility of non-conflictual relations between different categories of rural land user (farmers, herders, fishers, foresters, etc.);

> changes in production systems, with a widespread shift to agro-pastoralism, which has become the keystone of resilience in the face of repeated droughts;

> the existence of other types of conflict caused by resistance to perceived social injustices, or jihadist groups and self-defence militias playing on inter-community tensions.

This binary approach also reduces analysis to a description of the lines of conflict, rather than exploring the structural causes or dynamics of land-related hostilities.

The rise in conflicts over natural resources is particularly worrying in the current context in West Africa, where they are causing serious social, economic and political problems. This is partly due to declining reliance on/recognition of traditional methods of regulating conflicts, and the fact that local and national institutions sometimes fail to anticipate the pressure that users or investors exert on natural resources, or adapt their conflict prevention and management mechanisms accordingly.

The tensions created by conflicts of interest between local people and other groups of actors (the State and private investors) are fuelled by misconceptions about rural areas, family farms and pastoral livestock systems. Many city-dwellers regard rural life as a lingering, residual aspect of an old world that is destined to disappear. This explains why many actors want to annex as much rural land as they can and use it for activities that will supply urban centres or the international market.

Conflicts over natural resources provide fertile ground for the security crisis that has gripped the Sahel and West Africa since 2012. Instances of terrorist violence have proliferated as jihadist movements have taken root in the Sahel, sparking an elevenfold increase in the number of security incidents, which rose from 186 in 2016 to 2,194 in 2021;[19] and tipping the Liptako-Gourma area into a spiral of instability that has turned it into the second epicentre of insecurity in the region (WFP, 2020).[20]

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18. Ouédraogo, H., 2004: *Etude comparative de la mise en œuvre des Plans fonciers ruraux en Afrique de l'Ouest: Bénin, Burkina Faso, Côte d'Ivoire.* LandNet West Africa.

19. Link : https://my.visme.co/view/y4ndqmqg-revue-de-presse-ateliers-etude-pastoralisme-et-insecurite (source ACLED).

20. World Food Programme. 2020: *Persistent conflict, loss of agricultural land and recurrent food insecurity in the Liptako-Gourma region.*

BOX 4
The multidimensional causes of increasing conflict

Recent studies by the FAO (2020[21]) and Réseau Billital Maroobé (2021[22]) have taken a different approach. They show that land conflicts in the West African sub-region are rooted in a range of interconnected structural causes and drivers, particularly:

- increasing demographic pressure and stagnating agricultural productivity, which are leading to agricultural extensification and dwindling rangelands at a time when there are few opportunities for young workers in other economic sectors (apart from petty trade and artisanal mining);

- fragmentation of rural landscapes, which is accentuated by cash crops and gold panning activities expanding into areas traditionally reserved for grazing;

- land grabbing in rural and peri-urban areas, with private investors taking vast tracts of pasture out of circulation and thereby undermining traditional social ties between older and younger members of family farms;

- the crisis in rural governance systems, where local authorities are dominated by sedentary populations. Little account is taken of transhumant and nomadic herders' interests because they are poorly represented in decision-making bodies, which exacerbates social inequalities and leads to inequitable access to natural resources;

- local institutions that regulate access to land are too weak to effectively prevent and resolve conflicts linked to access to natural resources.

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21. FAO, 2020: *Analysis of conflicts linked to natural resources in three Liptako-Gourma countries (Burkina Faso, Mali and Niger).*

22. Réseau Billital Maroobé (RBM), 2021: *Listening to herders in West Africa and the Sahel: What is the future for pastoralism in a context of rising insecurity?* Study coordinated by Mathieu Pellerin.

Armed violence is affecting increasingly large areas across the region, particularly:

> northern and central Mali;

> the Sahel, north, east, centre-north, centre-east, south-west and Boucle du Mouhoun regions of Burkina Faso;

> eastern and western Niger;

> the west, south and east of Chad;

> and the north-east, north-west and central states of Nigeria.

Recent developments in the security crisis have seen a significant increase in the number of civilian victims of conflict. These victims mainly come from pastoral and agro-pastoral communities, which are the primary targets of endemic crime and armed violence. In order to protect themselves, these communities are increasingly abandoning areas plagued by violence and seeking safety elsewhere, which has led to a marked increase in population displacements. According to government estimates, Burkina Faso alone had almost 1,500,000 internally displaced persons (IDPs) in September 2022. These massive displacements of rural households are creating huge humanitarian challenges because the people fleeing their villages are having to abandon their livelihoods and means of subsistence (granaries, livestock).

In recent years, violent extremism has spilled over the borders of the Sahel, increasing the threat of terrorism spreading into southern parts of West Africa. The available statistics show that security incidents have increased in the northern regions of coastal countries: "*Between January 2021 and July 2022, 157 incidents were reported in the northern regions of Benin, Togo, Ghana and Côte d'Ivoire, and along the border with southern Burkina Faso, including 28 in the period June-July 2022. This represents a 115% increase in the number of security incidents compared with the period April-May 2022.*"[23] The combination of this upsurge in violence and the spread of stereotypical prejudices that take transhumant herders for jihadists is contributing to the communitisation of conflicts and an increase in abuses against transhumant herders.

Conflict and insecurity have severe impacts on local land management, not only in settings affected by chronic violence and increasing insecurity, but also in areas that host refugees and internally displaced persons. Studies conducted in central Mali (Tobie,

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23. UN Regional Intersectional Analysis Group (GRANIT), 2022: *Multi-hazard surveillance tool for countries in the Gulf of Guinea Benin – Côte d'Ivoire – Ghana – Togo, as of 31 July 2022.*

2017,[24] and Benjaminsen and Ba, 2018[25]) identified several factors that feed agro-pastoral conflicts and insecurity, most notably:

> rural populations' distrust of the central State and sense of exclusion from local land management decision-making processes;

> the strategies that jihadist groups are using to integrate themselves into the social fabric of weakened communities, by providing services and protection to compensate for the withdrawal or absence of the State;

> and efforts by jihadist groups to change political and socio-economic relations between leading local lineage groups and families who are placed in dominant positions (by changing the conditions for organising livestock river crossings, or the rules governing herds' access to *bourgoutières*).

Life in reception areas for refugees and internally displaced persons is made even more difficult by the emergence of hostilities between new arrivals and host communities competing for access to the natural resources they need to survive (cultivable land, water points, grazing, forest resources, etc.). Land is thus a key factor in the security crisis, which in turn contributes to the expansion of land markets (particularly in communes that host IDPs, and in peri-urban areas), leads to land agreements being called into question, weakens community relations and undermines customary authorities.

A study conducted in Burkina Faso in 2021[26] highlights the plight of displaced populations who have lost their means of subsistence and are falling into long-term poverty or precarity. As the flow of displaced people continues unabated, host communities' capacity and traditional willingness to receive people is dwindling, as many host families are already in a vulnerable position with precarious accommodation, little available food, and limited arable land.

Competition over access to land is increasing tensions between new arrivals and host communities, and the situation is exacerbated by host households' frustration that humanitarian assistance strategies take little account of their needs. Population movements trigger major changes in land relations that can lead to exclusion and conflict (withdrawal of land, occupation of land belonging to displaced persons, rapid commercialisation of land around sites hosting displaced persons, etc.).

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24. Tobie, A., 2017: *Central Mali: intersecting violence and instrumentalisation*. Stockholm International Peace Research Institute – SIPRI.

25. Benjaminsen, T. A. and Bâ, B. 2018: *Why do pastoralists in Mali join jihadist groups? A political ecological explanation*. The Journal of Peasant Studies. The authors explain the dynamics of conflict in the Mopti region and how lines of conflict are affected by the presence of armed groups from a materialist political ecology viewpoint.

26. FAO, 2021: *Study of the impact of the security situation on food security, the livelihoods of affected people and the functioning of agricultural product markets in Burkina Faso.*

Women sowing seeds during the rainy season in southeastern Senegal © Oussouby Touré

BOX 5

Access to land is a key factor in the security crisis in the central Sahel

Although competition over land is not the only cause of conflict and violence in the central Sahel region, hostilities between rural land users reflect its multiple productive, social, territorial, political and identity-related dimensions, and the different types of legitimacy land can confer.

The escalating tensions and growing socio-political and security crises in the central Sahel are directly and indirectly affecting land tenure, management and use, and making local land management much more complex. The forced displacement of rural households, reconfiguration of transhumance routes, weakening of customary authorities, departure of elected representatives from local authorities, contestation of land tenure agreements and erosion of social links between communities are leading to dynamics of exclusion and the concentration of land rights (withdrawal of land, occupation of land belonging to displaced persons, rapid commodification of land around sites hosting forcibly displaced persons, identity-based tensions and communitisation of violence, etc.). In such a context, we need to question the effectiveness of the local land governance models and instruments that have been developed in these countries (Ouédraogo et al., 2023).[27]

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27. Ouédraogo, P. A *et al.*, 2023: *La gestion foncière locale en Afrique de l'Ouest et à Madagascar : enjeux, défis et perspectives dans un contexte de montée des crises multiformes et de remise en cause de l'autorité publique.* Briefing Note No. 36, "Land Tenure & Development" Technical Committee, AFD, MEAE.

> CONCLUSION

Discussions in this regional seminar centred around the following issues:

● how to recognise/secure customary land rights;

● the nature and content of land rights that should be managed by decentralised structures (use rights or ownership rights);

● the links between formalising and securing land rights;

● how to facilitate the application of legislation on local land management;

● procedures to ensure that public actions and actors responsible for land governance are held to account;

● which mechanisms should be put in place to provide sustainable funding for consultation/negotiation mechanisms when projects come to an end;

● how land reforms can take account of the interests of migrants, indigenous populations, non-native actors and incomers and thereby improve social cohesion;

● how to support land governance models based on local practices;

● and how local land management tools and mechanisms can be adapted to multidimensional crises.

These discussions helped participants identify common work priorities to address current issues and future challenges, and anticipate future projects for the CTFD and its partners. ●