

SUMMARY PAPERS

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These papers summarise the presentations and debates at the study days organised by the French Cooperation "Land Tenure & Development" Technical Committee.

Local land management in West Africa and Madagascar

The issues, challenges and prospects in a context of rising multifaceted crises and questioning of public authority

This report summarises the presentations and debates at the regional seminar on local land management in West Africa and Madagascar convened by the "Land Tenure & Development" Technical Committee (CTFD) in Saint-Louis, Senegal, on 6-10 March 2023. The seminar was attended by 70 participants who included representatives of civil society and farmer organisations, land administrations, experts and researchers from eight African countries (Benin, Burkina Faso, Côte d'Ivoire, Guinea, Senegal, Madagascar, Mali and Niger), members of the CTFD and speakers from AFD. The seminar was structured around several sessions where participants could share their experiences and break into reflective sub-groups. After an initial introductory speech by Sidy Mohamed Seck (Gaston Berger University) and a round-table discussion with representatives of regional farmer organisations (ROPPA, APESS, RBM), thematic sessions led by Oussouby Touré and Pierre-Aimé Ouedraogo provided an opportunity to share local initiatives and discuss their strengths and limitations. Discussions were structured around four main themes: current approaches to local land management, securing pastoral rights, land observatories, and reducing inequalities in access to land. The workshop ended with a day of collective reflection on the challenges ahead and how the Committee and its partners can address these issues in future work. This paper is based on the presentations and discussions that took place during the thematic session on local land management.

Contemporary land policies in West Africa and Madagascar aim to improve "land and resource management" and "promote economic development by facilitating more productive land use".¹ In the current context, land policies also need to take account of environmental and social factors such as the sustainability of resources, equitable access to natural resources, and social peace. These are major power issues for local and national public authorities, customary and traditional land management bodies, and citizens (individuals, families, private actors) everywhere. They are also a key factor in social identities, building societies, and integration between different groups.

The trajectories of land policies in West Africa and Madagascar have been shaped by a common principle based on the decentralisation of land management. The aim is to provide high-quality local public services that recognise and formally secure local actors' land rights, by transferring certain powers to local authorities (mainly communes) and local communities (particularly village committees). Although the chosen paths and models of decentralisation vary from one country to another, they all face similar challenges in certain day-to-day aspects of decentralised land management.

There is no denying that decentralisation has helped strengthen the political, legal and institutional frameworks for land management. But there are still various hurdles to overcome, particularly in terms of enforcing national legislation across each

>>> The "Land Tenure and Development" Technical Committee is an informal think tank composed of experts, researchers and senior members of the French Cooperation. It was set up in 1996 to provide strategic support to the French Cooperation and guide land tenure initiatives.

1. Ph. Lavigne Delville, cited by Daniel Thiéba (2010), "L'élaboration de la politique nationale de sécurisation foncière en milieu rural au Burkina", AFD/CTFD, June 2010.

country, and preventing or managing conflicts that sometimes arise following decisions to systematically formalise land rights nationwide.²

Local land management has become much more complex due to the rising tensions and growing socio-political and security crises in the region, which have more or less direct effects on land rights, land management and land dynamics (massive forced displacements of local populations and authorities, contested land tenure agreements, erosion of community relations, weakening of customary authorities, withdrawal of land, occupation of land belonging to displaced persons, exclusionary dynamics, concentration of rights, etc.).

These factors are making local land management increasingly complex as land actors have to deal with changing land relations, increasingly commercialised access to land around sites hosting displaced persons, identity-based tensions and the communitisation of violence and tensions.

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2. It should be noted that the systematic formalisation of land rights is not directly linked with the decentralisation of land management, and may be implemented by the land administration itself.

In this context, we need to consider whether the local land governance models and instruments developed in different countries can effectively address their current and future challenges.

To shed some light on these issues, this note draws on the papers presented at the regional seminar on land management in West Africa and Madagascar held in Saint-Louis in March 2023, and a cross-section of documents examining major land reforms in the countries concerned. The first and second sections respectively describe the power struggles that ensued when the reforms were formulated and implemented, and the roles played by different actors, particularly governments, technical and financial partners and civil society. The third section analyses formalistic approaches to securing land tenure, and their limited ability to respond to the politicisation of local land management structures.

The final section considers land management in the context of the current socio-political and security crisis in the Sahel, which is now threatening to spill over into coastal countries, examining its roots in land tenure and its impacts on the implementation of reforms.

Cattle herd in the Goubéré lowland, Burkina Faso, 2014 © Ibra Touré



> LAWS AND INSTITUTIONAL FRAMEWORKS THAT TAKE NO ACCOUNT OF HISTORIC STRUGGLES FOR POLITICAL CONTROL OF TERRITORIES

The policies and laws that govern rural land tenure, and the choices that they underpin, are never neutral. They reflect the balance of power between different land actors at a given time (governments and their technical and financial partners, local authorities and their elected representatives, customary local authorities, communities,³ multinationals and, more broadly, private actors, etc.).

Their advances and setbacks therefore reflect historic struggles, and sometimes reversals, in the balance of power between groups of actors fighting for political control of territories and jurisdiction over strategic natural resources.

3. In the sense of social groups organised around an activity or a home territory.

These struggles are now exacerbated by efforts to capture new financial flows from the emergence and rapid growth of rural land markets, government manoeuvres to obtain secure, easily accessible land in order to attract foreign investment and carry out their own projects, and the lack of regulatory mechanisms to control changes in land use that are linked to urbanisation (anticipatory changes prompted by strong expectations of imminent city building, subdivision procedures that encourage predatory land acquisitions and clientelist redistribution of plots, etc.).

There are also major changes in the way that families manage their land holdings: solidarity within traditional families is weakening, rural family land holdings are gradually being fragmented, longstanding relationships between indigenous residents and migrants are being called into question, and agrarian agreements and the conditions of access to natural resources are being renegotiated and increasingly commodified.

Recent land reforms in these countries have failed to neutralise these long-running struggles over

BOX 1 Conflicts between indigenous communities and migrants in Burkina Faso

There have been major migratory movements to certain areas of Burkina Faso, such as the Volta Valleys Development (AVV) zones (Bagré and Sondré-Est/Manga), western cotton-growing regions (Padéma, Solenzo and Kouka) and the eastern region around Kompienga, Komondjari, Fada N’Gourma, etc. Indigenous communities in these areas initially encouraged migrants to settle on cleared land so that they could extend their landholdings and assert their political power (Hochet & di Balme, 2013) through an inclusive mentoring institution that enabled incomers to access land and integrate into the local community, thereby aligning them with the local people who received them.

Increasing pressure on land in certain areas has helped weaken this institution over the last decade or so, and encouraged different actors to retreat into their own identity-based groups, political and economic alliances and partisan logics. Local people have tightened the conditions for land access, and often demand more in return for increasingly restricted rights and smaller and smaller plots of poorer quality agricultural land (Hochet, 2014); while agricultural migrants have developed strategies to consolidate

the land they have “acquired” and assert their status as “landholders”.

Land governance in rural areas that the State has developed for agro-pastoral purposes (particularly through AVV programmes in Sourou, Ganzourgou, Zoundweogo, etc.) has become the arena for a three-way struggle for territorial control between:

- agricultural migrants who were settled by the State several decades ago, who are claiming rural land ownership rights and pushing for their recognition;
- holders of customary land rights who are developing “re-traditionalisation” strategies to secure their power and control over land; and
- pastoralists and their representatives, who are working to preserve, rehabilitate and enhance the value of pastoral areas in their original territories by developing more or less successful local alliances with one of the other two parties.

The old adage that “you don’t deny land to someone who needs it” no longer holds true today. Awareness that space is finite has prompted local communities to establish “land reserves”; while increasing opportunism among incomers is leading to new forms of land transactions (land leases, sales, etc.

Source: Bary, Ouédraogo, Sanou and Thiéba, 2005: *Diagnostic de la situation de sécurisation foncière rurale, Final report.*

territorial control and access to strategic natural resources. In fact, the inclusive and participatory nature of these reforms may even provide certain actors with an opportunity to rekindle old conflicts and assert their rights and legitimacy. Local authorities and chieftaincies still dominate day-to-day local land management in Niger, despite the introduction of socially representative land commissions at various levels. In Burkina Faso, there were clashes over the role that customary chiefs should be assigned in village land commissions (CFV) and village land conciliation commissions (CCFV) when the national policy to secure rural land tenure (PNSFMR) was being formulated. And in Guinea, debates are polarised between those who want to secure land for family farmers on the one hand, and the allies of major economic actors, particularly agro-industrial and mining companies, on the other.

The development and implementation of reforms have become another arena for power struggles between different actors, interests and legitimacies: State services and officials who risk losing power and influence when land management is decentralised; customary authorities that may be marginalised or strengthened depending on the country concerned; economic actors and property developers seeking State-issued private property titles; indigenous communities that want to

secure family land holdings; agricultural migrants waiting for their use rights to be recognised and secured; farmer organisations concerned about the challenges posed by the development of competitive family farms; agro-pastoralists and transhumant herders campaigning for peaceful, secure and sustainable access to shared natural resources; and technical and financial partners encouraging the more or less systematic formalisation of rights, with some favouring an approach based on individualised land rights (individual or collective) and others focused on formal measures to secure common areas (conservation areas, pastoral areas, etc.).

The choices that governments make in reform processes are not always clear-cut, and their implementation is often muddled by leadership conflicts and internal power struggles over which government structure will steer the reform. In Niger, for example, major inconsistencies between the sectoral laws and the 1993 ordinance on the Rural Code mean that there is little or no synergy between the different ministries and structures involved in implementing this legislation, or in the broader context of the “controlled” and “gradual” transfer of land matters to communes against a backdrop of resistance from customary authorities that want to hang on to their power.

Temporary encampment during the annual « Eggo » herders' meeting in Niger © Oussouby Touré



> THE INFLUENCE OF TECHNICAL AND FINANCIAL PARTNERS, THE DE-POLITICISATION OF DEBATES, AND THE SAFEGUARDING ROLE OF CIVIL SOCIETY

Technical and financial partners (TFPs) have strongly encouraged and supported reform processes, facilitating wide-ranging dialogue and consultations between different land actors in several countries whose governments proved reluctant to discuss their land policy choices (explicit or otherwise).

Reforms that lack government support are often starved of public resources, leaving them reliant on external aid and the frameworks and conditionalities of the technical and financial partners that provide it. This has led some observers to ascribe the proprietary approach of Côte d'Ivoire's law on rural land tenure (Law no. 98-750 of 23 December 1998) to the Ivorian government's partnership with international financial institutions (the World Bank and the International Finance Corporation).

The position that governments have taken on land reforms also raises broader questions about their willingness and ability to assume responsibility for their policy choices. The instigation, framing, content, pace and implementation of reforms nearly always occurs within the framework of projects that are mainly or even exclusively financed by TFPs (in some cases with contributions from private real estate or mining companies), and are often influenced by the tools promoted by actors in certain land-related spheres (land administration, notaries, surveyors, etc.).

Civil society groups have responded to the lack of government interest in reforms, and the increasing influence of international organisations and national/international sectoral lobbies on their design and implementation by taking action to defend and safeguard inclusive processes that consider the interests of family farms in all their diversity. In some contexts, their actions have made it possible to drive through reforms that recognise local people's land rights (abolishing presumed State ownership) and initiate moves towards decentralised land management.

BOX 2

Madagascan civil society mobilises to defend the progress made by the 2005 land reform

In 2005, a land policy letter laid the foundations for a new land reform in Madagascar based on decentralised land management and the transfer of new powers to communes, most notably for land certification. This was the result of two years of action by civil society organisations, support from land experts, the favourable position taken by the Ministry of Agriculture (then in charge of land matters) and the presence of donors prepared to finance reform of the sector.

However, the rest of the process has been marred by a constant cycle of tensions between land management actors. Over the years, the central land administration has taken various initiatives to make certification more difficult and limit the communes' land management powers and ability to act, introducing a series of upstream and downstream measures that have prevented the communal land offices from fulfilling their duties.

Nevertheless, civil society groups have been able to get the government to move on certain points:

- In 2012, the central land services issued two administrative notes suspending the activities of land offices in 13 communes in the Analamanga Region. Civil society groups working on land issues under the aegis of the national platform SIF (Solidarité des Intervenants sur le Foncier) petitioned the Council

of State on 18th September 2012 to oppose these measures, and won their case. In the course of the proceedings, the Direction Générale des Services Fonciers cancelled the contested notes.

- In 2015, the land administration tried to use a new version of the law on private land ownership to make it compulsory to convert land certificates into titles when land is transferred through inheritance, sales or free of charge. The aim was to make certificates a first step in the registration process, and thereby rebuild the land administration's monopoly over the management of all legally registered land. When the Ministry of Finance was informed of this move by various networks of land experts from civil society and development projects, it asked the Land Ministry to abolish this obligation – no doubt mindful of the fact that its substantial budgetary support from the World Bank depends upon evidence that the country is making progress with its reforms.
- In 2021, the National Assembly passed a new law on PPNT (Law 2021-016) that consolidated the central administration's position and challenged the foundations of the land reform. This law was unilaterally conceived and drafted by the land administration, without consulting any other land actors or discussing it with the committee responsible for drafting land legislation. It prompted reactions from many quarters: national civil society organisations specialising in land issues, SIF, groups of farmer organisations within the Comité National des Agricultures Familiales (National Committee for Family Farming), mayors who are usually reluc-

tant to oppose the government (due to political allegiance/dependence), experts and researchers responding through various national and international civil society platforms, journalists, and technical and financial partners involved in land reforms and rural development in general. Various parties issued press releases, sent letters to the Presidency and requested meetings with senior government officials. With elections scheduled for the end of 2023, the government responded to these multi-level protests, made radical changes to the teams in the Land Ministry, restarted the national debate by inviting various parties to the table (civil soci-

ety, mayors, development projects, etc.), rewrote the new law and pressured projects to distribute land certificates with the press in attendance. Law 2021-016 was extensively revised within a year of its promulgation, and replaced with Law 2022-13, which reaffirms the initial thrust of the reform.

Source: Rakotomalala H., 2023, *Décentralisation de la gestion foncière à Madagascar : fondements, avancées, rapports de force et enjeux*, Regards sur le foncier n° 14, "Gouvernance foncière locale, quelles approches et institutions mobilisées pour répondre aux différents enjeux?", "Land Tenure & Development" Technical Committee, AFD, MEAE.

In Senegal, the State's reluctance to engage in open debate on the policy choices to be promoted prompted civil society organisations to join forces within the Cadre d'Action et de Réflexion sur le Foncier au Sénégal (CRAFS) in 2010 so that they could wield more influence. However, CRAF's power base is being undermined by the World Bank-funded Land Registry and Security Project (PROCASEF), a nationwide land registration initiative implemented by the State through the Ministry of Finance and Budget. The participatory land reform process that had mobilised all stakeholders and led to the drafting of a consensual land policy document has come to a complete halt, and there is a general feeling that the State is using this project to smuggle through a "soft reform".

By prioritising funding for governments, TFPs undermine other policy actors' ability to act independently of the State, influence the formulation and implementation of reforms, and ultimately promote alternative visions to the individualisation and commodification of rights.

Fulani encampment in the Ferlo between Widou and Tatki in Senegal, 2020 © Ibra Touré



> THE LIMITATIONS OF PROCESSES TO FORMALISE LAND RIGHTS AND THEIR ALTERNATIVES

The approaches to formalising rights advocated by current land reforms are flawed in various ways and to varying degrees, depending on the country concerned.

The main limitations relate to:

- **The technical nature of certain approaches** (demarcation, geo-referencing, clarification of rights, payment for deeds, registration of rights, etc.) affects the cost of the deeds issued to land users. This often means that less time is spent on consultation/dialogue/negotiation within families/lineages that hold customary land rights, and between landowners, customary and traditional authorities and different rural land users (migrants, pastoralists, etc.). Furthermore, significant biases have been observed in certain countries, where the type of rights registered (individual rights to small plots, or family holdings covering several hectares) depends on how the technicians are paid (per hectare or per deed) rather than how family assets are actually managed.
- **Prioritising the formalisation of rights (collective or individual) over securing common and shared resources.** This tends to result in reforms being judged by the number of papers issued rather than changes in the practices observed and the adoption of more collaborative methods of local land governance (process-based logic). This has a negative impact on the security of pastoral areas, forests and shared resources, and on the consolidation or legal recognition of local stakeholder agreements on the rules for shared access to these resources. It also runs the risk of marginalising the State's and local authorities' land rights, as their land holdings are very rarely legally constituted.

- **The proprietary bias of reforms that focus on securing landowners' rights rather than users/producers' rights.** Many reforms will only secure agreements between owners and producers (delegated rights) if the landholder's rights are secured (rights of possession/ownership). This runs counter to local practices to secure rights, which focus on reaching verbal agreements and arrangements based on the existence of good social relations between the two parties, and formalising the "petits papiers" that are widely used to seal contracts between local land actors (despite their many imperfections).

See box 3 below.

- **Politicisation of the local land management structures promoted by reforms,** particularly at village level. This is the result of standardised procedures largely inspired by classic approaches to support rural self-help initiatives,⁴ which underestimate the highly political nature of land

4. The composition of local land management structures is sometimes defined very precisely in implementing decrees for land legislation, to ensure that different stakeholder groups are "represented". For example, CCFVs in Burkina Faso must be chaired by the traditional customary authority and include secretaries, representatives of the religious authorities, different professional organisations (farmers, herders, etc.), women's representatives and youth representatives.

management. People at grassroots level find it hard to take ownership of these approaches, which are perceived as instruments wielded by the communal executive (or even the mayor) or local customary and traditional authorities (especially the chiefs of villages, cantons and camps, etc.), rather than genuine local land management tools designed to secure different users' rights.

See box 4 page 8.

- **Manipulation of these approaches to further local power relations can cause tension and conflict,** and exacerbate the exclusion or vulnerability of certain actors, particularly women, young people, migrants and pastoralists.

These findings highlight the importance of recognising the diversity of existing land rights (*ownership, possession, use*) when thinking about securing land tenure, particularly collective rights to shared resources. It is also important to broaden and deepen the analysis of alternative models and systems for recognising and securing actors' land rights, think more about integrating customary authorities into these systems, and consider their relationship with other sources of legitimacy, particularly those that are emerging in the context of socio-political and security crises.

BOX 3

The key role of Plant and Share contracts in land relations in forest areas of Côte d'Ivoire

Plant and Share (P&S) contracts have become very popular in various parts of Côte d'Ivoire's forest zone over the last decade or so, and are emerging as an institutional practice for accessing land resources and an alternative to land sales, which cause numerous conflicts.

A study conducted in Agni-Indenié territory in Abengourou department in 2022 found that land transfers for cultivation on a "plant and share" basis are most common among the indigenous "Agni" (who account for 98% of landowners)

The majority of tenant farmers are migrants from other countries (66%), with most coming from Burkina Faso (54%), then Benin (7%), Ghana and Togo (5%).

There are two main forms of "plant and share" contract: one shares the revenue from the harvest, and the other shares the plantation. Although there are some local variations, crop-sharing is generally the predominant P&S practice (accounting for 78% of contracts and

73% of the plots concerned, while plantation sharing contracts account for about 22% of contracts and 27% of the plots concerned).

The assignor and their family retain control of the plot covered by the contract, although around 21% of assignors permit lessees to use their share of the plantation as a "guarantee" if need be (to cover health or funeral costs), provided the customary owners of the land agree to this.

However, while P&S contracts are socially accepted by the parties to the transaction (the customary rights holder and lessee), they are not formally recognised and institutionalised, and are a potential source of conflict if clandestine transfers have been made, if certain family members contest the legitimacy of the arrangement delegating rights to incomers, or if one of the contracting parties dies and the contract is challenged by the lessor's heirs.

Source: Kouamé G, 2023, *La pratique contractuelle du "planter-partager" en Côte d'Ivoire: quelle formalisation des droits fonciers et des transferts de droits ?* Regards sur le foncier n° 14, "Gouvernance foncière locale, quelles approches et institutions mobilisées pour répondre aux différents enjeux?", "Land Tenure & Development" Technical Committee, AFD, MEAE

BOX 4

Under-estimating the politicisation of local land management structures

Although it is now nearly 15 years since Burkina Faso adopted its Rural Land Law and associated priority implementing decrees, it appears that the Village Development Councils (CVDs), Village Land Commissions (CFVs) and Village Land Conciliation Commissions (CCFVs) still find it extremely difficult to fulfil the public service missions entrusted to them. The country's worsening security crisis seems to have exacerbated this situation in recent years.

The five-year ODEC evaluation of the application of Burkina's Law No. 034-2009 on rural land tenure (2021) raised various concerns about the CFV/CCFVs' functionality (lack of financial and logistical resources, low levels of involvement/interest among certain members, lack of consultation, lack of operational capacity, etc.), and especially about their links with the communes and village authorities, as there are signs that these commissions are being used for political and other ends.

There have been cases where communal and village authorities (mayors, village chiefs) have been more or less openly involved in selecting members of CVDs, CFVs and CCFVs, in order to secure places for their supporters/activists, ensure their support and thus make these structures "echo chambers" for the communal

executive's political projects or the customary and traditional authorities' local land management decisions (however arbitrary). As a result, some authorities are reluctant to take initiatives or ensure that the membership of CVDs, CFVs and CCFVs is periodically renewed as required by law, because they do not want to lose "control" of these bodies.

This kind of partisanship leads to numerous biases. According to the law, the composition of CCFVs should normally ensure that all strategic stakeholder groups in the village territory are represented, but this is not always the case in reality. In certain villages where pastoral livestock rearing is a major activity, it is not uncommon to find that the person appointed to represent herders rears pigs, poultry or another type of livestock that is less common in the area, meaning that cattle herders are completely unrepresented on these bodies.

A similar trend has been observed in conflict zones in Mali, where the political and/or administrative authorities at various levels sometimes influence the choice of CoFos members – despite measures to move procedures to the village level and thus lower the stakes for political leaders in the capital. There is strong anecdotal evidence that political leaders in the Mopti region are interfering in the selection of members of village land commissions, and concern that the frustration this causes could have consequences for the mandates of these important land governance actors.

> SPECIFIC ISSUES RELATING TO LOCAL LAND MANAGEMENT IN CRISIS SITUATIONS

Land issues alone cannot explain the upsurge in violence in the current socio-political and security crisis in Mali, Niger and Burkina Faso, which is also threatening coastal countries. Nevertheless, land is part of the explanation, as it is a source of different legitimacies and an important factor in key aspects of production, territory, politics and identity.

The struggles and violence that have shaped the history of these territories and efforts to build, maintain and seize power over them centre around control over land and unequal access to agro-pastoral resources. Certain communities' feelings of frustration and dislocation from the State or other communities have been compounded by the emergence and accelerated development of land markets (sometimes driven by collusion between private companies and the State), manipulation of development projects (which may be detrimental to a particular community or group, causing a sense

of dispossession likely to fuel violence), and governance of the industrial and artisanal gold sector that is seen as serving the interests of the elites.

The insurrectionary and persistent nature of this crisis is due to a combination of factors, such as the role that colonisation played in contesting/overthrowing local authorities, the deterioration in State-citizen relations (due to widespread corruption among the elite, chronic lack of public investment, sense of marginalisation), abuses by the forces of law and order and security, the justice system's inability to resolve land disputes impartially, the politicisation of customary authorities, social inequalities in certain areas, and the increasing difficulties of accessing land and natural resources, which are jeopardising young people's future in agro-sylvo-pastoral activities.

The expansion of the crisis in recent years has had unprecedented consequences (forced displacements, relocation of authorities, reconfiguration of territorial governance, increased trafficking, communitisation of violence, loss of access to means of production, humanitarian crises, coups d'état, etc),

which have major implications for land dynamics and governance in the territories concerned:

- in territories where the State has lost control, the perpetrators of violence control access to natural resources through tax systems and the exclusion of certain groups and communities;
- land market transactions and the appropriation/privatisation of shared natural resources (protected areas and grazing areas) have accelerated in major reception areas for internally displaced persons;
- heightened tensions between communities, and the communitisation of tensions in certain areas are threatening mentoring relationships and agreements between families over the use of shared land and resources;
- social prohibitions are being challenged and land is being withdrawn at the expense of the most vulnerable groups, particularly women and young people;
- tensions between displaced persons and host populations sometimes run high over access to humanitarian aid, particularly when this involves the redistribution of productive resources;
- local people believe that local land management structures and authorities (decentralised or customary) are implicated in the accelerated growth of land markets and decapitalisation of family land holdings.

Farmer organisations are adapting their strategies so that they can continue to provide services for their members in this long running and increasingly violent crisis:

- **in the main towns and outlying areas that are still accessible, and where large numbers of displaced people are concentrated**, farmer organisations are intensifying and diversifying investments and services for their members, with a particular focus on diversifying farmers' sources of income. In some localities, operations are gradually evolving into emergency actions, mainly thanks to funding from humanitarian aid;
- **in areas that are controlled by armed groups but still accessible to organisations** via local contacts, they are adapting their approaches, methodology and levels/types of investment so that they are not dependent on external expertise and service providers. Their capacity to negotiate and engage in dialogue with armed groups involved in violent extremism is often the key to maintaining access to these areas;
- **in areas that are controlled by armed groups**, they are withdrawing or abandoning ongoing projects to guarantee the safety of their teams. The future of those who remain in these areas is uncertain, and resolving the crisis will partly depend upon the State's ability to (re)invest in these areas.

Cattle herd in Senegal's Ferlo region during the dry season © Ibra Touré



A number of issues need to be addressed in order to tackle the lasting consequences of the crisis in these territories, reduce the risk of it spreading to coastal countries, and prepare for the future:

- document new land issues caused by the crisis and its impact on local areas, with a particular focus on:
 - > regulating access to land and tensions over access to resources in reception areas,
 - > land and resource management in areas controlled by violent extremists,
 - > the return of displaced persons to their territories of origin (forward thinking);
- identify lessons to be learned from Burkina/Mali/ Niger on the links between land tenure and violent conflict, use them to inform ongoing policy dialogue on current reforms, and incorporate them into legal frameworks that are under construction;
- adapt land management methods in coastal countries to take account of population movements, and lobby governments to anticipate and adopt preventive measures (rather than a security-based approach).

> CONCLUSION

Land reforms that aim to decentralise land management in West Africa and Madagascar present opportunities and challenges in the current context of multifaceted crises and questions about the authorities' ability to create the conditions for a renewed social pact that includes every section of local societies.

The experiences and studies presented at the seminar underline the pressing need to:

- ensure that land policy debates consider how different levels of powers and responsibilities will interconnect when reforms are implemented, by specifying the place and role to be played by decentralised and customary authorities;
- when land management systems are being developed, take account of the way that authorities and societies are structured, and promote systems that consider and recognise the rights of the most marginalised actors in these territories (women, young people, migrants, etc.);
- encourage governments to mobilise more public resources to fund the development and implementation of land reforms and land management systems;

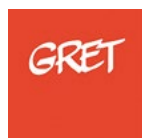
- understand and evaluate reforms in terms of the processes of change that they support, rather than their quantifiable results (number of certificates issued, number of plots referenced, etc.);
- ensure that the design and implementation of reforms focus on: (i) securing collective rights and shared use of common resources; and (ii) securing agreements and understandings between different land users;
- create the conditions to enable different elements of local society to participate effectively in debates on public policies and the implementation of reforms, by working upstream on support and rights-based approaches;
- provide specific, non-government funding to help develop checks and balances and build capacity to monitor land dynamics and ongoing reform processes;
- in crisis situations, conduct forward-looking studies on the place and role of land in peace-building efforts.

As moves to decentralise land management continue amid unprecedented challenges and crises, formal measures to secure land tenure will not be enough on their own to create and maintain the conditions needed to improve the productivity of agro-sylvo-pastoral investments, or establish peaceful and sustainable access to resources.

Land in Africa in general, and the Sahel in particular, used to be a source of both identity and nourishment. Today, it is an obstacle to the ideal of "the nation", a factor in the gradual deconstruction of national and local territories, growing estrangement between citizens and the State, a sense of injustice between "city dwellers" and "country people", mutual suspicion between the "rich" and the "poor", and more generalised doubts, fears and uncertainties that may intensify in the future. It is therefore imperative that local land governance systems are able to deal with development challenges and the issues that inevitably arise when communities live together. ●

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