



Agrarian Change Under the Radar Screen: Rising Farmland Acquisitions by Domestic Investors in Francophone West Africa

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Abstract

Policy makers in Africa increasingly state that modernisation of agriculture requires ‘agro-business’ investors, whereby family farms should make space and sell their labour. This discourse amplified following food prices rise in 2007, but contradicts official policy emphasising family farming.

Members of the urban, national elites acquire large plots of land using their connections, powers and resources. Rumours on international investors looking for farmland accelerate this phenomenon. This paper analyses results of 2009/10 research into acquisition- and investment initiatives in rural areas of Benin, Burkina Faso, Mali and Niger. Who are those new actors, how did they obtain the land, under what conditions, and how are they investing? Secondly, what are the motives to transfer land and what are the consequences for the livelihoods for those who controlled and used the land. We draw conclusions for “modernisation”, agrarian change, and social relations. Finally, we will discuss local responses to regulate this phenomenon by customary authorities, local governments, civil society, as well as the role of land- and investment law, environmental regulation and decentralisation policy.

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Abbreviations

CoFo	“Commission Foncière”/ Land Management Commission, Niger
ECOWAS	Economic Community of West African States
ECOWAP	ECOWAS Agricultural Policy
FO	Farmer organisations
NEPAD	New Partnership of Africa’s Development
OECD	Organisation for Economic Co-operation and Development

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Introduction²

Agriculture is back on the agenda of policy makers in West Africa. This is a response partly to concerns over food security but also to new economic opportunities and partly: growing urbanisation is creating new (regional) market opportunities. These evolutions could be important triggers for boosting smallholder farming – which employs the majority of rural people. However, high-level policy makers seem to opt for attracting new actors ('agribusiness') and favour a more industrial³, corporate way of farming, despite official policy declarations that emphasise family farming. Indeed, the interest of a range of international investors to farm Africa is growing. For them, some drivers are the sharp price increase for agriculture commodities at the world market, a fear for food insecurity amongst some rich countries with limited agricultural production capacity following the 2007-08 global food scarcity, the growing global market for biofuels, and also speculation on rising land values. For international investors, stronger international investment law combined with de-regulation at the country level since 2000 was another trigger (Cotula 2010; Dessalegn, 2011, Vuthy, 2011). This interest of international investors in African farm land has become the subject of numerous research endeavours and many meetings, workshops and (international) policy initiatives and civil society mobilisation.

In the case of investment in large-scale land acquisition, central government plays a key role in facilitating access to land. This may include expropriation and there is a trend to regain control over land and natural resources, following a decade of promoting decentralised management of land and natural resources (Hilhorst, 2010). The focus of this paper is, however, on domestic 'land' investors which plan to farm⁴ in francophone West Africa (Benin, Burkina Faso, Mali and Niger). The acquisition of rural land by domestic agro-investors is receiving much less attention and is a process taking place "below the radar screen". It is less visible than large-scale investment projects but touches many more communities⁵.

Particularly, in Burkina Faso domestic agro-investment is actively encouraged by central government and viewed as an alternative to smallholder farming (GRAF, 2011). The discourse is that these domestic agro-investors will professionalise and modernise agriculture, create opportunities for a new type of investments and linkages to markets, while generating employment for the 'host' community.

In West Africa, a juxtaposition of formal and informal governance systems which are regulating access to and control over land, is still in place. As will be shown in this paper, domestic agro-investors acquire land through customary, informal mechanisms and seek to formalise these transactions eventually. Agro-investors demand for land is taking place against the background of growing pressure on land for farming, tree crops and livestock, wherein competing claims already are a source of local conflicts. Land acquisition by domestic investors poses a risk when

²This study was supported by LANDac (the IS Academy on *Land governance for equitable and sustainable development*), SNV and the Royal tropical Institute (KIT)

³At the international level, the discourse is that only industrial forms of farming and green revolution style innovations can ensure that the projected 9 billion world population can be fed (see Collier, World Economic Forum, FAO).

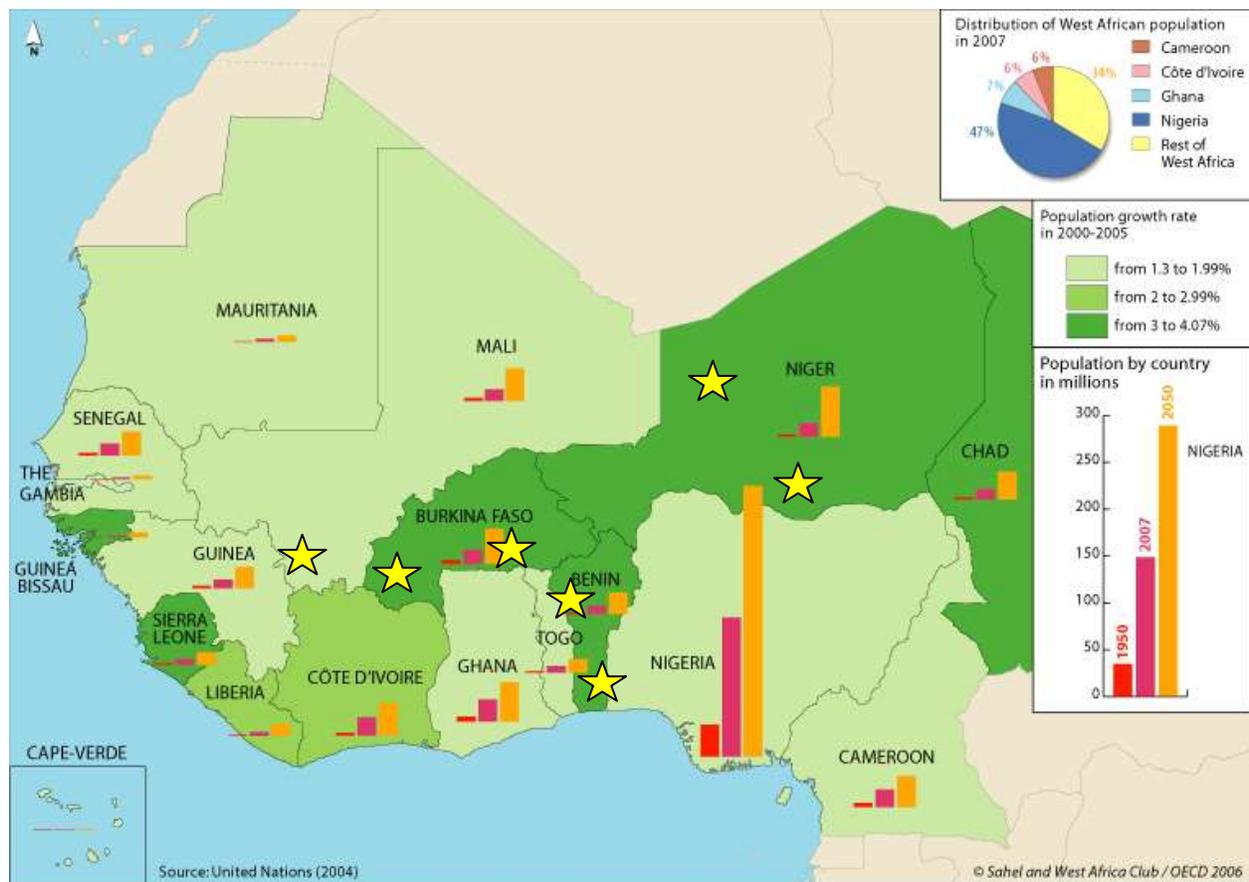
⁴Some may use this as a pretext to acquire land locally while actually speculate on rising land values.

⁵A first survey undertaken in 2009 by farmer organisations and the Netherlands Development Organisation SNV indicated that the effect of medium-scale land acquisitions (100-1000 ha) by domestic, urban elites seem to be more wide spread than large-scale ones. The latter are limited to specifically targeted land-resources, such as irrigation schemes.

poorly governed and not well managed by the local community. It can impact on land availability for farming, blocking roads and livestock corridors to grazing areas and water points, or prohibiting access to natural resources used particularly by women for gathering firewood and tree products (f. i. shea nuts).

Following a presentation of the methodology used and an overview of land use dynamics in West-Africa, results are presented of a survey undertaken to better understand the agro-investors: who is engaged and why, how is land acquired, how is the land being used, what is the contribution to enhancing production, productivity and diversification of agriculture, and to what extent are these investors linking to agricultural commodities. This paper then continues to explore the implications of these new forms of land use for other economic activities, in particular livestock, and the environment, and finally draws conclusions and give orientations.

Figure 1. Map and population of West-Africa



Distribution and Evolution of the West African Population

Source: OECD, 2006 ★
 Research sites: ★

Smallholders and industrial farming in West Africa

Access to land

West Africa (WA) is a region where large-scale farming by settlers never took place, but colonial powers forcefully introduced commercial farming to be undertaken by smallholders. Examples are groundnut farming and the development of irrigation schemes for producing cotton and rice (Senegal, Mali). In addition, the Sahel countries became a labour reservoir for the coastal countries for producing cacao, and coffee, again mainly by smallholders.

Colonial powers had already appropriated land formally⁶. Following independence, land remained officially under state control, but in practice customary land tenure regimes continued to prevail in rural areas. The influence of formal, statutory land laws is felt mostly in urban areas, which do not make part of our country studies. Another exception are areas where significant government investment (“aménagements”) took place, such as irrigation schemes, or land that has been expropriated for state farms or group ranches during the 1960-70s.

Currently, a juxtaposition of formal and informal governance systems exist, which are regulating access to and control over land is still in place. It is particularly felt in the management of ‘common lands’ such as forest and range lands, given the ability of forestry departments to impose sanctions and block local agreements (Delvigne Laville et al, 2002).

Customary authorities continue to manage farm land, natural resources and water points. Depending on the political system, this custodianship may be vested in local chiefs at the village level (land- and lineage chiefs in Mali, Burkina Faso, Niger) or with paramount chiefs/ kings who are residing elsewhere (e.g. Mossi plateau of Burkina, parts of Benin, chefs de canton in Niger). In patri-lineal customary systems, women have no inheritance rights; partly to prevent that land would be taken over by other clans. Generally, land is allocated for cultivation when requested, but can not be sold. This implies that third parties from outside the community, such as migrants, could obtain user rights, provided they respect their hosts’ customs and show proper gratitude to the family that allowed them to settle on part of their patrimony. The rights are temporary and plots can be taken back. There is also a restriction on investments that can be interpreted as property claims, such as tree planting, digging wells, building erosion control dams.

Rural communities which do not feel congested, used to welcome new inhabitants as they would make the community stronger. Migrants were also used to enforce claims on land vis-à-vis neighbours (villages, clans) and therefore these plots may be located at the edge of the village land area or in contested areas. However, nowadays many communities are increasingly reluctant to allocate land, while informal land markets are becoming more common. Allocating land is now mostly limited to relatively remote area with low population density, such as the ex-“river-blindness” zones (southern parts of Burkina Faso and Mali, north Benin). The “fear of the void” inciting former allocations, has been replaced by the “fear of overcrowding”⁷.

Industrial farming and smallholders

In the 1960s-70s, West African governments have tried to introduce industrial farming inspired by socialist countries and for which land was expropriated from communities. Most farms failed,

⁶ Appointed local authorities (f. i. “Chefs de Canton”) administered people as well as territories in ‘agricultural’ zones, while their counterparts (“C/Canton” or “C/Nomade”) in the vast Sahara-Sahel ‘pastoral’ zones merely administered people. Access to pastoral resources was mainly managed through wells and water points.

⁷ See Tallet, Sanou and Balac, 2000, p.21.

however, sometimes also causing natural resource degradation that is still visible in the landscape. Also ranches for livestock were introduced, combined with to make pastoralists adopt a sedentary lifestyle. The results were meagre and most ranches were abandoned after the droughts of 1973 and 1984. This stop coincided with a growing understanding and appreciation of the rationale and viability of prevailing, mobile livestock keeping in unpredictable Sahel conditions (Hesse and Thébaud, 2006). The 1990s also brought a more balanced view on the virtues of mobile livestock keeping and pastoralism.

The mixed experiences with industrial farming led from the 1985 onwards- in the aftermaths of the droughts- to a renewed interest in promoting smallholder farming for food security and economic development. The productivity increase in the Office du Niger during the 1990s is an example of the force of smallholder farming in West Africa, when the institutional environment is not prohibitive. Another result was the emergence of a successful cotton sub-sector, which was the combined result of an integrated chain approach⁸, building and engagement of farmers' associations, and mixed farming systems wherein cotton was rotated with food crops. Food security actually improved. Village-level associations, which subsequently were organised at district level, have facilitated innovation in production, input distribution and marketing, and the entry point to credit. These smallholder associations used to be accessible by all but membership is becoming more exclusive and shifting to the larger producers. Production increases were achieved by more intensive use of inputs, labour and equipment, as well extension of the fields. The juxtaposition of customary and statutory tenure systems did not hamper investment (Ouédraogo and Toulmin, 2002). But, the success of cotton farming was at the expense of forests, range- and fallow land, endangering the traditional method for soil regeneration. Competition over natural resources started to increase. Still, smallholder farming is a pillar of agricultural growth and guarantees physical and economic access to food. It employs the majority of the rural population (partly as family labour). Potentially, smallholder farming provides a high return to labour and land (Hazell et al, 2007).

At the primary level, farmers are organised geographically (at "village/ campement" level) or around a strategic commodity. In francophone West Africa smallholders' communities have been organised around certain cash crops (e.g. cotton, cereals groundnut, cashew, cacao & coffee) for decades. There are both informal and formal organisations at the local level. A wave of democratisation processes took place in the 1990's. In the aftermath, smallholders started to set up local and sub-national farmers' associations and finally national organisations (federations, unions)⁹. These organisations followed diverse trajectories which depend on specific economic contexts, chain structuring, internal leadership and the support they received from state services, companies and donors. Farmer organisations are invited to comment on public policies, including policies around land and agribusiness.

In federations and unions of strategic crops as cacao, cotton or rice, state services or processing companies may wield much influence on membership, structure and policy space. Afterwards 'sector boards' ("Inter-professions") have been created, as well as 'Chambers of agriculture', which are composed of civil servants and elected representatives of various groups of farmers.

Another characteristic is that these farmers' networks provide the backbone to 'structuring' supply chains that cover vast, sometimes remote areas, and play an important role in sustaining broader agricultural services (credit, farm equipment, innovation & extension and infrastructure).

⁸ Overall coordination of both market chain operations, input supply and support services (research, extension, vocational training) was ensured by one actor, a parastatal agency owned partly by the State and partly by a foreign (French!) company.

⁹ As FUPRO, UDOPER (Benin), AOPP (*Association des Organisations Paysannes Professionnelles*) (Mali), AREN (*Association des Eleveurs du Niger* -Niger), and FENOP (Burkina).

On the other hand, building organisations around a single commodity - or chain system - can be risky: they are vulnerable to organisational and institutional constraints within the chains and have to face volatile prices, which are beyond their control (Babin, 2009; Blein et al, 2009). During sector reforms in the 1990s, service provision changed radically in the major, strategic supply chains (cotton, cacao, cereals, rice): private chain actors increasingly concentrated on agricultural inputs and technological knowledge, while more long term issues as land management and vocational training came back in the hands of state services. The ability of the public sector to deliver such services had gone down, as they suffered from almost persistent lack of human and financial resources, and of knowledge innovation.

Renewed interest in agriculture

Also in West Africa, interest in agriculture has started to pick up in the last decade. Agricultural policy is reformulated and more aligned with regional initiatives and the African Union-NEPAD framework (ECOWAP – CAADP *Comprehensive Africa Agriculture Development Program*). Although all four countries have policies and legislation in place in support of smallholder farming, current policy discourse gives the impression that smallholders are no longer considered as economic actors and engines of development. Central governments seem no longer to base economic growth plans on this category of actors. Smallholder farming seems to be dissociated from the push for modernising and professionalising agriculture and livestock. These 'emotive' concepts of modernisation and professionalisation are becoming synonym to 'commercial farming' or 'agri-business'. Smallholders tend to be pictured as 'archaic' and engaged in 'subsistence' farming. Industrial farming is preferred¹⁰.

Benin hopes seem to be set more on international investors. Mali invited international and regional investors to the office du Niger, but increasingly domestic agro-investors are also active (CIRAD, 2011; GTZ, 2009). The Niger government is less explicit. Burkina Faso calls explicitly for domestic investors to go out and acquire land for farming, in order to modernise and professionalise farming, (GRAF, 2011). It is official policy since 1999 to encourage domestic, city-based actors to invest in farming and officials in Burkina Faso are calling upon smallholders to make space available for these 'agribusiness men' in the media. Regularly they are even suggesting smallholders to stop farming and start working as farm labourers.

A second strategy pursued is to facilitate the entry of young educated farmers, who have completed special vocational education at the secondary level. Either special settlement schemes are created (Benin, Mali), or local communities are requested again to make space for these "*jeunes diplômés*" as they will be the engine of modernisation (Burkina Faso). This is remarkable because until recently agriculture was not presented as a viable sector for young people in government or donor policies. It can be an interesting lead to follow.

It seems that the continuous suggestion that development and a better life will come from outside the community is seductive, undermining self-confidence of communities and interest in farming of the new generation (ref). This discourse is facilitating the acquisition of land by agro-investors. Some are actively being approached by certain 'host' communities and customary land holders partly via the brokers in land deals (study findings, see also GRAF, 2011).

¹⁰ Interesting, the current government in the Netherlands released several statements in 2011 against 'corporate' farming and in favour of family farming, but who apply 'industrial ways of farming'.

Methodology

This study is the follow-up of a quick inventory of large-scale land acquisitions, both international and domestic undertaken in 2009 by Farmer- and rural organisations (FO) and SNV in five WA countries (Benin, Burkina Faso, Ghana, Mali and Niger). The results were presented at an OECD workshop in Mali¹¹. This first scan suggested that medium-scale land acquisitions (100-1000 ha) by domestic, city-based investors seem more wide spread than large-scale acquisitions from 1000 ha and more.

The follow-up study was conducted partly by the same organisations: farmer organisations in Mali (CNOP), Burkina Faso (FEPPASI, UPPC) and Benin (*Synergie Paysanne* network) and SNV; with additional support from a Departmental Land Commission in Niger, the Royal Tropical institute (KIT) and Agriterra (international farmer organisation based in the Netherlands). The focus of this study is on domestic agro-investors in order to collect more data on trends, process of land acquisition, effects, and possible responses. This report concentrates on four countries (Benin, Burkina Faso, Mali, Niger)¹².

The research objectives are:

- 1) Assessing current practices of how land has been acquired for existing land investments (medium and large-scale) and under which conditions, in selected rural areas in West Africa;
- 2) Identifying interactions between investors and local producers and communities;
- 3) Assessing reactions and opinions of producer organisations (PO) and other farmers' platforms, as well of local authorities to these land acquisitions, including changing (perceptions of) land tenure security;
- 4) Inventory of socio-economic and environmental effects of these land acquisitions as perceived by PO's and other farmers' platforms, as well of local authorities ;
- 5) Developing proposals for responsible and sustainable land investments

The fieldwork started with a workshop with the participating farmer organisations (FO) to clarify and further develop the methodology. It was followed by a second workshop to analyse the results at a regional level again with the FO. A case study approach is used, combined with a survey in each site. The study sites have been identified in consultation with FO, which have engaged actively in this study, from design, to analysis and dissemination. This experience helped them to connect the dots and made them realise that acquisition of land by agro-investors is widespread, and that it is urgent to develop to discuss this issue with their members and develop a position, in order to reduce the risks and maximise the benefits. At the country level, the findings were presented by the study teams to farmer organisation and municipalities in the study sites.

The farmer organisations have thus undertaken a first inventory in two contrasting agro-ecological zones where domestic agro-investors are actively expanding. In each zone, one local government area is selected where the pressure is high, in order to better understand process and effects. A local government area was taken as entry point, as this is the lowest administrative unit with (some) formal authority with respect to land administration. It is also the lowest level of government that can play a role in land use management. Next, local authorities, formal and customary, in the selected sites have been contacted and interviewed. With their help and of other informants a list of all investors was drawn up, as completely as possible. The main

¹¹ Add Ref OECD workshop December 2009

¹² Teams from RDC and Guinea-Bissau also participated in the work. Given the differences in point of departure (tropical forests) and dynamics, it was decided to report separately on these findings. Much research is done on Ghana by other actors (e.g. Schooneveld, 2010).

criterion used was that the agro-investors come from outside the community and have not acquired land by heritage or allocation by close family members (parents, uncles, aunts etc.). It should be noted that in none of such lists existed at the level of local governments or other ministries. The implication is that local authorities have no full picture, making it difficult to manage this trend.

The questionnaires have been developed by SNV, KIT and FO and were informed by previous studies (GRAF, 2011; SNV, 2009; Synergie paysanne, 2010). In Benin and Burkina Faso, the researchers involved in these previous studies were contracted also for this study. In Niger the Land Commission (“Commission Foncière”) of the Guidan Roumji Department, the government agency in charge of land administration, undertook the interviews together with SNV. In Benin, Burkina Faso and Niger, all who have acquired the land, or their representatives were interviewed. The Mali team has focused on an inventory of general trends around agribusiness, and particularly the Office du Niger. These findings are not discussed in this paper as it is a distinct phenomenon in scale, actors and institutions.

In total 99 land investments have been surveyed: 21 in Benin, 56 in Burkina Faso and 22 in Niger. In 54 of the cases, the person that had acquired the land responded to the questions, in 14 cases it was a relative (son, nephew, brother) and in 30 cases it was the “farm manager”. The data provided have not been verified on the farm (total area, area under production, yields, investment etc.). The data have been analysed using SPSS.

It should be noted that data collection is biased towards land transactions that are known to the wider community and towards agro-investors that are regularly present in the communities or are represented by a manager or relatives living on the land. In Burkina Faso and Niger all investors that could be located were interviewed, in Benin only a sample of cases was interviewed. Some of the buyers were contacted in town, but often refused to be interviewed (See also GRAF, 2011). Land speculation is, therefore, likely to be underreported in this study. It is not possible to interview those who have never come back after acquiring the plot, and thus did not invest, and who are not known locally. More land may have been acquired by domestic investors than is known by the wider community, given the lack of transparency at the level of customary land holders.

With respect to the study sites, table 1 presents a typology of the four different various geographic zones covered by the study. Criteria used are population density, agro-economic activity and the accessibility (infrastructure) of the areas. These are:

1. Agricultural belts (in Sahel-Soudan zones)
 - a. Old agricultural belts (Sahel-Soudan zones);
 - b. Cotton-cereal belts in Soudan zones;
2. Farming areas located near urban poles/capitals;
3. Wood-range lands/ agricultural expansion zones (mostly Soudan-Guinean zones);
4. Pastoral areas (Sahara-Sahel zones).

The research sites are indicated in figure 1 (see section 2).

In addition, irrigated land is sought after by urban investors (and is already for some time) like the Malin ‘Office du Niger’ and in Burkina Faso (GRAF, 2008). Peri-urban and mining areas are subject to small and medium scale acquisitions, mostly by domestic actors speculating on future higher land values.

Box 1. Domestic investors in irrigation schemes
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A second phenomena is found in zones were the government, often with support of donors, have developed irrigation systems, such as in the office du Niger in Mali. The latter are sought after areas. The allocation of these new, valuable lands is not transparent. Access to land seems to depend on contacts and there is no level playing field. Here agro-investors compete with smallholders, with the latter losing out. In schemes that have been completed, urban based actors use their connections to acquire large plots of land¹³.

In the irrigated areas, access to land is via government agencies and few smallholders will have access. Farming will be in the hands of absentee landlords with limited farming experience. They may appoint a manager when the area is large, or will need others to do the work which may be local smallholders (sharecropping) or maybe new management companies. When the water availability is poorly managed, some may end up losing their investments (see GRAF 2008)

A recent survey undertaken in the Office du Niger found that also many domestic agro-investors are obtaining irrigated land. Amongst the 225 leases given out, 217 are domestic investors. The international investors receiving a lease *titulaires de bail -office du Niger* are installed for some time in Mali and having for example Chinese, ivorians, Lebanese nationality. The majority of the international investors requesting land have not received (yet) a lease but only a temporary agreement (*accord de principe; convention*) this time with central government. This is the situation for most large-scale acquisitions. This group of international investors originate from Burkina Faso, Canada, Chine, France, Lebanon, Senegal, South Africa, USA. Although much less numerous, international investors generally request much larger plots of land, and have been attributed in total slightly more land than domestic investors. One reason is that the majority of the domestic investors lack the funding and thus limit their request to about 50 ha or less (most requested 5 ha). The exception are those who have a joint venture with an international party or are established entrepreneurs. With respect to the domestic investors, about half are from outside the zone and are not professional farmer. Those residing locally, however, are mostly professional farmers (Papazian, 2011).

¹³ In the smallholder irrigation scheme in the office du Niger it is already a major point of concern for local farmers that plots, given up by owners or taken away when water tax was not paid, end up in the hands of urban elite. These absentee landholders employ local farmers to grow rice (Belieres et coulibaly, 2006).

Table 1. Typology of zones

Typology of zones	Research sites	No. of Cases	Other available studies	Observations on Land acquisition
1. Agricultural belts:				
1a. Old agric. belts in Sahel-Soudan zones: suitable land is used for farming/livestock, limited fallows, productivity declining; pop. density > 60 pp/km ²	Niger: Guidan and Tibiri in Guidan Roumji Department, Maradi Region	22 (18- 4)	Niger: Dosso Dep. (source SNV-Niger)	Land acquisitions by domestic agro-investors from adjoining urban zones. Preferred areas are the last remaining sylvo-pastoral lands
1b. Cotton-cereal belts in Soudan zones: most suitable land is used for farming/livestock, fallows reducing; population density 30-60 pers./km ²	Burkina: Niangoloko and Bérégadougou , Comoë Province	29	Burkina: Com. Samorogouan, Kéné Dougou Prov. Mali: Com. Bougouni, Com. Sikasso, Sikasso Region (SNV, 2009/10)	Presence of new farms/ "fermes agricoles" owned by local "family" farmers and migrants. Very few acquisitions. If present, then more by local elite than urban elite
2. Farming areas located near urban poles – no more fallow land	Benin: Com. Allada , Atlantic Dep.	11	Burkina: Ziro Province (GRAF, 2011) Benin: Com. Djidja, Zou Dep. (Synergie Pays., 2010)	Land speculation and agro-investments by domestic actors; innovation oriented towards urban markets. In the near future these areas will become urban (N.B. Zou Dep. as former agric. basin in Benin)
3. Forest and grazing areas/ agrarian expansion and colonisation zones (< 30 pers/km ²)	Burkina: Com. Bieha , Sissili Prov. Benin: Com. Djougou , Com. Bassila, Dep. of Donga	27 10	Burkina: Ziro Province (GRAF 2011); Sissili Prov. (GRAF 2004) Mali: Cercle of Yanfolila, Sikasso Reg. (SNV, 2009/10)	Land speculation; medium-/large scale land acquisitions by domestic and international agro-investors Also encroachment on agro-pastoral zones Possible case of investments to acquire carbon credit in Kayes and in Yanfolila, Mali
4. Pastoral areas (<20 pers/km ² ; <300 mm of annual rainfall)	Niger: Departments of Tchintabaraden and Abalak (Tannatahmo site), Tahoua Region	02	Mali: Cercle of Meneka, Gao Region (SNV, 2009)	Land is controlled by buying/installing wells (with pumps) Scattered cases of large scale domestic and international investors; Niger/Mali: areas also claimed for hunting concessions (permits obtained at the central level).
Other specific zones (not analysed): Irrigated areas	Mali: Office du Niger (ON)	-	Mali: multiples documents on ON.	Land speculation; artificial "land market" controlled by government agencies or projects ; domestic and international investors
Peri-urban areas	Mali: Bamako	-	Burkina: Bobo-Dosso, Houet Province (GRAF 2011) Mali: Bamako (Djiré, 2007)	High level of speculation (conversion into urban land); presence of "weekend farmers" as well as innovative enterprises oriented towards urban markets.
Artisanal mining areas	Mali: Cercle of Keniéba , Kayes Region	-	-	High level of speculation (conversion into mining areas)

Characteristics of agro-investors and their enterprises

In this section we present the main findings of the survey of 99 investors in Benin, Burkina Faso and Niger.

Where, what type and how much land is acquired?

Our findings show that currently agro-investors from the capital/major city (Cotonou, Ouagadougou, Niamey) are particularly interested in acquiring farm land near cities and in the less densely populated sylvo-pastoral lands in the Sudan zone, where rainfall levels are higher. There are also agro-investors in the old farming belts, are mostly living in local towns and have acquired smaller plots.

Within selected areas, geography influences where agro-investors will go. The agricultural potential of the land and infrastructure plays a role in the choice of land. City based agro-investors prefer fertile areas with low population densities and preferable reachable within “reasonable” amount of time from town. Easy of road access is therefore one important factor. Where a new road is build, agro-investors follow - as is happening elsewhere. A second factor is the attitude of local leaders, both mayor as customary authorities. Local governments and communities perceived as “hostile” will be left aside. The “intermediaries” play a very important role in bring sellers and buyers together, particularly for prospective investors with no (family) ties in the chosen area or who has never worked there. Some will even put pressure on customary right holders to sell. Within a local government area, the distribution of agro-investors is therefore uneven. Within a municipality the presence of agro-investors varies. For example, most agro-investors are found in 05 out of the 22 villages of the municipality or “commune” of Bieha, Burkina Faso.

In our sample, the average size of the plot of land acquired by investors is almost 84 ha; in half of the cases its size was 50 ha. In the research sites located in agricultural expansion zones (Djougou, Benin, and Bieha, Burkina) plot sizes are larger. Surprisingly, even in the densely populated Allada commune (Atlantic Dep., Benin) some of the plots acquired are large (312 ha).

It should be noted that investors may have acquired more than one plot in different sites, of which we found one example (Benin- entrepreneur with 3 sites). The extent of this phenomenon is not known as no land registers exist. In Benin, Burkina Faso and Mali entrepreneurs have approached private sector development programs (in the context of sesame, Jatropha, rice) suggesting that they command thousands of hectares of land which could be made available for the program¹⁴. We have also come across examples of business development initiatives for industrial farming on plots of several thousands of hectares. These are initiated sometimes in joint ventures with foreign investors¹⁵. Also proposals involving outgrowers are being floated¹⁶.

Table 4.1. Size of the plot acquired by the investor (ha per research site)

Sites	Mean	Median	Minimum	Maximum	N
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¹⁴ Personal communication colleagues and embassy staff; It was also mentioned that in Burkina Faso a domestic investors, related to a French company, had announced that they want to lease medium to large sized plots of lands for planting Jatropha.

¹⁵ Maize in Benin (2000 ha); Rice in Benin; ‘Mali Folk Centre’ for biofuels

¹⁶ Jatropha in Burkina by different actors, ‘Mali folk centre’ in South-Mali; Cotton in Benin by its biggest ginning company.

Allada, Benin	113,10	46,50	10	312	10
Djougou, Benin	212,57	100,00	21	504	11
Niangoloko, Burkina	31,02	19,50	3	193	29
Bieha, Burkina	79,59	50,00	10	300	27
Guidan K, Niger	87,79	55,50	3	632	18
Tibiri, Niger	53,50	59,50	25	70	4
Total	83,96	50,00	3	632	99

All acquisitions over 200 ha took place after the year 2002 (concerning 11 cases of which 8 are located in Benin, 2 in Burkina Faso and the largest plot is a 'sylvo-pastoral' plot 632 ha acquired in Niger). The average plot size increases after the year 2000 which is a surprising development as competition over land is increasing. The increase in plot size can be interpreted as an indicator of a growing interest of agro-investors (and speculators) to acquire significant area of rural land, and which seems (still) to be granted locally.

Table 4.2. Average sizes

Period acquired	Average plot size	No. of cases
Before 1990	47	17
1990-1999	60	19
2000-2004	95	16
2005 -2010	110	42

Most investors (67%) are satisfied with respect to the quality of the acquired land and regard it as good to very good, particularly in Benin. In 72% of the cases the land acquired was under forest, pasture or fallow, reason why it was fertile at the time of acquisition. In the old farming belt, like Niger, land is mainly (60%) acquired in relatively fertile valley bottoms ("bas-fonds"). Considering that wood-, range- and fallow lands are crucial elements in local farming systems for soil regeneration, grazing and gathering of forest products, these land acquisitions will have a wider effect on the local economy and livelihoods.

Table 4.3. Quality of the land acquired

		Quality of land for agriculture				
		Very good	Good	Average	Poor	Total
Sites	Allada	40%	30%	20%		100%
	Djougou	91%		9%		100%
	Niangoloko	24%	34%	38%	3%	100%
	Bieha	22%	63%	15%		100%
	Guidan-K	33%	11%	33%	22%	100%
	Tibiri	25%	25%	50%		100%
Total		34%	33%	26%	5%	100%

Displacement

Overall, in 28% of the cases, the land was already (partly) in use for farming, which thus implies displacement for the former land users. Per country, all land acquired in Allada, Benin, was being farmed, and also 45% of the land in Djougou, Benin was partially used. Interestingly, in Benin, agro-investors have no unique use of the land.

In Niger the land was already exploited for almost half of the cases; and people lived on the land in a quarter of the cases. In the pastoral zones of Tahoua Department in Niger, agro-investors practice livestock production, meat imports/-exports and tourism. The grazing lands are interconnected and used by several livestock keeping communities. Control over these vast areas of grazing land is not by demarcation but via control over water points (wells, drilling), as these determine whether the land is indeed usable for keeping livestock.

In Burkina Faso, less previous use of the land was reported. In Bieha, Burkina, people were living on the land in 25% of the cases. These people have left the land and were reported to have been compensated in most cases (75%) by the agro-investor.

How did agro-investors acquire the land?

All the surveyed agro-investors obtained the land via customary ways; that is via the “chef de terre” (44%) or the family (lineage chief) claiming the land (42%), and in 10% of the cases, family relations were mentioned, mostly in Niangoloko, Burkina. Central government was not involved. In Allada, Benin, most investors used an intermediary to identify the plot and the owner/custodian.

All agro-investors seek to formalise the transaction as best as possible by involving witnesses, making up a notary act (Burkina Faso) or a contract for the sale of the land (“convention de vente”). In 15% of the cases there is no formalisation at all (mostly in Niger). With respect to the transactions, witnesses were used by at least 82% of the investors, mostly members of the family engaged in the transfer of the land or local chieftaincy. Sometimes, agents of the ‘*services techniques*’ and municipalities also acted as witness, such as in the Bieha area, Burkina.

The land transaction is seldom accompanied by specification on land use, natural resource use or other obligations. During the survey, we came across 1 case in Niangoloko and 6 cases in Niger. A ‘conditions of contract’ (“cahier de charge”) is in most countries a necessary step for formalising the acquisition. The absence of a “cahier de charge” makes it also difficult to promote sustainable land use. It was reported for Burkina Faso that the acquired plots tend to be cleared from all vegetation, protected species included, and wood is sold (as timber or transformed as charcoal). Local farmers in Burkina mockingly describe this as “creating new airstrips” (see also GRAF 2011 on the environmental consequences of the general use of bulldozers for clearing the land).

With respect to the tenure status of the acquisition, most agro-investors are of the opinion that they have bought the plot (58%) or that the land was leased to them (36%). However, the perception of those who have transferred the land on the tenure status may be different as for them the land was not alienated but a long-term lease and can thus be taken back. Such differences in perception are a potential source of conflict.

Table 4.4. Acquisition mode

Site/ Mode acquisition parcelle (Cross tabulation)

% within site		Acquisition mode – plot				
		Sale	Long-term Lease	Lease/gift	NC	Total
Sites	Allada	100%				100%
	Djougou	45%	55%			100%
	Niangoloko	62%	38%			100%
	Bieha	48%	41%	4%	7%	100%
	Guidan K	56%	39%	6%		100%
	Tibiri	25%	50%		25%	100%
Total		58%	37%	2%	3%	100%

Not all agro-investors have paid for the land. In 43% of the registered cases no money was paid. In Djougou, Benin, land cannot be sold according to customary law and therefore other forms of compensation have been used. Also for Bieha, Burkina, in 7 out of 11 cases no money was paid, even although most acquisitions took place after 2000. For Niangoloko, Burkina Faso, and the two sites in Niger, most of the land obtained without payment was acquired before the year 2000. Only in Allada (Benin) all agro-investors paid for the land.

The amount of money reported to be paid can be considerable. The highest amounts were reported for Allada in Benin where the price per hectare is also the highest. Elsewhere, the price/ha is low: 11,000 FCFA (17 €) in Bieha (BF), 21,000 in Niangoloko (BF), 11,000 FCFA in Tibiri, Niger and 40,000 (61 €) in Guidan, Niger. In Djougou (Benin), 56,000 FCFA/ha (85 €/ha) was paid and in Allada the amount reported was highest: 278,000 FCFA/ha (424 €/ha).

Table 4.5. Costs of acquisitions

Total Cost acquisition in FCFA

Sites	Mean	Median	Minimum	Maximum	N
Allada	34.573.573	13.125.000	707.160	124.800.000 ¹⁷	9
Djougou	4.350.000	2.500.000	0	16.500.000	10
Niangoloko	504.615	67.500	0	5.790.000	26
Bieha	2.090.909	0	0	13.500.000	11
Guidan K	762.500	127.500	0	6.000.000	14
Tibiri	750.000	750.000	0	1.500.000	2
Total	5.596.627	152.500	0	124.800.000	72

Who are the investors and what is their profession?

Investing in rural land by “outsiders” is not a new phenomenon in West Africa. Since the 1960s, government officials may prepare for their retirement by acquiring land and planting fruit trees or timber. They obtained land in their community of origin, or asked for land titles from the government (rural concessions, etc.), such as in the places where they were mutated to for their work. Generally they will have acquired some kind of official registration (title).

The interest for investing in land is growing in West Africa since the 1990s. Initially it was almost exclusively oriented towards urban land, of which the value has increased enormously. Also

¹⁷ Very high- to be checked

peri-urban land that is expected to become ‘urban’ in the near future is popular¹⁸. Since about the turn of the century, investors have become more active with respect to acquiring rural lands, a process that seems to be accelerating since about 2005 (GRAF, 2011; Synergie paysanne, 2010).

In our study, most agro-investors¹⁹ are individuals (93%). The other cases are companies (4), NGOs (2) and 1 “family”, all in Benin²⁰. Almost all investors are domestic (97%). The three exceptions are again all from Benin and include a Frenchman retired in Benin and 2 international NGOs (from Kuwait and Italy).

The research sites show different patterns with respect to residence of the agro-investors, which influences their ability to manage the land properly and the extent to which they are linked to local networks and development processes. For the entire sample, 45% of the investors are based in the local government area or in the province, 37% live in the capital of the country and 10% are living abroad (Africa or elsewhere). Particularly in Niangoloko (Province de Comoë, Burkina), almost all investors are living locally, although not on the farm itself and most investors (66%) acquired their plots before 2000. It is important to realise that this is a ‘cotton colonisation’ zone for people coming from Northern provinces to which an immigration flux has been added in the 2000s from Ivory Coast following the conflict (study findings; see Chauveau et al, 2006).

In the second site, Bieha, the situation is different. Here, 12% of the surveyed land was acquired during the 1990s, 21% between 2000 and 2005 and 67% after 2005. Most agro-investors live in Ouagadougou, the capital of Burkina Faso. With respect to the two investors living in the local government area, one obtained the land in the 1990s, the other in 2009.

In the two research sites in Niger, most agro-investors (61%) are based in the local government area, but do not live on the land. With respect to the “non-local” most obtained the land after 2000²¹. In Benin, all investors acquiring land after 2000 live in the Cotonou area, while those who obtained the land before 2000 (now) all live locally.

Another question is whether agro-investors are indeed professionals and thus knowledgeable about agriculture. In Niger, a small majority of the investors (55%) consider themselves as professional farmers or livestock holders. However, both in Benin and Burkina Faso, most investors do not regard themselves as professional farmers or livestock holders; most are civil servants or traders by profession. Even where most agro-investors live locally, as in Niangoloko (Burkina Faso), the majority regard themselves in the first place as civil servants or traders. Generally, those who view themselves as professional farmers acquired the land before 2000 and live locally.

Table 4.6. The profession of agro-investors (N=95)

	Agric. professional	Civil servant	Other professional	Trader	Politician	other
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¹⁸ Besides the evident reason of housing, some people see plots as ‘saving accounts’ and others are speculating on rising land values following conversion into urban land. It is not necessarily a safe investment, given the weak governance of land administration. A particular plot can be claimed by several people.

¹⁹ We will use the generic term ‘investor’ for those who acquire/purchase/invest, although in quite some cases they are not really investing in agric production.

²⁰ One company in Benin, came up 3 times, thus having acquired multiple plots of land.

²¹ There are 2 cases of people receiving the land in the 1980s.

Benin	20%	33%	7%	20%	7%	13%
Burkina	16%	41%	7%	25%	2%	9%
Niger	55%	9%	9%	18%	0%	9%

Land use and performance

On average, agro-investors report that 59% of the acquired area is cultivated. This percentage is lowest in Benin, and particularly in Djougou, and highest in Niger. In Tibiri the land is used mostly for livestock. As indicated earlier, the sample has a bias towards agro-investors that are present in the community or represented by a manager. Land speculation will be under reported and the self-reported land use by agro-investors was also not verified. In our survey, the land was not used in 10% of the cases, mostly in Benin, and 13% of the investors uses less than a quarter of the available land, again mostly in Benin and 15% in Bieha (Burkina Faso). Particularly the large plots (over 190 ha) had lower rates of land use (17% on average). Those who live in the local government area report the highest rate of land use (over 70%) while those based in the capital cultivate on average 45% of the land.

Table 4.7. Degree of agric/livestock land use of land acquired

Sites	Mean	Median	Minimum	Maximum	N
Allada	33%	17%	0%	100%	10
Djougou	19%	2%	0%	100%	11
Niangoloko	72%	75%	0%	100%	29
Bieha	59%	60%	9%	100%	26
Guidan-K	72%	79%	0%	100%	18
Tibiri	80%	86%	46%	100%	4
Total	59%	64%	0%	100%	99

Agro-investors state to customary right holders that the land is acquired for farming or ranching. The projects that they have in mind are annual food crops (e.g. cereals, pulses), orchards, oil palm or livestock keeping²² and sometimes Bio-fuels (Jatropha).

The principal crop actually cultivated by agro-investors in Burkina Faso is maize (54%) and in Niger this is millet (90%). In total 72% of the investors reported a cereal or pulse as the principal crop. One investor mentioned growing Jatropha and 15 investors have planted cash crops such as oil palm, cashew, fruit trees, sesame or cotton²³.

The average reported production per hectare for maize was 770 kg/ ha with a maximum of 2100 kg/ha; for millet the yield 285 kg/ha with a maximum of 1300 kg/ha. These yields are comparable to those obtained by average family farmers. In the case of the pastoral zones, the agro-investors maintained the original, more extensive livestock system: no fences are used and herd mobility is a central element. Livestock moves in and out of the area in search of water, salty licks and pastures.

²² Mining and hunting were mentioned for all countries, but these cases don't make part of our study.

²³ We have not come across innovative new agro-investors in our survey. This category of farmers can be found particularly in peri-urban areas. They invest in new products, which are different from smallholder farmers, innovate and intensify. Intensive livestock keeping (poultry, dairy) is an important sector. They use their own resources (and are not part of a development project) (see for Burkina Faso GRAF 2011).

The agro-investors in our survey have not contributed much to food security. Their contribution depends on the area of land that they have brought under cultivation, but the sustainability depends on the methods used for land clearing (was a bulldozer used). Moreover, 28% of the agro-investors reported that the only produced for their own consumption (particularly in Niger and 18% in Burkina), 25% also for the market combined with subsistence²⁴ and 27% only for the market (mostly in Niangoloko).

The information on investments in infrastructure, equipment crops and livestock is again self reported and is based on one third of the cases (30). On average, agro-investors invested about 5 million (7,620 €) FCFA. About 2 million FCFA (3,050 €) was invested in the land itself (clearing, anti-erosion measures) and infrastructure, 1 million in buying livestock, and about 2 million for equipment. In the crops, they invested about 33,000 FCFA per hectare (50 €) on average. The majority used their own financial resources and only 5% had applied for a credit (Niangoloko-3, Bieha-1 and Djougou-1 for growing fruit trees).

Overall, 40% of the investors were positive with respect to the overall financial results, 5% neutral and 55% negative. Those who were positive live mostly in Niangoloko (Burkina faso)²⁵ and 11% of the Bieha investors were positive.

Box 2. Pastoral zones in Tahoua Region, Niger

In the pastoral zones the acquisitions are evidently far bigger: in the Tahoua region (Alabak and Tchintabaraden Departments) we notice respectively 13,200 and 19,600 ha. These pastoral zones were de facto making part of interconnected rangelands of several livestock keeping communities. Considering its size and use, control over the land doesn't take place by land demarcation (pastoral land is not 'sold'), but by control (by purchase, exclusive user rights) over water points (wells, drillings).

The Tchintabaraden investor, for example, has installed a private pumping station and is planning to buy the wells in other sites. This investor has bought in 2001 a well at 13 Million FCA (18,800 €) from a local livestock keeper and has drilled another well for 9 Million FCFA (13,700 €). In 2004, 80 Million (122,000 €) was invested in a pumping station. There is still some sharing of the grazing lands as local groups are allowed to use their own wells located nearby the station of the agro-investor. This investor lives in the capital Niamey, but is originally from Tahoua. He delegates management of his herd to shepherds, some of whom are relatives.

Tannamahto in Alabak, a second case, is the relic of an old ranching program ("projet pastoral pilot" 1997-2001) of the World Bank, where a livestock keepers' group called Taoum had obtained exclusive grazing rights, as the grazing lands were demarcated (some with barbed wire) and wells dug, all paid for by the World Bank. All authorisations were obtained at higher government levels (Ministries and Region governors) without formal consultation of local land commissions. The project used the notion of 'home area' recognised in the *Code Rural* by creating an association. Although Taoum started as an association, over time all livestock became concentrated in one family, reducing the remaining families to shepherds, each one having only a small herd left. The ranching system with demarcated range plots was not more productive than other more extensive livestock keeping systems. The herds also move out of the ranching areas. The main difference with local production systems is the ending of reciprocity: livestock belonging to 'non-member' families could no longer use resources of the ranches (Hammel, 2007). Other ranching cases show the same phenomenon: in Tahoua and Zinder Regions, as well in Senegal, Burkina; see Thébaud in Cotula, 2006; Nelen et al, 2004).

Employment generation

Half of the investors have created permanent employment for 1 or 2 permanent male labourers. They are generally from outside the community. Only 6% employ somebody from the community. Agro-investors reported to pay permanent labourers about 11.000/ month in Benin, around 12.000 FCFA in Burkina Faso and between 25000 and 30000 in Niger.

²⁴ 44% in Burkina Faso

²⁵ No data available for Benin and in one third of the Bieha cases.

With respect to temporarily, seasonal, labour requirements, 63% of the agro-investors reported using male labour, 40% also women and 9% also children. The salaries reported to be paid to casual labourers are lowest in Benin (around 500 FCFA/ day and even lower), 750-1000 Fcfa/ day in Burkina and 1000 FCFA in Niger.

Regarding family labour, 36% reported never to use family labour, 21% employed 1 person and 43% more than 1 person. In Niangoloko there are more cases than in Bieha (25 % versus 14%) and there is no difference between the sites in Benin.

Relations with neighbours and the administration

In Benin, most investors are in touch with the local government. In Burkina Faso these linkages are absent in Bieha and limited for Niangoloko. Half of the investors in Niger reported to be in contact with local government. There are few contacts with land commissions in the pastoral zones. Here, all authorisations are obtained at higher government levels²⁶. Most investors (78%) are in touch with the “services techniques” from which they request technical assistance.

Most investors maintain cordial relations with neighbours and few conflicts have been registered with host communities; 83% still maintain relations with those who transferred the land. Only three investors qualified the relation with the previous owner of the land as bad. However, this may be over reported, as only the agro-investors known to community members and reachable, have been interviewed. These relations were valued as friendship (13% all in Niangoloko) and cordiale by 63%. Family relations were mentioned for 9% of the cases. Unsurprisingly best relations occur in areas where investors are living nearby and working the land for a longer period, such in the sites in the old farming belts. The majority keeps a low profile, limiting contacts to neighbours and labourers.

Some agro-investors report giving social assistance when requested (33%: Niangoloko, Bieha, Guidan) and may offer employment (15%: mostly in Bieha and Djougou). As for the pastoral zones, the investor maintained good relations with adjacent communities in the beginning. In Tchintabaraden a small group of transhumants can use the station for watering their herd during two consecutive days before being obliged to move on. On the other hand he has sped up his investment in the station, anticipating resistance from customary chiefs and obstruction from the local land commission. Currently, local livestock keepers avoid contact and worry that the pastures will be degraded given the size of the investor’s herds.

There was no mention of developing economic relations, except for some employment generation. Occasionally, agro-investors rent out farm equipment to neighbours. There was no mention of exchange of information or contacts, technology, or market relations.

The arrival of agro-investors has generated also conflict. Conflicts emerged between “land holders” and groups with secondary rights who lost land, such as pastoralists. Women are also likely to suffer when access to natural resources is more restricted, but no complaints by women were reported (and maybe also not explored sufficiently). And, as indicated above, unknowingly agro-investors can become pawns in silent battles within communities, f. i. at the expense of tenants or livestock keepers.

Land transactions also create conflict within families, when some family members were not consulted, may not agree and have not benefitted.

²⁶ These acts are contestable since by law local institutions should be consulted.

Changing institutions, social relations and local responses

This section starts with an introduction of the main formal institutions governing land and with the ability to regulate, followed by a presentation of our qualitative findings from the case study. In addition there is also a local often informal policy arena in each community, which differs considerable between sites and countries. This dimension of local politics will not be discussed in great detail, as generalisation would not add much insight.

Evolving land policies

All countries in our case study are reviewing land policies and legislation, or just completed this processes, and are developing new approaches to land administration. The approach towards land governance differs across the four countries. Niger approved the *Code Rural* in 1993, and the establishment of local governments has given a boost to the implementation of the code. Before 2004, code rural activities were confined to some pilot areas only. The Burkina Faso land policy was marked by a distinction between rural and urban land (in the *Réforme Agraire et Foncier Act*); the policy was overhauled in 2009. The new policy includes a village level inventory of rights. The parliament in Benin voted a new land policy in 2007, which also foresees village level land inventories and registration. Implementation in selected communities has started. In Mali, consultations around a new land policy began in 2009 and are piloted by the Ministry in charge of urbanism and domains. Meanwhile, extensive consultation around tenure and management of rural lands already took place (2007–2008) within the context of the *Loi d’Orientation Agricole (LOA)* and a rural land policy is in preparation. The decree for the “*Commissions Foncières*” is already approved.

The aims of the new policies are broadly comparable and address securing the rights of smallholders, encouraging more efficient and productive land use²⁷, and making land available to investors. However, in practice, policy aspects in support of investors seem to receive more attention and support. Whether policies towards securing rights for smallholders are implemented seem to depend a lot on external donor support. In Burkina Faso and Benin it is the US Millennium Challenge Compact implementation in Benin and Burkina Faso as well as a pilot with land titles in the office du Niger (Mali). All countries have started with pilots (Burkina Faso) or at the request of communities (Benin, Niger), although with the ambition to eventually cover the entire country.

A general feature is thus a shift towards some form of legal recognition of customary rights, combined with the development of low cost and accessible forms of land administration. Deconcentration of service delivery and the engagement of local governments in implementation is part of the approach. In these new land policies, an inventory of prevailing rights is included, to be followed by registration and certification. Archives of land information will be kept (also) at the local government level. The use of village level committees to assist with the implementation of land administration is foreseen in all four countries. The inventories are to cover all rural lands and include also derived rights. Customary resource tenure systems may be feudal and discriminatory. Groups with weaker rights can be women, younger brothers, pastoralists, migrants, former slaves. Another

²⁷ What ‘productivity’ implies depends on local development models. The question is how acknowledgment of ‘rights’ on the one hand and ‘productivity and investment’ on the other are being combined, and what the combination implies for the rights of rural poor.

challenge is therefore definition of ‘right-holders’, particularly in cultural setting with paramount chieftaincy. Moreover, declaration and registration of rights entail a form of codification and fixation (Le Meur, 2006). Registration may thus be followed by the issuing of a certificate without costly surveying (e.g. Niger, Burkina Faso), or with a lighter form of surveying (e.g. Benin). However, it is possible that the registration process can be used to reconfirm long-held rights, even though society may have evolved²⁸. Latent disputes will flare up when local actors realise that via registration, land rights will become definitive (Benjaminsen *et al.*, 2008).

In Burkina Faso, Mali and in Niger much effort is invested in developing policies and legislation to secure access to grazing lands for pastoralists²⁹. However, linkages between these ‘new land policies’ and existing legislation concerning forests, grazing lands, fisheries and other natural resources, or legislation related to ‘community based natural resource management’, is missing. It may be up to local governments to bring together these various strands of legislation and policy.

Findings- effects of new land policy on selling land

As indicated above, most investors acquired the land via customary systems and institutions and approached customary land holders (land and lineage chiefs, clan chiefs). Most used intermediaries (f. i. “démarcheurs”) who seem to apply pressure on communities to get the deal done. Some went to look for land in their area of origin, while others seem to have avoided these zones (to avoid social obligations). Some used their formal position of power to impress, or to press customary landholders to give in. However, we have not come across government pressure on communities to allocate land to domestic agro-investors, although some investors were assisted informally by staff from governments.

The decision to transfer land to agro-investors is taken by the head of the customary landholding family: if this person refuses it will not be possible to acquire land. However, these governance systems are feudal. We have not come across reports on members of landholding families discussing the future of their lands. Remarks were made though regarding “irresponsible” customary leaders. Customary chiefs seem also not to discuss these matters with other community leaders, let alone the mayor. Often, it seems that other family members are confronted with the decision. When a transaction is agreed to, the precise boundaries may not be fixed in presence of the customary land holder.

Agro-investors, together with intermediaries, make use of loopholes and weaknesses in current customary land governance systems. De facto, land and lineage chiefs have lost part of control on village territories and new institutions as land commissions are only in place in Niger. Paramount chiefs may rule still in name, but since all land is divided, claimed or used, people won’t accept their primary claims as easily as they did two decades ago. However in Benin, for example, relatives of paramount chiefs use these old rights, which locally already lost legitimacy, as “evidence of ownership” when selling land to investors. In this way, external agro-investors are used to bypass social control systems that would have protected the rights of “tenants” and also pastoralists. Perceived ‘powerful’ agro-investors are also used to settle accounts with user groups that they want to get rid off, especially pastoralist. Agro-investors, unknowingly, become instrumental in local conflicts over land.

²⁸ AFD, GRET, Landnet, CEBEDES: Atelier d’échanges sur la gestion foncière à l’échelle communale. 20–24 October 2008, Cotonou (Available at: <http://www.foncier-developpement.org/vie-des-reseaux/le-projet-appui-a-lelaboration-des-politiques-foncieres/atelier-dechanges-sur-la-gestion-fonciere-a-lechelle-communale>)

²⁹ ‘Pastoral Charter’ Mali, ‘Code pastoral’ Niger, ‘Framework Law on Pastoralism’ Burkina

Use is made also of disagreements within clans and between generations, and the desire for money and status by younger members of land holding families. In return for a motorbike they pressure their parents in selling off some land.

Although new land policies and legislations are already voted for several years in Benin and discussed in Burkina Faso, local populations are not well informed. There is a fear amongst customary landholders that they are about to lose the land as rumours circulate with respect expropriation by government or that tenants can claim rights. These fears are reported to have been a factor for customary land holders to transfer land rather easily to agro-investors (GRAF, 2011). With respect to tenants, we have come across cases in Benin where agro-investors have been used to remove tenants.

Agro-investors, in turn, take courage from the new legislation and expect more security for their investments. This was mentioned particularly for Benin, and may become more important in Burkina Faso.

Customary land holders are used to allocate land to 'strangers' in order to increase the population and strengthen the community. These 'strangers' (migrants) have only secondary rights – which could be taken back, and are expected to respond to requests for support made by the land holding family. (Former) land holders may expect also from agro-investors that they contribute to community development and services, and provide support to the family. With respect to the economy, they hope for jobs. Consequently, the former land holder and the new investor may not have the same interpretation on the nature of the land transaction, contract conditions and exact size of the land. In fact, two perceptions on contracts seem to clash. The agro-investors approach the deal as a definite sale. As reported in §4.3, in many cases no money was paid. The transaction is therefore probably not perceived as a permanent transfer by the land holder. A number of formal land holders claim that the transaction is a long term loan and they also expect "reciprocity" and may continue acting in the spirit of land guardianship³⁰. At the same time, they also know that these new actors are outside the local social arrangements and fear their mastering of formal systems. Ultimately, they are probably conscious of the fact that the land is lost if the agro-investors decide to stay.

In Niger, the 'Code Rural' institutions are a legal tool for managing land and natural resources tenure, and improving in presence and experience. In our case study, it was reported that the presence of the CoFo has reduced the risk of in-transparent land deals, particularly when compared to Burkina, Benin or Mali. Most land transactions pass by the CoFo, which allows for monitoring and even regulation when needed (see also Box below). In our study, it was reported that in Maradi there is social pressure to really use the land and not to leave the land 'idle'. Fearing interference from the CoFo has pushed the investor to quickly create a "fait accompli" by installing a pump, a situation that currently is beyond the capacity of the CoFo to redress.

The transactions are formalised as best as possible, by the agro-investors but they do not feel secure unless they have a title or certificate (see also GRAF 2011). In our survey, none of the agro-investors has managed yet to complete the procedure and acquire a formal title. What is required depends on the country. In Burkina Faso, the formalisation process has become less time-consuming since the introduction of 'one-stop shops' ("guichets uniques") but is relatively expensive compared to the current value of the land. And they will need some signed agreements from the municipality, who are also becoming more reluctant. This step is thus considered too expensive and time-consuming – or too delicate for the time being, given the

³⁰ See the notion 'neo tutorat' by Chauveau et al, 2006.

resistance of a rising number of local governments and -authorities. Meanwhile, agro-investors nurture local bilateral contracts and pledges, and pressure central government members to secure their plots. In Benin, they wait for the “plan foncier rural” to arrive.

Box 3. The Land Commissions or “Commissions Foncières” of Niger

Niger started in the 1980s an iterative process to develop rules of sustainable land management, which led in 1993 to the adoption of the Code Rural (order 93-015) with supplementary texts; one remarkable aspect is the recognition of pastoralist livelihoods. The CoFo’s have in principle a legal set of instruments, which facilitates local consultation and transparency. In Niger, people speak of the “process of the Code Rural” indicating that is a long term, national project. Almost 20 years later, it is still not completed. The code rural will also have to address the phenomenon of land acquisitions by new actors/investors.

Consultative fora and management structures have been put into place at different levels (village/ campement, commune, Region), the latter called “Commissions Foncières” (CoFo). The process has taken time: from 1993-2004 over 2,500 CoFo’s were created in villages, pastoral sites, up to Department level. In 2004, the arrival of local government was a major push, and in all 265 Communes “Communal CoFo’s” are or will be created. Many villages do not have a CoFo yet, and many existing CoFo are constrained by a lack of resources. Regional CoFo secretaries were in place in 2006. The CoFo have the mandate to administrate land (incl. registering), as well as to allocate, transfer and appropriate land and to control its use (nevertheless in-clarity between mandates of CoFo and decentralised government structures prevails). The composition of the local CoFo’s is a mix of state officials, local government members, customary chiefs and representatives of user groups, which gives in principle space for participatory consultation.

The CoFo, together with Commune councils, seem more conscious and “responsible” than customary authorities with respect to transferring land. In the case study sites, representatives of users groups, CoFos and Communes expressed their concerns and some want to take protective measures; most customary chiefs are ambivalent, if they pronounce themselves at all...

On the other, also in Niger, these local institutions are de-facto powerless if arrangements around land transactions are made at national level or with regional authorities (governors) even although “consent” of local structures like the CoFo is required for legalising these transactions (study findings; Djedjebi et al, 2008; Yamba et al, 2008).

Elected rural municipalities

Around 1990, Benin, Burkina Faso, Mali and Niger all decided to introduce devolution in public administration in response to severe political crisis around 1990, which had delegitimized centralized government. Rural elected local governments were installed in Mali for the first time in 1999, in Benin in 2003, in Niger in 2004 and in Burkina Faso in 2006³¹. This first round of local government elections completed years of extensive legal and institutional reform starting. Some local governments are new configurations (Mali, Burkina Faso), others are grafted onto existing administrative bodies (e.g. Benin). In Burkina Faso, ‘semi-formal’ village structure responsible for land governance are included but also change in composition.

Local governments (communes) are now the lowest administrative level in rural areas, and operate at the interface between formal and informal institutions. They are a new actor in a local political arena, and do not replace this. Moreover, although legal, rural municipalities are not

³¹ In Burkina Faso, the first wave of devolution started in 1993 but was limited to urban areas.

automatically perceived as legitimate in the eyes of local people. Devolution has created policy space for more autonomous decision-making in response to local needs and circumstances³². But, local governments are increasingly an arena for political party struggle, with links to the national level.

Communes are involved in the registration of births, marriages and deaths, issuing permits, and other basic administrative practices. Increasingly too, rural local governments become responsible for the management of basic service delivery, infrastructural development and economic development in their area. Land use planning, promoting sustainable natural resource use and environmental management are generally part of their mandate. But, these prerogatives tend to be weakly developed, both legally and with respect to capacity building and methodology.

Local governments need adequate resources to carry out their duties and responsibilities and local taxes is one of the sources. The exploitation of firewood, timber and grazing lands can be sources of tax revenues. Securing land transactions and land registration is another potential source. In Benin, rural local governments have become a (voluntary) repository for land transaction deeds and act as a witness to these, for which they are paid³³. Some agglomerations have set up an (urban) cadastre also for taxation purposes. Giving permission for the conversion of agricultural lands into building plots can also be very profitable for local governments, but unfortunately these projects are often not a showcase for responsible land governance; and are detrimental to rural livelihoods when farmers lose good quality land without adequate compensation (Bagré et al., 2003).

The emergence of rural communes facilitates makes more subsidiarity in land policy and regulations possible, and may give impetus to decentralised land and resource management (Ribot, 2002 and 2004) (Hilhorst, 2010)³⁴. Even when not sure about their formal mandate, local governments are becoming involved in regulating resource use and the management of commonly-used lands, often at the request of local land users. The main reason for this is that local governments are in charge of keeping the peace and preventing conflict (Hilhorst, 2008).

A more pivotal role for local government in land policy and land administration can facilitate coordination and dialogue amongst stakeholders. They may also play a role in encouraging additional local responses aimed at reducing insecurity and conflict, such as promoting the marking of boundaries using locally available materials (e.g. tree planting, stones) following transactions or an inheritance settlement. Local governments have the possibility to establish bye-laws, such as around land use planning which may be used for the regulation of land acquisitions by agro-investors.

³² Objectives driving these policy agendas include supporting 'deeper' democratization, meaningful participation, down sizing the central state, improving service delivery and local economic development. Decentralization (devolution) has both passionate supporters and ardent opponents, with debates on its results tending to become normative.

³³ The possibility of collecting fees for registration is also used as an incentive in Madagascar to engage local government. Meanwhile a new law in Burkina Faso stipulates that taxes only have to be paid to local government when the rural land is not used.

³⁴ Examples of innovative land laws are the "Code Rural" of Niger, 1993) gave space for customary tenure arrangements, which stimulate negotiation mechanisms for resource access and local conflict management. Several land management programs and –commissions in Mali, Niger and Burkina witness this.

Local responses and resistance

At the community level, initially, agro-investors were generally welcomed by the community or by customary landholders, who expected that their money, contacts and force would bring to the community welfare, employment, basic services (actually the responsibility of government). This hope is particularly strong in the more isolated communities in the agricultural colonisation areas, which have limited access to social infrastructure. They have vested their hopes for development on the agro-investors based in their communities. Some customary landholders even asked “intermediaries” to go out and look for agro-investors. In practice, not much was invested in basic infrastructure³⁵. A few years down the line community members, and also local governments, are less optimistic and seem to have become less keen on having more new agro-investors. The promised infrastructure and other benefits did not materialize, very few jobs were created for local people, and there is a growing fear for lack of farmland in the near future. There seem to be limited open resistance, as of yet, probably because the local population may fear the agro-investor from town and the forces they can unleash. There may have been acts of sabotage via wildfires on new plantations.

Pastoralists and tenants (such as migrants) were worried from the start (see also GRAF 2011) and have indeed suffer more blockages of access to resources and eviction. Violent conflicts between pastoralist and agro-investors have been reported, in which the latter shot cattle (see also GRAF 2011). Women seem not to have spoken out publicly, but they will suffer from less access to tree products such as the shea-nut, and are one of the first groups to suffer from less land availability.

With respect to local governments, they were not consulted and have limited tools for influence, such as via land use planning. Even cattle tracks are not protected (or enforced). Mayors and councillors may even have played a role as intermediary in the sale of lands. However, local government authorities are becoming more concerned. In Burkina Faso, some mayors now seek to prevent the greatest damage by renegotiating with the agro-investors the total area and propose a change in boundaries, when these are causing too many problems (blocking roads etc.). Some try to impose limits (max 20 ha) or even a land tax. These local governments will be powerless if the agro-investor makes an arrangement with regional or national level authorities (governors). Overall, they can regain some control. Depending on the laws in place, local governments play a key role in securing the transaction and in securing the land. They may decide to refuse to sign which will make it harder to obtain the land title, but this is rare. Open refusal to serve city-based agro-investors may also be difficult given the political relations with central levels. Moreover, agro-investors may find another councillor to sign.

Local political dynamics at the local government level and within farmers’ organisations influence the ease of access for new agro-investors. They may also try to put pressure on agro-investors to renegotiate the deals. In Benin, for example, a land allocation can be revoked when after 5 years the land has still not been used. This can be an instrument to withdraw land, but needs to be monitored and requires action, and possibly arbitration. These actors cannot influence land use, but should be able to prevent the greatest environmental damage by insisting on a “cahier de charge” and backing up inspectors of the environmental department. Currently, there is too limited enforcement of environmental legislation law, as agro-investors manage to call upon support from ‘higher levels’ (GRAF 2011). At the regional or national level, the phenomenon is not systematically monitored by ministries and snippets of data (land administration, environment) are not combined.

³⁵ It was reported that some investors have tried to influence the allocation of infrastructure by sector ministries.

Increasingly, farmers organisations start to mobilise around a continued support for smallholder farming. The national and international organisations³⁶ take an increasingly critical stand, opposing agro investors. The issue of promoting industrial farming is now high on the agenda of farmers' organisations, like the regional platform ROPPA (*Réseau des Organisations Paysannes et de Producteurs de l'Afrique de l'Ouest*).

The more local-level farmer organisations seem not to take a position against the arrival of agro-investors, as long as the process is regulated and is not harming smallholder farming now or in future. However, local farmers' and livestock keepers' organisations expressed their worries on exclusion from pasture and forest resources (cases of Bieha, Djougou and also in Mali and Niger sites). Farmer organisations (FO) start to mobilise and inform and sensitise their members, and contact local governments. The participation in this study made it possible for farmer organisations and also local governments to collect data, which made them realise that the entry of agro-investors is a trend of which they were not aware, and not just a few incidents. Investors seem to chose the line of least resistance and avoid areas where such consciousness has risen.

With respect to land policy, organisations of pastoralists are also organising around policy and legislation to protect wood- and range lands and secure their access to these resources. Interest in land policy is more recent, and they start participating in global debates on large-scale land acquisitions, which has become a point of concern.

'Though national politics seem to push new investors in farmlands, local government- and FO members in Bieha (Sissili Province, Burkina) are reluctant to cede lands to external actors, as they have witnessed the phenomena in the adjacent Ziro Province, closer to the capital Ouagadougou. They look for measures to restrain transactions or have information campaigns. However, councillors and staff lack knowledge on their prerogatives and how to implement. Some may also wonder about their actual policy space, when it starts affecting the interests of actors at the central level (cf. interviews in Burkina Faso). In Niger, certain local governments have prepared by-laws on land use and common pool resources.

Discussion

Rush for rural land?

Domestic, city based investors demonstrate a growing interest in acquiring rural lands. Qualitative information from rural local governments, farmer organisations and researchers suggest that this phenomenon is particularly widespread around the cities and now spreading deeper into agro-colonisation and expansion areas. Although central government (related) actors played an important role in facilitating access to land for large-scale land acquisitions, this is not the case for small and medium-scale acquisitions by domestic actors. The main actors are investors, customary land holders and brokers (intermediaries).

It is not possible to pinpoint the exact magnitude of rural land having become under control of agro-investors from outside the community. Reliable data on this rush for rural land by domestic investors are absent. Land holding families seem not to keep records and do not share this information within the community, let alone with local government. Moreover, not all transactions are registered at the local government level, and most have also not been formalised. Niger is most aware, because of the data collected by the code rural. The transfer also stays invisible on

³⁶ The 'generic' federations (CNOP, CPF, FUPRO, AREN, ROPPA) seem more active than the (single) commodity oriented unions as the cotton unions (UN-SCPC, UNPCB, AProCA).

the ground because many buyers of land have not tried (yet) to put the land in production. It can be expected that in Benin and Burkina Faso they will only declare their interest when the land registration and certification programs will reach their plots.

The data collected as part of our study shows that the phenomenon is on the increase since about the year 2000. The size of the ceded plots is also growing. We have tried to assess the significance of the area acquired compared to the total amount of land farmed by smallholders. Again the lack of land registers, areal photos or another way for monitoring changes in control over land, are an obstacle. In Benin, the total identified area now controlled by agro-investors is at least 1750 ha for the densely populated Allada; and 5000 ha in the agro-colonisation area of Djougou³⁷. One study estimated that in one village 50% of the land was now controlled by outsiders (Synergie paysanne, 2010).

The arrival of agro-investors also contributes to a narrow, formal vision of land governance: privatisation of land-resources and a focus on statutory, formal land administration. Moreover, the narrative of promoting a more industrial types of farming via agribusiness men is persistent, particularly at higher levels of government. Also ministries in charge of livestock keep on pushing for sedentary forms of livestock keeping, considering mobility as outdated or inefficient.

Box 4. Land pressure in sub-urban Bamako

Dialakoroba is a district ("Commune") at 45 kms of Bamako, Mali, and a major source of firewood for the capital. As a result, the Commune is about to lose its natural forests. Since 2001, with the support of a local NGO (AMPDR), 16 villages decided to protect in total 1,400 ha of forests; the other 7 villages in the commune could not participate as they already lost most of their forests, and also sold part of their land to persons from outside the community- generally Bamako. Most plots are between 5 and 10 ha. This is also the situation in neighbouring communes. The number of registered claims for the peri-urban area of Bamako by the Ministry in charge increased from 7,000 in 2002 to 30,000 in 2010, while there is a backlog of another 90,000 requests³⁸.

Until recently, the villages were capable of protecting these forests. Nowadays, all 16 villages are under enormous pressure for selling off land. One village, which was worried by the sales of land by their neighbours, decided to start selling land along the village boundaries in order to establish a corridor that would protect the remaining land. This strategy is failing as one Bamako resident managed to acquire a plot of 300 to 500 ha: twice as big as the entire village forest. Information on the transaction remains inaccessible to the other villagers. Rumours are that the buyer 'seduced' family members of the land holders by "giving" several motorcycles.

Conscious of the insatiable land hunger of Bamako's citizens, mayors and councillors tried to impose local taxes on the sales (10,000 FCFA/ha for regularisation) – but without much effect as the commune authorities are easily bypassed: the acquisition of plots that are larger than 5 ha has to be authorised at higher levels of government. Still, officially these transaction acts always have to be approved by the village chiefs and the mayor, but in practice this regulation is not respected.

The land sales have exacerbated tensions between and within villages and families. Villages start to cede land that they don't fully control (the common lands, disputed boundaries between villages) which gives rise to even more conflicts. Within families the same reaction is found. Land is sold off without consulting other family members, which causes many disputes. The future of the protected forest commons is now uncertain. Their status is not legalised. One option is to make it part of the patrimony of the district, but which may create tension between the village and the commune - or worse, it can be purchased by Bamako residents from commune authorities.

Source: pers. com. B. Sanou (2011).

Professionnalisation and modernisation

The agro-investors interviewed in our survey are mostly civil servants, politicians, traders, and business people, generally with no professional background in farming. They do not live on the land but are either based in the capital, or in nearby towns. Most agro-investors in our study act as private persons, but some have set up companies and also some NGOs were found (all in

³⁷ In Djougou, the government also owns 2000 ha of state farms.

³⁸ Pers. info collected in October 2010 from D. Traoré, SNV-Mali.

Benin). Some agro-investors are foreign nationals living in the country, or nationals living abroad.

Their intention is to start a farm or ranch, for speculation and may be also for political reasons (Burkina Faso). The spread of land registration programs in Benin and Burkina Faso, and the ability to secure transaction in Niger via the code rural may increase the appetite. The discussions on rising land values, international investors looking for land and increase in food price crisis will be an added stimulus. The media reports around large-scale land acquisitions, may inspire 'copy-cat' behaviour in order to benefit from this new sources of wealth, and to be ready for partnerships with domestic or foreign companies³⁹.

In the study sites, agro-investors and smallholders live side-by-side, with the latter having provided the land and occasionally labour. When the land was paid for, it was not invested in farming but used for other productive or consumptive use. The arrival of agro-investors has not been a source of innovation. Although agro-investors have invested in buildings and acquired often second-hand equipment, they do not perform better than their smallholder neighbours (see also GRAF 2011). Most investors are not agricultural professionals. Their productivity is similar or less than that of neighbouring smallholders. They seem as much balanced between food sufficiency and market oriented farming as most smallholders. This strategy will not result in a modernisation and professionalisation of the agricultural sector.

The agro-investors in our survey, have not given an impulse towards 'professionalisation', 'modernisation' or 'commercialisation' of agriculture or livestock keeping. They may use more motorised equipment and pesticides, but their farming system is less sustainable as there is a loss of topsoil and more erosion⁴⁰. Most investors used their own savings. Most of these investments are modest or oriented at small real-estate, with some exceptions (see Tchintabaraden, Niger).

Elsewhere, some examples of localised innovations (seed production, livestock, horticulture) have been described, initiated by agro-investors (see also GRAF, 2011). These agro-investors are either trained in agriculture, or called upon adequate technical knowledge, have the capacity to invest, are located close to urban markets or have succeeded in entering lucrative niche markets⁴¹ (ex. seed farms in Burkina Faso). It is interesting to see that the most successful agro-investors are those who reside locally or invest in home areas (cases of Niangoloko and Niger). If 'modernisation' takes place at a larger scale than isolated cases, we will find it back in the family farms of the cotton-cereal belts, where the new investors have integrated ongoing processes.

Box 5. Weekend farmers and innovators in peri-urban areas

"It is said" in West Africa that all arable land in a radius of 50 km around major cities has been "sold".

In practice smallholders still farm the land in most of these communities. However, in the zones around the cities that can be reached by car within 1 max 2 hours, "weekend farmers" are becoming more visible. They build houses, poultry sheds, invest in orchards and experiment with a range of (exotic) animals. They invest, savings from their main employment, and buy their inputs in town. They will employ guards, sometimes poorer relatives from their villages. For some it is an escape from city life and they only seek "balanced books", for others it is a source of income, and another group is speculating. Every year more plates with information on their titles can be seen along the dirt road going to the plots, for example, in Mali and Benin.

³⁹ Pers. com Benin and on requests for leasing land for planting *Jatropha* by a Burkina-French company in Burkina.

⁴⁰ Personal com.. Paul Kleene, Burkina.

⁴¹ The production of certified seeds in Burkina Faso has become the lucrative enterprise of a close group of well connected investors, who have the right contacts, access to finance and went out to acquired large tracks of land. Smallholders have not had the opportunity to participate because of the scale of production demanded.

Plates announcing a “ferme agricole” also multiply and gradually more fences are being put up. The “weekend farmers” and local communities live side by side, not maintaining many relations. Weekend farmers are not part of community life or contributing to the local government. Land transfers continue, increasingly also amongst the weekend farmers themselves.

Impact on rural livelihoods

Is land acquisition by agro-investors affecting livelihoods and triggering agrarian change? Overall, current smallholder farming systems seem not to be hindered yet. However, in the near future, smallholder farming may be locked as access to often fertile reserves is lost, particularly for the new generation. According to a mayor in the Sissili Province, Burkina Faso, some communities have no more land reserves left, but this could not be verified. Similar remarks were made by mayors in Mali (see Box 4). Smallholders will have to change soil fertility practices and intensify on smaller fields.

This congestion is reducing access to land for those having secondary rights, such as women and migrants. The appearance of agro-investors has produced cases of displacement of individual families (with lesser rights); some may be resettled by the customary land holders others are compensated by the agro-investors; there are also cases of customary right holders making use of agro-investors to push tenants from the land and close off cattle tracks. Those whose livelihoods depend on the commons are experiencing already the shortage. Again women will suffer as an important part of their income come from collecting shea, “néré” and other fruits as well as fuel wood. Also pastoralists, and livestock keeping more in general, are negatively impacted as acquisitions target fallow-, forest- and range lands, including corridors and refuge areas for livestock.

In addition, the more well-connected amongst these agro-investors seems to “elbow out” smallholders from private sector development programs and new opportunities, such as access to irrigated land or potentially lucrative value chains.

Environmental impacts

At the study sites impact on environment is visible in three ways. Acquisitions encroach on old fallows and forests and on wooded and pasture resources, as we have seen in peri-urban zones (ex. of Bamako, Mali), agric. belts (ex. of Guidan Roudji Department, Niger) and agric. expansion areas (ex. of Donga Department, Benin; Sissili and Comoë Provinces, Burkina). In Guidan Roudji, the departmental CoFo observed in the 2000s clearances and occupancies in several ‘conservation forests’ (“forêts classes”) and range lands. In five cases whole forest areas have been occupied wherein the biggest two counted each 2,100 ha. Local authorities (customary and administration/‘CRDs’) had ceded to local farmers (< 05 ha) as well to external actors (mostly city based traders) who obtained between 30 ha and (one case) 1500 ha, either by customary allocation or by temporary contracts (“contrats de culture”); a big part of this proved illegal. For 35% (= 2,300 ha) of the allocated forest the CoFo’s have recently recovered 60%; 40% is redistributed as forest area, 20% is allocated for agric. and livestock keeping.

Secondly, environmental damage is caused by the way of clearing the land: a lot of investors use machines whereby vegetation is ‘razed to the ground’ – against environmental regulations - and land is ploughed deeper than is necessary for fragile soils. This has not only been observed in peri-urban areas, but also f. i. in the Sissili, Burkina, where investors don’t exploit the land immediately and sell its wood resources (fire wood, timber, etc.) (see also GRAF, 2011).

Thirdly, livestock keeping is hampered either by occupation and sales of rangelands, which has been observed in all sites (cases going from 50 to 600 ha), either in the pastoral areas through concentration of wells in hands of some (external) families. In the latter example CoFo's and local pastoralist associations express not only their concern about exclusion of their herds, but also about (privatised) ranches and the management of herds of absentee owners which exert too much pressure on pastures. 'Powerful' stations/wells deliver enough water to maintain big herds longer than in the past at the same sites with risk of degradation of pastoral resources. Further on, these external livestock owners seem less sensitive to consultations on livestock movement to different rangelands (study findings; Hammel, 2007; Collective Djingo, 2009; Salaou Nouhou, 2010).

Possible trajectories for agro-investors

Buying land starts to be seen as a rather secure way of saving. It is perceived as being better than putting money on a bank account or investing in real estate, which used to be the case. Constructing a house has priority and buying a plot in an urban area is also preferred, but is becoming expensive. There is also much push for plot division ("lottissements") which are also a major source of corruption.

The result is that large tracks of fertile land will be controlled by actors from outside the community. These can be private investors, companies or even central government led projects (economic investment zones, land banks). Some will acquire land for speculation; other will actually invest and seek to develop more large-scale enterprises.

The control of strategic farm-, wood- and rangelands and water areas by parties external to local communities, impacts on communities in the future, as simply much less land will be available. One already visible outcome is an increasing number of competing claims between various forms of land use, where sometimes investors are added to existing competition, and sometimes they constitute a new antagonistic actor.

Some agro-investors, do actually invest. However, at least half are not satisfied with the results and may stop; others have acquired land without even attempting to use, but this phenomenon is even more unnoticed in the landscape and by local administration. If these agro-investors manage to hold on to their acquisitions and obtain formal title, than a situation of absentee landownership can emerge. It is also possible that those agro-investors who eventually will obtain a title or certificate, offer their land to firms managing a kind of outgrower schemes, if they become successful. Various pilots seem to be starting up (ex. of *Jatropha*, cotton). In this perspective it is striking to notice that so many initiatives emerge through individuals or concern direct investments and how few initiatives are discussed and negotiated with rural agencies, like farmer organisations. Locally farmers' organisations have shown interest (f. i. Burkina), but at national levels there is not yet a proper 'farmers' vibrant' which claims a place in upcoming investment initiatives in agriculture.

A small group of agro-investors demonstrate a willingness to invest in agriculture and a preparedness to take risks (GRAF 2011). They have some cash, can mobilise new networks but lack professionalism: that is knowledge about producing in a sustainable way, environmentally and socially. The challenge is how to mobilise these actors for developing the agricultural sector, with smallholders, particularly agro-investors who live locally and may be part of the local elites.

Farmer organisations stand at a crossroads. The question is whether it is possible to integrate investors in an agrarian transition carried by local (smallholder) farmers and livestock keepers, fragile but well embedded in a web of institutions and services, wherein benefits are re-invested

in farming, processing and market? Or, will it be impossible to regulate the arrival of investors and is the loss of land unavoidable and may push a process of fragmentation of land and a rise in land based conflicts? Land tenure security for small holders is one of the conditions to come to something close to the first scenario. Without losing eye for nuances, unsurprisingly the current land acquisitions don't support this. In some cases they undermine access to strategic resources and in the best case they do no harm.

Conclusions

The increase in agricultural prices, the expansion of regional urban markets and the emergence of new value chains could be opportunities for smallholders. And a number of family farmers are doing this and are innovating. Even rising values of land could, in principle, make available new resources for investing in agriculture. However, the smallholder sector is rapidly losing control over a large part of its main productive assets: land, natural resources and water to domestic investors in land.

Domestic investors, who are mainly city-based and with no professional competence in agriculture, demonstrate a growing interest in acquiring rural lands. The number of acquisitions is going up and the size of the plots increases. However, reliable data on this renewed rush for rural land by domestic investors are absent. No records are kept with respect to how much land is allocated to whom, and boundaries are seldom fixed in presence of the customary land holder. The transfer also stays invisible on the ground when the land is not yet used. The lack of information makes it difficult to manage land use, identify needs for regulation, and anticipate problems.

As for governance, customary landholders play a key role in this transfer of land to domestic investors, but are not accountable, not to their own family members nor to the wider community. Most domestic investors acquire land through customary landholders. However, these transactions are clouded in secrecy, even within the clan that used to own the land. The flaws in customary custodianship have not been balanced (yet) by new institutions: such as local land commissions or local governments, with the exception of Niger. A surge in conflict around land can be expected given this lack of transparency and consultation, and because of the fluidity of contracts, including the possibility of multiple sales and other fraudulent behaviour.

The picture of investors' performance is heterogeneous: a small group really invests, some occupy minor parts of the land acquired, some speculate. Many seem to acquire land to spend the weekend, while waiting for land values to go up. Most farms have not been very successful. We found in the four countries hardly evidence for a capital intensive agricultural modernisation boost carried by new investors. Agro-investors have not become a force of modernisation and professionalization, are not working together with smallholders around value chains, and many also cause environmental degradation. If 'modernisation' takes place, it is for isolated cases only.

These acquisitions locally impact on existing production systems and livelihoods of smallholders: they 'lock' future development of small holder farming. The impact on livestock keeping is already felt given the dependency of this economic activity on access to strategic common pool resources. This sector is at risk of losing flexibility and mobility. Also women, will be the first to experience the consequences of the loss of access to the commons and trees on fields.

New land policy and legislation have been voted and is gradually being implemented. Local governments have legal tools available to protect the natural resources base and ensure mobility of herds, or enforcement of environmental legislation. But, not all are aware or know how to go about the procedures. Building capacities of these local stakeholders, including farmer organisation, is increasingly urgent.

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