Agrarian change below the radar screen:
Rising farmland acquisitions by domestic investors in West Africa
Results from a survey in Benin, Burkina Faso and Niger

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Abstract

In West Africa, domestic investors acquire plots of farm land using their connections, powers and resources. Some policy makers view these investments as a shift towards agribusiness and state that these "new actors" will modernise and professionalize farming and smallholders are asked to make space. Who are those new actors, how did they obtain the land, under what conditions, and how are they investing? Why are customary authorities engaging in these land transactions and what are the consequences for local farming, rural livelihoods and the environment? This paper presents results of a 2010 survey on the acquisition of rural land by agro-investors in Benin, Burkina Faso, Mali and Niger. We explore implications for agricultural "modernisation" and discuss local responses to regulate this phenomenon.

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Abbreviations

Agriterra	International agri-agency of a national FO, the Netherlands
APIC	“Action pour la Promotion des Initiatives Communautaires”, Benin
BF	Burkina Faso
CAADP	Comprehensive Africa Agriculture Development Program, NEPAD
CNOP	“Coordination Nationale des Organisations Paysannes”, Mali
CoFo	“Commission Foncière”/ Land Management Commission, Niger
Com.	“Commune” ≈ Municipality
Dep.	Department
ECOWAS	Economic Community of West African States
ECOWAP	ECOWAS Agricultural Policy
FAO	Food and Agriculture Organisation, Italy
FEPPASI	“Fédération Provinciale des Professionnels Agricoles de la Sissili”, Burkina
FO	Farmer organisation
GRAF	“Groupe de Recherche et d’Action sur le Foncier”, Burkina (‘land net Burkina’)
KIT	Royal Tropical Institute, the Netherlands
NEPAD	New Partnership of Africa’s Development
OECD	Organisation for Economic Co-operation and Development
PNOPPA	“Plate-forme Nationale des Organisations Paysannes et de Producteurs Agricoles”, Benin
Prov.	Province (administrative unit in Burkina)
ROPPA	“Réseau des Organisations Paysannes et de Producteurs de l’Afrique de l’Ouest”
SNV	Netherlands Development Organisation SNV
Synergie Paysanne	“Syndicat National des Paysans du Benin”
UPPC	“Union Provinciale des Producteurs de Coton”, Burkina
WA	West Africa

1 Introduction

Agriculture is back on the policy agenda in francophone West Africa. This is a response to concerns over food security and also new economic opportunities created by urbanisation and regional markets. These evolutions could be important triggers for boosting small-scale family farming, which employs the majority of rural people.

However, high-level policy makers argue that smallholders will not be able to respond and that so-called 'agri-business' has to be promoted, which would introduce a more industrial, corporate way of farming. 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. This choice contrasts with official policy declarations that emphasise family farming.

The focus of this paper is on domestic 'investors in land' who plan to farm in francophone West Africa (Benin, Burkina Faso, Mali and Niger). Agro-investors' demand is taking place in the context of growing pressure on land for farming, tree crops and livestock, wherein competing claims already are a source of local conflicts. When poorly governed by the local community, local government and other government agencies, such land acquisition by domestic investors poses a risk as it may reduce land availability for farming, affect livestock production (blocking livestock corridors to grazing areas and water points) or reduce access to woodlands used particularly by women for gathering firewood, sheanuts and other products.

Following an introduction into the background of the survey and the methodology used, this paper continues with a brief overview of land use dynamics in West-Africa, survey results to better understand the agro-investors, and their role in agrarian change and possible responses towards positive livelihood outcomes for rural communities and prevent damage to the environment.

2 Origins of study

This study is the follow-up of an inventory of large-scale land acquisitions, both international and domestic, undertaken in 2009 by Farmer Organisations (FO's) and the Netherlands Development Organisation SNV in five countries (Benin, Burkina Faso, Ghana, Mali and Niger)[1]. This first scan suggested that medium-scale land acquisitions (max. 1000 ha) by domestic, city-based investors seem more wide spread than large-scale acquisitions (from 1000 ha and more). 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 – immediately - in the landscape than large-scale investment projects, but touches many more communities[2].

A follow-up survey was conducted partly by the same organisations: farmer organisations in **Mali** (CNOP), **Burkina Faso** (FEPPASI, UPPC) and **Benin** (PNOPPA) and SNV; with

[1] Presented at OECD/SWAC workshop December 2009 in Mali.
[2] The latter are limited to specifically targeted land-resources, such as irrigation schemes.

additional support from a Departmental Land Commission in **Niger**[3], the Royal Tropical institute (KIT) and Agriterra (international agency of a national Farmer Organisation)[4]. The aim of the study is to collect more data on trends, process of land acquisition by domestic agro-investors, effects, and possible responses[5].

This survey was undertaken in close collaboratyion with farmer organisations. A case study approach is used, combined with a survey in each site using a questionnaire. In each country two contrasting agro-ecological zones were selected. 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. The selected sites are areas where – according to local authorities and local branches of farmer organisations - domestic agro-investors are actively expanding. In each zone, one local government area is selected were the pressure is high, in order to better understand process and effects.

Farmer Organisations were actively involved in this study. They contributed to the design of the questionnaire and analysis and take a leading role in discussing the findings. Representatives of these farmer organisations reported that this experience helped them to "connect the dots". The findings made them realise that acquisition of land by domestic agro-investors is increasing, and that it is urgent for FO to discuss this issue with their members and develop a position, in order to reduce the risks and maximise the benefits.

Next, in consultation with local authorities, formal and customary in the selected sites and other informants a list of all domestic investors was drawn up, as completely as possible. The main criterion used was that the agro-investors come from outside the community and have not acquired land by heritage or gifts by close family members (parents, uncles, aunts etc.). It should be noted that no such records are available at the level of local governments or other agencies.

The questionnaires used based on those used by other recent studies on this issue (GRAF, 2011; SNV, 2009; Synergie paysanne, 2010). 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 are self-reported and have not been verified (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 – or their representatives - who are regularly present in the communities. Most investors who were contacted in town refused to be interviewed. Those who never returned after acquiring the plot (and did not invest) are also not included. In addition, much more land may have been acquired by domestic investors than is known to the wider community, given the lack of transparency at the level of customary land holders. Land speculation is, therefore, likely to be under reported in this study.

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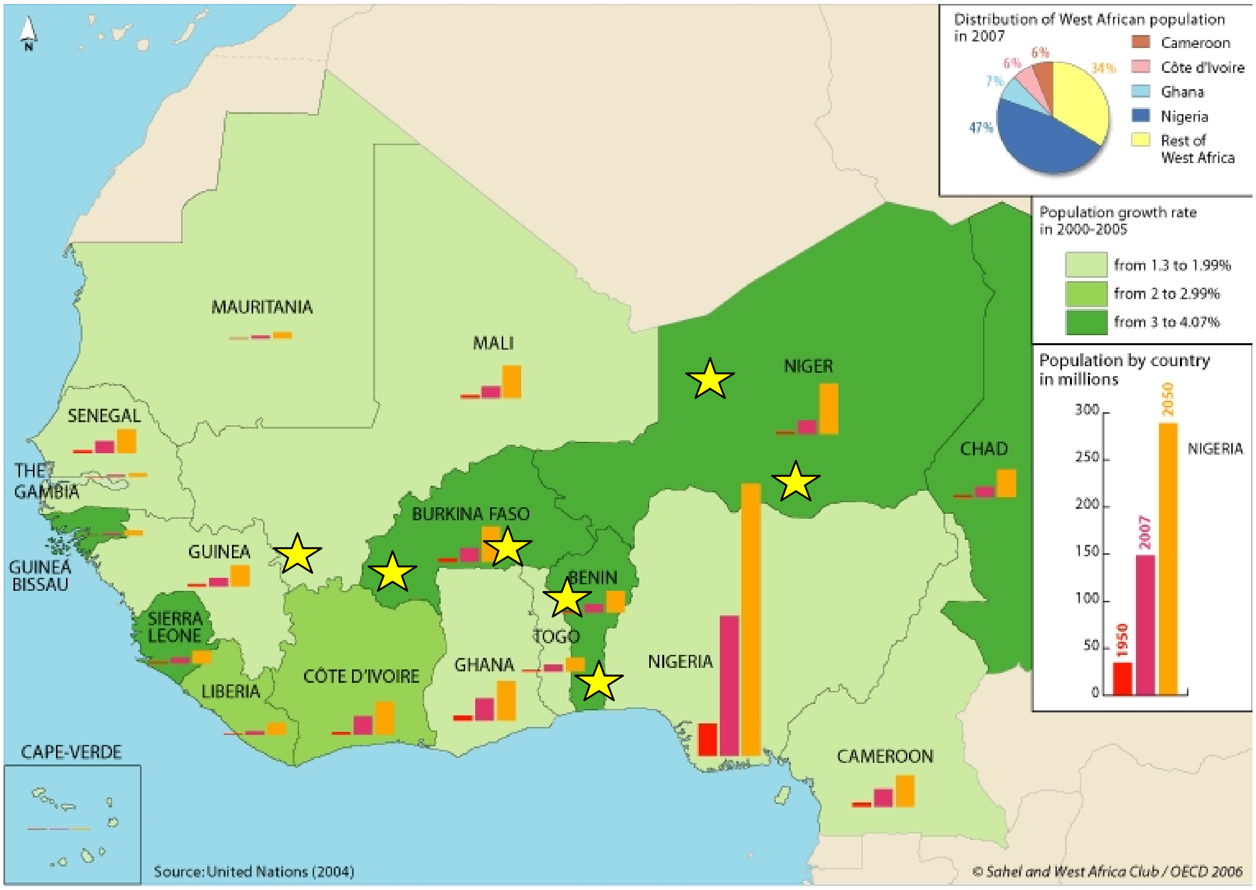
[3] Much research is done on Ghana by others (e.g. Schoneveld, 2010; Cotula et al, 2009).

[4] This study makes part of the LANDac (the Netherlands IS Academy on *Land governance for equitable and sustainable development*).

[5] We will compare the results with two other recent studies which have been recently made on the same topic of land acquisitions by domestic investors: *GRAF, 2011* in Burkina; *Synergie Paysanne, 2009*, in Benin.

Figure 1. Map and population of West-Africa



Distribution and Evolution of the West African Population

Source: OECD, 2009
Survey sites: ☆

3 Smallholder and large-scale farming in West Africa

3.1 Access to land

West Africa is a region were large-scale farming by settlers hardly took place. Colonial powers forcefully introduced commercial farming to be undertaken by small scale family farmers or 'smallholders'. Examples are groundnut farming and the development of irrigation schemes for producing cotton and rice (Senegal, Mali). In addition, the Sahel became a labour reservoir for the coastal countries for producing cacao and coffee, again mainly by smallholders.
Colonial powers had already expropriated land formally[6]. The influence of formal, statutory land laws is felt mostly in urban areas, and in areas where significant government

[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.

investment ("aménagements") took place, such as irrigation schemes, or for land expropriated for state farms or ranches during the 1960-70s (see also box 1).

Following independence, land remained officially under state control, but in practice customary land tenure regimes continued to prevail in rural areas. In West Africa a juxtaposition of formal and informal governance systems which are regulating access to and control over land, is still in place. Customary authorities continue to manage farm land, natural resources and water points. Tension is felt particularly in the management of 'common lands' such as forest and range lands (Delvigne Laville et al, 2002). 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 patrilineal customary systems, women have no inheritance rights. Generally, land is allocated for cultivation when requested, but cannot be sold. Third parties from outside the community, such as migrants, could obtain user rights, provided they respect their hosts' customs. These rights are temporary and there is a restriction on investments that can be interpreted as a claim to land.

Rural communities which do not feel congested, used to welcome new inhabitants as they would make the community stronger. Migrants were used also to enforce claims on land vis-à-vis neighbours, allocating them plots at the edge of the village land or in contested areas. Nowadays many communities are increasingly reluctant to allocate land, while informal land markets are becoming more common[7]. The "fear of the void" inciting former allocations, has been replaced by the "fear of overcrowding" (Tallet, Sanou and Balac, 2000). Allocating land to migrants is now mostly limited to relatively remote area with low population density, such as the Soudan-Guinean, former 'river-blindness' zones (southern parts of Burkina and Mali, north Benin).

3.2 Large scale farming and smallholders in the 1970-90s

In the 1960s-70s, West African governments have tried to introduce large scale, mechanised (industrial) farming for which land was expropriated from communities. Most (state) farms failed, however, sometimes also causing natural resource degradation that is still visible in the landscape. Also ranches for livestock were introduced, combined with the idea of promoting sedentary lifestyles. 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 Soudan and Sahel conditions. The 1990s brought a more balanced view on the virtues of pastoralism (Hesse and Thébaud, 2006).

In the aftermaths of the droughts, the mixed experiences with large scale faming led to a renewed interest in promoting smallholder farming for food security and economic development. The emergence of a successful cotton sub-sector was the combined result of an integrated supply chain approach and mixed farming systems wherein cotton was rotated with food crops and livestock keeping[8]. Moreover, village-level farmers associations, which subsequently were organised at district level, have facilitated innovation in production, input

[7] See for Burkina Faso: Zongo & Mathieu, 2000; Zougouri & Mathieu, 2001; Chauveau et al, 2006; Traoré & Badiel, 2008.

[8] WA 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. These 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).

distribution and marketing, and became the entry point to credit (Babin, 2009). Production increases were achieved by intensification and extension of the fields. The juxtaposition of customary and statutory tenure systems did not hamper investment. However, its success resulted in growing competition over natural resources and was at the expense of fallow land, endangering the traditional method for soil regeneration.

Family farming continues to be the pillar of agricultural growth and guarantees physical and economic access to food. It employs the majority of the rural population (Hazell et al, 2007). A wave of democratisation processes took place in the 1990's. In the aftermath, smallholders started to set up farmers' associations and national networks (federations, unions)[9]. Farmer organisations are invited to comment on public policies, including policies around land and agribusiness.

3.3 Renewed interest in agriculture in the 2000s

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 with CAADP). Although all four countries have policies and legislation in place in support of small scale family farming, current policy discourse gives the impression that they are no longer considered as main economic actors and engines of agricultural development. Concepts of modernisation and professionalization are becoming synonym to 'commercial farming' or 'agri-business'. Smallholders tend to be pictured as 'archaic' and engaged in 'subsistence' farming.

Benin hopes seem to be set more on international investors. Mali invited international investors to the Office du Niger, but increasingly domestic agro-investors are also active (Papazian, 2010; GTZ, 2009). 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 are calling upon smallholders to make space available for these 'agribusiness men' in the media (see f.i. Ouédraogo, 2003). 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 people, who have completed special vocational education in agriculture 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 are to be the engine of modernisation (Burkina)[10].

This discourse is facilitating the acquisition of land by agro-investors. It seems that the continuous suggestion that development and a better life will come from outside the community is seductive, and may undermine self-confidence of communities and even interest in farming of the new generation. Some investors were actively approached by certain 'host' communities and customary land holders, partly via the 'land deal brokers' or "*intermediares*" (study findings; GRAF, 2011).

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[9] As FUPRO (*Fédération des Unions des Producteurs*, Benin), UDOPER (*Union Départementale des Organisations Professionnelles des Eleveurs de Ruminants*, Benin – later completed by national ANOPER), AOPP (*Association des Organisations Paysannes Professionnelles*, Mali, later completed by national CNOP), Plateforme Paysanne Niger, AREN (*Association de Redynamisation de l'Elevage du Niger*), and FENOP (*Fédération Nationale des Organisations Paysannes*, Burkina) completed by federations FEPA-B and CPF.

[10] 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.

Box 1. Domestic investors in irrigation schemes

Domestic and international investors are interested in zones where the government, often with support of donors, developed irrigation systems, such as in the office du Niger in Mali and schemes in Burkina Faso.
It is reported that the allocation of these new, valuable lands is not transparent. In the existing-smallholder section- of the Office du Niger in Mali access to land is via government agencies and smallholders have a one year lease contract that is cancelled when water levies are not paid. Every year a number of farmers lose their lease. Increasingly, urban based actors use their connections to acquire fields in the irrigation scheme and then contract local smallholders (sharecropping, labour contract).

A recent development is the acquisition of land outside the existing area for agro-investment. Amongst the 225 leases given out in 2010, 217 are given to 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, and 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 group of international investors originates from Burkina Faso, Canada, Chine, France, Lebanon, Senegal, South Africa, and USA. Although much less numerous, international investors generally request considerable 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 lacks the funding and thus limits their request to about 50 ha or less (most requested 5 ha). The exceptions 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).

4 Characteristics of 'agro-investors' and their farms

4.1 What zones do agro-investors prefer?

The survey sites (as indicated in figure 1) were found in five geographic zones, which differ with respect to population density, agro-economic activity and accessibility (infrastructure - See table 3.1).

Table 1. Geographic zones and survey sites

Zones	**Survey** sites
1. Old agricultural belts in Sahel-Soudan zones: suitable land is used for farming/livestock, limited fallows, productivity declining; pop. density >±60 pp/km²	**Niger**: Communes of **Guidan** and **Tibiri** in Guidan Roumji Department, Maradi Region
2. Cotton-cereal belts in Soudan zones: most suitable land is used for farming/ livestock, fallows reducing; population density ±30-60 pers./km²	**Burkina**: Commune of Samorogouan, Kénédougou Province (Traoré & Badiel, 2008) **Mali**: "Cercle" of Sikasso (SNV, 2009)
3. Farming areas located near urban poles – hardly fallow land left	**Benin**: Com. of **Allada**, Atlantic Dep.; Com of Djidja, Zou Dep. (Synergie Paysanne, 2009) **Burkina**: Ziro Province (GRAF, 2011)
4. Agricultural expansion and colonisation zones (< 30 pers/km²)	**Burkina**: Commune of **Niangoloko**, Comoë Province; Com. of **Bieha**, Sissili Prov. **Benin**: Com. of **Djougou**, Com. Bassila, Dep. of Donga **Mali**: "Cercle" of Yanfolila
5. Pastoral areas (<20 pers/km²; <300 mm of annual rainfall)	**Niger**: Departments of **Tchintabaraden** and **Abalak** (Tannatahmo site), Tahoua Region

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. Consequently, the costs of an urban plot have also increased considerable. Also peri-urban land that is expected to become urban in the near future is popular, and requires lower "availability of cash".

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, 2009). Currently "agro-investors"[11] from the capital are particularly interested in acquiring farm land in the low populated, sylvo-pastoral lands in the Soudan-Guinean zones[12]. In our sample, the average size of the plot of land acquired by investors is 85 ha. All acquisitions over 200 ha took place after the year 2002, which is surprising as competition over land is increasing. The increase in plot size can be interpreted as an indicator of a growing interest of agro-investors to acquire significant area of rural land, and which seems (still) to be granted locally.

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 road access is therefore one important factor. Where a new road is build, agro-investors follow. A second factor is the attitude of local leaders, both mayors as

[11] We will use the generic term 'agro-investor' for those who acquire/purchase/invest, although in most cases they are not considerably investing in agric production.

[12] In addition, irrigated land is sought after by urban actors (and is already for some time) like the Mali 'Office du Niger' and in Burkina (GRAF, 2008). Peri-urban areas are subject to small and medium scale acquisitions[12], mostly by domestic actors speculating on future higher land values.

customary authorities. Local governments and communities perceived as "hostile" will be left aside. Intermediaries play an important role in bringing sellers and buyers together, particularly for prospective investors with no (family) ties in the chosen area or who never worked there. In Allada, Benin, most investors used an intermediary to identify the plot and the owner/ custodian. Some intermediaries will even put pressure on customary right holders to sell. Within a local government area, the distribution of agro-investors is therefore uneven. For example, most agro-investors are found in 05 out of the 22 villages of the municipality or "Commune" of Bieha, Burkina Faso.

4.2 Who are the investors and where do they live?

In our study, most agro-investors are individuals and domestic (>95%). The survey 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. Particularly in Niger and Niangoloko (Burkina), almost all investors are living locally and most investors (65%) acquired their plots before 2000. In Benin and Bieha (Burkina) the situation is different. Here, a small amount of the surveyed land was acquired during the 1990s (<15%), the rest after 2000. Most agro-investors live in Ouagadougou or Cotonou.

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 to acquire land (all in Benin). Some agro-investors are foreigners living in the country, or nationals living abroad.

Table 2. The profession of agro-investors (N=95)

	Agric. professional	Civil servant	Other professional	Trader	Politician	other
Benin	20%	33%	7%	20%	7%	13%
Burkina	16%	41%	7%	25%	2%	9%
Niger	55%	9%	9%	18%	0%	9%

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. In Benin, it was reported that the media reports around large-scale land acquisitions, inspired some investors to start acquiring blocks of land in order to be ready for partnerships with foreign companies[13].

4.3 How much land and what type of land is acquired?

In our sample, the average size of the plot of land acquired by investors is almost 85 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

[13] Pers. com Benin and on requests for leasing land for planting Jatropha by a Burkina-French company in Burkina.

densely populated Allada commune (Atlantic Dep., Benin) some of the plots acquired are large (over 300 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 program[14]. 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 investors[15]. Also proposals involving out-growers are being floated[16].

Table 3. Size of the plot acquired by the investor (ha per research site)

Sites	Mean	Median	Minimum	Maximum	N
Allada, Benin	113	47	10	312	10
Djougou, Benin	213	100	21	504	11
Niangoloko, Burkina	31	20	3	193	29
Bieha, Burkina	80	50	10	300	27
Guidan K, Niger	88	56	3	632	18
Tibiri, Niger	54	60	25	70	4
Total	**84**	**50**	**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. 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*

[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 (2,000 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 ginnung company.

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 5. Quality of the land acquired

Sites	**Very good**	**Good**	**Average**	**Poor**
Allada –Benin	40%	30%	20%	-
Djougou Benin	91%	-	9%	-
Niangoloko –BF	24%	34%	38%	3%
Bieha BF	22%	63%	15%	-
Guidan-K –Niger	33%	11%	33%	22%
Tibiri Niger	25%	25%	50%	-
Total	**34%**	**33%**	**26%**	**5%**

It should be noted that investors may have acquired more than one plot in different sites: we found an example an entrepreneur with 4 sites of Jatropha (total of >4,000 ha)[17]. 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 investors[18].

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.

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 overt 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.

4.4 How did agro-investors acquire the land?

All surveyed domestic agro-investors acquire land through customary tenure systems and customary authorities. Central government was not involved directly in the acquisitions.

[17] In Benin, Burkina 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 program. Personal communication colleagues and embassy staff; It was also mentioned that in Burkina a domestic investor, related to a French company, had announced that they want to lease medium to large sized plots of lands for planting Jatropha.

[18] Joint ventures on maize in Benin (2000 ha), rice in Benin. Also proposals involving out-growers are being floated such as for Jatropha in Burkina by different actors, 'Mali folk centre' for bio-fuels in South-Mali; cotton in Benin by the country's biggest ginning company.

Agro-investors seek to secure these transaction as best as possible by involving witnesses (mostly members of the family engaged in the transfer of the land or local chieftaincy) making up a notary act (Burkina) or a contract for the sale of the land ("convention de vente"). In 15% of the cases there is no formalisation at all (Niger). The land transaction is seldom accompanied by specifications on land use, or other obligations (f.i. a 'conditions of contract'/"cahier de charge").

Not all agro-investors have paid for the land. In 43% of the registered cases no money was paid (most of the acquisitions before 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 where the price per hectare is also the highest: 278,000 FCFA/ha (424 €/ha). 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.

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. Such differences in perception are a potential source of conflict.

Table 6. Acquisition mode

Sites		**Sale**	**Long-term Lease**	**Lease/gift**	**other**
	Allada –Benin	100%			
	Djougou Benin	45%	55%		
	Niangoloko –BF	62%	38%		
	Bieha BF	48%	41%	4%	7%
	Guidan-K –Niger	56%	39%	6%	
	Tibiri Niger	25%	50%		25%
Total		58%	37%	2%	3%

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).

4.5 Land use and performance

On average, agro-investors report that 60% of the acquired area is cultivated. This percentage is lowest in Benin and highest in Niger. Note that 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. 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%).

Table 7. Degree of agric/livestock land used of acquisition

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

Agro-investors state that they have projects in mind for annual food crops (e.g. cereals, pulses), orchards, oil palm or livestock keeping and sometimes Bio-fuels (Jatropha).

The principal crops actually cultivated by agro-investors are maize, millet and pulses (72%). A minority (<15%) has planted cash crops such as oil palm, cashew, fruit trees, sesame or cotton[19]; and one case of Jatropha.

Box 4: Family farmers or « exploitations familiales » in the cotton belts.

During three decades, cotton companies (as CMDT-Mali, SOFITEX-Burkina) were, besides main supply chain operators, also government tools for agricultural development in the cotton belts. They delivered an integrated support of research & extension services, diversification, sustainable production programs, equipment & technology introduction, etc. They reinforced the development of family farms, which became the backbone of WA cotton and cereal production.

Over time a socio-economic differentiation of cotton family farms took place in (Dufumier et al, in Babin, 2009):
(a) big family exploitations, disposing of sufficient equipment and livestock, which progressively diversified production and markets (f. i. cattle, plantations, 'valley bottom' crops);
(b) majority of average size exploitations where the bulk income still comes from annual crops (cotton, cereals, leguminous) and growth (productivity, market diversification) is determined by access, limited or not, to cattle, equipment and fertile land (fallow, 'sylvo-pastoral' land);
(c) minority of small size exploitations, little equipped and having a few animals, which are oriented at self sufficiency, and partly depending on tree products and sale of their labour;
(d) minority of agro-pastoral exploitations, still oriented at mobile livestock keeping, and partly at annual crops (cotton, cereals);
(e) fringe of absentee owners (also 'weekend farmers'), found in peripheries of urban poles.

The dynamics differ by country and agro-ecological zone. Without losing eye for their dependency of the cotton sub-sector conjuncture, we can state that family farms (categories a, b, d) have been the bearer of agrarian change in the vast cotton belts: besides cotton, they produce surplus of cereals (maize), are diversifying by taking up promising commodities and technologies, and developing new institutional arrangement (cooperatives, value chains). At the same time they remain fragile. Their development depends on market dynamics of a few chains, as well as on access to productive natural resources (especially categories b, c, d). Land tenure security for (small scale) family farmers is a pre-condition for sustainable development.

4.6 Contribution to food security and employment

The yields reported by agro-investors are comparable, or less, to those obtained by family farmers in the same area. In the case of the pastoral zones, the investors maintained the original, more extensive livestock system: herd mobility remains a central element. Livestock moves in and out of the area in search of water, salty licks and pastures.

The information on investments in infrastructure, equipment crops and livestock is again self reported and is based on 30 cases. 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. These figures correspond with the GRAF study in Burkina, which compared cost-effectivenes of new agro-investors- with family farms: the latter have better farming

[19] We have not come across innovative new agro-investors in our survey. 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: GRAF 2011).

accounts ("comptes d'exploitation") than the new actors, which had, in case of mechanised, extensive farming, negative accounts[20].

The agro-investors in our survey have not contributed much to food security. 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 subsistence and 27% only for the market (mostly in Niangoloko). Overall, 45% of the investors were positive with respect to the overall financial results and 55% negative. Those who were positive live mostly in Niangoloko (Burkina).

Half of the investors have created permanent employment for 1-2 permanent male labourers, generally from outside the community. Only 6% employ somebody from the community. Agro-investors reported to pay permanent labourers about 12,000 FCFA/month in Benin and Burkina, and 25,000 to 30,000 in Niger. The salaries reported to be paid to casual labourers are low: 500-1000 FCFA/day.

4.7 Relations with neighbours

Most investors maintain cordial relations with neighbours and 83% still maintain relations with those who transferred the land. However, this may be over reported, as only the agro-investors known to community members and reachable, have been interviewed. Few conflicts have been reported with host communities; only three investors qualified the relation with the previous owner of the land as bad.

The majority keeps a low profile, limiting contacts to neighbours and labourers. These relations were valued as friendship (13% all in Niangoloko) and cordiale by 63%. Family relations were mentioned for 9% of the cases. Respondents were most positive about these relations in areas where investors are living nearby and working the land for a longer period. 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.

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.

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.

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[20] Conform to GRAF (2011) we distinguish three types and farming strategies: a) speculators (incl. "weekend farmers"); b) farming/exploitation of (part of) the land, either mechanized, extensive, either following common practice; c) innovators, serving lucrative niche markets.

5 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[21].

5.1 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 2006. Some local governments are new configurations (Mali, Burkina), others are grafted onto existing administrative bodies (e.g. Benin). In Burkina, semi-formal village structures 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. 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. The exploitation of firewood, timber and grazing lands can be sources of tax revenues. Registration or witnessing land transactions and land registration is another potential source of revenu. 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 paid (in fact playing the role of a notary)[22].
The emergence of rural communes facilitates more subsidiarity in land policy and may give impetus to decentralised land and resource management (Ribot, 2002 and 2004; Hilhorst, 2010). Local governments are becoming involved in regulating resource use and the management of commonly-used lands, often at the request of local land users (Hilhorst, 2008).

5.2 Land policies

All countries in our case study are reviewing land policies and legislation and developing new approaches to land administration, or completed this processes. Niger approved the *Code Rural* in 1993; the implementation was given a boost following the establishment of local governments in 2004 (see also box 3). The new land policy in Benin was voted in 2007 and also foresees village level land inventories and registration. Implementation in selected communities has started. The Burkina Faso land policy (*Réforme Agraire et Foncier* Act); was overhauled in 2009, and includes a village level inventory of rights. In Mali, consultation around tenure and management of rural lands took place within the context of the *Loi d'Orientation Agricole (LOA* -2007-08*)* and a rural land policy is in preparation. In addition, consultations around a new land policy began in 2009 (*Etats généraux sur le foncier*) piloted by the Ministry in charge of urbanism and domains.

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[21] We will not discuss the local, often informal policy arena, which differs considerable between communities and countries.
[22] 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 stipulates that taxes only have to be paid to local government when the rural land is not used.

The aims of the new policies are broadly comparable and address securing the rights of smallholders, encouraging more efficient and productive land use[23], and making land available to investors. However, in practice, policy aspects in support of investors seem to receive more attention and support and may even include expropriation. The trend is to regain control over land and natural resources, following a decade of promoting decentralised management of land and natural resources (Hilhorst, 2010).

A general feature is a shift towards some form of legal recognition of customary rights, combined with the development of low cost and accessible forms of land administration. In these new land policies, an inventory of prevailing rights is included, to be followed by registration and certification. Deconcentration of service delivery and the engagement of local governments in implementation is part of the approach. Whether policies towards securing rights for smallholders are implemented seem to depend a lot on external donor support. In Burkina and Benin the US Millennium Challenge Compact implement pilots, as well as a pilot with land titles in the Office du Niger.

In Burkina, Mali and in Niger much effort is invested in developing policies and legislation to secure access to grazing lands for pastoralists[24]. However, linkages between '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.

5.3 Effects of new land policy

Although new land policies and legislations are already voted for several years in Benin and Burkina Faso, and were discussed extensively also in Burkina Faso, local populations are not well informed. Rumours circulate on future expropriation by government or that tenants can claim rights. Customary landholders fear that they are about to lose the land is reported as a reason for 'selling' land to agro-investors (GRAF, 2011). 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. In Mali, local governments are well established but the development of a new landpolicy and regulatory framework may take some time.

As indicated above, most investors acquired the land via customary institutions and approached customary land holders (land, clan and lineage chiefs). Some looked for land in their area of origin, while others did not (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 they may be assisted informally by civil servants – approached via their own networks.

The decision to transfer land to agro-investors is taken by the customary head of the landholding family: if this person refuses it will not be possible to acquire land. In the survey, it was hardly reported that customary chiefs discussed these matters within the family, with other community leaders, let alone the mayor. For many, local governments have no role to play and are not trusted neither "impartial". Remarks were made though

[23] 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.
[24] 'Pastoral Charter' Mali, 'Code pastoral' Niger, 'Framework Law on Pastoralism' Burkina.

regarding “irresponsible behaviour” by customary leaders or their close relatives. Often, it seems that family members are “confronted” with the decision.

A number of customary land holders claim that the transaction is a long term loan and they also expect ‘reciprocity’, continuing to act in the spirit of land guardianship[25]. However, the precise boundaries may not be fixed in presence of the customary land holder. It is possible that the former land holder and the new investor do not have the same interpretation on the nature of the land transaction, contract conditions and exact size and location of the land. While the agro-investors approach the deal as a definite sale, the former land holder may perceive this as a temporary loan. At the same time, they also know that these new actors are outside the local social arrangements; and they may fear their mastering of formal systems. Probably, they realise that the land is lost if the agro-investors decide to stay.

Agro-investors, together with intermediaries, make use of loopholes and weaknesses in current customary land governance systems and slow implementation of new land policies. The latter generally foresee the creation of new community level institutions around land governance. De facto, land and lineage chiefs have lost part of control on village territories. Paramount chiefs may rule still in name, but since all land is used, people won’t accept their primary claims as easily as they did a few decades ago. 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 (sales in return of gifts like motorbikes).

In Benin, for example, relatives of paramount chiefs use these old rights, which locally 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 pastoralists. Perceived powerful agro-investors are used also to remove users groups such as pastoralists. We have also come across cases were agro-investors have been used to remove tenants. Agro-investors, unknowingly, become instrumental in local conflicts over land.

Agro-investors seek to formalise these transactions; 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. In Benin, they wait for the “*plan foncier rural*” to arrive. In Burkina, for example, 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 the value of the land. Moreover, they will need formal agreement from the municipality, which is becoming more reluctant. Meanwhile, agro-investors nurture local bilateral contracts and pledges, while pressuring their allies in central government to develop measures to secure their plots.

5.4 Local responses and resistance

In Niger, the ‘Code Rural’ land commissions are a legal tool for managing land and natural resources tenure, at community, local government and regional level. In our case study, it was reported that the presence of the land commissions (“commissions foncières” or “CoFo” – see box 5) reduced the risk of in-transparent land deals, when compared to Burkina, Benin or Mali. Most land transactions pass by the CoFo, which allows for monitoring and even regulation when needed. However, also in Niger, these commissions will be powerless if land transfer arrangements took place at regional or national level, even although consent of local structures is required for legalising these transactions (study findings; Djedjebi et al,

[25] See the notion ‘neo tutorat’ by Chauveau et al, 2006.

2008). It was reported also that in Maradi there is social pressure to use the land and not to leave it 'idle'[26].

Allocating land to "strangers" is not unusual and those who received land are expected to respond to requests for support from the landholding family. Therefore, customary land chiefs may expect also from agro-investors that they contribute to community development and basic services, and hope that they will bring "development". At the community level, initially, agro-investors were generally welcomed by the community, who expected that their money, contacts and force would bring welfare, employment, and basic services. This hope is particularly strong in the agricultural colonisation areas, which have limited access to social infrastructure. Some customary landholders even asked intermediaries to go out and look for agro-investors.

A few years down the line community members, and also local governments, are less optimistic and seem to have become reluctant in having more new 'agro-investors'. In practice, not much was invested in basic infrastructure[27]. The promised infrastructure and other benefits did not materialise, very few jobs were created for local people, and there is a growing fear for lack of farmland in the near future (GRAF, 2011). There seem to be limited open resistance, as of yet.

Pastoralists and tenants (such as migrants) were worried right from the start (see also GRAF 2011) and indeed suffer already from blockages of access to resources and even eviction. Violent conflicts between pastoralist and agro-investors have been reported, in which the latter shot cattle (see also GRAF 2011). Women 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. But, they seem not to have spoken out publicly.

With respect to local governments, they were not consulted by customary land holders but some now seek to regulate the process. They can regain some control, depending on the laws in place such as whether local governments play a role in approving land transaction.

In Burkina Faso, some mayors 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 introduce a land tax[28]. They may even refuse to sign, but this is rare. Open refusal to serve city-based agro-investors may be difficult given the political relations with central levels. However, investors seem to chose the line of least resistance and avoid areas where such consciousness is rising. Though national politics in Burkina Faso seem to promote these "new investors in farmlands", local government- and FO members in Bieha (Sissili Province, Burkina) are now 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 and also organise information campaigns. One possible entry point they are discussing is to insist on a "cahier de charge" – contract conditions and monitor this.

In Benin, for example, a land allocation can be revoked when the land is not used after 5 years. The use of this instrument required monitoring, action, and possibly arbitrage. They

[26] Fearing interference from the CoFo has pushed the investor in the pastoral Tahoua region to quickly create a "fait accompli" by installing a pump/station, a situation that currently is beyond the capacity of the CoFo to redress.
[27] It was reported that some investors have tried to influence the allocation of infrastructure by sector ministries.
[28] However, some councillors may even have played a role as intermediary in the sale of lands.

can also seek to prevent environmental damage by insisting on a “cahier de charge” and backing inspectors of the environmental department. Currently, there is limited enforcement of environmental legislation law, as agro-investors manage to call upon support from ‘higher levels’ (GRAF 2011). Still, more enforcement of land use planning could be another entry point to protect forests, wetlands or movements of herds: even cattle tracks are not respected and can be blocked following a ‘transfer’.

Increasingly, national and international farmers’ organisations[29] start to mobilise around support for smallholder farming, while taking an increasingly critical stand with respect to agro investors. They are mobilising also around policy and legislation to secure access to forest- and range lands. They start participating in global debates on large-scale land acquisitions. The more local-level farmer organisations seem not to take a position against the arrival of agro-investors. They are in favour, as long as they are consulted and the process is regulated in order to prevent the harming of existing smallholder farming. These 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, and not just a few incidents.

It should be noted that organisations of livestock keepers are not in favour, and expressed their worries on exclusion from pasture and forest resources (cases of Bieha, Djougou and also in Mali and Niger sites).

Box 5. 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).

[29] The ‘generic’ federations (CNOP, CPF, FUPRO, AREN, regional ROPPA) seem more active than the (single) commodity oriented unions as the cotton unions (Cotton Syndicates, UN-SCPC, UNPCB, regional AProCA).

6 Discussion

6.1 Rush for rural land?

Domestic investors, who are mainly city-based and with no professional competence in agriculture, demonstrate a growing interest in acquiring rural land.
Qualitative information from a survey amongst rural local governments, farmer organisations and researchers suggest that this phenomenon, which is already widespread around the cities, is now spreading deeper into agric. 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 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.

It is not possible to pinpoint the exact magnitude of rural land under control of agro-investors from outside the community. At the regional or national level, the phenomenon is not systematically monitored by ministries and snippets of data (land administration, environment) are not combined. 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. The transfer also stays invisible on 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. Authorities in Niger are more aware, because of the data collected by the *Code Rural* institutions.

The smallholder sector is losing control over a large part of its main productive assets: land, natural resources and water to domestic investors in land. The transfer stays invisible on the ground when the land is not yet used. The lack of information makes it difficult to manage land use, to identify needs for regulation, and anticipate problems and conflict.

Most domestic investors acquire land through customary landholders. 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. 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 arrival of agro-investors also contributes to the spread of a narrower, formal vision of land governance: privatisation of land-resources and emphasis on statutory, formal land administration. Moreover, the narrative of promoting modernisation via agribusiness men is strong, 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.

6.2 Professionalization and modernisation

In the study sites, agro-investors – those who do actually invest - 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.

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 used their own savings. Most of these investments are modest or oriented at small real-estate. The agro-investors in our survey have not given an impulse towards 'professionalization', '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 loss of topsoil and more erosion[30]. There productivity is similar or less than that of neighbouring farmers. They seem as much engaged in both producing for food sufficiency and market oriented farming as most smallholders.

Most investors are not agricultural professionals and at least half of the investors are not satisfied with the results and may even stop their activities. Others have acquired land without even attempting to use, but this phenomenon is even more unnoticed by local administration. The most successful agro-investors are those who reside locally or invest in home areas (cases of Niangoloko, BF, and Niger).

Overall, the arrival of agro-investors has not given an impetus to innovation. Some examples of localised innovations (seed production, animal husbandry, 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 markets[31] (ex. seed farms in Burkina Faso). In fact, the bulk of the 'modernisation' and innovation taking place in rural areas that is leading to more productivity and overall production can be found back at family farms of the cotton-cereal belts (see box 4), which is going on since decades: they are involved in large or relatively well structured supply chains (f. i. cotton in Mali, Benin, BF; onion in Niger), produce surplus of cereals and are diversifying by taking up new promising crops (see the spread of sesam) technologies, and developing new institutional arrangement to go to scale (cooperatives, value chains).

6.3 Impact on rural livelihoods

Is land acquisition by agro-investors affecting livelihoods and existing farming systems? Overall, current smallholder farming systems seem not to be hindered yet as cultivated farm land has been transferred only in a few cases (when there are tenants). However, 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, particular for villages nearer to Bamako and along major roads. In the near future, smallholder farming may be 'locked', as access to often fertile land reserves is lost. This will be a challenge particularly for the new generation.

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 using agro-investors to push tenants from the land and close off cattle tracks.

[30] Personal com., Paul Kleene, Burkina.

[31] The production of certified seeds in Burkina 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 acquire large tracks of land. Smallholders have not had the opportunity to participate because of the scale of production demanded.

Also pastoralists, and other forms of livestock keeping more in general, are negatively impacted either by occupation and sales of rangelands, which has been observed in all sites (cases going from 50 to 600 ha), or through the concentration of wells in hands of some (external) investors in pastoral areas of Niger. In the latter example CoFo's and local pastoralist associations express concern about exclusion of local herds, (privatised) ranches and the management of herds of absentee owners. 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. 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.

If '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 that are setting up a kind of out-grower schemes. Various pilots using this businessmodel are rumoured to be starting up (ex. of Jatropha, cotton).

6.4 Environmental impacts

At the study sites impact on environment is visible in three ways. Acquisitions encroach on old fallows and forests and range lands (72% of the cases). Considering that these sylvo-pastoral lands provide important agro-ecological services to farming systems, such land acquisitions will affect the local economy and livelihoods. Moreover, protected forests are also assigned to domestic investors. In Guidan Roumdji (Niger), the CoFo observed clearances and occupancies of 'gazetted forests' ("forêts classées") and range lands between 5,000 and 10,000 ha. These transfers were partly illegal. The CoFos have managed to recover part of this land (study findings; Salaou Nouhou, 2010).

Environmental damage is caused also by land clearance methods. Many investors use bulldozers whereby vegetation is 'razed to the ground' – against environmental regulations. Local farmers in Burkina mockingly describe this as "creating new airstrips" (see also GRAF, 2011). Land is also ploughed to deeply for mostly fragile soils. Moreover, some investors start first with selling the wood (fire wood, timber, etc.). The absence of 'conditions of contract' ("cahiers de charge") makes it also difficult to promote sustainable land use.

Thirdly, in pastoral areas large herds (mostly of absentee owners) risk to degrade pastoral resources: new stations/wells deliver enough water to maintain big herds longer than in the past at the same sites. These "external" livestock owners are less open to consultations on managing livestock movement to different rangelands (study findings; Hammel, 2007; Collective Djingo, 2009).

6.5 Possible trajectories for agro-investors

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 may lack knowledge about producing in an environmentally and socially sustainable way. The challenge is how to mobilise these actors for developing new enterprises in collaboration with smallholders.

The increase in agricultural prices, the expansion of regional urban markets and the emergence of new value chains are opportunities for smallholders. Even rising values of land could, in principle, make available new resources for investing in smallholder farming. 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 farmer organisations and unions. Farmers organisations have shown interest but have difficulties in claiming "a place at the table" where upcoming investment initiatives in agriculture are discussed and negotiated. As a result, the more well-connected amongst these agro-investors seem to 'elbow out' smallholders from profitable private sector development programs and new opportunities, such as access to new irrigated land or potentially lucrative value chains.

7 Conclusions

Agro-investors' performance in West Africa is heterogeneous. A small group really invests, although using only a minor part of the land acquired. A few developed new products. Many hardly manage to balance costs and returns. Another group is speculating on rising land values. Agro-investors are not contributing much to food security and they do not generate much employment. The methods used to clear and work the land also contribute to environmental degradation.
Still, governments expect this new group of actors to push 'modernisation' and "professionalisation", but in practice this is seldom taking place. In this respect, it is important to get away from stereotypes around presumed roles of "agro-investors", "small-holders" or "professional farmers". As for agro-investors, smallholder family farming/ livestock keeping is heterogeneous: some grow into specialised, market-oriented farms; others opt for optimising revenues out of different range of products (looking for a balance between food sufficiency and market orientation); again others decide on part-time farming or move out of agriculture altogether. In general smallholder family farming is more entreprising, making use of new market opportunities and engaging in new forms of collective action (farmer organisations, value chains). They produce for markets since decades and need basic economic services and diversified markets. So one key issue is to keep attention for ongoing dynamics and constraints of family farming/ livestock keeping and to take advantage of all local capacities to innovate, in stead of putting emphasis on new actors or new farming models which do not necessarily perform better. Such an open approach will have most impact on food security.

Engaging and contracting with investors willing to invest in farming is urgently required, as it may more profitable for both smallholders and investors if the latter would invest in 'real' agri-business - that is in processing, bulking, brokering and other 'downstream' chain activities that will add value and create new markets for small-scale family farming. Second issue is to explore how to engage with large development or equity funds and to forge inclusive deals that involve smallholders and produce real benefits. Professionalising and modernising farming via output markets instead of land markets will produce more sustainable and equitable growth.
In that light it is important to support farmer agency, wherein organisations claim a place at the negotiaon table right from the start and develop inclusive business partnerships that produce wider innovation and new linkages (finance, infrastructure, information, know-how).

Current acquisition of land and natural resources will affect existing farms. Neighbouring smallholder farms do not benefit much from the arrival of these new actors in their community, while these acquisitions will block the expansion of small holder farming. It leads to a reduction of available resources and contributes to more conflict. Transferred land is lost to local farmers and makes environmental protection more difficult.
The way that investors acquire land also undermines customary authority systems even further and increases tenure insecurity, particularly for those with secondary rights (women, livestock keepers, migrants). The reduced access to common pool resources is already

affecting livestock keeping and women's economic activities that rely on gathering of fruits from fallow lands and forests, which are now controlled by agro-investors.
Local governments (including land commissions) have difficulties in getting to get grip on process. There is little monitoring nor record keeping and registration, wherein authorities are by-passed. Involved elites use contacts at central government level to put pressure to cede land. Most of them are unsure about (*de jure* and *de facto*) mandates. And of course there is complicity too in some cases.

It is therefore important that local authorities, formal and informal, become more accountable, track developments and seek to regulate the arrival of agro-investors into their communities. They can prevent much damage if they accept only those that will "really" contribute to local development and reject others, develop clear contracts with conditions on sustainable resource use –which are monitored and enforced-, and protect key common pool resources and cattletracks from acquisition.
Some local government bodies have started to negotiate with 'investors' around formalisation (size, location of plots). They still can make better use of mandates around "cahier de charge", land use planning, by-laws, environmental protection

Local and customary authorities, as well as farmer organisation need to screen intentions of presumed investors and build in safeguards. Local farmer start to express their conditions: better land deals to prevent speculation & protect own future; smaller plots and favour local investors; no sale but leases; build in conditions which are monitored. The starting point is the awareness of farmer organisations, local governments and customary authorities of what is at stake and how they can act.

References

Babin, P., 2009,
Dynamiques socioéconomique au sein des exploitations agricoles des bassins cotonniers d'Afrique de l'Ouest, Etudes 1-2, Netherlands Development Organisation SNV/ Institut de Recherches et d'Applications des Méthodes de Développement Iram, Ouagadougou/Paris, Burkina/France

Badiel, M., Y. Cissé, O. Diallo, A. Idrissou, A. Kora, S. Koudougou, P. Mulumba, D. Traoré, Salaou Nouhou, 2010,
Notes de cadrage de pays, Study findings, Organisation Néerlandaise de Développement SNV/ Secrétariat du Commission Foncière Région de Maradi, Cotonou/Maradi, Bénin/Niger

Bossard, L (Ed), OECD, 2009,
Regional Atlas on West Africa, West African Studies, SWAC/ Organisation for Economic Co-operation and Development, Paris, France

Chauveau, J-P, J-P Colin, J-P Jacob, P. Lavigne Delville, P-Y Le Meur, 2006,
Modes d'accès à la terre, marchés fonciers, gouvernance et politiques foncières en Afrique de l'Ouest, Résultats du projet de recherche CLAIMS, Project 'Changes in Land Access, Institutions and Markets in West Africa', CLAIMS/IIED, London, UK

Collectif Djingo, 2009,
Compte Rendu de la Cinquième Edition de l'Assemblée Générale Annuelle Tournante du Collectif Djingo, Collectif des Associations des Eleveurs Nomades du Niger « Djingo », Tahoua, Niger

Cotula, L., S. Vermeulen, R. Leonard, J. Keeley, 2009,
Land grab or development opportunity? Agricultural investment and international land deals in Africa, IFAD/FAO/IIED, Rome/ London, Italy/ UK

Diallo, A., G. Mushinzimana (GTZ), 2009,
Foreign Direct Investment (FDI) in Land in Mali, Work of Division 45 Agriculture, fisheries and food, GTZ, Eschborn, Germany

Djedjebi, T., Y. B. Cissé, H. Mulder, R. Yimga Tatchi, R. Hammel, M. Ousmane, I. K. Manzo, M. Wegner, 2008,
Renforcer la Sécurisation Foncière au Niger, L'émergence des partenariats pour soutenir le Code rural, (Red. by T. Hilhorst), SNV/KIT, Niamey/Amsterdam, Niger/The Netherlands

GRAF, 2008,
Regard sur la Politique Nationale d'Aménagement des Périmètres Hydro-Agricoles : Constats majeurs et principaux enseignements en 2007-2008, Groupe de Recherche et d'Action sur le Foncier, Ouagadougou, Burkina

GRAF, 2011,
Agrobusiness au Burkina Faso, Quels effets sur le foncier et la modernisation agricole?, Groupe de Recherche et d'Action sur le Foncier, GRAF/KIT, Ouagadougou/Amsterdam, Burkina, The Netherlands

Hammel, R., 2007,
Description des résultats d'enquête et analyse à Tannatahmo, Une gestion privative d'espaces pastoraux, Netherlands Development Organisation SNV, Tahoua, Niger.

Hazell, P., C. Poulton, S. Wiggins and A. Dorward, 2007,
The Future of Small Farms for Poverty Reduction and Growth, 2020 Discussion Paper 42 - International Food Policy Research Institute, Washington, USA.

Hesse, C., and B. Thébaud, 2006,
Will Pastoralist Legislation Disempower Pastoralists in the Sahel?, in: Indigenous Affairs 1/06, UK.

Hilhorst, T., 2010,
Decentralisation, Land Tenure reforms and Local Institutions Reforms, Building Partnerships for Equitable and Sustainable Land Governance in Africa, Land Tenure Journal 10-1, FAO, Rome, Italy

Hilhorst, T., 2008,
Local governance institutions for sustainable natural resource management in Mali, Burkina Faso and Niger, Royal Tropical Institute (KIT), Amsterdam, the Netherlands

Lavigne Delville, P., H. Ouédraogo, C. Toulmin and P.-Y. Le Meur, 2002,
Pour une Sécurisation Foncière des Producteurs Ruraux, actes du séminaire international entre chercheurs et décideurs, GRET, IIED, GRAF, Ouagadougou, Burkina.

OECD/SWAC, 2010,
Pressures On West African Land: Reconciling Development and Investment Policies, First day of the meeting of the Strategy and Policy Group (SPG), Summary Record Bamako, Sahel and West Africa Club/ Organisation for Economic Co-operation and Development, Paris, France

Ouédraogo, M., 2003,
Les nouveaux acteurs et la promotion des activités agro-sylvo-pastorales dans le sud du Burkina Faso : Faux départ ou inexpérience ?, Issue Paper 118, International Institute for Environment and Development, London, UK

Papazian, H., 2010,
Les Investissements Fonciers au Mali, Etat des Lieux et Perspectives des Acquisitions Foncières à Grande Echelle en Zone Office du Niger, Institut National Polytechnique, ENSA, Toulouse, France

Ribot, J., 2004,
Waiting for democracy: the politics of choice for natural resource decentralization, World Resource Institute, Washington, USA

Ribot, J., 2002,
Democratic decentralisation of natural resources: institutionalising popular participation, World Resource Institute, Washington, USA

Salaou Nouhou, 2010,
Phénomène de l'Accaparement des Terres et la Sécurisation Foncière dans le Département de Guidan Roumdji, Région de Maradi, Secrétariat de la Commission Foncière Guidan Roumdji/ Organisation Néerlandaise de Développement SNV, Maradi, Niger

Schoneveld, G., L. A. German, E. Nutakor, 2010,
Towards Sustainable Biofuel Development: Assessing the Effectiveness of the Ghanaian Legal and Institutional Framework, Center for International Forestry Research/ Forestry Research Institute of Ghana, Bogor/ Kumasi, Indonesia/ Ghana

SNV, 2009,
Les acquisitions des terres, Points de vue des acteurs locaux, Synthèse premiers résultats, Presentation at OECD/SWAC conference 2009, Agriculture Knowledge Network West-Central Africa, Netherlands Development Organisation SNV, Bamako, Mali

Synergie Paysanne, 2009,
Agricultures Familiales et Sociétés Face aux Investissements massifs dans les Terres, *Cas de Djidja*. Cotonou, Benin

Tallet, B., S. Sanou and Balac, 2000,
Etude de Faisabilité pour une Opération Pilote de Sécurisation Foncière dans l'Ouest du Burkina Faso, Rapport Provisoire, Institut de Recherches et d'Applications des Méthodes de Développement (IRAM), Paris, France.

Traoré, N., M. Badiel, 2008,
Enjeux et défis d'une Sécurisation Foncière au Milieu Rural : Bilan d'un processus de mise en œuvre de règles locales de gestion des ressources naturelles dans le Département de Samorogouan 2003-2007, Netherlands Development Organisation SNV, Bobo-Dioulasso, Burkina

Zongo, M., P. Mathieu, 2000,
« Transactions foncières marchandes dans l'ouest du Burkina Faso : vulnérabilité, conflits, sécurisation, insécurisation », *Bulletin de l'APAD*, *n° 19* ; contact : LASDEL, Niamey, Niger

Zougouri, S., P. Mathieu, 2001,
« Nouvelles transactions et formalisation des transactions foncières dans l'ouest du Burkina Faso : le cas d'un village de la province du Houët », *Bulletin de l'APAD*, *n° 22* ; contact : LASDEL, Niamey, Niger