

# Land tenure and rural development in Burkina Faso:

Issues and Strategies

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# Contents

<b>1. Introduction.....</b>	<b>1</b>
<b>2. Land tenure and rural development strategy.....</b>	<b>3</b>
2.1 Strategies and policies before the 1970s.....	3
2.2 Strategies and policies since the 1970s.....	3
<b>3. The decentralised rural development strategy.....</b>	<b>7</b>
3.1 The extent of natural resource degradation.....	7
3.2 Management of soil fertility.....	9
3.3 Conflict between traditional rules and modern law.....	10
3.4 Towards individualisation of land rights.....	13
3.5 Over-politicising the land tenure issue.....	16
<b>4. Security of land tenure and decentralisation.....</b>	<b>18</b>
4.1 Strengthening security of tenure and disseminating good practice.....	18
4.2 Projects to rehabilitate degraded land.....	18
4.3 Adopting the <i>terroir</i> as the basic planning unit.....	19
4.4 Regulating the activities of newcomers.....	19
4.5 Decentralising impact studies.....	20
4.6 Applying mandatory measures in respect of land use.....	20
4.7 Adapting legal provisions to the current context.....	10
<b>5. Conclusion.....</b>	<b>22</b>
<b>References.....</b>	<b>23</b>

# 1. Introduction<sup>1</sup>

The economy of Burkina Faso is based essentially on agriculture, livestock and forestry. Despite adverse climatic factors, these are still the foundation of the country's economy, account for 30% of GNP and generate 50% of export income. Agriculture is dominated by small family farms of between 3 and 6 hectares, employing from 3 to 5 workers. The main crops are cereals (sorghum, millet, maize, rice), which occupy more than 80% of the land area under cultivation each year. Cash crops such as cotton, groundnuts and sesame account for a further 12% of the cultivated land area. Cotton production, which represents about 50% of the above area, has increased since 1994, reaching 285,000 tons in 1998. Cotton accounted for 70% of total exports in 1998. The production of groundnuts amounts to roughly 200,000 tons, most of which are consumed on the home market.

These facts demonstrate the importance of land as the mainstay of economic activity, particularly in rural areas. It is a determining factor in the cohesion of rural communities and vital to the promotion of the country's development. Assured access to land is the first, indispensable condition for encouraging increased productivity and investment in rural activities.

This is why, since the mid-1980s, security of tenure has been one of the main concerns of those involved in development work. The persistence, since the 1970s, of adverse climatic conditions, and the damaging consequences of human activity, have resulted in a reduction of the cultivable land area<sup>2</sup>. At the same time, as the human and animal populations have grown, pressure on land has become increasingly acute in many parts of the country. Instances of competition for access to productive land – at first regarded as no more than minor misunderstandings between the

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1. IIED's Drylands programme would not subscribe to all the views presented in this, or other Issue Papers, published by the programme. We hope at the very least to provoke debate on issues of key concern and encourage readers to provide feedback either directly to the author, or via [drylands@iied.org](mailto:drylands@iied.org)

2. The processes of desertification have brought loss of plant cover in much of the country. This exposes the soil to factors causing further degradation, such as excessive heat and sunlight and water run-off, which carries away topsoil. As a result, in some places, large land areas have become unfit for agriculture.

people concerned – have over the years turned into land tenure problems of a more serious nature. Today, the tenure problems we encounter are often too difficult to be resolved appropriately by traditional means. The fact is that, as a result of social and economic changes and the growing monetary needs of rural communities, subsistence production is giving way to more market-oriented practices. If the new needs are to be satisfied, the performance of production systems must be improved. However, this objective can be achieved only when farmers have better access to markets and systems of credit which enable them to earn a reasonable return, purchase inputs and meet other expenses. The dualism between traditional rules and modern law is also an impediment to better management of the existing potential.

All these difficulties have hindered more sustainable development approaches over the last decade. The purpose of this analysis is to help achieve better integration of land tenure issues into development policy and strategy. It first takes into account the problems raised by changing approaches to development, then examines the land tenure issues which may hinder more sustainable production, and finally offers suggestions for how to mitigate these difficulties.

## 2. Land tenure and rural development strategy

The development policies and strategies implemented in Burkina Faso have been strongly influenced by climatic factors, which have had serious adverse effects on the living conditions of rural communities. We can distinguish two main periods in the recent past. The first period, prior to the 1970s, was characterised by an abundance of natural resources and good rainfall in almost all parts of the country. The second period, since the 1970s, has seen the advent of endemic drought, which has caused general ecological stresses. The growing importance of the land tenure issue in the country's development policy and strategy reflects these trends.

### 2.1 Strategies and policies before the 1970s

Having inherited a colonial-style development policy at the time of independence, the government opted for strategies founded on such goals concepts as increasing productivity and sustained yields. The overriding objective was the economic development of the different regions. Given the abundance and quality of the country's natural resources, it did not seem appropriate at that time to mobilise and involve the local population in environmental protection and restoration activities. Where development projects were concerned, the environmental components, though not entirely neglected, were at best marginal. Geared to increasing production given good climatic conditions, abundance of natural resources, and limited pressure on land, development strategies paid little attention to land tenure problems. As a rule, land management in the rural setting continued to be based on customary rights. The only area in which government was involved in matters of land tenure was in the management of classified or protected forests and wildlife reserves.

### 2.2 Strategies and policies since the 1970s

This period can be sub-divided into two phases:

#### **From the 1970s to the end of the 1990s**

This period was characterised by the persistence of drought conditions, which exposed the deficiencies of the initial development strategies adopted by the government in managing the country's natural potential. The result was a second generation of development projects, in which

the environmental aspect was a major concern. The management of natural resources became an important component of development projects. Initiatives were taken to recover degraded land using techniques such as earth or stone bunds, individual or collective tree-planting and the use of chemical fertilisers to restore soil fertility. Although large sums were invested in this kind of work, the results were disappointing. However, evaluation of these projects made people more aware of the complexity of the solutions needed to prevent the degradation of natural resources. It was clear that technical solutions alone were not sufficient to ensure sustainable management. The land tenure issue, the low price of agricultural products bringing low returns to producers and the need for effective participation of local communities came to be regarded as vital factors in the development equation.

The importance of these issues was recognised in 1984 with the promulgation of a law on agrarian and land tenure reorganisation (Réorganisation Agraire et Foncière / RAF), which affirmed the State's ownership of all land in the country, except for the very small area covered by formal titles<sup>3</sup>. At the same time, new approaches to development were tried and introduced on a wide scale (Gestion des Terroirs<sup>4</sup>, local development, etc.), and positive results were achieved (building of local capacities, involvement of rural communities in the planning and implementation of micro-projects, etc). However, evaluations revealed the need to harmonise project implementation measures; achieve a clear and explicit distribution of responsibilities between local communities, central government and other interested parties; and define appropriate mechanisms to ensure dialogue and co-ordination between the different actors. Taken together, such measures would lead to lasting results in project implementation. With this in mind, in 2000 the government undertook to introduce a more decentralised policy for rural development.

### **From 2000 onwards: adoption of a decentralised rural development policy**

This initiative on the part of government was inspired by the concept of sustainable development and its application in the West African region over the past decade. It is now generally accepted as a means to ensure

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3. The RAF was intended to enable all Burkinabé citizens to gain access to agricultural land regardless of their origin, while also breaking the power of traditional chiefs, by establishing an elected village committee to administer land.

4. "Gestion des terroirs" is an approach to rural development based on the participation of rural communities, giving them responsibility for managing the resources of a defined area (the terroir), in which they have security of tenure. It is intended to ensure the sustainability and improvement of the resources concerned.



the sustainable management of natural resources and poverty reduction. The concept can be interpreted in different ways, but it has two main emphases<sup>5</sup> : firstly, development can only be sustainable if it is taken in hand by the populations directly concerned; this requires a degree of political liberalisation and the effective practice of grass-roots democracy. Secondly, development cannot be described as sustainable if it is detrimental to the environment; it implies sound management of natural resources, on which most human activities are based, and also safeguarding the ecological balance to ensure continuity of the conditions necessary for life on earth.

In the view of Jean Bonnal,<sup>6</sup> *sustainable development will not be attained unless ecological, technical, social, cultural and institutional sustainability are taken into account*. According to Bonnal, ecological sustainability requires that use of natural resources allows for the conservation of existing potential, its regeneration, and even improvement. Technical sustainability is achieved when the techniques are effectively adopted and mastered by the users. Social sustainability is more difficult; it is achieved when the conditions for the reproduction and extension of an activity are fulfilled and the producers are secure in terms of subsistence and cash income. Cultural sustainability requires that development activities promote a social recomposition which integrates the historical, social and cultural heritage and allows local society to devise new rules enabling it to respond to the challenges it faces. Finally, institutional sustainability is achieved if the adaptation of existing institutions, or the creation of new ones (at the local, regional or national level), can ensure that development activities continue when the initial projects are completed.

In other words, projects can only achieve their goals if they give equal importance to the ecological, technical, institutional, cultural and social aspects of development. But the problem of sustainability takes different forms, depending on the country concerned and the constraints which apply in a given situation.

In Burkina Faso, the lesson from different development strategies shows that there are three determining factors on which the success of a project depends: firstly, giving local communities effective responsibility for their own development; secondly, conservation and restoration of the basic assets essential to agricultural and livestock activities; thirdly, dialogue between the parties involved and co-ordination of interventions in the field.

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5. Also read FENU, 1992: vers un éco-développement participatif.

6. Also read Jean Bonnal, 1997: les acteurs et leurs stratégies vis à vis des ressources naturelles.

Awareness of these three factors prompted the government of Burkina Faso to draw up a ***decentralised sustainable development policy***<sup>7</sup> based on the following principles:

- The transfer of responsibility to grass-roots communities, based on decentralised, bottom-up planning of activities and investment. Control and implementation of investment should be managed locally by the beneficiaries themselves within a framework of representative structures in which reflection, discussion and decision-making can take place.
- A withdrawal of the State to its primary role of setting and defining overall priorities. Its main concerns should be to establish and ensure the proper functioning of an appropriate legislative framework, support the mobilisation of financial resources, co-ordinate interventions, supervise the application of management measures, etc.
- The co-funding of micro-projects: partly from outside, in the form of grants made to a local development fund; partly by the local community itself, in the form of financial contributions or physical labour.
- Dialogue and co-ordination at all levels (rural communities, decentralised local government, State technical and administrative services, NGOs, civil society, financial partners) so as to achieve cohesion and synergies.
- Tailoring of methods to diverse local conditions by deciding what contribution the beneficiaries should make, weighting local financial participation, drawing up internal regulations and specifications for implementing activities, drawing up a funding code, etc.

This new strategy provides a promising framework for dealing more efficiently with the complex problems of rural development, in particular the sustainable management of natural resources. It is explicit as regards the sharing of powers between central government and local communities, and specifies the different levels at which decisions should be taken. But the greatest challenge implicit in this strategy is the need to find pragmatic solutions to the issue of land tenure and management. Today this is the precondition for success in combating rural poverty.

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7. This strategy is set out in a document entitled "policy letter on decentralised rural development". It is intended to serve as an overall framework for various rural development strategies, programmes and projects, with a view to achieving more efficient use of resources and effective national coverage in the area of poverty reduction. All the ministries involved in rural development took an active part in drafting it.

## 3. The decentralised rural development strategy

### 3.1 The extent of natural resource degradation

Land and other natural resources are the basis for agricultural, herding and forestry activities for rural people. In 1998, this sector accounted for 30% of the country's GDP and almost 80% of its exports. But the degradation of natural resources has been getting steadily worse since the early 1970s. At the present time, it is difficult to quantify the extent of the damage because of a lack of reliable, current data on land use.<sup>8</sup> But information extracted from studies conducted by those ministries most involved (Agriculture, Animal Resources, Economy and Finance) presents the following picture:

- erosion accounts for an annual loss of roughly sixty (60) million tons of arable soil (Ministry of Agriculture/PNGTV, 1989);<sup>9</sup>
- rainwater run-off (due to poor infiltration levels) accounts for a loss of one billion cubic metres of soil each year (Ministry of Agriculture/PNGTV, 1989);
- due mainly to the extension of arable land and growing pressure from farmers, forested areas declined by 1.26 million hectares between 1980 and 1993 – a loss of approximately 105,000 ha per annum (MEE, March 1996).

According to the Ministry of Agriculture<sup>10</sup>, the country has a total of nine million hectares of potentially arable land, a third of which is already under cultivation. Some regions are better favoured than others. Similarly, pressure on natural resources varies from region to region. Going by the ministry estimates, the agricultural land in some localities in

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8. Failures in the country's development planning are reflected in a lack of relevant data. The extent of land degradation is often calculated using out-of-date figures. As part of the Programme National de Gestion des Terroirs, attempts are being made to establish a database on land degradation. Some of the data so far collected will be used for illustrative purposes in this document.

9. This process has been going on since the 1970s, and is still continuing.

10. Ministry of Agriculture, October 1997: Study of types of family farms and the adoption of a new agricultural strategy.

the east, west and south-west of the country is likely to be fully occupied sometime between 2013 and 2031. These projections are based on clearance of virgin and fallow land, which amounts to between 10 and 20 thousand hectares each year. In other parts, such as the Boucle du Mouhoun, the Sissili, the Boulgou and the south-central region, there is less spare land available (100 to 200 thousand hectares), so that full occupation of this land, which accelerated in the 1990s, will be completed by around 2006.

The interim results of a study on the state of land degradation,<sup>11</sup> commissioned by the PNGT and carried out by the national agricultural research institute (INERA), show that in some provinces of the north, east and centre as much as 65% of the total land area is degraded, and therefore difficult to exploit for agricultural purposes. Gnagna province, in the east of the country, is a case in point. Of a total land area of 869,300 ha, 15% is considered by INERA to be very badly degraded, 25% badly degraded, 35% degraded to some extent and 25% degraded to a small extent.

If we now look at current statistics regarding human and livestock populations, it is inevitable that, unless conditions change, there will be a serious problem of land availability for agricultural and herding purposes. According to the census data published by the Institut National des Statistiques et de la Démographie (INSD), the population of Burkina Faso stood at 5 million in 1975; this figure increased to 8 million in 1985 and more than 10 million in 1996. Of the latter, 8.7 million were resident in rural areas. This means that the average population density per km<sup>2</sup> has increased from 22 in 1975 to 38 in 1996. Villages have grown:<sup>12</sup> 49% have a population of between 100 and 1,000 habitants; 30% more than 1,000 habitants; only 21% of the country's villages (in the least densely populated areas) have less than 100 inhabitants.<sup>13</sup>

Where livestock is concerned, the Ministry of Animal Resources estimates that there are roughly 4,500,000 head of cattle, 6,207,200 sheep,

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11. The aim of this study, currently in progress, is to assess levels of land degradation in thirty or so provinces. This information is useful in planning initiatives to restore natural resources as a part of the Programme National de Gestion des Terroirs. The study is based on Landsat TM pictures taken between 1994 and 1999, the degree of degradation being calculated in terms of the degradation of plant formations.

12. As part of its effort to gather and disseminate information useful in decision-making, Burkina Faso has established a database on human settlements. This database contains information on population, education, health, agriculture, soil, water, etc.

13. Information extracted from the Burkina Localities Database (Base de Données sur les Localités du Burkina / BDLB), April 2001 version.

7,913,500 goats, 586,600 pigs, 472,400 horses and 20,517,500 fowls of various kinds. Growth rates are 2 % in the case of cattle, 3 % for goats and sheep. However, pasture land is being grazed to its limits in some regions (e.g. the Sahel and central regions), and in some cases is very degraded, forcing herders to move towards the south, south-west and west of the country. This is accelerating the process of degradation in these areas.

### **3.2 Management of soil fertility**

Since the late 1980s, we have seen a growing increase in the urban population and in the number of towns. This situation has caused an increase in demand for foodstuffs, domestic energy and construction materials, and therefore opens up a potential market for rural products. As demand has grown, the traditional practices of subsistence farming have gradually been replaced by a market-oriented production system. As well as meeting the needs of urban markets, rural communities have growing monetary needs of their own, as they seek to obtain health care, educate their children, buy equipment, etc.

Meeting all these needs has resulted in increased production. But this has been at the price of damage to the environment, as large land areas have been brought under cultivation without accompanying measures to restore their basic potential. In many regions, people have started to grow cash crops, such as cotton or groundnuts, but the production techniques have had damaging effects on soil fertility and the physical structure of the soil.

The situation took a turn for the worse in the 1990s with the adoption of the country's structural adjustment programme, the basic principles of which were that the State should stop performing tasks which can best be undertaken by the private sector and local authorities. As a result, the task of supplying farmers with agricultural inputs, in particular fertilisers, has been deregulated and transferred to private operators. Unfortunately, the results have been disappointing because imported products are either too dear for local farmers to purchase, or poor quality. Similarly, the distribution centres are generally remote from producers, increasing transport costs. Consequently, only very small quantities of fertiliser are being used on farms, and this creates stresses and strains in the management of soil fertility. Generally speaking, every province in

the country is now faced with problems in managing soil fertility. The land is over-exploited, and fallow periods are becoming shorter and shorter because of the reduction in productive potential and growing demographic pressure.

As well as causing poor yields, the decline in soil fertility also results in land tenure problems. In settlements in the centre of the country, it is now one of the main causes of conflict, as plains and valley bottomlands (bas-fonds) represent the only remaining reserves of fertile land. The fertility of such areas is restored on a seasonal basis as rainwater run-off deposits in these patches organic matter deriving from vegetation and the droppings of transhumant animals. Given their agricultural value, such areas become the subject of disputes between competing producers. In the same region, it has been noted that plots unfit for agriculture are rarely the subject of conflict, but conflicts occur once their original fertility has been restored. It is in the central plateau regions that efforts to restore land are at their most intense, with hundreds of projects and NGOs involved. Unfortunately, in many cases the land tenure issues have not been given due consideration and the renewed cultivation of rehabilitated land often leads to conflict between those seeking land to farm and the land-owner.

Even though the problem is not so acute in all parts of the country, it has to be acknowledged that competition for fertile land is now leading to conflict between people from the same locality, as well as between locals and migrants, and between traditional farmers and urban investors looking to buy the most productive land as an investment. Often, neither of the protagonists will budge from their respective positions: one stresses his underlying right of ownership over the disputed plot; the other points to the human and financial investment he has made to restore the fertility of the land. ***As a result, competition for valuable agricultural land results in acute land tenure problems. This is leading to increasing difficulty in accessing land, whatever its value, in some parts of the country.***

### **3.3 Conflict between traditional rules and modern law**

To ensure a degree of fairness in access to and use of natural resources generally, in 1984 the Burkinabé government promulgated a law on

agrarian and land tenure reorganisation (Loi sur la Réorganisation agraire et foncière / RAF)<sup>14</sup>. The effect of this law is that all untitled land is owned as of right by the State. In theory, the new law should make it possible to promote private economic investment in the agricultural sector by allocation of land by government. In practice, the diversity of situations and the verbal nature of most agreements and other traditional transactions limit the RAF's effectiveness, creating a sense of insecurity in land tenure matters which actually discourages economic investment.

Despite its worthy objectives, application of the Law has come up against many difficulties in the rural setting. The procedures and decision-making authorities it provides for seem to have little legitimacy in actual practice. This situation makes land tenure management so complex and confused that one might well wonder who really controls rural land, and by what means. In practice, everybody (including those responsible for drafting and implementing the law) refer to the traditional rules when it comes to gaining access to land. The accepted procedure is to approach, directly or through a third party, those who consider themselves the real land owners. In actual fact, everyone with an interest in land, including educated people, accept the traditional conditions for gaining access to land – in particular the need to make offerings to the ancestors to seek their forgiveness and protection in using the land that has been granted. *It is therefore clear that, in practice, customary land tenure rights are recognised, despite the fact that they have been theoretically abolished since the promulgation of the RAF.*

According to the provisions of the law governing land tenure, “persons exploiting land which is part of the national landed estate for agricultural, herding and forestry purposes at the time of publication of the decree may continued to exploit them. However, **new clearances are subject to authorisation by the administration** and may only be undertaken under the supervision and direction of the competent structures and services”. Since the Law was promulgated, it has never been possible to apply this provision.

Analysis of the situation in the field highlights two factors which explain the difficulties hindering application of the RAF. First, it is difficult to introduce new legislation to rural communities strongly attached to their

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14. Taking into account political developments and the lessons drawn from experience, this law was revised in 1991 and 1996.

traditional beliefs and practices. A recurring obstacle is that only families with recognised guardianship of customary rights and practices are considered by many to be qualified to pronounce on land tenure issues. Therefore, the land-management structures provided for in the RAF have not replaced the traditional, but unofficial structures accustomed to taking land-related decisions in the village environment. Second, the conflict between traditional rules and modern law is also fostered by the behaviour of the various parties concerned. In this respect, the behaviour of newcomers wanting to gain access to land is revealing. Although such investors include government ministers, elected representatives, civil servants, magistrates and even lawyers (the profession who devised the Law), they always act according to the customary rules rather than the provisions of modern law when they themselves want to obtain land. "Not to do so would be madness," they argue.

However, though following the traditional rules is the norm for gaining access to land, this is not always the case when conflicts arise. A party who is not happy at the way a dispute has been settled may well have recourse to modern legal proceedings. In this event, the judge's decision will be based essentially on the text of the RAF Law. But, because this was not the point of reference when the original agreement was transacted, the Law naturally appears illegitimate as a means of deciding the issue in the eyes of the rural community. Therefore, judgments rendered in accordance with modern law are very often contested and not always implemented in practice. In some regions (Sahel and Central Plateau), the situation is such that the courts are not the best way of calming or resolving social tensions. According to one magistrate<sup>15</sup>: "Land tenure conflicts judged in accordance with modern law alone are never really settled. Moreover, a judicial solution tends to lead to one of two possible outcomes: either the winner in court is treated as a pariah and is often forced out of local society; or he has further recourse to the courts after being assaulted, intimidated or receiving death threats. In any case, where land tenure issues are concerned, a favourable judgement goes no further than the courthouse door, and everyone is aware of the fact."

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15. These are the words of a former investigating magistrate in the Sahel region of Burkina Faso. In this region, the degradation of the land is the cause of many conflicts. The resulting tensions often lead to violence. This is also the case in the Central Plateau area, particularly in Bam province, where land tenure conflicts officially settled five years ago continue to cause waves of violence. Accounts of land tenure conflicts in the newspapers, particularly those published by Sidwaya, also testify to the "radical" solutions adopted by the various belligerents.



The contradiction between traditional principles and modern law, and the way the different parties play one system off against another, are harmful to the cohesion of rural communities. But the effects are especially devastating for development projects and the environment: during a conflict of this kind, which may last several years, one or other of the protagonists will tend to commit acts of sabotage against any works undertaken on the disputed land.

### 3.4 Towards individualisation of land rights

The old pattern of inalienable community ownership of land is now being challenged by those most intimately concerned. This situation has arisen as a result of the following developments: firstly, the reduction in cultivable area due to the general degradation of natural resources and the resulting pressure on what land remains; secondly, a tendency to levy a rent on land, so as to derive a cash income from land rented out to others. Consequently, conflicts over land use, which used to be between persons seeking land and land “owners”, now also oppose brothers within the same lineage.

Behind this situation is the break-up of family units<sup>16</sup>. And with the break-up of the social fabric, we are also seeing the break-up of collectively-owned property. As a result, individuals are beginning to own landed property in their own name. Both common land and clan-owned land are not immune from this tendency, and are consequently being parcelled out and appropriated by individuals and smaller family units.

Though these trends are not universal, they are becoming more common in certain areas. From our observations since 1992, when the national village land management programme (Programme National de Gestion des Terroirs) was introduced, the areas most affected are:

- *Settlements close to urban area*: Most urban areas of Burkina Faso do not have a clear development plan. Although, since the beginning of decentralisation in 1998, efforts have been made at town planning, not everyone is aware of the fact. Consequently, local communities are

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16. One of the main reasons for the break-up of families is religious belief. Often, the adoption of Islam by one part of a family means that they are no longer able to co-habit with those who continue to take part in practices forbidden by their new faith (consumption of alcohol, animist beliefs, etc.). Secondly, there is the sheer size of families. Thirdly, membership of different political parties is also a source of conflict which may lead to divisions.

often surprised to find their lands being set aside for housing developments, which result in the restructuring and reallocation of land in the form of building plots. When this occurs, large families have particular difficulty in securing enough plots for them to live on. Moreover, in these areas the market value of land<sup>17</sup> is very high, making land a potential source of income. The combination of these two phenomena has led to the break-up of extended families, in order to try and secure sufficient living space. People try to predict building development projects, which may be decided on with very little warning, and obtain land for speculative purposes.

- *The central and northern regions, where land is badly degraded:* These regions are characterised by high population densities, generally around 37 persons/km<sup>2</sup>, but in some places as high as 90 persons/km<sup>2</sup>. They are also the regions worst affected by the degradation of natural resources, with the result that demand for cultivable land far exceeds the supply. Consequently, there has been a great deal of emigration to potentially richer regions. Increasing competition for fertile land has led to crises within family units and consequent break-ups. To ensure its survival, each smaller unit then tries to gain possession of a portion of the community inheritance, claiming and seeking to assert its exclusive right of ownership.
- *The southern, south-western and western regions of the country:* Generally regarded as the country's bread basket, these regions receive large numbers of migrant farmers and transhumant herders. The increasing pressure has resulted in the cultivation of large areas until recently regarded by the locals as reserves of land. Unable to control the phenomenon, many locals have now introduced a renting system, which now represents a substantial source of income for some "land-owning" households. Since it is forbidden by the traditional land management rules, the practice is covert but over the last decade, the practice has spread with the arrival of urban investors, who are exacerbating the trend towards speculation in land. Increasingly, members of clans with rights over land are seizing control of large areas for speculative purposes. Their strategy is to clear and farm a

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17. Usually, civil servants and developers are one step ahead of the administration in this practice. They gain possession of large areas and stake them out. Sometimes, while waiting for a town to be enlarged, they carry on activities (plantations, livestock-raising, recreational activities, etc.). This is true, for example, of the villages around Ouagadougou, where most of the land is already occupied.

plot of land for a couple of years, then leave it fallow. By virtue of this short period of use, it becomes the property of the farmer and, later, the object of speculation.

### **Consequences of individualisation of land rights**

The decline in customary land management practices described above is a hindrance to the promotion of development activities. The situation is well illustrated by the following comments. During a project evaluation, one farmer remarked: *"We are aware of the contribution trees make to the restoration and maintenance of soil fertility; however, since the trees do not belong to us, any tree-planting is seen by the owner as an attempt to gain possession of the land."* When we were conducting a study on the central plateau, another farmer affirmed that: *"Even if there is sufficient rain, tree-planting activities are not likely to be successful in this locality."* To understand such attitudes, we need to be aware of the traditional principles governing access to and use of land. In particular, it is not permissible to plant trees on land which does not belong to you. In certain places in the west of the country, they go so far as to say that you must not make any improvements to land leased to you. These restrictions, originally intended for migrant farmers, now also apply to locals who are not "owners" of the land.

Conflict is also arising between "land owners" themselves, who are the guarantors of the integrity of customary rights. A clash between such men is regarded as outright war, in which losing the game often means losing one's life. In other words, when the conflict escalates to a certain point and rigid positions are adopted, only the elimination of one of the protagonists can settle the problem. During such times, the disputed land cannot be used or improved, as if the land in question were in fact "ownerless".

Such situations highlight some of the obstacles in the way of rural development projects. And yet, there is abundant evidence of the degradation taking place; if things continue as they are, the land will no longer be able to bear such levels of exploitation. *For this reason, we would propose that any reluctance to introduce improvements in land management, thereby exposing the resource to degradation, should be regarded as an environmental crime.*<sup>18</sup>

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18. Article 114, chapter IV of the RAF stipulates that offences affecting water regimes, forests, wildlife and fisheries are punishable by a fine of between five thousand (5,000) and one million (1,000,000) francs and/or a term of imprisonment of between one month and five years.

### 3.5 Over-politicising the land tenure issue

Land being the principal means of production for rural people, control of land ensures dominance over those who use it. This is perhaps why in egalitarian societies (such as the Lobi and the Dagara in the south-west of the country), any conflict over land tenure is repressed with the greatest energy. Similarly, under authoritarian regimes, because of their apparent stability and the curtailment of freedom of expression, land tenure conflicts are almost non-existent, or at least remain latent so long as the regime continues. But as soon as there is a change, the conflicts rise to the surface again.

Since the decentralisation process began in 1991, the danger of things getting out of control has increased. The political landscape is now littered with fifty or so political parties, each ambitious to gain power. Generally speaking, they all build their electoral base from the grass roots up. The leaders, who tend to be the educated elite and businessmen from a given area, have the task of mobilising the electorate. They, in turn, rely heavily on local traditional chiefs and religious leaders. To gather votes, they use all kinds of strategies, good and bad. During election campaigns, some politicians have no hesitation in appealing to people's baser instincts. When they lack the means to convince or corrupt the electors, they make false promises which will never be realised. And, very often, given the prevailing "political illiteracy", many local party representatives adopt illegal ways of persuading people to support their cause. They may be isolated cases, but threats to confiscate women and land have been reported.

On this subject, Naaba Koanga, chef de canton at Kaya, in an interview with the independent newspaper *Le Pays*, spoke as follows: *"I am accustomed to being frank. From my analysis and understanding of the political situation we experience in Burkina Faso, I am tempted to say that nobody is active in a party because of its manifesto, and even less so because of its ideology. In the PDP, when in opposition, I had no end of problems with the party in power. You have all witnessed my tribulations. The fields of some of my followers were confiscated in various places. Cattle were driven through their newly sown fields. Personally, I was forbidden to plant my own royal fields, the harvest of which is supposed to be used for traditional ceremonies..."* (published in *Le Pays* no 2201 of 16 August 2000).

It is interesting to note that land tenure conflicts in other countries in the sub-region (e.g. Côte d'Ivoire<sup>19</sup>) and in southern Africa (e.g. Zimbabwe),

are perfect examples of the way the land tenure issue is manipulated for political ends. The roots of the recent clashes between native Ivorians and foreigners (in particular immigrants from Burkina Faso and Mali), and those between blacks and whites in Zimbabwe, are to be found in the over-politicisation of the land tenure issue.

In Côte d'Ivoire, for example, the immigrants who started off as "labourers" in the coffee and cocoa plantations have succeeded in gaining access to land and working on their own account. Indeed, with their reputation as tireless workers, they have progressed in a few decades from the status of labourers to that of wealthy farmers. Nowadays, they have their own plantations, and their vitality seems to pose a threat to the future of local people. This has resulted in tension between the two communities, which makes the land tenure issue a powder keg.

This situation has been a real boon for certain political parties, which have not hesitated to seize on the issue to destroy what they regarded as the electoral strongholds of their rivals. The native people have thus found a pretext for denouncing long-standing agreements, and the smallest misunderstanding is quickly transformed into a violent, bloody conflict (for instance, at Tabou and many other places in the Ivorian countryside, where thousands of Burkinabé were forced to return to their country of origin, and some simply killed).

It should however be acknowledged that not only foreigners are affected by the land tenure disputes that have left so many families in mourning. Ivorians from other parts of the country have also paid the price for settling in new areas and working hard. For instance, there have been clashes between Baoulé and Bété at Soubré, Baoulé and Gnanboua at Zougougbeu, Baoulé and Bété at Gagnoa, Attié and Mbatto at Alepé, Abouré and Mbatto at Bonoua, and Baoulé and Wê at Duekoué.<sup>20</sup>

This all goes to show that over-politicisation of the land tenure issue runs counter to ensuring long-term investment in the countryside. Sometimes the challenging of existing agreements (which is really a way of settling old scores) is accompanied by massive destruction of what has been achieved in terms of development. Here again, it is the land which suffers because, as a general rule, the owners lack the means to make the improvements which would ensure sustainability.

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19. Also read J.P. Chauveau, August 2000. La question foncière en Côte d'Ivoire et le coup d'Etat ou: Comment remettre à zéro le compteur de l'histoire.

20. In Solidarité Paalga no. 014, 29 May to 11 June 2001.

## **4. Security of land tenure and decentralisation**

It is clear from the above that pragmatic solutions to the various problems of land tenure are a pre-condition of the achievement of sustainable development. In the present circumstances in Burkina Faso, such solutions must take into account technical, organisational and legal factors if they are to ensure, on the one hand, the sustainable development of natural resources and, on the other, a degree of security sufficient to encourage and increase investment in the agricultural and livestock sector. To achieve this, the following issues need to be addressed:

### **4.1 Strengthening security of tenure and disseminating good practice**

It is difficult to devise effective land-management methods by theoretical reflection on the legal texts. What is needed is practical experimentation which involves the rural communities in the search for appropriate solutions. Such experimentation should encourage gradual, voluntary and transparent progress from traditional, customary systems to more formal land tenure regimes. The first step in this process is to give government recognition to the various customary rights and usages, and existing land tenure transactions and agreements; the second is to gradually formalise these rights, usages, transactions and agreements, in response to requests from the people concerned. These operations need to be supported by a process of dialogue between the parties concerned, so that good practice can be widely disseminated.

### **4.2 Projects to rehabilitate degraded land**

The physical degradation of the land and its consequent loss of fertility are exacerbating conflicts over land tenure. To strengthen the impact of organisational and legal measures, it is vital to undertake large-scale initiatives to restore soil fertility. This should apply to all badly degraded areas of land which the local people lack the means to rehabilitate. To achieve this, substantial resources will be required. At the same time, the conditions of land rehabilitation will need to be clearly defined and formalised with those who formerly farmed the areas concerned. Once the improvements have been made, the land should be redistributed to vari-

ous community members by the local land-management authorities. Conditions of use should be formally laid down and steps taken to ensure that they are strictly complied with by the new users.

### 4.3 Adopting the *terroir* as the basic planning unit

The “gestion des terroirs” approach has been based on the assumption that, for rural communities, “a *terroir* is the area managed by a community claiming to have ownership and usage rights over the whole of the land area concerned” (PNGT, 1988). With this in mind, the most pertinent criterion for characterising a “village” is its control over a *terroir*. However, this is not the approach adopted by the administration, which defines the “village” as the smallest administrative unit on the basis of two criteria: a) it must comprise more than 100 inhabitants or 20 households, and b) it must be at least 5 kilometres from an existing administrative village. But as rural communities see it, not every administrative village has a *terroir* and one *terroir* may include a number of administrative villages. In actual fact, villages without *terroirs* are the more common phenomenon. It is also in such localities that land tenure issues are most delicate when it comes to planning and development. And yet, any planning process which is not based on existing decision-making systems is very difficult to implement in practice. It is therefore vital that planning work be undertaken at the level recognised by local people as constituting a *terroir* level and that planned activities be negotiated in relation to the geographical distribution of the population in the area concerned.

### 4.4 Regulating the activities of newcomers

The current wave of investment in farmland by businessmen, civil servants and other town dwellers, though to be encouraged, must be better regulated and organised if the situation is not to run out of control. The fact is that large areas of land are being “sold” to these newcomers, without regard for land availability and local demand. For this reason, the administration and provincial co-ordination groups (Cadres de concertation technique provinciaux / CCTPs<sup>21</sup>) should be required to give their opinion on the suitability of such disposals, in addition to the local village land management committees (commissions villageoises de gestion des terroirs / CVGTs<sup>22</sup>). Conditions regarding improvements, fertility mainte-

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21. Structures provided for at provincial level by the RAF legislation.

22. Authorities provided for by the RAF legislation.

nance and protection against degradation should also be drawn up and submitted to the above technical personnel and monitored to ensure strict, rigorous application. There will also need to be periodic assessments (by CVGTs or local government supported by the relevant technical service) of land availability. This should make it possible to regulate acquisitions by newcomers while respecting local availability and demand. All these tasks come within the powers of the CCTPs, which are responsible for drawing up development guidelines at the provincial level, for carrying out tasks relating to the implementation of decentralised rural development policy.

#### **4.5 Decentralising impact studies**

Rural communities need simple means by which to assess changes in land quality and vegetative cover. These need to be based on techniques which rural communities can master (e.g. interpretation of time series photographs, monitoring of indicator species). In this way, rural communities will be able to carry out assessments themselves and decide what corrective measures need to be taken. Though performed by CVGTs or local authorities at grass-roots level, these activities should be drawn together, summarised and assessed at provincial level by the CCTPs to get a broader view of what is happening to land. They are supported in this task by the regional departments responsible for promoting and monitoring regional economic development and planning (Directions régionales de l'économie et de la planification).

#### **4.6 Applying mandatory measures in respect of land use**

Given the limited availability of funds, it is important that all measures be taken in consultation with local communities to improve the impact of investment in natural resources management. CVGTs or local authorities need to ensure that land users within their jurisdictions comply with a number of requirements, thereby making the improvements needed to prevent further environmental degradation and maintain the fertility of all land whether under cultivation or left fallow. Such improvements will require applying all appropriate techniques, including those that may be forbidden under traditional arrangements, such as tree-planting. Failure to carry out such duties should be severely sanctioned, such as by withdrawing the right to farm the land in question, on a temporary or permanent basis, depending on the seriousness of the environmental



damage caused. Under the present process of decentralisation, the task of monitoring the application of such measures could be performed by the local authorities.

#### 4.7 Adapting legal provisions to the current context

Many aspects of the RAF legislation do not tie up with the situation on the ground. For instance, in Chapter II, article 505 stipulates that: *“Persons exploiting land belonging to the national landed estate for agricultural, herding or forestry purposes at the time of publication of this decree may continue to do so. However, new clearances are subject to prior authorisation by the administration and may only be undertaken under the supervision and direction of the competent structures and services.”* The problem here is that those who continue to exploit land without being the “owners”, do so in accordance with the principles of customary law, not the RAF. Similarly, new clearances are not subject to the control of the competent structures but are carried out in accordance with customary rights.

Any consideration of the future application of the legislation governing land tenure must take into account the persistence of customary rights. Indeed, since the law exists to protect individuals and their goods, it should be possible to incorporate some aspects of customary land tenure systems into modern legislation. With this in mind, and without contradicting any of the legal provisions, a clause of this kind could be added to many of the articles of the RAF legislation: ***“In rural areas not specifically taken in hand by the State or the local authorities, land management shall be entrusted to the authority which was traditionally responsible for it, acting through the local co-ordination and consultation body (e.g. the CVGT). This authority shall in the first instance decide on any issues relating to land tenure, to the extent of its territorial competence”***. In this way, the State or the local authorities would need to have rights of pre-emption in respect of land only for reasons of public utility, and would only have to intervene as a last resort, in the event of difficulties which the local bodies could not resolve.

## 5. Conclusion

The purpose of this analysis is to demonstrate the importance of the land tenure issue in development policy in Burkina Faso, where more than 80% of the population depends on working the land for food and their other needs. Since the 1970s, there has been a steady increase in the vulnerability of the rural population, as low yields and prices have kept the majority of rural people in poverty. Every analysis of the problem confirms that availability of land is not the real issue, nor is available land saturated, despite the growth in population. Rather, poor management of natural resources, combined with unfavourable climatic conditions, has reduced the land area suitable for development. The parties involved differ in their view of the problem and seem unaware of the implications for living conditions in the years ahead. Experience shows that there are no miraculous solutions. The secret of success is, first, a frank acceptance of the problem, then a pragmatic approach as to the measures to be taken. In this respect, the Decentralised Rural Development Policy is a promising option for the sustainable management of natural resources generally, and for the land tenure question in particular. Based on the lessons drawn from the Gestion des Terroirs approach to local development, it seeks to mobilise all possible resources in seeking grass-roots solutions to the problems of the rural world. However, it also needs to be acknowledged that results will be disappointing without the necessary political will on the part of the State. In particular, success depends on:

- encouraging harmonisation of approaches to rural interventions;
- accepting readjustments in the legal provisions to take practical realities into account;
- strengthening the decentralisation process, particularly at the level of rural communes. This will clarify the roles and responsibilities of each of the parties to the development process.

In addition, arrangements must be made for monitoring and periodic evaluation of the impact of development interventions and the changing pattern of land tenure.

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