



**Peri-urban land grabbing? Dilemmas of formalising tenure and land acquisitions around the cities of Bamako and Ségou, Mali**

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## Peri-urban land grabbing? Dilemmas of formalising tenure and land acquisitions around the cities of Bamako and Ségou, Mali

### Introduction

This brief note identifies the consequences of land acquisitions in peri-urban spaces around the cities of Bamako and Ségou, Mali. It contributes to important debates between those forcefully promoting, and others more critical of, formal land tenure as a pathway for development (Lund 2009; Peters 2009; Vermeulen and Cotula 2010). These longstanding questions are particularly relevant to peri-urban areas now faced with an ever-increasing rural-urban migrant population settling in precarious conditions of insecurity property rights. West Africa has a long history of urbanisation, in some cases accompanied by highly productive and intensified land use (Cour 2001). Yet peri-urban zones, while at the heart of intense conflicts over land values and claims (Aguilar et al. 2003; Hoggart 2012), are less highlighted in scientific assessments of land use (see Müller and Munroe 2014) and in policy circles (Cotula et al. 2004). What are the current challenges of applying more formal land tenure models to peri-urban areas given their populations are increasingly precarious, and environments where historically high elite capture of rents and other economic benefits? What can the cases in Mali described below tell us more broadly about peri-urban and/or African urbanization and land use?

Conflicts in peri-urban areas arise mainly between those who have access to political power and knowledge about land administration procedures, and those who do not (Bertrand 2016, Djiré 2007, Durand-Lasserve 2014). Accessing the formal land titling system offers rewards to those who understand and can afford it. For the rest, not only are formal procedures complex and too costly, but they also face risk of eviction from land titled by others (Place 2009). In many cities, land tenure practice involves a mix of opportunistic behaviour and formal procedures, often negotiated through elite brokers who have knowledge of the existing land registration system and connections to those able to secure formal tenure rights (Djiré 2007). Purchase of an urban plot is a valuable asset for a wide range of stakeholders, from rural and urban backgrounds, offering one route out of rural poverty, if they can make the process work in their favour.

Urban populations throughout West Africa are expected to triple by 2050, which poses major problems for ensuring adequate public infrastructure and services in newly settled peri-urban zones. Equally, attention is needed to establish some form of local tax, based on land values, which can provide a source of revenue to local government, which rises in-line with the growth, and economic success of the town or city in question. Given the high levels of poverty amongst urban incomers, some means provide secure rights at reasonable cost so to decrease elites acquiring and developing urban land.

The Malian cadastre was created in 2014, with the aim of providing a comprehensive register of urban land in the first instance. However, so far, the inventory has been pieced together from fragmented records, rather than taking a systematic approach, and the information is treated as confidential. Consequently, it is not possible for people to check who is claiming rights over a given plot. At the same time, when people seek title, notice of this request is rarely posted in a location close to the land in question, where public scrutiny would be possible. As a result, the first local people may know of such a title acquisition is when surveyors arrive to install boundary posts.

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3 However, formal land titling programmes continue to be a central development strategy  
4 promoted by development economists and land policy specialists in Mali and elsewhere  
5 (FAO 2017), even as their appropriateness is questioned (Deininger 2003). Peri-urban spaces,  
6 arguably one of the fastest growing geographical locations in the global south, raise  
7 additional concerns around the opacity of processes by which customary farmland is  
8 transformed into housing plots, and the large increase in value which accompanies this  
9 transfer. It is, therefore, vitally important to question whether formal property rights within  
10 peri-urban spaces are a viable option for securing rights for those most marginal and/or  
11 recently disposed of their rural landholdings. Are there alternative formalisation mechanisms,  
12 which avoid the hazards associated with formal titling, and that address the precarious tenure  
13 conditions in peri-urban zones? Or do asymmetries in wealth and knowledge always work  
14 against the interests of poor people?  
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### 16 17 **Peri-urban growth in Mali**

18 In Mali, the peri-urban space increasingly harbours economic migrants establishing a toehold  
19 in the city while retaining familial rights to their customary farmland or pastoral livelihoods.  
20 Being a successful farmer demands access to land, labour and capital equipment, such as  
21 oxen plough-teams, and donkey carts. The rural poor may be forced to abandon farming or  
22 find it too onerous, and seek their fortune in town, particularly with the recent rise in jihadist-  
23 led conflicts in central and northern regions (see below).<sup>1</sup> As recent migrant Ndje says,  
24 “...although I never really chose to come and settle in Bamako, now I am here, it’s too  
25 difficult to go back to the village and farm, I don’t have the wealth to buy the farm equipment  
26 I would need, and my children are Bamakois born and bred.”<sup>2</sup> In the face of rapid urban  
27 growth (Bamako is currently growing at 6% a year), central and municipal governments have  
28 limited capacity to manage and plan the peri-urban space. However, because land titles are a  
29 significant source of income for government, and for officials controlling the procedure, the  
30 Ministry of Lands<sup>3</sup> is under heavy pressure to retain this high-cost procedure, rather than  
31 certificates of occupation, which are more transparent and accessible. At the same time, the  
32 continual conversion of farmland to building plots creates an uplift in land values per hectare,  
33 which can bring a hundred-fold return on the original price, creating strong incentives for  
34 responsible landholders to agree changes in use, which generates such substantial returns.  
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37 The links between land tenure, economic transformations and pathways out of poverty are  
38 strong in Mali. Economic growth has averaged 5% a year for the last decade, but its benefits  
39 have been highly skewed, sustaining a small but significant economic and political class.  
40 Business elites, better-off rural dwellers and middle-class professionals all acquire land, as  
41 prices rise. Large numbers of poor people depend on the informal economy, in which  
42 multiple and diverse micro-enterprises seek a niche in the peri-urban space, despite their  
43 vulnerability to eviction. Municipal councils are always short of the revenue needed to fund  
44 basic services – health, education, water – and a simple land tax on the value of a given plot  
45 would be of considerable long-term benefit, and more democratic than present arrangements.  
46 However, without an effective register of urban land plots, it is difficult to establish such a  
47 mechanism. It would also require that local governments be allowed to keep much of the  
48 revenue raised instead of this being sent directly to the ministry of finance. Currently,  
49 therefore, the large uplift in urban and peri-urban land values is captured entirely by private  
50 actors, rather than contributing to the public good.  
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54 <sup>1</sup> See Special report New York Times: Heat, Hunger and War Force Africans Onto a ‘Road on Fire’  
55 [http://www.nytimes.com/interactive/2016/12/15/world/africa/agadez-climate-change.html?\\_r=1](http://www.nytimes.com/interactive/2016/12/15/world/africa/agadez-climate-change.html?_r=1) (16/12/16)

56 <sup>2</sup> Interview Bamako, March 2017.

57 <sup>3</sup> Ministère des Domaines de l’Etat, Affaires Foncières et Habitat.  
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4 Mali as a whole faces complex and deep-rooted governance, development, poverty and  
5 security challenges. Mali is 175th out of 188 countries on the UNDP's Human Development  
6 Index, with 78 percent of the population living on under US\$2/day. An ongoing civil war in  
7 the north of the country, and the rise of jihadist movements amongst Fulani herding groups in  
8 the centre, trace some of their origins to increased land pressures and scarcity of grazing. The  
9 Fulani also feel they have suffered political and economic neglect by central government, in  
10 comparison to the rebels in the north, and settled farming peoples in the south of the country.  
11 In the irrigable lands close to Ségou along the Niger River and Canal du Sahel, controlled by  
12 the state-owned *Office du Niger*, large-scale land acquisitions for rice, sugar and oil seed have  
13 evicted both farmers and herders, increasing migratory drift to cities and placing additional  
14 pressures on peri-urban land and livelihoods for recent and longstanding residents.  
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17 Given rising land prices provoked by increased demand and proximity to jobs and markets,  
18 land in the peri-urban zone is an important economic resource for those with some money to  
19 invest, and can provide new income opportunities (Mitlin and Satterthwaite 2013). As a  
20 recent migrant to Ségou, Ganiba says, *"I've been lucky enough to get a plot of building land  
21 on the edge of Ségou, in exchange for important work I did for a powerful man. I am now  
22 saving up to construct a house on the plot, which will provide lodging for my family from the  
23 village when they visit the city. I've heard the value of the plot has already risen a lot."* The  
24 economic balance is a fine one: Dunamba, who has been living on the edge of Bamako for 20  
25 years, in a house which does not yet have formal status, says, *"every day in the city is hard  
26 work, you need cash for everything – rent, food, water, schooling... the only way to keep  
27 ahead is to develop a skill. Luckily I drive a van which earns me some money."*<sup>4</sup>  
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### 29 30 **New land laws in Mali**

31 The government of Mali has been discussing reforms to land tenure for more than a decade,  
32 but with limited practical impact. Land tenure regulations have evolved from Independence  
33 in 1960, when the socialist government of Modibo Keita maintained the central government's  
34 ownership of all land. This policy, inherited from the colonial administration, essentially  
35 ignored customary claims to land and natural resources, such as pastures and woodland. The  
36 *Code Domanial et Foncier de 1986* introduced the recognition of customary rights, and  
37 compensation procedures in the event of land being expropriated by government. In practice,  
38 examples of paid compensation have been rare. Since 2006, the agricultural land law process  
39 has been underway, which led finally to adoption of the new Agricultural Land Tenure Law,  
40 which received parliamentary approval, and was promulgated by government in April 2017.<sup>5</sup>  
41 The government also initiated a land policy review in 2017, to clarify how conflicting claims  
42 to rural and urban land might be resolved. The government is considering limits to eminent  
43 domain, the status of customary rights, and the appropriateness of land titling versus other  
44 cheaper, simpler forms of rights registration, such as certificates that attest to land use and  
45 occupation. Nevertheless, given the scale of gains generated from land sales, many peri-urban  
46 zones have conflicts between state and customary claims and procedures, particularly where  
47 new infrastructure is planned that will radically transform transport links (Bah et al., 2003;  
48 Bertrand 2017; Djiré 2007). One such example concerns the planned bridge over the river  
49 Niger at Ségou, which would open up a large region on the north bank of the river that has  
50 suffered poor transport access to date.  
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54 <sup>4</sup> Interview Bamako October 2016.

55 <sup>5</sup> There is no explicit connection between the 2014 Cadastral and the Land Tenure Law. If anything, it represents  
56 the usual muddle of different policies and institutions led by different donors and ministries. The cadastre has  
57 been operating mainly in Bamako, by the German development agency.  
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4 In 2009, the city of Bamako had an estimated 1.8 million people, and was the fastest growing  
5 city in Africa. Today, its population is likely to exceed 2.5 million, though the data are patchy  
6 given the extensive informal settlements in the peri-urban zone, stretching out more than  
7 30km from the city centre. Many “rural” communes have been incorporated de facto into the  
8 city, though they retain their separate administrative status. The city of Ségou is Mali’s third  
9 largest, lying 200km east of the capital, with an estimated 200,000 people. Located mainly on  
10 the southern bank of the river Niger, it is a long-established trading hub between the dry  
11 Sahel to the north and the wetter, savannah zone to the south. In both cities, large informal  
12 settlements and urban poverty are on the rise, with an increase in peri-urban populations in  
13 areas often poorly planned and vulnerable to climate impacts. Examples include flooding of  
14 precarious settlements in low-lying areas surrounded by hills, such as the rural commune of  
15 Djalakorodji, to the north of Bamako. Large-scale land allocations to domestic and foreign  
16 investors include 20,000 hectares given to N-Sukala, a Chinese company, for irrigated sugar  
17 cane. This plantation was established on former rain-fed farmland “owned” and cultivated  
18 under customary tenure by seven Bambara villages 30km northeast of Ségou. There was no  
19 compensation paid to the thousands evicted for the loss of their farmland. Many families have  
20 headed northwards to borrow farmland in less land-constrained areas, while others have  
21 moved to seek work in town (Toulmin 2018).  
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#### 24 **Political decentralisation and land**

25 Mali adopted a political decentralisation program in 1999, which led to the establishment of  
26 elected local government, but very little real transfer of power or resources. After the 2012  
27 coup d’état, the government has sought to devolve a number of institutions and functions to  
28 each of the ten regions of the country, a welcome shift away from the highly concentrated  
29 economic and political power held by the capital Bamako, which has received the large  
30 majority of benefits from state and donor patronage for many decades. While regionalisation  
31 should offer a better opportunity to achieve a more balanced pattern of economic and political  
32 development, the key to its success will be adequate fiscal transfers to regions, local  
33 government and municipal authorities (Sourisseau et al 2016). For instance, the Ségou  
34 Region, which has approximately 2 million people and is growing at more than 3% per year,  
35 provides a living to a mosaic of peoples and production systems – pastoral nomads, irrigated  
36 rice and sugar, dryland millet, maize, sesame and cotton, and fishing communities. However,  
37 with land becoming increasingly scarce and valuable, relations between these different  
38 groups have shifted from one of complementarity towards one of increasing tension and  
39 conflict.  
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43 The peri-urban zone absorbs some of the effects of regional conflicts. As well as increasing  
44 land scarcity, conflicts are driven by failures in governance and provision of basic services,  
45 particularly in rural areas, and the over-bearing power of state officials, judicial and parastatal  
46 agencies (e.g. those responsible for land administration, and the Office du Niger irrigated  
47 zone). Army and security services wield great power, and people of all groups try to avoid  
48 being stopped and arrested. Recent events suggest that young Fulani men are particularly  
49 targeted by the security services and assumed to be jihadist, regardless of the reality. Power  
50 and power relations are very clearly understood in Bambara society; those with power are  
51 described as *fama*, and those without *fantan*. Other power asymmetries affect who can claim  
52 rights under either customary or modern systems of governance --literate vs poorly literate,  
53 newcomers vs first settlers, herders vs farmers, men vs women, old vs young. Of course,  
54 various collective organisations exist to rectify inequalities in access - civil associations,  
55 farmer unions, lobby groups, and local radio provide some countervailing power. Yet, many  
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of these groups lack the tools, access and engagement platforms to influence policy and practice, to increase upwards and downwards accountability (Ribot 2004).

## Conclusion

To ensure stable and long-lasting access to land and other vital resource assets in the peri-urban fringes of cities like Bamako and Segou is a complex problem. However, these cities illustrate processes that challenge longstanding and entrenched debates within academia and policy circles about the pitfalls and potentials of formalising land rights. For instance, spatial data on the extent of urban growth is essential but the geospatial skills and technologies, albeit more user-friendly and accessible than they once were, remain out of reach for many. The urban fringe is also an unpredictable space, with the terms of trade between urban and rural settlement varying according to security, economic advantage, and comparative living conditions, including access to schooling and health. Furthermore, African cities are 'sinks' for capital - better access to opportunities and services comes at a price, as Dunamba noted above. Strong but accountable and accessible institutions can provide more secure tenure, guiding spatial expansion in ways that multiply economic options especially for poorer people, and retain valuable public infrastructure for education, recreation and health. Access to law for less literate or skilled people is key. This requires information campaigns, and processes to protect customary land rights, and enable their recognition, both in regions of out-migration and in the peri-urban zone.

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