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## PROMISAM – II.2

### **PROJECT TO MOBILIZE FOOD SECURITY INITIATIVES IN MALI – Phase II.2**

(Projet de Mobilisation des Initiatives en Matière de Sécurité Alimentaire – Phase II.2)

### **Literature Review and Background Report on Land Tenure in Mali: Analysis of the Adaptability of Land Tenure Arrangements in Regions Likely to Receive Large Influxes of Rural Migrants in the Coming Years**

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## **Introduction**

In this report we examine the nature and adaptability of land tenure and property rights (LTPR) in areas of Mali that are likely to receive increased immigration from the arid zones and private investors' demand for land in coming years, in light of increased demand for food, population pressures, climate change, and political disruption. The aim of this report is to identify needed changes in the current land tenure system at the local and national levels to deal with the anticipated changing demands for land. Conflicts over land use are frequent in Mali, sometimes ending in bloodshed. The responsibility for dealing with land issues is generally vested in local governments, but in practice, their resolution often involves traditional leaders, local elected officials, civil society organizations and national authorities. The contents of this report present the situation prior to the coup that occurred in March of 2012. Currently, further LTPR reform is on hold pending the resolution of the challenge to democratic rule and the related crisis in northern Mali.

In this context, we seek to understand how flexible the land tenure system is, how it has evolved in recent years, and what changes may be needed in the coming years to face these emerging challenges. The report also discusses how clearly defined land tenure and property rights lay the groundwork for the implementation of a more effective system of local government finance. Currently, local governments' own-source revenues are composed of a set of *ad hoc* taxes [annual head tax, vehicle registration (mopeds, bicycles, and donkeys), animal taxes, firearms tax, and a Moulin tax] that are often difficult to administer and enforce. A stable land tenure system that offers well-defined land use rights enables local officials to use land-based tax and fees as a means for funding essential local government services such as primary education, health services, access to potable water and basic sanitation services, agricultural education and land management assistance.

The report begins with a summary of the history, evolution and status of the current Malian land tenure system. This summary is followed by an in-depth review of the literature, which includes a discussion of successful changes in land tenure practices in another African country, Ethiopia; this case may offer new insights for any future reform in Mali. The study concludes with a discussion of critical issues to consider in reform and the factors that may influence the likelihood of success in achieving outcomes should further reforms be undertaken in Mali.

## **Land Tenure and Property Rights in Mali<sup>1</sup>**

Land tenure and property rights in Mali are defined by a complex overlay of customary systems and formal statutory entitlements. Customary systems have origins that date back to the Mandingo Empire of Soudiata Keita and the Kouroukan Fouga agreements of 1235 (USAID Mali, 2010). Under this arrangement, ultimate authority over land was in the hands of the Emperor, but use and management of land was in practice handled by local authorities; land rights were passed on through lineage and the principle of first occupancy. The regime also provided access of lands to migrants in order to secure agricultural labor and warriors to help ward off attacks. Furthermore, in this system married women were excluded from holding land

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<sup>1</sup> This section relies heavily on the recent land-tenure issues paper commissioned in 2010 by USAID/Mali (USAID/Mali, 2010). For a more complete review of Malian LTPR history please refer to this document.

rights. This general arrangement continued for hundreds of years, and is still used today by the Bambara people.

In 1818, the land tenure arrangements were modified when a set of rules based on local practices and Islamic beliefs were put in place by the Macina Fulani Empire. Here, pasture lands as well as lakes and rivers became more formally controlled access areas, whereas forests, wild products and wildlife were considered to be open access resources.

During the colonial period (France), a strong centralized governmental system was instituted and several new layers of LTPR were put in place. The principle of “*mise en valeur*” was implemented, requiring registered lands to be put into productive use; those with ownership rights to registered lands who were not putting land to productive use could lose land access and rights and the governing authorities could transfer these rights to others who promised to put such lands to productive use. Importantly, a new category of registered lands, “vacant lands without owner” was created. These changes enabled the colonial power to take lands or transfer ownership in order to meet its needs.

Following independence in 1960, a number of additional reforms were put in place to encourage the development of rural areas. Importantly, all land in Mali was nationalized; while land could be used to various purposes, the State reserved the right to take back any lands it needed. From 1960 through early 1990s, State control over land increased. Then in 1991 military rule ended and the era of democracy brought with it a series of new LTPR reforms. Similar to many newly independent West African countries, the government of Mali sought to implement “modern” reforms based on European concepts of LTPR through land titling and registration (Seevink, 2011). The colonial era weakened the customary land tenure system and therefore increased tenure insecurity of land held under customary laws. The motivation for implementing these reforms was to increase tenure security, thereby providing greater incentives for farmers to invest and thus improve agricultural productivity (Cotula, 2007). Since 1993, a number of additional changes in land tenure policies and practices have been implemented. The most important documents governing LTPR are the General Land Policy (*Politique Foncière Générale*), the 2000 land tenure code (*Code Domanial et Foncier*), the agricultural orientation law (*Loi d’Orientation Agricole*), and the pastoralist charter (*Charte Pastorale*). Below, we offer a brief summary of these documents.

The *Politique Foncière Générale* addresses the management of land in the urban and peri-urban areas. In 2000, a new LTPR law was implemented in the *Code Domanial et Foncier*, which gave authority in the management of lands to Territorial Collectives (local governments). At the same time, customary LTPR rights were recognized and affirmed, though no formal definition of such rights was provided; without a clear definition, in practice it has been difficult to determine which system prevails, the *Code Domanial et Foncier* or the customary rights, when conflict arises. Further, the State retained power to manage lands within the national domain, and any untitled land remained under the control of the State. Under this law, individuals or communities cannot be forced to give up land rights except for situations in which such transfers are in the interest of the public. In such cases, fair and prior compensation are to be made to those being dispossessed of their land rights (Associates for Rural Development, 2010). The 2001 Charter, or the *Charte Patorale*, emphasized equitable user rights for both pastoral and farming activities

and promoted the resolution of land-related disputes at the local level. Finally, the *Loi d'Orientation Agricole* (LOA) addresses land-tenure issues related to the agricultural sector (discussed below). In 2008 and 2009, a series of consultations involving key stakeholders regarding the *Code Foncier et Foncier* was organized by the national government's Ministry of Housing, Land Tenure and Urbanism. A more in depth description of the LOA is provided by USAID (2010):

The LOA is a key legislative text illustrating the GOM's new commitment to reform in Malian agriculture. The law begins by summarizing the structure of the agriculture sector. As with most orientation laws of francophone countries, the law has a chapter specifying how implementing laws and decrees will structure the tenure arrangements on agricultural lands. The LOA affirms that the GOM will promote both small-scale family and agribusiness farming in order to attain food sovereignty.

In recognizing the inherent value of both systems, the LOA committed the government to securing, for all, equitable access to land and sustainable management of natural resources. The LOA allows the option of land titling to anyone involved in agricultural activities and seeks to reduce costs and simplify procedures for acquiring land titles, rural concessions, and long-term leases.

The issue of access to land by vulnerable populations was also addressed. Article 83 devotes special attention to land access for women and youth, according them preference when it comes to allocating land in irrigated areas. Pastoral activities have also gained special recognition, as the LOA declares that pastoralist livelihoods are an important component of land rights management in arid zones. Importantly, the LOA requires the involvement of all stakeholders in decentralized land management and encourages broad participation throughout the implementation and follow-up phases of the LOA.

Prior to the coup that occurred in March 2012, the actions of the LOA had been moving forward with the following concrete actions<sup>2</sup>:

- **Steering Committee for the Elaboration and Implementation of the Agricultural Land Policy.** Located at the *Secrétariat Permanent du Comité Exécutif du Conseil Supérieur de l'Agriculture*, this committee has been set up to implement the various phases of the law. The committee is comprised of representatives of stakeholders working in the agriculture sector. However, concerns are mounting among peasants' associations that their participation is less than expected.
- **Roadmap (*feuille de route*).** This document provides details regarding the steps necessary to adopt the national agriculture land policy and related land laws. The civil society organization, Hub Rural of Dakar, Senegal, assisted the Malian Ministry of Agriculture developing the roadmap. Financial assistance was provided by the *Agence Française de Développement* (AFD).

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<sup>2</sup> Further actions are on hold until the rebellion in the north and the challenge to democratic rule are resolved.

- **Lands Commissions** (*Commissions Foncières*). Prescribed by the LOA for all of Mali's regions and communes, Lands Commissions have been organized and implemented following adoption on January 19, 2009 of the LOA. Duties of the commissions are to settle land disputes prior to any eventual appearance before the courts, compile and record customary practices, develop local cadastres, and participate in the adoption of land policy. The Lands Commissions exist at the regional and commune levels (but not at the *cercle* level). The commissions could play an important role in the process of recognizing customary rights recognition in rural areas. However, in order for the commissions to be effective, they will require significant financial and human resource investments. Alternatively, traditional systems within the communal and regional levels could be formalized and replace the existing commission system.

As is the case with many African countries, a striking feature of the current land tenure system is legal pluralism and ongoing LTPR revisions, which have led to confusion with regard to how land is to be allocated as well as confusion in resolving land-related conflicts. In spite of formal land reforms following independence, customary land tenure systems still govern land attribution in most rural areas (USAID, 2010), and very few people, especially those in rural areas, possess formal proof of land ownership. Despite continuing efforts to formalize land ownership, in practice traditional land tenure systems continue to be the primary mode of land administration in rural Mali (Benjaminsen, 2002; Djiré, 2006; Cotula, 2006a). These customary systems have demonstrated resiliency over time; a strengthening of this existing system could be a starting point for further reform efforts.

It is difficult to summarize how this complex LTPR web is actually implemented in the various parts of the country. Generally, statutory LTPR legislation tends to take precedence in urban and periurban areas, whereas customary LTPR rights prevail in rural areas. In addition, statutory LTPR governs the development of publicly owned rural lands. Some have noted that in land use disputes, those with greater power are able to choose the set of LTPR rules that will most likely yield their desired outcome. Reliance on the various components of the alternative overlapping LTPR frameworks varies from community to community, over time, and is likely dependent on the nature of the land in question and characteristics of those with land use interests.

Despite ongoing efforts to develop a coherent LTPR system, challenges with regard to land-related conflicts continue to mount:

- 1) The current LTPR legislation is fragmented and lacks cohesion, and is in some cases even contradictory.
- 2) The complex overlay of customary systems and formal statutory entitlements is vulnerable to manipulation and corruption.
- 3) For pastoralists, women, youth and migrants, the current LTPR system leaves them vulnerable and insecure. Further, the system is also inequitable in that these groups, outside of land purchase and titling (which requires economic means), are at a significant disadvantage when it comes to securing access to land.
- 4) Land use pressures from large agri-business investors as well as foreign countries are emerging.

- 5) Further LTPR reform requires strong and effective institutions, a system of decentralized land administration and management, and good governance. Yet, it appears that significant capacity building within local governments and the judicial system will be required before further reform can be effectively implemented. A starting point could be to formalize and improve the traditional LTPR framework in a way that builds up and relies on existing local capacities. A key will be to authorize local LTPR determinations such that they are enforceable in the courts.

In light of these challenges, further efforts at LTPR reform has the potential to:

- 1) Facilitate shared land rights for use of natural resources among local, communal, and inter-communal parties, resulting in improved management of natural resources (reduce natural resource exploitation and mismanagement).
- 2) Support equitable access to and efficient land transfer through market mechanisms, land and thus reduce growing tensions and conflicts resulting from population growth and migration (reduced conflict and violence).
- 3) Improve land tenure security and thus increase agricultural productivity through agricultural investment (increased food security and economic growth).
- 4) Provide a new foundation of local finance via land-based taxes and fees (local government finance).

We now turn to a review of the LTPR literature and the emerging issues that will inform ongoing LTPR reform efforts in Mali.

## Literature Review

A growing body of research from many parts of West Africa has documented the emergence of land rentals and sales within traditional land tenure systems – practices that were previously considered to be incompatible with customary tenure (Lavigne Delville *et al.*, 2001; Mathieu *et al.*, 2003). Research has also shown that local land tenure systems effectively enforcing land rights can provide adequate tenure security and related investment incentives (Sjaastad and Bromley, 1997). In high-value land areas, monetarized land transactions are mushrooming. This trend includes the monetization of customary forms of land transfers as well as the emergence of new types of land transactions such as “sales”. These changes seem to confirm the basic tenets of the so-called “evolutionary theory of land rights”, whereby demographic growth and agricultural intensification tend to push towards greater individualization and commercialization of land rights (Cotula, 2007).<sup>3</sup> Increasing land values provide incentives for people to seek more narrowly defined property rights (Fermin-Seller, 2000). In many parts of Africa there is an

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<sup>3</sup> It should be noted, however, that empirical evidence from many parts of Africa shows that the picture is often more complex than the linear process described by this theory. For instance, intra-family individualization processes may co-exist with the continuation or reinterpretation of the collective dimensions of customary land tenure, in order to reaffirm the primacy of the land rights of locals vis-à-vis groups outside the extended family (Coutula, 2007).

ongoing transition from group to individual land rights, from shared rights across groups to a bundling of rights to the individual. Despite these general trends, Bromley (2008) is skeptical that wholesale replacement of customary land rights with formal land titling will result in the often-promised positive outcomes, noting that a title is only as good as the government's ability to register, track and enforce property rights. Without effective governance, formal statutory entitlements on the "books" are of little value.

In context of evolving land rights, we turn attention to the research on emerging pressures that may generate land use conflict and thus further drive changes in Malian LTPR: Climate change-induced migration; political and social unrest; private sector "land acquisition" activities; and conflicts between migrants and autochthons, the State and indigenous populations, and farmers and pastoralists. Embedded in the review is a discussion of research on the benefits of clear, definable, and enforceable LTPR.

### *Climate Change-induced Migration*

In many places climate change is exacerbating resource scarcity through recurrent droughts, soil erosion, desertification, deforestation, sea-level rise and other environmental problems (Meze-Hausken, 2000; Raleigh and Urdal, 2007; Tacoli, 2009). According to IPCC (2007), the availability of and access to freshwater is predicted to decrease, affecting between 75 and 250 million people in Africa by 2020.

Depending on their mitigation capabilities, people affected by climate change may opt to passively endure, remain in place and mitigate/adapt, or move to other places (Reuveny, 2007). Burton *et al.* (1993) adds that denial of the implications of changing climate patterns as a fourth behavior of those living in hazard zones, though denial seems less likely for farmers whose livelihood depends so much on climate patterns. While developed countries are more likely to adapt to climate change through induced technological innovations and institutional reforms, less developed countries are much more limited in their mitigation capabilities due to lack of human and physical capital (Reuveny, 2007)

Given that those living in the developing world have a limited ability to mitigate climate change and rely heavily on the environment for their livelihood, those facing climate challenges may have no other recourse but to leave the affected areas (Meze-Hausken, 2000; Myers, 2002; Reuveny, 2007; Gemene, 2012). From the government's perspective, it often times more cost effective to facilitate such migration as opposed to investing in adaptation mechanisms. As a result, climate change-induced migration is becoming prevalent in a number of developing countries. According to Myers (2002), the number of people forced to move due to issues related to climate change was at least 25 million in 1995. The figure is estimated to reach 200 million by 2050. Out of the 25 million people who were displaced in 1995, 10 million sought to escape from drought conditions; about half of them did not return to their former places. According to Myers and Kent (2001) about 80 million people from Sub-Saharan Africa were affected by hunger due mainly to environmental factors, of which about 10 percent were forced to migrate, evidence of an inability to adapt to changes in their physical environment (Tacoli,

2009).<sup>4</sup> In the 1980s, drought in the Dogon plateau led to the migration of Dogon people, many of whom settled in the Sikasso region.

One immediate challenge of climate change-induced migration is the new population pressure in the host places, which in turn leads to a decrease in the available arable land per capita. This issue is especially challenging in the context of ill-defined LTPR, where conflict over land use emerges. Further, in many cases the property rights of migrants is so fragile that they can be removed from allocated lands at any time. This scenario reveals a weakness in customary LTPR systems.

### ***Political and Social Unrest***

Another cause of migration pressures over the last several decades is political unrest. Migration may be perceived as the ultimate solution for hundreds of millions of people exposed to social conflict, political repression as well as political instability (Wood, 1994; Clark, 2007). Several empirical studies show how political unrest has been an important determinant in migration decisions. As one example, Cohen (2007) finds that 64 percent of the households interviewed in Oaxaca City, Mexico indicated that a strike, violence, or economic decline was a driving factor in migration decisions.

Migration can also be induced by government forced-relocation programs. In Ethiopia and Uganda, government relocation programs displaced several hundred thousand people in the 1980s (Wood, 1994). Development projects such as dam construction and urban development remain a major cause of the displacement of a large number of people (Marongwe, 1995), as was the case in the construction of the Manatali dam in western Mali. As another illustration, in Zimbabwe growth pressures within the Hwedza and Buhera districts in the center of communal lands were responsible for the displacement of a significant number of people.

### ***Private Sector Land Acquisition***

Over the past decade, large scale agricultural investments have been undertaken by influential nationals as well as foreign investors (Odeny, 2010). A significant portion of land allocated to foreign investors is located in Africa, where much of the world disfavored populations live. According to data made available by the International Land Coalition (<http://landportal.info/>), since 2000, large scale land acquisition in just five African countries (Ethiopia, Ghana, Madagascar, Mali and Sudan) totaled more than 8 million hectares, most of which has been

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<sup>4</sup> The literature on migration makes a distinction between forced migration and voluntarily migration. In the context of the current work however, this distinction is not necessary. The most important aspect is that migration, either voluntary or forced, can lead to decreased available per capita arable land in the destination areas as a result of increased population pressure. It is also important to make a clear distinction between climate disasters such as hurricane and drought from slow and long-term environmental degradation caused by climate changes (Meze-Hausken, 2000), which is the focus of the current work.

acquired by foreigners.<sup>5</sup> More detailed land acquisition information is presented in the appendix. In Mali, nearly 450,000 hectares have been acquired by foreigners over this period. According to the United Nations Conference on Trade and Development (UNCTAD) (2008a), the size of foreign investment flows and stock in Sub-Saharan Africa has been increasing exponentially over the last few decades: FDI flows as a percentage of the GDP of the recipient countries went from less than 10 percent in 2000 to more than 40 percent by 2007. The trend in foreign investment flows to Africa is linked to high agricultural product prices induced by high demand for these goods; a hedge against inflation in some countries; and higher global demand for energy and commodities such as oil, gold, copper, aluminum, and Nickel (UNCTAD, 2008b). While land acquisition has played a role in increased FDI, the bulk of FDI has been in the oil, minerals, and forestry sectors.

One of the most commonly stated arguments for large scale land allocation to foreign investors is the relative abundance of land in Africa (Cotula, 2009). Some proponents of large-scale land acquisitions postulate that Africa has the largest amount idle fertile land (Jung-a, *et al.*, 2008), whereas others claim that land in Africa is relatively inexpensive (Henriques, 2008). However, some caution is warranted before accepting the argument of relative land abundance in Africa. Much existing land may be fragmented, unexploitable due to the lack of sufficient water, or inaccessible due to insufficient infrastructure (Cotula *et al.*, 2009). These characteristics make the commercial use of large portions of African land challenging and therefore unattractive to large-scale investors.

While it is oftentimes the case that lands allocated to private investors are classified as “wasteland” with no prior users, investigation of the nature of lands being transferred to large-scale investors raises questions about the validity of that classification. Evidence from qualitative studies in Mozambique and Tanzania suggests that some of the land allocated to private investors had pre-existing users or were subject of claims (Cotula, 2007). Specifically, local communities rely heavily on most of the land targeted by biofuel production for forest-based economic activities. In Ethiopia, the national investment promotion agency reports that all land allocated to foreign investors is “wasteland” with no pre-existing users, but in-country research provides contradictory evidence. Indeed, evidence suggests that local communities in the Benishangul Gumuz and Afar were previously using part of the land allocated to foreign investors for cultivation and dry-season grazing (Cotula, *et al.*, 2009).

The combined effects of the factors mentioned above are increased pressures on land and increasing monetary value of land, which in turn can weaken the social, cultural and spiritual significance of land (Cotula, 2007). When the rising economic value of land eventually overtakes the other emotive values in most cases, the LTPR system must effectively facilitate the smooth transition from shared land rights to privately held lands with bundled rights.

### ***Land-Related Conflict***

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<sup>5</sup> In Africa, most large scale acquisitions have been purchased by foreigners. One exception is Senegal, where about 80 percent of land acquisitions have gone to nationals. Also, note that this data source indicates that this is incomplete and does not include all land acquisitions.

Mounting population pressures, land degradation induced by climate change, and increasing non-agricultural demand for land are resulting in the increased scarcity of available cultivable land. Increasing competition over productive land, in some instances, has resulted in conflicts over the management, distribution and allocation of land. Conflicts and disputes over land can and has arisen between immigrants and autochthons, government and indigenous communities, and farmers and pastoralists.

Because of their relative smaller number compared to that of the autochthons, migrants may feel threatened and insecure (Shimray, 2004). The integration of migrants in host areas often involves contingencies and requirements; any breach by migrants can be source of dispute and conflict (Le Meur, 2006). Conflict between migrants and autochthons can involve within-country migrants, international migrants, or both. A striking example of conflict between international migrants and an indigenous population is the Tabou (in Southwest Cote d'Ivoire) event that occurred in 1999. A conflict arose between the Kroumen (autochthonous), the Lobi from the Northern Cote d'Ivoire, and the Mossi from Burkina Faso. The conflict prompted the expulsion of a large number of Mossi and Lobi to Burkina Faso (Colin *et al.*, 2004; Chaveau, 2000) and claimed several lives. Cote d'Ivoire is also known for having experienced several land-related conflicts between subnational migrants and local inhabitants.<sup>6</sup> Rwanda and Ghana are two other African countries with striking historical land related conflicts (Firmin-Sellers, 2000).

Research shows that most land transactions in Africa (especially in rural area) are informal. Conflict can arise over transactions (land sales and rentals) that are ambiguously defined (Colin, *et al.*, 2005; Peters and Kambewa, 2006), making such transfers subject to counter-claims (Peters & Kambewa, 2006). In Malawi for example, Peters and Kambewa (2006) offer illustrations of land transactions between those who claim themselves to be land "owners" and those perceived to be "latecomers" were subject to counter-claims. In general, the argument for the claims was that the seller was not the true "owner" of the land and, consequently, had no right to sell.

In addition to scarcity, social conflict over land has also been described in the literature as being linked to competition over local authority/leadership (Peters and Kambewa, 2006). In Zimbabwe, the Tonga people were concerned that the Shona/Ndebele settlers were taking over leadership in the Gokwe's Vumba area. Further, perceived disrespect of the local folklore by the Shona/Ndebele newcomers sparked conflict between the two ethnic groups (Marongwe, 2002). In interviews with some of the original inhabitants, Hammar (1999) was told: "The newcomers looked down upon the local people as though they were primitive...they took themselves as highly educated. They wanted to take prominent leadership positions in the area, such as VIDCO Chairman, and Councilor. They even wanted to take the position of Kraal head".

Intergenerational conflict over land driven by social and economic opportunity has also been widely described in the literature. Ngaido (1993) finds that family-level conflicts accounts for 51 percent of the total conflicts recorded in the Kollo arrondissement (Niger) from 1980-1992.

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<sup>6</sup> Mainly between Baoule and Bete in late 60s in the region of Gagnoa, Niaboua et Baoule in the region of Zoukougbeu in 1985, Baoule migrants and Bete autochthons and Gouro and Dida during the 1990 and 1995 presidential elections, and between Dida and Baoule in Irobo in 1998 (Chaveau, 2000).

Moreover, results from field research suggest that in many cases, conflict between migrants and autochthons are just the façade of yet deeper tensions linked to inheritance or property rights within families (Le Meur, 2006). According to Pons-Vignon and Lecomte (2004), the violent clash that erupted in Cote d'Ivoire in the late 1990s over land issues was much more between or within families than it was about locals and migrants. Land-related intergenerational conflicts is likely to emerge when younger family members have to rely on land as source of livelihood as a result of limited non-agricultural income generating opportunities (Coulibaly, 2006). Youth returning home from cities reproach elderly members for selling or renting out too much land to migrants (Ngaido, 1993; Le Meur, 2006). Empirical evidence from Northern Tanzania shows that as land increases in value due to emerging new commercial interests, fathers are less willing to provide land to their children and this serves as a breeding ground for intergenerational conflict (Odgaard *et al.*, 2005)

In many African countries, state ownership predominates over private ownership of land (Cotula *et al.*, 2009). According to the Deineger (2003), just 2 to 10 percent of land across Africa is held under formal land tenure. In Sudan, about 95 percent of land is controlled by the State, although private ownership of land is formally recognized. However, in some countries, even though the State has the power to own and manage State lands, the authority of the State to do so is not so explicit. This ambiguity has proven to be a source of conflict between the State and local communities (Marongwe, 2002). For instance in Zimbabwe, local indigenous leaders with high traditional statuses within communities did not consider State ownership as legitimate, and this perception was a leading factor in conflicts between local communities and the State (Matzke, 1993). With the increasing demand for large-scale land acquisitions by private investors, State land ownership and the transfer of land use rights to outside investors has resulted in the displacement of several indigenous communities. Consequently, claims by individuals and communities on state lands are frequent (Cotula, 2009).

Another consequence of increased land scarcity is heightened competition between farmers and pastoralists over land use. The customary system of LTPR through which land is used for grazing differs considerably from the LTPR that governs cultivation. Land is perceived under customary rules as common property, whereas it is generally considered as individual property in the second system (Odgaard, 2006). The lack of clear land rights combined with the two different systems LTPR can be a significant source of conflict between farmers and pastoralists. In many African countries, field investigations show that cultivation is expanding into land that had previously been used primarily for pastoralism. Although in some cases pastoralists were the first settlers on given lands before farmers, the pastoralists were subject to eviction by the agriculturalists on the basis that the animals were detrimental to local agricultural production (Campbell *et al.*, 2000; Odgaard, 2006).

### **Benefits of Designing Clear LTPR Policies**

The benefits of secure, definable, and enforceable land tenure arrangements have been discussed at length in the literature. Secure land tenure not only reduces land-related conflict (Deininger and Castagnini, 2004), but can also contribute to poverty reduction and economic growth through increased investment, efficient use of land, and improved productivity. Land tenure security can also improve natural resource management, generate new revenues for government

expenditures through taxation of property, and promote equity. In order to achieve these outcomes, LTPR policies can be designed to achieve efficiency as well as improve equity (Pons-Vignon and Lecomte, 2004). However, it should be acknowledged that while the notions of efficiency and equity are interdependent, it is sometimes the case that there is a trade-off between efficiency and equity; in some contexts policymakers may have to decide which takes precedence. Broadly speaking, appropriately defined LTPR can increase ability to access land, strengthen secure tenure and facilitate that transfer of rights (Deininger and Jin, 2005). Several recent empirical studies suggest that those hardest hit by tenure insecurity are landless households whose principal means of livelihood is agriculture (e.g., tenant farmers), rural households who live on state or collective farms, indigenous rural households or pastoralists who occupy public or other land to which they are not legally entitled, and women (e.g., widows) (Deininger and Jin, 2005; Deininger and Castagnini, 2004). Consequently, appropriately defined LTPR could improve the ability of the poor and of women to access to land.

### ***Tenure security, Investment, Productivity and Efficiency***

Improved land tenure security can also result in increased agricultural investment because it reduces fear of expropriation, enables land “owners” to use of land rights as collateral to access credit, and facilitates the transfer of land at low cost (Besley, 1995). Individuals will be reluctant to make key investments if they fear that their land is/will be subject to competing claims, or in the worst case they believe they will be evicted before reaping the benefits of their investment. Secure tenure therefore serves as a protection against arbitrary expropriation, which opens the door to undertake new investments by both local farmers as well as exterior investors (Binswanger *et al.*, 1995; Kasanga and Kotey, 2001). Earlier research provides evidence that the causality between secure tenure and investment goes the other way –that is, it is likely tenure security is achieved through investment rather than investment being induced by secure tenure rights (Besley, 1995; Sjaastad and Bromley, 1997). However, more recent empirical work corroborates the assertion that secure tenure increases incentives to undertake agricultural investment (Jacoby, Rozelle and Li, 2002; Do and Iyer, 2007; Deininger and Jin, 2006). In an investigation of the impact of the Ethiopian government initiative to establish secure land tenure and promote transferability of land rights through land registration, Deininger and Jin (2006) find that increased tenure security significantly increases both investment (captured by the planting of trees) and productivity (captured by the terrace building). Similarly, in Vietnam, increased land rights have been associated with a significant increase in both the relative land size used for multi-year crops and irrigation (Do and Iyer, 2004). In Taiwan, land reform promoted community development by making land fully transferable to more educated and younger farmers with greater managerial skills and an inclination to adopt new agricultural technologies (Yang, 1970). In Uganda, Castagnini and Deininger (2004) find that land conflicts reduce the productivity of land. This finding implies the need for land reform that effectively reduces land related conflict in Uganda, and more generally in Africa.

Moreover, resolving land conflict is likely to require both financial resources and time that would otherwise be used to invest in agricultural technologies and for agricultural labor, respectively (Berry, 1997). Also, lands subject to or likely to be under claims may be left uncultivated over long periods of time, or in some cases lead to crop damage (Deininger and Jin, 2006). Thus, improved tenure security can be a source of total production growth in the

economy by eliminating these sources of inefficiency. Further, given that farmers might undertake extensification of land use in order to lay claim on land when no clear property rights are established, clearly defined and enforced property rights can suppress anarchic use of land and induce farmers to engage agricultural intensification and, therefore, enable a more sustainable use of land resources. As one illustration, Cattaneo (2001) finds that changes in tenure regimes reduced deforestation in the Brazilian Amazon.

While the ability of women to own land independently strengthens bargaining power (Schultz, 1999) and in turn has a positive impact on child welfare (e.g., education and health) (Thomas and Strauss, 1990), in several developing countries, women, especially, widows have no rights to land under traditional laws (Deininger Castagnini, 2004)). As a result, lands owned by women are more prone to multiple claims. In Uganda, Deininger and Castagnini (2004) find that plots controlled by female-headed households (married or widows) are more likely to be subject to conflict than plots controlled by their male counterparts. Empirical evidence also suggests that in general, the incidence of land-related conflict is higher for land owned by poor households relative to land detained by wealthy households (Kasanga and Kotey, 2001). Under these circumstances, land reform might achieve greater equity when the reforms take measures to establish clear property rights for women and the poor and protect them from arbitrary expropriation (Deininger and Jin, 2006).

Finally, secure tenure creates the potential for factor market development. Specifically, when tenure security exists, those with agricultural resource constraints (such as agricultural labor or agricultural knowledge) can rent their land out to more productive users and use their rental income to engage in nonagricultural income generating activities (Deininger and Jin, 2006). Given that those with limited productive resources (such as widows or low capacity producers) are more susceptible to poverty, tenure security may also contribute to poverty reduction.

### *New Revenues for Government*

Property taxation constitutes an attractive source of revenue for local government, especially in developing countries where local authorities face tight budget constraints (Bird and Slack, 2010). Raising additional revenues through the taxation of property is not just desirable for fiscal purposes, but can also support and complement decentralization efforts (Bird and Slack, 2010). According to Deininger (2003), local government revenues from land taxation are often used to provide critical public services such as education, health, infrastructure etc., while at the same time increasing incentives to intensify land use. In addition, a tax based on land value is efficient in the sense that it does not discourage capital investment the way a traditional property tax (a tax on both land and structures) does, nor does it reduce incentives to produce the way a tax on inputs or outputs does. However, reliable land registration and tenure security are preconditions for effective land taxation (Bird and Smart, 2002).

### **Successful Land Tenure Reform**

Despite the general consensus that LTPR are important for the reasons discussed, many attempts at land reforms in the developing world have fallen short of achieving their objectives. However, some countries have achieved encouraging results from the redesign of their LTPR

policies. Empirical evidence in support of positive outcomes includes studies on China (Besley and Burgess, 2000; Deininger and Jin, 2009), Taiwan (Yang, 1970; Montgomery, 1972), Vietnam (Do and Iyer, 2003), and Ethiopia (Deininger and Jin, 2006; Deininger, *et al*, 2008). A crucial element for a successful land reform policy is the appropriateness of the components of the policy to the overall socioeconomic, natural resources endowments, and institutional contexts of the adopting nation. Consequently, when land tenure redesign becomes necessary, it is important to consider the conditions under which one can learn from the experience of other nations. Of the countries reporting significant positive outcomes, it seems that Ethiopia a good candidate because it is in a number of ways comparable to Mali. Therefore, the Ethiopian experience may to offer insights for Mali.

### ***Land Tenure Reform in Ethiopia***

Ethiopian land tenure institutions can be grouped into three periods: The imperial regime (before 1975), the era of the Derg regime (1975-1991), and the post-Derg regime (1992-present). We will offer a brief discussion of the history of LTPR, but focus our attention on the recent reforms.

Land tenure arrangements in Ethiopia prior to 1975 were diverse, depending on a range of geographic and political considerations. Generally, during this period three systems were predominant: The “diessa” (village ownership), the “rist” (kinship ownership), and private ownership. The “diessa” system is a customary law that granted power to the village elders and the village chief to administer land allocation and was predominately practiced in Eritrea (Mengisteab, 1990). Under the “diessa”, every married man was entitled to land while female married women shared their husband’s land. Land was redistributed every seven years and between each rotation, landholders were given authority to rent out their land, but land inheritance and land sale were not allowed. The attributes of the “diessa” allowed villages to avoid substantial inequalities among families within villages. However, growing village populations led to land shortages and lengthened the waiting time for married men to access land. While they were waiting for access to land, young men could rent land, but these pressures began to undermine the functioning of the system. One fundamental critique of the land tenure arrangement was that it provided very little incentive for land conservation, as families held land only for short periods of time.

Contrary to the “diessa” system, which was geographically defined, the “rist” system did not have a clear boundary. This system was mainly characterized as extended family ownership that originated from the notion that ancestors had contributed to the settlement of the village and thus land tenure was inherited. In practice, the kinship was a form of communal ownership, as landholders did not have a full control over their land. They were not allowed to choose their heirs, nor were they allowed to disown anyone. In addition, landholders could autonomously sell their land only to members within the extended family. Similar to the village ownership system, the functioning of the kinship system was hindered by mounting population pressures, which generated significant inequality among families due to high land fragmentation in large families relative to small families, land disputes between and within families, overgrazing and deforestation.

The third land tenure system, the private holder arrangement, was the most prevalent in the southern provinces. Land was owned by the state, even though land was sold and exchanged under this system. This form of land tenure generated even more inequality among families than the first two systems. The tenant-landlord relationship was characterized as highly insecure and exploitative (Mengisteab, 1990; Nega *et al.*, 2003).

In March 1975, after overthrowing the imperial regime, the Derg regime proclaimed new agrarian reforms. The reforms put all rural land under the control of the state without compensation to previous owners, initiated peasant collectivization, and devolved the administrative and judicial power at the village level (Deininger, *et al.* 2008). The aim of the reform was to abolish the exploitative tenant-landlord relationship by giving land use rights to those working on the land and to promote equal access to arable land for all families in accordance with their needs (Crewett, 2008; Nega, *et al.* 2003). In addition, with the exception of land tax receipts, there was no legal paper proving land ownership (Solomon, 2006; Adenew and Abdi, 2005). The Derg regime also inhibited rural migration, as land use rights were conditional on continuous residency (Nega, *et al.*, 2003). This framework accentuated pressure on land, leading to further land fragmentation and weakening the ability of the village associations to assess the needs of land claimants. Importantly, given that policies were designed to ensure that every family had access to land, land redistribution was recurrent. These regularly occurring redistributions led to tenure insecurity, particularly for large farm owners who were likely to have portions of their land taken away during the redistributions (Rahmato, 2004). By the late 1980s, the failure of collectivization to achieve its goals became apparent, and the program was terminated in 1990, just prior to the overthrow of the Derg Regime.

Following the collapse of the Derg regime and the dissolution of collectivization, the Transitional Government of Ethiopia implemented two other changes to the pre-existing land tenure arrangements: Compensation of previous owners for their investment on land in the event that the land was confiscated and promotion of land and labor markets. With the exception these changes, the Transitional Government of Ethiopia brought no significant reforms to the tenure system (Rahmato, 2004). The national government maintained State ownership of land, and in fact the new constitution, which was ratified in 1995, further confirmed the notion of State ownership of land. The new law was also flawed in terms of tenure security as it did not specify how long landholders could enjoy the right to use the land attributed to them (Crewett, *et al.*, 2008). In 1997, the government issued a Federal Proclamation that bequeathed decentralized power in land administration to regional states.

Subsequent to the 1997 Federal Proclamation, the four most populous regional governments – Amhara, Oromia, Tigray, and the Southern Nations, Nationalities, and People’s Regions (SNNPR) – seized the opportunity to design new land registration policies (Abebe, Undated; Crewett, *et al.* 2008). A detailed description of the characteristics of the registration systems can be found at <http://eltap.net/download/proceeding/T4p1%20Solomon.pdf>. The reforms started in Tigray in 1998 (amended in 2002), followed by Amhara and Oromia in 2003 and by the SNNPR in 2005 (Deininger *et al.*, 2008). The reforms involved two types of registration processes. The first reform entailed traditional land registration, which was carried out in all four of the regions. With the support of the Swedish International Development Agency, the second reform was a relatively “high-tech” registration method piloted in the regions of Amhara in 2002 and in the

SNNPR in 2004 (Abebe, undated; Adenew and Abdi, 2005). A striking feature of the registration procedure was the decentralized nature of the administrative body. Except in Tigray, where land was registered by technicians, those in charge of the registration in the other three regions were Land Administration Committees (LACs), selected at the kebele (village) level by popular election. The registration was performed in four steps: (i) consultation with local communities, (ii) land delimitation with neighbors as witnesses (including the landholder), which increased transparency, (iii) provision of a temporary certificate and, finally, (iv) the issuance of a final certificate. The average duration between the time of the registration and the final certificate issuance ranged from 15 to 17 months (Deininger, *et al.*, 2008).

Even though some farmers were less inclined to register their land because of suspicion over the potential for increased land taxation (Abebe, undated), decentralization of the registration process to the village level made communities more likely to accept the process and made conflict resolution more punctual and effective.<sup>7</sup> Another appealing aspect of the process was its cost-effectiveness. Deininger, *et al.* (2008) reports: “This is particularly notable given that the program has been implemented at a cost an order of magnitude below what is reported anywhere else in the literature”. As of August 2005, the number of households registered was 2.4 million (79%) in Amhara, 632,000 (88%) in Tigray, 2,484,693 in Oromia, and 700,126 (40%) in the SNPR) (Deininger, 2008; Abebe, undated). During the 2005-2008 period the Ethiopian Land Tenure and Administration Program with the assistance of the USAID extended the pilot registration to cover an additional 700,000 plots in the four regions (Boudreaux, 2012).

A number of empirical studies, both qualitative and quantitative, point to the conclusion that overall, the Ethiopian new land registration system was successful in achieving its main goals: increased tenure security, enhanced agricultural productivity, and equity in land access. Using household-level data collected in the four regions 2-3 years following the implementation of the program, Deininger, *et al.* (2008) note that more than 85 percent of the households perceived land certification to increase tenure security, encourage investment in trees, provide incentives for soil and water management, increase likelihood of being compensated in case of land expropriation, provide incentive to rent out land, and promote women’s empowerment. These positive subjective perceptions were confirmed by empirical evidence using rigorous econometric methods (Deininger and Jin, 2006; Deininger, *et al.*, 2008; Holden, *et al.*, 2009). Though the overall evaluation of the program is encouraging, it is prudent to mention that many aspects (technical, institutional, economic and logistic issues and constraints) still need to be given careful attention. Particularly, low participation of women in the LACs has been reported along with the lack of access to written information about the process and the objectives of the registration (Deininger, *et al.*, 2009).<sup>8</sup> As discuss above, in some dimensions LTPR reform has been successful, but challenges and limitations still exist. A key consideration is that despite increased certainty of land use rights facilitated by reform, government still formally maintains State ownership of all land. Thus, even with the reforms, there is effectively no formal land sales

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<sup>7</sup> Land reform by devolving power to local leaders has been proven to be successful in Japan and Taiwan (Montgomery, 1972).

<sup>8</sup> Further information on issues and constraints encountered in the registration process can be found at <http://eltap.net/download/proceeding/T4p1%20Solomon.pdf>.

market.<sup>9</sup> The decision on the part of government authorities to retain land ownership is a reflection of the importance of land control in maintaining political power. Despite the shortcomings of the Ethiopian land registration program, the encouraging empirical evidence suggests that some dimensions of this particular reform experience may be a useful model for other Sub-Saharan African countries. The success of any reform effort depends on not only the implementation process but also the pre-conditions that facilitate reform success. We therefore offer a brief discussion of some of these pre-conditions.

After the Marxist regime was overthrown in early 1990s, there was a collective desire to move to privately owned property, which led to the reforms:

- 1) Devolution of responsibility for land policy to the regions, leading to high inter-regional diversity of key legal provisions;
- 2) Although land transfers via rental have been allowed officially, award and continued enjoyment of land use rights is contingent on physical residence in the village, something that may prevent migration from rural areas (Rahmato, 2003);
- 3) All regions except Amhara have legal provisions limiting the amount of land to be rented out normally to 50% of holding size and setting a maximum duration for rental contracts; and
- 4) Even with the reforms, mortgaging and sale of land are prohibited everywhere.

In terms of process, representative land use committees (LACs), training, and transparency in measurement are necessary (but not sufficient):

- 1) In most locations public meetings were held before and during the certification process;
- 2) Land use committees (LACs) were popularly elected and represented most of the sub-kebeles<sup>10</sup>; and
- 3) Adjudication made use of traditional village authorities (elders) to resolve disputes and demarcation was carried out in the field in the presence of neighbors.

Broad and fair representation from all facets of the community on the LAC helped to earn the trust and respect of the community; the credibility of the LACs hinge on fair representation. While it is somewhat difficult to summarize the all essential pre-conditions that served as the foundation for the reform efforts, the above discussion highlights the importance of several facets:

- 1) Adequately functioning and reasonably trustworthy local governments;
- 2) A clear understanding and general buy-in by citizens of the proposed changes in LTPR;
- 3) Confidence that government has the authority, capability and commitment to enforce property rights;

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<sup>9</sup> There is, however, a functioning land rental market.

<sup>10</sup> A kebele is the smallest administrative unit in Ethiopia and is similar to a ward or a neighbourhood.

- 4) To overcome potentially powerful opposition (any institutional change will generate opposition), a broad base of societal support for LTPR reform is essential;
- 5) The political will to implement and sustain the reforms, even in the face of strong opposition.

In Ethiopia, these features, to some degree, appear to have been in place. Indeed it may be that reason for the relatively limited LTPR reform (the granting of land use rights but not full property ownership) was that limited reform was the only politically feasible scenario that could be implemented given the political environment.

### **Reform Options and Summary Remarks**

The Malian land tenure systems is characterized by legal pluralism—the co-existence of systems of rules based on different principles—the overlay of European principles of ownership derived from the colonial experience with systems of customary tenure and in some cases rules based on Sharia. Legal pluralism in land rights in itself is not necessarily a problem. More than the co-existence of different tenure systems, it is the lack of transparency in the administration of the rules, profound contradictions and inconsistencies between the laws (USAID, 2010), the splintering in the system of authority and the unregulated plurality of arbitration bodies that are the sources of opportunistic behaviors, “forum shopping<sup>11</sup>”, and weak capacity to resolve conflicts (Seevink, 2011). In addition, given the sensitive and controversial nature of LTPR reform, political will needed to implement reforms is often lacking.

Arguably LTPR should not be static, as they depend greatly on underlying climatic, social and economic conditions, which continuously evolve (Sjaastad and Bromley, 2000). In general, the inability of governments to implement land reforms successfully is attributed to a lack of suitable technical, institutional, and political capacities (Deininger, *et al.*, 2008). Another reason for the failure of land reforms in some countries is that critical elements of reform policies are borrowed from countries with different financial, physical, and institutional endowments. As a result, practitioners of land policy reforms may face a shortage of sufficiently qualified government officers, inability to enforce property rights, and a deficiency in holding practitioners accountable for their acts. In addition, political resistance from those benefiting from less transparent LTPR environments may impede reform.

Are the pre-conditions (financial, physical, and institutional endowments) in Mali similar enough to those in Ethiopia such that the Ethiopian experience can serve as a model for reform? Only a broad-based inclusive group of Malians can provide an appropriate assessment. A fair assessment of the capabilities of local governments, the types of reforms that will likely receive citizen buy in, and the political feasibility of reforms is needed. Regardless, implementation of any reforms will have to wait until the political turmoil and threat to democracy has been resolved.

One of the key challenges in land tenure in Mali is providing a system to meet the needs of pastoralist groups, which rely on common property resources and mobility. Pastoral livelihood systems have developed to cope with and adapt to climatic uncertainty in drylands. Such

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<sup>11</sup> Forum shopping is the practice of approaching more than one system to resolve a land dispute.

systems depend on flexibility in land use and management, with the need to negotiate the use of land on a seasonal basis with other users. Potential conflicts may arise, particularly where farmers encroach onto the arid rangelands or into northern wetlands (such as the Inner Niger Delta) that are vital to Sahelian pastoralism (Cotula, 2006b). The past decades have seen a promising shift by several West African governments to recognize and protect pastoralists' rights of access to natural resources. 'Pastoral' laws have been passed in Guinea (1995), Mauritania (2000), Mali (2001) and Burkina Faso (2002), and Niger (Cotula, 2006b). Management of shared resources within and across borders, including land and transhumance corridors is a critical issue.

Clear and transparently enforced rules regarding both land and water rights will become increasingly important in the coming years, as population pressure, high prices of agricultural products, and climate-induced population movements will lead to increasing demand for agricultural land and potential conflicts between resident populations, new migrants, pastoralists and outside investors. The lack of clarity about land tenure rules exacerbate these challenges and may result in reduced productivity and in some cases violence.

It is also important that a clear set of procedures and mechanisms exist by which land-related conflicts may be solved in order to avoid long and protracted disputes, which can lead to disinvestments in agriculture and may eventually develop into violence. Registration and titling have been promoted as a means by which to increase security of tenure for land users and thereby promote increased investment in agriculture (Sulle and Nelson, 2009). Yet such registration procedures often involve complicated administrative processes that are difficult for many rural people to meet, thereby increasing the likelihood that current occupants can be dispossessed by better informed and educated (often urban) people who understand how to work the system to get legal title to the land. Based on failure of early attempts to replace customary systems with modern systems of land tenure and acknowledging the dynamics of local tenure systems, it is now more widely recognized that land policies and laws must build on local concepts and practice. This entails, among other things, legally recognizing local land rights.

In these contexts, what can be gleaned from the Ethiopian experience? While land titling and registration will not resolve all the challenges Mali faces, it seems that significant gains can be generated by moving in the direction of land titling in both urban/peri-urban and rural places. Below, we identify several factors we believe are useful to consider:

- 1) Any initial efforts at reform should first be implemented in a portion of, not the entire country. This enables policymakers to experiment and, if needed, modify reform implementation processes.
- 2) Use low-cost methods that can be achieved with emerging new technologies. In Ethiopia, handheld Global Positioning System (GPS) tools were used to demarcate property boundaries. The GPS tool provided detailed and verified electronic records of property boundaries and linked properties with owners. In Ethiopia, the costs of registering and titling were much lower than in other countries.
- 3) To increase confidence in the land registration process and more easily resolve conflict, it may be prudent to include locally elected members of the "land administration committees" that administer the LTPR reform implementation process. It is important to

note that in Mali, the *Loi d'Orientation Agricole* calls for the formation of communal land commissions. In principle, these proposed commune-level land commissions could play a similar role to that of the Ethiopian LACs.

- 4) Properly trained members and support staff of local land commissions is essential.
- 5) To increase transparency, require that all land be delimited with neighbors as witnesses.
- 6) Provide temporary certificates at the time of land titling and follow-up in a timely way with official final certificates.

A more detailed description of the Ethiopian land registration system is available at <http://eltap.net/download/proceeding/T4p1%20Solomon.pdf>. This document is essential reading for those considering LTPR reform processes. For detailed documents on the land registration implementation process, go to <http://www.eltap.net/conference.asp>.

In addition to these considerations, it may be appropriate to have shared land rights arrangements explicitly embedded in the titling process. For example, for some properties pastoralists may be given right-of-way or access to lands for several months during the year. Such arrangements can even include options to access lands for longer periods with prearranged agreements to pay a rental price.

Some lands will remain in the hands of national and local governments; there should be a transparent process for determining which lands are to be managed by national and local government authorities. Also, there should be explicit criteria to guide the process by which such lands transition from public to the private control. Similarly, standard guidelines regarding the use or leasing of such public lands (by pastoralists, foreigners, forest managers, etc.) should be articulated. Generally, activities that can occur in national (large leases to agribusiness and foreigners, etc.), communal (unbundled rights, farming, pastoralists, migrants, etc.) and private lands (titling, transactions, platting, etc.) should be clearly defined.

Any LTPR reforms should be credible and enforceable. Reforms should not be implemented until national and local authorities have the necessary capacity to carry out and enforce LTPR reform. Along these lines, LTPR reform can be viewed as complementary to Mali's decentralization efforts. In the longer run, land ownership provides an opportunity to generate new revenues via land use/property taxation for local governments. Indeed, to some extent a land tax can be thought of as a type of user fee because land registration, titling and enforcement of property rights enable the landholder to make the necessary investments to increase productivity and thus household income. Further, additional funding at the local level enables local governments to provide other basic services and infrastructure that can also improve productivity and land value.

In summary, this report provides an overview of the history and current LTPR environment in Mali and a review of LTPR literature. We also offer an in-depth discussion of recent LTPR reforms in Ethiopia, drawing lessons from that experience that may be of value to Malian officials as they consider further LTPR reforms. It is clear that population and migration pressures are resulting in land conflict that current LTPR structures are insufficient manage. This report provides a basis for discussing options for future reform efforts.

**Appendix: Large Land Acquisitions by Foreigners**  
**Land Acquisitions, 2000-2012 (transactions 10,000 ha or more)**

<b>Target Country</b>	<b>Inv. Country</b>	<b>Hectares</b>
Ethiopia	India	<b>1,207,700.00</b>
Ethiopia	Ethiopia	355,000.00
Ethiopia	Germany	206,000.00
Ethiopia	United States of America	118,000.00
Ethiopia	Israel	110,000.00
Ethiopia	Liechtenstein	60,000.00
Ethiopia	South Africa	50,000.00
Ethiopia	Cyprus	50,000.00
Ethiopia	China	25,000.00
Ethiopia	Egypt	20,000.00
Ethiopia	Brazil	18,000.00
Ethiopia	Denmark	15,000.00
Ethiopia	Netherlands	12,000.00
Ethiopia	UNKNOWN COUNTRY	10,000.00
Ethiopia	Saudi Arabia	10,000.00
Ethiopia	Lebanon	10,000.00
Ghana	Israel	200,000
Ghana	United Kingdom of Great Britain and Northern Ireland	120,000
Ghana	Ghana	14,000
Ghana	Canada	13,000
Madagascar	United Kingdom of Great Britain and Northern Ireland	682,500
Madagascar	India	465,000
Madagascar	United States of America	210,000
Madagascar	Italy	200,000
Madagascar	Australia	120,000
Madagascar	South Africa	100,000
Madagascar	Lebanon	100,000
Madagascar	UNKNOWN COUNTRY	90,000
Madagascar	France	55,000
Madagascar	Germany	32,000
Madagascar	Japan	30,000
Madagascar	Israel	30,000
Madagascar	Netherlands	15,000
Madagascar	Madagascar	15,000
Mali	Libya	114,100
Mali	Mali	99,100
Mali	UNKNOWN COUNTRY	61,533
Mali	United States of America	52,441
Mali	Saudi Arabia	50,000
Mali	Canada	40,000
Mali	China	20,000
Mali	Burkina Faso	10,000
Sudan	United States of America	624300
Sudan	United Kingdom of Great Britain and Northern Ireland	18600
Sudan	United Arab Emirates	1680000
Sudan	Syrian Arab Republic	12600
Sudan	Sudan	455200
Sudan	Norway	179000
Sudan	Egypt	121800
Sudan	Canada	12200
<b>Total</b>		<b>8,319,074</b>

**Source: The online public database on land deals (Note: Data is incomplete): <http://landportal.info/>**

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