

# REFORMS TO REGULATE LAND GRABBING FOR THE BENEFIT OF YOUNG PEOPLE IN FRANCOPHONE WEST AFRICA

**Innocent Antoine HOUEDJI, Marcel Loyd MINKA, Ahmed DIALLO and Cathrine MARENKA, Benin, Senegal and Cameroon.**

**Key words:** Land Grabbing and Land Reforms.

## SUMMARY

Land grabbing has been making headlines in Africa in recent years. Fertile land is increasingly falling into the hands of national and international private investors. Farmers with rudimentary means, young people, women, indigenous peoples and herders are the actors most affected by large-scale land grabs. Fertile land is becoming increasingly scarce, and public authorities don't seem to be determined to set up safeguards to regulate the situation. However, while some countries, such as Benin, have made significant legal advances in their attempts to regulate land grabbing, others are still sleeping on their laurels. The case of Senegal and many other West African countries are illustrative examples. But to better understand this rather differential trend, it is important to make a comparison between two systems, two West African countries, Senegal and Benin. This comparative study highlighted Benin's legal and strategic advances, which could serve as an example for other countries in the sub-region.

## SUMMARY (in French Language)

L'accapement des terres défraie la chronique ces dernières années en Afrique. Les terres fertiles entrent de plus en plus dans les mains des investisseurs privés nationaux ou internationaux. Les agriculteurs avec des moyens rudimentaires, les jeunes, les femmes, les autochtones, les éleveurs sont les acteurs les plus affectés par les accapements de terres à grande échelle. Les terres fertiles deviennent de plus en plus rares et les pouvoirs publics ne semblent pas être déterminés à mettre en place des gardes fous pour réguler cette situation. Toutefois, si certains pays tels que le Bénin ont fait des avancées significatives sur le plan juridique pour tenter de réguler l'accapement des terres, d'autres dorment toujours sous leurs lauriers. Le cas du Sénégal et tant d'autres pays de l'Afrique de l'Ouest en sont des exemples assez illustratifs. Mais pour mieux comprendre cette tendance assez différentielle, il est important de procéder à une comparaison entre deux systèmes, deux pays de l'Afrique de l'Ouest, le Sénégal et le Bénin. Cette étude comparative a permis de ressortir les avancées juridiques et stratégiques du Bénin pouvant servir d'exemple à d'autres pays de la sous-région

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## **1. INTRODUCTION**

Land grabbing has been making headlines in Africa in recent years. Fertile land is increasingly falling into the hands of national and international private investors. Farmers with rudimentary means, young people, women, indigenous peoples and herders are the actors most affected by large-scale land grabs. Fertile land is becoming increasingly scarce, and public authorities don't seem to be determined to set up safeguards to regulate the situation. However, while some countries, such as Benin, have made significant legal advances in their attempts to regulate land grabbing, others are still sleeping on their laurels. The case of Senegal and many other West African countries are illustrative examples. But to better understand this rather differential trend, it is important to make a comparison between two systems, two West African countries, Senegal and Benin.

Located in the extreme west of West Africa, with a 700 km coastline on the Atlantic Ocean, Senegal covers an area of 196712 km<sup>2</sup>. Senegal borders Mauritania to the north, Mali to the east and Guinea and Guinea Bissau to the south. Economic growth remains erratic due to its vulnerability to climatic hazards, and is not substantial enough to sustainably reduce poverty. The growth rate was at its lowest level in 2011, estimated at 1.8%, due in part to the negative effects of the drought. It rose to 3.5% in 2013 and 4.3% in 2014. It is estimated at 6.5% in 2015 and 6.6% in 2016, driven mainly by strong growth in the primary sector. In the medium term, growth should be more vigorous, with an annual projection of 7% to 8%. On the social front, according to data from the national employment survey, published in November 2015, the combined rate of underemployment linked to working hours and unemployment was estimated at 39%, including 54.5% for women and 29.8% for men. Agriculture, which employs 60% of the population, is still highly dependent on rain-fed production, which remains vulnerable to climatic hazards. Despite interventions by the State and technical and financial partners, including the Bank, constraints remain. In this respect, food security certainly remains a challenge. More specifically, in Senegal, land is the main asset of the rural world. Properly managed and rationally developed, it is a factor in economic development. It is the foundation of almost all rural development initiatives. It remains the main source of employment in rural areas, and an essential means of economic growth and poverty reduction.

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Benin is located in West Africa in the tropical zone between the equator and the Tropic of Cancer (between parallels 6°30' and 12°30' north latitude and meridians 1° and 30°40' east longitude).

It is limited :

- to the north by the Republic of Niger for 277 km with 120 km bounded by the River Niger ;
- Burkina Faso to the northwest (386 km);
- to the west by Togo (651 km),
- to the east by Nigeria (809 km);
- and to the south by the Atlantic Ocean (121 km).

Benin's economy<sup>i</sup> is heavily dependent on agriculture and informal re-export and transit trade with Nigeria (20% of GDP). The poverty rate was 45.9% in 2020. With the COVID-19 crisis, real GDP fell to 3.8% in 2020. Public spending was the main driver of growth, and inflation reached 3% by the end of 2020 with rising food prices. So, to restore this agricultural asset, land must be brought under control. Consequently, Law no. 2013-01 on the land and property code in the Republic of Benin and Law no. 2017-15 amending and supplementing Law no. 2013-01 of August 14, 2013 on the land and property code in the Republic of Benin come at just the right time to limit land grabbing in rural areas through innovative, simplified and structured mechanization.

In this document, we will :

- an overview of land grabbing in both countries,
- an inventory of tools to combat land grabbing

A comparative study of the phenomenon in the two countries before showing how reforms against land grabbing can benefit young people and women

## **2. TWO MODELS OF LAND REFORM WITH DIFFERENT BENEFITS FOR YOUNG PEOPLE**

### **2.1 The case of Benin: a model of land reform framing land grabs**

Many people have a narrow vision of land grabbing, in that they limit it to cases of transfer (sale or very long-term lease) of large areas (over 20,000 ha) by foreign players, industries or investors. Seen from a broader angle, we would say that land grabbing refers to any form of

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transfer (cession, sale, lease, loan) of land to a national or foreign operator that has an influence on **the land security of family farms**, whatever the surface area involved. In Africa today, land grabbing has become a global issue at the heart of agricultural and economic development in rural communities, most of which are young. That's why the majority of land is taken over by national investors. A large number of national non-governmental organizations (NGOs) have invested in jatropha cultivation for biodiesel production, on areas ranging from 2,500 hectares to 200,000 hectares<sup>1</sup>. Foreign buyers include Libyans, Saudis, Lebanese, Italians, Chinese, Nigerians and nationals of the United Arab Emirates. **Faced with this situation, the Beninese government and certain sections of the population see the arrival of foreign investors as a positive phenomenon for the country.** Indeed, these investments, which constitute a source of revenue for the State, will help to modernize agricultural production, increase the rate of land use and promote job creation for rural youth, thereby helping to reduce the rural exodus. In addition, the provision of new technical knowledge and management skills can ultimately benefit local production and strengthen the local market. Others, mainly farmers' organizations and unions, believe that this phenomenon, whether the work of local or foreign investors, risks leading to the disappearance of the productive peasant class and the birth of a precarious agricultural proletariat, through the eventual expulsion of producers and communities from their land. These actors consider that these foreign and Beninese investments aim to produce financial benefits for their authors, without benefiting either the peasants or the country. It is for this reason that the land reform driven by the Code Foncier et Domanial (Land and Property Code) has taken steps to protect the land rights of young people and rural communities, so that they can benefit from them.

This phenomenon of land grabbing has been regulated through certain provisions of the Land and Domain Code (Law no. 2013-01 on the **Land and Domain Code in the Republic of Benin** and Law no. 2017-15 amending and supplementing Law no. 2013-01 of August 14, 2013 on the Land and Domain Code in the Republic of Benin).

### **Regulating land grabbing**

This regularization is based on the procedure for supervising land transactions and simplifying the procedure for securing land tenure, supported by the provisions of the land law known as the "Code Foncier et Domanial".

#### ***Article n°14: Framework for non-nationals and nationals***

Any individual or legal entity of Beninese nationality may acquire real estate or land in the Republic of Benin. Non-nationals may acquire real estate in urban areas in the Republic of

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<sup>1</sup> [Fondation FARM - Land grabbing: the case of Benin \(fondation-farm.org\)](https://www.fondation-farm.org/)

Benin, subject to reciprocity agreements or international treaties or agreements. Non-nationals established in the Republic of Benin may enter into commercial, industrial or residential leases... Diplomatic and consular representations and international organizations established or operating in the Republic of Benin may also acquire real estate there, subject to reciprocity agreements or international treaties or agreements.

***Benefits for young people:*** *We know that land grabbing is most often carried out in rural areas and by non-nationals. However, Article 14 of the Land and Property Code strictly prohibits the acquisition of rural land by non-nationals. This makes it possible to preserve our land for the benefit of our citizens for agricultural production needs, a guarantee of food security. On the other hand, nationals tempted to monopolize rural land will be disciplined by the well-structured framework provided by the Code Foncier et Domaniale.*

***Article n°361: Supervision of land acquisitions for agricultural development***

The acquisition of rural land of between two (02) and twenty (20) hectares is subject to the following conditions

The prior approval of the communal or municipal council of a development project for agricultural, fishing, pastoral, forestry, social, industrial, artisanal or environmental preservation purposes, in accordance with the provisions of articles 368 et seq. of the present code, or generally linked to a project of general interest. For areas of more than twenty (20) and up to one hundred (100) hectares, the development project defined in the previous paragraph is approved by the Agence nationale du domaine et du foncier (National Land and Property Agency) after obtaining the opinion of the communal or municipal council. For areas greater than one hundred (100) and less than or equal to five hundred (500) hectares, the application for land acquisition is only admissible under the following conditions:

- the project is approved by the municipal council;
- the project has been approved by the Agence nationale du domaine et du foncier;
- the project has been approved by the minister in charge of land.

In excess of five hundred (500) hectares, the development project is approved by a decree issued by the Council of Ministers. In all cases, depending on the type, the

Nature and importance of the project, the opinion of the ministers concerned is required without prejudice to the environmental impact study.

- All land acquisitions are subject to the prior approval of the communal or municipal council of the place where the property is located, after receiving the reasoned opinion of the Land Management Commission. In any event, no land acquisition may exceed a surface area of

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one thousand (1000) hectares. ***All development projects must ensure sustainable agriculture, respect ecological balance, preserve the environment and contribute to guaranteeing food security in the interests of present and future generations.***

**(1). Opportunities for young people :**

*Limiting the surface area to be acquired, and the notification and approval process when moving from one surface area bracket to another, is a good mechanism for limiting the sale of large tracts of land by nationals or non-nationals fulfilling the acquisition conditions in rural or urban areas. It should be noted that for areas of two (2) hectares or more, a purchase authorization must be obtained on the basis of the relevance of a development project. In this way, no area of land larger than two hectares will remain undeveloped. This practice would force the implementation of projects that would develop localities and communities. This in turn will help create jobs for young people and women. Henceforth, the trilogy: Area, Development Project and Approval is a standard that limits the land-grabbing schemes that were damaging our country. The setting of a ceiling of one thousand (1,000) hectares is an important variable.*

***Article n°362: Acquisition control system to prevent land grabbing and increase the State's land holdings.***

The Agence nationale du domaine et du foncier exercises a right of pre-emption on all transactions involving rural land. Any sale of rural land without the Agency's approval or pre-emption notice is null and void. A decree issued by the Council of Ministers will specify the procedures for exercising the right of pre-emption.

**Benefits for young people and the state:**

*The provisions of the right of pre-emption also make it possible to verify the aims of various rural transactions and to know the surface areas of land transactions. This mechanism makes it possible to detect land-grabbing operations with a view to their eventual regularization for the benefit of the State, communities and young people. It's a good filter for limiting land grabbing.*

***Article n° 6 du Décret 2015-029 du 29 janvier 2015 fixant les modalités d'acquisition des terres rurales en République du Bénin.***

"Transactions involving rural land may not have the effect of transferring ownership rights over an area of more than one thousand (1,000) hectares to the same individual or legal entity, either in a single block or cumulatively, on the national territory. No land title may be issued for an area equal to or greater than one hundred (100) hectares.

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### **Interest for young people**

*It is therefore impossible to obtain a single land title for a plot of more than one hundred (100) hectares. This prevents multinationals from securing more than one hundred (100) hectares, making it difficult for young people to gain access to land. We are therefore delighted to see that it is impossible for a single person to monopolize a large area, preventing young people from gaining access to exploitable land.*

*Article n° 26 du Décret 2015-017 du 29 janvier 2015 portant Attribution, Organisation et Fonctionnement des sections villageoises de gestion foncière (SVGF) en République du Bénin. "In accordance with the provisions of Article 352 of the Land and Property Code, the intervention of the SVGF is required, on pain of nullity, for all acts of definitive transfer of rights established or acquired according to custom..."*

### **Interest for young people**

*Obtaining a deed of presumption of customary land requires a public and contradictory inquiry by the village land management section, which removes any equivocation of monopolization and illicit exploitation tending towards monopolization. So nothing is hidden. It preserves nationals' access to customary land for farming purposes. So, an opportunity for secure access to land for young Beninese. So, any hidden or disguised land-grabbing plans will be revealed through the work of the village land management sections of grassroots communities in the communes.*

*We can therefore conclude that Benin has been able to limit and even prevent land grabbing by means of a strict land tenure framework, in order to increase the promotion of agriculture by facilitating access to land for active populations such as young people and women.*

### **A model that encourages young people's agricultural and land projects**

This model, based on the supervision and simplification of the land tenure security procedure and supported by the trilogy: Area, Development Project and Approval, limits any land grabbing schemes that were detrimental to our country and therefore to our young people. So, it now offers several opportunities to young people in Benin:

- Identify available land parcels for community and individual youth projects;
- easy access to farmable land ;
- promoting agriculture to ensure food security ;
- contribution to ecological balance and environmental preservation;

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- creating decent jobs for young people ;
- increased economic and agricultural development based on youth action.

Here are some of the advantages of this model for young people in the agricultural and land sector.

## 2.2 The case of Senegal: an unfinished land reform model that encourages large-scale land grabbing

### 2.2.1 Lack of legal regulation of land grabbing

Faced with the resurgence of large-scale land grabbing, the question that needs to be asked is how can we regulate these land grabs so that at least the population, especially young people, can benefit from them? Some countries, such as Benin, have attempted to answer this question through land reform. However, this reform undoubtedly offers certain opportunities for populations in general and young people in particular. In Senegal, however, large-scale land grabbing continues to gain ground. Unfortunately, current legislation makes no provision for effective regulation of these land grabs. The new decree n°2020-1773 amending decree n°72-1288 of October 27, 1972 relating to the conditions of allocation and disallocation of land in the national domain is a major innovation, but it does not provide an effective and lasting solution to large-scale land grabbing<sup>2</sup>.

### Young people's agricultural and land projects threatened

*Table 1 Available data on land agreements in Senegal*

Companies	Nationality	Type of contract	Years	Area	Type of operation	Comments
India	India	Government program	2011	150,000 ha	Cotton, maize, rice, peanuts	Setting up lines of credit for peasant farming development
China	China			100,000 ha	Peanut production	

<sup>2</sup> On this subject, see Article 2 of **Decree no. 2020-1773 amending Decree no. 72-1288 of October 27, 1972 on the conditions for allocating and withdrawing land from the national domain:**

**Article 2:** Land for cultivation and clearing is allocated by deliberation of the municipal council. This deliberation is enforceable only after it has been approved, either by the Sous-préfet, or by the territorially competent Préfet when the area subject to deliberation does not exceed 10 hectares.

However, when the surface area is between 10 and 50 hectares, only the prefect of the département in which the base is geographically located approves the deliberation.

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<b>Daton Trading Enterprise</b>	China	Government program	2009	60,000 ha	Sesame	
<b>Dangoté Industries</b>	Nigeria	Investment agreement with the government	2001	40,000 ha	Sugar Cane Plantation	Also present in the cement industry
<b>Foras International investment co.</b>	Saudi Arabia	Allocation by the government		5000 ha	Rice	Planned expansion to 700,000 ha

### 3. TWO MODELS OF LAND REFORM WITH DIFFERENT LEGAL AND INSTITUTIONAL IMPLICATIONS.

Benin's and Senegal's reforms come from provisions that impact the sectors of :

- Justice;
- Economical;
- Social;
- Youth....

A comparative and differential analysis is presented in the table below.

#### **Comparative and differential table of provisions on land grabbing: the case of Senegal and Benin.**

We'll show where we converge and where we differ.

#### **Points of convergence and divergence**

#### **Sources: Personnelle**

The two legal systems do not discriminate in terms of access to land for different segments of the population, be they young people, women, the elderly, etc., nor do they discriminate in terms of access to land.

However, the fundamental difference lies in the fact that land grabbing is strictly and clearly regulated in Benin by a binding legal framework. In Senegal, on the other hand, current legislation calls for land reform to provide a better legal framework for large-scale land grabbing. In this respect, Benin's land reform could in many ways serve as a model for Senegal, to the benefit of its young people.

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## The Beninese model has made significant progress for young people

Land reform in Benin has taken into account the following key laws:

- *The Personal and Family Code for young people's right of access and inheritance;*
- *Law No. 2011-020 on the fight against corruption and other related offences in the Republic of Benin for sanctions against land fraud;*
- *Law no. 90-32 of December 11, 1990 establishing the Constitution of the Republic of Benin.*
- *Law No. 2017-15 amending and supplementing Law No. 2013-01 of August 14, 2013 on the land and property code in the Republic of Benin for the overall management of land policy in Benin.*

All these laws contribute to the effective regulation of land grabs, thereby reducing the rate of correction. As a result, the business environment focused on land management is in better shape.

## Legal and institutional delays in the Senegalese model

The aim is to provide a critical analysis of the legislative and regulatory texts on land tenure in Senegal, and to highlight the urgent need for land reform in Senegal to better control land grabbing by young people and women.

*Table 2: Comparative provisions between Benin and Senegal*

PLANS	Provisions on land grabbing in Benin	Provision on land grabbing in Senegal
<b>Legal</b>	Articles 14; 361; 362; Article n° 6 du Décret <b>2015-029</b> du 29 <b>janvier 2015</b> fixant les modalités d'acquisition des terres rurales en République du Bénin. Article n° 26 of Decree <b>2015-017</b> of <b>January 29, 2015</b> on the Attribution, Organization and Functioning of village land management sections...	The National Estate Act From 1964 ; Decree of 1972 on the conditions of allocation and disallocation of land in the national domain; Article 2 of <b>Decree no. 2020-1773 amending Decree no. 72-1288 of October 27, 1972 on the conditions for allocating and withdrawing land from the national domain.</b>
<b>Economical</b>	- Benin has set up a program to improve the business climate through good land management;	- Senegal wants to catch up in its economic, social and environmental development. - The Emerging Senegal Plan has been in place since 2015, with the aim of achieving economic and social development by 2035.

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<b>Social</b>	The government has adopted a policy of limiting land conflicts by setting up local land management bodies responsible for monitoring and conducting public and adversarial surveys.	The government adopts the principle of complementarity between family farming and agribusiness.
<b>Youth</b>	- The land and property code, which provides a framework for simplifying land procedures, makes it easier for young people to access land. What remains to be done is to raise young people's awareness of the opportunities available to them in the land sector.	In the light of the above, it is clear that the legal framework governing land tenure in Senegal is "sick" and in need of in-depth reform to benefit the population, especially young people. It is important to emphasize that the legal framework is not an obstacle to young people's access to land. However, large-scale land grabbing and the progressive development of land corruption are not beneficial to young people. At present, there are no legal provisions either to regulate land grabbing or to combat land corruption. However, in Senegal, a decree was recently issued (2020) to more or less regulate large-scale land allocations. The content of this decree is certainly interesting, as it at least provides a legal and political framework for large-scale land allocations. But it says nothing about the threshold for land allocation, whether for nationals or foreigners. In general, it is national and international investors who come to monopolize large tracts of land, to the detriment of local populations, especially young people. Under these conditions, the case of land reform in Benin could serve as an example for many African countries, including Senegal.

## **Inconsistencies in the law on the national domain**

### **The duality of the land tenure system**

For a long time, Senegal's land tenure system was, and still is, a dual legal system, despite the enactment of law 64-46 of June 17 1964 on the national domain, article 1 of which states that: *"All land not classified in the public domain, not registered and whose ownership has not been transcribed at the mortgage registry on the date this law comes into force, is automatically part of the national domain. Nor are lands which, on that date, have been registered by a person other than the State, automatically part of the national domain"*. This attempt to regulate and provide a legal framework for land tenure has not been able to prevent the subsistence of what some, such as Ibrahima Diallo<sup>3</sup>, call "legal pluralism in land tenure". In this context, we note the coexistence of two land tenure systems that are difficult to reconcile. These are the traditional and the modern land tenure systems. The former is particularly based on ancestral land tenure practices, and is therefore opposed to the logic of the law on the national domain, while the latter is based on a modern vision of land tenure. These two visions coexist, but in a

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<sup>3</sup> Op. cit

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difficult and conflicting way. This state of affairs has a negative impact on the correct and intended application of the law on the national domain.

### **The difficulties of applying the law to the national domain**

The law on the national domain poses serious problems of application, hence the shortcomings noted in this area. In fact, article 7 of the law on the national domain states:

"Decrees issued after consultation with regional development committees divide national estate land other than that located in urban and classified areas into terroir and pioneer zones. At the date of publication of this law, the terroir zone corresponds, in principle, to land that is regularly used for rural housing, cultivation or breeding. Paradoxically, the implementing decrees have yet to be issued for effective implementation. Hence "the vagueness and confusion under which land speculation operates and creates numerous conflicts".

Moreover, article 8 of the law on the national domain provides further clarification, stipulating that: "Land in the terroir zone is allocated to members of rural communities, who develop and exploit it under the control of the State and in accordance with laws and regulations". In the absence of their demarcation on the ground, it is easy to understand the origin of the abusive allocations made by the presidents of the Rural Councils in the management of these lands, which are intended exclusively for the members of their communities. Strict application of the provisions of this article would make it possible to avoid what happened in Mbane and other rural communities. In fact, in this context of ambiguity, many of the articles contained in the law on the national domain could not be implemented. For example, article 4 of decree no. 64-573 of July 30, 1964<sup>4</sup> specifies that: "A decree issued on the proposal of the Governor, after consultation with the Regional Development Committee, defines the boundaries of each terroir." Similarly, article 24 of the decree laying down the conditions for application of the law on the national domain adds: "*In the year following the establishment of each Rural Council, the President will proceed, in accordance with the conditions laid down in articles 14 and 18, second paragraph, to the first allocation of land for the benefit of the members of the rural community.*"

But since the National Estate Act came into force, we have not had the opportunity to see these allocation sessions. In short, the inertia of local populations, hostile to any change, and the lack of human, material and technical resources are also reasons for the difficulty of applying the law on the national domain. In the same vein, the law on the State domain has not failed to pose problems.

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<sup>4</sup> Decree laying down the conditions for application of the law on the national domain

## ***The problems posed by the law on state property***

### **The duality of the domain**

The legal status of the State domain is dualist, i.e. there is the coexistence of a public domain and a private domain. Under the terms of article 1 of law n°=76-66 of July 2 1976 on the State domain code: "The State domain comprises the public domain and the private domain". Article 2 provides further clarification, stipulating that "The public and private domains of the State include all movable property belonging to the State. Those of these assets which, by virtue of their nature or the purpose for which they are intended, are not subject to private appropriation, constitute the public domain. Other property constitutes the private domain. In effect, this article recognizes the State's right of ownership. At this level, the national domain differs fundamentally from the State domain in that the former groups together things that are not appropriated, as Monique Caverivière and Marc Debène point out<sup>5</sup>. The latter, on the other hand, is a property domain: the goods that make up the State domain belong to the State.

The State is not the owner of the national domain. There are two types of State domain: public and private. The private domain includes movable and immovable property and rights acquired by the State free of charge or against payment in accordance with ordinary law, immovable property acquired by the State through expropriation, immovable property registered in the name of the State, and immovable property pre-empted by the State, movable and immovable property and rights confiscated in favor of the State, and abandoned buildings incorporated into the domain in accordance with the provisions of article 82 of the decree of July 26, 1932 reorganizing the system of land ownership. The State's public domain is divided into two categories: the natural public domain and the artificial public domain. But the most recurrent problem is that the State often abuses its prerogatives in land matters.

### **Progressive development of land corruption to the detriment of young people**

#### ***(1) The state's considerable abuses***

According to article 1 of the law on the national domain of Senegal: "*All lands not classified in the public domain, not registered and whose ownership has not been transcribed at the mortgage registry, on the date of entry into force of this law, are automatically part of the national domain. Nor are lands which, at that date, have been registered by a person other than the State, automatically part of the national domain*". In fact, registered property enters directly into the State's private domain, which is defined in article 2 of the Code du domaine de l'Etat as all movable property belonging to the State. And it is precisely this system of State ownership that sometimes has unfortunate consequences. Normally, the State should use this power of

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<sup>5</sup> See *le droit foncier sénégalais* by Monique Caverivière and Marc Mebène

appropriation for purposes of general interest, but this situation is sometimes abused. In fact, the State sometimes grants concessions or sells land in its private domain. In other words, today, it is regrettable that the State favours large-scale land acquisitions.

With the global food crisis and the growing need for renewable energies, governments and national and international investors are acquiring vast tracts of land in developing countries. In just a few years, this phenomenon has gained considerable momentum. A World Bank report published in 2010 notes that in 2009, 45 million hectares of agricultural land were traded, 10 times more than the average over the past decade.

**4. THE BENEFITS OF GOOD LAND GOVERNANCE IN BOTH STATES**

Effective land governance generates benefits, some of which are listed in the table below:

**Table 2** *Benefits of good land governance in both countries*

For economic growth and job opportunities and [for young people too].	Good governance in land registration and state land administration increases land tenure security, reduces conflicts, lowers transaction costs and attracts private investors.
For the poor [And for young people too].	Good land governance brings the rule of law within the reach of the poor. The transparent state of a fair, inexpensive and accessible land tenure system, land registration services, legal support and a diversity of options, all improve the poor's access to land, protect them from illegal evictions and improve their status and position within society.
For the environment and [for young people too].	The security of land tenure resulting from good governance creates a long-term perspective, and an incentive for landowners to use their land appropriately. The transparent state of the regime, combined with public participation, helps to protect the environment, as there may be some illegal transfers of land in environmentally sensitive areas.
For the public management sector and [for young people too].	Weak governance and corruption in land management lead to a high percentage of land transactions being carried out informally; good governance can encourage land transfers within the framework of the formal market. This will enable the State to benefit from land taxation and to better prepare and reinforce the use of land plans. Good governance also protects state-owned land from illegal exploitation and sale.
For conflict prevention and resolution and [for young people too].	Through good governance in land management, conflicts over property rights caused by bribery and fraud can be avoided. Without corruption, the court can deliberate fairly on land disputes.
For citizens and society as a whole and [for young people too].	Because good governance increases the security of land tenure and reduces land conflicts, citizens feel more secure. Citizens are more comfortable adopting the right behaviors and gain mutual trust in the state and institutions, if good governance is practiced. It is essential that social and political stability be maintained.

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## 5. RECOMMENDATIONS

- *Promote regional integration of land governance in order to share experiences and improve the land practices of other countries less advanced in the sector;*
- *Build the capacity of "young" players in the sector to ensure a quality succession and limit the risk of land disputes;*
- *Create a favorable policy environment for easy and equitable access to land for young people;*
- *Encourage and support civil society networks in the sector to increase the impact of the state at local level.*

## 6. CONCLUSION

All in all, we can see that the issue of land grabbing needs to be rethought by all West African states, following the example of successful countries such as Benin. Each state should therefore set up an institution to control and regulate land allocations, especially in rural areas, to enable young people, who are the active workforce, to invest in agriculture without being blocked by the difficulty of accessing rural land, which is the key to the development of our communities.

## 7. RECOGNITION

We would like to thank the International Coordination of Youth Initiative for Land in Africa (YILAA), its various focal points and members across 20 African countries. Your collaboration has been invaluable.

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