



Varieties of Land Grabbing and Resistance in Burkina Faso

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In the context of a renewed global food price crisis, this article provides a timely examination of the mechanisms behind the global wave of land grabbing that accompanied the last food crises of 2008 and 2012. According to FAO's food price index, the 2021 surge in global food prices went beyond and above the one observed in the double peak of 2008 and 2012, and the 2022 food prices, at the time of writing, promise to reach even higher levels given the foreseeable tensions on wheat markets. In 2008, the global surge in food prices led numerous governments and transnational corporations to strike large land deals with countries of the Global South to secure their food supplies in the medium to long term. This trend, which occurred throughout the Global South, was dubbed as land grabbing, land rush or large-scale land acquisitions (Borras and Franco 2012; Edelman et al. 2013; Alden Wily 2012b; 2012a; Akram-Lodhi 2012).

Although "land grabbing" is a long-standing phenomenon which can be traced back to colonisation, researchers generally refer to the term to designate the accelerating trend towards large land deals in the Global South which occurred after the global food crisis of 2007/2008. Some of these projected land deals made international headlines: the 99-year lease agreement between Daewoo and the government of Madagascar agreeing to a transfer of control over up to half of all arable land of the country (Walt 2008). Although Burkina Faso is a land locked country with poor infrastructural access to global markets, it has not been spared by the global

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land grabbing wave. Why and how does land grabbing occur? The dispossession of land to which the peasantry had access for decades or centuries is the result of complex and combined mechanisms: world food markets and global corporate interests, local political will (or lack thereof) and interests, power relations between the peasantry and local or national administrations, the regime of ownership on rural land, and so on. This article studies these root causes by focusing on the Burkinabe case and examining it through the prism of legal pluralism, and the diverse ways that state property and commons (here understood as customary or neocustomary (Boone 2015) ownership) interact, arguing that these (largely conflictual) relations are what enable land grabs to happen on such a large scale.

The history of conflicts between these two ownership regimes dates to the beginning of the French colonisation. If the 1955 decree recognising customary property in the *Afrique Occidentale Française* (AOF) paved the way for reconciliation, successive post-independence governments, regardless of their political orientation, only deepened the contradictions between the State property and customary ownership. It was only in the late 1990s that we see the emergence of a trend in African states to recognise customary property rights. Burkina Faso joined the movement with the 2009 Rural Land Reform and the 2012 Agrarian Reform. However, as this article illustrates, these ambitious reforms did not translate into a radical transformation of the relations between state and commons on the ground. Instead, the dialectics of dispossession and resistance, observed since the beginning of the colonial period, still operate, although in evolving and novel forms: while the state was arguably acting as steward of the national land until the 1980s and operated customary land dispossession largely for developmental purposes, since the 2000s customary property in rural Burkina has been hit by new forms of dispossession driven by profit. Despite Burkina Faso's landlocked geography, for the past twenty years, the State, national and transnational corporations, as well as their associated actors have undermined, circumscribed, or destroyed the commons without much accountability or justification.

Although the height of antagonism between state property and the commons was reached during the colonial era and under the revolutionary period of the National Council of the Revolution (from 1983 to 1987) (Speirs



1991; Tallet 1989), today one observes a renewal of tensions between the interests of customary rights holders and those of the state broadly defined, as a result of the global wave of land grabbing (Dolcerocca 2022). In Burkina Faso today these tensions erupt under the shape of three main processes, examined successively in this article. First, large development projects together with a mining boom have triggered a wave of expropriation by eminent domain whereby peasants since the mid-2000s have been displaced by the state on a massive scale with little to no compensation, and with questionable developmental results. Second, economic, administrative, and political elites from major urban centers (locally dubbed *nouveaux acteurs*, or “new actors”) have engaged in large rural land acquisitions, often for speculative purposes, at derisory prices since the late 1990s, with the tacit approval of state services. Finally, in the wake of both the decentralisation and the rural land reforms, the state rediscovers and reaffirms the ownership of its public domain on land that has often been *de facto* occupied and exploited for decades (Tallet 2009), triggering a re-emergence of conflicts and the dispossession of land.

Land Grabbing by Eminent Domain

In recent years, the Burkinabe State has used the procedure of eminent domain on rural land for two main purposes (in terms of land area): for agricultural modernisation and for gold mining. The mining industry has benefitted from large transfers of land for ore prospecting purposes (in 2017, close to 20% of the total area of the country had been assigned to prospecting permits, a colossal area that has since decreased), hence threatening to significantly reduce available arable land in a country where pressure on land has been rapidly increasing (COPAGEN 2012). In the agricultural sector, similar processes are at play with the creation of “poles of growth” around large hydroelectric dams. These areas are destined for the growth of the agribusiness industry on land that has been under customary ownership. In both cases, compensations are below the initial promise or non-existent, and delays and discontent are widespread (Ouattara and Kani 2022).



The procedure for eminent domain includes a study of impacts of the project on the population and the environment, followed by the classification of certain areas as being “of public utility” (*Zones d’Utilité Publique*), eventually leading to the expropriation of the owners of the land, but the key feature of eminent domain is probably the compensation that is to be delivered to the dispossessed landowner. It is this compensation that fully acknowledges them as the former owners of the land. Although this procedure is well known and described in detail by the law, state administrators and politicians often bypass one or several of the essential steps of the process, and in effect confiscate land from local populations with little to no consultation or compensation. Such use of eminent domain without providing compensations to customary land holders illustrates how the state is considered as owner of the land still today, although customary rights on land have been fully recognised since 2007.

“Poles of Growth” (“Pôles de Croissance”)

It should not come as a surprise that one of the main processes whereby the State dispossesses peasants from their land is called “pole of growth.” These consist of irrigated areas created on arable land surrounding large dams (Dialla 2002). They are mainly intended for lease to agribusiness corporations, to promote the “modernisation” of the agricultural sector. Burkina Faso has two main poles of growth: the two dams of Bagré and Samendeni. Each has irrigation projects downstream, as well as a vast surrounding area which the state declared a Public Utility Zone, and susceptible of expropriation. In both instances, the purpose of the project was to foster the development of intensive agriculture (Kabore 2013). The two projects are at different stages of development: the Samendeni project has been plagued with delays and issues and is not yet operational although populations have already been displaced, while Bagré is already functioning. However, in both cases, locals complain about the inadequacy of the compensations received. This is reminiscent of the case of the mining boom, whereby State administrators behave as if the proximity to the project, and



the opportunities it provides to locals, constitute in themselves a large enough compensation.

What is now called *Bagrépôle* (or the *Bagré Pole of Growth*), is a project of agricultural development around the dam of Bagré (South East), which is carried out in line with the World Bank's development policies. The project, led by a public/private partnership, aims to promote the development and modernisation of agriculture through the intervention of the "dynamism of the private sector" and the development of agribusiness. The project is located on 500,000 hectares that was declared an Area of Public Amenity (*Zone d'Utilité Publique*) by governmental decree in 1998. The declaration of public amenity (*déclaration d'utilité publique*) constitutes the last legal act in a procedure of expropriation, hence officialising the transfer of land into the public domain of the state.

The construction of the dam was initiated under the revolution when all land was considered state property. The area was managed by the state, which provided collective compensations to displaced peasants and built new villages to relocate the populations. In 2008, or fourteen years after the completion of the dam, the state finally developed 3,380 hectares of irrigated land that were distributed to displaced populations in plots of 0.75 to 1 hectare of irrigated land, which is hardly enough to cover the needs of a family who owned ten hectares or more before the relocation². Close to 60% of the total irrigated area is destined to agribusiness and by 2019, 108 "agro-investors" had joined the project. Before the irrigation infrastructures were in place, the average yield was four tons per hectare. The initial objectives of yield improvement were reduced from 6.5 to 5 tons per hectare, i.e., a mere 25% improvement in productivity. In the meantime, between 4,000 and 5,000 people have been directly impacted by the project, whereby their housing, fields or both were confiscated. In 2019, hundreds of peasants were still left without land or were insufficiently compensated, since the initial evaluation of yield increase had been overly optimistic.

² Interview at the *Confédération Paysanne du Faso*.



Bagrépôle is a particularly interesting case because of the discrepancies between the official narrative of success story and the reality described by peasants and unions on the ground. In the governmental and media narrative (in stark contrast with the disastrous case of Samendeni), it constitutes the ideal case of a modern, efficient, and just development project that follows the standards of international organisations with a rigorous social and environmental impact study, and adequate compensations for internally displaced populations (Ouattara and Kani 2022). Nonetheless, on the ground and among civil society organisations, the project is widely criticised for its lack of transparency, its enthusiasm for intensive agriculture, and as well as its failure to fulfil some of the promises and assurances given to peasants, particularly in terms of the land promised for compensation.

The Burkinabe Mining Boom

The first main phenomenon whereby the state dispossesses peasants from their land under the pretext of development is in the mining industry, with a boom in industrial mining that started in 2007. In less than ten years, mining output was multiplied by more than 20 (from US\$17,5 million in 2006 to US\$348,9 million in 2015). In 2019, Burkinabe gold exports represented 71% of all national account exports.

In Burkina Faso, mining encompasses two very different activities, both linked to the extraction of gold: traditional gold mining and industrial gold mining. Traditional gold mining in Burkina Faso has existed for centuries along the Mouhoun (Black Volta) river. Despite artisanal gold mining being restricted in favour of agricultural production under the Sankara government, the practice persisted (Luning 2006). Burkina Faso has witnessed one of the fastest episodes of growth of mining industry in history: in less than a decade, it became a mining giant in Africa. In 2007, Burkina Faso had only one old semi-mechanised gold mine in Poura, opened in 1934 (reopened intermittently in the following decades) that had fallen into disuse. By 2012, six gold mines had opened. Today, the country counts more than fourteen gold mines scattered all over its territory, producing 36 tons of ore per year. The 2003 mining code was designed to attract foreign investors, and as a



result contained particularly lax environmental or tax regulations. The revised Mining Code of 2012, however, is more in line with international standards and regulations when it comes to containing minimal safeguarding measures for the environment and local populations.

Yet, Burkina Faso's gold mining, like most of the gold mining industry in newer markets, is made of small venture corporations with limited capital (junior mining). Such high-risk high-gain business model is highly dependent on short-term profits. These companies hence look for new mining frontiers like Burkina Faso today, in hope for quick return on investment and high profit margins (Luning 2020). This kind of "low cost" business strategy (as advertised in those terms on NordGold's website,³ for example) has negative repercussions on their approach to "corporate social responsibility": from environmental protection (such as regular inspections of the sealing of cyanide basins) to the compensation to local populations for the loss of their activities. There is a striking discrepancy between what locals are being promised (in terms of economic development, dwelling, employment, etc.) in order to convince them to leave their land behind, and what mining companies actually deliver. The promised schools, mosques, churches, or dispensaries seldom materialise at all; and local employment is marginal, in spite of promises (Drechsel et al. 2019).

After the revision of the Mining Code in 2003, the state was complicit in a vast scheme of dispossession of land from customary holders, in favour of foreign mining companies: permits of exploration and extraction were delivered in unclear conditions, without any study on the environmental, economic, or social impact of any of these mining projects. Since the beginning of the mining boom, the state delivered prospection permits for an estimated 5.5 million hectares of land. This represents 20% of the total area of the country and is equivalent to the total area of arable land (COPAGEN 2012). Only a portion of that vast area under prospection will be suitable for mining, but the mining boom and its associated land dispossessions (despite the lack of estimates on the total area of lost agricultural land) bear heavy

³ NordGold owns the Bissa gold mine deposit (*Boucle du Mouhoun* Region)



social and economic consequences, not only at the local but also at the national level.

Gold Mining, Empty Promises and Resistance

The population of Burkina Faso was not familiar with the mining industry when the works on the first mine started at Youga in 2007. While people initially welcomed the opening of gold mines around the country, they quickly realised that they had overestimated their expectations in terms of local economic development (Pokorny et al. 2019). The opening of the first industrial mine in 2008 in Youga (Southeastern Burkina – Boulgou Province), owned by Burkina Mining Company at 90% was welcomed positively by the local population: promises of economic development, employment, and infrastructures more than counteracted, it seemed, the loss of agricultural land. But by January 2009, a few dozens of residents of Youga blocked access to the mine in protest of the alleged pollution of the nearby river by leaks in the cyanide pools. Villagers reported that several cows died inexplicably downstream, just on the other side of the border, in Ghana.

In the village of Essakane (Sahel Region), 500 meters from the site of the Essakane gold mine, three children were intoxicated (two of them died) and dozens of cattle died (cows, sheep and goats). Animal carcasses were incinerated immediately, and no conclusive link was ever made between the mine and these deaths, but the population of the village remains convinced of the mine's responsibility and suspects a leak in one of the cyanide pools (Porgo and Gokyay 2017). If such environmental disasters seem to remain exceptional and accidental, rather than resulting from deliberate practices, the destruction of arable land by mining sites constitutes a more pernicious and worrying issue. In a country where available arable land becomes an increasingly rare resource, and where a significant portion of the population suffers from chronic malnutrition in the Sahelian zone, the consequences of the destruction of thousands of square kilometres of arable land remain unknown, and potentially disastrous.

Finally, at the Bissa Gold mine, in June 2016, villagers rioted, entered the mine, and burned down or destroyed most of the machinery. The police



intervened and cleared protestors. Lately, in August 2021, the inhabitants stopped all operations at the mine to demand that the long-promised construction of the church begin (LeFaso 2021). There are frequent reports of such cases of protests around mines due to either lower-than-expected compensations or environmental damages. In these conflicts, the state plays a rather unambiguous role: it protects the interests of the mining corporations by ensuring that protests are being repressed. Customary authorities are always involved in such conflicts between the state and customary right holders, either on the side of the resistance against the state, or as intermediaries and negotiators in the resolution of the conflict.

Both forms of land grabbing by eminent domain, first for irrigated agricultural development, and then for industrial gold mining prospectation, illustrate how peasants in Burkina Faso have been dispossessed of their land and displaced by the state, often with inadequate compensation. These procedures are justified by a developmental horizon promised by gold mining or irrigated agriculture, but this form of development, while benefitting some of the corporations and employees directly involved, leaves behind the rest of the population, who often must live under harsher conditions than before.

Elite Land Grabbing

A second mechanism of land dispossession in Burkina Faso consists in land acquisition by “new actors” (*nouveaux acteurs*), or what we could call elite land grabbing, whereby private individuals who live in the main urban centers buy land for investment purposes. In Burkina Faso, “*agrobusiness*” (agribusiness) was heavily promoted and encouraged by the state starting in the second half of the 1990s, with the purpose to engage in a process of modernisation of agriculture, in parallel to other similar efforts such as the poles of growth. Land acquisitions by ‘new actors’ emerged in parallel to agribusiness in the late 1990s and accelerated in the 2000s. These new actors consist primarily in Burkinabè nationals, with limited number of foreigners. These private land acquisitions are locally qualified as land grabs (*accaparements de terre*) and often conflated with state dispossession through eminent domain because the central question in Burkinabè research



nowadays is that of the rising pressure on land, with both processes being equally worrying in a context of increasing tensions around arable land and other natural resources (Bouju 2020).

Indeed, in Burkina Faso, except for the case of ‘poles of growth’ studied above, the process of agricultural land grabs is not formally state-led, contrary to the textbook processes encountered in other African countries, where the state uses its claims to ownership of the land (against customary land holding rights) to lease large areas of arable land to corporations for cash crop production. Such schemes require large amounts of “available” land and most of all, because production is going to be exported, it requires transport infrastructures or an easy access to the open seas. However, Burkina Faso, a landlocked country with a limited area of highly fertile lands, does not fit into this classical narrative of land grabs, and is relatively shielded from the state-led large-scale dispossession that have been witnessed especially in Eastern Africa (Edelman et al. 2016; Dell’Angelo et al. 2017; Akram-Lodhi 2012). Nevertheless, this form of elite land grab constitutes a major issue in Burkina Faso today. While they may not be conducted directly by the state, the state is responsible for them indirectly: land grabs are conducted by a Burkinabè elite, locally known as ‘new actors’ (*nouveaux acteurs*) who are in close connections with the state officers regulating land sales, and therefore benefit from the inaction, if not the support, of the state apparatus for acquisitions that are often abusive.

What researchers call *nouveaux acteurs*, or “new actors”, correspond to a category of city-dwelling members of the administrative, political, or economic elites that acquire large areas of agricultural lands from peasants. Under customary rules, land is sacred and inalienable, and land transactions occur via loan/gifts when an owner has unused land and someone (typically internal migrants) ask for land to settle to ensure their subsistence. ‘New Actors’ do not fit that model. They are often originally from the village in which they buy the land but are settled in the city. They seldom have any previous experience in agriculture, and do not need the land for their subsistence. These types of transactions are somewhat new and are marked by a glaring imbalance between buyers and sellers when it comes to the level



of knowledge of their rights, the value of the land, or the implications of the transaction. The emergence of the new actors has radically transformed land transactions in customary law: from a loan/gift with a somewhat symbolic offer from the “buyer” (or the borrower/receiver), transactions have become increasingly monetary and land prices have skyrocketed under the pressure of numerous and wealthy buyers.

Contrary to the often-simplistic situation described in classic cases of land grab, whereby large-scale land acquisitions by local or foreign entities are facilitated through the state claiming rights on land, the reality behind the term “new actors” is complex: people who buy off large amounts of land from the peasantry may have different backgrounds and assume different objectives for their acquisition. In the regions surrounding Ouagadougou, the fertile lands of the south of the country that are easily accessible from the capital have been bought off by ‘new actors’ since the late 1990s. It started with the province of Ziro, then Sissili (both located south of the capital) and most recently, the province of Ganzourgou (east of Ouagadougou) have started to attract the interest of investors. All these provinces are rural and, before the land acquisitions, disposed of large reserves of arable land (S. Ouédraogo 2006).

As established by a large study conducted by the *Groupe de Recherche et d'Action sur le Foncier (GRAF)*, in the province of Ziro, 41% of land buyers are senior state administrators and 31% of them are senior executives from the private sector. The remaining 28% are from a wide array of professions, such as doctors, professors, and artisans to clerics (GRAF 2011). Only 8% of the new actors interviewed acquired land before 2000 and almost all of them live in Ouagadougou. This goes to confirm that this is a very recent phenomenon, which started to emerge only after the growing commoditisation of land in peri-urban areas and is driven primarily by members of the elite living in the capital, disproportionately state administrators and politicians, or entrepreneurs. They have little to no experience in agricultural production, and a number of them do not intend to engage in agricultural activities at all, as demonstrated by acquired land left fallow, particularly in the Ziro province (Zongo 2010; 2011).



The government initially turned a blind eye to the “new actor” trend and saw it even positively as part of the agribusiness turn of the early 2000s. Indeed, the hope was that buyers would make investments on the land and improve it, thereby increasing productivity⁴. However, only a very small proportion of the farms meet this objective, and an astounding 60% of the land acquired is left unexploited (GRAF 2011).

This development of large-scale capitalist agriculture certainly signals a penetration of the capitalist mode of production into a rural world that was primarily centred on subsistence agriculture and small commodity production. The consequences of this on the customary regime of land property were immediately clear. As investors (regardless of their intentions, whether it is to produce agricultural goods, or merely for land speculation) bring capital to rural areas that had been almost entirely deprived of it, and express their willingness to acquire land, customary rules that would not allow such transactions to go through may not keep up much longer. Indeed, as the government started to promote agribusiness, the solid line that separated land gifts/loans from land sales (the latter is contrary to customary law, while the former is authorised when a foreigner/migrant requests land to settle in a village) is blurred, until the present situation in which “land gifts” really constitute land sales.

Therefore, a widely shared diagnostics among policy makers, academics and activists in Burkina Faso is that pressure on land has been mounting to unsustainable levels, and that new actors are largely responsible for the worsening of this situation. Although there are no official numbers available, the *Confédération Paysanne du Faso (CPF)*⁵ claims that the number of

⁴ While many of these transactions concern areas between 20 and 100 hectares (60% of the total area reviewed in the Ziro province, according to the GRAF study), smaller areas (less than 10 hectares) may also constitute a target for investors, while very large areas (sales for up to 800 hectares were registered) although rare, represent however 20% of the total land in question.

⁵ The main peasant union of the country.



landless peasants has been growing alarmingly and that the first signs of social unrest resulting from it are increasingly visible.

“New actors” and new forms of resistance

Patterns of resistance to land grabbing by “new actors” takes two main forms: “double sales” and violent repossession. What is called a double sale occurs when a customary landholder sells some land, and later, other family members, who also had a right on that land, request their share of the sale from the buyer, effectively forcing her to buy the land twice (or many more times), each time from a different relative. The most common case of double sale is the case in which the initial transaction was genuinely considered as a loan by the customary owner (and by the customary authorities of the village), while the buyer considered that they had bought the land and therefore owed no future payments to the landowner. Following the death of the customary owner, descendants may seek to end the loan in order to cultivate the land. The ‘buyer’ then has no other choice than paying for the land, again.

The other form of resistance emerges when the buyer is unwilling to renegotiate the sale or gift/loan via a “double sale.” Claimants to landownership may then resort to violent means to achieve their objectives: either renegotiation or repossession. This phenomenon has so far been largely limited to the province of Ziro, and on small to medium sized land acquisitions (between 10 and 30 hectares), and is performed by *koglwego* groups: a self-defence group composed of young men from the family and their acquaintances surrounds the property, blocking access to it, if it is currently being cultivated, or simply taking possession of it if it is vacant, which is often the case (Frowd, 2022). The final objective of these repossessions remains unclear. It appears that in certain cases, the only purpose of such operation is to obtain more money from the buyer under the pretext to finalise the sale. In that case, we this is what we could call a coerced double sale. Nevertheless, in other cases – the overwhelming majority, according to the CPF – youth conduct these operations after failed attempts at migrating to the city and working in the informal sector. They come back



to their village, find the land where they had planned to settle has been sold to a new actor, and retake possession of it. This form of land repossession is nothing but the reaffirmation of the lineage's customary claims on land against the formal private property regime.

These types of land rush and conflicts between peasants and new actors, whether they take the shape of a mere renegotiation of the sale or turn into a violent confrontation that ends with a repossession of the sold land, illustrate the tensions between two parallel property regimes, whose modalities are hardly reconcilable.

Reform Grabbing

The third form of land grabbing in Burkina Faso today is what I call "reform grabbing". This form of land grabbing stems from a situation of legal pluralism in land ownership, whereby two competing property regimes on rural land have been coexisting for decades. In Burkina Faso, customary rights were always tolerated in practice, even in the revolutionary period between 1984-1987 when all land was nationalised. As a consequence, until the latest land reform in 2012, land laws were based on legal principles largely inherited from colonial time aiming at the individualisation and registration of land ownership, while land transactions continued to be regulated following customary practices (B. Tallet 2009; Gbaguidi 1997; Lund 2001). This created a situation of legal pluralism whereby different, seemingly irreconcilable, legal norms coexist. This superposition of different levels of contradictory legal norms has one main consequence: a general insecurity when it comes to land rights. For instance, if a migrant obtains a plot of land for their subsistence via a loan/gift transaction under customary rights, they have no guarantee that the lender or his descendants would not, at any point in time, contest this customary transaction by appealing to statutory land law.

Today, following the 2012 reforms, landholders in Burkina Faso are still faced with a situation of legal pluralism. The state now recognises customary rights, but not all, as virtually all land is under a customary claim and the State would then be renouncing all its claims on land. Instead, the reform



implies that all pieces of land either fall under State property (i.e. the public domain) or under customary ownership. This requires arbitration to settle which land is in fact owned by the State and which is not. Although this is clearly stated in articles 13 and 14 of the 2012 reform, the State appears to be incognisant of the extent of its own public domain, which considerably complicates the task (Dolcerocca 2022).

Colonial authorities asserted by way of decree their property over large swaths of land, mostly, but not exclusively, forests. After independence, the State kept these claims unchanged but did not effectively use them. If numerous natural reserves have been officially declared, with property titles delivered to the state once the decree of reservation is published, maps showing their exact delimitations have often not been updated since the decree (in most cases, in the 1930s). The immediate consequence of these practices is that there is no service in the state bureaucracy that can precisely ascertain the extent of the State's public domain. Following decades of deforestation and anthropisation, forest limits are obsolete, and no longer correspond to the reality. Infrastructural works realised by the state are devoid of property titles that would ensure their registration in the cadastre and are instead scattered between different directorates (water, animal resources, agriculture, etc.) (D. Ouédraogo 2014).

Despite this situation, the 2012 land reform requires that the state take stock of its domain, obtain property titles for each developed or improved area, and update maps for its forests and natural reserves. The crucial aspect of the reform is that this process of the inventory of State land necessarily triggers a reaffirmation of state ownership of land that it had abandoned or neglected for decades, particularly protected forests. Although this process is in its initial stage, and its final outcomes remains uncertain, such return of the state will certainly create or exacerbate existing tensions or conflicts with local populations and customary authorities that have owned and managed these lands exclusively for decades.



The 2012 Land Reform and Power Relations over Competing Land Claims

As in most experiences of land reform, peasants and customary authorities tend to be suspicious of State officers and institutions conducting an inventory of the land and its owners. This is hardly surprising given the tendency of State authorities, both during the colonial period and the State-led development period after the independence, to disregard customary ownership and confiscate land. Survey officers then must be convincing and repeatedly explain the reform to reluctant peasants, a process in which the facilitating role of customary authorities is indispensable.

In addition to this form of passive resistance from below to the implementation of the reform, one observes another form of resistance, so to speak, from above: the implementation of the law by local State officers who overinterpret the text in favour of the State. While public land until recently was the exclusive property of the central State, the 2012 land reform establishes a “territorial public domain” devolving public domain ownership to local and regional state authorities when more relevant. The territorial public domain is to be constituted through retrocessions of the state’s public domain to territorial collectivities. Nevertheless, at the time of writing, no such transfer of competence (nor financial means) to territorial collectivities has yet been implemented. With the state still in the process of identifying and registering its own domain, retrocession of state property to decentralised authorities is still a distant prospect.

In the meantime, some collectivities find alternative ways to constitute a public domain of their own and some local officials decided to resort to other means to constitute ‘their’ domain without waiting for retrocession, by transferring some of the land that is governed under customary tenure under the territorial domain. In a municipality of the *Centre-Ouest* Region, the rationale presented behind this action is that the municipality will need land for future projects such as the construction of public building (Dolcerocca 2016). It therefore proceeds to eminent domain in anticipation of future needs, a procedure that is non-existent in the law and that illustrates the deeply ingrained perception that state services have of land property, and of the relations between State and customary ownership.



Conclusion

In the last twenty years, land grabbing in Burkina Faso has been driven by three central processes. First, land grabbing by eminent domain: large scale land acquisition whereby the state appropriates rural land to sell or lease to private corporations, typically for commercial, export-oriented farming, or for gold prospecting and mining. Second, elite land grabbing: in these instances, small or medium patches of rural land located close to major urban centers are bought by wealthy urban elites, largely for purely speculative purposes. Third, what I call “reform grabbing” consists of the somewhat unintended but arguably unavoidable consequence of the rural land reform enacted in 2012: as the state recognises customary rights on land and state services determine where to draw the line between areas under state property and under customary ownership, some customary claims (particularly on forests) will be rejected by the State as it reasserts its public domain and redefines its boundaries. These three different mechanisms of land grabbing give rise to the concretisation of power relations in the form of conflicts between customary owners and the State, in a two-sided process: on the one hand, how the state dispossesses or allows the dispossession of peasants from the land they own; on the other, how the peasantry resists the redefinition of land rights.

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