

A Systemic Analysis of Land Markets and Land Institutions in West African Cities

Rules and Practices The Case of Bamako, Mali

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Abstract

This paper presents a new type of land market analysis relevant to cities with plural tenure systems as in West Africa. The methodology hinges on a systemic analysis of land delivery channels, which helps to show how land is initially made available for circulation, how tenure can be formalized incrementally, and the different means whereby households can access land. The analysis is applied to the area of Bamako in Mali, where information was collected through (i) interviews with key informants, (ii) a literature review on land policies, public allocations, and customary transfers of land, (iii) a press review on land disputes, and (iv) a survey of more than 1,600 land transfers of un-built plots that

occurred between 2009 and 2012. The analysis finds that land is mostly accessed through an informal customary channel, whereby peri-urban land is transformed from agricultural to residential use, and through a public channel, which involves the administrative allocation of residential plots to households. The integrated analysis of land markets and land institutions stresses the complexity of procedures and the extra-legality of practices that strongly affect the functioning of formal and informal markets and make access to land costly and insecure, with negative social, economic, and environmental impacts over the long term.

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A Systemic Analysis of Land Markets and Land Institutions in West African Cities: Rules and Practices The Case of Bamako, Mali¹

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1. INTRODUCTION

1.1. Land and urban development

Land is a basic factor of urban development. Under functioning land markets, land will be allocated to the highest bidder and land-use changes will be mediated by market-determined land prices. In theory, this should lead to the most efficient use of land. In this context, the role of government is to ensure clarity of property rights (through a clear legal and regulatory framework and transparent and accessible land administration); enforce adequate measures to address externalities that are not internalized by land markets; plan for urban development in an appropriate manner; and optimize service/infrastructure provision. In addition to these interventions, authorities may also ensure a certain level of equity in access to land and housing (such as social housing programs in many developed countries).

In many cities of the developing world, the story is actually quite different. Social, economic and political constraints, unclear land rights, insufficient land supply, weaknesses of land governance, dysfunctional land administration and unregulated land markets may result in an unplanned and uncontrolled city structure, with land-use patterns that are both inefficient and inequitable. In cities where a significant part of the population is poor, access to land and housing has often become a key concern for residents and a source of social unrest and political instability.

1.2. Land issues in cities in Sub-Saharan Africa

Sub-Saharan Africa is the only region in the world where so many countries share such strong similarities in terms of the legal and institutional framework that governs land and land tenure systems and face comparable challenges. Francophone and Lusophone countries in Western and Central Africa⁵ have inherited comparable civil codes from the colonial era. In addition, the powers of the state in land matters are still governed in most cases by the principle of "presumption of ownership", whereby any land on which a title has not been issued - or on which a registration procedure in the name of a person is being processed - belongs to the state. However, this principle is often not subject to an explicit provision in the law. In these countries, the state is the main provider of land, especially in urban and peri-urban areas: land is still allocated by the state and, in an increasing number of countries, by local authorities, following decentralization measures. Allottees are usually granted personal use rights (evidenced by a temporary permit to develop and/or occupy the land) or, much more rarely, directly a real property right (evidenced by a property title). Over the past three decades, major structural changes have occurred with the implementation of legal and economic reforms: the adoption of new land codes which recognized, at least in principle, customary forms of tenure; the liberalization of land markets, institutional and political changes, namely decentralization policies which transfer some land management and administration prerogatives to local entities; and the democratization process.

These changes have occurred in a context of weak governance, insufficient human and financial resources and limited institutional capacities in the land sector. The converging efforts by aid and development agencies and international finance institutions to accelerate the development of formal private land markets (i.e. land markets that operate within legal and regulatory frameworks) have rarely been accompanied by major changes in the way land is accessed. However, it frequently happens that compliance with formal sets of rules applies only to some steps but not to others within the same land delivery process. For instance, the allocation of a personal administrative permit is a formal procedure, but the sale of this permit is prohibited (although very common, and sometimes even subject to a notarial deed).

Land market development has been limited by a series of factors, including land prices unaffordable for the vast majority of urban households (who have low income and irregular revenue from informal activities); a weak housing finance system; overcomplicated tenure formalization and titling procedures; widespread corruption in land administration; and weak land registration and information systems. Land markets in Sub-Saharan African cities are characterized by heavy pressure on land in urban and peri-urban areas extending up to the rural hinterland of cities

⁵ West Africa includes 8 French-speaking countries out of 15 and Central Africa 7 French-speaking countries out of 10. We refer in the text to Francophone West Africa of which Mali forms part.

(see Annex 2.2). This increasing demand for land⁶ comes up against limited supply on the formal private land market or through public land delivery channels (for definitions see subsection 2.1 and section 3). In fact, land markets in the region are still guided by a diversity of tenure systems and land for housing is mainly provided by customary land delivery channels and informal markets. Between 60% and 80% of the urban population in Sub-Saharan African cities is estimated to live in informal settlements (UN-Habitat 2010). As a result, most cities are characterized by the coexistence of various land delivery channels with different levels of formality, legality and legitimacy. A series of obstacles hinders most efforts to reform land administration institutions. Conventional policy options, tools and procedures tentatively implemented over the last decades to streamline and unify land markets and improve land administration have achieved limited results (Rochegeude and Plançon, 2010).

1.3. A focus on Bamako

1.3.1. Understanding land markets to inform policy

Given its history and prevailing tenure system; legal, regulatory and institutional framework; administrative practices and recent attempts to improve land management; spatial patterns; rate of urbanization; and social organization, Bamako is to a large extent representative of the situation that prevails in Western and Central African cities (UN-Habitat, 2010). Improving our understanding of the drivers and the complexities of land markets in Bamako is interesting from an operational point of view as it reveals the challenges that have hindered the implementation of urban projects in Mali.⁷ Unequal access to land and weaknesses of land governance have also played a part in generating social unrest and instability (see Section 6 below). A march of “land victims” saw over two thousands protesters in Bamako on March 12, 2012 (Afribone, March 13, 2012), about a week before the coup that resulted in the ousting of the President Amadou Toumani Touré. Awareness of the political risks of mismanagement in land administration and tenure insecurity for many households is currently rising. However, political patronage, the economic environment (where limited opportunities for wealth creation make land a key investment area) and the social structures that are deeply embedded in clientelist relationships severely hinder the effective implementation of more transparent modes of land access.

Better understanding of current land and housing practices at the scale of the metropolitan area, the functioning of land markets and the formation of land prices is a precondition for designing any sustainable land and housing policy. For these reasons, it is important to identify the options available to the different income and social groups in terms of access to land, tenure and location.⁸ These options are determined by affordability as well as by access to information, ability to interact with the land administration and participation in clientelist relationships. Attempts to formalize land markets through, *inter alia*, the creation of a parastatal land development agency in 1992, the *Agence de Cession Immobilière* (ACI), have introduced formal land market mechanisms into a land delivery system dominated by informal and customary practices and, at government level, a land administration undermined by corruption, clientelism and political interference, land being frequently allocated at preferential prices on the basis of political affiliation (Bertrand 1998).⁹ Safeguard measures such as the program “*Sauvons notre Quartier*” (Save our Neighborhood), which was implemented in Bamako between 1993 and 1996 to mitigate the social impact of market pressure on the urban poor by combining physical upgrading in informal settlements and the resettlement of displaced households, were diverted from and did not achieve their objectives.¹⁰ It is thus fair to say that, over the

⁶ Sub-Saharan Africa had 863 million inhabitants in 2010, of whom 37% were urban dwellers. In 2025, the population is projected to reach 1.2 billion, of whom 45% will live in cities. Between 2010 and 2025, the urban population is then expected to increase by 220 million (UN-Habitat, 2010).

⁷ See in particular the serious implementation challenges faced by the World Bank funded Third Urban Project (1996 – 2005) presented in Farvacque-Vitkovic *et al.* (2007).

⁸ The primary focus of our work is on the access to property rights on land for housing. However, rental housing and free accommodation should not be neglected as they concern more than half of the households in Bamako and affect the land market (buyers may purchase with the intent to rent out; rental may substitute for ownership for some households depending on economic conditions, etc.). Housing markets will not be addressed as such in our study and would require an additional subsequent analysis.

⁹ This has been repeatedly corroborated, in the course of this study, by observations and interviews with key informants amongst a wide range of stakeholders involved in land administration and land markets.

¹⁰ Farvacque-Vitkovic *et al.* describe the situation as follows: ‘In 1992, the District of Bamako undertook a program called *Sauvons notre quartier* (SNQ - Save Our Neighborhood) with the aim of rapidly restructuring 24 informal settlements in Bamako. Various political, institutional, financial, land ownership and operational issues revealed the shortcomings of the

last decade, land markets have been left in the hands of stakeholders and institutions that operated autonomously, without government guidance or strategy guidelines, and without transparent procedures.

1.3.2. Demographic pressure, urbanization and demand for land for housing

Mali is a country of 14.5 million inhabitants. About one-third of the population was urbanized in 2010. The Bamako urban area (i.e. Bamako District and a large part of the 8 adjoining *communes rurales*¹¹) has been absorbing a very large share of the rural-urban migration that, adding to an already high natural population growth results in strong demographic pressure and a young population (see Annex 1.1 for an example of the contribution of a migrant to the demand for land). On the basis of the 2009 population census projections and plausible assumptions regarding the urbanization rate in the peripheral *communes* (INSTAT, 2011), we can estimate that around 2,350,000 people were living in the urban area of Bamako in 2011, of which 1,987,000 (85%) were living in the core district of Bamako.¹² Figures from the 1998 and 2009 censuses indicate that the population in Bamako District has increased by 4.8% annually, while the annual growth rate of the population in the eight communes has been even higher, ranging from 6.2% to 17.2%. If the overall annual rate of population growth during the next twenty years remains in the range of 4.5% (which can be considered a conservative estimate), the population of the city would reach 3.5 million in 2020 and about 5 million in 2030.¹³ On this basis, assuming that the average household size and land consumption remain unchanged, an additional 5,200 ha of urban land will be required by 2020 to cope with the demand for residential land and nearly 12,000 ha by 2030.¹⁴ This would thus require a sharp increase in the provision of land for housing.

1.3.3. Economic, financial and political changes stimulating the demand for land

The demand for land for housing has increased as a response to the steady increase, until recently, in the incomes of urban households,¹⁵ the emergence of urban middle classes which nevertheless remain fairly small,¹⁶ massive remittances from Malian expatriates of which part is invested in land; changes in urban family structure and norms,¹⁷ and a willingness on the part of low-income urban tenants to access land ownership in peri-urban areas,¹⁸ in a context where rents for low-standard and unserviced housing are quite high.

program intended to improve living conditions for the poor. SNQ never managed to assert real control over the land in either the informal settlements or the planned resettlement areas. The resettlement areas were systematically occupied by new squatters, instead of the people they were originally intended for. Progressively, all control of land management was lost and Mali's Government had to suspend the allocation of plots for the first time in 1996 in order to halt land speculation. This effectively ended the SNQ initiative' (Farvacque-Vitkovic et al., 2007).

¹¹ *Communes* of Baguineda Camp, Dialakorodji, Dogodouman, Kalabancoro, Mandé, Moribabougou, Mountougoula, and N'Gabacoro in the Kati *cercle*.

¹² There is an ongoing debate concerning the creation of Greater Bamako which would attach some of the "peri-urban" *communes* to the current District (Ville de Bamako, 2012).

¹³ According to the report "Bamako 2030" (Ville de Bamako, 2012), which assumes an annual population growth rate for the District of 5.4%, the population of Bamako District alone is predicted to reach 6 million by 2030.

¹⁴ This crude estimate of the long-term requirement of land for housing is indicative. It only covers the need for residential plots and excludes land requirements for primary infrastructure. It does not take account of the likely lower incomes of internal migrant households, and thus of their smaller land consumption (although this may vary with the type of tenure and location and thus with corresponding land prices). The estimate does not take account of other parameters likely to result in a densification of the city, such as the expected demographic transition (especially in cities), the likely decline in household size for economic and cultural reasons, or the possible changes in the physical patterns of human settlement (with the development of condominium multi-story housing units and types of housing that allow higher urban population density). Nor does it consider the impact of regularization policies or the renewal and redevelopment of city center settlements, which are likely to increase population density but will be accompanied by increased demand of land for resettlement in the periphery of Bamako.

¹⁵ However, the real GDP growth rate slowed sharply in 2011 (+2.7%), resulting in a 0.3% drop in real GDP per capita (AfricanEconomicOutlook, 2012).

¹⁶ According to African Development Bank (2011), the middle class, characterized by a per capita daily consumption of \$4-\$20 per day, represents only 8.1% of the population of Mali.

¹⁷ Although there is no certainty that changes in family structure and norms have contributed to an increase or a decrease in the demand for land, we hypothesize that the effect of a modestly decreasing fertility rate in urban areas is likely to have been more than offset by children moving out their parents' dwelling, thus increasing the demand for land.

¹⁸ According to the 2009 census (INSTAT, 2011), 43.4% of households in Bamako District were in rented accommodation and 10.2% were being housed free of charge.

Other financial and economic factors have also played a role in stimulating the demand for land: because of weak savings institutions, or the scarcity of opportunities for investment, and in a context of limited social protection, holders of monetary assets and/or idle funds view land as a profitable and inflation-proof investment. With the development of the market economy, land can also be seen as an asset that allows access to mortgage finance. Although provision of land by the ACI over the last two decades and demand for land from formal private developers have contributed to the development of housing finance institutions, the lending system in Mali remains limited to short-term credit. It is also hindered by a series of obstacles: weak public administration capacity such as a poor vital records system, especially issues of faulty identity and birth certificates, and lack of reliability of the land titles used as collateral.

Speculative investments have a strong impact on the demand for land.¹⁹ Land market activity in Bamako is partly driven by speculative strategies as many investors look for urban plots to buy, expecting a price increase with their future incorporation into the urban area, or, following improvement of the tenure status of the land. Speculative investment strategies in the rural hinterland have been observed as far as 70 to 80 km away from the city center. According to agents and brokers, this is fuelled by investments from Bamako-based merchants and from expatriate Malian communities. Speculative strategies are encouraged by widespread illicit practices and corruption among government institutions and local administrations (see Section 6 below).

1.3.4. Increases in land prices in urban and peri-urban areas

Over the last 5 years, there has been a steady increase in land prices in the urban and peri-urban areas of Bamako (with several observers mentioning annual increases of up to 100% in some locations), which is further stimulating the demand for land due to expectations of further increases. The disappearance of cheap options to access land may have been exacerbated by the upgrade from affordable to more expensive land tenure forms (for those who can afford it or benefit from good personal links with the land administration).

1.3.5. The relationship between land delivery and political cycles

There is some parallel in Bamako between political cycles (elections), allocation of land plots by the state or local authorities, and the business cycle in real estate: before elections, allocation of land plots may serve a political clientele. After elections, candidates who go into debt to finance their campaign may be tempted to reimburse their debt by selling in their own name plots obtained from the state to develop housing. This observation is corroborated by key informants involved in land allocations and transactions as well as by researchers (Bertrand, 2006; ISTD 2009).²⁰

1.4. Purpose of the study and outline of the paper

Our principal objective is to identify the different ways various social groups have access to land and the security of tenure they may obtain. We focus in particular on the peri-urban areas and the rural hinterland of Bamako where most land use conversion occurs and try to understand observed differences in access to land in these areas. In this respect, it is important to consider that land tenure does not simply refer to the rights on land conferred by documentation, but are embedded in social relations which determine the rules, practices and associated rights involved in the processes of land appropriation. These processes depend on the roles played by the different stakeholders in the land delivery channels and on the practices regarding land management and land administration. Another objective of the paper is to analyze the links between the various land delivery channels, which constitute

¹⁹ We consider as speculative investments that are not intended to develop the purchased land or to make productive use of it, but to keep it undeveloped and put it back onto the market when the value has increased.

²⁰ On this topic, J. Coulibaly & Traoré (see Ville de Bamako, 2012), report an interview with the director of a project engineering and territorial development consultancy where the latter declares: 'The political system is somewhat perverse in Mali, inasmuch as anyone wishing to be elected first on the list will have to fund the bulk of the campaign. This means that some people will get into debt to do so, telling themselves that they can recoup their outlay after the elections by selling or subdividing some land.'

the land delivery system. Finally, we also want to highlight the context whereby agricultural land is being eroded by urban expansion and implication in terms of land tenure dynamics.²¹

This systemic analysis of the land delivery system makes it possible to answer a series of questions: What is the origin of the plots that are transacted on the market and that allow households to become land owners? What are the means at the disposal of households to access land and why is there such a diversity of access modes? Why is informality so resilient in spite of different attempts over the past two decades to develop and stimulate formal land markets? What is the role of legislation/regulations and land institutions in the different ways land is accessed? What is the role of intermediaries such as “cozers”²², surveyors and notaries in the allocation and sale of land? What are the causes of conflicts that characterize access to land and why are they so numerous?

In Section 2 below, we present the methodology for our work. In a subsequent section, we describe how land is supplied through the different land delivery channels and in Section 4, we explain how these channels interact to form a land delivery system. Section 5 presents the results of a survey we carried between February and April 2012 and which provided detailed tenure information on recent land transactions in the district of Bamako, its peri-urban areas and the rural hinterland. Section 6 discusses the difficulties encountered to access to land for housing and the conflicts that this generates.

2. METHODOLOGY OF THE STUDY

2.1. A systemic perspective on land delivery channels

Answering the questions set out in the previous section requires adopting a systemic perspective on land delivery channels, their dynamics and their interaction. This approach is particularly relevant for cities undergoing rapid spatial expansion and characterized by a plurality of land tenure situations.²³

Land delivery channels refer to all the steps in the process whereby land (i) is initially made available to buyers or allottees (origin of the land), (ii) undergoes an often incremental formalization of tenure (which is seldom obtained by the initial buyers or allottees), and (iii) is sold on land markets before or after formalization. The concept of land delivery channel complements that of land market, which refers only to transactions on land at a given point in time, irrespective of the origin of the land and of the step of the formalization process at which the transaction takes place.²⁴ Knowing the origin of the land, the step within the tenure formalization process and the market segments on which that land can be sold makes it possible to underline the interrelations between the different land delivery channels. This justifies the use of the phrase “land delivery system”, which includes the three channels identified in the present study and their interrelations. Identifying the origin of the land is particularly important in peri-urban areas and in the rural hinterland since it makes it possible to understand, for instance, how agricultural land is incrementally being transformed into urban land and thus to consider land markets in a historical and dynamic perspective. A residential plot supplied on the market often has a customary and agricultural origin; which means that any change in the supply of customary land has an impact on the land market segments where it can be sold out. Knowing the steps of the formalization process, which is long and costly, gives valuable indications on the options available to households to obtain secure tenure depending on their income levels and social connections. Lessons learned from the analysis make it easier to understand differences between formal and informal markets and the diversity of market segments which largely account for the tenure types and corresponding levels of security.

²¹ In a study conducted in the rural *commune* Sanankoroba, Djiré (2004) observes that Malian farmers are being excluded from (official) land ownership. Ownership of valuable lands is increasingly concentrated in the hands of public servants and entrepreneurs living elsewhere.

²² “Cozers” are intermediaries who mostly operate on informal land markets throughout the Bamako area and to whom many buyers and sellers resort to transact land. They have informers in peri-urban villages to identify land that can be transacted and negotiate with village authorities. They are thus key players in the conversion process of rural land into urban land. They are also aware of the “tricks” in order to circumvent regular procedures and deal with the administration to make sales effective. They are often found in publicly visible places, including on the side of roads not far from plots that are for sale, even on the formal market.

²³ We try to avoid the term land tenure “duality” which does not appropriately convey the idea of a plurality of situations along a continuum from completely informal to completely formal situations (UN-Habitat, 2012).

²⁴ See Dowall (1995) for a description of the standard tool for land market assessments in developing countries.

Each type of land delivery channel is characterized by: (i) its organization and steps observed in the delivery process (from initial conversion of non-urban land into urban land to the occupation of the developed land by its final user); (ii) the parties involved in the delivery process; and (iii) the different tenure statuses of land, and (iv) land values (whether market or non-market based). These land delivery channels form a system: any change affecting one component within one land delivery channel has impacts on other channels and consequently on the whole land delivery system. For instance, a land price increase in a given delivery channel will drive households towards other delivery channels (substitution effect).

In our study, particular attention is given to: (i) the relationship between land allocation by public authorities and market transactions, and between formal and informal land markets; (ii) the diversity of tenure options on the different land delivery channels; (iii) the consequences of tenure status on security of tenure and on land values; and (iv) the interrelations between the land delivery channels within the land delivery system. Whereas the vast majority of studies usually focus on one particular land delivery channel or land market segment, very few, (such as Bertrand, 1998) have established and studied the relationship between the different elements of the system.

2.2. Combining qualitative and quantitative approaches

We first documented the functioning of the land delivery system. This was done, qualitatively, through: (i) an assessment of the legal and institutional framework governing land administration and management in Bamako and surrounding areas; (ii) meetings with key stakeholders involved in land delivery,²⁵ and (iii) identifying the way land is transferred, possible changes in tenure status, and the role of stakeholders involved in these operations. Particular attention was given to factual information provided by press articles, especially over the last two years. This was complemented, quantitatively, with a survey of recent land transactions carried out throughout Bamako, its peri-urban areas, and rural hinterland.

It should be noted that the study was carried out in a particular administrative, socio-economic and political context characterized by: (i) the suspension of state allocation of land in the private domain to *communes* and developers; (ii) the suspension of allocation of precarious titles²⁶ and their conversion into property titles; (iii) legal changes in the judicial procedures in cases of conflict about ownership of land with property titles; (iv) rising population concerns and social unrest about mismanagement and corruption in land administration; and (v) political change and instability following the March 22, 2012 coup and the military defeat of government forces in the northern provinces.

2.3. Study area

The study focuses on residential land, with emphasis on the transformation of rural (mainly agricultural land) into urban (mainly residential) land. For this reason, the study area extends far beyond the urbanized areas of Bamako (continuous and high density developments), and its peri-urban areas (mixed rural and residential land-use), in continuity with the existing urban web. The study also covers the rural hinterland of Bamako, which includes parts of the territory of all adjoining *communes* in the Kati *cercle*, and some parts of *communes* in the Koulikoro *cercle* adjoining the Kati *cercle*. The area covered by the study is presented in Annex 2.1.

²⁵ We met village headmen, village councilors and inhabitants in nine villages in seven *communes* (Sanankoroba village in Sanankoroba *commune*, Kanadjiguila village in Mandé *commune*, Dialakoroba village in Dialakoroba *commune*, Kabala and Niamana villages in Kalabancoro *commune*, Marako and Banankoro villages in Ouelessebougou *commune*, Kakabougou village in Baguineda camp *commune*, Faraba village in Faraba *commune*), mayors and deputies in three *communes* in the Kati *Cercle*, a mayor of one *commune* of Bamako, a deputy mayor of the *Mairie du District de Bamako*, the Governor and his chief of staff at the Bamako District, officials of DNDC (*Direction nationale des domaines et du cadastre*), DRDC (*Direction Régionale des domaines et du cadastre*) and DDB-DC (*Direction des domaines et du cadastre du District de Bamako*), the heads of the Urban Planners Order of Mali (*Ordre des Urbanistes du Mali*), of the Property Developers Association of Mali (*Association des Promoteurs Immobiliers du Mali - APIM*) and of the Rural Engineering Department (*Genie rural*), a notary, 3 coxers, and staff at the World Bank Bamako office.

²⁶ Council of Ministers, June 15, 2011.

Although there is no official definition of these different zones, the urban and peri-urban areas can be distinguished from field observation and satellite imagery. The urban area is characterized by built-up contiguity; the peri-urban area by a mix of rural areas, incorporating core villages, agricultural land and uncultivated land that are being subdivided, built up and integrated within the urban area and buildings being erected at a low density. The rural hinterland does not have visible/physical characteristics that make it possible to identify it through satellite imagery. It can be defined as the rural area that is under the direct land market influence of the city. This is mainly reflected in land prices, which are higher than land prices in other rural areas that have similar physical characteristics and agricultural potentialities (see Annex 2.2). Consequently, the rural hinterland to be covered by the survey could not be identified prior to the fieldwork but in the course of the study, on the basis of the recorded land transactions and land prices.²⁷

3. LAND DELIVERY CHANNELS

We identified three land delivery channels:

- The customary channel (section 3.1), where transactions are most commonly informal;
- The public channel through which allocations and sales of land are initially made by the public and para-public authorities (section 3.2);
- The formal private channel (section 3.3) through which land and plots equipped with property title are initially sold by property development companies and purchasing cooperatives and where transactions result in notarial deeds or equivalent documentation.

As in other cities in the sub-region, non-market forms of land allocation by the state and local authorities coexist with land markets.

This classification requires the following comments:

First, it can be noted that land markets operate within and across land delivery channels. There is a *formal* market for plots obtained through the private formal land delivery channel and for plots initially obtained through the customary channel or bought from public authorities but whose tenure was formalized so they can be sold with a transferable property title. There is also an *informal* market for plots with a non-transferable right, for plots with a transferable right but whose transfer is not made according to legal rules, and for plots with no legal right at all.

Second, in relation to the first comment, it can be noted that legal and illegal practices, the latter greeted with a degree of tolerance or resignation, are found in both land allocations and land-market transactions. In the public channel, allocations do not always follow the procedures laid down by law and decree and beneficiaries often do not take the necessary steps to obtain a precarious title. Transactions on the secondary market for land obtained by private individuals or small property developers from the first two channels are, in most cases, informal.

Third, a variety of tenure situations can be encountered on the different land delivery channels, depending on the documentation and conferred rights. Table 3.1 below shows the three major categories of documents relating to land tenure by increasing levels of tenure security.²⁸ The “administrative documents” category refers to documents that are not considered titles, although issued by the public authorities (state representatives or *communes*). Precarious titles give their holders temporary rights of use but not ownership. Only holders of property titles, known here as *Titres fonciers*, enjoy full, absolute ownership.

²⁷ The map does not show a boundary between the peri-urban area and the rural hinterland which would require further work involving treatment of satellite imagery.

²⁸ Tenure security does not only depend on the document(s) held but also on various other factors including social recognition (a household whose parcel is in a village where everyone knows it may experience a certain level of solidarity should its occupation be challenged), connections within the land administration and political powers, or land prices (as the value of land may motivate attempts to grab the land).

Table 3.1 – Administrative documents and titles associated with land tenure

Documents or titles involving representatives of the State or communes and DRDC (1)	Characteristics
<p>ADMINISTRATIVE DOCUMENTS (residential)</p> <p><i>Bulletin or Lettre de convocation (sous préfets or préfets).</i></p> <p><i>Lettre d'attribution – LA (2)</i> <i>Lettre de notification (communes) (2)</i></p>	<p>ARE NOT TITLES</p> <p>Allocation of a plot following subdivision of farmland, with no name indicated and before payment of local development (infrastructure and services) taxes. Precedes allocation of a CRUH.</p> <p>Stage in allocation of a CUH: notice of allocation of a plot by a <i>commune</i> before payment of local development (infrastructure and services) taxes and after submission of many documents. Precedes allocation of a CUH or a CRUH.</p>
<p>PRECARIOUS TITLE (3)</p> <p><i>Concession rurale (CR) (DRDC, representatives of the State, level dependent on the size of the plot) On farmland</i></p> <p><i>Concession rurale à usage d'habitation (rural communes) CRUH.</i> (For any allocation >1,000 m², authorization required from State representatives of different levels depending on the land area)</p> <p><i>Concession urbaine d'habitation (urban communes) CUH</i></p> <p>TITLES PRE-DATING 2002, NOW THEORETICALLY TREATED AS CUH OR CRUH BUT STILL IN CIRCULATION</p> <p><i>Lettre d'attribution (2) from the Governor of Bamako District. As of 1993, beneficiaries designated by communes during "Save our neighborhood" operations.</i></p> <p><i>Permis d'occuper - PO (préfets)</i></p>	<p>ARE USE RIGHTS</p> <p>On farmland; must be developed within five years or the land may be taken back. Should not be granted within Bamako District. Annual fee, possible transformation into TF</p> <p>Subdivision of a <i>concession rurale</i>. After payment of local development (infrastructure and services) taxes. Must be developed within three years or the land may be taken back. May be transformed into TF</p> <p>After payment of local development (infrastructure and services) taxes to the <i>commune</i> + 10% of these charges to the State budget. Must be developed within three years or the land may be taken back. May be transformed into TF</p> <p>Stage in allocation of a <i>Permis d'occuper</i> (permit to occupy). Upgraded urban land and resettlement areas. Before payment of local development (infrastructure and services) taxes.</p> <p>Precarious title conditional on development or the land may be taken back. The <i>préfet</i> of Kati <i>cercle</i> went on issuing POs until 2009 although he no longer had the right to do so.</p>
<p>PROPERTY TITLES (4)</p> <p><i>Titres fonciers- TF (DRDC, State representatives).</i></p>	<p>ARE OWNERSHIP RIGHTS</p> <p>Granted after checking that land covered by CR, CRUH and CUH has been developed. For land under CR, prior <i>immatriculation</i> of the land</p>

Notes: (1) The Direction nationale des domaines et du cadastre (DNCD) has a representative office in each region (DRDC). DRDC Antennes (chapters) of Koulikoro region have been established in the cercles and communes of the Bamako district. Within these Antennes, the bureau spécialisé (specialist section) deals with precarious titles. The bureau ordinaire (ordinary section) deals with property titles. (2) It is difficult to place the lettre d'attribution with certainty in either the administrative document or precarious title categories, because this term seems frequently to be used to designate a lettre de notification. The issue of LAs should have come to an end in 2002 because the law of February 12, 2002, amending the Code domanial et foncier of 2000, specifies that: 'Land allocations in the form of lettres d'attribution or permis d'occuper prior to the entry into force of this Code shall be treated as concessions urbaines or rurales à usage d'habitation...'. According to this text, LAs should be considered as precarious titles. However, our informants often speak of them whereas they never mention the lettre de notification, an essential document these days for obtaining a concession à usage d'habitation and concerning which the decree of March 6, 2002 specifies: 'In

no case may a *lettre de notification* stand in the stead of a use right title'. If the mention of a *lettre d'attribution* actually refers to a *lettre de notification*, then the LA is an administrative document. (3) There are no figures about the total number of precarious titles issued in Mali. Collecting these figures from administrative sources would be possible but in practice extremely difficult (4) Some indicative figures concerning the number of landowning households with TF or land with TF are available for Bamako District and Kati cercle. The number of households in Mali who are owners with a TF is available from the 2009 Census: 117,897, 8.5% of all owners. More than half of those who have a TF in urban Mali live in Bamako District (36,895) where 38.6% of owners have a TF. In the Kati cercle, according to Djiré (2013), the number of plots with TF has been multiplied by 4.7 between the beginning of 2005 (14,314) and the end of 2012 (66,988). The author notes a sharp acceleration of delivery in 2011 and 2012.

It can be seen from Table 3.1 above that here is a gap between lawful and actual practices. In this context, relying on official documents (see Annex 3.1 for laws, decrees and other texts on land and tenure) alone cannot provide a sufficient understanding of land tenure situations. For this reason, particular attention has been given to actual practices. Interviews with informants, including with agents in charge of the land administration, reveal that they did not always agree on the meaning of words used to describe land tenure situations. Informants at the *commune* and DRDC/Koulikoro levels told us that some practices, which should have disappeared following the power given to local authorities to allocate land²⁹, were persisting. For instance, although he was no longer entitled to do so, the *préfet* of Kati cercle continued to issue *permis d'occuper*. Despite the fact that the terms *lettre d'attribution* (LA) and *permis d'occuper* should have disappeared and been replaced by *concessions urbaine/rurale à usage d'habitation*³⁰, our informants still used them. People we spoke to were often hesitant about the nature and name of the document that should back their rights. For example, the *attestation de vente authentifiée* (see Annex 4.1), which grants no rights, is often considered by its holder as sufficient proof of the right to occupy a plot. This means that many people believe they hold the rights to a plot and are totally helpless when individuals or companies present other documents and seek to expel them from the plot. More details on the explanations for, and consequences of, the gaps between actual and legal practices can be found in section 6.

3.1. The customary land delivery channel (mainly informal)

3.1.1. Customary tenure in Mali

Customary land "ownership" refers to the communal possession of rights to use and allocate cropping and grazing land by a group sharing the same cultural identity. During the past two decades, customary land management practices have undergone various adjustments (Toulmin and Quan, 2000). In most countries, they have proved to have a surprising capacity to adapt to the new economic and social context introduced by the globalization of national economies and to the rapid spatial expansion of urban areas. In Mali, customary tenure is recognized in article 43 of the 2000 Land Code, which states that individual or collective customary right holders cannot be deprived of these rights, except in the public interest and with fair compensation (Djiré and Traoré, 2008). However, the implementing provisions of the Land Code have not yet been adopted. This issue was addressed at the National Land Conference (*Etats généraux du foncier*, see République du Mali, 2009a), but no decision has been made with regard to the formal recognition of customary tenure and transferability of customary rights. The state may register customary land in its own name (*immatriculation*); in practice, it will "purge" customary rights, meaning that it offers no compensation for loss of the land but only for the loss of standing crops and other improvements made to the land. People are not entitled to compensation if, when customary land has been registered in this way, they are occupying it with authorization from customary landholders but have no administrative documents. They may, however, be allowed to regularize their occupancy and then fall into the category of people using the public land delivery channel to access land (see Subsection 3.2 below).

It should be noted that customary land is relatively scarce within Bamako District today, where most of it has already been sold out, but it is still abundant in peri-urban rural *communes* and in the rural hinterland of the city.

Although customary ownership is legally recognized in rural areas in Mali, most customary owners do not have any document that guarantees their rights. Customary legitimacy is based on length of occupancy and the collective memory that gives much value to oral agreements.

²⁹ Law of February 12, 2002, and decree of March 6, 2002.

³⁰ See note 2 in Table 3.1.

3.1.2. Sales of customary land

Explicit threats of expropriation/confiscation of customary land in peri-urban areas by state representatives, along with pressures from local authorities (which propose resettlement of households evicted following settlement upgrading and tenure regularization within Bamako District), encourage customary landholders to sell their land to developers and coxers, or to accept land subdivisions made by *Préfets*, in order to avoid the risk of expropriation and unfair compensation or outright confiscation. This very common practice has been observed in all visited villages in the peri-urban area of Bamako. It contributes to land speculation and can be considered as a factor of corruption in land administration.

Until recently, customary land was not sold but could be allocated by peri-urban village headmen without any money changing hands, in return for allegiance or acknowledgement of indebtedness.³¹ The purchase of customary land has gradually become possible without initially taking a monetary form; the buyer would offer the seller some kola nuts. For example, the village headman of Faraba, in Faraba *commune*, told us in January 2012 that before around 2007-2008, strangers to the village who wanted land would come bearing 10 kola nuts.

Monetary transactions are now swiftly gaining ground. Today, there are four main ways peri-urban customary land is transferred to buyers:³²

(i) The sale of customary land to individuals who will use it for agricultural purposes. They may subdivide it in a later stage in order to sell plots (see (iii) below).

(ii) The subdivision and transfer of individualized land plots by customary landholders themselves, which is not considered as a legal practice, although it can lead to the issuance of a precarious title after a complex, time-consuming and costly administrative procedure. Customary landholders often go through the intermediary of an individual who pays himself handsomely for his participation in the plot subdivision. Customary landholders may ask for a CR and then subdivide land into plots and sell them on. In view of the lack of proper land information systems, the unavailability of subdivision layout plans, poor land management capacities at *commune* level and widespread clientelism, and given the poor quality of the land transaction records kept at local level (villages and *communes*), a series of illicit practices and disputes between sellers and buyers can arise, especially when the same plot is the subject of multiple allocations to several different buyers.

(iii) The sale of large tracts of customary land (as opposed to individualized plots) to investors, co-operatives³³, potential developers and speculators, for further subdivision, which occurs in the rural hinterland up to about 50 to 70 km from Bamako city center. Sales of large tracts of customary land in peri-urban rural communes can be more easily formalized because of the financial means and social connections of powerful investors in land administration institutions. Although the beginning of the process is predominantly informal, the buyer can apply for a precarious title (CR). In a later stage, he can subdivide the land into plots and sell them on. This subdivision is not formally authorized by law but it is usually permitted. Keita & Djiré (2009) observe:

'In Tienfala, we are seeing the emergence of a category of land speculators who call themselves land operators. The major land operators approach villagers and suggest plot division plans for the village or private individuals. Villagers get 10 lots out of 100 as remuneration for this operation. These transactions are formalized in memoranda of understanding signed by the customary landholders, the village headman and his council. Later on, the customary landholder will seek either a concession rurale or a concession à usage d'habitation for the plots divided in this way. Generally speaking, the land operator will sell his

³¹ Bourdarias (2003), studying the tenure conflicts which broke out in Dialakorodji *commune* between 1999 and 2002, writes: 'The village is the place where a sense of belonging is built up through integration of "outsiders" in the networks of dependency founded on indebtedness, whereas the land market to some extent maintains the foreigner's status as someone extraneous to the village community. Consequently, the village is founded on the primacy of allegiance.'

³² Before 1991, according to our informants, the State used to allocate land of customary origin, which it had registered in its own name, to its clientele (army and police officers, senior government officials). Some of this land has since been sold on to individuals or investors.

³³ We were told for instance that the co-operative of *gendarmes* in the village of Missalabougou, Kalabancoro *commune*, in Kati *cercle*, illustrates this kind of operation.

plots on.’

(iv) *Lotissements préfectoraux*.³⁴ These are a kind of land sharing/subdivision scheme found in all rural *communes* in the peri-urban areas of Bamako in the Kati *cercle* with the support of *Préfets* and *Sous-Préfets*. In a *lotissement préfectoral*, customary land is surveyed and subdivided into three categories with, generally, the following breakdown:

- 40% of the land is left to original customary holders who receive *bulletins*, which are a form of administrative recognition of the subdivision and proof of the allocation, from the *Préfet* or *Sous-Préfet*.³⁵ In some cases the customary holder may be allocated a CRUH for the land he gets. If he applies for a TF, it may cost him the equivalent of 75% of the value of the land that has been returned to him following the subdivision. At the end of the process, customary landholders will find themselves with a TF covering only 10% of the land they owned originally under the customary regime (Sanankoroba village, Sanankoroba *commune*, interview June 4, 2011).

- 40% is usually shifted to the *Préfet* or *Sous-Préfet* who will subdivide it into building plots that are, in principle, allocated mainly to households displaced following urban settlement upgrading. In principle, allottees receive an administrative document (*bulletin*). The name of the holder is left blank. Once the plot has been sold on and the *bulletin* transferred to the plot buyer, the latter can complete the procedure by adding his name on the *bulletin* and continue the formalization process until he obtains a precarious title (CRUH). He can also keep the *bulletin* with a blank instead of adding his name in order to have more leeway to re-sell the plot to another buyer without paying taxes and fees. Remaining plots are sold at market price. The difference between market price and administration-set price (which should be enforced) is frequently diverted by the *Préfet* or *Sous-Préfet*. This is one of the reasons why the state is so reluctant to transfer land management and land allocation responsibilities to *commune* authorities. These lands, which are shifted to the *Préfets* enter the public land delivery channel and follow a path similar to plots allocated by *communes* (see sub-section 3.2.1).

- 20% is allocated to the land surveyor who is paid in kind and will generally sell the plots.

3.1.3. Shifting from customary rights to precarious and property titles

Depending on buyers’ strategy, on their investment capacity and on location, the customary land they buy can remain as it is (i.e. undeveloped or for agricultural use), can be developed without subdivision (for an investment made by the buyer in an agricultural project), or can be subdivided into smaller plots (for agricultural or housing purposes).

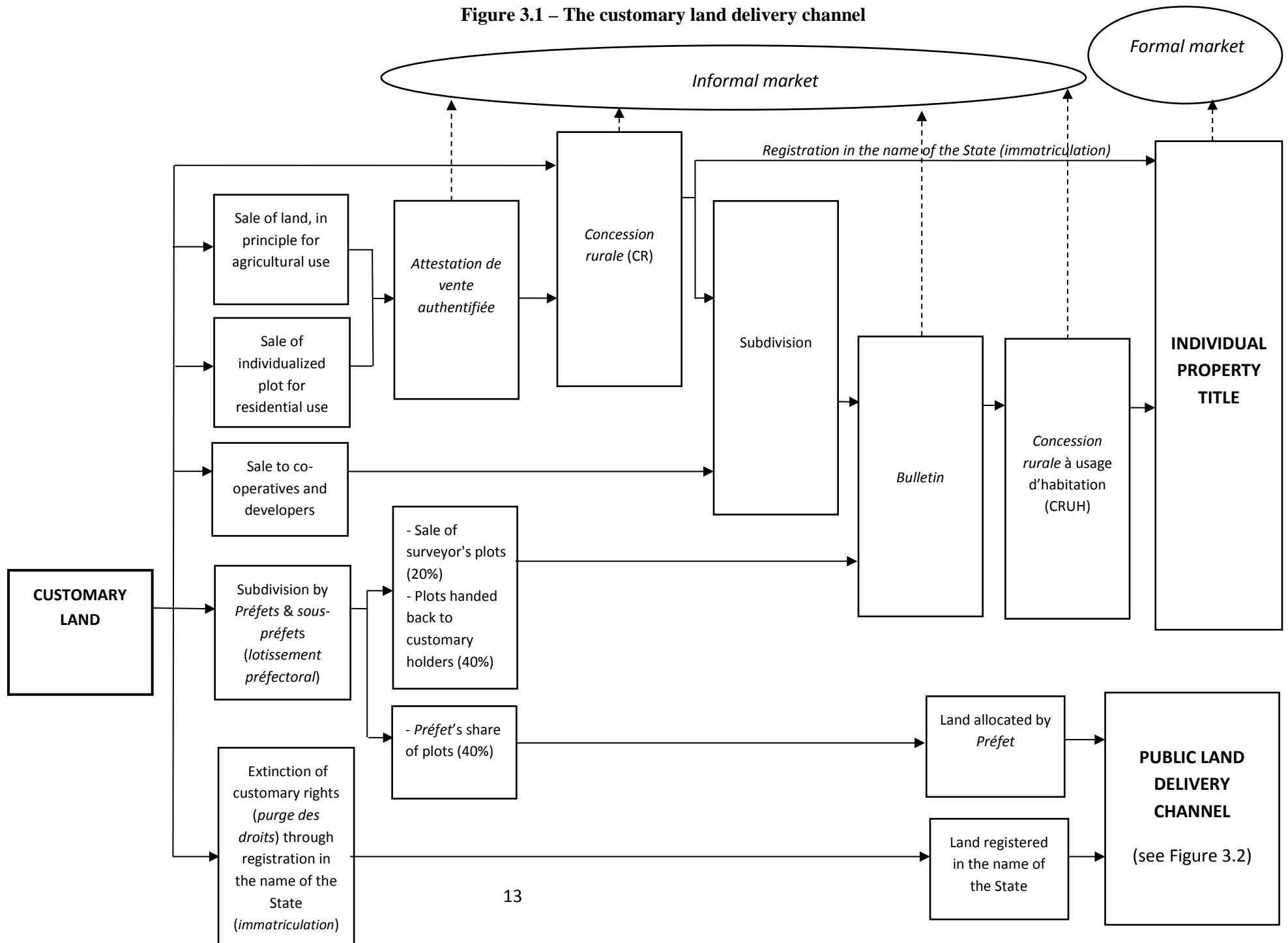
In all cases, to improve tenure security—and under certain conditions, to improve the transferability of the land—the buyers can, in a first stage, apply for a precarious title (CR).³⁶ In the case of subdivided plots, buyers may obtain, after the administrative document (*bulletin*), a precarious title (*concession rurale à usage d’habitation* – CRUH).

³⁴ The term *lotissement* is misused. According to Decree No. 05-115 of March 9, 2005 (which lays down the procedures for carrying out the different types of urban development operations), a *lotissement* is ‘the subdivision of a single piece of bare land into plots with appropriate provision of infrastructure and collective facilities to host the buildings to be erected by the future occupants’. Infrastructure and collective facilities are specified as ‘roads, drains/sewers, water supply, electricity and telephone’. Our field work showed that both residents and the authorities use the word *lotissement* when speaking of nothing more than a subdivision or an urban restructuring or renovation operation with no piped water and no electricity let alone a telephone connection. Some *lotissements* can be done on customary land by *communes* when they have an urban planning document (*plan d’urbanisme*).

³⁵ It was reported to us that *Préfets* are paid for providing a *bulletin* by keeping the difference between the sum actually given to them and the sum they are officially supposed to receive. For example, in one of the rural *communes* of the study, a customary holder told us he paid 500,000 FCFA to receive a *bulletin* which, officially, should only have cost FCFA 80,000.

³⁶ A CR ensures a fair degree of security of tenure. Furthermore, land with a CR can be transferred under certain conditions.

Figure 3.1 – The customary land delivery channel



Having a precarious title (CR) makes it possible to obtain, in a later stage, a property title (TF) (see Annex 3.2). Obtaining a TF is very profitable. With it, land will be sold at a much higher price, commonly up to three times that of land bought with a mere *attestation de vente authentifiée* (see Annex 4.1). According to our informants, in the *commune* of Dialakorodji, the price is multiplied by three; in the village of Kanadjiguila, in the *commune* Mandé, by four; and, in the *commune* of Kalabancoro, by five,³⁷ which makes rent capture possible for agents of the administration and beneficiaries of a TF.

The issue of CRs on farmland encourages privatization of customary land. It is also increasingly seen by authorities as one of the causes of urban sprawl.³⁸ This is one of the reasons why the Council of Ministers decided to suspend the issue of CRs in 2011. Since then, an April 2013 decree reauthorized the issue of CRs but under new conditions, which strengthen the powers of the central state.

Figure 3.1 on the previous page represents the processes whereby a property title can be obtained for land initially purchased from a customary holder. In most cases, buyers may not complete the whole formalization process and may either keep the plot as it is, may possibly improve its tenure or/and sell it on the informal market. Figure 3.1 also shows the possibility of registration of customary land in the name of the state after the “purge” of customary rights.

3.2. The public and para-public land delivery channel

There are different ways public land can be transferred: (i) the administrative allocation of residential plots; (ii) the allocation of land for public sale after subdivision and provision of services of serviced land; (iii) the transfer of land by the state to property development companies and cooperatives; and (iv) the provision of land for social housing.

3.2.1. Administrative allocation of residential plots

Before 1992, it was the Governor of Bamako (the supervisory authority for the *communes* of Bamako) who granted authorization to occupy plots (by *lettre d'attribution*) on the private domain of the state. Half of the LAs were to regularize occupation whereas the rest was for resettlement. However, as demand for plots was much greater than supply, people who were unable to find a place began to engage in “spontaneous settlements”, which involved more than 45% of households by the early 1990s, because there was no more land available for resettlement (Bertrand, 2002).

This led to the launch in 1993 of a program to upgrade 24 spontaneous settlements, known as the Save our Neighborhood (SNQ) program, supported by the World Bank. At the same time, there was a change in connection with the decentralization process: *commune* officials would no longer be appointed but elected. This led to changes in the administrative allocation of land. Although the state retained ownership of the land in these 24 neighborhoods, physical upgrading operations were organized by the mayors of the *communes* in which these settlements were located. Municipal committees chose the beneficiaries of plots located either in the neighborhood or in the resettlement areas, who then obtained LAs after paying local development taxes (infrastructure and services). People who could not afford these charges, which were very high in relation to the average income of Bamako residents, sold their LAs (which is not allowed in principle) to others who would pay the charges in their stead and then receive precarious title to the plot (Bertrand 1998). In addition, plots were allocated to well-connected individuals who, as they did not live in the neighborhood, could not claim regularization. Shortly before, a considerable amount of land in Bamako District had been allocated for the development of the formal market (see Section 3.2.2 below), which encroached on areas that the *communes* could have developed. Elected officials then stepped up the number of subdivisions of land and sold plots despite not being entitled to do so.

³⁷ Sources: interviews with key informants in Bamako between June 2011 and January 2012 and Durand-Lasserve (2009).

³⁸ In the report “Bamako 2030” (Ville de Bamako, 2012), it is noted that the process of farmland sold with a CR to “private individuals” who divide it up into residential plots is “a real threat because it encourages urban sprawl to the detriment of rural natural resources.”

The evaluation of the Save our Neighborhood (SNQ) program judged the servicing of the neighborhoods completely inadequate. According to the *Mairie du District de Bamako* (2010), ‘the speculation that characterized the operation prevented the people who had been evicted from taking full advantage of the resettlement areas. Excluded from the resettlement process, these people simply re-established their precarious lifestyle elsewhere’.

Since 2002, *communes* can allocate plots of land with precarious titles (CRUH and CUH). This requires an initial transfer from land registered in the name of the state according to the needs of *communes* as assessed in their development plan submitted for approval to the Council of Ministers.³⁹ In practice, land is allocated by public authorities, either for resettlement projects following a settlement upgrading and tenure regularization project, or within the framework of a public land development/subdivision project (*lotissement*). We describe these projects below.

i) Settlement upgrading and tenure regularization project.

The rules for these operations⁴⁰ are often ignored. Households entitled to *in situ* regularization who receive an administrative document (*lettre de notification*) can be granted a precarious title provided they could pay the local development taxes for infrastructure and services (*frais de viabilisation et d'édilité*) and submit many other documents. In practice, as in the 1990s, many beneficiary households do not obtain a precarious title because they cannot pay or because they sell the plot after receiving the *lettre de notification*. Households not entitled to *in situ* regularization must be resettled. Those who do not have any documents are at risk of not having access to any plot, either *in situ* or in resettlement developments. Since there is not much more land available for resettlement within Bamako District, households are being resettled in peri-urban rural *communes*.⁴¹ It frequently happens that land allocation benefits households that are not entitled to it. It is a major source of revenue for mayors.

It is a widespread practice in any resettlement scheme in the urban or peri-urban area of Bamako to make more land plots available than are needed to resettle evicted households. The official reasons put forward by mayors or *Préfets* is that they must take the opportunity of resettlement projects to provide land for housing the urban poor. However, informants indicate that the main purpose is to give the mayors plots of land for housing that they can allocate to their clientele.

ii) *Lotissements*

Formal land subdivisions, both public and private, are also subject to very specific rules⁴² such as, for example, the requirement for *communes* to take a census of households occupying the area and arrange for compensation. In practice, the rules are often ignored. Some *communes* engage in *lotissement* without authorization from the central state and without consulting village headmen, plots are sold with no infrastructure or services and no account is taken of public spaces, even when shown in an urban planning document.^{43,44} The procedures by which the beneficiary of a plot in a land subdivision can obtain a TF are represented in Annex 3.3.

³⁹ The first master plan/urban planning document (*Schéma Directeur d'Aménagement et d'Urbanisme* - SDU) for Bamako was adopted in 1981. The third revised version dates from 2004 but has not been approved. Some peri-urban *communes* have prepared planning documents, some of which have been approved by the Council of Ministers (joint SDU for Moribabougou and N'Gaboro Droit in 2008; joint SDU for Dialakorodji and Safo in 2010; SDU for Mountougoula and Sanankoroba in 2010).

⁴⁰ See decree of March 9, 2005.

⁴¹ In this way, for example, resettlement areas for *communes* I and II were planned in N'Gaboro and, for *commune* V, in Kalabancoro.

⁴² Decree of March 9, 2005.

⁴³ Carrying out a *lotissement* is a costly operation which requires the assistance of surveyors and various enterprises, so *communes* are tempted to reward the latter by giving them plots in advance.

⁴⁴ For an example of the difficulties faced by a *commune* to implement a *lotissement*, see Djiré (2004) in the case of the *commune* of Sanankoroba.

3.2.2. Land allocation to the parastatal land development agency (*Agence de Cession Immobilière*) for auction sale after subdivision and development

The *Agence de Cession Immobilière* (ACI), which was created in 1992 with the support of the World Bank, has been selling serviced land usually through auctions. The objectives were to put an end to the government monopoly on land by selling plots with a property title, to improve transparency in allocation procedures and to develop a formal land market, which was hypothesized to improve access to land.

The ACI carried out most public land development projects within Bamako District under the 3rd Urban Development and Decentralization Project. It allocated serviced plots by combining auctions and cross-subsidization, to respond in principle to the demand from low-middle to high income groups, on a cost recovery basis, so that land development projects could be replicated. In practice, however, ACI, to which large parts of public land reserves in Bamako have been allocated (Bertrand 2002), used them mainly to satisfy the demand from high-income groups⁴⁵ and failed to provide enough land for the vast majority of the urban population, including emerging middle-income groups. In fact, land had been allocated by public authorities to ACI to the detriment of *communes* who were engaged, shortly after, in regularization operations (see 3.2.1 above).

Bertrand (2002) analyses the failures of ACI as follows:

'The ACI's sales management teams change regularly (...) demonstrating (their) growing sensitivity (...) to political patronage, just the kind of logic that donors had denounced in favor of the supposed purity of the market in the previous decade. The operation of auctions has been distorted due to sellers and buyers knowing each other and coming to various arrangements between themselves; public procurement processes for development have short-circuited competition to the benefit of over-the-counter agreements; accusations of misappropriation of funds are coming into sharp focus in 2000 to the extent that the agency is being challenged in court. The watchword of transparency is flagrantly flouted, after land-use management has been shown to result more than ever in social exclusion for the mass of impoverished citizens'

Once sold, plots serviced by ACI enter the private land delivery channel (see subsection 3.3 below).

It has also been stressed that many plots sold by the ACI were not built on but held by speculators:

'Land bought at auction for one or two million CFA francs in 2000 can nowadays be sold on for several hundred millions' (Ville de Bamako, 2012).

3.2.3. Public land sold or allocated to private property development companies and cooperatives

The state may sell land with property title (TF) to approved property development companies. The companies then subdivide it. Similarly, the state may allocate land from its private domain to cooperatives. For explanation of how these companies and cooperatives then operate downstream in the formal private land delivery channel, see 3.3.1 and 3.3.2 below.

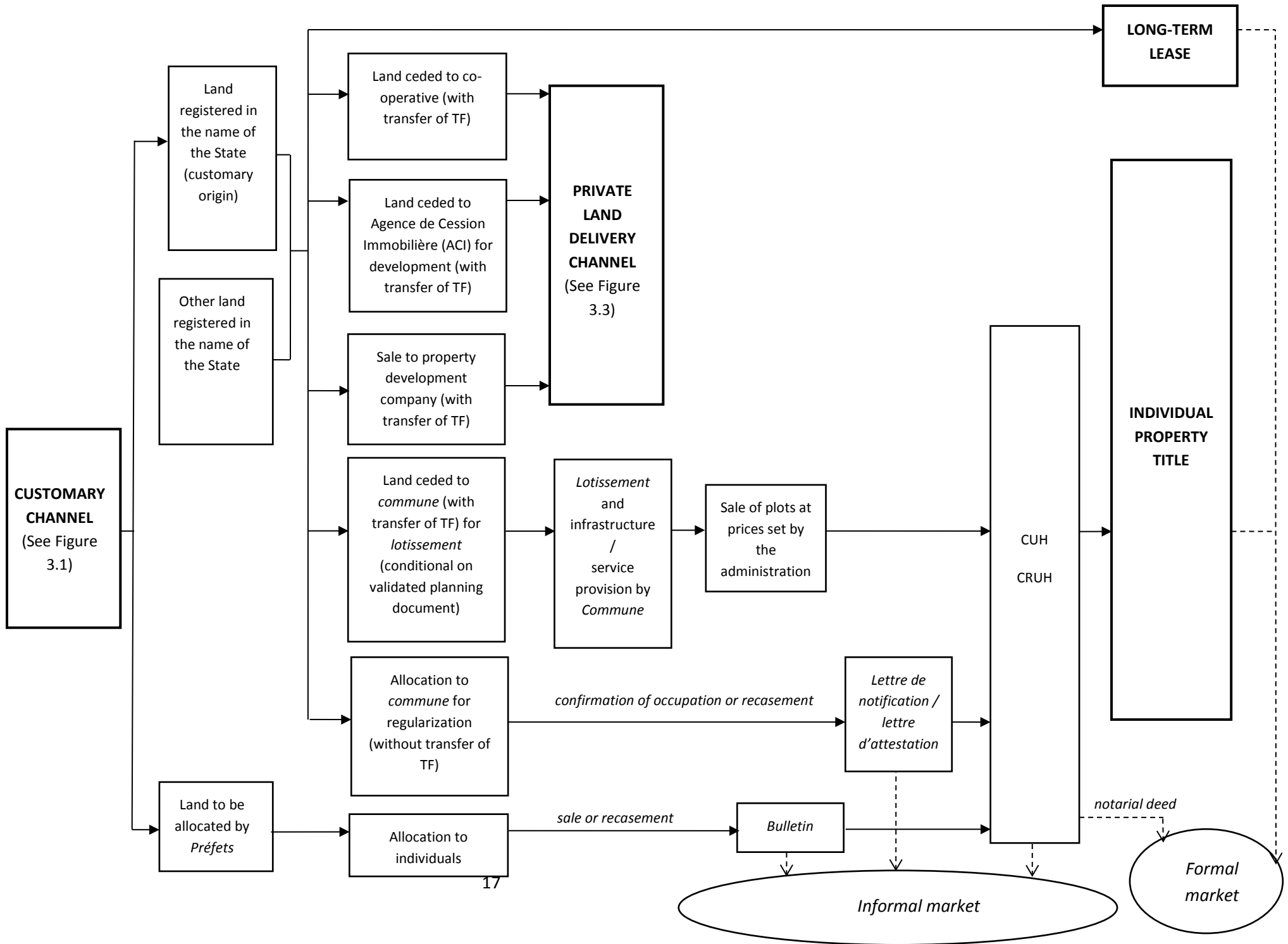
3.2.4. Provision of "social housing"

The social housing program is aimed at helping households to access property ownership. It was initiated in 2003 by the Government of Mali, in order to respond to the needs of the middle-income groups that could afford neither land in ACI development schemes nor serviced land or housing put onto the market by formal private property developers.⁴⁶

⁴⁵ The purchase of several plots by the same person, although prohibited, is common (Bertrand 1998).

⁴⁶ The origins of the policy lie in the provision of land to military personnel in 1992 by the then General Amadou Toumani Touré, hence the popular term "ATT-Bougou". Private developers may also be involved and can obtain land from the State at attractive prices, or even for nothing, and build housing to be sold on credit.

Figure 3.2 – The public and para-public land delivery channel



So far, it has provided a relatively small number of dwelling units⁴⁷ at a subsidized price on lease purchase agreement or bank loans. Implementation of these housing programs has been rushed.⁴⁸ The report “Bamako 2030” (Ville de Bamako, 2012) stresses the absence of collective facilities in these housing projects:

‘All the new social housing developments are located on the edges of the city’s built area. Because the new neighborhood frequently lacks collective facilities, residents must travel long distances to go to school or to the market or fetch water from the nearest water point.’ (Ville de Bamako, 2012).

Finally, it must be noted that, under cover of providing “social housing”, such allocation is routinely done by way of political patronage. This is another linkage to the political system.

Figure 3.2 on the previous page represents the public and para-public land delivery channel. It shows the different processes whereby the holder of a plot, which was originally allocated by public authorities, may obtain a property title. As in the customary land delivery channel, the plot holder may not complete the whole formalization process and may either keep the plot as it is, or may upgrade its tenure and/or sell it on the informal market (if he has no TF or has bought it with a precarious title but without notarial deed) or on the formal market (if those conditions are met). Figure 3.2 also shows allocations and sales of land by the state to private property development companies, cooperatives and ACI with a property title and highlights links between public delivery channel and customary and private delivery channels.

3.3. The formal private land delivery channel

Part of the formal private land delivery channels directly derives from public land delivery (see subsections 3.3.1 and 3.3.2). The rest derives from sales made by individuals who may receive land for free by the state (see subsection 3.3.3). Plots with property titles (obtained through formalization process) coming from these three sources are sold on the formal land market. Private property development companies can buy, on formal market, land which was, in a first stage, customary but whose buyers have managed to obtain a property title (subsection 3.3.4).

3.3.1. Approved private property development companies

These companies can obtain land with TF from the state (see Figure 3.2) or buy it on the formal market (see 3.3.4 below) or from the ACI. They then service and develop the plots and sell them out (sometimes housing). In some cases, these plots have an individual TF, in other cases, an individual title must be extracted from the “mother title”. A plot with an individual TF is considerably more expensive than a comparable plot without one.

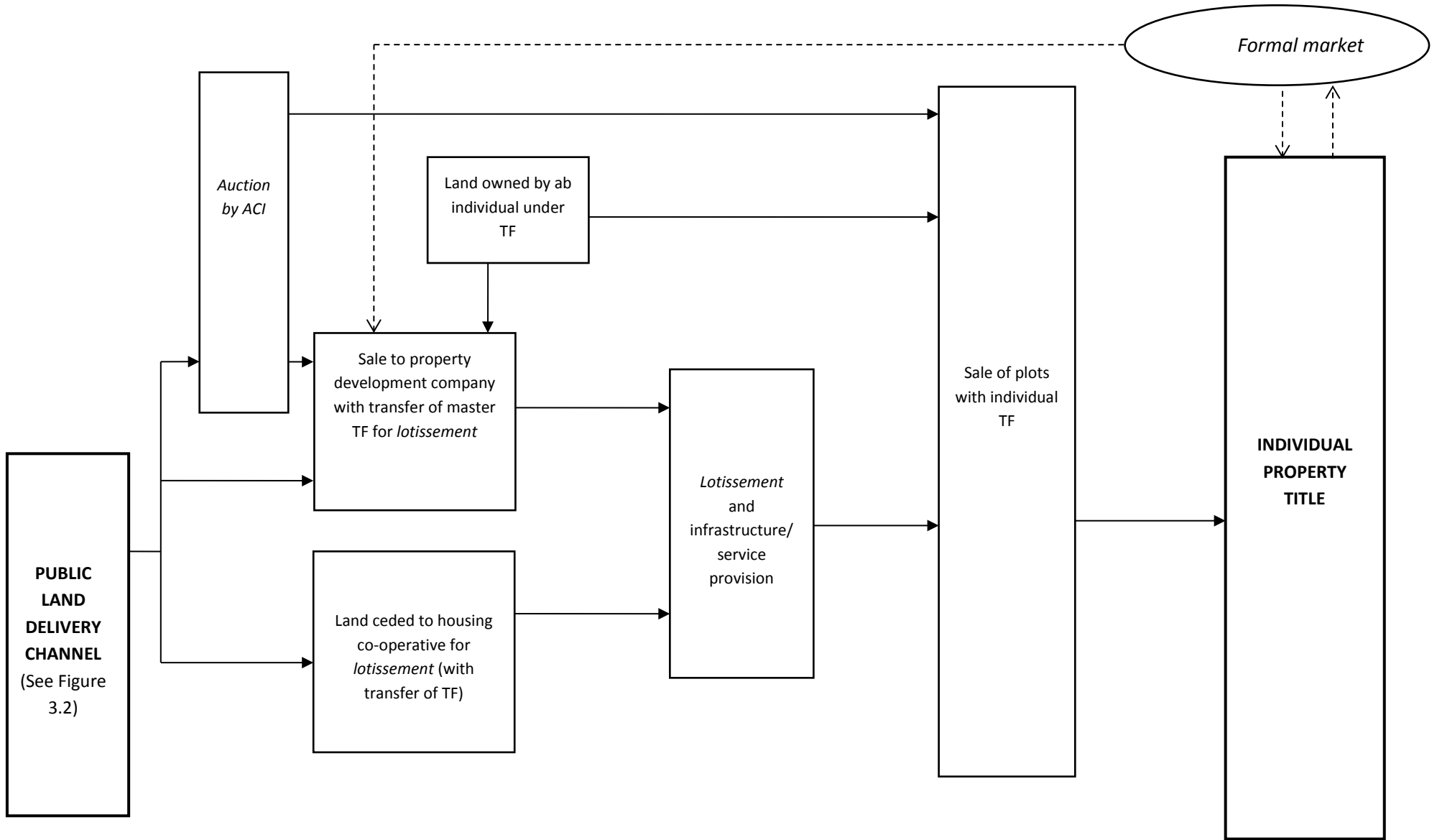
About 200 approved property developers operate in Mali, usually on a small scale, depending on business opportunities. Out of 45 developers that are members of the Association of Real Estate Developers of Mali (*Association des Promoteurs Immobiliers du Mali - APIM*), only 15 effectively operate. For decades, the land management and administration framework was not conducive to the development of a formal private land and housing development sector, but property developers were recently granted advantages.⁴⁹ Nevertheless, the activities of private developers remain limited by: (i) urban households' low and irregular income; (ii) complex procedures and restrictive standards constraining norms for planning, construction and development; (iii) the

⁴⁷ According to the *Ministère du Logement, des Affaires Foncières et de l'Urbanisme*, 2,930 social housing units have been put onto the market in Bamako between 2003 and 2007. During this period of time, registered demand at national level was over 30,000. The State provided 50% of the funding, with 35% coming from the Malian Housing Agency (OFM) and 15% from the ACI. 10,000 additional housing units (including 5,400 financed by the State) were scheduled countrywide between 2008 and 2012. This objective was reassessed in 2010, with the announcement of the additional construction of 20,000 units over the next 4 years.

⁴⁸ The Focal Point for Urban Development, Ministry of Housing, Land Affairs and Urban Planning was requested in 2002 to urgently design a social housing program. After a week's work, its proposal (inspired from the experience of 300 housing units in Garantiebougou) was validated by the President of the Republic and implemented with State funding. Consequently, no other comprehensive study was done (ISTED, 2009).

⁴⁹ By way of example, Decree No. 00-274/P-RM of June 23, 2000 permits the State to sell land from its private domain at preferential prices or allocate land free of charge, with a clause reserving ownership for the State, to developers planning to establish a number of “affordable social plots” and/or “very affordable” and “low-cost” housing units.

Figure 3.3 – The formal private land delivery channel



weakness of the housing finance system (see Annex 3.4); (iv) uncertainties surrounding security of tenure even with a TF; (v) the competition from ACI for the provision of serviced land for housing for the high-income group; (vi) the competition from public land delivery channels; and (vii) competition from the informal sector resulting in limited demand for formal housing from middle-income households. Property development companies also complain about their own difficulties to access land, particularly in the centre of Bamako.

3.3.2. Cooperative housing

A cooperative can obtain land from the state (see Figure 3.2) and will then subdivide for its members.⁵⁰ Cooperatives were originally set up by trade unions (ex. *Union des Travailleurs du Mali*) and by professional associations. Employees of both public and private organizations may gain access to land through membership of cooperatives.⁵¹ Cooperatives are also popular with Malians abroad, who may club together to buy land (for instance Malians from Paris' suburbs; see Keita, 2012).

It should be noted that the distinction between private developers and co-operatives is not always clear, because the former sometimes operate under the name of "housing cooperatives".

3.3.3. Gifts of land with property title (TF) by the state

Some people may sell land or plots with TF that they have obtained as a gift from the state (this applies particularly to military personnel before 1991). Some may arrange a *division parcellaire* and then sell the plots.⁵²

3.3.4. The secondary formal market

Some owners who have purchased land with an administrative document or precarious title that they have then transformed into TF or who have purchased land directly with a TF can sell it on the secondary formal market. Selling land with TF is perfectly legal but expensive. A notarial deed must be drawn up and registration fees amounting to 15% of the price of the land must be paid, together with transfer charges.

All these processes are represented in Figure 3.3 on the previous page.

4. THE LAND DELIVERY SYSTEM

4.1. Representing the land delivery system

It is clear from figures 3.1, 3.2 and 3.3 that the three land delivery channels make up a system. Customary and public channels interact as the state can purge the customary rights, register the land in its name and allocate it, while the *Préfets* are using their share of *lotissements préfectoraux* to allocate plots. The public land delivery channel supplies the bulk of the land for the private formal land delivery channel, which also obtains land with formal property titles from the customary channel. Both customary and public land delivery channels supply plots that may be sold on formal and informal markets. Figure 4.1 below represents the whole land delivery system.

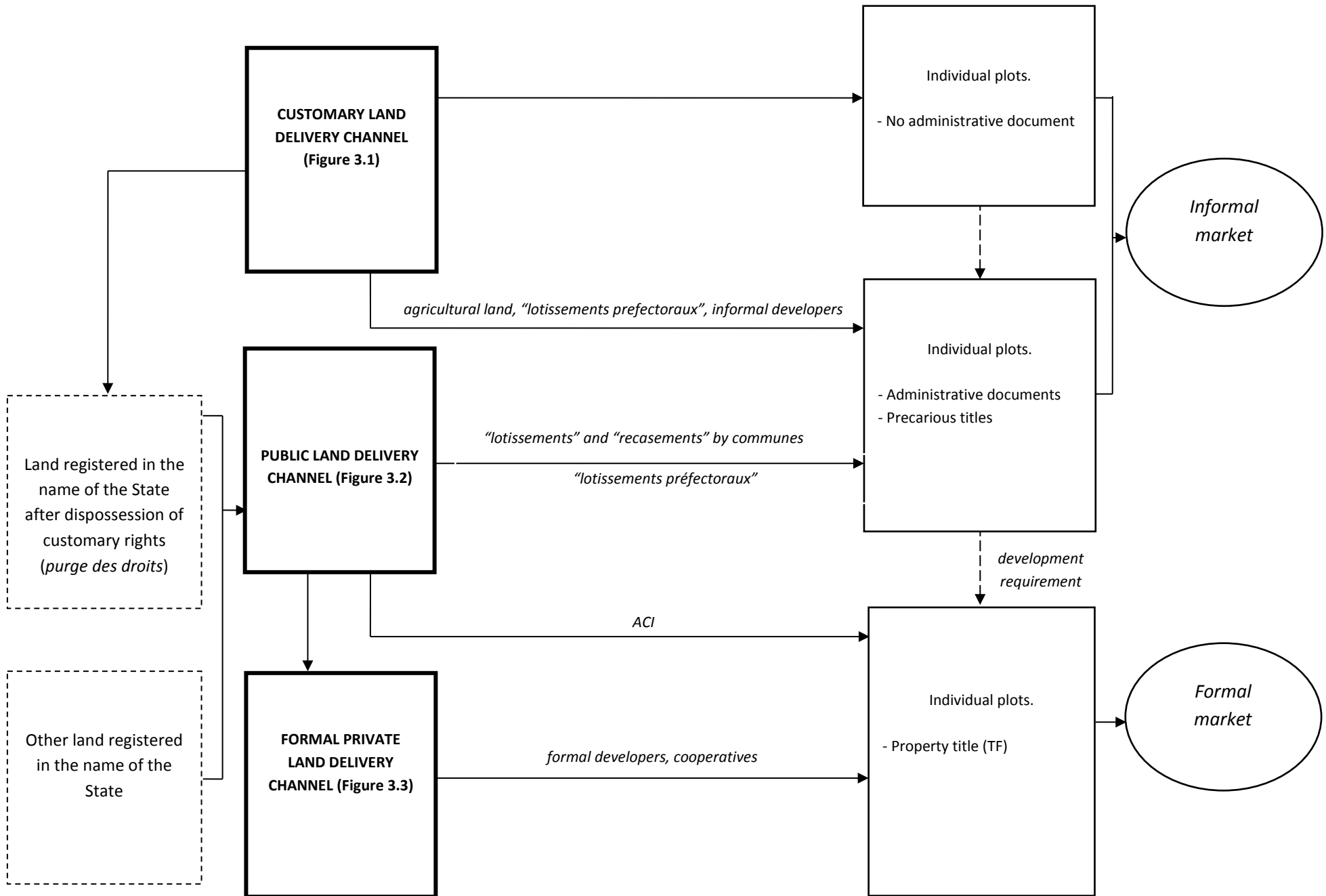
The informal market concerns the sale of land with no administrative document or with non-transferable administrative documents, and the irregular sale of land with a precarious title. It is possible to obtain, through the formalization process, a property title, for land bought in the informal market and to sell it in the formal one.

⁵⁰ It may also buy land and, in that case, will often approach a customary holder directly before having the land subdivided. In this case, the transaction comes under the customary land delivery system (see Figure 3.1).

⁵¹ There were great expectations in the early 2000s that co-operative housing would improve affordability for middle-income groups.

⁵² A *division parcellaire* is the subdivision of a single piece of land into at most 5 plots which in theory are not to be sold but for donation or inheritance purposes (decree of March 9, 2005, article 27). During our survey, we found that this rule had been ignored in some peri-urban communes of Bamako.

Figure 4.1 – The land delivery system



When a plot is sold without any administrative document, an *attestation de vente*—which should preferably be authenticated by the mayor's office, i.e. an *attestation de vente authentifiée*—is almost always established. This authentication protects the buyer in the event of a dispute with the seller (if it is demonstrated, for example, that the latter had no rights over the land sold) but it is not binding on third parties. Selling land with an administrative document (*bulletin* or *lettre d'attribution*) is prohibited but is not unknown; in practice, sellers and buyers establish an *attestation de vente authentifiée*. Precarious titles are in general not supposed to be sold. To legally sell a plot with a precarious title (CR, CRUH or CUH) requires a notarial deed or an equivalent act, and the authority which issued the precarious title must authorize the transfer of the land after checking that it has indeed been developed and charges, amounting to 7% of the price of the plot, have been paid. However, these conditions are rarely met: to avoid paying charges, it is very common for transfers to be undertaken without changing the name of the holder. Annex 4.1 recapitulates all the documents that can be used for these different kinds of transactions.

The two main features of the land delivery system represented on Figure 4.1 above are: (i) the various interrelations between the land delivery channels and their links with the markets, and (ii) the diversity of tenure situations and of modes of access (allocations through the public or para-public land delivery channel or purchases). These situations and modes of access may or may not be legal and occur more or less frequently. This is summarized in a Table in Annex 4.2.

4.2 Stakeholders: Their role in the land delivery system

4.2.1. Stakeholders by land delivery and geographic area of intervention

The land delivery system involves many stakeholders. They have different functions that can be grouped in 6 main categories: (i) land suppliers/sellers; (ii) land purchasers; (iii) institutions governing land allocations and transactions (i.e. providing *attestations de vente authentifiées*, administrative documents, precarious titles and property titles); (iv) intermediaries between sellers, buyers and authorities (brokers, *coxers*); (v) professionals (land surveyors who plot and subdivide land, notaries, and urban planners); (vi) credit / Finance institutions. A Table presented in Annex 4.3 details their participation to the different land delivery channels and the geographic areas where they operate.

4.2.2. The services provided by some stakeholders and related costs

Many of these stakeholders charge money for their services, which weigh in the cost of accessing land. In this respect, we obtain from informants the following information:

Institutions charge fees to provide an *attestation de vente authentifiée*, to authorize transfers or issue titles. Some of these fees are statutory and others correspond to illicit payments for which no receipt will be given (see Annex 4.4).

Intermediaries also contribute to the cost of accessing land. In particular, *coxers*, who are looking for quick profits, play an important role. Taking advantage of sellers' trust and buyers' haste, they often try to secure maximum margins with little concern for the legality of the transactions. According to informants, a *coxe* may get a commission of between 5 and 10% of the price from the seller of customary land. He may sometimes get a commission from the buyer as well. Brokers may help to speed up processing of applications for *attestations de vente authentifiées*, or for precarious title or property title.

Finally, the remuneration of professionals also weighs significantly in the cost of accessing land. Land surveyors are paid in either plots or money when the land is subdivided. In the case of sale of customary land, they receive between 10 and 20% of the plots. Surveyors are not always officially authorized and sometimes act as both surveyors and *coxers*.

4.2.3. The importance of social connections

Allocation of plots by the *communes* is heavily dependent on social and political connections and clientelist relations, which play an important part in Malian culture. Plot allocation will be all the easier to obtain if the beneficiary has connections with the town councillors; the same goes for obtaining precarious title. In Annex 4.5, we give an example of the role of political/social connections in the public allocation of land.

Similarly, a property title (TF) will be granted all the more quickly and easily (even if there has been no development) if additional sums have been paid to the various departments of the administration and the applicant is socially and politically well connected:

'The matter of corruption is brought up in all studies of land-use management. All stakeholders consulted during various missions have mentioned it. Local elected councillors, customary landholders, prefecture officials, officials from the DDC and investors are all liable to benefit from corruption. It is important to recognize both its deep-rooted nature and its function in redistributing the profits anticipated by the various parties involved in the market, especially those who play a key role in the process of converting informal tenure rights into formal rights.' (Durand-Lasserre, 2009).

Suspicious of widespread corruption are aroused when reading the Auditor General's 2011 Annual Report (République du Mali, 2012).⁵³

5. RESULTS FROM THE SURVEY OF RECENT LAND TRANSACTIONS

5.1. Methodology and sample

The objective of the survey was to collect tenure and price information on the modes of access to land in Bamako and its surrounding areas.⁵⁴ It was carried out between February and April 2012 in the district of Bamako, its peri-urban area and the city's rural hinterland (see Annex 2.2). Information was collected on 1,655 non-built plots transacted between 2009 and 2012 and located between 3.5 km and 72 km away from the city center. Information on each plot was collected by a team of investigators through a variety of local informants (neighbors, *coxers*, customary chiefs, buyers, users, sellers and elected local officials). For each plot, the survey provides information on its characteristics (land use, surface, infrastructure services), its location (GPS co-ordinates, commune, distance to the closest paved road and to the river), and its tenure status (reported tenure types and corresponding documents). The questionnaire that was used is reproduced in Annex 5.1.

Although a strict random selection of plots was not possible, efforts were made to ensure uniform coverage of the survey zone, especially around roads extending outwards from Bamako. In this sense, although the sample cannot be said to be perfectly representative of the universe of transacted plots in Bamako and its surrounding areas, conclusions may be drawn regarding the broad patterns that characterize access to land in the area, shedding light on the available options and the strategies of households to obtain land and secure tenure.

The map in Annex 2.1 represents the study area, which extends over the Bamako District, the Kati *cercle* and part of the Koulikoro *cercle*, covering the urban, peri-urban and rural hinterland of the city. Information on transactions was collected within 27 communes in this zone.⁵⁵ The map in Annex 5.2 superimposes the plots in our sample on

⁵³ The report states that 'The DDC-DB reduced the sale prices of land, failing to apply the principle of uprating sale prices by a total amount of FCFA 80.35 million, in breach of the provisions of Decree No. 02-114/P-RM of March 6, 2002 establishing the sale prices and fees for urban and rural land in the State's private domain. In addition, the DDC-DB granted property developers who had not submitted approved property development programs unjustified facilities totalling FCFA 163.94 million in breach of the provisions of Decree No. N0-274/P-RM of June 23, 2000 setting out the procedures for granting facilities to property developers'.

⁵⁴ "Modes of access to land" refer to a position within a land delivery channel or market (see Figures 3.1, 3.2 and 3.3) and within the land delivery system (see Figure 4.1)

⁵⁵ The following *communes* are covered: Baguineda camp (255 obs.), Bamako *commune* I (2 obs.), Bamako *commune* IV (5 obs.), Bamako *commune* V (35 obs.), Bamako *commune* VI (30 obs.), Bancoumana (28 obs.), Bougoula (28 obs.), Diago (68 obs.), Dialakoroba (39 obs.), Dialakorodji (45 obs.), Dio Gare (30 obs.), Doubabougou (81 obs.), Kalabancoro (99 obs.), Kambila (51 obs.), Kati (26 obs.), Mande (141 obs.), Meguetan (17 obs.), Moribabougou (46 obs.), Mountougoula (148 obs.), N'gabacoro-Droit (92 obs.), Ouelesseougou (61 obs.), Safo (172 obs.), Sanankoroba (88 obs.), Sangareougou (21 obs.), Siby (23 obs.), Tiele (6 obs.), and Tienfala (18 obs.). Four of these communes are located in the Bamako district, 21 in the Kati *cercle*, and 2 in the Koulikoro *cercle*.

the same background. The shaded zone is the urbanized area as identified visually according to the criterion of density and contiguity of the built-up area. It extends beyond the boundaries of Bamako District. Beyond the shaded zone are the peri-urban areas and the rural hinterland.

5.2. The spatial segmentation of modes of access to land

The main purpose of the survey is to explore how land has been accessed in and around Bamako over a several-year period in order to identify modes of access to land in terms of tenure and possible tenure transitions, accounting for the dynamic of the land delivery system (See figure 4.1). A period of three years only was chosen in order to ensure sufficient quality of responses to retrospective questions in our cross-sectional survey. According to the land delivery system described in Section 4, households may access land in the following ways:

- a. Purchase of land from a customary owner, which may or may not involve a monetary transaction (see sub-section 3.1);
- b. Allocation of a land plot through the public and para-public land delivery channel (see sub-section 3.2);
- c. Purchase of a land plot in a land development (*lotissement*) made by a formal private developer (see sub-section 3.3);
- d. Purchase of a land plot on the formal or informal secondary land markets (see sub-section 4.1).

To analyze the data collected, we classify modes of land access by using the following categories:

- i. Purchase of land on the private land market (whether formal or informal), lumping together categories c and d which cannot be systematically distinguished with our data;
- ii. Public allocation of land (where plots are obtained directly from a public authority), corresponding to category b;
- iii. Purchase of customary land (i.e. where plots are transferred from a customary owner by means of a monetary transaction), corresponding to a subcategory of a; and
- iv. Non-monetary customary access to land (where customary land is obtained in exchange for a symbolic payment of kola nuts, sometimes including a chicken as well), which corresponds to the other subcategory of a.

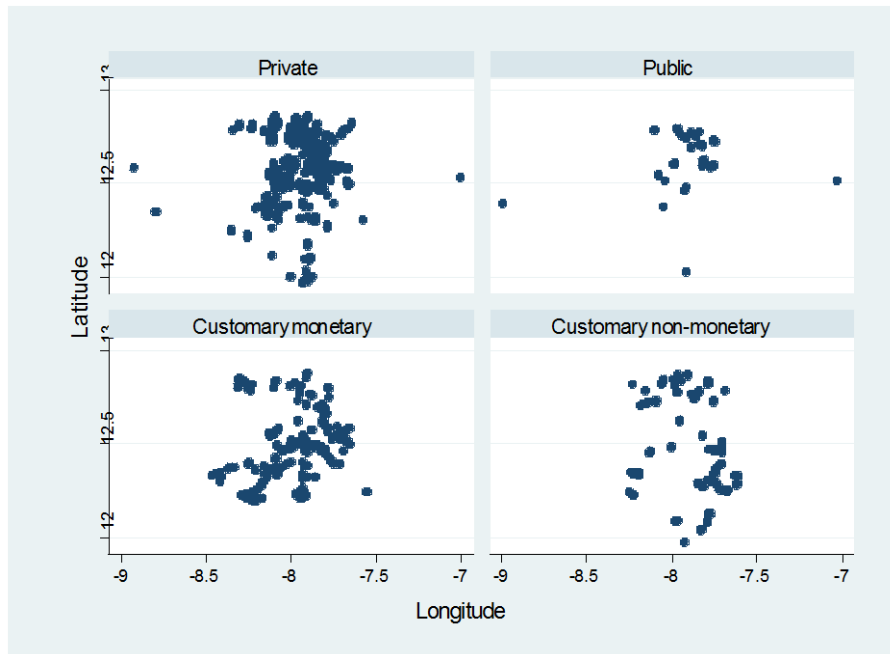
It should be noted that just as our sample may not be representative of the universe of all transacted plots over the study period, it might also not be representative of the relative sizes of the different access modes. The survey nevertheless illustrates the diversity of the ways households access land and upgrade their tenure in Bamako and its surroundings, which is the main focus of our study.⁵⁶

The different types of transactions that we document tend to occur in distinct areas. This is shown on Figure 5.1 below which plots the geographic co-ordinates of our sample's plots by land access modes.

The spatial patterns of land access modes are rather clear-cut. Although plots that were obtained under the private and public land access modes are spread out throughout the study area, they occupy relatively central locations. In contrast, plots obtained from customary owners are located further away from the city center. Monetized and non-monetized transfers of customary land occur in outer rings of the peri-urban area and rural hinterland. Most interestingly, whereas the median monetized customary transaction occurs 32km away from the city center, non-monetized customary transfers are found in a peri-urban ring with a greater median location of 37 km. This pattern corroborates previous observations made by social scientists on the “emergence of land markets” fueled by urban expansion and the conversion of customary land in peri-urban areas in Africa (see Durand-Lasserve 1998, Rakodi & Leduka 2004, Wehrmann 2008).

⁵⁶ The composition of our sample is as follows: non-customary plots that were privately transacted (68%), plots publicly allocated (3%), customary plots sold for money (20%), and customary plots exchanged according to custom (9%).

Figure 5.1 – Spatial patterns of land access modes



Source: authors' survey, 2012

The basic characteristics of these access modes are further detailed in Table 5.1 below. It can be seen that the intended use of non-customary land (whether transferred through private or public land access modes) is overwhelmingly residential in our dataset. It is only for land transferred directly from a customary owner (which we define as customary land) that the intended use is mainly agricultural. However, almost half of the customary plots that were transacted for money were intended for residential use at the time of the survey. This illustrates the conversion of rural into urban land (involving monetary transfers) and the competition between the two uses in areas where the land market is developing under the influence of the city. As expected though, residential plots (which account for about two thirds of our sample) are closer to the city center than agricultural plots. This is the case in the whole sample as well as within each one of the four land access modes.

Table 5.1 – Characteristics of land access modes

Access to land:	Definition	Number of obs.	Median distance to city center	Percentage of plots intended for residential use	Median size		Median price (at time of transaction)	
					Residential:	Agricultural:	Residential (CFA/m ²):	Agricultural (CFA/ha):
Private (non-customary)	Land bought from non-customary “owner” (including previously allocated land and customary land sold on the secondary market)	1,120	21 km	84%	Residential: 300 m ²	Agricultural: 2 ha	Residential (CFA/m ²): 1,125	Agricultural (CFA/ha): 500,000
Public (non-customary)	Land directly allocated by central or local government	52	21 km	75%	Residential: 300 m ²	Agricultural: 2 ha	Residential (CFA/m ²): 1,583	Agricultural (CFA/ha): 750,000 ⁵⁷
Customary monetary	Customary land bought from owner	328	32 km	47%	Residential: 400 m ²	Agricultural: 3 ha	Residential (CFA/m ²): 823	Agricultural (CFA/ha): 300,000
Customary non-monetary	Land obtained through customary mechanism	154	37 km	17%	Residential: 450 m ²	Agricultural: 2ha	Residential (CFA/m ²): n/a	Agricultural (CFA/ha): n/a

Source: authors’ survey, 20

The Table in Annex 5.3 presents the profile of sellers and buyers by land access mode. Most sellers of non-built plots are farmers (63%). While 97% of “sellers” in the non-monetary customary access mode are farmers, the figure drops to 84% in the monetary customary access mode and to 56% in the private market (53% for plots with an intended residential use but 73% for agricultural plots). The latter figures suggest that more than half the sellers on the private market are farmers that do not hold the land customarily. They may have bought parcels from customary owners and are selling them on the secondary market. Interestingly, the share of *coxers* identified as sellers of a plot is highest on the private residential market (16%) hinting at the specialization of intermediaries in the residential segment of the market.⁵⁸

Contrary to sellers, the majority of buyers of non-built plots are *not* farmers (as farmers represent only 12% of all buyers). Although the occupation of a significant proportion of buyers is not known, the figures suggest that there are important differences in terms of buyers’ characteristics depending on the land access mode. While farmers represent 77% of “buyers” of customarily transacted plots (customary plots transacted according to custom), they represent only 9% of buyers on the monetary customary land market, and 4% of buyers on the private land market. Notice that farmers demanding land in the monetized customary and private markets are likely to be investors purchasing land whereas farmers demanding land through the nonmonetary customary land access mode are low-income households likely to have been granted a right to use the land rather than “ownership” of the plot. The small

⁵⁷ Table 5.1 surprisingly reports *a priori* a higher price for land obtained through the public delivery channel than on the private land market. To understand this result, it should be noted that these are raw values that do not account for differences in plot characteristics, including location (see the regressions at the end of this section for a better analysis of land prices) and that median price values can be sensitive to small sample bias (there are only 9 observations for agricultural land accessed through the public channel). It is not clear also whether responses to our questionnaire make it possible to distinguish publicly allocated land from land acquired by a customary owner to which a precarious title was subsequently issued (which should indeed sell for a higher price than agricultural land acquired on the private market without any precarious title).

⁵⁸ Notice that our questionnaire did not allow for a sufficient distinction between sellers and intermediaries. Some *coxers* who appear as sellers of customary land in survey responses are in fact simply facilitating the transfer of land. Other *coxers* who rightly appear as sellers on the private land market do indeed buy customary rural land which they subdivide for residential use before reselling it. There might also be some confusion in responses regarding the profession of the seller and the function of the person delivering a property right within the land administration.

proportion of farmers buying land on the private land market also reflects the fact that private land markets are overwhelmingly residential (see Table 5.1 above).

The survey also highlights women's weak access to land. Regarding residential land, women represent only 18% of buyers in the private land market, 15% of beneficiaries of public land allocation, 13% of buyers in the monetized customary market, and 8% of recipients in the non-monetized customary access mode. This seems indicative of women having very little access to land through customary channels and only a slightly better access through the private and public land access modes. The figures are even lower for agricultural land where women represent between 5% and 6% of buyers depending on the land access mode.

Another interesting result relates to the place of residence of buyers: whether in the private market, public mode access or monetized customary market, more than 60% of recipients of plots located outside Bamako District reside in Bamako District (which is more populated and concentrates households with the financial means and social connections required to purchase land). 70% of these plots are for residential use but only 25% of them have been built on since the date of the transaction, which is suggestive of an important proportion of speculative holdings. In the non-monetized customary access mode, there are very few buyers from Bamako District and 72% of buyers actually reside in the same *commune*, which is consistent with local small farmers being granted the right to use the land under a symbolic exchange. As for Malian expatriates, they are mostly purchasing land on the private land market, where they represent 7% of all buyers.

5.3. Land tenure patterns

There is a lot of variation regarding the tenure status of the plots. Focusing on tenure at the time of transaction, we can see in the Table in Annex 5.4 that most plots are obtained with some kind of administrative or legal documentation. While 29% of the plots in our survey have no administrative documentation whatsoever, the majority of plots (53%) were held at the time of transaction with some administrative document (*bulletin, lettre de convocation, lettre de notification* or *lettre d'attribution*; see Table 3.1 for a definition of these documents and the context in which they can be obtained).⁵⁹ These administrative documents do not confer any legal rights in theory. Only 13% of plots had a temporary use right also known as a "precarious title" which refers to the different forms of *concession and permis d'occuper*. Only 5% of the plots in our survey were held under full ownership certified by a property title at the time of transaction.

Interestingly, plots for residential use (which represent 67% of our sample) are often held with an administrative document that provides no legal right (62%). The proportion of plots held with no administrative documentation is only 16%, while the proportion of plots held with a precarious title (*permis d'occuper* or *concessions à usage d'habitation*) or a property title adds up to 21% (15% and 6% respectively).

For agricultural plots (33% of our sample), the lack of documentation is more pronounced. At the time of transaction, only 10% of them were held with a precarious or property title (8% and 2% respectively). 30% of agricultural plots have an administrative document and 60% have no administrative document at all.⁶⁰

When looking simultaneously at the access mode to obtain the plot and the tenure status at the time of transaction (see the Table in Annex 5.5), one sees that a majority of plots is obtained on the private market with an administrative document (51%), which is given only by the public authorities (*communes* and *préfets*). Given that only 3% of the sample's plots are directly obtained through the public land delivery channel, we can assume that plots allocated through this channel with an administrative document are not kept by recipients and end up fueling the large informal secondary market.⁶¹ Only 16% of our sample's plots are obtained on the private market with a

⁵⁹ With the collected data, it was difficult to distinguish a *lettre d'attribution* from a *lettre de notification* (see Note (2) under Table 3.1 which details the reasons for this ambiguity). For the analysis, we decided to treat all *lettres d'attribution* as *lettres de notification*, i.e. administrative documents.

⁶⁰ About 50% of agricultural plots that did not hold an administrative document at the time of transaction had an *attestation de vente* which was authenticated by the *commune* (see Annex 4.1)

⁶¹ There are different ways whereby a plot of land can end up being privately transacted with an administrative document. The origin of the land may be the public land delivery channel with the land being illegally resold on the private secondary market, or it may be the purchase of land of customary origin with the current owner initiating a process of formalization of tenure rights (see Section 3 and Figures 3.1 and 3.2 for the processes, and Annex 4.1 for the documents used in different transactions).

more or less formal right (12% with a precarious title and 4% with a fully-fledged property title). 29% of the plots are obtained in the monetized and traditional segments of the customary land access modes. This may reflect the substitution of customary channels and informal secondary markets for the *direct* public provision of land, which appears to be exhausted or frozen over the studied period. Interestingly, among households who accessed residential land in the non-monetized customary access mode, 96% do not have a document that justifies their occupation of the plot. The figure drops to 32% for households who purchased land in the monetized customary access mode (and 22% for all plots intended for residential use). As regards plots destined for agricultural use, 91% of them—were obtained in the non-monetized customary access mode without an administrative document (suggesting that transfers could take the form of a right to use the land more than a transfer of ownership). This contrasts greatly with the fact that only 10% of households who purchase land in the monetized customary access mode do not have an administrative document. This suggests that buyers of agricultural land in the monetized customary access mode have the means to protect their investment (i.e. the urban elites buying up agricultural land).

When looking at the tenure obtained through each land access mode (see the Table in Annex 5.6), one sees that customary plots are never obtained with an administrative document even when the transaction is monetized. However, 78% of monetized transactions of customary land are made with an *attestation de vente* (vs. only 9% of non-monetized customary transactions). As regards public land allocation, in half the cases plots are obtained with an administrative document only (and in 31% and 19% of the cases with a precarious title or a property title respectively). For privately transacted plots, only a minority is obtained with a property title (7%) or a use right (17%). On the private market, land is predominantly obtained with an administrative document only (76%).⁶² This suggests that the public and private access modes tend towards more formalization than the customary access mode that is totally informal.

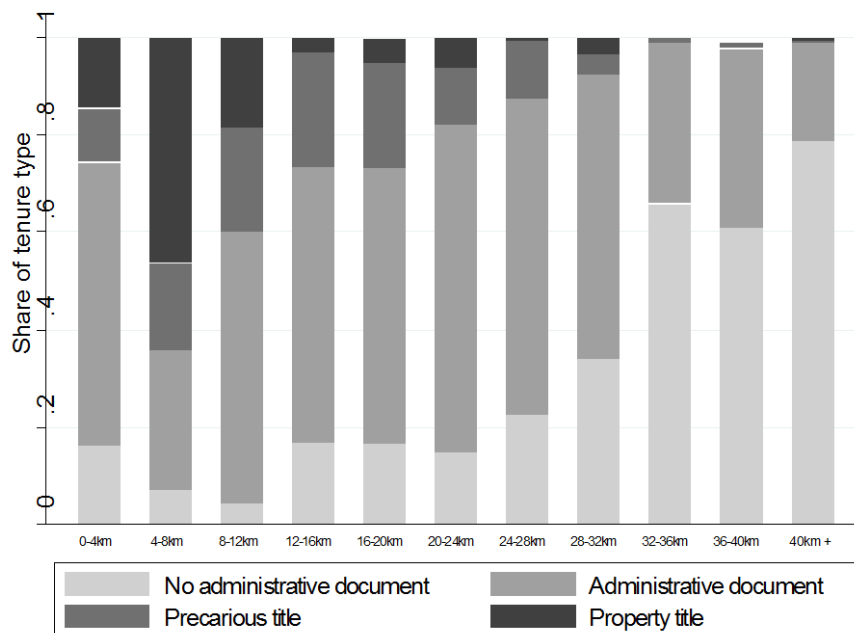
The different tenure situations exhibit noticeable spatial patterns that partly reflect the spatial stratification of land access modes. As can be seen from the Table in Annex 5.7, more secure and more formal tenure situations are located closer to the center of Bamako with a median distance for property titles in our sample of 16 km whereas the median plot without an administrative document is located 33 km away from the city center. Intermediate forms of tenure (administrative documents and precarious titles) occupy intermediate locations in the city. This is true for the sample as a whole but also within the subsamples of residential and agricultural plots. There is a combination of reasons that could explain why more secure forms of tenure are on average closer to the city center (see Selod and Tobin, 2013). One explanation could be that richer individuals who have the financial means and social network to formalize tenure prefer to reside closer to the city. Another explanation is higher incentives to hold formal land close to the city center: since proximity to the city center commands greater land values, occupants who do not have formal titles are exposed to market pressures and a higher risk of conflict and evictions. A third explanation could be that formal land developments where plots are sold with a property title are located close to the city center, mechanically increasing the proportion of plots held under formal tenure in central locations. Finally, plots closer to the city center have been converted to residential use earlier giving more time for plot holders to upgrade their tenure.

Of course, there is not a complete spatial stratification of tenure and various situations may be observed in a given location. Figure 5.2 below represents the land tenure “mix” at the time of the survey for different distance ranges from the center of Bamako. As one moves further away from the city center, the share of more formal and more secure types of tenure (precarious titles and property titles) diminishes in favor of the share of less secure tenure types (administrative documents at best).⁶³ Figure 5.2 thus illustrates the phasing out of formality as distance from the city center increases: there are no property titles in our sample more than 24 km away from Bamako and no precarious titles further than 32 km. The proportion of plots held under administrative documents decreases to about one-third 40 km and more away from Bamako.

⁶² This corresponds to the resale of an administrative document for which a large secondary market seems to exist.

⁶³ A Kolmogor-Smirnov test confirms that the spatial distribution of more secure tenure types is significantly different at the 1% level from that of less secure tenure types.

Figure 5.2 – Tenure by distance to the city center



Source: authors' survey, 2012

5.4. Land tenure conversions

Another result in our survey is that tenure may evolve between the date of the transaction and the date of the survey (over a period of at most 3 years). In Table 5.2 below, we present the tenure transitions for the whole sample since the date of the transfer.⁶⁴ The tenure of about 25% of the plots in our survey was reported to have changed since they were transacted. Most transitions occurred at the bottom and middle of the tenure typology. Among the plots which experienced land tenure conversion, 45% were granted an administrative document, 47% a precarious title, and 8% a property title.

The type of observed transitions varies depending on the land access mode. For instance, 91% of customary plots that were transferred with no money changing hands remain customary (as the nature of the transfer is likely to involve the provision of a customary right to use the plot as agricultural land). The figure drops to 22% for customary plots that were purchased in the monetized customary access mode (as monetary exchanges remove plots from the customary system). Who holds the plot also seems to matter since civil servants and merchants seem to have an advantage in the purchase and tenure transformation of plots. It is noticeable that 35% of those obtaining a precarious title on initially customary land are civil servants. 42% of those who transform customary land into titled land are merchants (and 25% are civil servants or military personnel).

⁶⁴ The changes depicted in the table are likely to be underestimated due to right censoring (since information on tenure after the date of the survey is not available by definition). It also aggregates figures for plots that have been held for different periods ranging from less than one year to up to three years.

Table 5.2 – Tenure transition matrix – all plots (in %)

Tenure at time of survey \ Tenure at time of transaction	No administrative document	Administrative document	Precarious title	Property title	Unknown	Total
No administrative document	13.4	11.1	3.5%	0.7	0.4	29.1
Administrative document	0.0	44.4	8.0%	0.5	0.0	53.0
Precarious title	0.0	0.0	12.0%	0.7	0.1	12.7
Property title	0.0	0.0	0.0%	5.0	0.0	5.0
Unknown	0.0	0.0	0.0%	0.0	0.1	0.1
Total	13.4	55.5	23.5%	7.0	0.5	100.0

Source: authors' survey, 2012

The Table in Annex 5.8 represents tenure transitions for the subsample of plots destined for residential use. The figures are very similar to those for the sample as a whole and confirm that tenure upgrading strategies are not implemented to the full extent and that many households stop short of obtaining a property title.⁶⁵ No specific spatial patterns seem to determine where conversions occur.

5.5. Land tenure and land prices

Having collected data on transaction prices (both at the time of transaction and at the time of the survey), we can explore the determinants of land prices in Bamako. Our main objectives are to assess both the values of the different land tenure situations and the spatial patterns that prevail in terms of land prices. In theory, land prices are expected to be related to physical characteristics such as plot size, location (physical accessibility of the city center) and availability of services (water or electricity), as well as to tenure status and associated security and embedded rights (e.g. transferability). We thus resort to hedonic price analysis to investigate how prices are correlated with tenure and location, while controlling for other characteristics. We do this for all plot transactions with a “price”, thus excluding the non-monetary land access modes from the pooled sample of observations and considering public allocation as if it were a land market.⁶⁶ To address possible outlier issues, we remove observations for which the price of land per square meter was in the top or bottom 1% of the price distribution. The equation we estimate is of the form:

$$\text{Log}(p_i) = \alpha \cdot d_i + \beta \cdot t_i + \gamma \cdot t_i \times t_i + \sum_j w_j X_i^j + \varepsilon_i$$

In this equation p_i is the price per square meter of plot i (which can be either the price paid at the date of the transaction or the estimated price at the date of the survey), t_i is a set of dummy variables describing the tenure on the land, d_i is the Euclidean distance to the city center. The X_i^j are various covariates present in the database such as the distance to the nearest paved road, the area of the plot, whether the land is serviced (water and/or electricity) and the bank of the river on which the land is located. We include the area of the plot (even though the dependent variable is price per square meter in order to capture non-linear effects).

⁶⁵ Explanations could be that tenure upgrading to property title is not always desired, it takes too much time to be observed within the retrospective 3-year time frame of the survey, and is most likely too costly for many households (see Section 4.2 for details on the costs of land tenure conversion).

⁶⁶ It is legitimate to do so. In all likelihood, since no specific indications were given to respondents, declared prices should be inclusive of bribes and should thus approximate the market value of land under the assumption that the land administration is able to fully extract rents from allottees (See Selod and Tobin, 2013 for a spatial theory of land price determination with the coexistence of diverse land tenure situations in a West African city).

The coefficients of our regression are estimated by OLS.⁶⁷ Results are presented in Table 5.3 below for four different specifications. Specifications (1) and (2) are using the price at the time of transaction as the explained variable whereas specifications (3) and (4) are using the estimated price at the time of the survey.⁶⁸ Specifications (1) and (3) exclude the interaction term between distance and tenure category whereas specifications (2) and (4) include it. Inclusion of this term can account for different price gradients depending on the tenure category. All specifications include a dummy for plots that are destined for agricultural use (as opposed to residential).

Results are consistent across our different specifications. The land market in Bamako displays the patterns that could be expected from any land market: prices decrease with distance from the city center and road infrastructure, and increase for serviced plots. The market values residential plots more than agricultural plots. Plots with secure forms of tenure are on average more expensive than plots with less secure forms of tenure. Except for regression (4), there is no evidence that the price of plots with an administrative document differs significantly from those without one, which is consistent with the idea that an administrative document provides no legal right and is therefore not very valuable.⁶⁹ Across specifications, plots with property titles are worth 1.4 to 5.7 times the price of similar plots with no legal rights, demonstrating the high value of tenure security and of transferability.

To allow for the possibility that characteristics are priced differently for agricultural and residential plots, we have also run the same regressions for the subsample of residential plots. The results presented in columns (5)-(8) of Table 5.3. They are qualitatively and quantitatively very similar to those for the whole sample.

Regressions (5) and (6) in Table 5.3 which use prices at the date of transaction enable us to roughly estimate the annual rate of increase in land prices for plots destined for residential use. It is important to note that with our data, such estimates can only be very rough and may possibly provide an underestimation of land price increases, for instance if respondents tend to bias downwards the amount paid for recent land transactions: indeed both buyers and sellers may tend to minimize the price they agreed on by fear of taxes or to avoid pressures from relatives or people who may have a claim on the same plot. Conversely, overpricing by landowners, *coxers* or developers may be observed when a plot is for sale (but this would not be included in our sample of effective transactions)⁷⁰. Nevertheless, according to our data, prices are found to have increased by about 40% over the period covered by the study, which would indicate an increase of about 16% per year.⁷¹ When restricting the sample to the private residential market for property titles, we estimate an annual price increase of about 20%. Bearing in mind the imperfections of our data noted earlier, we simply want to note that our results point to land price increases that are much higher than the nominal growth in GDP per capita (+2.6% in 2010 and -0.35% in 2011) and in the range of ten times the official inflation rate (the consumer price index has increased by 2% annually between 2008 and 2011). Given the high ratio of land prices to household incomes, this is indicative of a significant decrease in affordability.

⁶⁷ Since we have no means to address possible endogeneity issues, we do not infer any causality from our results and interpret them as indicative of correlations only.

⁶⁸ When using prices at the time of the transaction, time dummies are used to account for the year the plot was transacted. When using estimated prices at the time of the survey, we consider the tenure variables at the time of the survey instead of the tenure variables at the time of transaction. All other variables are considered time invariant.

⁶⁹ The fact that more than half the plots in the whole sample are held under an administrative document could thus be viewed as an indication of the difficulty households face in upgrading to a precarious title or a property title.

⁷⁰ Estimations of price increases with our data are also approximate given that we only have the year of transaction and not the exact date, because some respondents may fail to include the bribes they paid in the price, and because the sample may not be representative of the whole land market.

⁷¹ The last plot was surveyed in April 2012, so we used a period of 2.3 years for the calculation.

Table 5.3 – Land price regressions

	All uses				Residential use only			
	Regression using transaction price		Regression using current estimated price		Regression using transaction price		Regression using current estimated price	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Dummy: agricultural use	-0.422*** (0.101)	-0.400*** (0.101)	-0.476*** (0.096)	-0.458*** (0.095)				
Distance to city center (km)	-0.069*** (0.004)	-0.068*** (0.007)	-0.068*** (0.004)	-0.101*** (0.012)	-0.072*** (0.004)	-0.055*** (0.10)	-0.068*** (0.004)	-0.105*** (0.015)
Dummy: administrative document	0.071 (0.066)	-0.052 (0.199)	-0.034 (0.087)	-1.054*** (0.304)	-0.038 (0.079)	0.213 (0.241)	-0.178** (0.094)	-1.205*** (0.338)
Dummy: precarious title	0.672*** (0.085)	1.458*** (0.256)	0.215** (0.093)	-0.124 (0.319)	0.598** (0.098)	1.840*** (0.297)	0.139 (0.101)	0.044 (0.363)
Dummy: property title	1.912*** (0.127)	1.842*** (0.331)	1.346*** (0.121)	0.880** (0.351)	1.727*** (0.138)	2.087*** (0.348)	1.295*** (0.130)	0.507 (0.383)
Distance x administrative document		0.006 (0.008)		0.045*** (0.013)		-0.011 (0.011)		0.049*** (0.016)
Distance x precarious title		-0.044*** (0.012)		0.011 (0.013)		-0.070*** (0.015)		-0.003 (0.018)
Distance x property title		0.005 (0.018)		0.017 (0.016)		-0.017 (0.020)		0.038** (0.020)
Surface (in log)	-0.422*** (0.026)	-0.428*** (0.025)	-0.423*** (0.024)	-0.421*** (0.024)	-0.445*** (0.036)	-0.459*** (0.035)	-0.419*** (0.033)	-0.425*** (0.032)
Dummy: South bank of the river	0.793*** (0.50)	0.782*** (0.050)	0.742*** (0.046)	0.722*** (0.046)	0.794*** (0.056)	0.787*** (0.057)	0.823*** (0.050)	0.799*** (0.051)
Distance to paved road (km)	-0.077*** (0.005)	-0.077*** (0.005)	-0.086*** (0.005)	-0.084*** (0.004)	-0.074*** (0.006)	-0.075*** (0.006)	-0.078*** (0.005)	-0.077*** (0.005)
Access to water	0.662*** (0.139)	0.649*** (0.139)	0.762*** (0.134)	0.707*** (0.134)	0.587*** (0.152)	0.608*** (0.150)	0.655*** (0.141)	0.612*** (0.140)
Access to electricity	0.092 (0.310)	0.165 (0.308)	-0.050 (0.303)	-0.014 (0.300)	0.135 (0.362)	0.153 (0.361)	0.059 (0.338)	0.017 (0.335)
Dummy: sold in 2010	0.210*** (0.062)	0.199*** (0.062)			0.265*** (0.071)	0.235*** (0.071)		
Dummy: sold in 2011	0.282*** (0.063)	0.282*** (0.062)			0.297*** (0.069)	0.289*** (0.069)		
Dummy: sold in 2012	0.295*** (0.103)	0.290*** (0.103)			0.406*** (0.112)	0.381*** (0.112)		
Obs.	1,239	1,239	1,289	1,289	991	991	1,016	1,016
R²	0.79	0.79	0.79	0.80	0.63	0.64	0.64	0.65

Notes: OLS regressions for pooled residential and agricultural plots, excluding 1% of highest and lowest prices. In (1), (2), (5) and (6) the tenure dummies are at transaction time. In (3), (4), (7) and (8) the tenure dummies are at the time of the survey. Constant not shown. *** denotes significance at the 1% level, ** at the 5% level, and * at the 10% level

We also characterized the negative land price gradient for Bamako. This is done for residential plots only and prices at the time of transaction by estimating a hedonic price regression with the same explanatory variables as in specification (1) but excluding the distance variable. Residuals from this estimation are then plotted against distance from the city center and represented on the Figure in Annex 5.9. This provides a simple graphical representation of land markets in Bamako that removes any price variability associated with spatial differences in observed characteristics. The negative gradient confirms the higher value of land close to the city center and the influence of Bamako throughout the study area.

6. LAND MANAGEMENT AND LAND CONFLICT ISSUES

The previous sections have shown that access to land is a complex, costly and lengthy process. It is also characterized and impeded by various types of conflicts, which we describe and discuss in the present section. Many disputes arise as a result of inconsistencies in rules. Conflicts also thrive because of the gaps between rules and actual practice. Finally, they emerge due to the circulation of forged property titles and multiple allocation of a *lettre d'attribution* for the same plot. In this context, conflicts are numerous and tend to linger on as there are many failures in the justice system which is supposed to resolve them.

6.1. Inconsistencies and lack of precision in rules

6.1.1. Conflicting powers of the *communes* and state over “*lotissements*”

There has been a series of forward and backward steps regarding the respective roles of the local and central governments concerning land. This is well illustrated by the *Sauvons notre quartier* (SNQ) regularization program, which was launched by the state in 1992 in 24 of the “spontaneous” settlements in Bamako. The program provided an opportunity for the newly elected *commune* councils to manage resettlement areas allocated by the state to evicted households (“*les déguerpis*”).⁷² This program took place shortly after the state was transferring substantial land tracts in Bamako to the ACI (see Subsection 3.2.2). According to Bertrand (2006), fearing that new land would be allocated to the ACI and tempted by the prospect of making profits, elected officials proceeded without authority to subdivide land and sell plots. Following allegations of misappropriation against mayors and the Governor of Bamako District as well as substantial disputes with the occupants of the land, the SNQ program was suspended in 1997.⁷³ Regularization resumed in 2001 and resettlement areas were again allocated to the *communes*.

Other changes on *communes*' prerogatives occurred in 2002 before being challenged later on. In 2002, the procedures for allocating land from the state's private domain to the local authorities, which now hosted decentralized departments of the DNDC, were specified in the law. Many of the technicians from these departments made arrangements to be transferred to specific *communes* in which they knew, in view of their earlier activities, that there were resettlement areas where they could obtain plots. They then worked together with the elected officials to launch *lotissements* (Bertrand 2006). Following further scandals, land allocations from the state's private domain to the local authorities were again suspended in 2003. The process of resumption/suspension went on during the following years.

In Kati *cercle*, the representatives / agents of the state and local authorities compete to find land, usually customary, where subdivisions and *lotissements* can be made. According to legislation, state representatives (notably *the Préfets*) should issue precarious titles (CR) to farmland, while the *communes* should grant *concessions rurales à usage d'habitation* (CRUH). Things are different in practice. The Auditor General mentions in his 2011 Annual Report (République du Mali, 2012) that ‘the Kati *cercle* is continuing, despite the absence of legal foundation, to allocate CRUHs.’

⁷² In these neighborhoods, the State was indeed relinquishing its prerogatives in respect of plot allocation in favor of elected officials whose decisions it simply rubberstamped (Bertrand 2006).

⁷³ Bourdarias (2003) notes that: ‘In the so-called spontaneous settlements, the operations of the SNQ program were marked by revolts. The so-called illegal occupants had acquired concessions (rights of use) over plots from the original occupants in accordance with customary rules... Ordered to legalize their rights of occupancy and evacuate plots affected by the road layout, they (the so-called illegal occupants) said they felt they had been robbed by a predatory power, which used to be kept at arm's length but was now present in the heart of the settlements. That power is presently personified by the municipal authorities’.

6.1.2. Imprecise definition and enforcement of customary rights

Rules regarding the definition and enforcement of customary rights are imprecise. Inhabitants of villages holding customary rights often feel that they are being robbed. The 2000 Land Code lays down that, before registering or allocating land, the state must carry out a public inquiry with due hearing of all parties but which modalities have not been spelled out. This can lead to conflict with other claimants to the land. As described in Annex 6.1, it happens that individuals or developers with financial resources and good social connections obtain a property title to land subject to customary rights without taking any account of the latter.

6.1.3. Misunderstandings regarding the land rights held

Occupants of plots are often certain of their entitlements when in fact they are mistaken. This can partly be explained by the fact that the various stakeholders may use the same term, in good or bad faith, with a different meaning (see section 3). As many inhabitants cannot (or, in some cases, do not want to) pay the legal and illegal fees demanded in addition to the price of the land to complete the formalities for registering a precarious title, let alone a property title, they simply undertake the first steps, which provide them with a document, a "*petit papier*" (e.g. une *attestation de vente authentifiée*), (see Annex 6.2) or an administrative document (e.g. *bulletin or lettre de notification*). Although these "*petits papiers*" or administrative documents are not enough to ensure security of tenure, the holders are often convinced that they are occupying their land legally because they are in possession of a document bearing the signature of an authority.

6.1.4. Jurisdictional boundary issues

Village and *commune* boundaries are unclear, which leads to conflicts over land. An example is the dispute between two villages, N’Goninkoro and Dicko in Baguineda *commune*. Both villages claimed, without supporting documents, that they had customary rights over the same land that they had each sold to two different people (Le Prétoire September 13, 2012; Le Républicain September 21, 2012).

6.2. Gaps between rules and practice

6.2.1. Irregularities in *lotissement* and *resettlement* operations

One of the reasons for all this confusion is that the *communes* and state administration tend not to comply with the rules, particularly when engaging in "*lotissement*" and resettlement operations.

The aim of upgrading/regularization operations is, in principle, to enable the poor to access land with a precarious title. These operations were and to a large extent still are diverted from their purpose by the *communes* and the *bureaux spécialisés des Antennes de la DRDC* (see note 1 under Table 3.1) while state representatives turn a blind eye... An *Inspecteur des Domaines* told us that many people were in resettlement areas although they were not authorized to be resettled. A former senior official responsible for housing policy at national level also told us that the allocation of resettlement plots, now a matter for mayors, was often undertaken to the benefit of people chosen by the latter. He reckoned that probably around 60% of so-called resettlement plots were misappropriated for the benefit of people likely to vote for the mayor (see also Annex 3.5).

Whereas, in order to encourage wider access to plots, *communes* and *Antennes* of the DRDC should no longer allocate more than one CHU to any one family,⁷⁴ this is common practice. The Auditor General’s Annual Report 2011 (République du Mali, 2012) notes, regarding Bamako district: ‘The *Antenne* of *Commune* V, for example, registered multiple land allocations. During the period 2008 – 2010, several people were individually allocated between five and fourteen residential lots’.

Some *communes* have been known to carry out *lotissement* or resettlement operations on land which is already the subject of property title (TF); they begin selling plots even before the *lotissement* is completed, which is prohibited. Buyers of these plots lose out when the holder of the TF shows up (see Annex 6.3).

⁷⁴ A person applying for precarious title (CUH or CRUH) must not have title to another plot in the same *commune* (apart from a joint plot) and any allocation of more than 1000 m² must be authorized by a State representative.

6.2.2. Other irregularities in land management

The *communes* do not comply with urban planning documents. Plots may be sold on public rights of way and spaces (green areas, public squares and shopping facilities), which can give rise to significant conflicts.

Certain state representatives grant *concessions rurales* (CRs) on plots of a size more suitable for residential use. According to the Auditor General's Annual Report 2011 (République du Mali, 2012), the *Sous-Préfet* of Kalabancoro has granted CRs in respect of very small plots (300 m²), by subdividing either land already allocated by the *Préfet* as CR or customary land. Moreover, the *Préfet* of Kati *cercle* is said to have granted several CRs to the same person, which he is prohibited from doing.⁷⁵

Evictions following a declaration of expropriation in the public interest are not always carried out according to the rules and are not always accompanied by compensation.

6.3. Forged property titles, double or triple attribution of a *lettre d'attribution* for the same plot

In principle, a property title guarantees total security for its owner. In practice, forged titles may be issued, which weakens the security conferred by a property title. Banks in particular report their reluctance to grant loans on the basis of these securities. (see Annex 3.4). Doubts regarding the quality of property titles (TF) lead to conflicts (see Annex 6.4).

There are many inhabitants of Bamako and Kati *cercle* who have a *lettre d'attribution* for the same plot. This can happen in particular when beneficiaries of an LA ignore (or pretend to ignore) the provision in the law that stipulates that the land must be developed within three years. This means that someone who has held an LA for many years can transfer the plot (with the LA) without having developed it, whereas a middleman may offer this same land to a buyer because it appears to be vacant. That buyer can then, with the complicity of the local authority, also obtain an LA.

The identity of those who are taking up a precarious title is not always checked as evidenced by the Auditor General in his 2011 report: 'The *Antenne* of the *bureau spécialisé* of *commune IV* also permitted the take-up of 811 CUHs by third parties without authority. By way of illustration, five of these people took up between 38 and 56 CUHs in 2009' (République du Mali, 2012).

The Hamidou Diabaté Law of December 2011 provides that litigation between the holder of a precarious right and the holder of a property right shall be subject exclusively to the jurisdiction of the courts of law. Previously, the litigation was heard by an administrative court, which had the power to investigate whether all the administrative procedures for the allocation of a property title had been followed. The dispute may now relate only to the terms of the contact between the buyer and the seller.

Failures and conflicts result in frequent appeals to the justice system. According to the public prosecutor at the Supreme Court of Mali (République du Mali, 2009b), 80% of the many cases cluttering up the country's courts involved a land tenure issue. The President of the Bar affirmed that tenure insecurity is the main cause of social conflict in Mali (ibid).

One should not conclude from the presentation of these different conflict types that they reflect a clear opposition between two groups: households or household groups on the one hand, and the administration, municipality councilors and speculators on the other hand. Many households speculate. Many know the rules but pretend to ignore them: as reported by Rakodi and Leduka (2004), this is often a means to passively resist rules. Councilors and those with responsibilities within the land administration do not only try to increase their wealth and influence but clientelist relations are also often a means to help the urban poor. Non-compliance of the administration of the rules is often presented as the only means to house the population. It seems, rather, that there is some sort of equilibrium or compromise between those groups as long as irregularities, corruption and speculation are considered by all as means to improve their own situation. It is only when the balance is disrupted by the excessive hunt for gains of

⁷⁵ For example, in the area of Soro, he is said to have allocated several CRs covering 5 ha each, a total area of 459 ha, to a single person.

councilors, of the administration and of rich speculators and when these gains are insufficiently redistributed that the population strongly protests.

7. CONCLUSION

Improving access to land in African cities: A highly sensitive issue

Access to land in urban and peri-urban areas and the rural hinterland of African cities is a highly sensitive issue in a context characterized by widespread poverty and a high rate of urban population growth. The dysfunctional land sector is an impediment to investments and economic development, with major consequences for living standards, social peace and political stability. Inappropriate policy directions and loss of control over land delivery represent a major challenge and threat to governments.

The government of Mali has been aware of this problem at least since the early 1990's,⁷⁶ but has not rolled out successful measures to ensure more efficient and equitable access to land and limit speculation. The March 22, 2012 military coup was, to a certain extent, fuelled by a general dissatisfaction due to inappropriate public land policy, gaps and weaknesses of land governance and corruption in land administration as evidenced by street protests and the tough resistance of communities and households threatened by evictions during the months that preceded the coup. Nationwide debate in the press concerning malpractice in land management and corruption in land administration has intensified after the coup.

Whereas the stakeholders involved in land markets acknowledge the shortcomings of the land policies implemented over the past two decades and the widening gap between household incomes and the cost of accessing land, elected representatives, government officials, decision-makers and professionals seem helpless to address this problem. This is not only due to divergent interests among them, or the lack of appropriate tools or political will. It is also the result of insufficient understanding of the procedures for accessing land and of the diversity and complexity of the mechanisms and dynamics involved in land delivery.

How have land market issues in Bamako been analyzed and addressed to date?

The synthesis report of the Land Convention⁷⁷ (*États Généraux du Foncier – EGF*) of 2008-2009 identifies the main constraints and problems that compromise the improvement of land governance in Mali and especially those related to access to land. Four main issues have been identified and discussed: the legal, regulatory and institutional frameworks; the harmonization of state domain management with sectorial development policies; land management tools and procedures; and social participation and capacity building in land administration. It is, to date, the most comprehensive consensual diagnosis of land and tenure issues and policy in Mali. However: (i) it does not identify the structural causes of the problems encountered; (ii) their dynamics over time are not addressed in the report, which rather gives a snapshot of land management and administration problems; (iii) the relationships and interactions between the sets of issues are not discussed in the report as if they were independent from one another; (iv) for each set of issues identified, the report proposes a series of recommendations (more than 60), but neither their compatibility nor their contradictions are considered and they are not prioritized according to their relative importance and timing for implementation.

Our objective with the present study is not to propose another set of technical or policy measures to improve the functioning of land markets, but rather to propose a grid of analysis for a systemic analysis of the various modes of access to land. We believe that it is only through such a systemic analysis that policy makers may anticipate the consequences on the whole land delivery system of specific measures concerning any one of its components.

Access to residential land in Bamako relies on various land delivery channels and land markets, which coexist and frequently overlap

⁷⁶ *États Généraux du Foncier Rural* (1992); *Conférence Nationale sur le Foncier* (1994); *Forum régional de Bamako* (2003).

⁷⁷ Ministère du Logement, des Affaires Foncières et de l'Urbanisme, Commission Nationale d'organisation des États Généraux du Foncier (2010). *États Généraux du Foncier. Rapport de synthèse* (du 30 juin 2008 au 11 décembre 2009).

In many cases, especially in the areas where the city is expanding, land can be directly obtained from customary owners. This is the origin of what we call the customary land delivery channel. In other cases, land can be allocated by the state or by local authorities, usually at a set price below market price, through the public and semi-public land delivery channel. These two channels along with the markets that derive from them respond to the bulk of the demand for land in urban and peri-urban areas and in the rural hinterland. As most people do not complete the formalization process of their tenure situation (because of costly and time-consuming procedures) and as transactions in the land markets are usually illegal, these two channels and the associated markets provide land at a comparatively low access cost but with a low level of tenure security. The other way to access land is through the formal private land delivery channel and associated markets, which ensure security of tenure, but have such a high access cost that they are de facto targeted at the elites.

The obstacles to improving access to land

In Bamako, attempts to improve access to land are severely limited by a series of obstacles, including:

- (i) a legal and regulatory framework based on a process for accessing secure land (through the property title) which is so selective that the vast majority of urban households are excluded;
- (ii) intense competition for access to land among a diverse range of potential buyers who have asymmetric access to information and social connections;
- (iii) a wide gap between rules and practices and, as a result, frequent erroneous assessment by people of the land rights they actually hold;
- (iv) the state's reluctance to recognize or formalize customary tenure;
- (v) the limited capacity of land administration to deal with the demand for secure tenure or tenure formalization;
- (vi) widespread corruption in land administration resulting jointly from the land prerogatives of the state and from the juxtaposition of several land delivery channels and land markets with a wide range of associated tenure rights, together with the coexistence of both market and set prices;
- (vii) the under-estimation by governments of social, cultural and political constraints in their attempts to improve access to land: reforming land management and administration is a highly political matter and technical answers are not sufficient.

We can assume that the majority of people who have an interest in changing the legal framework of land management are not able to impose it; the majority of people who are in a position to make changes have no interest in doing so.

Making an accurate diagnosis is a prerequisite for making relevant recommendations

Whereas various modes of access to land have been analyzed by scholars and experts, there are few attempts to describe the land delivery system as a whole.

This study is an attempt to understand what the components and dynamics of land delivery channels and associated land markets are, and how they are closely interrelated as evidenced by empirical observations and represented in figure 4.1. Any change in one element of the system may have an impact on the others. Taking this into account would make it possible to assess the consequences of land-related policy measures. For example, the land delivery system permits to understand that increasing public land reserves and reaffirming the land prerogatives of the state do not necessarily improve the supply of land for low-income households as plots allocated by public authorities are very often put onto the informal secondary markets before tenure formalization procedures have been completed.

Our approach is valid not only for Bamako but in many instances for other cities in the sub-region.

The same type of assessment of the situation and dynamics of land markets in cities in West and Central Africa, which share very similar land administration systems, would permit an accurate understanding of the obstacles to conventional measures designed to make access to land more efficient and equitable.

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ANNEXES

Annex 0.1. French acronyms used in the text

ACI: *Agence de Cession Immobilière* (Land Development Agency)
APIM: *Association des promoteurs immobiliers du Mali* (Property Developers Association of Mali)
CARPOLE: *Cellule de Cartographie Polyvalente* (Mapping Center)
CR: *Concession Rurale* (Rural Concession)
CRUH: *Concession Rurale à Usage d'Habitation* (Rural Concession for Residential Purposes)
CUH: *Concession Urbaine d'Habitation* (Urban Concession for Residential Purposes)
DDC-DB: *Direction des Domaines et du Cadastre du District de Bamako* (Bamako District Directorate of State Domains and of the Land Register)
DNDC / DRDC: *Direction Nationale/Régionale des Domaines et du Cadastre* (National/Regional Directorate of State Domains and of the Land Register)
FGHM: *Fonds de Garantie Hypothécaire du Mali* (Malian Mortgage Guarantee Fund)
LA: *Lettre d'Attribution* (Allocation Letter)
OFM: *Office Malien du Logement* (Malian Housing Authority)
PAFOC: *Projet Gestion du Patrimoine Foncier Communal* (Municipal Land Management Project)
PO: *Permis d'Occuper* (Occupancy Permit)
SNQ: *“Sauvons notre quartier”* (“Save Our Neighborhood” upgrading program)
TF: *Titre Foncier* (Property Title)

Annex 0.2. French/English glossary of technical terms

Acte de vente: Deed of sale
Acte de donation: Deed of Gift
Acte notarié: Notarial deed
Adjoint au maire: Deputy Mayor
Allocataire (de terrain): Allottee (for a land plot)
Antenne de la DRDC: DRDC's branch
Arrêté: Administrative order
Arrêté municipal: Mayoral order
Attestation de recasement / Certificat de recasement: Certificate of resettlement (Administrative occupancy permit issued by a mayor following a *lotissement*, i.e. land readjustment and/or formal land subdivision)
Attestation de vente: Certificate of sale
Attestation de vente authentifiée: Certificate of sale authenticated by local authorities
Autorisation de paiement: Payment authorization
Autorisation de transfert: Transfer authorization
Bail: Lease
Bail emphytéotique: Long-term lease
Bornage: Land plotting
Bulletin: Bulletin
Bureau spécialisé de l'Antenne de la DRDC : Specialized section of DRDC's branch
Cahier des charges: Regulatory act of the commune administration, which lists obligations and requirements for use and development of the land that each landholder is to fulfill
Cercle: Administrative jurisdiction which includes several communes
Chef de Quartier / Délégué: Neighborhood headman
Chef de village: Village headman
Chef de terre : Land chief / customary chief
Code domanial et foncier: Land code
Collectivités territoriales: Local authorities
Commune: Administrative jurisdiction/municipality
Conseiller municipal: Municipal councilor
Convention de vente (de terrain): (Land) Sale agreement

Decision de justice: Court order resolving a dispute (over land) and defining the right of possession, proprietorship or occupancy and use

Déguerpis: Evicted people

District de Bamako: Bamako district, which includes 6 *communes*.

Division parcellaire: Partition of land parcel into plots for donation or inheritance purposes only

Document administratif: Administrative document

Domaine privé de l'Etat: Private domain of the State

Droit réel: Real (property) right

Droit d'usage: Use right

Droit coutumier: Customary right

Droits de mutation: Transfer taxes

Enregistrement foncier: Land registration

Etats Généraux du Foncier: Land Convention

Filière d'approvisionnement en terres: Land delivery channel

Frais d'édilité et de viabilisation: Local development taxes (infrastructure and services)

Frais d'enregistrement: (Land) Registration fees

Génie rural: Department of Agricultural Engineering

Géomètre: Land surveyor

Gouverneur: Governor (representative of State at the region level)

Immatriculation: Registration of land under the name of the State; also used to designate registration of land under private ownership

Inspecteur des Domaines: Inspector of the State Domains

Lettre de notification: Notification letter

Livre foncier: Land book / register

Lotissement: Land subdivision that complies in principle with planning regulations

Lotissement préfectoral: Land subdivision by prefect or subprefect

Maire: Mayor.

Mairie: Town Council/Mayor's office

Mise en valeur (d'un terrain): Land parcel development

Morcellement: Informal subdivision of land

“Les nécessiteux et démunis”: The needy and poor

Occupations spontanées: Spontaneous settlements

Ordre des Urbanistes du Mali: Urban Planners Professional Order of Mali

Permis d'occuper: Administrative permit to occupy a parcel of land

“Petits papiers”: Petits papiers (“bits of paper”)

Préfet: Prefect (representative of the State at *cercle* level)

Présumé propriétaire: Presumed owner

Principe de domanialité: Principle of "domanialité"

Promoteur immobilier: Property developer/ Property development company

Propriétaire coutumier / propriétaire terrien: Customary landholder

Propriétaire occupant: Owner-occupier

Purge des droits: Extinction / purge of customary rights

Quartier: Neighborhood

Quartier informel: Informal settlement

Quitus fiscal: Tax receipt

Recasement: Resettlement

Région: Administrative jurisdiction which includes several *cercles*

Régularisation: Regularization/Tenure regularization

Réhabilitation: Physical upgrading

Reprise des apports: Return of rights to landholders following formal land readjustment and/or subdivision

Restructuration / remembrement foncier: Land readjustment

Schéma d'urbanisme: Master plan/Urban planning document

Sécurité de la tenure: Tenure security

Servitudes: Planning restrictions and easements

Sous-préfet: Subprefect

Système d'information foncière: Land information system

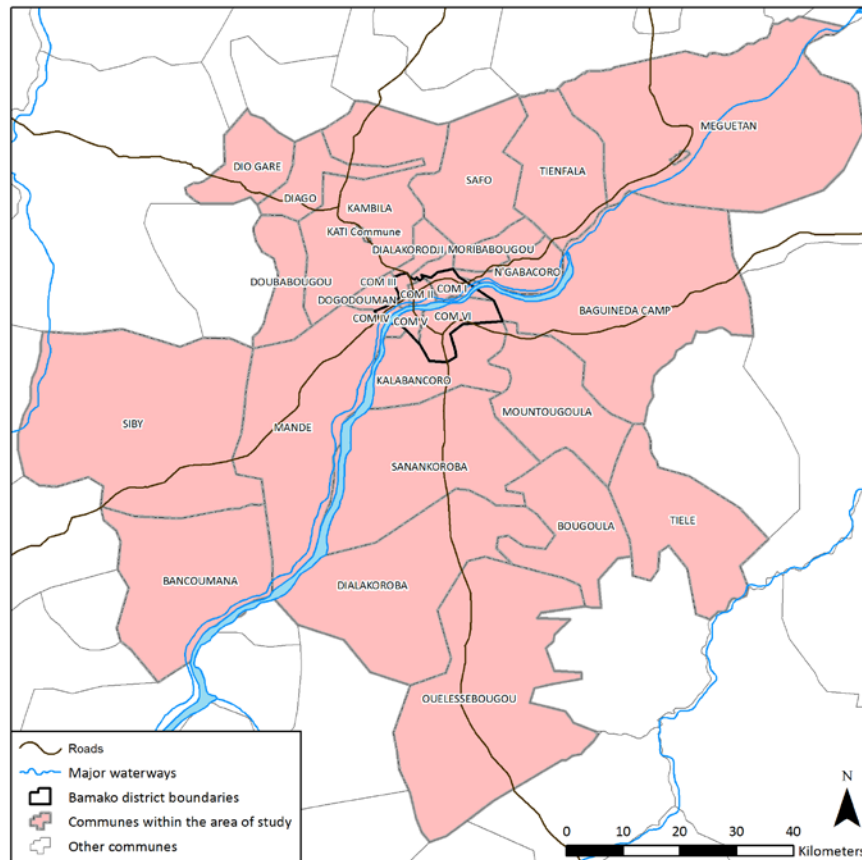
Taxe sur la transaction: Transaction tax

Terrain équipé: Serviced land
Titre foncier: Property title
Titre provisoire / précaire: Precarious title
Titrement: Titling
Vérificateur général: Auditor general

Annex 1.1. A migrant’s demand for land

In Ville de Bamako (2012), Hamidou Magassa describes the journey of a young man coming to Bamako from the countryside: ‘To become a proper Bamakois (resident of Bamako), someone heading to the city from the countryside has a long way to go across the whole gamut of urban and peri-urban tenure arrangements before finally settling. As a young unmarried migrant with few resources, he will be taken in by a landlord, usually a relative or an acquaintance from the village who has come to the city before him. After a few months or years of informal activity and with permission from his landlord, whose family may still provide him with meals, this long-term migrant will not leave the neighborhood but move towards renting a room, either shared or otherwise. Having mastered a craft and achieved professional stability with a regular income, he will take a wife and gain his conjugal independence, in terms of both board and lodging, by renting two or three rooms in a family compound, with some degree of linkage to the original landlord. To escape the uncontrollable pressure of monthly renting in Bamako, acquiring a residential plot will become his prime objective that he will achieve either officially (via the administration) or informally (customary system) in the peri-urban area. Building and setting up as a property owner will take this now fifty-something head of a polygamous household quite a few years before he, in his turn, takes charge of around 20 people.’

Annex 2.1. Map of the study area



Source: DNCT

The study area includes the *communes* of Baguineda camp, Bancoumana, Bougoula, Diago, Dialakoroba, Dialakorodji, Dio-Gare, Doubabougou, Kalabancoro, Kambila, Kati commune, Mandé, Moribabougou, Mountougoula, N°Gabacoro, Ouelessebougou, Safo, Sanankoroba, Sangarebougou, Siby, Tiele in the Kati *cercle*; *communes* of Meguetan and Tienfala in the Koulikoro *cercle* and 4 *communes* of Bamako (I, IV, V et VI).

Annex 2.2. Characteristics of urban and peri-urban areas and of the rural hinterland

Areas	Built up area and population density	Physical characteristics	Land markets patterns and prices
Urban areas	Built up contiguity. High and high-medium density.	Dense road and infrastructures network.	Fully monetized land markets. High and medium land prices.
Peri-urban areas	Land subdivisions and developments in progress. Medium and low density.	Road and infrastructures network being constructed	Usually, fully monetized land markets. Medium and low land prices.
Rural hinterland	Low density, except in core villages or along main roads	Predominantly agricultural use. Formation of agricultural estates	Coexistence of monetized and custom based land markets. Low land prices (but higher than outside the zone of influence of the urban area).

Annex 3.1. Laws, decrees and other texts on land and tenure

- Décret n° 91-321/PM-RM du 3 octobre 1991, portant modalités d'application des dispositions du Code domanial et foncier relatives aux concessions rurales.
- Décret n° 91-322/PM-RM du 3 octobre 1991, portant réglementation des modalités et conditions des cessions des terrains domaniaux par adjudication publique.
- Décret n° 91-323/PM-RM du 3 octobre 1991, portant réglementation de la cession amiable des terrains domaniaux.
- Décret n° 91-324/PM-RM du 3 octobre 1991, portant organisation et modalités de fonctionnement de la commission chargée des évaluations foncières.
- Décret n° 92-113/PM-RM du 9 avril 1992, portant fixation des prix de cession et des redevances des terrains urbains et ruraux du domaine privé de l'État, à usage commercial, industriel et d'habitation.
- Décret n° 92-114/PM-RM du 9 avril 1992, portant fixation des barèmes généraux de base des prix de cession et des redevances des terrains ruraux appartenant à l'État et détermination des procédures d'estimation des barèmes spécifiques.
- Loi n° 95-034, du 12 avril 1995, portant Code des collectivités territoriales en République du Mali"
- Loi N° 96-025 du 21/02/1996 portant statut particulier du District de Bamako.
- Loi N°96-050 du 16 octobre 1996 portant principes de constitution et gestion du domaine des Collectivités Territoriales
- Loi N° 99-026 du 07 juillet 1999 portant ratification de l'ordonnance n°99-003/P-RM du 31 mars 1999 portant création de la Direction Nationale des Collectivités Territoriales.
- Ordonnance n° 00-27 du 22 mars 2000 portant Code domanial et foncier.
- Décret n°01-040/P-RM du 21 février 2001 déterminant les formes et conditions d'attribution des terrains du domaine privé immobilier de l'Etat.
- Décret n°01-041/P-RM du 21 février 2001 fixant les modalités d'attribution du permis d'occuper.
- Loi n° 02-008 du 12 février 2002 portant modification et ratification de l'ordonnance n° 00-027/P-RM du 22 mars 2000 portant code domanial et foncier.
- Décret n° 02-113/P-RM du 6 mars 2002 fixant les modalités d'organisation et de confection du Cadastre.
- Loi n° 01-077 du 18 juillet 2001 fixant les règles générales de la construction.

- Décret n° 02-114 P-RM du 06 mars 2002 portant fixation des prix de cession et des redevances des terrains urbains et ruraux du domaine privé de l'État, à l'usage commercial, industriel, artisanal, de bureau, d'habitation ou autres.
- Décret n° 02-115 P-RM du 06 mars 2002 portant fixation des barèmes généraux de base des prix de cession, des redevances des terrains ruraux appartenant à l'État et détermination de la procédure d'estimation des barèmes spécifiques.
- Décret n° 02-111 et 112/P-RM du 22 mars 2002 Déterminant les formes et les conditions de gestion des terrains des domaines publics immobiliers de l'Etat et des collectivités territoriales.
- Loi n° 02-016 du 3 juillet 2002 fixant les règles générales d'urbanisme.
- Décret n° 05-113/P-RM du 9 mars 2005 fixant les règles spécifiques applicables aux différentes catégories de servitudes en matière d'urbanisme.
- Décret n° 05-114/P-RM du 9 mars 2005 déterminant les modalités de réalisation, de gestion et de normalisation des infrastructures urbaines.
- Décret n°05-115/P-RM du 9 mars 2005 fixant les modalités de réalisation des différents types d'opérations d'urbanisme.
- Décret n°10-176/PM-RM du 25 mars 2010 fixant le cadre institutionnel de pilotage du quatrième Projet urbain du Mali.
- Lettre circulaire interministérielle n° 2011-001/MATCI-MLAFU-SG du 31 octobre 2011 relative à la suspension des attributions du domaine privé immobilier de l'Etat (suite au Conseil des ministres du 15 juin 2011).
- Loi du 15 Décembre 2011 (dite Loi Hamidou Diabaté) portant modification de l'ordonnance n°00-027 du 22 mars 2000 portant code domanial et foncier modifiée et ratifiée par la loi n°02-008 du 12 Février 2002.
- Décret N°2013-341/PRM du 18 avril 2013 portant modification du Décret N°01-040/P-RM du 02 février 2001 déterminant les formes et conditions d'attribution des terrains du domaine privé immobilier de l'Etat.

Annex 3.2. Details of required procedures and costs of formalization from customary land to property title (TF)

Type of operation	Procedures (1)	Participants (1)	Costs of the operation (excluding undeclared payments)
Sale of customary land to a private individual who keeps the land and may obtain precarious title (CR) and then property title (TF)	<u>Stage 1.</u> Authentication of the sale: issuance of an <i>attestation de vente authentifiée</i> by mayor's office	- Buyer and seller; - <i>Coxer</i> , surveyor and village's authorities; - Mayor's office	- Purchase price of land; - Payments to <i>coxer</i> and surveyor ; - Fee due to mayor's office
	<u>Stage 2.</u> Application for CR: - Plotting by authorized surveyor (2); - Checking by DRDC (3) that no TF exist; - Application to State representatives according to land area involved; - Public inquiry announced in newspaper then <i>Procès verbal de palabres</i> (record of discussion) and administrative certificate signed by State representative; - Allocation of CR with specifications (<i>cahier des charges</i>)	- Surveyors - DRDC - Various levels of government: - <i>Sous-préfet</i> : if <2,5 ha (3) - <i>Préfet</i> : 2,5-5 ha, - Governor : 5-10 ha, - Minister of State Domains: 10-100 ha, - Council of Ministers: >100 ha - Village communities - All interested parties in the vicinity	- Payment to authorized surveyor who may have the work done by an unauthorized surveyor - Local development taxes and annual tax
	<u>Stage 3.</u> Application for TF: - Development within five years or land may be taken back; - <i>Immatriculation in the name of the State</i> ; - Allocation by DRDC (3) with data recorded in the <i>Livre Foncier</i>	- DRDC	- Registration fees = 15% of the price of the land
Sale of customary land to a private individual who will arrange subdivision and sell the resultant plots.	<u>Stage 1.</u> Same as stage 1 above	Same as stage 1 above	Same as stage 1 above
	<u>Stage 2.</u> Same as stage 2 above	Same as stage 2 above	Same as stage 2 above
	<u>Stage 3.</u> Application to <i>Préfet</i> for authorization to subdivide as previously recommended by	- Surveyor - <i>Préfet</i>	- Cost of surveyor - Charges for <i>bulletin</i> : FCFA 80,000 to

The plot owners may obtain a precarious title (<i>concession rurale à usage d'habitation</i>) - (CRUH) and apply for TF	surveyor: - For each plot, the <i>préfecture</i> prepares <i>bulletin</i> - Sale of plots with <i>bulletin</i> often with aid of <i>coxer</i>		300 000 - Cost of <i>coxer</i>
	<u>Stage 4.</u> Transformation of bulletin into CRUH: - <i>Bulletin</i> put in buyer's name and application for CRUH sent to the <i>commune</i> by the buyer; - Condition: non-possession of another residential lot in the same <i>commune</i> and having tax receipt; - Decision subject to signature by the mayor who will issue notification of allocation and seek payment of the fees; - Registration of the title in the register of CRUHs	- <i>Prefet or Sous préfet</i> - Mayor's office after opinion from village council meeting for the purpose, endorsed by resolution from <i>commune</i> council	- Local development (infrastructure and services) taxes varying according to <i>commune</i> and 10% of the taxes for the State budget
	<u>Stage 5.</u> Transformation of CRUH into TF: - Certificate of development issued by <i>Antenne</i> DRDC (3); - Deposit of copy CRUH which will be cancelled; - Copy of TF handed to interested party; - Recording of TF in the Land Register	- Mayor's office: Assessment of development - Ordinary section, <i>Antenne</i> DRDC in the <i>commune</i>	- Registration fees = 15% of plot price

Notes:

(1) Changes since 2011 and other changes after April 2013 (see Annex 3.1)

(2) Note that 90% of land subdivisions are carried out without the consent of all parties involved according to reliable sources at the *Génie rural*. This practice generates land disputes.

(3) The *Direction nationale des domaines et du cadastre - DNCD* has representation in each region (DRDC), for our study *Koulikoro* region. Local representative offices (*Antennes*) have been set up in the *cercles* and *communes*. Within these *Antennes*, the specialized section deals with precarious title and the ordinary section with property title.

The issue of a CR is a complicated procedure involving a large number of administrations at local and central government levels. Because conversion of a customary right into a CR results in a sharp increase in the market value of the land, it provides incentives to a series of irregular practices involving most stakeholders participating in tenure regularization, in public allocations of land and in land transactions. Having a precarious title (CR) makes it possible to obtain, in a later stage, a property title (TF). However, this is a time-consuming and costly process. One reason is that tenure regularization requires an investment, implying that CR holders must develop their land within a period of five years and pay very high fees to apply for a TF. Another reason is corruption: it happens that some people who own a CR and have not made any investment manage to achieve regularization and obtain a TF within 3 months, while others who have a CR and have developed the land as required by the law cannot obtain a TF even after 10 years. In practice, most customary landholders have limited scope to transform a CR into a *Titre Foncier*: they do not have the required financial resources and they do not have sufficient connections within the land administration.

Annex 3.3. Details of required procedures and costs of formalization from allocations by the State or local authorities to property title (TF)

Type of operation	Procedures	Participants	Costs incurred
Land of the State's private domain transferred to a <i>commune</i> , which allocates it to private individuals in connection with a formal land subdivision	<u>Stage 1.</u> Assignment from the State's private domain to the <i>commune</i> which has a planning document and wishes to carry out a <i>lotissement</i> : - Decision taken by the Council of Ministers following application from the <i>commune</i> - The TF is transferred to the <i>commune</i> with prior checking that there is no TF other than that held by the State to the requested land.	- Council of Ministers on submission from the Minister for State domains - The <i>commune</i> consults residents and often acts at their request	
	<u>Stage 2.</u> Application for <i>Concession urbaine d'habitation</i> (CUH) or <i>Concession rurale à usage d'habitation</i> (CRUH) sent to the <i>commune</i> by the occupant of the plot; - Condition: non-possession of another residential lot in the same <i>commune</i> and having tax receipt;	- Village, fraction of neighborhood, or mayor - Various levels of government: - <i>Préfet</i> if land = 1000-5000 m ² - Governor = 5000-1 ha	- Local development (infrastructure and services) taxes varying according to <i>commune</i> and 10% of the taxes for the State budget

	<ul style="list-style-type: none"> - Opinion from the village, fraction of neighborhood or Municipal Council; - In case of bare land >1000 m², approval of State representatives required; - Decision subject to signature by the mayor who will issue notification of allocation and seek payment of the fees; - Registration of the title in the register of CUHs or CRUHs. Specifications approved by Municipal Council 	<ul style="list-style-type: none"> - Minister for local authorities: 1-5 ha - Council of Ministers >5 ha - Specialized section, <i>Antenne</i> DRDC in the commune 	
	<p><u>Stage 3.</u> Application for TF:</p> <ul style="list-style-type: none"> - Condition: development on terms imposed by each <i>commune</i> or threat to take back land; - Striking out of development clause; - Application for TF to land registry office in place where the building is located; - Deposit of the original of the copy CUH or CRUH which will be cancelled 	<ul style="list-style-type: none"> - Mayor's office: Assessment of development - Ordinary section of the <i>Antenne</i> DRDC 	<ul style="list-style-type: none"> - Registration fees (15%)

Annex 3.4. Weakness of the housing finance system

According to banking regulations, only property titles can be accepted as security for loans, but according to the law of February 12, 2002, a precarious title transferred by a notarial deed can also be accepted as collateral provided that the notary commits to transform it into a property title. In practice, obtaining the TF may prove impossible and the bank will lose out in the event of a default.

There are many cases of fraud concerning titles pledged to obtain a loan. Borrowers may obtain over-valued fictitious certificates from so-called expert assessors; in this case the Bank is at risk of never recouping the amount of the loan in case of a default. In addition, it is difficult to establish the value of mortgaged land correctly. Assessments made by State-approved property experts are not reliable. It is also difficult for a bank to verify that those who request loans truly own the land in the absence of a land information system and given the unreliability of the *Livre foncier*. Loans may also be requested for properties that will never be built.

In addition, banks lend at a high interest rate (between 10 and 12%), for an average term of mortgage loan of 12-15 years, which further impedes the development of the formal housing sector.

Source: Interview with managers of the Malian mortgage guarantee fund (September 2011)

Annex 4.1. Documents used for transactions (whether authorized or not)

Type of legal or tolerated sale	Documents that can be used
Purchase of customary land without subdivision	<i>Attestation de vente authentifiée</i> (deed of sale between buyer and seller with signatures authenticated by the mayor's office). Further transformation into precarious title and then property title possible
Purchase of a plot following subdivision of a <i>concession rurale</i> (administrative documents: <i>bulletins</i>)	<i>Attestation de vente authentifiée</i> and transfer of <i>bulletin</i> (bearing no name). Further transformation into precarious title (CRUH) and then TF possible
Purchase of a plot with an administrative document (<i>lettre de notification</i> or <i>lettre d'attribution</i>)	Sale by the beneficiary of the administrative document when he/she does not need it, wants money immediately or cannot pay the local development taxes. Common practice. Further transformation into precarious title (CUH or CRUH) and then TF possible

Purchase of a plot with precarious title (CUH or CRUH)	<i>Attestation de vente authentifiée</i> or notarial deed. Authorization of transfer granted by the <i>commune</i> which issued the <i>concession</i> = 7% of the plot price. Transfers often done without changing the holder's name to avoid paying these taxes. If taxes are paid, CUH or CRUH in the buyer's name and possible further transformation into property title (TF).
Purchase of land or a plot with property title (TF). The purchase may concern all or part of the land with the TF: in the latter case, the buyer must obtain a TF for his/her individual plot.	Registered notarial deed of sale. Payment of registration fees, amounting to 15% of the price of the land and transfer charges amounting to 0.9% of the price.

Annex 4.2. Legality and frequency of allocations and sales

Documents		Land sold by				Land allocated by	
		Customary owner (1)	Private development company (formal and informal)	Individual	Para-public development company (ACI)	State / Central government	Local authority (<i>Commune</i>)
Property title (TF)		Never / rare	Common for formal	Common	Common	Common	Never
Precarious titles	CUH, CRUH	Under conditions: Rare	Under conditions: Rare	Under conditions: Rare	n/a	Rare / common	Common
		Rare	Common for informal	Common			
	CR	Under conditions: Rare	Rare	Under conditions: Rare	n/a	Common	Never
		Rare		Rare			
Administrative documents	Lettre d'attribution (2), lettre de notification	n/a	Rare	Common	n/a	Never	Common
	Bulletin	Common	Rare	Common	n/a	Common	Never

Legality of transfer:

Authorized

Not authorized

Notes: (1) In this table, a customary holder means someone holding land according to custom. (2) It is difficult to place the lettre d'attribution with certainty in either the administrative document or precarious title categories, because this term seems frequently to be used to designate a lettre de notification. The issue of LAs should have come to an end in 2002 because the law of February 12, 2002, amending the Code domanial et foncier of 2000, specifies that: 'Land allocations in the form of lettres d'attribution or permis d'occuper prior to the entry into force of this Code shall be treated as concessions urbaines or rurales à usage d'habitation...'. According to this text, LAs should be considered as precarious titles. However, our informants often speak of those documents whereas they never mention the lettre de notification, an essential document today for obtaining a concession à usage d'habitation and about which the decree of March 6, 2002 specifies: 'In no case may a lettre de notification stand in the stead of a use right title'. If the mention of a lettre d'attribution actually refers to a lettre de notification, then the LA is an administrative document.

Annex 4.3. Stakeholders involved in land allocations and transactions

Stakeholders involved		Land delivery channels			Main areas of intervention			
		Customary	Public and para-public	Formal private	Bamako District	Bamako's peri-urban area	Bamako's Rural hinterland	
Land suppliers/sellers	Government institutions		*	*	*	*	*	
	ACI		*		*	*		
	<i>Communes (Mairies)</i>		*		*	*	*	
	Individuals			*	*	*	*	
	Customary land holders ⁽¹⁾	*				*	*	
	Informal land developers	*				*	*	
	Formal land developers		*	*	*	*	*	
Land purchasers	Central and local Government officers	*	*	*	*	*	*	
	Merchants and traders	*	*		*	*	*	
	Individuals	*	*	*	*	*	*	
	Informal land developers / coxers	*	*			*	*	
	Formal real estate developers		*	*	*	*	*	
Institutions governing land allocations and transactions	Village authorities	*				*	*	
	Peri-urban <i>commune</i> authorities (<i>Mairies</i>)	*	*			*		
	<i>Communes</i> in Bamako District		*		*			
	Central government	<i>Préfet: Sous-Préfet</i>	*	*			*	*
		Council of Ministers	*	*	*	*	*	*
DNDC / DRDC Koulikoro		*	*	*	*	*	*	
	Cadastre / CARPOLE	*	*	*	*	*	*	
Intermediaries	Brokers	*	*	*	*	*		
	Coxers	*	*		*	*	*	
Professionals	Land surveyors	*	*	*	*	*	*	
	Notaries		*	*	*	*	*	
	Urban planners		*	*	*	*		
Credit / Finance institutions			*	*	*	*		

(1) When customary owners do not sell customary land but land which has already been extracted from the customary channel, they are classified as "individuals".

Annex 4.4. Costs of services by some stakeholders

According to our informants, 1% of the price of the land has to be paid to the mayor's office in Kati *cercle* to obtain an *attestation de vente authentifiée* for customary land. With that document, the land may be sold for double its purchase price. To move from an *attestation de vente authentifiée* to a precarious title (CR), the buyer of rural land officially have to pay FCFA 60,000/ha but the real cost of the transaction could be as much as FCFA 300,000 or even 400,000/ha. In all the *communes*, transferring precarious title requires authorization from the *bureau spécialisé* of the Antenne de la DRDC in the *commune* which issued the title, costing 7% of the price of the land. The transfer may be refused if there is no *acte notarié* and if the land has not been developed. However, arrangements can be made to convince the administration to accept the transfer. Assessing the development of plots to which precarious title is held (the land must be developed within three years in the case of CUR and CRUH and within five years for CR) is a somewhat arbitrary process. DRDC officials check whether the land has been developed but have no objective criteria on which to base their assessment.⁷⁸ This shortcoming has important consequences: firstly, holders of precarious title must develop their plots in order to sell them legally; secondly, the *commune* may take the plots back if they are not developed. During our field work (see Section 5 below), several holders of precarious titles in a *commune* of the Kati *cercle* reported that they feared seeing their land taken away. Moving from precarious title to property title is even more expensive. The obligation to develop the land is costly and the fee for registering the TF amounts in principle to 15% of the price of the plot.⁷⁹

Annex 4.5. The role of political/social connections in the public allocation of land: an example

A list of households entitled to resettlement following a tenure regularization project that took place in a *commune* of the Bamako district had been set up by the town council. People whose names were on the list had priority access to land in the resettlement area.

A decision allocating a parcel of land for housing was made for the benefit of Mr. X, who had recently been evicted from his plot following a regularization project. His name was on a list of numerous beneficiary households. Less than a week later, another decision from the same *commune* modified the list of beneficiaries. The land originally allocated to Mr. X was then reallocated to Mr. Y, a high-ranking ministerial officer. Officially, Mr. X had sold the land that had been allocated to him right after the allocation. The justification given by the land administration was that Mr. X sold his land either because he did not need it, or because he was unable to pay the administrative costs and fees associated with the allocation of the plot. Many other beneficiaries of the same resettlement scheme also “resold” their plot right after allocation.

Source: Interview with a land administration official

⁷⁸ Article 11 of the decree of March 6, 2002 sets out the conditions for allocating land from the territorial authorities' private domain: 'Each authority shall set the conditions for, and development requirement of the allocated plots according to specifications approved by the municipal council'. According to an Inspector of the State Domains, this also depends on location. Where permanent structures are required, more than FCFA 1 million must be spent but, in some other areas, there is no requirement for permanent structures.

⁷⁹ Djiré (2006) drew attention to the very high official cost of the formalities involved in obtaining property title to land sold by a customary holder in the rural commune of Sanankoroba.

REMARQUE: LE QUESTIONNAIRE CONCERNE LES TERRAINS QUI ONT FAIT L'OBJET D'UNE CESSION
C'EST-A-DIRE D'UNE VENTE, D'UN DON OU D'UNE ATTRIBUTION

DATE D'ACHAT / OBTENTION DU TERRAIN

	Question	Catégories	Réponse
Q01	Quand le terrain a-t-il été acheté / attribué / reçu ?	Mois : 1 à 12, Année: 09, 10, 11 ou 12 99. Ne sait pas.	Mois : <input type="text"/> <input type="text"/> Année : <input type="text"/> <input type="text"/>

ACHAT / OBTENTION DU TERRAIN

	Question	Catégories	Réponse
Q02	Qui a acheté / obtenu / reçu le terrain ?	1. Homme 2. Femme 3. Conjointement homme et femme 4. Autres membres d'une même famille 5. Association ou coopérative 6. Société privée 7. Organisme public 8. Autre(s). Spécifier : _____ 9. Ne sait pas.	<input type="text"/>
Q03	Le terrain a-t-il été obtenu dans le cadre d'un recasement ?	1. Oui 2. Non 9. Ne sait pas.	<input type="text"/>
Q04	Quelle est la profession / le statut de la personne qui a acheté / obtenu / reçu le terrain ?	10. Exploitant agricole 20. Commerçant 30. Salarié du secteur privé 40. Profession libérale 50. Vendeur / lotisseur informel / coxer 60. Agent de l'administration publique 61. Agent des services de l'État 62. Agent des collectivités territoriales 70. Agent des services de sécurité et de défense 80. Élu / responsable politique 81. Au niveau central 82. Au niveau local 90. Autre / sans profession. Spécifier : _____ 99. Ne sait pas.	<input type="text"/>
Q06	Où réside la personne qui a acheté / obtenu / reçu le terrain ?	10. Dans la même commune 11. Sur le terrain enquêté 12. Sur un autre terrain 20. Dans une (autre) commune du District de Bamako 30. Dans une autre commune du Cercle de Kati 40. Dans autre ville ou région du Mali 50. A l'étranger 60. Autre. Spécifier : _____ 99. Ne sait pas.	<input type="text"/>

VENTE / DON / ATTRIBUTION (= CESSION)

	Question	Catégories	Réponse
Q08	Le terrain a été vendu / donné / attribué par...	10. Une personne 11. Propriétaire coutumier 12. Propriétaire non-coutumier 20. Promoteur immobilier et lotisseur formel 21. Agence parapublique (ex. ACI, SEMA, ...) 22. Promoteur et lotisseur du secteur privé 30. L'Etat 31. Gouverneur 32. Préfet 33. Sous-préfet 34. Conseil des Ministres 40. La Mairie 41. Dans le cadre d'un recasement 42. Dans le cadre d'une opération de lotissement, hors recasement 50. Autre. Spécifier : _____ 99. Ne sait pas.	<input type="text"/>

Q07	La personne qui a vendu ou donné le terrain était-elle...	<p>1. Homme 2. Femme 3. Conjointement homme et femme 4. Autres membres d'une même famille 9. Ne sait pas.</p>	<p>✓</p>
Q08	Au moment de la cession, quelle était la profession / le statut de la personne qui a vendu ou donné le terrain ?	<p>10. Exploitant agricole 20. Commerçant 30. Salarié du secteur privé 40. Profession libérale 50. Vendeur / lotisseur informel / coxer 60. Agent de l'administration publique 61. Agent des services de l'État 62. Agent des collectivités territoriales 70. Agent des services de sécurité et de défense 80. Élu / responsable politique 81. Au niveau central 82. Au niveau local 90. Autre / sans profession. Spécifier : _____ 99. Ne sait pas.</p>	<p>✓✓</p>
Q09	Au moment de la cession, où résidait la personne qui a vendu / donné / attribué le terrain ?	<p>1. Dans la même commune 2. Dans une autre commune du District de Bamako 3. Dans une (autre) commune du Cercle de Kati 4. Dans autre ville ou région du Mali 5. A l'étranger 6. Autre. Spécifier : _____ 9. Ne sait pas.</p>	<p>✓</p>
Q10	La personne qui a vendu / donné / attribué le terrain avait-elle reçu le terrain dans le cadre d'une opération de recasement ?	<p>1. Oui 2. Non 9 Ne sait pas.</p>	<p>✓</p>

DOCUMENTS ET STATUT JURIDIQUE DU TERRAIN

	Question	Catégorie	Réponse
Q11	Quel était le statut juridique du terrain à la date de la cession ?	<p>10. Terrain coutumier 20. Autorisation de paiement / convocation 30. Lettre d'attribution 40. Titre provisoire 41. Concession urbaine d'habitation CUH 42. Concession rurale à usage d'habitation CRUH 43. Titre provisoire de concession rurale CR 44. Permis d'occuper 50. Bail emphytéotique 60. Titre Foncier 99. Ne sait pas.</p>	<p>✓✓</p>
Q12	Quel est le statut juridique du terrain au moment de l'enquête?	<p>10. Terrain coutumier 20. Autorisation de paiement / convocation 30. Lettre d'attribution 40. Titre provisoire 41. Concession urbaine d'habitation CUH 42. Concession rurale à usage d'habitation CRUH 43. Titre provisoire de concession rurale CR 44. Permis d'occuper 50. Bail emphytéotique 60. Titre Foncier 99. Ne sait pas.</p>	<p>✓✓</p>

Q13	Quels documents attestent de la cession (vente / don / attribution) ? (plusieurs réponses possibles, 3 au maximum)	10. Pas de document 11. Cession coutumière 12. Cession non-coutumière 20. Attestation de vente authentifiée par la Mairie ou la Préfecture 21. Cession coutumière 22. Cession non-coutumière 30. Attestation de vente non authentifiée par la Mairie 31. Cession coutumière 32. Cession non-coutumière 40. Autorisation de paiement / convocation 50. Lettre d'attribution 60. Titre provisoire 61. Concession urbaine d'habitation CUH 62. Concession rurale à usage d'habitation CRUH 63. Titre provisoire de concession rurale CR 64. Permis d'occuper 70. Bail emphytéotique 80. Titre Foncier 99. Ne sait pas.	
Q14	Le document attestant la cession a-t-il été authentifié par un notaire? (acte notarié)	1. Oui 2. Non 99. Ne sait pas.	

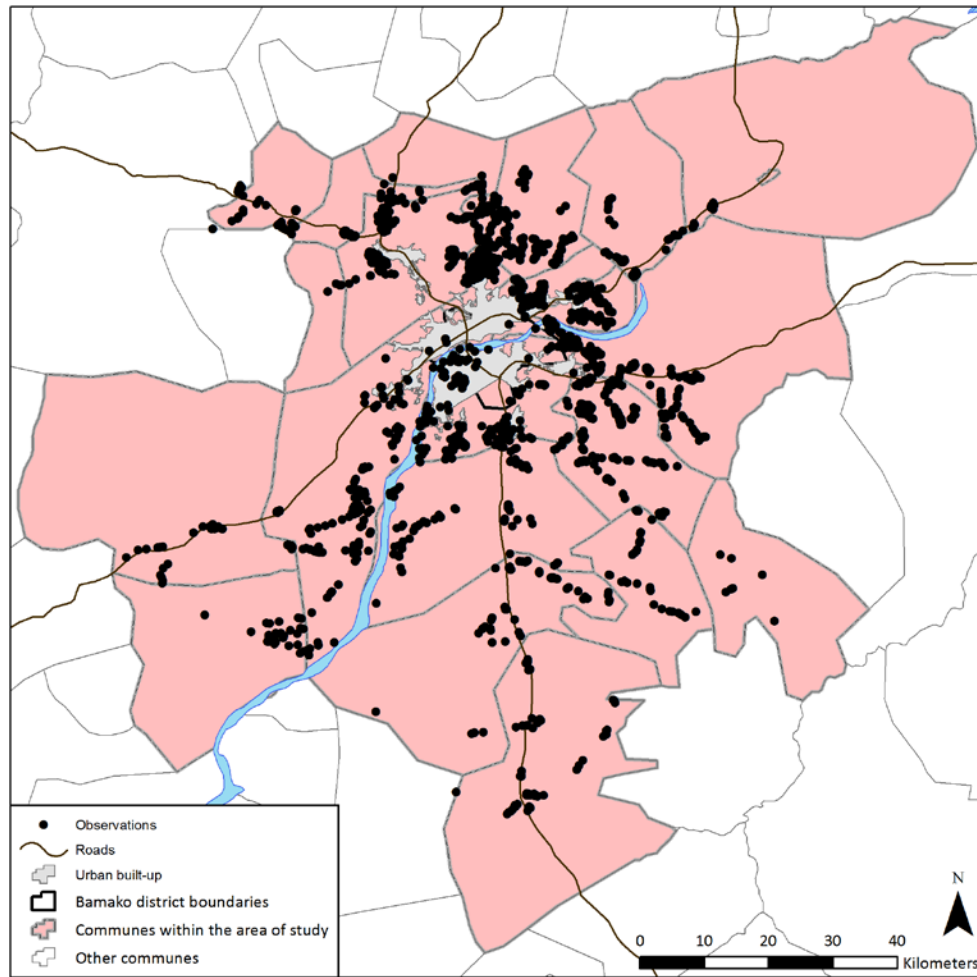
PRIX DU TERRAIN

Question	Catégories	Réponse
Q16	Combien le terrain a-t-il été payé?	_____ CFA
Q18	Combien le terrain coûte-t-il aujourd'hui (selon l'informateur) ?	_____ CFA

EQUIPEMENT ET MISE EN VALEUR DU TERRAIN

Question	Catégories	Réponse	
Q17	Au moment de la cession (vente / don / attribution), le terrain avait-il de l'eau?	10. Oui 11. Branchement au réseau 12. Puits 13. Autre 20. Non 99. Ne sait pas.	
Q18	Au moment de la cession (vente / don / attribution), le terrain avait-il de l'électricité?	10. Oui 11. Connexion directe au réseau EDM 12. Connexion indirecte au réseau EDM 13. Groupe électrogène 14. Panneau solaire 15. Autre 20. Non 99. Ne sait pas.	
Q19	Depuis la cession (vente / don / attribution), le terrain a-t-il obtenu l'eau?	10. Oui 11. Branchement au réseau 12. Puits 13. Autre 20. Non 99. Ne sait pas.	
Q20	Depuis la cession (vente / don / attribution), le terrain a-t-il obtenu l'électricité?	10. Oui 11. Connexion directe au réseau EDM 12. Connexion indirecte au réseau EDM 13. Groupe électrogène 14. Panneau solaire 15. Autre 20. Non 99. Ne sait pas.	
Q21	Depuis la cession (vente / don / attribution), le terrain a-t-il fait l'objet d'un investissement / d'une mise en valeur ?	10. Oui 11. Investissement agricole 12. Bâtiment en matériau durable 13. Clôture en matériau durable 14. Puit 15. Autre 20. Non 99. Ne sait pas.	

Annex 5.2. Locations of plots in the survey sample



Source: authors' survey, 2012

Annex 5.3. Buyers and sellers/providers of land by land access mode (in %)

Occupation	Access to land by:							
	Private (non-customary)		Public (non-customary)		Customary monetary		Customary non-monetary	
	<i>Sellers</i>	<i>Buyers</i>	<i>Sellers</i>	<i>Buyers</i>	<i>Sellers</i>	<i>Buyers</i>	<i>Sellers</i>	<i>Buyers</i>
<i>Farmer</i>	56	4	0	4	84	9	97	77
<i>Private sector activity</i>	13	43	0	38	5	41	0	14
<i>Public sector activity</i>	14	26	94	27	1	31	2	6
<i>Coxer</i>	16	1	0	2	4	2	1	0
<i>Unknown</i>	1	26	6	29	5	17	0	3
Total	100	100	100	100	100	100	100	100

Source: authors' survey, 2012

Annex 5.4. Tenure status at time of transaction by intended use of plot (in %)

Tenure status	All plots (1,655 obs.)	Residential plots (1,104 obs.)	Agricultural plots (463 obs.)
<i>No administrative-document</i>	29.1	16.1	60.0
<i>Administrative document</i>	53.0	62.5	30.2
<i>Precarious title</i>	12.7	15.6	7.6
<i>Property title</i>	5.0	5.7	2.2
<i>Unknown</i>	0.1	0.1	0.0
Total	100.0	100.0	100

Source: authors' survey, 2012

Annex 5.5. Tenure status and land access mode at time of transaction (in %)

Tenure status	Access to land by:				Total
	Private (non- customary)	Public (non- customary)	Customary monetary	Customary Non-monetary	
<i>No administrative document</i>	0.0	0.0	19.8	9.3	29.1
<i>Administrative document</i>	51.4	1.6	0.0	0.0	53.0
<i>Precarious title</i>	11.8	1.0	0.0	0.0	12.7
<i>Property title</i>	4.4	0.6	0.0	0.0	5.0
<i>Unknown</i>	0.1	0.0	0.0	0.0	0.1
Total	67.7	3.1	19.8	9.3	100.0

Source: authors' survey, 2012

Annex 5.6. Tenure status at time of transaction by land access mode (in %)

Tenure status	Access to land by:			
	Private (non- customary)	Public (non- customary)	Customary monetary	Customary Non-monetary
<i>No administrative document</i>	0.0	0.0	100.0	100
<i>Administrative document</i>	75.9	50.0	0.0	0.0
<i>Precarious title</i>	17.4	30.8	0.0	0.0
<i>Property title</i>	6.5	19.2	0.0	0.0
<i>Unknown</i>	0.2	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0

Source: authors' survey, 2012

Annex 5.7. Median distance to city center (in km) by tenure status at time of transaction

Tenure status	Median distance to city center		
	All plots	Residential plots	Agricultural plots
No administrative document	33	23	38
Administrative document	22	21	29
Precarious title	18	17	21
Property title	16	13	23

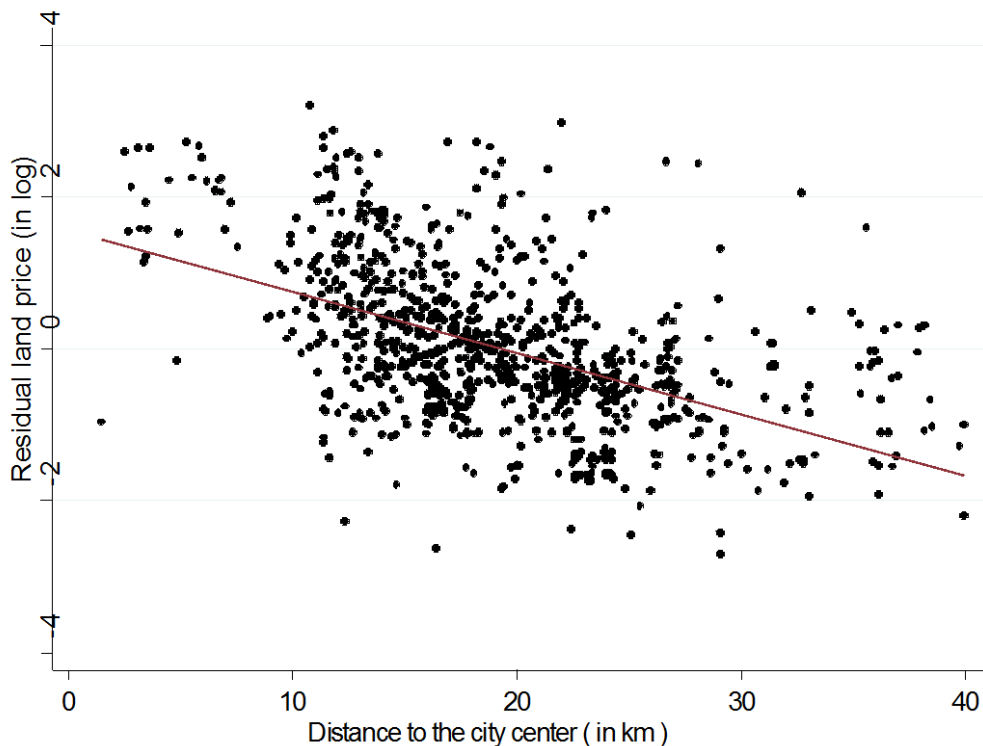
Source: authors' survey, 2012

Annex 5.8. Tenure transition matrix - residential plots only (in %)

Tenure at time of survey \ Tenure at time of transaction	No administrative document	Administrative document	Precarious title	Property right title	Unknown	Total
No administrative document	7.6	7.0	1.0	0.2	0.4	16.1
Administrative document	0.0	54.0	8.1	0.5	0.0	62.5
Precarious title	0.0	0.0	14.9	0.5	0.1	15.6
Property title	0.0	0.0	0.0	5.7	0.0	5.7
Unknown	0.0	0.0	0.0	0.0	0.1	0.1
Total	7.6	61.0	24.0	6.9	0.5	100.0

Source: authors' survey, 2012

Annex 5.9. Land price gradient (residential use)



Source: authors' survey, 2012

Annex 6.1. Conflicts between holders of customary rights and others

Lotissements

The *lotissement* carried out by the SIFMA property development company in Sogonafing village, Bamako *commune* III, was the subject of a petition for annulment filed in 2011 by the village's customary chiefs. SIFMA however argued that it had complied with all the rules. Its CEO made the following statement: 'A capital city cannot be managed under customary law when everyone knows that the land belongs to the State. The law establishes that, after *immatriculation*, the land can no longer revert to its earlier status' (Mali Demain, October 9, 2012).

Resettlements

In Dialakorodji, Kati *cercle*, Kougnoumani plateau, located behind Banconi, a neighborhood of Bamako *commune* I, 3,000 people were chased off their plots and their houses were destroyed in 2004 at the request of the *commune*, although they insisted they had purchased these plots from the customary holders (La Révélation, April 27, 2011).

Source: Mali Demain (2012) and La Révélation (2011)

Annex 6.2. Petits papiers

With regard to *attestations de vente authentifiées*, Djiré and Traoré (2008) explain the misunderstandings they cause: '... one of the limitations of *petits papiers* is that they commit only the signatory and only have effect if the latter acknowledges the commitments made, unless the buyer can demonstrate the authenticity of the signed document... Generally speaking, buyers of land are less concerned with obtaining a document in the proper form that is

unchallengeable in all respects than with simply having a document they could use against the seller or a third party with no such bit of paper. Consequently, they frequently opt for the least costly means of obtaining security of tenure. According to the notary*, most of the deeds concerning land transactions that he formalized, with the exception of those relating to property titles, were certifications of signature. Using this system, the buyer can escape the formalities of registration and related costs but, in so doing, denies himself the opportunity to give formal notice of the deed, which would give it legal effect vis-à-vis third parties’.

* interviewed by the authors; Source: Djiré and Traoré (2008)

Annex 6.3. Lotissements and resettlement operations on land subject to property title

In the area of Missabougou verger, *commune* VI, the *commune* team granted many precarious titles (CUH) in respect of building plots located on the property of a development company which had a TF. In June 2012, the Governor of Bamako District ordered the mayor to stop the ongoing work on the site and annul the titles that had been granted (L’Indicateur du Renouveau October 18, 2012).

In Sebenikoro, *commune* VI, the resettlement of families on more than 260 lots, which had been carried out in 1996 by the town council and the governorate of Bamako District in connection with the SNQ program and the upgrading operation for the Sebenikoro settlement, was challenged in February 2011 by a company which said it was the owner of those lots (L’Indépendant June 27, 2012).

Source: L’Indicateur du Renouveau (2012) and L’Indépendant (2012)

Annex 6.4. Disputes concerning one or several property titles

In Gouana village, Kalabancoro *commune*, Kati *cercle*, in March 2012, the member of parliament for *commune* II claimed to hold TF dating from 2006 to 670 ha. He brought proceedings before the Court of First Instance of Koulikoro region seeking the eviction of around 970 families (L’Indicateur du Renouveau March, 12 2012).

In Sénou-Plateau, *commune* VI, an individual attempted at the end of February 2012 to expropriate more than 2000 families who had been settled for many years on land (with a total area of 60 ha) affected by the Sénou infrastructure scheme drawn up by the council of *commune* VI. Claiming to hold property title, he had the 60 ha surveyed and plotted. The community mobilized against the plan, the police intervened and fired warning shots to disperse the demonstrators. Clashes lasted three days, resulting in injuries and arrests (Indicateur du Renouveau February 29, 2012). Following these incidents, the authorities⁸⁰ decided to chase that individual away and said they were prepared to conduct an inquiry to establish who was responsible (L’Indicateur du Renouveau March 1, 2012).

Source: L’Indicateur du Renouveau (2012)

⁸⁰ Ministries of Territorial Administration and Local Authorities, Housing, Land Affairs and Urban Planning and the municipal and traditional authorities of Sénou.