

For years, traditional forms of land use have been able to accommodate population growth in the city of Ziguinchor, Senegal without any significant intervention of the government. The National Lands Act of 1964 introduced a new and modern system of land tenure, abolishing local and traditional forms. However, because of strong perception of security and a State unable to implement the new policy, traditional notions of property have continued to play a role among the urban population.

The National Lands Act of 1964 appeared to be too rigid. To stimulate private investment, the Government enlarged the possibilities for a citizen to acquire private land property in 1996. An option still scarcely used.

## **The discrepancy between the local perception of tenure security and modern legalities: Private or Popular land property in the city of Ziguinchor<sup>1</sup>**

© John Lucas Eichelsheim & Khady Dieme

Ziguinchor, September 2007

[www.ideecasamance.org](http://www.ideecasamance.org)

\*\*the cited names are close to reality

### Introduction

The film "Zan Boko" by Gaston Kaboré of Burkina Faso begins with some beautiful images succeeding each other slowly and showing the daily troubles of a peasant family. The camera makes a 180 degree turn and shows us a blurred view of a vast plain baking in the sun. The colour yellow dominates the scene and is omnipresent in a vast gradation. In accordance with the images, time seems completely adapted to the oppressive heat: extremely slowly, the events drag on. On the courtyard, fenced with mats made of straw, stands a woman bending over a big, flat stone over which she rubs a smaller stone in a continuous movement. Now and then, she throws a handful of grains between the stones. In the background sits a man in the shade of a small tree. He is busy making some sort of tool out of a chunk of wood. On the horizon the flickering figure of a young girl appears, bearing a huge calabash on her head: she has fetched water somewhere. The houses on the courtyard have all walls erected with dried mud above which we detect a thatched roof. Some goats ruminant in the shadow of one of the houses.

In which year or season the scene plays is not clear and seems not to be of any importance, until the events follow each other more rapidly. The woman appears to be far advanced in pregnancy and preparations for the birth are being taken. Then she clutches a screaming baby to her bare breasts. The placenta is buried near the biggest house on the courtyard to consecrate the new tie between the newborn and the nourishing earth.

Then a Toyota pick-up car rides into view. Three men jump off and begin unloading surveying equipment. Behind the steering-wheel sits a very big, fat man, dressed after the latest western

---

<sup>1</sup> First version published in The Netherlands Review of Development Studies Volume 3 1990/1991 IMWOO / Nuffic ; The Hague ISBN 90-71444-05-8

fashion, a golden watch around his impressive wrist and gold rimmed spectacles glued on his nose. A man in uniform steps out of the car. After some juggling with red and white striped laths and binoculars, big white numbers are chalked on the mud walls of every house.

From the conversations between peasants, flocked from all quarters to see what is going on, we understand that these people come from the city of Ouagadougou and are busy mapping out the future extension of the capital. With this we now know in which time to locate the events we just saw in the film. Not much later we see the peasant compound, introduced to us in the first images, being surrounded by a quivering heap of people and houses. The city has enveloped the village of the protagonist. We are then introduced to his new neighbour, a rich politician who wants to buy out the peasant because he wants to enlarge his estate with a swimming pool. At the end of the film we rejoin the peasant who is building a mud dwelling in a deserted countryside. This time no story about rural exodus and peasant families flocking to the cities which become "pools of despair and perdition" in the eyes of many a western educated government official. No, this time the description of an all devouring urban monster with a peasant family as victim.

It will take too long to further recount the events in "Zan Boko", but I would like to emphasise one point of utmost importance. Eventually, the protagonist does not yield to the temptation of money offered to him by his rich neighbour. He does not sell his family land, although he was forced out in the end. He tries to avoid the confrontation he did not seek by retreating to the countryside, trying to seek new shelter for his family in the way he knows best. The fact that he did have to give up his family land shows that his cosmos was interfered with. But at least by moving he kept his pride and the blessing of the Gods and his ancestors which, in his eyes, he and his family would have lost by selling the family land. This case in the film clearly shows that possession of land must not be regarded solemnly as a material factor in the interpretation of processes of change. The ritual aspects of local relations must also be taken into account if we want to understand the motives, both practical or emotional, of all the actors involved in the processes of change.

Now it also becomes clear why Gaston Kaboré has chosen for a "slow" beginning of the film: it was essential to demonstrate the real value the protagonist attached to his land. He had received it from his father who, like his grandfather, was buried there; it is the land that had nourished the family for as long as anyone could remember, the land where the place known as "Zan Boko" is located, the spot where the placenta is buried. In short, it represents his whole past, the world of his ancestors and the future of his children - not something you throw away for money.

The emotional attachment to land and its consequences were very recognisable to me because I had the same experiences during my own field research in the town of Ziguinchor, Senegal. In this regional capital of the most southern province Casamance, fights broke out on the 18th of December 1983 between the inhabitants of Ziguinchor and the armed forces, resulting in 200 people dead in the streets. It is now generally accepted that the origin of the conflict lies in land disputes, which arose during the implementation of a re-allocation programme by the Municipality of Ziguinchor. In the early 1970's the local bureaucracy wanted more influence in the vast, expanding city. Therefore, they began mapping new extensions of the city and started a programme of land re-allocation and legalisation of the so-called «spontaneous» settlements. This paper tries to account for the effects of this instance of State interference on the way of life of the inhabitants of Ziguinchor.

In Senegal, as in most African countries, an extremely rapid urbanisation process has taken place. Senegal is now one of the most urbanised countries in Africa south of the Sahara desert: 46% of the Senegalese people now live in a city. Although the capital Dakar attracts 55% of the urban population, intermediary cities like Ziguinchor have also grown considerably. At the turn of the last century, the population of Ziguinchor was about 1 000, in 1960 it had risen to 30 000 inhabitants and by now it will have exceeded 168 593 (SRPS: 2004). The present annual increase of more than 5% can be attributed half to natural processes and half to the influx of immigrants from the surrounding villages and from other parts of Senegal. With this rapid growth in the city's population comes an increasing demand for building sites. A great area of agricultural land has thus acquired another function. Ziguinchor may be seen as a semi-rural city characterised by plots of some 400 square meters, broad roads with trees on both sides and one storeyed houses. It is therefore not surprising that land nowadays has become rather scarce in the periphery of the city. Between the sixties and eighties of the last century, Ziguinchor has expanded outside its central districts with little or no involvement from local authorities. Because of the constant growth of the population and the comparatively low supply of legalised building sites by local authorities, people looking for shelter for their own, are driven to the periphery of the town.

Until 1964, land use in Senegal (allotment and usufruct) was dealt with by the different ethnic groups and their respective land tenure systems. Thus, for example, the land of the ever-expanding city of Ziguinchor belonged to the inhabitants of the surrounding Diola villages. The Diola (266 000 people) form the largest ethnic group in the region and they represent 2,2% of the Senegalese population. Despite the recent arrival of other ethnic groups, the Diola still form an important ethnic group in the Municipality of Ziguinchor. The name Diola finds its origin in the colonial period and represents a wide variety of groups that, despite folkloristic and linguistic differences, show great cultural and historic similarities. One of those conformities is the land-tenure system that, as I will show later, plays a very important role in the relations of authority in the Diola villages.

Because local government paid little attention to the way the town expanded, a great variety of so-called «spontaneous» settlements developed in the periphery of the town. With permission from Diola landlords one could acquire a plot of land. In this way, Ziguinchor expanded between 1960 and 1990 in a way that outsiders have inaccurately described as «anarchic» or «spontaneous». In fact, as I will later show, this «anarchic» expansion took place in a thoroughly organised manner. In order to understand how an immigrant in Ziguinchor thinks of getting a plot of land in the town we must know how an immigrant in a Diola village gets access to land, in other words how the land-tenure system operates in a Diola village. This will also be the frame of reference for an urban migrant settling on Diola land.

### Patterns of organisation in the Diola villages

The landscape in the province of Ziguinchor is determined by the vast estuary of the broad Casamance river, consisting of an impressive area of waterways and mangrove fields. These particular characteristics make communication with Diola villages in the area difficult, with the result that they have remained isolated over the years. The Diola villages consist of 500 to 7 000 inhabitants and are not only economically self-supporting but are also autonomous in the political and religious field. In Diola society there were no economic, religious or political patterns of organisation that went beyond the village level. Endogamy was the rule in Diola villages, which

also prevented frequent relations with neighbouring villages. The scarce contacts made with surrounding villages were mostly hostile. These clashes often involved cattle, or prisoners who were exchanged for cattle, but the main reason for hostile relations were disputes about the ownership of rice fields.

Intensive cultivation of wet rice fields was made possible by an abundant yearly rainfall of an average of 1 200 mm. during the months of June to October. Therefore, the Diola had a long tradition of sedentary agricultural activities, mainly consisting of rice production. The best rice fields are those at the border of the Casamance river and its tributaries, threaten by the salt water of the Casamance river. These low fields, which have value because they are fairly scarce, need a lot of manpower for maintaining dikes. The hydraulic system is controlled by a small group of village elders and this form of rice cultivation is centuries old. The fact that many generations invested their labour in the maintenance of these fields gives an extra dimension to their value. The Diola are more strongly attached to their land than groups with the usual African system of shifting agriculture.

This also explains the existence of a specific feature in the social organisation of Diola society, based on the control over land, namely a sharp distinction between the autochthonous population and strangers from both inside and outside the ethnic group. Each Diola village has witnessed both immigration and emigration flows in the course of years. Those who control the land also control these migration movements and especially the location pattern of newcomers. These newcomers are in every way inferior to autochthons, concerning settling, religious or political matters. In Diola society this complex network of relations, based on this contradistinction, is called the *adjjati* relationship. In these local patterns of interaction, the elders of the lineages control the newcomer's access to land by acting as host (*adjjati*).

A village mostly houses several patrilineages. Each patrilineage owns its rice fields, lives in a distinguishing part of the village (quartier) and each quartier constitutes an endogamous unit and may have its own sacred groves (bukin). There is always one central sacred grove (Kareng) for all the men of the village and one for all the women. This grove Kareng, mostly a dense cluster of trees around a giant old tree, belongs to the village as a whole and plays a crucial role in its social organisation. Only married, and thus initiated, men have access to the men's grove, while only mothers may enter the women's grove. The initiation of young men takes place in the Kareng, controlled by the elders. They also have absolute power inside the groves during secret meetings concerning internal village affairs. In this segmented society, control by the elders of all ritual features and the access to land results in a pattern of authoritarian relationship between elders and all other social categories. This relationship becomes manifest when an elder acts as host by giving land to a newcomer, thus making himself the centre of their relationship. Access to land is the first encounter between the two poles.

A newcomer in a village begins searching an elder who will and can give him access to land. Once found, the newcomer stays in the house of his landlord and *adjjati* until he is self-supporting, meaning until the first harvest has come from the field «let» to him by his host.

In the first place, the *adjjati* is a host who gives shelter and food to a newcomer in his own house. The guest or stranger (in Diola: *adjaoura*) finds in the house of his *adjjati* his first shelter and access to the society he wants to become a member of; his first necessities of life are cared for. He has a solid basis from where he can explore the (social) environment and search for the possibilities for a new home. Then the *adjjati* provides his guest with the opportunities to settle: he gives him a plot of land to build his own house or otherwise puts him in contact with another elder

who is prepared to cede land: the *adjjati* becomes landlord or «middle man». The importance is that the *adjjati* establish all new relations of the *adjaoura*.

In exchange for shelter, mediation and access to land, the *adjaoura* has to acknowledge the social superiority of his *adjjati*. He has to treat him as some sort of father<sup>2</sup>.

### The *adjjati* relationship in the urban setting

The so-called «spontaneous» expansions of Ziguinchor originate mostly in the way described above. Thus, these areas of «spontaneous» settlements are not as anarchic or spontaneous as often suggested by local authorities. As shown above, these districts prove to have their own dynamics in patterns of organisation in which control over land plays a crucial role (see also Eichelsheim, 1986). The inhabitants of these «spontaneous» districts consider their plot of land, on which they build their home, as a safe place, despite the fact that these places of settlement are not recognised as such by local authorities. They therefore are not legalised. The feeling of security of its habitants derive from the *adjjati* relationship described above. They feel protected by their *adjjati*, to whom they have fulfilled their obligations, or still do. The fact that the urban landlords have started dividing their land in plots and sell these plots of land for a lot of money does not interfere with these feelings.

The adoption in 1964 of a National Lands Act (Loi relative au Domaine National) by the Senegalese legislature started a new era of legislation on land tenure. After the adoption of this law, every transaction is subject to governmental approval, after which it is officially registered (see for the National Lands Act: Hesselings, 1992 and other). In future, only the government is able to grant land to citizens or organisations. The occupants have only the right of usufruct: officially, land has no market value.

When these changes are applied to the situation in Ziguinchor, the effects are drastic: from one moment to the next, the Diola lost their role of landlord, function taken over by the State. Both immigrants and those already living in the city searching for a building lot, will in future have to apply to the Municipality. This is a simple description of the official proceedings, which in fact are a lengthy and complicated bureaucratic affair. Furthermore, to this day the Municipality has not been able to supply sufficient building lots, far from that. After the adoption of the National Lands Act, all land subject of customary land use passed into control of the State. This applies especially to the areas of extension in the fast expanding city where Diola landlords from surrounding villages lost their control over the land to the State. From 1978 on, the Municipality wants a real say in the way the city is developing. To do this, the local authorities have chosen for a programme aiming to legalise and upgrade the «spontaneous» settlements, discarding local rules. These rules will resist and continue to exist which I will show with the case of Abdoulaye Diedhiou. This case is interesting for two reasons. Firstly, it describes the genesis of a «spontaneous» district in the periphery of Ziguinchor and how, up to these days, people gain access to land without State interference. Secondly, it describes what changes the *adjjati* relationship undergoes on longer-term.

### The case of Abdoulaye Diedhiou: from *adjaoura* to *adjjati*

---

<sup>2</sup> the relations between *adjjati* and *adjaoura* are commonly referred to in terms of consanguinity - as his religious, political and economic superior: Van der Drift, 1986:22

The area in which the new «spontaneous» sub-district of Lyndiane-Golomoute develops after 1978, measures approximately 21 hectare and lies in the sphere of influence of the nearby Diola village of Djibélor. It lies on the slopes running from the plateau of the Lyndiane district towards the asphalt road leading to Oussouye town and the sea. While Lyndiane-Golomoute is still not officially recognised as place of settlement, the district of Lyndiane has been upgraded and legalised since 1978. The road to Oussouye is built on top of a dike cutting right through a vast valley of rice fields. This means that Lyndiane-Golomoute has few opportunities to expand because rice fields normally contain too much water for construction purpose. Since 1978, newcomers have flooded this area and nowadays one rarely finds free spaces. These have not yet been sold by landlords of Djibélor. The addition «Golomoute» means warren in Diola, which explains much about the morphology of this new settlement.

At the beginning of 1978 Sidy Sidiby, one of the sons of a landlord and a high ranking official of the Municipal Council, divides a parcel of three hectares belonging to his patrilineage into plots of 15 by 17 metres. He realised that, considering the National Lands Act and the rapid expansion of Ziguinchor, there was no way his family could withstand urban extension and Government interference and would lose this land to the State. Better to divide it now and sell it quickly, he must have thought.

While busy dividing the parcel with a rope and some sticks, he met his friend Abdoulaye Diedhiou, who was himself building a house a little further up the slope. His three children had grown up and the old house had become too crowded. That is why he intended to leave the house of his *adjjati* in the district of Soucoupapaye and to go live on his own. Sidiby and Abdoulaye knew each other from the time they spend together in the army. Abdoulaye Diedhiou was a Diola from the village of Diatock, where he was born in 1939. Like so many youngsters before him, he enlisted in the colonial army. He served in France and Algeria before leaving the then Senegalese army in 1966. With a reasonable pension from the old motherland in his pocket, he returned to Casamance. In Ziguinchor he found a namesake co-villager who was prepared to shelter him and thus become his *adjjati*. This Demba Diedhiou, was one of the first men of Diatock to settle in Ziguinchor, where he found work in a big trading firm. His permanent and fairly well paid job and his advanced age made him a respectable man. The inhabitants of the Soucoupapaye district, where he lived, had elected him to represent them as mediator to the Municipality. In choosing Demba Diedhiou as his *adjjati*, Abdoulaye had made a good choice.

For his subsistence during the first years, Abdoulaye cultivated some rice fields in the nearby village of Niaguis. At home, in the district of Soucoupapaye, he actively supported a local representative of the ruling political party, the Parti Socialiste (PS). He became friendly with this member of the PS, through whom he met many people and thus became involved in the political activities of the party. He became more and more interested in political activities and began to play an active role in the party machinery. He persuaded friends from the time he served in the army, members of his family, villagers and co-habitants in Soucoupapaye to play a more active role in the political arena. His star was rising in the hierarchy of the party.

In 1977, the Municipality legalised the then still «spontaneous» district of Soucoupapaye and started a programme to upgrade the district. First, the Municipality began with a subdivision of the entire district (see the following for details about re-allocation). After this re-allocation programme, Demba Diedhiou, Abdoulaye's *adjjati*, received five official building lots, marked parcels of land with a cadastre number. From these, Abdoulaye received two building lots, which he registered under his name at the department of Land Registry. According to his own statement, Abdoulaye wanted, as a good father should do, reserve an official building lot for each of his three children,

which meant he was one short. To resolve this problem, he decided to sell one plot of land and to buy, with the money thus received, a bigger parcel in a not yet legalised district in the periphery of the town. Thus he sold one plot of land for 450.000 F CFA (€ 686) and leased the other. In 1978, with his *adjjati* as go-between, he bought a site measuring 20 by 30 metres for the sum of 40.000 F CFA (€ 61). While building his house there, he met Sidy Sidiby.

Because Sidy Sidiby worked and lived in the central district of Boucotte, he could not frequently visit the area. He asked Abdoulaye Diedhiou if he knew people who would be interested in buying a plot. Sidiby made it very clear that he wanted Abdoulaye Diedhiou to handle all the searching and selling. It was very wise for him as a civil servant to do so, because the law of 1964 prohibit selling land without approval from the local government.

For his work as go-between, Abdoulaye Diedhiou could keep one of the sites. The other sites in Lyndiane-Golomoute could be sold for 30.000 F CFA (€ 46). Abdoulaye Diedhiou grasped this opportunity with both hands. He had no problem in finding potential buyers amongst his friends and relatives. They trusted him because he had close relations in town via his political friends. He sold all the sites to relatives, friends, villagers and co-habitants from Soucoupapaye in no time. After some time, people even started coming to him asking if he had plots to sell or if he knew somebody selling plots of land.

These transactions passed so smoothly that other landlords asked him to sell land for them. The value of these fields had decreased because they had been fallow for some years due to a lack of rainfall in the last years and because fewer members of the patrilineage were prepared or able to cultivate the fields. And, after all, the elders of the patrilineages would keep control over the fields, despite the fact they were «sold» for money. This money was seen solely as compensation for the usufruct of the fields..... in short, there were many reasons to «lend» a small part of the land to strangers who wanted to pay for it. The landlords let Abdoulaye Diedhiou do all the work: he divided the land into plots, searched for buyers and established contacts between the buyers and the landlord. As compensation for his work as go-between, he received a piece of the land.

Gradually, Abdoulaye Diedhiou got hold of the monopoly of all land transactions in the area. Buyers considered his good contacts with the outer world (read: prominent political figures who played an important role in the Municipality) as a guarantee for their high investments in -officially illegal- transactions. Besides that, he became considered as the *adjjati* of all newcomers and as the highest traditional authority to whom they could turn to in case of problems or disputes.

#### Politicisation of the *adjjati* relationship

This example also demonstrates that the *adjjati* relationship continued to function in the urban context. Abdoulaye Diedhiou, who started being Demba's *adjaoura*, became the *adjjati* for many inhabitants in the new district of Lyndiane-Golomoute.

Money was not the only requirement for gaining access to a building site in the new district of the city. Abdoulaye's monopoly allowed him to sell the plots of land selectively. Many of his transactions appear to be based on relations of trust, or rather on relations of (putative) kinship, because that is what the *adjjati* relationships were based on.

Abdoulaye Diedhiou profited greatly from his role as an intermediary. By selectively giving access to land, he could surround himself with people who would follow him in his political activities. This enabled him to determine the voting results in the new district of Lyndiane-Golomoute. As a

result, he became good friends with executives of the largest political party. The party leaders later nominated him district chief, which gave him considerable financial advantages. Furthermore, he took control over the dispensary, installed in the district at the recommendation of party leaders, and he built a Coranic school on one of the plots given to him as a reward for his mediation. In short, he became a person in the district who had to be reckoned with.

The case of Abdoulaye Diedhiou shows how urban immigrants first of all seek provisional shelter, from where they investigate the possibilities to provide them a permanent and strong foothold in the city. The last stage is building a family house, which in turn, will serve to provide shelter for young people from the surrounding villages who are attracted to the town by schooling and job opportunities. Thus, members of a family and villagers who already live in the city become more and more important as providers of first shelter in the urban environment. An immigrant (*adjaoura*) will always maintain contacts with the *adjjati* who opened the way to the city for him, even after he has obtained his own plot of land.

Access to land, as the most important cement in the *adjjati-adjaoura* relationship, is gradually replaced by the provision of a first shelter and a smooth introduction in the urban environment. The wider one's network of valuable contacts in the city, the more one is respected and the more one will be chosen by urban immigrants as *adjjati*. In return, the *adjaoura* contribute to the prestige of their *adjjati* and can be regarded as potential labour reserve for him.

Because access to land can only be given once, the *adjjati* must seek other means to create personal bonds with his *adjaoura*. These are found in his contacts with the «outside world»: with local government officials and political party leaders and, later on, in his connections on a regional and national level. This implies a politicisation of the *adjjati-adjaoura* relationship. This new feature in the role of the *adjjati* in the urban context is not opposed to the traditional order. It is recognisable and acceptable for members of the traditional society as an expansion of the *adjjati's* function, who in the organisational structure of the village already was the highest political authority who controlled the contacts with the outer world. Problems arise, however, when the *adjjati*, of necessity or by choice, identifies too much with the outer world and neglects his obligations towards his *adjaoura*. This moment arrives when the regime in Dakar wants to graft modern organisational patterns onto local organisational structures in the districts. As I have shown before, these organisational patterns have their own dynamics with the *adjjati* relationship as influential centre. The point of articulation of this transformation will therefore be the *adjjati*.

#### The re-allocation programme as example of State intrusion

In order to gain some control over the promiscuous growth of the city, local authorities had, since 1969, drawn up town plans for the city of Ziguinchor. This Plan d'Urbanisme was adapted several times, notably in the years 1973 and 1982. On paper, the «spontaneous» residential areas were restructured in small building lots for housing and spaces for roads and public use, all according to a strict grid-pattern. The intention was to upgrade these «spontaneous» settlements in several stages. First, the individual building lots, the proposed streets and the position of public places were laid out with little concrete markers in accordance with the plan. After that, the inhabitants had one year to adapt their environment to the new division, which meant that all houses standing on the newly traced roads or public places had to be removed. The Lot Allocation Board supplied each family head in the district with a written note (ticket) stating the name of the family head and the number of the building lot allotted to him. After one year, the whole reshuffle of the district



should be completed, but many disputes originated from the allocations made by the Lot Allocation Board.

It appeared that local politicians from the ruling PS had a considerable say in this board (Eichelsheim, 1986:53). Considering the fact that at that time a fierce battle for supremacy in the PS party was taking place between three factions, the presence of local politicians in the Lot Allocation Board had far-reaching consequences. Faction leaders within the PS spent a lot of energy and money securing themselves a flock of faithful followers, so that they could end the battle between the factions to their advantage. The subdivision of the «spontaneous» settlement areas, whereby the Municipality gave the then illegal inhabitants an official building lot, appeared to be a welcome new source of capital for these politicians. The population density in these residential areas, subject of subdivision, was low and many building lots were not distributed after the subdivision. Assigning fewer or sometimes even no building lots to political opponents could increase the number of «spare» building lots. These not attributed building lots were then given to members of the same faction within the party or sold to other interested people. Members of the military elite who were born in Casamance, members of the higher bureaucracy from the north and natives of Casamance who worked in Dakar or France, were particularly interested in the spare official building sites. In 1983, the prices paid for these building lots could go as high as one million F CFA (€ 1.524) or even more.

It will be clear that the results of this form of subdivision clashed with the organisational structure of the district, based specifically on old land tenure systems. Before the subdivision, as we have seen earlier, the *adjjati* gives the usufruct of land to his *adjaoura* and with that, according to the old Diola organisational patterns, automatically agrees that he will protect his *adjaoura* as though they were his own children. The selling of land to people from outside the *adjaoura* group is at the expense of members of that group. The needs of all members of the *adjaoura* group must be satisfied first before «outsiders» can gain access to land. In addition, members were defined in a very inclusive way: sons, daughters and all other members of kin have priority over outsiders.

Within this perspective, the position of *adjjati* becomes untenable when the roles of *adjjati* and politician meet in the same person. A politician wants to surround himself with as much as followers as possible, even from the outside. Whereas the *adjjati* relationship is mostly focussed on a fairly inner circle. As described before, the politicisation of the *adjjati* relationship is not surprising: dependant followers surround the *adjjati* as he provides the usufruct of land and other favours. According to ancient traditions, he is their political authority. However, his role of local political leader expands to a broader horizon as the regional and even national political machinery become interested in him. He then must answer to pure political demands, even when these may hurt his inner circle.

When, in the eyes of his *adjaoura*, he does not fulfil the expectations related to his role of *adjjati*, he has lost his authority. With great effect: the *adjaoura* feel betrayed and will turn against him and his political associates. High emotions usually go along with these tensions. The case of El Hadji Mohammed Kounta will illustrate the changing position of an *adjjati* under the influences of State interference in the organisational structure of a «spontaneous» residential area.

#### The case of El Hadji Mohammed Kounta

In 1978, the district of Lyndiane was subdivided into 585 official building lots, measuring 20 by 25 metres. The genesis of Lyndiane has strong similarities with the way Lyndiane-Golomoute came

into being. Here, the central figure is El Hadji Mohammed Kounta, who squatted in the area in 1965. El Hadji Mohammed Kounta was a descendant of an influential family of sheikhs from Mauritania. In the eyes of the Diola, who only had become Muslim in the 1930's, this meant that his roots were close to the centre of Islam. From this family connection, Kounta acquired a great deal of respect from the Diola Muslims, who often consulted him in religious matters. It also enabled him to marry the daughter of the marabout (Muslim religious leader), Cheriff Mahfus Haidara, who was then very influential in Casamance. Through his religious advice, a flock of devoted followers surrounded him and sometimes he received a plot of land from his admirers. Furthermore, El Hadji Mohammed Kounta held a high post in a State owned tree-nursery in the neighbouring village of Djibélor. This meant that he had good relations with both the local governmental elite and the elders from Djibélor.

When Kounta came to Ziguinchor in the early 1960's, he settled in the central district of Boucotte, where he rented a room. In 1964, he was able to buy a parcel of land between the city and Djibélor. There, he wanted to build a big house and start an orchard. At the end of 1965, the house was finished and El Hadji Mohammed Kounta went to live there with his family. At that time, only a few families lived in the area. His stable job and good contacts made him by far the most important figure in the area, the more so because the owners of the land in the area were inhabitants of Djibélor. When the expansions of Ziguinchor threatened to invade the area, the landlords from Djibélor asked Kounta to sell their land. Soon El Hadji Mohammed Kounta became the *adjjati* of the new «spontaneous» district of Lyndiane.

In 1970, the residential area was legalised by the Municipality. The Parti Socialiste nominated Kounta Responsable Politique (the local political representative) of the new sector. Consequently, Kounta established very good relationships with the members of the Lot Allocation Board who, in 1978, controlled the subdivision of the district and were to allocate the official building lots. As happened more often, this Lot Allocation Board charged the local Responsable Politique, El Hadji Mohammed Kounta, with the supervision of the «spare» building lots, not yet allocated. He began selling these spare building lots for a lot of money that, as he said, he used to «grease the political machinery». Some building lots changed hands for 600.000 F CFA (€ 915), quite a sum at that time. The impact of his powerful position reflected in the allocation map of Lyndiane as I found it at the Department of Land Registry. A strait road should have cleaved the old parcel of Kounta in two, but on the map, and in reality, the road makes a single sharp curve around the now official building lot, which measures 50 by 40 metres.

I do not think the inhabitants of Lyndiane worried much about the fact he earned a lot of money. 'Manger l'argent', literally eat the money, is a National sport, especially for those who have the opportunity. No, El Hadji Mohammed Kounta, blundered in the eyes of his *adjaoura* when it became clear that he prevailed his political aspirations over the demands of his *adjaoura*. Some had lost pieces of land after the subdivision, which they could accept because they received an official building lot of more prestige and value in return. Furthermore, their residential area was legalised so that they really could invest in their housing. However, when the *adjaoura* perceived that their *adjjati* was allocating building lots to total strangers, to people not belonging to the *adjaoura* group, the basis of trust was washed away. In accordance with the old social relationship, the *adjjati*, as the highest authority, is obliged to protect the interests of his «kin». Moreover, this group always have relatives in need of a building site. The «spare» building lots, now allocated to outsiders, should have been given to the inner circle. To whom should they turn with their grievances? Their contact with the outside world has always been channelled very effectively through the very same person they now wanted to stand up against, namely their own

*adjjati*. The only way out was to blame all outsiders: particularly the civil servants from other parts of Senegal, who always occupied the best positions in Casamance.

Because the same problems occurred in other districts, a general aversion grew against everybody and everything not originating from the Casamance region. The last straw was a dispute in 1980 at the Djignabo High School between a class and its Swiss teacher. This led to clashes with the police (mainly non-Diola) in which one student was killed. The protest at the school soon gained general popular support in the whole region. The Governor asked the Diola association Karambenór (work together) to mediate between army and protesters. Soon it resulted that the main grievance came from an unexpected source, namely the arbitrary allocation of land during the latest subdivisions in Ziguinchor.

As mentioned earlier, these disputes could not be resolved by the *adjjati*, of old the authority in these matters, because they themselves were involved up to their ears. The accumulation of protests and violence forced the Governor, in his function of highest representative of the Government, to look for an alternative and general accepted legislative arbitration commission. The recently founded Diola association, Karambenór, was useful. Its leaders were strongly related to government as many were civil servants in colonial times. Moreover, since they propagandised the old values of Diola society, the Karambenór was in general well respected in the districts. Thus, the Governor nominated members of Karambenór to an arbitration commission, which had to evaluate all lot allocations and, if possible, resolve disputes (decision No. 0434/GC du 16/02/1982). In practice, this meant that a board of «wise men» joined the existing administrative arbitration commission, La Commission des Litiges, which consisted largely of civil servants. This resulted in a new approach: members of the commission went into the districts to evaluate disputes on the spot. This time-consuming approach prevented the civil servants from fully cooperating and in time, they left the work completely to the board of «wise men», which means the members of the Karambenór.

Between the 15th of February 1982 and the 5th of July 1983, members of this arbitration commission have evaluated 5 171 lot allocations of which they put 1 558 cases of conflict on record. By on-the-spot clarification of decisions made by the Lot Allocation Board, they were able to resolve 826 disputes. Through discussion and deliberation, and by examining each case thoroughly, they were able to reconcile another 696 conflicts. After this success, the Governor decided to formalise this form of approach and on July 8, 1983 a new commission was set up: the Grand Commission Administrative (arrêté no. 60/GC/AA). This commission was divided in a technical board, consisting of representatives of the Governor and the Municipality and all the Departments involved, and a board of «wise men», consisting of district heads and dignitaries and members of the Karambenór. In this form, the preparative work on the spot by the board of «wise men» was given the legitimacy it needed by the technical board. The following case will clarify this procedure.

The board of «wise men» at work

On Sunday the 23rd of October 1983, a reunion took place in the district of Niafoulène. Participating were members of the board of «wise men» of the Grand Commission Administrative and the two conflicting parties in a land dispute. One party accused the other of illegitimate appropriation of a building lot by building a house on it. Under a big tree, in the courtyard of one of the opposing parties, two chairs and several small wooden benches were arranged. The two members of the commission sat down on the chairs, their back turned to the big trunk, while the

others formed a circle around them. On the left chair sat Faye Badji, school-head and member of the Karambenór association. On the other chair sat Tidiane Bakhoum, pharmacist and representative of the Municipal council. In front of them, on a little wooden bench, sat Arfang Badji, district dignitary, flanked by the author and his interpreter. Left and right of this bench sat the two parties in the land dispute. After the usual extended ceremony of greetings and wishes, the discussion could begin. For a long time, the father of Yafaye and Kamaka Doucoure and villager Diamanty Koita had lived together on a piece of land in the district of Niafoulène. First together in the same house, later they each had build their own house. After the death of the father of Yafaye and Kamaka, Diamanty took care of the children that he brought up in his house. When Kamaka married, he went to live in the old house of his father, and Yafaye moved in with him. When news came to them that the Municipality had plans to subdivide the district, they asked Diamanty permission to build a third house for Yafaye. Thus, they expected to be allocated three building lots by the Lot Allocation Board. But Diamanty refused to build another house for which he could not understand the purpose. Yafaye was not married yet, so what was he supposed to do with a house of his own? In 1978, Niafoulène was subdivided. The parcel of land on which Diamanty Koita and the two brothers Doucoure lived, had now changed into three official building lots, divided by a narrow road, whilst the rest was reserved as a parking area for the great mosque that was to be build nearby. Only Diamanty and Kamaka received a ticket from the Lot Allocation Board. The other building lot was given to a neighbour who had to move because his old parcel of land was now enveloped by the parking area. In 1980, Yafaye Doucoure built a house on the fringe of the site of Diamanty, who protested fiercely against it, but in vain. He then called in the help of an old woman to make him a powerful fetish, which would prevent Yafaye from using the house. The dispute became more and more heated. Because both parties blamed the Lot Allocation Board for giving them only two instead of three sites, despite the fact that there were three adults living on the parcel of land at the time of the subdivision, they asked the Karambenór association to mediate in the dispute. This resulted in a few orientating talks. The reunion of that day was supposed to be the last and the arbitration commission was expected to come up with a final solution. First, everybody would again have his say, the whole matter would be gone over again and, there, quietly under the big tree, the discussion broke loose. The talks were in Diola and Manding language. Arfang Badji, the district dignitary, spoke first and recalled the whole beginning of the dispute. Sometimes, both Diamanty Koita and Yafaye Doucoure would interrupt him to put their personal view of the story and to accuse the other party of neglect and dishonesty. Everybody was called by his first name and, despite some fierce eruptions, it was a heart-to-heart talk. Both members of the arbitration commission rarely interfered in the discussions. Now and then, Faye Badji gestured to one of the parties to let the other finish his speech. Sometimes he talked to one of the parties, quiet and teaching, illustrating his arguments with drawings in the sand. Finally, Faye Badji began to speak and put forward a possible solution of the conflict, which, as it appeared later, had already been discussed with the technical board of the commission. The house of Yafaye could be left untouched. The Municipality would give him an extra strip of land from the parking area behind his house. Because the house of Yafaye could remain, the building lot belonging to Diamanty Koita decreased a bit, but they admitted that both had made mistakes and after all, were they not related? The case was closed, the brothers Doucoure shook hands with Diamanty Koita and both parties apologised to each other. The session was sealed with a prayer. The whole palaver had lasted more than two hours.

What is very clear in this case is the presence of the old atmosphere we knew from the villages: long palavers under a big tree in the centre of the village where everybody can have his say. At

the end, an elder made a proposal, mostly a compromise, which in general was accepted unanimously. Furthermore, this case showed us that the commission took into account the old claims on land and the existing investments of the individuals.

It is important to notice that, in the eyes of all involved, in the whole course of the resolution of the conflict the State was not publicly represented. For the opposing parties, Tidiane Bakhom was present as dignitary, not in his function of representative of the Municipal council and, furthermore, he did not mingle much in the discussions. The elders of the Karambenór had solved the dispute, as the elders in the village would have solved land disputes. The fact that the board of «wise men» had discussed the matter with the technical board of the arbitration commission, and thus the State, is not manifest. Neither is the fact that the final solution was made legitimate by a change in the plans and the registration of these changes by the department of Land Registry. It shows another example of the flagrant discrepancy between the Law and its perception by the citizens. Did time change this attitude?

### **The turn of the century**

Over the years, the defaults and surely the negative economic impacts of the National Lands Act of 1964 became more and more prominent. It was time to change. Like many French-speaking countries, the administrative organisation of the Fifth French Republic has strongly inspired the Senegalese Republic. Since independence, the Government launched a vast decentralisation process, to give more responsibilities to local communities.

The decentralisation process in Senegal is characterised by the following stages:

1960: the status of the four main municipalities Dakar, Gorée, Rufisque and Saint-Louis is enlarged to 29 full municipalities;

1972: The 72-06 Law of 1972 creates rural communities and gives more right and responsibilities to the rural communities;

1990: The reinforcement of the decentralisation process with the abolition of the special status of municipalities and more responsibilities for the rural communities;

1996 : The completion of the regionalisation process comes with the Law n° 96-07 of March 22 1996 which regulates the transfer of legal capacity or competences from the State to administrative districts like regions, city councils and rural communities. In this Law, nine competences were transferred to the administrative districts: Domain, Environment, Health, Social Action, Youth, Sports, Culture, Education and Planning.

The 1996 Laws had much impact on the property status of land falling under the National Lands Act of 1964. There are four types of landownership in Senegal:

Titre Foncier, private owned land, mostly inscribed before Independence

Domaine National, all land that is not registered as private owned

Domaine Public, land for public use

Domaine privé d'Etat, part of the as private owned registered land (Titre Foncier – Titre Foncier) with the State as owner

Following the Law 1996-07 and mostly in urban area, a presidential decree can register large concessions of the Domaine National where an allocation programme will take place or has been realised as Domaine privé d'Etat. This means that a citizen, who has a building permit, can ask for a bail and then a Titre Foncier, which makes him proprietor of his building lot.

For the urban area, this means that allocation programmes and distribution of building lots will now be the responsibility of these administrative districts and no longer of the State representatives, like Governor or Prefect. Nevertheless, at the end, the administration must give its approval.

Article 25. – Land of the Domaine National in urban area can be registered as Domaine privé d'Etat and affected to the city councils as necessary, especially for the use of collective equipments.

However, The State remains proprietor of the land subject of a re-allocation programme in urban area. This means that the State only transfers the administration of the land tenure system to the local administrative districts. This is stated expressively in the 25 article of the 96-07 Law and I think that by this article, the State still wants to keep their last say and the revenues implicated. A presidential decree can register parts of the Domaine National as Domaine privé d'Etat. It is the local chief tax collector from the Regional Domain Department who must ask for such presidential decree.

A local administrative district, like the town district of Ziguinchor, can allocate a building lot to a citizen. If the building lot is a part of an allocated Domaine privé d'Etat and the citizen has a building permission, the citizen then can ask for a lease (bail emphytéotique). The Cadastre Department first makes an official report of the value of the investments made. After a long process, the lease amount is valued on fixed gradations. The lease can be transformed in a final assignment, making the building lot private property of the citizen (Titre Foncier). The State sells the building lot for a value appraised by the Cadastre Department.

If the building lot is part of the Domaine National, than the State cannot give a lease, because the land is not registered. The Regional Domain Department will register deposits for a lease but will only consider them as a noted request and thus will not send them to Dakar for validation. All citizens can thus deposit a request for a bail, whenever the building lot is on Domaine National or on a Titre Foncier. He must pay the registration fees and the first year of bail but he must wait until the land on which his building lot is situated is registered. Local administrators say this is a good thing and that it will encourage the State to initiate more registration of land. A massive expression for the demand of land will in the future lead to more registration of land by the State and thus to more access to bails and then automatically to a citizens Titre Foncier=private land ownership

So far and according to our observations, there has been no presidential decree in the Ziguinchor Municipality that has registered Domaine National land, subject of the re-allocation programmes of the 1970s and 1980s, as Domaine privé d'Etat. Only some new and recent allotment programmes has seen their Domaine National land inscribed as Domaine privé d'Etat. The regional Domain Department encourages citizens to ask for a bail, even on Domaine National land that has not yet been registered as Domaine privé d'Etat. This will put pressure on the Government to register more Domaine National land as Domaine privé d'Etat and thus make more land accessible for private land property.

There are actually 2 135 Titre Foncier in the whole of the Ziguinchor region, an area of 7 339 km<sup>2</sup> and 437 986 habitants. The Domain Department registered 190 in the year 2006, mostly Titre Foncier in the new urban district of Goumel. Here, a large area of rice fields at the outer confines of the town have been registered as Domaine privé d'Etat in the end of the 1990's and transformed in building lots by the National Lodging Bank of Senegal. The allotment project provided all the building lots with urban infrastructures such as roads, electricity, water and drainage to evacuate the rainwater.

Our study also demonstrates a big information lack on every administrative level of what is really changed with the 1996 reformation laws. The higher administrative echelons know roughly the big lines but on the lower levels few is known about the new legislation. A famous lawyer told me that demands for a bail are becoming very common in Dakar. Perhaps the citizen is better informed in the capital? But then, the decentralisation programme is far from being finished. Are the unfinished decentralisation process and the lack of information flow the reasons why nothing has changed in the popular districts of Ziguinchor, since the National Lands Act of 1964?





## **A sense of déjà vu when meeting people in the popular districts**

Urban environment, with its modern and individualistic land tenure systems, causes many small family tragedies:

Safietou (Aida) Sagna was married to Yaya Dieme who died on the 11th March 1991. They lived in the Dieme family house in Soucoupapaye. After the death of her husband, Aida Sagna is not ready to accept her traditional transfer to the brother of her husband. She asked her father, then living in the village of Diatock, if he would allow her to live with her brother in Ziguinchor. This brother, Mamadou Sagna, had bought in the year 1968 some land in the Lyndiane district. This piece of land was bought from a Serer farmer, whose daughter still lives on an other piece of the land, in presence of Famara Badji, a mason from the Balingore village and friend of Mamadou, as witness. Mamadou builds a house with dried mud and lets his brother Ousmane live there. He goes for work in Dakar. That is why his brother Ahmet receives the "ticket" from the Lot Allocation Board when the district is re-allocated.

Father and brother allow Aida to build a house on the corner of the building lot. As soon as the mud-dried rooms are ready, Aida leaves the house of her defunct husband and starts living in Lyndiane in 1992. The building lot is actually a microscopic labyrinth of minuscule alleys between mud-dried rooms where doors open and close, creating a buzzing atmosphere. It is school holiday and reggae music from a big ghetto blaster stirs the falling night. It is clear that the promiscuousness cannot stand much longer without outbursts.

Finally Mamadou is retired and comes back home. He asks his brother Ahmet to leave the Diatock village and come over to put his name on the "ticket". Ahmet refuses to leave his village for this.

A lot of time passed away and with that Ahmet Sagna. Mamadou Sagna is enjoying his retirement and still living in Dakar. It is only in 2006 that Aida checks with the Cadastre Department on which name the building lot is registered. It appears still to be the name of her brother Ahmet, passed away since long.

What to do now? Aida's perception of the building lot as family land is neither right nor wrong. The microscopic labyrinth is small Diatock in an urban setting. But the "ticket" has a first name and a family name, thus concerns only one person. For Aida the building lot must go to the father of Ahmet or to one of its brothers, and thus stays family ground. The children of Ahmet Sagna, Samsidine a boy and the three girls Mame, Yafatou and Ndeye Khady, live in the house of Mamadou Sagna together with Ousmane, the brother of Mamadou Sagna.

Samsidine does not want to take any initiative and nails down the situation. Aida has no money to move. The building lot becomes crowded. An unhealthy situation is born.

Raymond Diatta, district head

During June 2007, the Municipal Council adjusted the subdivision of the Ziguinchor districts and enlarged with ten new districts. The Council divided the Soucoupapaye district in two parts: Djisoukoupapaye with Raymond Diatta as district head and Djiringjo with Ahmed Sané as district head. The Municipal Council elected Raymond Diatta after a global hearing of the district

members who proposed him as their representative. The Municipal Council promised an education programme of the new district heads after the rainy season. For now, as we visited Raymond Diatta, he knew very little of procedures leading to official legalisation of the plots after the 1978 allocation programme. When district members ask his advice, he can only say to go meet the different Government Departments like Cadastre, Taxes and Landowner and Topography.

Soon he will get an information session from the Municipality and then he will know a lot more. The Municipal Council also promised to give him a writing-table and some bureaucratic attributes, but so far he only received some 150 fiscal cards, worth 900 FCFA annual tax (€ 1,37) and which are supposed to be acquired by heads of a family with an informal income. To impose the fiscal cards, it nowadays is no longer possible to acquire official information from the Municipality Council without being able to prove that some income tax is paid: school card, fiscal card, pay sheet or other proof.

For him, there is a great distinction between official government land tenure legislation and daily routine. The perception of land tenure security is mostly based on client dependency: indigenes always know somebody in the Lot Allocation Board who, after the re-allocation programme distribute the lot number with a personal name attached to it (le ticket). Members of the Lot Allocation Board are high placed people, so you can trust them. The problems occur when they lose that position. Everybody is now talking about Dakar where the new government, installed in 2000, razed whole districts by bulldozers. Bad luck, they lost their protection!

Why bother? You can have permission for this and permission for that. You can have many papers with official seals and have paid a lot of money for all those seals and permissions, but you know as we all do: If the government wants to take your land, it will take your land. Things can slow down if your protection is bullet proof, but even then.

Lansana Sambou, from the village of Boutegol

The father of Lansana Sambou, Doudou Sambou, got the famous "ticket" from the Lot Allocation Board in 1978, a small piece of paper with the number of the building lot and his name. Doudou Sambou died in 2000, but before passing away, he said to his elder son that the lot would be his. His elder sister will be married soon and thus would have no need for it. As always in land ownership, women are not an equal party, although the new Constitution considers them as equal with men.

The new Senegalese Constitution adopted by referendum 7th January 2001, mentions in its introduction that the convention on the elimination of all kind of discrimination toward women forms an integrated part of the Constitution. The right of land property is guaranteed to man as to woman. The 15th article of the Constitution prohibits the mostly old and custom restrictions for access to land for women.

Nothing much happened after his fathers dead until an uncle, working in the national agricultural research centre, advised him to change the name on the "ticket". Why and how was not so clear to Lansana, so he left it all to his uncle who did all the necessary. It was the uncle who went to the tribunal and filled in the heritage papers to obtain a death certificate, a heritage certificate, a wedding certificate and a birth certificate. He also went to Cadastre to pay the 20.000 Francs (€ 30,49) fee for the four concrete markers which were used in 1978 for bounding the building lot. Lansana only paid the €30,49 and received a new "ticket" with his name on it.

His father had not build the house with durable materials but erected the four rooms of dried mud, as most people do in this area. Because, Lansana says, the construction is not done in concrete, he therefore does not need permission from the Municipal Council. It is OK as it is, although he would prefer that the Municipality did something with these mud roads who become violent torrents in the rainy season. But the Municipality must know all these problems, the district head is living only 150 metres away, just near a canyon of some three meters deep.

The Municipality does nothing and what can we do? Poor people like us do not frequent official instances. We prefer to stay away of all that. Land ownership is very complicated, demand much paperwork and need a lot of money. Furthermore, it is very hierarchically structured, where only the very rich can obtain full possession and become richer. We only want a home, a family house to live in. We do not need that entire fracas. Is it not so that my name is actually mentioned on the ticket, given in 1978, on top of the number of this building lot. What do I want more? I keep it in a metal box under my bed.

During the whole conversation, Lansana clutched a very small, sophisticated mobile phone in his big hand. As if he was expecting a very important phone call any minute now. The phone did not ring.

Sidy Coly, from the village of Dianki

Sidy Coly is a retired police officer who worked on the Gorée Island in front of Dakar. Just before the Lot Allocation Board distributed lots in this district, he came back. He then lived in the local police barracks. Luckily, he got the famous "ticket" and could build his mud-bricked house. The Lot Allocation Board also gave him an official paper where it was especially mentioned that the lot was his forever. He never paid whatsoever.

A schoolteacher from Benin

Somebody who wants to buy a building lot in town quickly bump into a broker residing around the Cadastre Department. They will propose you several occasions and will accompany you to take a look. If you are interested, they present you to the owner and discussions on the price will be held in his presence. If you agreed with the owner on a price you will then discuss with the broker on what price will be the official price mentioned on the mutation papers on which you have to pay a 15 percent tax to the Domain Department. He will then also fix his percentage on the deal, but assures you that he will take care of everything and that his interference will be very beneficiary for you. You then have to fill in a pile of very bureaucratic papers with many seals and present witnesses. You pay small fees for seals and paperwork for each of which you receive receipts. It all looks very official and reassuring. If at the end they give you the sealed note that the building lot is on your name, you really think you are proprietor of the land. It has cost you some money, but you now are officially landowner!

Moreover, look around you. When there is a problem, for instance, when your building lot is on land designated for a school or mosque, then the Municipal Council will give you another building lot and will even give you some money for your investments. So why worry? You can have confidence in the transaction. Insa Manga of the Urbanism Department adds: when you have a building permission, you have right on compensation.

The highly needed empowerment of the ordinary citizen is still one of the most important branches missed in the decentralisation oak. As a matter of fact, the lack of circulation of information in general is one of the main reasons why the decentralisation process is still not fulfilled. The Government did not devote the attention needed but it is also a weak spot in African society where the possession of information means power. Thus, information, like power, is something you do not share. Carefully you cherish the information you possess and if necessary transform it, bit by bit, in money. That's way the transfer of information to a large public through seminars is not working: the attendants do not give the feedback of their learning. Then only the inaccessible top of the hierarchy is sufficiently informed and not the second ranges and surely not those who should have been in the first place: the first ring of elected people like the district heads.

## Conclusion

Since the subsidence in 1996 of the National Lands Act of 1964 and the provisional fulfillment of the decentralisation process, the local collectivities administrate all land transactions, although approval must be obtained from the local government representative. But most important, the new laws encourage private investment because the investments are accompanied by real land estate. A citizen who wants to build a house in an urban centre can assure land estate by demanding a bail and then a Titre Foncier. The old perception of land tenure security is from now on legally reinforced. Already with the National Lands Act of 1964 it was supposed that local, mostly ancient, land tenure systems had formally ceased to exist. The ordinary citizen still sees it differently.

He does not worry about the fact that he may lose land and home with the streak of a pencil. And apparently he is right. Rare are the occasions that houses are torn down without State compensation, or it must be a flagrant case of incivility. It is more a state of laissez faire, guided by ignorance. Very few really know their way in the legal labyrinth and not every men in the street can meet a department director to be rightly informed. The weak then seek shelter with the (political) strong ones. As long as this protection stands, nothing can go wrong. It seems like two worlds are «living apart together».

© John Lucas Eichelsheim

Ziguinchor, September 2007

## **Intervenir pour le Développement Ecologique et l'Environnement en Casamance**

---

IDEE Casamance  
BP 120  
Ziguinchor  
+221 70 933 19 05  
postmaster@ideecasamance.org  
ideecasamance@arc.sn

**[www.ideecasamance.org](http://www.ideecasamance.org)**

