
INVESTMENTS IN IRRIGABLE LAND FOR LARGE-SCALE AGRICULTURAL PRODUCTION IN MALI.

Conference paper

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INTRODUCTION

As revealed by the mass media, announcements of large scale land acquisition by private investors have drastically increased, especially in Africa, that appears to be the new and privileged target of land-grabbing (Cotula et al., 2009; Von Braun & Meinzen-Dick, 2009; World Bank, 2010). These acquisitions favor countries which are not self-sufficient in food consumption. They put back on the stage food and land security matters, and more widely agricultural development issues.

In Sub-Saharan Africa, Mali is a country perceived as rich in land and water resources. As such, many foreign States and private companies are engaged in various investment projects in this country (Cotula et al., 2009; GTZ, 2010), especially in the Office du Niger (ON) area. Irrigated schemes currently cover around 100 000 ha, but the superficies which could potentially be developed for irrigation might exceed two millions ha. The ON area enjoyed a substantial economic success during the past 20 years, thanks to small holders who provide the main part of the national rice consumption (Bonneval et al, 2002) ; it is therefore considered as the heart of Malian agricultural development policies. Investors looking for irrigable land to develop large-scale farms represent a great opportunity for a State trying to finance the extension of the irrigated area and to revitalize its agricultural sector. Yet, benefits from those investments prove to be less obvious for small holders, whose land rights are not secured, neither in the irrigated schemes (where the available area per family is decreasing due to population growth) nor on rainfed areas (used for agriculture, breeding and forest activity) targeted by private and foreign investors.

Are these new investments complementary or competitive for family agriculture? Beyond the debates that often oppose the promoters of these two types of agriculture, this papers aims at enlightening this question by studying the supervision plan set up by the State. What are the formal or informal tools used for investments incentive and land regulation? And what kind of agricultural models do they favor?

In the first place, this paper describes the diversity of the projects planned in the ON area and their state of progress. In the second place, it analyzes the crucial role played by the government in promoting investments and building partnerships with foreign operators. The next part analyzes the government actions in land use regulation. Finally, we tackle the issue of how social responses at local level, may allow to defend some population rights.

All in all, the discussion addresses investors 'impact on family agriculture in the ON area. Facing the current land issues, how do the actors react?

To conclude, we discuss on how the State, through the establishment of appropriate rules, could favor private investments in the area while preserving the family agriculture in place since the colonial era.

METHODOLOGY

Aiming at building upon the previous studies conducted in Mali (Burnod et al., 2009; Cotula et al. 2009; GTZ, 2010), this work is based on a field survey. Local medias are currently the main source of information on land acquisition projects. But they struggle to obtain relevant data because of the sensitive political issues linked to national and foreign investments, whose scope and number are often ill known. Our study rely on a series of 200 interviews held in Bamako and in the ON area with members of government, ministry agents, foreign and national investors, local elected representatives, NGOs, population and local farmer associations, and farmers trade-unions. In addition, we read and analyzed available written documents: juridical laws, political orientations, project documents.

Numerous checkouts have been done on the field in order to evaluate the efficiency of the different projects realizations. Information, especially regarding quantitative aspects, was very difficult to obtain; data often vary according to the different sources. Therefore, data in this paper should be considered as basis for analyzing and discussing land issues in the ON area, and not as reflecting any official source.

WHICH INVESTMENTS ARE PROJECTED IN THE ON AREA?

According to the SDDZON , the surface area which can be potentially developed for irrigation in the region is supposed to reach two and a half millions ha (map 1) , but only 98 000 ha are currently developed, that is to say less than 5% of the potential. These lands are the private property of the government and their management is under the responsibility of *Office du Niger*, a public institution (Ordinance 96-188/P of 11 July 1996). Since 2005 the government is promoting the establishment of new operators, having sufficient financial resources to develop irrigation infrastructures and to settle large scale "modern" farms.

Over the period 2004-2009 (with an increase since 2007), operators have required leases for more than 870 000 ha, almost 10 times the superficies of currently developed schemes.

DEMANDS FOR 870 000 HA: 45% BY NATIONAL INVESTORS, 55% BY FOREIGN INVESTISTORS

National Investor requests, which have been little analyzed in the previous studies on the land-grabbing phenomenon in Mali, concern almost half of the coveted superficies in the ON area (Annex 1).

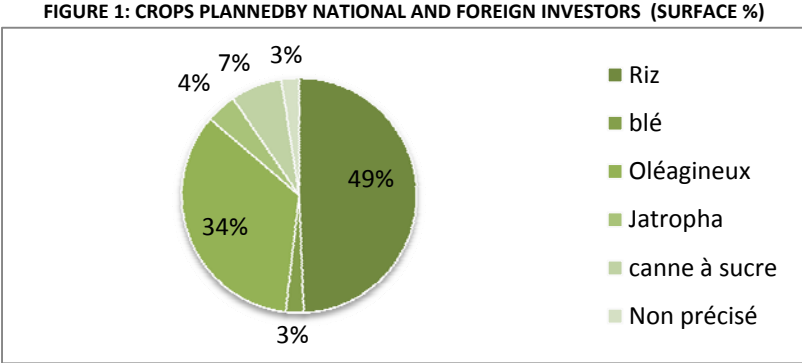
Nearly 90% of the 840 lease requests registered at the ON level are initiated by Malian citizens. But, 80% of the requests concern limited areas (1 to 50 ha), and one third less than 5ha. Individual or farmers association wish to extend their farms or to settle in ON area to grow rice and market gardening products.

Only 3% of these national investors wish to obtain leases on larger superficies, i.e. 500 to 100 000 ha (Annex 1). But these requests concern over 300 000 ha, i.e. 80% of the surface covered by national investors. Promoters are private firms already acting in Mali (SNF, Tomota) or private investors newly arrived in this field and on which there are very few data. Most of them proclaim their wish to develop oil crops for food or agrofuel markets (e.g. *Jatropha curcas*). Many investors do not have any specific agricultural project: they claim they will choose their crops according to market opportunities. If needed (market changes, financial restraints), they might consider to switch from new production systems based on oil crops, to rice and market gardening based production systems, as used by ON peasants; they could cultivate their land themselves or sublease to farmers; subleasing is officially forbidden, but implicitly tolerated by the ON.

Two types of national investors must be distinguished. The first ones are small urban farmers or investors wishing to delegate the agriculture production by copying the peasant farming system based on rice and market gardening (the main production pattern in the ON area); the second ones are investors owning more financial resources but having often no experience in the agricultural sector, who wish to develop new patterns based on other crops than rice, with more mechanization and use of employees.

Foreign investment projects are very few: 18. Some of them are already widely introduced by medias. They cover superficies from 2500 to 100 000 ha, for a total of nearly 470 000 ha. The origin and the nature of the promoters are diverse. 8 projects are initiated by foreign private firms which consider the land as a mean to respond to the current energy and food issues. Based on the little information that is available, these projects seem to be oriented toward oil crops, for agrofuel or food markets. Four other projects are directly undertaken by foreign states (sovereign wealth funds) or by government-owned corporations. They aim at producing food crops in order to guarantee their own food consumption. Most of these projects foresee developing large scale plantations, based on salaried staff. Two projects are initiated by inter-state organizations (Cen-Sad and Uemoa) which plan to redistribute the developed land to small investors or to small/family farmers. Built as a response to the requests made by Malian government, these projects aim at producing rice for national and sub-regional markets. Another project is undertaken by an international donor (MCC – United States). It aims at attributing 5 to 50ha land plots to existing and new farmers in order to develop intensive rice production. The plots come from a total surface of 16 000 ha of potentially irrigable lands, that MCC obtained from the Malian government. Lastly, an American NGO would have also required 100 000 ha to set up an irrigation project in the ON zone.

MAIN CROPS AIMED BY INVESTORS: RICE AND OIL CROPS



Source: project documents and surveys, 2010

Projects related to oil crops (sunflower, soy bean, peanut: 290 000 ha; Jatropha: 35 000 ha) are mainly located in areas that are not yet developed like Kareri, Kokeri, and east-Kouroumari; it generally concerns large superficies, exceeding 2500 ha. Rice projects, small and large, represent a total surface of 415 000 ha and are rather located next to existing schemes (close to M’Bewani, Macina and Kouroumari areas). Sugar cane projects (60 000 ha) are concentrated next to the existing plantations, in the M’Bewani area, where sugar cane is cropped since 1960.

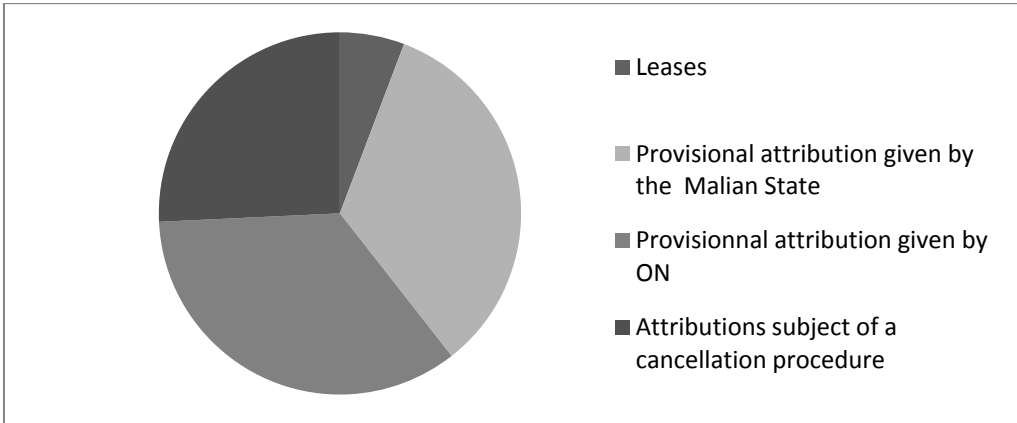
Localizations have a direct effect on the sums to be invested: as the establishment zone of the project is getting away from the main existing irrigation infrastructure, the access becomes more and more difficult (absence of road), and the cost of the construction becomes higher (from 5000 to 7000 €/ha). These costs have often been underestimated by the investors, which is partly why there is very slow progress observed in the development of the schemes.

MORE THAN 94% OF THE REQUIRED SUPERFICIES ARE ALLOCATED ON TEMPORARY AGREEMENTS, AND ONLY 2% HAVE BEEN DEVELOPED.

Most of the lease requests are far from being finalized and accepted. If more than 870 000 ha are concerned by allocation procedures, only 50 000 ha have led to a lease delivered by the Office of Niger, and only 2 leases have been given to foreign investors. It means that 820 000 ha are only attributed on a temporary basis (Figure 6). Figures vary widely depending on sources, so they should be used carefully. There is a large flexibility observed in the procedures. Irrigation infrastructures have to be built during the first three years following the provisional agreement letter signature. Yet, some requests for projects that started five years ago (signature of the provisional agreement letter) are still valid, although no construction were made. Without this flexibility, 90% of the provisional agreement should be cancelled.

Moreover, 30% of these provisional attribution (among 224 000 ha) should be cancelled because the promoters did not provide the technical and socio-economical studies requested within the year following the initial approval. As for the most important projects, two thirds of the 11 Malian projects and a third of the 18 foreign projects have still not started the preliminary studies that are normally required; therefore, these projects should be cancelled. Among all projects undertaken by foreign investors, only two have led to a lease, but did not start any construction; two other projects have completed the impact studies and started the construction works, but without waiting for the preliminary signature of the official lease.

FIGURE 2: STATUS OF DIFFERENT LAND ATTRIBUTIONS IN THE ON AREA



Source : ON may, 2010

Among the 870,000 ha requested for attribution or lease, very little development was carried out. Among the 50,000 ha given in leases (from 1998), only 11,000 ha are cropped. 7,000 ha are cropped for sugar cane by the sugar company historically installed in the area. For the other 4,000 ha, they are cropped by small farmers hired as contractual employees by a private company. The effective development of these "private lands" is based on the work of family farmers. Frequently, when a scheme is developed, investors or farmers who are not able to crop their lands let or sub-let them to get some return from their investment.

Among the 820,000 ha provisionally allotted to big projects, only 2 promoters (MCA-Mali, PSM) really started irrigated crops, on roughly 2,000 hectares (less than 3% of the total attributed area).

The most important work implemented to develop irrigation was carried out by Malibya project, which completed mid 2010 the construction of a new canal intended to irrigate 100,000 ha (fourth big canal of this type built since ON creation). But this very big canal is currently not used, as no scheme was developed downstream. 30 ha of an experimental farm are cropped, but are located in an ON scheme, to test rice cultivation as practiced by the small farmers. It is far from the objectives of the project which are to grow rice under sprinkler irrigation and to practice intensive breeding with housing.

THE IMPORTANT ROLE OF THE GOVERNMENT IN INVESTMENTS PROMOTION

THE ENGAGEMENT OF AN INCITING POLICY FOR THE INVESTMENT

In some newspapers, the countries of the South are often presented as victims of the current dynamic of investment in agriculture, seen as a form of neocolonialism. Governments play a key function in the promotion and the hosting of investors (Cotula et al, 2009). And so, during the last years, the Malian government had a strongly inciting policy to favor the development of the investments and, in particular, direct foreign investments.

In spite of strong agricultural potentialities, the Malian agriculture which accounts for 37% of the GDP and employs nearly 75% of the population (Samake et al., 2007), is characterized by a low productivity. This is partly linked with the low level of the investments, corollary of the generalized poverty. In the ON area, the rhythm of State and international donors investment is no more sufficient to ensure the development of schemes; for example, the cost for developing additional 50,000 ha is estimated at 240 billion FCFA (366 million €) by Hydropacte (2010). As public funds appear to be unable to take up the challenge agriculture development the objective of the government is not only to invite investors to finance irrigation infrastructures, but also to manage great intensive farms; it thus shows its loss of confidence in and its lack of interest for family agriculture. Favoring the installation of private or foreign investors became a priority within the framework of this new agricultural policy.

This inciting policy was concretized by the creation, in 2005, of the agency for the investment (API), a one-stop service set up to facilitate and promote foreign investment. It was formalized within the framework of the Economic and Social Development Project (PDES). The PDES underlines explicitly that the government must "identify, promote and support private projects able to create new production units", in particular in the agro-industrial sector. In PDES plan, the ON area is presented as "one of the largest development poles of Mali". In 2008, with the implementation of the master plan for the ON zone (SDDZON), the government launched various calls to private and public investors with the objective of developing 120,000 ha by 2020 (www.office-du-niger.org/ml). Knowing that only 100,000 ha were developed during the past 80 years, achieving this goal imposes an intensive investment and work rate. Therefore,, a strong policy of partnership was setup to support the investment policy.

STATE PROPERTY LAND IS MANAGED BY THE OFFICE DU NIGER

The ON area is a state property since the colonization era. ON is in charge of managing land and water access, and all requests for land must be addressed to it..

Family farmers can obtain already developed plots. Irrigated fields are allotted according to the number of workers in the family (1 ha per working man) but also, and more and more, to land availabilities. Land pressure is indeed very strong in irrigated schemes. During the past 25 years, the average area per family was divided by three (Bélières et al., 2003) and an informal land market expanded (Coulibaly et al., 2006). In 2003, 27 000 families (13 people in average) were sharing 88,000 ha (Coulibaly et al., 2006); the average cropped area was only 3.14 ha per family (Bélières et al., 2003). Small holders already installed and new small farmers can only get an annual contract of exploitation (CEA) or an Agriculture Allowance (PEA) theoretically perennial. In fact, CEA and PEA renewal is conditioned by the annual payment of the hydraulic fee (45,000 to 67,000 FCFA per ha depending on crops and season). ON thus holds the power to allot irrigated fields and to put a term to the contract. Even on fields that were developed by farmers themselves nearby the official schemes ("hors-casiers"), payment of a reduced hydraulic fee is compulsory to be allowed to crop using ON canals (or diverted drains) water.

New investors wishing to develop new lands for irrigation in the ON area must make an application to ON. Firstly, the investor must submit a lease request to the PCEO of the ON. After a preliminary investigation on the site to identify the current uses and resources, the ON delivers a letter of agreement to the promoter. The investor must then undertake, within 1 year, technical studies and an economic, social and environmental ex-ante assessment. Lastly, and only if the ON and the Department of the Environment validate the studies, the ON delivers a 30 years lease (known as Ordinary Lease, *bail ordinaire* - BO) or 50 years (Emphyteutic lease - BE). The ON can nevertheless put a term to the contract if the operator did develop at least 50% of the allotted surface within the first 3 years (renewable once) or did not respect irrigation specifications.

As it had a full control over land, water and men in the area, for a long time the ON was described as a state in the State (Jamin and Doucet, 1994). However, the current ways used by private investors to access to land show that this power is weakening: other levels of the State are making the decisions, and the ON is becoming a simple local service of the State, often circumvented.

WHEN THE CENTRAL STATE TAKES THE POWER BACK

The ON is legally the decisional and operational State service in charge of all the steps to be followed by investors. And in fact, it delivered all provisional attributions to Malian investors. But as far as foreign investors are concerned, the government bypassed the ON without any consultation. The government allotted directly nearly 300,000 ha (30% of the allotted surfaces) to foreign investors, through conventions.

Moreover, in April 2009 the government created a Secretariat of State near the Prime Minister in charge of the Integrated Development of the Office of Niger area (SEDIZON). This new department is now in charge of supervising the ON (instead of the Ministry of Agriculture). For the government, this creation was needed to mitigate the lack of coordination between the different ministries. Before, depending on the major component of the project (agriculture, industry...), foreign promoters dealt with various authorities: The MCA project directly signed its convention with and got its land title document from the Presidency of the Republic, UEMOA and Malibya projects got their convention from the Ministry of Agriculture, the PSM from the Department of Industry and Trade and, Sukala SA from the Ministry of Housing , Lands & Urbanism. Multiple authorities were thus able to support or deal with great projects. The creation of SEDIZON reflects the will of the government to have a one-stop service for large investment projects in this promising area, but also to bring back the decisional power from Ségou (ON Headquarters) to Bamako

This recentralization of power to the central government has important consequences, as officials in charge in Bamako may not be aware of all technical constraints in the field. Thus, surfaces were allotted without making reference to the irrigation development master plan (SDDZON), and without taking into account the water availability in the Niger River (limited during the dry season, from February to June) or the water transport capacity of the existing irrigation network. Nevertheless, this power transfer allowed to go well beyond the objective to allot 200,000 ha more by 2020: 820 000 ha were allotted. But, the process was sometime too rapid, and did not allow a rigorous follow-up. In the PAPAM project development area (World Bank), some plots were allotted twice, to national investors, villages or peasants, and to the project through a letter of agreement. Now, the validation of the project needs the previous cancellation of the formerly signed agreements..

Lastly, the delivery of conventions by the government, creates tensions between the operators and the ON services. Foreign investors frequently consider that a convention signed with the government serves as a lease – even if it is not legally the case -; so they start their development works without making the prior studies required by the ON services.

THE LIMITED ROLE OF THE GOVERNMENT IN THE REGULATION OF INVESTMENTS

The government plays an important role in promoting investments, but its role in their regulation appears more limited. The procedure for accessing to land in the ON area is divided into three corpus of legislation: the decree on Land tenure Code in Mali, the Code of investments, and the Law on pollution. However, there are other sources of rights. Land tenure practices reveal that the official procedure is not respected and harms the local populations but also, may harm the State and investors in the long term.

REGULATION PROCESS BY ADMINISTRATIVE SYSTEMS: A LACK OF EFFECTIVENESS

The API is little known by investors. It is not really effective in its role of guidance and presentation of statutory measures. This one-stop service, supposed to simplify procedures, became in fact an additional administrative step for investors. Operators, particularly when they are foreigners, negotiate their project directly with the presidency or one ministry, in order to benefit from advantages for accessing land and water. The Malian State gives to the most important foreign operators a provisional authorization of access to land (*qualified convention*). This particular procedure insures them more advantages than the Code of investment. For example, the investors can negotiate an important diminution in hydraulic fees paid to access to water. The reduced fee is justified by the costs of investment supported by them and not by the State as for small holders. They can also negotiate a priority in water allocation during the dry season, at the lowest water period in the Niger river (e.g. projects Malibya, PSM, Sukala SA).

The ON does not make a selection among the requests of lease agreements. Some promoters may be not very active in the social and economical local context, or not aware of irrigation requirements in terms of investment. Finally, some are unable to complete the financial studies necessary to obtain a temporary letter of lease. Since January 2010, the ON carried out a reorganization of its services: creation of a team specialized in new installations, in order to analyze the contents of investment plans. But at the same time, the government created a new institution in charge of the development of the Office du Niger area, the Sedizon, placed under the umbrella of the prime minister. This institution reduces the power of the ON and thwarts its wills of selection. Other initiatives for a better control are older, but they are not effective. For example, a commission of the leases was set up in 2007 to check if the operators respected the rules. But in 2010, this commission was only able to treat 5% of the requests. Moreover, the members of this commission rarely go to the field. That leads sometimes to conflicts, in particular when lands in process of attribution are already allotted to other farmers.

In theory, at the national level, some rules exist to control the investments. For any project covering an area exceeding 10 hectares, the promoter must carry out an environmental and social impact assessment. But the realization of such studies is often partial and not very constraining. The decree making it compulsory exists since the beginning of the year 2000, but is applied only since 2008, after the arrival of large foreign investors. The control of these studies is often poor and their validation is not subjected to a list of precise criteria. In particular, the public consultations are summarized most of the time with an exposure of the project by the promoter, but do not give way for real exchanges between ON, territorial collectivities, harmed farmers and populations affected by the project.

The local practices (derived right) and traditional land laws on lands coveted by investors are generally not recognized (rainfed agriculture, extensive breeding, wood exploitation). Even though they are recognized, no national directive exists for the compensation of the populations affected by a project (PAP); the only reference is the World Bank operational policy on involuntary resettlement (OP 4.12), but projects do not systematically refer to it (e.g. projects Malibya and Tomota). Without State or promoters' engagement, the compensation of the PAPs is managed on a case-by-case basis. Whereas the projects MCA and Sukala II finance or will have to finance the full compensation for the PAPs, for the projects Malibya and PSM, the State will have to deal with these expenses in return for investments carried out (factory, road, canals, etc). The slowness of the political negotiations to define who (promoter or State) will have to pay for these compensations, and the difficulty of the State to mobilize the necessary budget, are as many obstacles to the final efficiency of the procedure.

Moreover, some of promoters, or their sub-contracting companies in charge of works, do not respect the commitments which they undertook in the specifications delivered at the conclusion of the ex-ante environmental and social impact assessment (deforestation, extractions in the careers and pollution without payment of taxes). These practices are not sanctioned by the Department of the Environment, in charge of this control, due to lack of agreement about the amount of the taxes to be paid by the investors (initially 1.5% of the cost of the project), and of political will.

The current procedures to supervise the investment plans were set up only since large scale agricultural projects started and they are adapted as long as problems are encountered: revision of the decree about environmental impact, obligation to implement environmental and social impact assessment studies, to have an environmental license and a plan of management, internal reorganization of the Office du Niger, creation of a commission of leases, creation of the SEDIZON, etc.

WHAT ARE THE FARMERS REACTIONS?

The investment projects are willing to completely transform an area that was historically developed for family agriculture. Local farmers, whose parents or grandparents settled in this area decades ago, are cropping irrigated rice and market gardening in the schemes, and rainfed crops outside; they handle also extensive breeding. The new projects, implying the attribution of lands that were not totally unused as it is officially said, have direct impacts on tens of thousands of people in the ON area, as their day-to-day life rely on agricultural activities. Despite their complete lack of information on government and investors plans, local populations are developing several initiatives, as they now can see what is happening in the area.

IRRIGATED FAMILY FARMING SEEKS SOLUTIONS FOR LAND CONSTRAINTS

The State wishes to promote the installation of private operators carrying an agro-industrial model supposed to contribute to the food safety of the country more efficiently than family agriculture. In fact, small holders are facing strong demographic, financial and land constraints. But the development of agricultural companies is far from being an engine that could boost family farming systems. Conversely, private projects limit the (financial and land) resources that could be allocated to the family farming. Today, the rules on access to land and water

are very unequal: whereas investors obtain provisional attributions in a few months on thousands of hectares and see their access to water favored, family farmers pain to obtain a few hectares and are subjected to the payment of water fees, under penalty of seeing their contracts canceled. Despite this very unbalanced status, the situation remains the same as it was 10 and 20 years ago: small holders are those producing rice and vegetables to feed the country, while private companies are specialized in sugar production.

The intensive competition for land is marginalizing family farmers. They are just becoming aware of the importance to access to land now, even if it is not developed for irrigation. Moreover, their financial, social and political capital is very modest compared to the national or foreign private operators.

However, their future is not closed. The State and international donors continue to give access to irrigated schemes to farmers, but with a rhythm of distribution well under the needs and requests of family farmers. In addition, small holders are now more organized, in particular in trade unions against land monopolization. They start to be able to mobilize local, national and international opinions. Today, some projects, such as the American project Millennium Challenge Account (MCA), seek to combine family farming, by allotting 5 ha plots to local farmers, and the installation of small and medium-size agricultural companies. But the experiment is still stammering, or even precipitated: the first installations were done while the cropping season had already started. Local leaders are emerging and try to organize farmers for the land run: family groups, district or village organizations, succeed in obtaining leases to develop irrigation schemes. The productivity in this kind of schemes remains limited compared to what is done in the main irrigation scheme. But these new and local initiatives make it possible for the peasants to keep control of part of the land, even if it is very modest compared to what allotted to the private sector. It is too early to say if these initiatives are promising or if they will remain isolated. But they show that family agriculture is not completely passive.

WHAT WILL DO THE POPULATIONS LIVING ON THE PRIVATE PROJECTS SITES?

The dry lands (where the government wants to develop irrigation schemes) are not currently managed by the Office du Niger. Although concerned by the state property land tenure, they are not free of all uses as officially said: rainfed crops (millet, sorghum, cowpea, etc), cattle breeding (local and transhumant using pastures, tracks and watering points), exploitation of fuel wood, sites for hamlets and villages. The installation of the investors is thus source of potential or existing conflicts for land and water resources (Vermeulen and al, 2010).

Indeed, access to land is often given to large investors without informing local populations about the objectives of the project and its potential impacts on their activities.

Local populations may thus loose the use of their fields and pastures, or even houses, without any discussion about compensation. For example, the Malibya project installed its infrastructures without any consideration for the corridors of transhumance (Brondeau, 2004). The construction of Malibya irrigation canal also caused conflicts. Thanks to the intervention of ON engineers, the construction of the canal implied the destruction of 4 villages instead of 16as initially planned. But dwellings or gardens near the canal were destructed without specifying the compensations for the affected populations. In Kolongo village, the new canal divides the village into two parts, but no bridge was constructed. That is the reason why populations of the other bank must now walk 4 to 6 km to reach the village infrastructures (school, market, town hall, health center). The social and environmental impacts study was carried out only after the beginning of works, when the local populations claimed for their rights. After the creation of commissions at the commune scale, local populations made contact with the territorial collectivities and the governor of region. After several months of negotiation, the populations were compensated or resettled by the State, without much implication of the promoter.

The same kind of conflict arose with the Tomota project. Without any study, the enterprise carried out the clearance of 1,400 ha of savanna without taking into account the traditional land rights; Yet local uses were partly formalized in the agro-pastoral plan elaborated since 2006 by the local communities with the State. The

local agro-pastoralists were then constrained to move their cattle to distant grazing areas: “Around the village, there are trucks and sunflower fields, our animals are forced to leave or to remain in the boxes, but we have no means to give them fodder” (an agro-Pastoralist in Monimpébougou, September 2010)

Various local actions finally led to compensation for local populations but neither to the respect of their rights nor to their more systematic involvement in the realization of projects. The lack of coordination and structuring around these various disputes, coupled with the divergent interests of the populations and elected representatives, does not make it possible to impose better information on projects and an in-depth debate on the land and water resources management in the area. Indeed, some elected officials see many assets in these projects, in particular in the agro-industrial projects, potential suppliers of financial resources and jobs for their communes. For example, Malibya project announces a plan to develop 10,000 jobs, and the Sosumar sugar project , 4700 jobs.

Lastly, the lack of regulation for these investments is likely to be constraining for all farmers, small or commercial, because the future competition for water resources during the dry season will be very constraining.

CONCLUSION

Land management is an issue of the highest importance for political, social and cultural development in West Africa (Toulmin & Quan, 2000). The role of State as a regulation institution is essential; it should put in place appropriate rules ensuring flexibility and equity in land management. Taking into account local land tenure practices and local market practices (De Janvry and al, 2001), should help the Office du Niger to deal with the points of view of the different stakeholders and to ensure an sustainable agricultural development of the area.

In Mali, the State has a key role in investments increase: (i) by developing political and economical relations with foreign states and their main investors, (ii) by attributing land to the investors. But the ON case study shows a lack of regulation once the conventions are signed. The long term leases, accorded by the State without any survey mechanism, may not result in very productive projects.

Due to lack of financial and human resources to manage its important agricultural development goals, the Malian government does not make enough laws to insure a real protection for environment and populations against the risks linked with agribusiness investments.

The first issues over land access are appearing through conflicts between investors and local populations. The number of conflicts should increase with the beginning of the new irrigation schemes construction. Moreover, in the short or mid-term, issues over equity in water allocation should appear. Financial compensation for land grabbing have been given recently to local populations after violent strokes all over the area . But people are still not implicated in the planning and development of the irrigation schemes. The lack of organization of the civil society is due to difficulties to formalize common stands between farmers and herders, irrigated land farmers and dry land farmers, or citizens and local representatives. This results in poor representation of the civil society in the debate about land management in the Office du Niger area.

The policy of the Malian government is to favor an easy access to land and water for national and foreign investors, in order to promote the development of an efficient commercial agriculture in the Office du Niger area. The arrival of agribusiness corporations should help to develop the familial agriculture through introduction of new techniques or new crops. In some countries, adapted support tools put in place by the government have given the opportunity to agribusiness corporations to boost the development of the whole agricultural sector (Allaire, 1988).

In Mali, this seems difficult because of the lack of government implication in accompanying investments dynamics. The advantages or disadvantages of the industrial agriculture are not really discussed. The contracts between the Malian government and the investors deal mainly with land and water access but not with the best form of agriculture to develop. A few projects, hold by international donors, are based on familial agriculture development (e.g. MCA project) even if many studies in the last thirty years have proven the capacity of the local family agriculture to produce more and more by implementing new techniques and crops.

Today, the role of the Malian state appears like a paradox. On one hand, the decisions about land access and extension of the irrigation schemes are taken at the highest level of the government, as food sovereignty is a highest priority. But on the other hand, the lack of capacity to manage projects at the field level, but also to involve local populations in the process, reduces the interest of the decisions made.

The creation of a new institution in charge of discussion on land and water issues (two aspects separated today in the Office du Niger) should help to clarify the opportunities of development of the area and to think about their consequences on the environment and the local populations. An essential condition to reach effective agreements would be the involvement of all stakeholders; this includes local famers, stock breeders, but also rural communities, who are in charge of land tenure everywhere in the country, except in the ON area. Including land and water access issues in the communal mandate may be a good way to make the development of the Office du Niger area more sustainable.

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