WHEN SPIDERS UNITE THEIR WEBS, THEY TIE A LION!
## Acronyms & Abbreviations

### Executive Summary

1

### Introduction

3

- A Study Commissioned by AFSA
- Context
- Senegal at a glance
- Study objectives

### Part One: Tracing the Roots of Senegal's Land Policy

5

- Ancestral Approaches to Land Ownership in Senegal
- Traditional Land Acquisition Methods
- The Impact of the Colonial System
- Post-Independence Reforms

### Part Two: Governance Mechanisms and Frameworks

7

- Mechanisms and frameworks outlined in constitutional and legal provisions
- Decentralization of Land Management
- Public Participation in Land Management
- Institutionalization of Gender Parity
- Measures to Combat Marginalization
- Recommendations
- Mechanisms and Frameworks Established by Local Authorities
- Extended Domain Commission
- Local Natural Resource Governance Agreements
- Joint Village Committees
- Local Land Governance Charter
- Recommendations
Part Three: Large-scale Land Acquisitions by National and International Investors ................................................................. 11

Overview of Large-Scale Land Acquisitions ........................................... 11
Impacts of Large-Scale Land Acquisitions ............................................ 13
Disruption of the Local Market ............................................................... 13
Disappearance of Livestock Farming .................................................... 14
Loss of Water Resources .................................................................. 14
Energy Security and Its Impact on the Environment and Health ........ 15
Responses to Land Grabbing ............................................................... 16
Recommendations ............................................................................ 17

Part Four: International Instruments in Land Governance at the National Level ................................................................. 18

The Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGTs): ..................................... 18
Establishing Local Platforms ............................................................... 19
The Sustainable Development Goals (SDGs) ...................................... 20
The Decade of Family Farming ......................................................... 20

Part Five: Analysis of the Key Stakeholders in Land Governance ...................................................................................... 24

State action supporting investors ................................................... 24
State action supporting grassroots land rights ............................... 25
The Commune .................................................................................. 26
Civil society and Farmers’ Organisations ........................................ 26
Some Key Civil Society Organizations In Senegal ....................... 27
Recommendations ........................................................................... 29

Appendix I: People we met .............................................................. 30
Appendix II: Documents and websites consulted .............................. 31
About AFSA ..................................................................................... 32

Our Vision ....................................................................................... 32
Our Focus ....................................................................................... 32
Our Activities .................................................................................. 32
### Acronyms & Abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACHPR</td>
<td>African Charter on Human and Peoples’ Rights</td>
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<td>AfDB</td>
<td>African Development Bank</td>
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<td>AFSA</td>
<td>Alliance for Food Sovereignty in Africa</td>
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<td>AJS</td>
<td>Association of Senegalese Lawyers</td>
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<td>ANIDA</td>
<td>National Agency for Agricultural Integration and Development</td>
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<td>APIX</td>
<td>Agence pour la Promotion des Investissements et grands travaux (Investment and Major Projects Promotion Agency)</td>
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<td>ARD</td>
<td>Regional Development Agency</td>
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<td>AU</td>
<td>African Union</td>
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<td>CBO</td>
<td>Confessional Organisations</td>
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<td>CGCT</td>
<td>Code Général des Collectivités Territoriales</td>
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<td>CICAD</td>
<td>Abdou Diouf International Conference Centre</td>
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<td>CICODEV</td>
<td>Pan-African Institute for Citizenship, Consumers and Development</td>
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<td>CLD</td>
<td>Framework and Guidelines on Land Policies in Africa</td>
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<td>CNCR</td>
<td>Conseil National de Coopération et de Concertation des Ruraux (National Council for Rural Cooperation and Consultation)</td>
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<td>CONGAD</td>
<td>Council of Non-Governmental Development Organisations</td>
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<td>COPAGEN</td>
<td>Coalition for the Protection of African Genetic Heritage</td>
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<td>CRAFS</td>
<td>Framework for Reflection and Action on Land Tenure in Senegal</td>
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<td>CSO</td>
<td>Civil Society Organisations</td>
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<td>DPF</td>
<td>Land Policy Document</td>
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<td>ECA</td>
<td>United Nations Economic Commission for Africa</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>ENDA PRONAT</td>
<td>Environment Development Action for the Natural Protection of Soils</td>
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<td>FAO</td>
<td>Food and Agriculture Organization of the United Nations</td>
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<tr>
<td>FRAPP</td>
<td>Front for an Anti-Imperialist and Pan-African Revolution</td>
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IDRC: International Development Research Centre
IED: Innovation Environnement Développement
IPAR: Initiative Prospective Agricole, Rurale (Agricultural and Rural Foresight Initiative)
IPRA/BAME: Institut Sénégalais de Recherches Agricoles/Bureau d’Analyses Macro-Economiques (Senegalese Agricultural Research Institute/Bureau for Macro-Economic Analysis)
LOASP: Agro-sylvopastoral guidelines law
LSLA: Large-scale land acquisitions
MDG: Millennium Development Goals
NGO: Non-Governmental Organisation
OFNAC: Office National de lutte contre la fraude et la corruption (National Office against Fraud and Corruption)
ONGF: National Observatory on Land Governance
PROCASEF: Support project for land registration and land tenure security in rural areas
PSE: Plan Senegal Emergent
SDG: Sustainable Development Goals
SEZ: Special Economic Zone
SNEEG: Stratégie Nationale pour l’Equité et l’Egalité de Genre (National Strategy for Gender Equity and Equality)
UNDAF: United Nations Development Assistance Framework for Senegal
UNDROP: United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
VGGT: Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
This is the report of a comprehensive study on land governance policies in Senegal, commissioned by the Alliance for Food Sovereignty in Africa (AFSA) as part of their campaign on land rights and agroecology in Africa. The study highlights the strengths, weaknesses, and key recommendations for improving land governance in Senegal.

Introduction and Context

The study examines land governance policies in Senegal within the broader context of an African awareness-raising, advocacy, and lobbying campaign on land rights and agroecology. Land rights are a significant focus of AFSA’s advocacy efforts, and this study aims to shed light on the state of land governance in Senegal.

**Part I: Background to Senegal’s Land Policy**

The historical evolution of land management in Senegal is explored, from customary practices to the impact of colonialism and subsequent land reforms. Key legislations such as Law 64-46 of 1964, Law 76-66 on State property, and Law 2011-07 on land ownership are highlighted.

**Part Two: Governance Mechanisms and Frameworks**

The study examines the governance mechanisms in Senegal, including the decentralization of land management, public participation in land management, and measures to combat the marginalization of women and young people from land ownership. Recommendations are provided to address existing challenges and disparities.

**Part Three: Large-Scale Land Acquisitions (LSAs)**

The phenomenon of large-scale land acquisitions by national and international investors is discussed, along with its impacts on local communities, agriculture, livestock farming, and the environment. The establishment of Special Economic Zones (SEZs) is also addressed. The study emphasizes the need for remedies to protect local communities and their land rights.

**Part Four: International Instruments for Land Governance**

The role of international instruments, such as the Voluntary Guidelines for Responsible Governance of Tenure Systems (VG), Sustainable
Development Goals (SDGs), United Nations Development Assistance Framework for Senegal, and United Nations Declaration on the Rights of Peasants and Other Rural Workers (UNDROP), in influencing land governance policies in Senegal is highlighted.

Part Five: Analysis of Various Players The study identifies and analyses the roles and interests of different stakeholders in land governance, including the state, grassroots communities, communes, civil society, the private sector, and new players like religious leaders and activists. The diverse perspectives and positions of these stakeholders are examined.

Recommendations: The executive summary concludes with a set of recommendations aimed at strengthening land governance in Senegal. These include empowering civil society organizations, enhancing technical capabilities, supporting land regularization efforts, promoting local land governance platforms, and identifying and scaling up best practices.

In summary, this study provides a comprehensive analysis of land governance in Senegal, highlighting both challenges and opportunities, and offers a roadmap for improving the protection of land rights and sustainable land management in the country.
Introduction

A Study Commissioned by AFSA

The Alliance for Food Sovereignty in Africa (AFSA), established in 2011, stands as a robust alliance comprising a wide array of civil society entities advocating for food sovereignty and agroecology throughout Africa. Uniting networks of African food producers, civil society organizations, indigenous peoples’ groups, faith-based organizations, and women’s and youth groups, among others, AFSA firmly positions the right to land as one of its four primary advocacy streams. A key objective in this arena involves equipping its member networks to ensure communities, especially women, can assertively voice their perspectives on land rights and agroecological developments and investments.

Context

Rooted in a collaborative African awareness-raising campaign, this study, in tandem with civil society organizations and faith-based organizations, is spearheaded by AFSA, in alignment with primary actors of the “Our Land is Our Life” platform. This synergistic effort seeks to forge a unified analysis, stance, and advocacy campaign focusing on land rights and agroecology. Advocacy and lobbying endeavours will be anchored in thorough research and policy analysis, ensuring a foundation built on credible evidence.

AFSA champions the principle that secure access to land and natural resources is intrinsic to achieving food sovereignty. While proactively addressing land grabbing, AFSA also advocates for land governance policies and practices that are both inclusive and equitable.

This study provides a lens into Senegal’s land tenure scenario, spotlighting the strengths and pitfalls of both its legal and institutional framework and policy framework documents, juxtaposed against localized practices, which can at times starkly deviate from theoretical and legal frameworks. Amidst crises related to rural land management, over 90% of alerts and conflict risks presented to the President of Senegal pertain to land issues.¹

¹ Speech by the President of the French Republic at the 31st Congress of African Notaries (Tuesday 1st October 2019)
Senegal at a glance

Senegal, a Francophone country in West Africa, is home to 16 million individuals (as of 2019) and spans 196,712 km². Approximately 4 million hectares (19% of the country’s terrain), dedicated to agricultural pursuits, are distributed unevenly across various eco-geographical zones.2

Study objectives

This study falls within a series of national policy studies commissioned to inform planning processes and critically explore land governance policies across five pilot countries in West and Central Africa - Ghana, Mali, Senegal, Togo, and Cameroon. The research is aimed at:

- Analyzing both customary and statutory land policies and governance frameworks at the national level, focusing on peasants’ rights, women’s rights, and food sovereignty.

- Evaluating the effects of prevailing governance frameworks on land users, especially family farmers, indigenous peoples, women, and youth, regarding human rights, land rights, access to and control over land, protection against large-scale land acquisitions, and community participation in land policy and decisions.

- Gauging the magnitude and impact of large-scale land acquisitions by both national and international investors on land users.

- Assessing the degree to which progressive land governance guidelines from the United Nations, the AU, and the Regional Economic Communities are being instituted at a national level.

- Identifying and analyzing key actors in land governance, discerning allies and opponents in safeguarding the rights of small-scale farmers and pastoralists to land and resources, and assessing the influence and narratives of these entities.

- Recognizing policy barriers to land rights and uncovering opportunities for policy advocacy.

- Offering recommendations to shape the strategy for defending land rights, including identifying policy spaces, entry points, advocacy opportunities, and the actors best placed to safeguard these rights.

- Identifying key components for a charter of land rights tailored for women and youth.

- This study thus serves as a detailed examination and constructive critique, seeking to shed light on the complexities and challenges of land policies and governance in Senegal, providing a foundational understanding that informs strategic advocacy and policy interventions.

2 https://investinsenegal.com/secteursporteurs/agriculture-et-agribusiness/
Part One: Tracing the Roots of Senegal’s Land Policy

Ancestral Approaches to Land Ownership in Senegal

Senegal’s historical land policy, akin to several other African nations, is deeply rooted in ancestral practices. Families, communities, and clans traditionally appropriated land, controlled dominantly by the elder male family members in alignment with prevailing community customs and habits. Notably, such appropriation often resulted in these initial landowners extending their power from land to political spheres, frequently establishing themselves as village leaders. Consequently, numerous villages were named after these first occupants, symbolizing the entwinement of land and political power.

Land, beyond being a source of political power, also underpinned agro-sylvo-pastoral activities, thereby integrating economic power into its governance. Despite modernization, these historical practices and principles perpetuate, with land power in Senegalese villages retaining a distinctly royal quality.

Traditional Land Acquisition Methods

The first occupants employed varied strategies to acquire lands, among which were “axe rights,” “fire rights,” and occasionally, “hoof rights.” “Fire rights” permitted a new occupant, or lamane, to claim a burnt area after initiating a bushfire. Meanwhile, “axe rights” dictated that the domain of the first owner was determined by the extent of natural vegetation they could clear, and in rarer instances, “hoof rights” allowed a person to claim land cleared on horseback within a specified timeframe. Such lands, invariably characterized by their inalienability and collective ownership structures (i.e., family, clan), were governed by custom and tradition.
The Impact of the Colonial System

Upon arrival, colonial systems sought to impose a singular, arguably unsuitable, land policy that largely side-stepped local contexts, emphasizing individual privatization and the genesis of “masterless vacant land”. This radical shift markedly diverged from indigenous communities’ established land tenure practices and systems.

Legal initiatives by colonial administrators included:

• Decrees in 1900 and 1906, converting local customary rights into land titles for colonists;

• A 1925 decree allowing indigenous people to convert customary land rights into titles—albeit 25 years later than colonists;

• The 1932 decree, which revamped the land tenure system, replaced previous decrees, and remained in application in Senegal until its repeal in 2011 (Law no. 2011-07 of 30 March 2011).

Despite earnest efforts, colonial legislations starkly failed. At the crux of these failures was the redundancy of the French ownership concept within the rural survival economies. Colonial laws, while attempting to implant capitalist societal concepts, often disregarded the unfamiliarity of the majority population with such organizational structures. Consequently, at the cusp of independence in 1960, only about 2% of the land was privately titled, reflecting the populace’s persistent adherence to local land rights principles despite colonial interventions.

Post-Independence Reforms

Post-independence in 1964, Senegal undertook significant land reform via the adoption of Law 64-46, representing a pivotal overturn in Senegalese land law. It simplified the governing legal system, instituted a national estate void of individual ownership rights, democratized access to land—based on developmental ability rather than lineage—and structured management and utilization methodologies. The President, in a 1964 speech, elucidated that the law aimed to transition from Roman to Negro-African law, shifting from a bourgeois to a socialist conceptualization of land ownership to quell the burgeoning landlord mentality.

However, over fifty years post-implementation, this law reveals signs of age and potential necessity for recalibration.

In addition to this cardinal law, Senegalese land ownership is also governed by laws related to the State domain and individual private domains. Consequently, three primary legislative pillars preside over land legislation in Senegal:

• The national domain, as per Law 64-46 of 17 June 1964;

• The State domain, as per Law 76-66 of 2 July 1976;

• Land ownership, as per Law 2011-07 of 30 March 2011.

This comprehensive overview underscores the evolution of Senegal’s land policy from its ancestral roots through colonial intervention and into its post-independence reforms, laying the foundation for discussions on its contemporary implications and future trajectories.

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4 Abdel Kader BOYE: “le régime foncier sénégalais” (Senegalese land tenure system), published in April 1978 in Ethiopiques No. 14, a socialist review of negro-African culture.
Part Two: Governance Mechanisms and Frameworks

In alignment with ratified international conventions, the Plan Sénégal Emergent (PSE)\(^5\) has elevated certain principles to the status of essential rules in public governance. These principles include democracy, ethics, transparency, and accountability, as well as the establishment of functional frameworks for dialogue, local community participation, and the protection of fundamental human rights, particularly those of women.

To achieve these goals, Senegal has implemented significant land governance mechanisms and frameworks with the aim of promoting inclusive, equitable, and participatory management of natural resources, particularly land. Some of these mechanisms are explicitly outlined in constitutional and legal provisions, while others have been established by local authorities.

How do these mechanisms contribute to safeguarding the customary land rights of peasants and women, ensuring human rights, securing access to and control of land, and fostering community involvement in shaping land management policies and decisions?

Mechanisms and frameworks outlined in constitutional and legal provisions:

Decentralization of Land Management:

The authority for land management, among other powers, was devolved to local authorities through Act no. 96-07 in 1996. However, it’s important to note that this responsibility was transferred even earlier, in 1964. This decentralization empowers local communities to manage land allocation, withdrawal, and reallocation through assemblies elected by universal suffrage. These assemblies

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\(^5\) PSE: adopted in 2014, the PSE is the new development model to accelerate Senegal’s march towards emergence. This strategy, known as the Emerging Senegal Plan (ESP), is the benchmark for economic and social policy over the medium and long term.
also play a role in territorializing public policies and implementing state policies in their respective regions.

Public Participation in Land Management:

Senegal’s Constitution underscores its commitment to transparency in public affairs and citizen participation. Local authorities are established as the institutional framework for citizen involvement in public affairs, as stated in Article 102 of the Constitution. The General Code of Local Authorities outlines various mechanisms to encourage citizen participation. Any individual or legal entity can propose ideas to enhance economic and social development in their municipality, influencing land management and other local policies. Additionally, the law requires municipal decisions, especially those related to land, to be made public, and citizens have access to public documents.

Institutionalization of Gender Parity:

Senegal enacted Act no. 2010-11 in 2010, promoting absolute gender parity in elected and semi-elected bodies to increase female representation. This law has resulted in greater gender equity in decision-making bodies, including those overseeing land matters. Women now have a stronger voice and influence over decisions related to land rights and distribution.

Measures to Combat Marginalization:

Despite progress, some groups, including young people and women, still face discrimination in land access and control. Various laws and initiatives aim to rectify this inequality, such as the National Estate Act of 1964 and the Loi d’orientations agro-sylvo-pastorale (LOASP) of 2001. These measures grant specific privileges to young people and women, providing easier access to land and credit.

Furthermore, state agencies like the National Agency for Agricultural Integration and Development (ANIDA) and the Community Agricultural Estates project, as well as the Programme National des Domaines Agricoles Communautaires (PRODAC), have been established to promote modern and diversified agriculture, with a focus on women and young people.

In addition to these legislative efforts, local initiatives are fostering the participation of women and youth in land commissions, which prepare decisions on land issues. These commissions now include various socio-professional groups, enhancing inclusivity.

It is important to acknowledge that the establishment of a land commission is not obligatory, which could be seen as a drawback. Additionally, a change in the General Code of Local Authorities in 2013 allowed municipalities to deliberate in camera, limiting transparency.

Lastly, all citizens have the right to appeal administrative and legal decisions that negatively affect them, ensuring protection and reinstatement of customary land rights for peasants and women while allowing community participation in land-related decisions.

In summary, these mechanisms and provisions underscore the Senegalese government’s commitment to involving citizens in the management of local affairs, particularly in land governance. They serve as a strong foundation for legitimizing local demands for improved land management, with a focus on community welfare and gender equity, ultimately aiming to reduce land-related conflicts.

Recommendations:

- **Capacity Building for Women in Decision-Making Bodies:** Empower locally elected
women with training and support to enhance their active participation in decision-making processes.

- **Awareness-Raising on Women’s Land Rights:** Organize awareness campaigns targeting religious and customary authorities, mayors, and civil society organizations to promote the positive impacts of women’s involvement in land development, emphasizing sustainable management, economic benefits, and the fight against food insecurity and rural poverty.

- **Implement Quotas in Agricultural Development:** Advocate for a minimum 30% quota in agricultural development initiatives, aligning with the Kilimanjaro Initiative, to ensure equal opportunities for women.

- **Enforce Parity in Decision-Making Bodies:** Apply gender parity in all decision-making bodies, boards, and technical committees of local authorities in accordance with relevant legislation.

- **Support Access to Resources:** Besides access to land, provide women with the necessary resources and inputs to effectively develop and manage the land, addressing the obstacles they face due to resource constraints.

**Mechanisms and Frameworks Established by Local Authorities**

In its pursuit of good governance, Senegal is dedicated to creating practical channels for dialogue, as outlined in the Plan Sénégal Emergent (PES). Article 102 of the Constitution emphasizes that “local authorities play a role in territorializing public policies and implementing the state’s general policies.” Following the state’s direction and vision, each local authority has the autonomy to devise local tools and mechanisms to translate these state directives into actionable initiatives.

These diverse mechanisms, observed in practice, collectively contribute to the enhancement of land governance. They have been recently adopted in specific communes, driven by the growing need for increased community involvement in land affairs and a rising frequency of land disputes in rural areas. Several factors amplify this demand in communes:

- Escalating land pressure.
- Augmented civic awareness at the local level.
- The formation and strengthening of civil society and grassroots community organizations.
- A more diverse and independent media landscape.

To enhance land governance, some local authorities have collaborated with civil society organizations to create innovative tools for effective land governance.

**Extended Domain Commission:**

This initiative expands the domain commission’s composition beyond the village chief to include representatives from various socio-professional groups within the village. These groups encompass youth, women, farmers, livestock breeders, and religious and customary authorities. The aim is to enhance participatory and transparent management while implementing citizen oversight to improve land governance. Many projects and civil society organizations actively support communes in implementing this approach.

**Local Natural Resource Governance Agreements:**

Local stakeholders negotiate and draft these agreements to establish consensual local regulations for the peaceful management of natural resources. They define the types of usage and outline the rights and responsibilities of each

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7 Projet d’Appui aux Communautés Rurales (PACR) in the Saint Louis region and civil society organisations such as ENDA PRONAT and CONGAD
stakeholder, particularly to prevent or resolve conflicts.

**Joint Village Committees:**

This innovation, led by member organizations of CRAFS\(^8\), supports local authorities in establishing forums for dialogue and consultation on land issues at the closest level to the local population. This tool places local communities at the centre of land governance.

**Local Land Governance Charter:**

This charter is exclusively dedicated to land-related matters. Various stakeholders, including local elected representatives, partners, and the general public, collaborate to determine its content and ensure adherence to its principles. The charter serves as a tool for achieving objectives related to promoting citizen participation in land management. It establishes values, principles, and rules through a consensual approach to land governance. Additionally, it acts as a benchmark for all stakeholders involved in land management. With the support of CONGAD, this charter has been implemented in many communes, and other partners are introducing gender-sensitive charters in different regions.

**Recommendations**

- Advocate for participatory and transparent land management, particularly in rural communes, to address the specific concerns of vulnerable groups. This can be achieved by implementing inclusive tools and mechanisms that enable the participation of young people and women in land management bodies, facilitate access to land information, and ensure accountability.

- Organize land forums in the consultation zones of communes (infra-communal) to educate local stakeholders about land legislation. Develop a manual in local languages outlining procedures for rural land conditions, including appeal processes, transparent management, good governance, and citizen oversight. This advocacy strategy should be accompanied by scientific support.

- Support the consolidation of participatory management tools and mechanisms in place in specific communes and facilitate their expansion.

- Provide communes with tools for land conservation (land information system), traceability (registration register), precision in land operations (GPS), and access to land information. These tools help secure people’s land rights.

- Encourage communes to be more accountable by producing and publishing annual reports on land management.

- Conduct awareness and information campaigns targeting local elected representatives to highlight the purpose and relevance of good governance mechanisms, such as an expanded land commission and a local land governance charter. This aims to expedite the adoption of progressive policies that reinforce community land rights.

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\(^8\) CRAFS position paper on land reform in Senegal (experiment piloted by Enda Pronat in ten or so localities)
Part Three: Large-scale Land Acquisitions by National and International Investors

In this section, we will provide an overview of large-scale land acquisitions (LSLAs) in Senegal and assess their impacts on land resources, livelihoods, agricultural production, food security, and other income sources tied to land.

Overview of Large-Scale Land Acquisitions

Global economic developments, especially the 2008 financial, food, and energy crises, have fuelled an increased demand for agricultural land, particularly in African nations. Public and private investors, including multinational corporations and foreign governments, have joined the race to acquire African land. Initially, the motivations behind these acquisitions ranged from biofuel production for foreign markets to securing food supplies by producing in Africa and exporting to investor countries.

While this phenomenon is global in nature, it is evident that the African continent is a prominent target.9 Several factors contribute to Africa's appeal, including widespread corruption in the land sector, inadequate land governance, weak institutions, low labour costs, ease of access to land, and fragile land governance systems.

Many African governments believe that they need foreign investments, including LSLAs, to drive economic growth and modernize agriculture. However, governments critical of LSLAs often struggle to restructure these acquisitions for the benefit of local communities.10

9 www.landmatrix.org

10 Speaking to the media on 31 January 2020, the President of the Republic of Senegal, Macky Sall, said that he had “instructed the Minister of Finance and Budget to stop granting land titles for agricultural land. (...) If we continue with land titles, (...) foreigners will be the owners here”.
In Senegal, large-scale land acquisitions for agriculture have raised growing concerns. The country’s agriculture is primarily built on small family farms and extensive farming practices. However, increasing demographic growth, urbanization rates, and natural resource degradation necessitate changes in the agricultural sector. Various agricultural policies and programs have been implemented by Presidents Abdoulaye Wade (2000-2012) and Macky Sall (2012 to the present day) to liberalize the sector. This effort to open up the sector occurs in a national context marked by increased autonomy of local authorities in land resource management since the 1996 reforms, along with an international context influenced by incentives from international financial institutions, such as the World Bank, to promote liberalization for modernizing agriculture and increasing production. Many investors have targeted fertile rural areas, intensifying land pressure and often harming rural populations.

Large-scale land transactions have an impact across all of Senegal’s agroecological zones, affecting both agricultural and non-agricultural projects involving foreign and national investors, as well as political and religious elites. A compilation of work by civil society organizations and research institutions indicates the widespread nature of this phenomenon. For example, a study by CICODEV in December 2011 found that, over ten years (from 2000 to 2010), 650,000 hectares of land had been allocated to 17 foreign or national private investors in Senegal, representing 16% of the country’s arable land. In 2013, the Coalition for the Protection of African Genetic Heritage (COPAGEN) documented 40 land acquisition cases totalling 844,796 hectares, marking a 196,796-hectare increase in allocations to private individuals. These statistics may not fully capture the extent of the phenomenon due to the opacity surrounding such allocation operations. These waves of land grabbing have been associated with numerous human rights violations and social injustices, leading to the forced eviction of thousands of communities.

In 2016, the Cadre de Réflexion et d’Action sur le Foncier au Sénégal (CRAFS), a coalition of actors and civil society organizations fighting against large-scale land acquisitions, initiated a national observatory on land governance (ONGF). This observatory’s purpose is to monitor, alert, and document land grabbing cases in the country, providing input for civil society advocacy. While this initiative is welcomed, its progress has been slow due to limited resources for nationwide implementation and potential competition from the Senegalese government, which also aims to establish an observatory under the PROCASEF program supported by the World Bank.

Clearly, the challenge of establishing a regulatory framework for the transfer of rural land from family farms to private investors is a pressing issue. Land transactions often do not align with local land governance practices and frequently allocate land to private investors without adequate assessment of their intended investments’ purpose for the local population or consideration of the economic, social, and environmental impacts on communities’ daily lives.

If we examine the origin of the owners of these vast land areas, foreign companies dominate in terms of the land area allocated, even though private national investors also play a significant role. For instance, in 2011, of the 650,000 hectares allocated to private investors, 404,910 hectares were in the hands of foreigners, accounting for 62.30% of the allocated land. If this trend continues, there is a risk that most of Senegal’s fertile land will be controlled by foreign entities.

There is a stark contrast between political rhetoric and the Constitution, which upholds the principle that natural resources belong to
the people (Article 25-1)\textsuperscript{14}, and everyday reality. This incongruity raises questions about the effectiveness of institutions in safeguarding local interests. Land acquisitions often prioritize the interests of private investors, disregarding the rights and well-being of local populations.

Impacts of Large-Scale Land Acquisitions

Large-scale land acquisitions have far-reaching impacts on local communities and their land-dependent activities, including agriculture, livestock rearing, fishing, and gathering. These acquisitions can infringe upon fundamental rights, such as the right to food, local employment, income, health, a healthy environment, information, and ultimately, the right to development.

The loss of land through large-scale land acquisitions threatens the food and nutritional security of local communities. It can lead to the loss of secure, sustainable livelihoods and various income-generating activities, in addition to harming the environment and community health. The impact extends beyond land loss and significantly affects communities.

According to MISEREOR’s 2020 report on large-scale land acquisitions in Africa, land loss has severe repercussions on livelihoods by diminishing agricultural production and other land-related income sources, ultimately undermining food security.\textsuperscript{15} Even if farmers receive compensation (typically at an inadequate rate), they lose access to land, a vital source of sustainable livelihood. Compensation is a one-time payment, whereas agriculture offers the opportunity for yearly income through crop cultivation.\textsuperscript{16}

Within the context of food and nutritional security, the significant presence of the private sector poses a threat to family farms. It restricts local communities’ access to agricultural land and reduces the available arable land, forcing them to share their land with economic players.

The diminishing agricultural land for family farms results in reduced production, leading to food insecurity. For example, the dispossession of 400 hectares of land in Diokoul led to a significant decline in millet production. While many farmers were previously producing between 1 and 5 tonnes of millet, only 2% of them can still achieve such yields using the “mbayaan” system.\textsuperscript{17}

Disruption of the Local Market

In Senegal, private companies predominantly engaged in the agricultural sector primarily produce goods for export to European, Asian, and American markets. Unfortunately, this practice not only fails to benefit Senegalese consumers with quality products but goes a step further by saturating the local market with unsuitable products at cut-rate prices. This undercutting strategy prevents family farms from successfully selling their produce. A trader in Rufisque, Dakar, expressed frustration during a survey by CICODEV in the lead-up to the 2019 Tabaski festival: “We’re really tired; we can’t sell our potatoes anymore because agro-industries have flooded the market with potatoes unfit for export. To make matters worse, instead of matching our prices, they’re slashing theirs in half. It’s really unfair. They’re not only monopolizing land resources but also seizing control of the local market and compromising people’s health by flooding it with low-quality produce (high-quality produce is exported).”

\textsuperscript{14} “Article 25-1. - Natural resources belong to the people. They shall be used to improve their living conditions. Natural resources must be exploited and managed transparently and in such a way as to generate economic growth, promote the well-being of the population in general and be ecologically sustainable. The State and local authorities have an obligation to ensure the preservation of land resources.

\textsuperscript{15} MISEREOR, 2020. Draft report. What are the effects of large-scale land acquisitions in Africa on certain economic and social indicators?

\textsuperscript{16} CRAFS study on Special Economic Zones in Senegal (2021)

\textsuperscript{17} Farmers go to their neighbours in other villages to borrow fields so that they can produce.
Similarly, market gardeners in the Niayes area voiced their discontent on March 16, 2021, against a private foreign investor who inundated the market with low-cost products. These market gardeners, whose production is substantial, found it increasingly difficult to sell their goods due to the investor’s market flooding. Producer Maguette Ndiaye, who also serves as the mayor of the commune of Notto Gouye Diama, denounced this unfair competition and called on the market regulation authority to intervene.

**Disappearance of Livestock Farming**

The loss of land also contributes to the gradual disappearance of extensive livestock farming, previously practiced separately or alongside agriculture in certain areas. As dispossessed areas become fenced off, villagers have less space for grazing their livestock.

For instance, the SEN HUILE SEN ETANOL agro-industry project, covering 20,000 hectares of land in Ndjael, northern Senegal, is a notable example. This area is primarily pastoral, and the barbed wire fencing of the allocated area forces cattle to migrate continually. Those that remain are exposed to the risks of injury from sharp fences and impoundment for wandering. An elderly farmer in the village expressed his frustration, stating that the company disregards the well-being of the local population.

In the commune of Nguéniéne, livestock farmers protested when the municipal institution sought to appropriate the last remaining grazing area in the northern zone. They argued that this area was vital for their agricultural and livestock activities, and they were unwilling to yield it to a Spanish developer.

In the village of Ngoméne (Thiès region), herds face challenges due to the scarcity of pasture and watering holes. The proliferation of quarries by extractive industries further exacerbates the problem.

It’s noteworthy that in the Dakar-Thiès-Mbour axis, designated as a development hub with new infrastructure projects, the development plan no longer acknowledges extensive livestock farming in the area. Instead, it promotes “livestock farming in enclosed spaces,” signalling the condemnation of traditional extensive livestock farming practices. This situation forces landless farmers and herders to leave the area, seek alternative livelihoods, or consider mass migration.

Investors often promise local communities various benefits, such as job opportunities for youth and women, infrastructure development, support for income-generating activities, and more. However, these promises often remain unfulfilled, leading to public discontent and mistrust. In the village of Pambal, for example, SEPHOS SA’s failure to meet its commitments generated frustration among locals, who felt betrayed.

**Loss of Water Resources**

The extensive presence of the private sector negatively impacts the sustainability of natural resources, particularly land and water, due to overexploitation and inadequate maintenance. In the Méouane commune, for instance, local residents revealed that companies swiftly fill water holes, ponds, and other water sources to prevent farmers from using them for their agro-pastoral activities. These actions force farmers away from their fields, which are situated near phosphate company extraction points.

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18 The Niayes are a geographical area in the north-west of Senegal, made up of dunes and depressions ideal for market gardening.
20 President of the breeders of the village of Balabougou (commune of Nguéniéne) https://www.pressafrik.com/Litige-foncier-a-Ngueniene-l-affrontement-evite-de-justesse-entre-eleveurs-et-promoteur_a222879.html
22 Master plan for land use planning and development in the Dakar-Thiès-Mbour area (January 2015)
In the highly horticultural Niayes area, large agricultural investors install powerful boreholes, depleting freshwater resources. This overexploitation hinders small family farms with traditional wells from accessing water, as the water table gradually drops. Shallow wells dry up due to the excessive pumping from large boreholes.

This situation poses a threat to agricultural production, as voiced by a member of the Diender federation of agropastoralists: “There will be a drop in the Maastricht water table, which the private sector wants to tap, and this will also lead to a drop in the water table, which supports the wells used by small farmers. The second consequence of abusive pumping is that the salt water table will rise. This will make the fields saline and unable to produce yields.”

The problem of access to water forces market gardeners to sell their land and become laborers on large farms, as land losses become inevitable without secure water access. Water, both in quantity and quality, is a primary input for agriculture and plays a significant role in land security and food sovereignty.

Private boreholes extract substantial quantities of water, further exacerbating the issue. These challenges to water access are leading to the gradual disappearance of family farms, which can no longer sustain their agricultural activities effectively.

Energy Security and Its Impact on the Environment and Health

Energy security poses a significant daily challenge for women. In the past, when communities had control over the areas around their homes and grazing lands, obtaining firewood (the primary energy source in rural areas) was relatively straightforward. When fields were cleared, the cut trees and shrubs were gathered to provide families with a long-term supply of firewood. If this stock fell short of their needs, women would venture into the forests to search for dead branches for cooking. However, with the growing problem of rural land grabbing, the search for dead wood has become a daunting task for women and their children, who often take on this responsibility. They now have to cover long distances to find wood due to the barriers on the appropriated land.

The consequence of shrinking communal land is the abandonment of sustainable agricultural practices like fallowing and crop rotation. Traditionally, farmers would leave a portion of land fallow for a period, allowing it to restore its water reserves and productivity while farming another area. Fallowing aimed to prevent land overexploitation. However, as land becomes scarcer, mainly due to Large-Scale Land Acquisitions (LSLAs) and climate change, family farms can no longer afford such practices. Capitalist investors now own extensive tracts of land that are rarely rested. Their focus is on quick returns on investment rather than sustainable land use.

Extractive industries contribute to environmental degradation and public health issues, often disregarding national and international environmental regulations. The immense profits involved and various tactics used by these companies make them difficult to hold accountable.

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23 This agricultural area is coveted by large private investors because of its favourable climate, accessibility, proximity to consumer centres (Mbour, Thiès, Dakar, Toubã etc.) and soil characteristics suitable for agriculture.

24 A heartfelt cry launched by Mamady Kane in December 2017 at the headquarters of the Diender Federation of Agropastoralists, during a demonstration by organisations active in agriculture and livestock farming in the Niayes area, following the launch of a project to build a dozen boreholes in the area to supply water to Dakar.

25 According to the 2008 BPI, paying bribes to influence government policies, decisions and practices appears to be an all too common business practice of companies in emerging economic powers.

Industrial consumption of water from the Thiaroye aquifer (ANTEA, 2003)\(^{27}\)

High industrial activity areas witness a surge in lung and respiratory diseases, malformations, bioaccumulation, miscarriages, and other illnesses. These are primarily caused by the emission of toxic dust and pollution of agricultural fields, pastures, and vegetable gardens. Mrs. A.D., a local councilor in the Méouane commune\(^{28}\), notes that pollution in their area makes it nearly impossible to live beyond the age of 50. Unfortunately, mining companies often remain unresponsive to these concerns. A study published in The Lancet estimates that one in six deaths worldwide is attributable to some form of pollution (air, water, soil, or workplace).\(^{29}\)

A study carried out by CICODEV in 2015 on Khoudiadiène\(^{30}\) highlighted the testimony of a mother who agreed: “We noticed that our children came back from school every day covered in phosphate dust released by the companies operating in the vicinity of our village. The health of our children is of the utmost concern to us. We know that phosphate dust contains chemicals that can be toxic.”

The establishment of Special Economic Zones (SEZs) as part of the Plan Sénégal Emergent (PSE) adopted in 2014 by the Senegalese government further exacerbates land grabbing. This plan aims to transform the economy and create industrial hubs for export growth and job creation. Currently, four SEZs covering nearly 1,000 hectares have been established. However, SEZs dispossess communities of their customary land and introduce other challenges, including environmental impacts, low local labour absorption, abandonment of agro-pastoral activities, and the disappearance of gathering activities practiced by women. Civil Society Organizations (CSOs) and farmers’ organizations, in collaboration with CRAFS, are studying the potential impact of these policies on rural communities already grappling with poverty and food insecurity.

### Responses to Land Grabbing

Communities affected by land grabs and dispossession are not passive bystanders. They are actively organizing, collaborating with other movements, and sometimes successfully

<table>
<thead>
<tr>
<th>Sectors</th>
<th>Companies</th>
<th>Consumption (m3)</th>
<th>Average daily consumption (m3)</th>
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<tbody>
<tr>
<td>Thiaroye</td>
<td>ICS</td>
<td>288 800</td>
<td>791</td>
</tr>
<tr>
<td></td>
<td>SAR</td>
<td>386 830</td>
<td>1060</td>
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<td>SENTA</td>
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<td>278</td>
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<td>3600</td>
<td>10</td>
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<td>Slaughterhouses</td>
<td>1080</td>
<td>3</td>
</tr>
<tr>
<td>Rufisque</td>
<td>SENELEC / Cap des Biches power station</td>
<td>319 297</td>
<td>875</td>
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<td></td>
<td>GTI</td>
<td>11 296</td>
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<td>Bargny</td>
<td>SOCOCIM</td>
<td>186 777</td>
<td>512</td>
</tr>
</tbody>
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\(^{28}\) The municipality is home to a number of industrial units, including Industries Chimiques Industrielles du Sénégal (ICS) and Grande Côte Operations, which specialises in the recovery of ilmenite, zircon and rutile.

\(^{29}\) Pollution, responsible for 9 million deaths worldwide per year (Le Monde, 20.10.2017; by Stéphane Mandard)

resisting or reclaiming their land through various means like marches, press conferences, social mobilization, and seeking help from local leaders. In Senegal, there is a growing trend of referring land grabbing cases to administrative and judicial authorities. Several recent cases highlight significant steps toward consolidating the land rights of local communities:

- In 2011, the rural council of Fanaye allocated land for a biofuel project, leading to protests and eventually the project’s relocation due to public pressure.
- In 2014, the Sandiara Municipal Council’s decision to allocate land to private investors was challenged in court, resulting in a favorable ruling for the community.
- The Diokoul municipal council’s allocation of land to Senegindia was challenged in court, leading to a suspension of the project.
- In Dodel, the allocation of land to Afripartners was contested, eventually leading to the annulment of the municipal decision by the Supreme Court.
- In Dya, the municipal council’s allocation of land to a French company for a salt factory was successfully overturned by legal action.
- In Sindia, the Supreme Court annulled a decision that allocated land to a private foreign company, following protests by local farmers and stockbreeders.

**Recommendations**

Encourage local communities to adopt business models that preserve their land and ensure fair profit-sharing with private investors, promoting mutually beneficial relationships and reducing tensions over land management.

Urge state authorities to prioritize the well-being of the population over private investors when investments pose risks to human lives, citing the example of a Tanzanian Minister who prioritized the health of Tanzanian citizens over gold mining activities.

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31 Enda Pronat, in collaboration with OSIWA, has carried out a major study on these court referrals (2019).
Part Four: International Instruments in Land Governance at the National Level

The progressive land governance guidelines from international organizations like the United Nations, the African Union, and ECOWAS play a crucial role in legitimizing the struggles of local communities and enhancing the governance system. These instruments serve as benchmarks and scorecards for responsible land resource governance and include the Voluntary Guidelines on Land Tenure, the Sustainable Development Goals, the African Charter on Human and Peoples’ Rights (ACHPR), the Framework and Guidelines on Land Policies, and the United Nations Development Assistance Framework (UNDAF), among others.

A significant portion of the Senegalese population resides in rural areas, relying on agriculture, livestock rearing, and access to natural resources and land for their livelihoods. Land use extends far beyond agriculture and is vital for various economic sectors, such as housing, mining, and infrastructure development. It also holds a socio-cultural and even spiritual significance in rural communities. Properly managed and governed land can serve as a foundation for agricultural transformation, sustainable urban development, and peace and security. Conversely, poor land governance fosters corruption and generates conflicts among competing stakeholders. Recognizing this, international institutions, beginning with the African Union, have taken up the issue of land governance.

The Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGTs):

At a global level, it has become evident that food
security and poverty eradication necessitate improved governance of land and natural resources. The Sustainable Development Goals (SDGs) have emerged as a tool to guide efforts worldwide to enhance land resource governance. According to the key principles endorsed by the SDGs, states should:

i) Recognize and respect all legitimate land rights holders and their rights. ii) Protect legitimate land rights against threats and violations. iii) Promote and facilitate the enjoyment of legitimate land rights. iv) Provide access to justice to address violations of legitimate land rights. v) Prevent land conflicts, violent conflicts, and corruption.

Adopted in 2012 following the development of the Framework and Guidelines by the African Union, the Voluntary Guidelines are the first global instrument to comprehensively outline how land, fisheries, and forest rights should be managed. Senegal’s land policy, as articulated in the Land Policy Document (DPF), aligns with international legal and strategic frameworks, with the Voluntary Guidelines serving as the primary international reference and source of inspiration. The land policy document underscores the importance of strengthening the link between legitimacy and legality in recognizing land rights. As noted by the former Chairman of the National Rural Land Council (CNRF), the Voluntary Guidelines embody a humanistic approach to land and natural resource management, reflecting African values that prioritize social and spiritual aspects of land over purely economic interests.

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At the local level, similar platforms have been established in collaboration with organizations like IPAR and FAO in Ziguinchor, Podor, Matam, Medina Yoro Foula, and Méouane. These platforms use the Voluntary Guidelines as their primary reference and consist of local authorities, technical services, producer groups (agriculture, fisheries, livestock, etc.), women’s and youth groups, civil society, and grassroots community organizations.

Establishing Local Platforms

Medina Yoro Foula Platform (Kolda Region): This platform aims to address the increasing pressure on forest resources due to factors like population growth, housing demands, agricultural production, and abusive logging coupled with climate change. The goal is to enhance rational resource management through collaboration and synergy among various stakeholders.

Matam Platform: Matam boasts abundant natural, land, and mining resources, attracting agribusiness and mining companies. To protect the rights of local communities and prevent land conflicts, this platform was created to facilitate inclusive discussions on land governance challenges in the region.

Podor Platform (Saint Louis Region): Podor, located in the Senegal River valley, has significant irrigable potential, but only a fraction of it is developed. Challenges include reconciling land law with customary land tenure practices and addressing discrimination against vulnerable groups. This platform seeks to address these issues and promote equitable land governance.

Ziguinchor Platform: The Ziguinchor platform gathers stakeholders to engage in direct discussions on land, forest, and coastal governance, addressing conflicts related to these resources in the region. The platform also plays a mediating role to help young people access agricultural land.

32 See the section entitled “Consistency with international and EU strategic frameworks” in the Land Policy Document.
33 Evaluation of the FAO Strategy for Partnership with Civil Society Organisations, Country case study: Senegal (Final report: June 2020)
Upcoming Méouane Intermunicipal Platform (Thiès Region): The Thiès region, Senegal’s primary mining area, includes the Méouane district, which faces land-related challenges due to mining activities. The local population is often excluded from negotiations between the government and mining companies. As land loss forces people into unfamiliar occupations, this platform will work to address land governance issues in the region.

In summary, Senegalese land legislation, in principle, lacks provisions obligating the recognition and respect of legitimate land rights of local populations. International instruments, such as the Voluntary Guidelines, emphasize principles that contradict certain aspects of national land domain law. This misalignment has prompted numerous land reform efforts since 1996 and is out of step with evolving case law and international instruments aimed at protecting legitimate rights.

For example, the Voluntary Guidelines, to which Senegal has subscribed, emphasize the recognition and respect of all legitimate land rights, whether formally registered or not. These guidelines call for refraining from violating the land rights of others and promoting the full exercise of these rights. As such, Senegal’s legal framework should adapt to promote and facilitate the exercise of all land rights, recognizing the changing landscape of land governance and rights protection.

The Sustainable Development Goals (SDGs)

In 2015, Africa, along with other nations, recognized the urgent environmental, political, and economic challenges facing humanity. At the United Nations General Assembly, they collectively adopted the Sustainable Development Goals (SDGs). These goals represent a global call to action, aiming to eradicate poverty, protect the planet, and ensure peace and prosperity for all by the year 2030. The SDGs build upon and replace the Millennium Development Goals (MDGs), which were established in 2000 to combat global poverty. The SDGs encompass 17 interconnected objectives, including targets like ending poverty, achieving zero hunger, promoting gender equality, reducing inequality, and fostering peace, justice, and strong institutions.

In Senegal, the government has placed particular emphasis on the MDGs, as the SDGs were adopted a year after the Plan for Emerging Senegal (PES). The PES, specifically its second axis titled “Human Capital, Social Protection, and Sustainable Development,” underscores how the benefits of economic growth resulting from its implementation will bolster infrastructure, basic social services, social protection, and empowerment of vulnerable groups. It aims to accelerate progress toward the MDGs and enhance conditions for sustainable development, particularly in the realm of health.

The PES’s programs, notably the Priority Action Plan for 2019-2023, explicitly reference MDG 12, which encourages the efficient use of natural resources to transition towards responsible modes of consumption and production, aligning with international guidelines. In practice, the PES is closely aligned with the SDGs as a whole, with the hope that its implementation will bring the anticipated benefits to the population.

The Decade of Family Farming

The United Nations declared the Decade of Family Farming from 2019 to 2028, recognizing the crucial role played by family farms in improving nutrition, global food security, poverty eradication, and biodiversity conservation. This resolution also highlights the importance of empowering women and young farmers for sustainable development.

To translate this resolution into action, the Senegalese government has placed family farming at the core of its food self-sufficiency policy. In addition to the Agricultural Acceleration Programme (PRACAS), Senegal initiated the formulation of voluntary guidelines on family farming in 2019, involving all agricultural stakeholders in negotiations. The government

aims to achieve consensus swiftly to apply these guidelines during the 2019-2028 decade. Senegal is also committed to strengthening agro-sylvo-pastoral and fisheries research through increased budget allocation.

Producer organizations advocate for negotiating principles and mechanisms that can lead to the implementation of supportive policies for family farming. They seek recognition for family farms and professional agricultural organizations, a national register of family farms based on a typology, and consensus-based land policies to empower women and young people, fostering the growth of family farms.

Although these aspirations are still in draft form, they align with the agro-sylvo-pastoral orientation law, which includes provisions for legal recognition of agricultural occupations, social protection schemes, agricultural education, training, capacity building, and a national strategy for financing agro-sylvo-pastoral activities in partnership with professional agricultural organizations.

**United Nations Development Assistance Framework for Senegal (UNDAF)**

The United Nations Development Assistance Framework for Senegal (UNDAF) for 2019-2023 serves as the United Nations’ response to sustainable development challenges in Senegal, aligning with the Emerging Senegal Plan and Vision 2030. In the context of Strategic Priority III (Governance, Peace, and Security), the UN aims to empower vulnerable groups as active citizens and enhance the technical capacities of actors, including civil society, to advocate for the most vulnerable.

**United Nations Declaration on the Rights of Peasants and Other Rural Workers (UNDROP)**

The United Nations Declaration on the Rights of Peasants and Other Rural Workers (UNDROP) is a non-binding resolution adopted by the United Nations General Assembly in December 2018. Although not legally binding, it holds global significance and contributes to international human rights law. UNDROP marks a significant step in recognizing the rights of rural populations and is expected to strengthen advocacy efforts to protect legitimate land rights. It covers various critical issues, including:

**Equality and Non-discrimination (Article 3, Paragraph 3):**

UNDROP calls on states to eliminate factors perpetuating discrimination against peasants and rural workers. In Senegal, this provision is particularly relevant as it acknowledges the gender disparities in land ownership. Women in rural areas face discrimination in land distribution, with only 13.8% owning land compared to 86.2% of men. UNDROP, adopted in late 2018, can support organizations advocating for women’s land rights.

**Right to Nature (Article 5):**

This section emphasizes that exploitation affecting natural resources traditionally used by rural workers should be authorized based on fair and equitable benefit-sharing agreements between exploiters and rural workers. In Senegal, where conflicts over land use models with private investors are prevalent, Article 5 could offer solutions by promoting mutually beneficial models that prioritize environmental protection and provide secure employment for residents.

**Right to a Healthy Environment (Article 18):**

UNDROP requires states to ensure that farmers and rural workers enjoy a safe, clean, and non-discriminatory environment. This aligns with Article 25-2 of the Senegalese Constitution, which guarantees the right to a healthy environment. However, the challenge lies in effectively implementing and enforcing these provisions. They should be widely disseminated to local community defence groups, especially in areas...
like Ngomène, where quarrying for a cement plant has negatively impacted agriculture, livestock farming, and public health due to dust pollution.

Numerous successful instances highlight the effective use of environmental protection provisions:

- **Dakar Region Pollution Case (16 March 2010 - 28 June 2016):** In this case, the Collectif pour la défense des intérêts de la cité Famara Ibrahima Sagna in the Dakar region addressed constant pollution in their neighborhood caused by a company producing, packaging, and storing plant protection products. After years of advocacy, on 28 June 2016, the Minister for the Environment and Sustainable Development issued Order No. 09188, leading to the permanent closure of the company.

- **Poukham Tock Case (Fatick Region):** Residents of the village of Poukham Tock in the Fatick region filed a case against the dumping of rubbish in their area by the Fatick town council. The Supreme Court ruled in favour of the villagers, demanding a “definitive end” to the dumping. In its decision of 17 December 2020, the Supreme Administrative Court recognized the urgency of the situation, citing harm to villagers, including the loss of pets that consumed plastic waste and recurring skin diseases.

### Right to Water and Sanitation (Article 21, Paragraph 2):

This provision emphasizes the right of peasants and rural workers to access water for various purposes, including agriculture. This is particularly relevant for market gardeners in the Niayes area who face challenges in accessing water due to high costs and restrictions imposed by the SEN’EAU network. Additionally, interruptions in water supply are a common issue, impacting 95% of farmers.\(^3\)\(^5\) Traditional well users also face reduced water availability due to deep boreholes drilled by private or state investors.

#### Right to Land (Article 17, Paragraph 3):

This provision underscores the importance of recognizing and protecting land tenure rights, including customary rights, to prevent arbitrary evictions and protect common natural resources. It aligns with the Voluntary Guidelines on customary land rights and advocates for a win-win partnership model that involves local communities in resource management rather than expulsion.

### Article 7:

States are urged to ensure the conservation and sustainable use of land and natural resources for productive purposes, including through agroecology. This aligns with Senegal’s environmental code and should be leveraged to address challenges faced by communities living near mining operations, which can harm the environment and local livelihoods.

The African Charter on Human and Peoples’ Rights emphasizes the inseparability of civil, political, and economic rights and highlights the right to development. Senegal, as a signatory to this Charter, should uphold its principles. However, land conflicts, often resulting from arbitrary dispossession of local communities, remain widespread. Over 60% of disputes in Senegal arise from land conflicts, leading to human rights violations and forced displacements.

Despite the legal framework, challenges persist in implementing these principles effectively. Land rights activists face threats, arrests, and even violence. To bridge the gap between laws and reality, it’s essential to ensure that local communities experience the intended impact of these texts recognizing customary land rights.

The Senegalese Constitution and the Emerging Senegal Plan draw inspiration from international instruments. Article 15 enshrines the right of men and women to own and possess land, while Article

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35 Study on “constraints linked to access to water for family farms in the department of Rufisque” carried out by CICODEV, GRDR and the Rufisque Departmental Council (validation workshop in June, 2021).
25-1 emphasizes the responsible management of natural resources for economic growth and ecological sustainability. Article 25-2 stresses the right to a healthy environment, assigning public authorities the responsibility to protect, preserve, and improve it. Article 25-3 obligates citizens to preserve natural resources and contribute to sustainable development for current and future generations.

Land Policy Framework and Guidelines (F&Gs)

Land Policy Framework and Guidelines (F&G) In 2006, the African Union (AU) joined hands with the Economic Commission for Africa (ECA), the African Development Bank (AfDB), and Regional Economic Communities (RECs) to initiate a comprehensive effort aimed at addressing land-related issues and challenges across Africa. This initiative, known as the Land Policy Initiative (LPI), successfully led to the development of the Framework and Guidelines on Land Policies in Africa. It's essential to note that this framework isn't a one-size-fits-all land policy model for the entire continent. Instead, it represents a collection of principles derived from the experiences, both positive and negative, in the development and implementation of land policies in Africa. Senegal actively contributed to the adoption of these guidelines, notably through the AU Summit of Heads of State and Government, which endorsed a Declaration on Land Tenure Problems and Challenges in July 2009.

The F&G encourages states to formulate land policies that adhere to the following principles:

- **Shared Economic Growth:** Land policies should promote economic growth that benefits all segments of society.
- **Consensus Building:** A common principle should underpin land access for all users, fostering consensus among stakeholders.
- **Popular Participation:** The formulation and implementation of land policies should involve active participation from the public.
- **Standards for Land Governance:** Land policies should establish clear standards to enhance governance and transparency.
- **Political Framework for Anticipation:** A political framework should be in place for addressing emerging land-related issues proactively.

Once adopted by the African Union, the Regional Economic Communities (RECs), acting as the technical arms of the AU, assumed responsibility for implementing the decisions of African Heads of State within their respective states.

An analysis of these principles in the context of Senegal reveals their alignment with the country’s political framework. The national land policy document submitted to the Head of State since 2017 reflects a holistic approach to land and natural resources, moving away from a sectoral perspective. This document also addresses most of the concerns outlined in the regional reference framework, such as recognizing the legitimacy of “indigenous land tenure systems,” promoting gender equity, securing agricultural land rights, and considering land requirements for non-agricultural purposes. Additionally, the call for inclusive reform was heeded during the land reform process conducted in Senegal between 2014 and 2017.

However, without official validation of the Land Policy Document and the continuation of land reform, the influence of this document and its principles has waned. Nevertheless, it's important to acknowledge that the principles outlined in the CLD were largely adhered to in the reform process. This included engaging civil society organizations, consulting the land-user population, utilizing internal resources, and fostering open communication in the development of land policies.

**RECOMMENDATION:** It is advisable to create advocacy documents based on relevant provisions from national legal instruments, international conventions, and court rulings that have already favoured the protection of the rights of local populations.
Part Five: Analysis of the Key Stakeholders in Land Governance

Land governance involves numerous stakeholders, encompassing both public and private entities, as well as local communities and civil society. It’s important to recognize that each of these stakeholders holds unique positions, interests, and stakes in this complex landscape.

The State, represented by the President of the Republic, holds significant authority in shaping national policies, as outlined in Article 42 of the Constitution. This role makes the President a central figure in the formulation of land policies. The State’s position is multifaceted, with legal and political provisions occasionally leaning towards the interests of private investors and at other times favoring the preservation of local communities’ land heritage.

State action supporting investors

State action favouring private investors is evident in Senegal’s Plan for Emerging Senegal (PES), which reflects a capitalist approach to national socio-economic development. The PES prioritizes the “accelerated availability of land” as a key reform to encourage investment. This goal aims to simplify land access for private investors by streamlining procedures. Special Economic Zones (SEZs), such as those in Sandiara and Bargny-Sendou, were established to create competitive environments for business and investment. However, their setup led to protests and disruptions, even in areas like Diass, where SEZs encroached on classified forests, impacting the local population’s livelihoods.
The territorial development plan signals a shift from pastoralism to “enclosed space” livestock farming in the Dakar-Thiès-Mbour area. This transition favours financially capable livestock farmers, as it involves high feed costs and results in the handover of traditional pastoral activities to a new breed of livestock farmer. Additionally, the allocation of land to private mining companies, particularly in areas like Bandia forest, has shrunk vital grazing sites and negatively affected local communities.

OCEAN GRABBING: Fishermen and fishmongers in Senegal have raised concerns about the proliferation of fishing licenses granted to large foreign vessels, which they believe threaten the fishing sector and deplete fish stocks. Senegalese artisanal fishermen use makeshift pirogues, increasing the risk of accidents and sea disappearances. These challenges have contributed to illegal emigration among young fishermen, leading to protests and calls for the revision of fishing licenses.

As a sign of their disagreement, the fishermen organised a fish-free day on 21 April 2011. In May 2011, artisanal fishermen once again took to the streets to denounce the fishing licences granted by the government to 14 foreign trawlers. For its part, the government argued that these measures made it possible to fish for pelagic resources that had never previously interested Senegal. These arguments have not convinced the artisanal fishermen, who promise to continue to raise their voice if these authorisations are not revised.

The government actively supports and assists companies in obtaining land for investment, often expediting the process through agencies like APIX. However, local communities that have peacefully used land for generations struggle to obtain land titles, and their applications often languish without action. In contrast, investor applications receive prompt attention.

While local communities do not oppose foreign investment in land, they emphasize the importance of prioritizing indigenous populations to ensure their land needs are met and their land tenure is secure.

Regarding compensation for land dispossession, the system is disadvantageous to affected communities. Land in the national domain, primarily customary land, follows a compensation process outlined in a 1964 decree. Compensation is based solely on existing constructions, developments, and crops, not the land’s market value. Land title holders, a minority in rural areas, receive compensation for both land and buildings. Senegal currently has only 152,000 land titles for a population of approximately 16,000,000. While the state sometimes compensates all occupants, this practice lacks legal basis but is more aligned with international practices and may be influenced by donor organizations. Senegalese law is more restrictive than World Bank practices, which do not make distinctions based on formal rights. Typically, a person occupying land without rights in Senegal would not be compensated and could even face legal prosecution.

State action supporting grassroots land rights

The National Estate Act (Act no. 64-46 of 17 June 1964) of Senegal incorporates various provisions intended to protect grassroots communities’ land rights. The act enables customary occupants of the national estate to apply for land title registration under specified conditions and within a defined timeframe. It delineates the State’s ability to register land in its name, restricting such registration to operations of public interest to prevent abuse of power and exploitation of

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36 https://www.rfi.fr/fr/afrique/20110526-colere-pecheurs-senegalais-artisanaux-face-chalutiers-etrangers
37 APIX-S.A. makes it easier for investors to find premises and plots of land on which to set up their business, and helps them with the administrative formalities involved in making the investment with the relevant departments. https://investinsenegal.com/apix/presentation/
38 Statement by Professor Moustapha Sournang, Chairman of the National Land Reform Commission (http://par.sn/Le-Senegal-compte-seulement-152-000-titres-fonciers-officiel.html)
Local communities. Rural lands are designated primarily for members of rural communities under State oversight. Individuals personally occupying national domain land during the enforcement of Law 64-46 are allowed to continue utilizing it. Furthermore, the Act provides appeal and objection mechanisms at various stages for citizens to challenge land-related decisions, ensuring that their grievances and interests are considered. These processes aim to safeguard third-party rights, preserve social stability, and avoid conflicts. The act also permits citizens to file complaints and concerns to various independent administrative authorities, such as the Médiateur de la République and the Office National de lutte contre la Fraude et la Corruption (OFNAC), under particular conditions and mandates. Lastly, the provisions and other legal frameworks echo a commitment to transparent, participatory, and inclusive land governance, advocating for a healthy environment and adherence to international human rights and anti-discrimination conventions.

**The Commune**

The commune, a local government entity operating under public law, unites residents of a specific area. Its primary responsibility is to manage land within the national domain, particularly rural and customary land. In Senegal, rural communes face a complex challenge of harmonizing modern land laws with customary traditions. These municipal councils, composed of local men and women, strive to apply modern legal standards as part of the state while respecting local values and beliefs. In some cases, council members themselves own customary land, and others seek the support of large families to maintain or secure their positions in local elections.

Communes are gradually implementing mechanisms to encourage local consultation before land transactions, with the support of customary landowners and communities. However, some municipal practices adversely affect local land rights. Local authorities often impose high demarcation fees, making them unaffordable for small-scale producers. These fees, which have no prescribed maximum rates, vary widely among communes, leading to exploitation in some areas. Consequently, most local residents cannot pay these fees and obtain official occupancy permits.

Additionally, peri-urban communes tend to prioritize housing estates over agricultural land due to property tax advantages. This shift reduces available agricultural land and caters mainly to urban and foreign residents. The attachment of communes to traditional principles, such as seeking approval from customary landowners before land allocation, sometimes hinders the effective implementation of modern legal frameworks, including transparency and gender equality.

In the Fouta region, efforts to regularize land ownership have faced resistance from customary landowners who wish to maintain control over the land. These landowners consider granting titles to non-family members as a loss of land for the lineage.

**Civil society and Farmers’ Organisations**

Civil society and farmers’ organizations recognize the significance of natural resources, like land and water, for rural livelihoods. They play a crucial role in protecting land rights, especially for small farmers and pastoralists. In Senegal, civil society is active and organized, advocating for equity, social justice, and the preservation of local land rights.

These organizations use various methods, such as research, scientific discussions, awareness campaigns, mediation, and participation in land reform processes, to address land disputes. In response to land grabbing, local communities form collectives to protect their interests, often with support from civil society organizations like Enda Pronat.

The creation of CRAFS (Cadre de réflexion et d’action sur le foncier au Sénégal) resulted from recurring land conflicts in Senegal. CRAFS aims to promote fair and socially just land allocations that do not harm local communities. The organization
has actively opposed various land-related issues, including the threat to the Dakar coastline and land disputes with investors and speculators.

The Senegalese government’s rejection of rural land privatization aligns with CRAFS’ stance. The government aims to avoid dispossession and impoverishment of rural communities, emphasizing that land is a vital national resource.

Civil society organizations collaborate with partners like the FAO and the Ministry of Agriculture to establish the National Platform for Multi-Stakeholder Dialogue around the Voluntary Guidelines. This platform fosters inclusive discussions on land governance, consensus building, action plan development, and monitoring and evaluation.

The participatory approach within the platform has eased tensions between the government and civil society organizations, as well as between local populations and authorities. Local-level platforms are being established throughout the country. The principles of the voluntary guidelines have become a reference in the Land Tenure Policy Document drawn up by the National Land Tenure Reform Commission.

Civil society organizations significantly contribute to enhancing local land governance by working with local authorities and partners on securing land tenure for vulnerable groups, establishing tools for good land governance, and capacity building. In previous instances, such as the 2003 Agricultural Policy Law and the 2005 National Commission for the Reform of Land Law, farmers’ organizations successfully opposed reforms that prioritized investors over local communities, demonstrating the importance of their advocacy.

Some Key Civil Society Organizations In Senegal

<table>
<thead>
<tr>
<th>Organization</th>
<th>Activities</th>
</tr>
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<tbody>
<tr>
<td><strong>Action Aid</strong></td>
<td>- Fights for social justice and poverty eradication, focusing on fair land and resource distribution. - Supports small producers, women, indigenous people, youth, and marginalized groups in controlling their livelihoods. - Establishes local tools for participative governance to strengthen citizen participation.</td>
</tr>
<tr>
<td><strong>Enda Pronat</strong></td>
<td>- Promotes sustainable agroecological agriculture and supports small farmers. - Assists local communities in sustainable natural resource governance. - Helps set up mechanisms to enhance citizen participation and improve local land governance.</td>
</tr>
<tr>
<td><strong>CICODEV</strong></td>
<td>- Defends and educates consumers, with a focus on disadvantaged rights. - Facilitates dialogue between public, private sectors, and civil society for responsible consumption and sustainable development. - Conducts research on issues like land grabbing, family farm productivity, and agricultural water management.</td>
</tr>
<tr>
<td><strong>CNCR</strong></td>
<td>- Contributes to the development of small-scale farming for sustainable socio-economic advancement. - Advocates for Senegalese farmers’ concerns on development to government and partners. - Strengthens producers’ land rights to enhance agricultural productivity and market access.</td>
</tr>
<tr>
<td><strong>AJS</strong></td>
<td>- Combats discrimination and promotes gender equality. - Raises awareness about women’s advancement and empowerment. - Disseminates legal texts promoting women’s land rights. - Supports women in gaining secure land access in rural areas.</td>
</tr>
</tbody>
</table>
FAO PARTNERSHIP WITH CSOS (2013-2019)
In 2013, FAO initiated a partnership with civil society organizations (CSOs) to combat food insecurity, malnutrition, and poverty worldwide. This collaboration aimed to enhance local land governance by implementing voluntary guidelines.

PRIVATE SECTOR AND CHAMBRE DES NOTAires In 2010, a Presidential Council on Investment aimed to strengthen the partnership between the state and the private sector. The private sector highlighted concerns about land insecurity in the agricultural sector, advocating for land privatization to attract investors. The Chamber of Notaries also supported land privatization, emphasizing the need to legally recognize land. These proposals have the potential to exclude small producers and rural communities from land ownership.

NEW PLAYERS IN LAND ADVOCACY Religious leaders, activists, and advocacy groups have joined the fight for social justice regarding land issues.

IMAMS’ STAND AGAINST LAND GRABBING Imams across the country addressed land issues in their sermons during the 2020 Tabaski holiday, emphasizing their opposition to land grabbing. They questioned how vast tracts of land could be allocated to a single individual while ordinary citizens struggle for shelter. They observed that the current approach to land seems to favour the powerful.

ROLE OF RELIGIOUS LEADERS Senegal’s major brotherhoods’ leaders often meet representatives from threatened villages to help ease tensions and resolve land-related crises. Their charismatic influence is employed to initiate dialogue and reconciliation.

THE CATHOLIC CHURCH’S STANCE The Catholic Church also asserts its position. At the 25th-anniversary event of the Pastoral Letter of the Bishops of Senegal in June 2021, they called for justice, peace, environmental responsibility, and respect for individuals and communities. They emphasized the importance of living justly, prioritizing justice for the poor and marginalized.

FAITH-BASED ORGANIZATIONS Religious organizations like JAMRA and CARITAS actively engage in defending vulnerable communities facing land threats. They act in accordance with their respective religious principles, advocating for social justice and protection of the vulnerable. They are willing to demonstrate and support communities facing land loss.

RISE OF ACTIVISTS Activists have become central figures in the fight to protect customary land rights. They play a crucial role in mobilizing
and safeguarding the rights of local communities. They lead social mobilizations to protect local land assets and provide support to affected families.

**ACTIVIST ASSOCIATIONS** Prominent activist associations like Y en a marre and FRAPP/France dégage are actively involved in demonstrations against land dispossession. They have called for action against “land bandits” during protests, aiming to prevent unrest.

**CHALLENGES WITH COMPENSATION** Many land disputes in Senegal stem from inadequate compensation rates. Local residents often agree to land use changes but find the compensation insufficient to replace their primary source of income.

**Recommendations**

- Strengthen civil society organizations to enable effective advocacy, social mobilization, and, when necessary, legal action.
- Enhance the technical capacity of local civil society actors and elected representatives to ensure better ownership and monitoring of legislation, especially provisions supporting land rights of vulnerable groups, while considering international instruments for land rights protection.
- Support local communities in securing their customary land through land regularization campaigns, contributing to significant social change.
- Promote the establishment and reinforcement of local land governance platforms, particularly in areas with land-related issues, to institutionalize multi-stakeholder dialogue, serving as platforms for advocacy and mobilization.
- Identify successful local practices in specific regions for scalability and strengthening civil society organizations’ arguments in defence of land rights threatened by private investors, state policies, and climate change effects.
Appendix I: People we met

- Julie CISSE: President of GIPS/WAR and member of the Alliance Femmes et Foncier (Women and Land)
- Ibrahima DIA: IED/Africa
- Dior DIOME: Senegal Social Forum
- Seynabou DIOUF: Association des Juristes Sénégalaises (AJS) and Alliance Femmes et Foncier (Women and Land)
- Mame Mactar GUEYE: Vice-President NGO/JAMRA
- Mamadou MBALLO: Land Governance Project Officer (CICODEV/Africa)
- Ibrahima NIANG: Forum Civil
- Mbaye NIANG: Programme Manager (CONGAD)
- Malick NDIAYE: Union of Associations of Locally Elected Officials
- Ardo SOW: Advocacy Officer (Enda Pronat)
- Serigne SEGNANE: Programme officer for land issues and natural resources (CNCR)
Appendix II: Documents and websites consulted

- “Influencer collectivement la formulation d’un projet de réforme foncière”, a study commissioned by CRAFS and carried out in March 2020 by Philippe Lavigne Delville, Camille Richebourg and Daouda Diagne.

- Abdel Kader BOYE: “le régime foncier sénégalais” (Senegalese land tenure system), published in April 1978 in Ethiopiques No. 14, a socialist review of negro-African culture.


- CARFS study on Special Economic Zones in Senegal (2021)


- Closing report on the 25th anniversary of the Pastoral Letter of the Bishops of Senegal (Thiès, June 2021)

- CRAFS position paper on land reform in Senegal

- CRAFS position paper on land tenure reform produced with the support of Kader Fanta NGOM

- Criteria for selecting target communes, with a view to the “Support for improving land management in Senegal” project, a study carried out by GIZ in the Kaolack and Kaffrine regions (2021)

- http://www.hubrural.org
- https://anida.sn
- https://investinsenegal.com/secteursporteurs/agriculture-et-agrobusiness/
- https://www.prodac.sn
- Land Policy Document drawn up by the National Land Reform Commission.
- Master plan for land use planning and development in the Dakar-Thiès-Mbour area (January 2015)
- MISEREOR, 2020. Draft report. What are the effects of large-scale land acquisitions in Africa on certain economic and social indicators?
- National Strategy for Gender Equity and Equality 2016-2026 (page 78)
- Speech by the President of the French Republic at the 31st Congress of African Notaries (Tuesday 1er October 2019)
- Study on legal battles, carried out by Enda Pronat in collaboration with OSIWA (2019)
- Study on the constraints linked to access to water for family farms in the department of Rufisque, carried out by CICODEV, GRDR and the departmental council (2020)
- The Plan Sénégal Emergent (PSE), adopted in 2014, is the new development model designed to accelerate Senegal’s march towards emergence.
- Websites of various CRAFS members (www.cicodev.org; ipar.com; actionaid.org; endapronat.org; cncr.org
- www.landmatrix.org
About AFSA

Established in 2011, the Alliance for Food Sovereignty in Africa (AFSA) is a robust coalition of civil society organisations dedicated to advancing the causes of food sovereignty and agroecology across the African continent. Our alliance comprises African food producer networks, African CSO networks, indigenous people's organisations, faith-based organisations, women and youth groups, consumer movements, and international organisations aligned with AFSA’s mission. AFSA is a network of networks with 38 member organisations actively engaged in 50 African countries, reaching around 200 million individuals.

Our Vision

To see Africa developed in harmony with nature, harnessing its traditional knowledge and systems, and her people controlling natural and other resources and related decisions.

Our Focus

- **Climate**: We promote agroecology for climate adaptation and mitigation in Africa, advocating for research-based policy integration.

- **Seeds**: We aim to support farmer-managed seed systems and influence seed policies to ensure reliable and affordable local seeds.

- **Land**: We empower member networks, particularly women, to advocate for land rights and counter corporate control over African land and resources.

- **Citizens**: We work to increase citizen access to agroecologically produced food in Africa, mobilising and educating citizens to participate in diverse food systems.

Our Activities

Policy advocacy, Capacity building, Evidence compilation, and Raising public awareness.

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Land Grabs in Africa

Land Grabs

Hectares

- 2500 - 36520
- 36520 - 153200
- 153200 - 348829
- 348829 - 678400
- 678400 - 4884779

No Data

data source: http://www.grain.org/article/entries/4479-grain-releases-data-set-with-over-400-global-land-grabs (GRAINS)