

# ***Local perceptions of indigenous land tenure systems: views of peasants, women and dignitaries in a rural province of Burkina Faso***

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## ABSTRACT

This article is based on the observation that the large debate on the nature and consequences of so-called indigenous land tenure systems does not sufficiently take into account the perceptions and interpretations of peasants themselves. Consequently, its aims are to provide people with a voice and to analyse their assessment of different forms of access to land, of the modifications undergone in recent times, and their adjustments to this change. The results of this qualitative approach are compared with some statistical information gathered by the authors in the study region – three villages in central Burkina Faso – as well as country-wide. As a result, one may conclude that peasants in this area do not feel insecure about their land tenure situation, and this assessment of their own position is confirmed by empirical data.

## ACADEMIC VISIONS OF LAND TENURE SYSTEMS

In the ongoing discussion on the nature and economic or social consequences of indigenous land tenure systems and arrangements in Africa, two different positions are defended. On the one hand, some authors argue that customary land tenure forms a considerable obstacle to an increase in agricultural productivity and to rural development in general. They maintain that it results in a high degree of insecurity which is due to the absence of formal titles and land markets, and provokes an insufficient allocation of resources. They either call for a state-operated land reform in the sense of a land-titling programme, or they adhere to the evolutionary theory of land rights, as Platteau (1996, 1999) called it, which contends that ‘a spontaneous movement towards

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individualisation (and formalisation) of land rights unfolds itself under the combined pressure of growing land scarcity and increasing commercialisation of land-based activities. Yet, in the final stage, this endogenous evolution must be aided by a public intervention...’ (Platteau 1999: 4)

On the other hand, several scholars claim that so-called traditional systems are not as insecure as often supposed, that they offer no major inconveniences for the most common forms of investment, and that any alternative in the sense of the introduction of formal property rights is not only out of the reach of most peasants, but also cannot be expected to give rise to the intended increase in productivity, and may even lead to undesired social and economic effects.

The first position is grounded mostly in convictions of economic theory deemed to be valid throughout the world and generally accepted; the second is based on empirical analysis of African agrarian structures and the functioning of land tenure systems (for discussion of the differing positions, see Bassett & Crummey 1993; Bruce & Migot-Adholla 1994; Feder & Feeny 1993; Platteau 1992, 1996, 1999; Stamm 1998a). But neither school of thought has yet explored or taken into consideration the views of rural people.<sup>1</sup> This article seeks to fill this gap in our knowledge.

Do peasants feel limited in their activities by local land tenure arrangements, and do they seek a modification of their present way of dealing with land tenure matters? The lack of this information is highly regrettable because the very notions of security and insecurity obviously involve a subjective dimension, and it is well known that economic behaviour depends on the actors’ interpretation of their situation. People may feel insecure, even if legal and other measures to provide them with security are undertaken. For example, they may be suspicious of such measures or may even not have heard of them; they may simply lack the resources needed to enable them to take advantage of such support. On the other hand, even having the lack of formal land security often emphasised by outside observers may not bother them.

#### STUDY AREA AND METHODS

Our most recent field research<sup>2</sup> was carried out from January to April 1998 in the villages of Noh, Pitenga and Tamiougou, in Bam province, central Burkina Faso, some 100 km north of Ouagadougou. The villages number approximately 2,100, 1,700 and 1,000 inhabitants respectively, most of these being Moose, with some Fulbe. Moose

people displaced the indigenous population of Nyonyose and Kibse, centuries ago (see Izard 1970; Stössel 1989);<sup>3</sup> reminiscences of these ancestors are still very present in the collective memory – in many places their descendants occupy the position of *tengsoba* (land chief or land priest).<sup>4</sup> The field work represents a further stage in long-term research conducted mainly by J.-P. Sawadogo in that region (Sawadogo 1993; 1995), which complements country-wide studies on land tenure systems (Ouedraogo *et al.* 1996; Stamm 1998a).

The authors and their colleagues supporting them in the fieldwork were concerned to avoid giving the impression that they were part of the very influential PATECORE<sup>5</sup> project active in this region. They were introduced in the villages (where they were known as research, not development people – one of the authors was born in the province) by local extension agents of the Ministry of Agriculture (and not by PATECORE agents). In a first meeting with the population, they explained the context and purely scientific purpose of their research, and presented themselves as a team coming from the University of Ouagadougou.<sup>6</sup>

Although some of the statements made are marked by the presence of the project, we do not believe that these were intended to give proof of adherence to its technical messages. One of these critical items deserves some prior discussion: the repeatedly expressed expectation that borrowers have to conserve and, if possible, to improve the fertility of the soil. We believe that this reflects a rising concern about problems of soil conservation which coincides with, but does not depend on, project activities. It results rather from increasing pressure on land resources. In other parts of Burkina Faso, we likewise observed (timid) attempts to intensify agricultural procedures; and obviously, what farmers practise on their own plots they expect to be done on rented ones.

The approach used consists of a quantitative study of a sample of some 300 plots, and a qualitative analysis of the results of nine discussion groups, so-called focus groups, in the three villages. The quantitative results are only of partial interest in this presentation of the actors' perceptions, and have been published *in extenso* in Stamm *et al.* (1998).

The focus groups were composed of six to nine members each: one group of male peasants, one of women, and one of customary dignitaries in each village. The interview partners were informed in advance about the subject concerned, and duly invited to the sessions. The debate was opened and directed by one of the authors, on the basis

of guidelines. All discussions were led in Mooré and recorded with the help of a tape recorder. The following presentation is based on the French transcription of these records. The art of the facilitator consists in addressing the questions to discuss, to give all participants the opportunity to express themselves, to identify different points of view and their representatives, without imposing his own perspective or cutting short the development of ideas important to the speaker. Discussions with women were facilitated by the presence of a female ‘animatrice’ of the project.<sup>7</sup>

The following problems were discussed in the groups: the first colonisation of vacant territories and the resulting original land rights; present forms of access to land; obligations involved in obtaining access to land resources and restrictions of land use rights; recent developments in land tenure; and women’s rights. The different contributions registered are described in the following section.

The authors claim that the principles and the functioning of local land tenure rules can be reconstructed and understood on the basis of people’s perceptions, and that therefore in our context a general presentation from an outside observer’s point of view is dispensable. Nevertheless, some essential points resulting from the statements made will be confronted with empirical findings in section 4, in order to gain an idea of whether peasants’ conceptions correspond to the basic facts found.<sup>8</sup> The final section draws conclusions as to the land tenure situation in the study region.

#### PEASANTS’ VIEWS

All participants in the discussions were clearly aware of the existence of groups of different origins – indigenous people and migrants – in present-day village societies. Thus, the initial impression that Moose villages are homogeneous, as referred to in demographic surveys, is obviously misleading. In Noh, it was stated: ‘When he came here, our ancestor found the Nyonyose and the Naabiise. They are the indigenous population’ (P-N).<sup>9</sup> On his arrival, this ancestor asked the local population for land which was granted to him. ‘Since he didn’t like to stay alone’, as the testimony says, he invited another head of family to join him, and together they founded a village faction (*saka*).

This tradition is of interest from many points of view: it confirms the original land rights of the indigenous population, it sheds light on the nature of the infiltration and installation of Moose people in present-day Moogo,<sup>10</sup> which was by no means a conquest. The rather isolated

settlers had to ask for the land, they didn't take or conquer it. 'When the Nakombse (= Moose) arrived, we gave them some plots of land. It was in an atmosphere of good understanding that they received land for cultivation' (D-P). Only the descendants of the Kibse (Dogon) give some indication that incidents of war, conquest and expulsion took place. The quoted testimony also shows that, at the very moment of the mentioned settlement, there were already some Moose settlers present ('Naabiise'), descendants of former migrants.

There remains the question of how the first settlers delimited their territories. 'The land belongs to my grandfathers. In order to limit his demesne, he lit a fire. Where the fire went out, his possession ended' (D-P; the speaker is the land chief). The recital proves the existence of large unoccupied territories, so that possession could be taken and delimited by rather rudimentary means. We find that original land rights result from this kind of first colonisation or from agreements with the local population; since then, they have been transmitted from generation to generation. In the debates, people did not even emphasise this fact, which is self-evident for them. They merely stated: 'Each village faction has its land, and each head of family disposes of his land' (P-N). 'Our parents have inherited this repartition of land, and so have we' (D-N). Similarly in Pitenga and Tamiougou: 'In this place, everybody is cultivating the land of his fathers' (D-P). 'The ancestor gave the land to his children, according to their needs. In this way, land distribution began. Later on, the children passed the plots to their descendants, after having informed their father, and so on' (P-T).

Women did not contribute to this discussion on the origin of land rights. As one of them remarked: 'Only our elders can reply to this question. If we knew about this topic, we had gained the information from the elders or other initiated persons' (F-T).

This ancient mode of land allocation has always been subject to modifications, as already noted and analysed by early observers (e.g. Tauxier 1912). Some recent changes, attentively followed by the villagers, were commented on in the discussion. They concern first of all the importance of land borrowing. As one peasant from Noh explained: 'Nobody wants to borrow land for the pleasure of borrowing', so that it is always a situation of distress which is the cause of this decision. The difficulties may result from the sickness of one of the active members of the household, from an uneven distribution of rainfall, from the flooding of low-laying plots, from the unexpected arrival of strangers needing to be accommodated, from an insufficient land endowment, and many others. All these cases show that land

borrowing is not a recent phenomenon, but has always been a result of the vicissitudes of life under the tropical skies.

But, lately, demographic pressure has aggravated this situation. 'Growth of population is an important factor explaining borrowing of land. When you no longer succeed in nourishing your family, you have to seek the support of others' (F-P)

Often, you have a heavy burden and a lot of children, even if you are still young. It is a shame when in the night the children are weeping for hunger. With the growing number of people, the families' fields are no longer sufficient. So you are obliged to borrow land. (P-N)

Almost everywhere (except in the case of migrants), borrowed plots form only a supplement to owned, i.e. inherited land: 'borrowing is to be explained by the fact that someone does not succeed in nourishing his family with the land already in his possession' (D-P).

The decline of soil fertility is another factor explaining the need to borrow land.

There are two reasons why people borrow plots. First of all, the population has grown considerably, and then there is a deterioration of soil fertility. When your land is degraded, you have to look for better fields elsewhere. But at present, the situation is becoming better again. (P-T)

The latter remark reflects the peasants' conviction that currently practised methods of land rehabilitation reduce the pressure on natural resources.

Fortunately, anybody in need of land can get it easily and free of charge. 'Anyone who asks for a plot because he needs it will be satisfied. As regards the lending of land, there is plenty of co-operation between us' (D-N and *passim* in all discussions). The only acceptable justification for refusing land to someone in need of it is that the person solicited himself does not have unused land at his disposal, or that the claimant is known to be of bad character. The latter case is equivalent to his marginalisation or exclusion from the village.

People searching for additional plots prefer to seek help from their families, but they are not limited to this source. 'If one member of a family disposes of land and another one doesn't, then it is even not necessary that the person in need makes a request' (P-T). Everybody in the village (and beyond, as we will see) can be solicited for land.

Let me present an example: if he (pointing out a member of the group) were our elder, and we were his younger brothers, one of our friends may come and ask for a plot of land. In this case we invite him to address his demand to our elder. ... After having considered this problem, our elder brother or our father will inform us as follows: 'There came a man who asked for a plot of land', and we will answer: 'It is up to you to take a decision. Whatever you will do,

we will agree to it.' And he to reply: 'If you have no objections, I will give some land to him, since we are all the same (family, race, origin).' Thus, we are all witnesses to this act of lending. (P-T)<sup>11</sup>

'Most often, grants of land are based on family relations; in the absence of such relations, you may also appeal to friends' (D-N).

These forms of easy access to land are equally open to foreigners, i.e. migrants: 'The village chief will ask him (the migrant) to indicate the place where he wants to settle down. Then he will invite him to go and see the owner of the land in question. If the owner is not willing to accommodate the migrant, the latter will come back to the village chief, who will take care to install him' (P-T). The day of the installation of a new member of the community is a day of luck and joy for the villagers (P-N). But we may add that in Bam province, the rate of immigration is rather low. The newcomers have to respect scrupulously the rules of conduct in the village: 'What we don't do, he also is not authorised to do' (D-P). For example, it is forbidden in some Nyonyose villages to make a noise in the fields during certain periods of the year. So if the settlers believe that having gained access to land, they can then do what they want, 'they commit an enormous error, which can imply the withdrawal of the land borrowed or even their expulsion' (D-P). The integration of foreigners is facilitated by the social function of the tutor in care of them.

As already noted, no material or monetary compensation is expected in return for the cession of the land. This depends entirely on social relations and obligations. 'The landlord will never ask for any compensation at the end of the cropping period. ... It is the borrower himself who has to decide whether or not he will offer a gift to him' (P-T). The motivation to lend land is a social, not a material one, as many of the people consulted made clear. Besides, they are well aware of the fragility of their Sahelian condition: one day, they might find themselves in the role of a claimant.

The same possibilities for obtaining land are also to be found in neighbouring villages. Land-use rights are frequently exchanged. Villages with plenty of land allow their neighbours to cultivate within their territory; this is the situation in Pitenga. Others needing land have their plots in the surrounding villages. 'We have large areas of land, so that we do not need to cultivate the land of other villages. On the contrary, our neighbours have asked us for additional land. ... We agreed, and since then we never had any problems with them' (P-P). Tamiougou, on the contrary, seems to lack farmland, but this poses no specific problem to its inhabitants. 'Since we are a great many here, we

ask for plots to cultivate in other villages, such as Soum.’ And another person added: ‘The amount I produce in Soum is more important than what I am growing here. We ask them for land, and they give it to us’ (P-T).

There is no noticeable difference in the way to approach a landowner,<sup>12</sup> whether inside or outside one’s own village – the essential factor is personal relations. ‘We have a friendly relationship with the neighbouring villages. Even if you don’t know the owner of a plot in another village, you may get it. In this case, you address your demand to one of his brothers or children whom you know’ (P-T).

But once access to land resources is obtained by a borrowing agreement, what are the further obligations of the borrower to the lender, what are the restrictions in the exercise of the use rights granted? This question is at the centre of many theoretical debates, and was therefore posed in detail to the discussion groups. The answers given are quite differentiated and in many ways surprising.

In general, use rights for land are not granted for a clearly defined period, and they are not definitive. The donor always retains the possibility of withdrawing the lent plots, in the event that he himself needs them. But this only rarely occurs, except in cases when the borrower commits a grave default. Therefore, a considerable number of borrowers may stay on the same field for ten, twenty or more years. ‘Most often, there is no fixed lending period. You may continue to cultivate the borrowed fields as long as possible, for your whole lifetime, and your sons may go on to use them after your death, provided that you have not committed a grave default and that your behaviour conforms with local customs’ (P-P). ‘Some borrowers use the plots given to them until they are redeemed by God’ (P-N).

But, in recent times, there appears to have been a widespread reduction in the period for which land is lent, and an increase in shifting borrowers from one field to another.

Some people are ungrateful, they are *yelsomzitba*. But other people are grateful. Most of our problems result from long-term lending. Those who are grateful explain carefully to their children that they are not the owners of the fields cropped by them. After their death, their children are well aware of the situation. But others do not clarify their position as borrowers, and after their death, problems arise. This is why we now prefer short-term arrangements. ... We ask the borrower to move periodically from one plot to another. Thus his children understand that he is not the real owner. (D-N)

In former times, it was not necessary to take such precautions (P-N). These remarks show that local perceptions change over time; they are



not a-historical, even if the rhythm of change is often overestimated in academic discussion, and the evolution is still too often regarded as linear.<sup>13</sup>

Questions as to the length of such a restricted borrowing period resulted in answers varying between two and six years. But all depends on the conduct of the borrower and the relations between him and the landlord. 'If there is a climate of understanding between the borrower and the landlord, these "two days" may easily exceed a decade' (F-N).<sup>14</sup>

After having discussed the duration of land leases, we will now analyse the prescriptions and prohibitions imposed on the borrowers as to the use of the land. Contrary to current orthodoxy, these are not usually of an economic nature.

First of all, use of, as well as access to, borrowed land is free of charge. No rent, monetary or otherwise, is demanded or paid. The statements people made were always categorical: 'There is no obligation to pay any kind of remuneration' (P-P). Obligations imposed on land borrowers concern their behaviour towards the landowner, respect for manifold rules of conduct both social and religious, and the ways of using the granted plots.

With regard to the person of the landowner, the borrower is expected to express his gratitude in any suitable way. He may present symbolic gifts, a chicken, some crops from the borrowed field, or millet beer, which are not consumed by the landowner but contribute to sacrifices. He is obliged to assist his landlord in all difficulties or important social events: sickness, death of a family member, feasts. 'The borrower has to behave himself towards the landowner as towards his father-in-law. ... He has to share his problems, his joy and sorrows' (P-N). What matters is not the material value of the gifts presented, but the good will shown.

To show your gratitude, you may offer some *bassé* [a drink on a flour base used for sacrifices], some *bicalga* [a condiment] or some soap to the landlord. This is to say that you would have liked to give him more, but that you don't have the necessary resources to do so. Anyway, the landlord will be aware of your good will and your gratitude. (F-N)

Village elders evoked a large number of prescriptions or interdictions to be respected by land users, be they landowners or borrowers. Most often these concern respect for the *kisgu*, the taboo of the field.

Every bush region has its own *kisgu*, i.e. totem whom the borrower has to respect. It is absolutely necessary that he respects the totem of the bush. ... Here it is not allowed to kill a boa. This is why we have plenty of these

serpents. If you meet such a reptile when working in your fields, you have to move or to chase it away, but you must not kill it. If you respect rules of this kind, you really have no problems; nobody will expel you from your borrowed land. (P-N)

Neither altercations, nor sexual relations, are permitted in the fields. A general rule may be formulated: land borrowers have to respect the same rules as their hosts, and to participate in local customs such as sacrifices which offer an opportunity to thank not only the spirit of the land, but also the land owner, for his generosity (D-N).

Borrowers are expected to maintain and improve the fertility of the plot left to them. Whenever possible, they have to construct stone bunds or to plant rows of grass or shrubs to protect the plot against erosion. From time to time, they should apply doses of manure or fertiliser (P-N, F-N and *passim*). Peasants proved to have quite concrete ideas about how a field is to be used correctly: 'good husbandry of borrowed plots consists in erosion control, mulching, manuring, and other similar activities the effect of which is the improvement of the soil fertility and productivity' (P-P). Any default of the borrower in this respect may provoke the withdrawal of the plot. 'If the borrower is not willing to improve his fields, or if he even clears them of trees, they will become unproductive. As a consequence, the owner may withdraw them in order to prevent them becoming *zipele* [sterile lands]' (F-N).

Most landowners therefore do not pose any objection to a borrower's intention to improve the fields. On the contrary: 'If you propose to construct stone bunds in the plot he gave to you, the owner will be very satisfied, since he knows now, that you take good care of his land' (P-T). This aspect of our findings is quite different from many current assertions claiming that borrowers do not have the right to invest in borrowed land. The only condition is that the landowner is to be informed of the borrowers plans (P-T). It makes no difference to land amelioration whether the plot is situated inside or outside one's own village. 'Land improvement (in neighbouring villages) is possible. Myself, I have improved the plots which I have borrowed there' (P-T).

Nor do the (rather rare) cases in which a land user wants to plant trees offer any major problems, provided the landowner has been informed in time. 'It is not prohibited to plant trees on borrowed land. But before doing so, you have to inform the landowner. This is absolutely necessary to avoid any suspicion' (D-T). In some places and with some landowners, the authorisation may depend on whether fruit or other trees are concerned. The latter are more easily accepted: 'there are some restrictions concerning the planting of trees. Not all

kinds of trees, but fruit trees, such as mango trees' (P-N). But in any case, the land user has to handle existing trees in the plot with care.

Reviewing the detailed statements of the peasants – landowners and borrowers – on this subject, we gain the clear impression that one of the major concerns of landowners is to have their land improved. The fear that a borrower undertaking such amelioration may later claim property or permanent use rights seems to be secondary. This may partly be an effect of the PATECORE project, which has incessantly propagated the advantages of land development.

We have yet to discuss the land rights of women. As a general rule, women do not 'own' land in any sense whatsoever. But they control manifold forms of access to it. We will distinguish between the cases of married women, widows and unmarried young women.

The most usual way for a married woman to obtain land is to ask her husband, and in general, she will get satisfaction. Even when the husband himself is a land borrower, he will give his wife a portion of the borrowed plot (F-N). Women's agricultural activities are not limited to condiments or to vegetable crops, but also cover cereals and cash crops (D-P). On condition that they first inform their husbands, women may gain additional land from other persons. 'There are several possibilities. ... To get a plot you may address your demand to a relative or to a friend ... but you may also contact any landowner you know' (F-T). Thus, it seems, at least in the case of married women, that access to land or its quality is not their major problem. Rather, it is their workload that prevents them from cultivating larger fields. Their main concern is to get a plot near their house or their husband's field, in order to cultivate it when there is an idle moment.

Widows continue to work on the plots of their late husbands (F-N). 'After the death of her husband, the woman may continue to use the land he gave to her, on condition that she stays in the compound. But when she moves to live with another man, this man has to look for a plot for her' (F-T). This arrangement depends on the quality of relations between the woman and the family of her husband. If they were bad, she will have to return to her own family (P-P). Unmarried women seem to have some rights to plant groundnuts for their own account, but are generally expected to work in the fields of their mothers (F-T).

## SOME EMPIRICAL TESTS

The distribution of land rights which was found in a country-wide sample of 1,175 fields is noted in Table 1, and does not differ significantly from the results for the three villages studied in this article and noted in Table 2, even if the same forms of access were not used.

TABLE 1  
Access to land in four provinces of Burkina Faso

Form of access	Cases	%
Inheritance	1,007	85.7
Rights of usage up to 1 year	6	0.5
Rights of usage 2–5 years	0	0
Rights of usage 6–9 years	0	0
Rights of usage 10 years and more	4	0.3
Rights of usage for an undetermined period	158	13.5
Total	1,175	100

Source: Ouedraogo *et al.* 1996.

TABLE 2  
Access to land in three villages in Bam province

Form of access	Number of plots	%
Inheritance	224	68.7
Gift	58	17.8
Borrowing	44	13.5
Total	326	100

Source: Stamm *et al.* 1998.

Gifts are mainly intra-family land-use transfers and may be interpreted either as rights for an undetermined period or as a form evolving to heritage. These results confirm former surveys covering a period from the early 1960s to the 1980s (discussed in Stamm 1998a); they show an overwhelming portion of hereditary land rights; the increase of temporary use rights, if any, is not very marked.

A second concern is whether owned and borrowed plots are farmed in different ways or, more specifically, whether techniques of erosion control are less frequent or non-existent on borrowed fields.

TABLE 3  
Erosion control in three villages in Bam province

	Inherited plots		Gift		Borrowed plots	
	N	%	N	%	N	%
No investment	50	(22.3)	25	(43.1)	18	(40.9)
Erosion control	171	(76.4)	31	(53.4)	26	(59.1)
Plantation of trees	3	(1.3)	2	(3.5)	0	(0)
Total	224	(100)	58	(100)	44	(100)

n = 326;

Source: Stamm *et al.* 1998.

We may conclude that the planting of trees occurs so infrequently as to be negligible, in all categories of land access. Investments in erosion control are more frequent on owned fields than on borrowed ones,<sup>15</sup> but even on the latter they represent more than half of the cases, so that we can not infer any prohibition of or severe restrictions to such investments on borrowed land. That they are slightly less frequent may be attributed also to the fact that some cases of borrowing land are a result of short-term need, as discussed above, and do not justify making any investment.

Similar tendencies were observed during the country-wide survey and by other authors (see Stamm 1998, 1998a). The extraordinary extension of techniques of erosion control in the Bam province results from the intensive efforts of the PATECORE project, and is not representative for the whole country.

These data generally confirm the perceptions of the peasants. Most of them cultivate their own land, but no major limitations of an economic nature were found on the use of borrowed plots. Nor does the observed rotation of borrowers necessarily indicate any obstacle to land amelioration, provided that the period of utilisation of a particular plot is sufficiently extended (for example, a cycle of production before the land is left in fallow), or that the borrower receives another plot already ameliorated. However, we have only limited empirical evidence at our disposal, regarding the frequency of such practices and their implications for the farming methods of the borrowers concerned. Some statements (P-P, P-T) suggest that this policy of rotation is still not typical for the region studied, and that the effective period of utilisation far exceeds the two to four years sometimes indicated.

Our quantitative field research also tried to capture land use rights exercised by women. It identified some fifty plots of the whole sample managed by women, some of them, most often widows, controlling several fields of considerable dimensions. But since the basic unit of the enquiry was the individual plot, women without access to land were excluded from this study, and we cannot provide a clear and exact picture as to their number. We do believe that such cases amount to a rather small percentage (see also Kunze 1997), but we have the clear impression that women's land rights demand further study, taking into consideration their social and matrimonial status. All we can assert at this stage is that women married to the head of a household, and widows, may have rights to manage fields more important in number or size than often supposed (for some quantitative data see Kunze 1997, Stamm *et al.* 1998). The percentage of improved fields among those used by women was not found to be lower than the average of the sample.



Summing up the views expressed, and considering the empirical data, we may draw the conclusion that peasants themselves do not feel their position in the local tenure system to be one of considerable insecurity, with regard either to the scope and duration or to the guarantees of their rights. Consequently, there is no need, from their point of view, to 'reform' existing land tenure practices. They wish to continue with their customary rules. In the light of these results, attempts to impose public land policies should be treated with caution; only an integration of these local rules into formal legislation might be taken into consideration. By this, we do not mean the creation of a 'traditional land tenure system' by means of codification of some of its principles, but rather the protection of local rules by legal provisions providing a framework for their further evolution.<sup>16</sup>

#### NOTES

<sup>1</sup> See, as the most recent example, Brasselle *et al.* (1999), which constructs a hierarchical order of more or less secure land rights, without considering the interpretation peasants may give regarding their situation.

<sup>2</sup> Funded by German Technical Co-operation (GTZ).

<sup>3</sup> We cannot comment on the question whether Nyonyose ('the first ones') is a term (such as *tengbiise* – 'children of the earth') used to characterise a heterogeneous ensemble of long-established people in the region, or a designation of an ethnic group. Kibse are the well-known Dogon settled at present in Mali (zone of Bandiagara).

<sup>4</sup> The different roles in the village were defined as follows: 'The land chief (or land priest) is in charge of the sacrifices on bush land. The village chief rules the community (*zamaana*), but he

has no power over the bush (*weoogo*). Anybody may own fields, but nobody owns the bush' (peasant from Tamiougou). There is a clear distinction made between rule over people and over the land; when the speaker mentions the functions of the village chief as ruling the 'country', he means the people forming it.

5 *Projet d'Aménagement des Terroirs et de Conservation des Ressources*, Kongoussi.

6 Volker Stamm, who could be mistaken for an official representative of a development organisation, did not participate in the first stage of data collection, but only later in some final field checks.

7 The authors wish to thank Miss Noëlie Sawadogo for taking over this role.

8 We are well aware of the discrepancy that often exists between perceptions, expressed opinions, i.e. presentations, and collective action. In order to bridge this gap, we compare the presentation given by the peasants with data reflecting the results of actual behaviour.

9 P = (male) peasants; D = dignitaries; F = women. N, P and T mean the villages of Noh, Pitenga and Tamiougou. The focus groups are designated by a combination of these symbols.

10 Area in Central Burkina Faso mainly populated by the Moose people.

11 Obviously, there is a good deal of idealisation in this account. In a presentation intended for the outside world, people prefer to draw a rather harmonious picture of their social relations. Nevertheless, they do not hesitate to indicate important conflicts, as we will see later on.

12 It is only for convenience that we use the term 'landowner' or *propriétaire* in French. Its contents differs significantly from its meaning in a Western legal context, in the sense that the 'owner' holds rights of land management, but only limited disposition rights. The Moore term signifying the most complete land rights employed in the discussion was *ziigsoba*, which refers to *ziiga*, a family's land in hereditary possession used for habitation and farming. *Puugsoba* is the expression used for a person farming an individual plot, be it hereditary or borrowed. There are specific terms denoting land borrowers, such as *ziipengda*, but these are not commonly used in everyday language. At present, land is controlled at the level of the individual farm, by the head of the household (*zaksoba*), and not on a higher level of social organisation, for example by the *tengsoba* or village land chief.

13 We quote as an example the rapid 'emergence' and final predominance of market relations and the 'individualisation' of land rights postulated by the so-called Evolutionary Theory of Land Rights (see introduction to this paper). In fact, there are a series of empirical studies on land tenure structures in Burkina Faso, covering the period from the early years of independence to the 1990s (Boutillier 1964; Ancy 1983; Ouedraogo *et al.* 1996). They all show the adaptive and dynamic character of these systems, but also that no radical change has occurred.

14 As shown, land is granted for an undefined period, and the usual expression is 'for two days'.

15 In the disaggregated data at village level, there was no significant difference in the frequency of investments in two of the villages, but a marked one in the third village.

16 See the contributions by Chauveau, LeRoy and Lavigne Delville to the most important volume on land policies, Lavigne Delville (1998). See also Stamm (1999) for the considerable problems involved in such an effort, demonstrated by the example of the *Plan Foncier Rural* in Côte d'Ivoire.

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