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Claire Simonneau, Bérénice Bon, Éric Denis, Stéphanie Leyronas, Issa Sory

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# The Commons

Drivers of Change and Opportunities for Africa

Edited by Stéphanie Leyronas,  
Benjamin Coriat, and Kako Nubukpo



# Housing and the Future of Rural Land-Based Commons

Claire Simonneau, Bérénice Bon, Éric Denis, Stéphanie Leyronas, and Issa Sory

## Introduction

The African continent has the highest rate of urban growth in the world (OECD 2020).<sup>1</sup> The urban population has grown from 27 million in 1950 to nearly 600 million today. It is estimated that Africa's population will double by 2050 and that two-thirds of this increase will be urban. There are expected to be 950 million new city dwellers in the next three decades.

This urban growth comes with remarkable territorial transformations. Large metropolitan regions are being created, some of which surpass national borders, such as the Accra-Lagos urban corridor, which passes through four countries and is home to more than 30 million inhabitants on the coast along the Gulf of Guinea. As a result of still-rapid population growth in rural areas, there is a growing number of small and midsize cities, particularly in the interior of the continent. Villages and larger towns are being transformed into urban areas merely as a result of their natural rate of growth. Each of the continent's regions has its own particularities, so this urbanization is not a homogeneous process. Dynamic urban areas are incorporating localities that were formerly considered villages. The lines between urban and rural are increasingly unclear (OECD 2020).

This process of urbanization—and the accompanying explosion in housing demand—significantly impacts land use. The need for land to meet the increase in housing demand comes into competition with the need for agricultural land. Even before changes in land use take place, wealth polarization in cities generates pressure on rural land, increasing its financial value and disrupting local economies.

This chapter examines land dynamics in Sub-Saharan Africa in the context of massive, rapid, and diffuse urbanization. The first section focuses on the future of land-based commons (see chapter 2), particularly on the outskirts of urban areas, including the rural fringes that some actors expect to be absorbed by the urban area. The second section addresses the emergence of new types of commons designed to provide housing access to precarious and middle-class populations. This occurs in the absence of social housing policies at a time when access to urban land for housing is being cut off as its financial value and price increase. The third and final section discusses the renewal of public action—which is desirable in our view—in the face of these land use challenges.

## **Rural Lands versus the City: The Effects of Urbanization Dynamics on Rural Commons**

Africa urbanizes rapidly and in a geographically diffuse manner (Agergaard et al. 2019; Jaglin, Didier, and Dubresson 2018; OECD 2020). The continent is seeing the greatest increase in building construction in the world. Africa's built environment has nearly doubled in area since 1990. Because population growth has remained strong in Africa, the continent is not experiencing the kind of disjunction between population growth and built-environment growth observed in other regions of the world. Still, roughly 300,000 square kilometers of land were built on from 1990 to 2015, or an average of 6,000 square kilometers per year (Denis 2020).

These processes are not limited to the kind of outward-spreading expansions of cities that were common in Europe over the past century. They are heterogeneous, hybrid, and unstable. They call for a new vocabulary that more accurately reflects the phenomena under way in the Global South generally (Denis 2015) and in Africa in particular. The substantial scientific literature seeking to name these spaces testifies to this (Meth et al. 2021): see, for example, “piecemeal urbanization” (Sawyer 2014), “new African suburbanisation” (Buire 2014), or “postcolonial suburbs” (Mercer 2017).

The changes in land use linked to this diffuse process of urbanization are unique in that they are occurring in a context of legal pluralism (see chapter 2) that both feeds and structures them. As the urban frontier advances and is expected to continue doing so, land norms are shifting away from land-based commons, which are more typical of rural spaces, toward somewhat formal configurations of private property. These changes do not always constitute a replacement or a clean break. A variety of forces are at work.

### **Driving Forces behind the Shifts in Land Use and Land Norms**

Chapter 2 discussed the relatively recent changes that are transforming the social and political systems of land-based commons to varying degrees across the continent. These changes are associated with increases in the individualization and commodification of land rights. There are several forces at play here: demographic pressures, worsening conditions for agricultural work (e.g., input costs, climate unpredictability), younger generations' aspirations, the progression of market forces (e.g., commodification of land rights, distress sales, economic renewal strategies, breaking up of inheritances, offers from external actors), and, in certain countries, decades of land reforms favoring private property and its individualization.

In the peripheries of rapidly growing urban areas, land-based commons are also confronted with land and housing needs<sup>2</sup> resulting from children moving out of the parental home, the social pressure to own rather than rent, rising living standards, and the emergence of a middle class in certain Sub-Saharan African countries. The World Bank estimates that 1 billion Sub-Saharan Africans, or 50 percent of households, will be middle class by 2060 (Lall, Henderson, and Venables 2017). These households invest mainly in their children's education and in housing (Darbon and Toulabor 2014). Large areas of land are also necessary for the infrastructure and productive spaces that are developing on the peripheries of these dynamic urban areas: industries, business platforms, logistics centers, and special economic zones require vast areas of land at a controlled cost (Berger and Cotula 2021; UNCTAD 2019).

The last force driving the conversion of land-based commons into property in expanding urban areas is the fact that land is increasingly acting as a financial asset. At the household level, land is especially important as a savings vehicle, given the lack of inclusion and trust in the banking sector and of stable sources of revenue. Land—and potentially real estate—are the quintessential components of an inheritance. The difference in value between rural and urban land also encourages hoarding and opportunistic resale. Finally, land property is often a must-have asset to mortgage in order to obtain a loan to build or to start a business (Steel, Van Noorloos, and Otsuki 2019).

At the global, macroeconomic level, public policy frameworks in Sub-Saharan Africa have favored the role of the market in the production and management of cities since the early 1990s. These institutional transformations have allowed the deployment of new forms of capital accumulation in metropolitan areas and have favored the financialization of urban production—that is, the transformation of real estate into financial assets (Aalbers, Rolnik, and Krijnen 2020; Aveline-Dubach et al. 2020). Land dynamics can now only be understood in close connection with real estate and financial markets. This is particularly true of Sub-Saharan Africa's emerging economies, where a host of new cities and luxury districts are emerging, such as Eko Atlantic in Lagos, the Lake district in

Kinshasa, the Bolé district in Addis Ababa, and Konza Technopolis in Nairobi. Private actors with a financial stake in these land dynamics encourage transactions and changes in land use, sometimes going so far as to exert financial or social pressure to encourage owners to sell their land. In various regulatory and institutional forms, they are present at various stages of the sale and development of land: surveying and demarcation, property assessment, the preparation of plans for subdivisions or of designs for developments, construction, and land and real estate development.

### **The Dismantling of Rural Commons: Three Processes**

The forces driving changes in the relationship to the land generate different processes. All of them, however, contribute to dismantling land-based commons. We identify three distinct processes (Bon et al., forthcoming).

The first is a result of development projects organized by public authorities that require a significant amount of land. This land is taken from rural commons, whose legal status is rarely secure. The development of new towns, economic activity zones, and housing developments is accompanied by different methods of dispossessing rural landowners. Local rights are rarely protected by national laws, land documentation is insufficient, and actors are not able to fully exercise their rights. Declarations of public interest and expropriation are used, with compensation often judged to be much lower than the losses generated. For example, in the Dakar region, the establishment of the new city (*pôle urbain*) of Diamniadio was authorized by decree in 2013 over a 1,664 hectare area. The easement for the new city came under a declaration of public interest and is situated on largely agricultural land (rangelands, rain-fed fields, market gardens, orchards, and chicken coops) used by those with usage rights. The land was expropriated on a case-by-case basis, and tensions arose over the amount of compensation. With respect to usage rights, the law provides for compensation only in the case of investments. In practice, however, compensation was awarded differently depending on the construction project and the project owner (the government or private developers), leading to inequalities that were hard to swallow (Lavigne Delville and Sow, forthcoming).

A second process is linked to real estate development operations and private land operations. It operates over relatively large areas, through the sale and purchase of estates by private actors. These estates are then divided into plots and parceled out. Title deeds to the plots are awarded, and construction eventually takes place. The rural landholders or local authorities can partner with these developers (Colin and Pottier, forthcoming). These commercial transfers of land are sometimes speculative, especially when they occur far from urban areas. Afterward, these estates may be fenced in while the process of awarding title deeds is under way, and they may remain uncultivated or become the site of seasonal farming and annual crop-growing (box 3.1).

**BOX 3.1****Commercial Land Transactions at the Edges of Urbanization in Kenya**

About 75 percent of Kenya's population resides on the 20 percent of the country's land that is considered fertile. The other 80 percent of the country's land is arid or semi-arid. The land is divided into three categories: public (12 percent), private (20 percent and growing), and communal (68 percent). The land on the outskirts of the capital, Nairobi, varies greatly in terms of use, natural environment, access to water, price, and distance from major public or private operations. The land to the north of Nairobi within a radius of about 30 kilometers is home to fertile volcanic soil that has been used since the colonial era for coffee plantations, floriculture, and market gardening. Hundreds of hectares of this land are irrigated. In 1963, individual title deeds began to be issued for freehold agricultural land that conferred the right to subdivide and sell the land. Starting in 2009, the construction of the Thika Road and bypasses greatly accelerated the pace at which land was being subdivided and parcels sold for nonagricultural use to local and foreign investors that could afford to contend with rising prices. During the first decade of the twenty-first century, the number of land transfers also began to increase 60 kilometers southeast of Nairobi, near the small town of Kitengela and the new expressways linking Tanzania and the port of Mombasa.

These transfers are occurring in rural areas on semi-arid land under what has been a communal system since Kenyan independence. In the late 1960s, the introduction of group ranches triggered the registration of individual rights. Families in this sector usually hold freehold titles that were issued when these groups of ranchers subdivided the land. Very few large estates are available for sale today. Although most Maasai families still own some land and a family home, they have sold off much of this land. The proceeds are reinvested in irrigation for agriculture, boreholes to sell water to new settlers, the construction of small apartments for rent in Kitengela, and their children's education. The buyers are socioeconomically diverse, depending on their access to financial capital, their reasons for buying, and their purchasing strategies. Certain common tendencies do stand out, however: the privatization of land through its division into parcels and small plots, the pooling of economic resources, waiting strategies, and land that is left uninhabited.

Businesspeople have thus created land-buying companies that buy an estate, obtain the title for it, subdivide the land into parcels (of 300 square meters on average), and sell these parcels off. The proceeds are then used to purchase other estates and to fund commercial projects in the city. These investors often sell to cooperatives (called *saccos* in Kenya) composed of groups of individual buyers, such as the employees of a company, civil servants, a group of friends, or members of the Kenyan diaspora. The group buys an estate or several lots of a development at below-market prices, then divides up the land among its members, each of whom is awarded a title deed. This process of pooling funds and then dividing the land among individuals is also engaged in by individuals who form interest groups that are not technically

*(continued next page)*

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**Box 3.1 (continued)**

cooperatives. In these rural areas around Kitengela, very few buyers invest in building their own home. For hectares, the landscape is dotted with bollards, posts, vegetation, barbed-wire fencing, and walls—testament to the use of land as a long-term investment, whether it be as a savings device, to increase one’s holdings of assets, as insurance against accidents or a downturn in business activity, as a means of accessing credit, or as a way to accumulate capital through resales.

These practices rely on the assumption that there are capital gains to be realized when services arrive and demand goes up in these areas at the edges of urbanization (Bertrand and Bon 2022).

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A third and far more diverse process concerns the large market for parcels of land evictions (Colin 2004, 2017). When a family decides to divide its land into parcels, the subdivision process is sometimes formally overseen by a surveyor or the local authority through a subdivision or consolidation procedure. The decision to convert and eventually sell the land can be either defensive (e.g., distress sales, emergency sales for a large project, sales of parcels that are too small to divide among heirs) or offensive (e.g., sales to reinvest in profitable activities) (Yung and Bosc 1999). Families who divide up their land themselves before selling it keep most of the profits from the sale. Rural landholders play an active role in this market, seeking to gain from it financially, without it being either official or their main source of income. The idea is to buy and resell estates or plots at the outskirts of urban areas as land prices go up. The importance of these micro-transactions on domains divided into micro-lots is of particular note: they are carried out by a range of actors with very different degrees of capital at their disposal (rural landholders, local developers, and middle-class households). This is thus a diverse and nonlinear process that takes place plot by plot between individuals or local economic actors (box 3.2).

These three processes are bringing about changes in the way land is managed, but not necessarily—at least not immediately—in the way it is used. Hence the appearance of landscapes dotted with small-scale farms, uncultivated land, and fenced-in plots, so many subtle signs of a shift toward subdivided estates and the privatization of land rights (Bon 2022).

### **Forms of Resistance**

We observe two forms of resistance to these changes. The first is sociopolitical: it occurs through social and partisan campaigns that combine several modes of action. For example, the evictions caused by the Diamniadio new city project in Senegal were met with intense resistance. As early as 2015, the 1,700 families who had been allocated plots of land in the Khoumbé and Khoumbé-extension communal allotments refused to give up their plots (which had been allocated



**BOX 3.2****Dismantling the Collective Management of Peri-Urban Land in Burkina Faso**

In Burkina Faso, the dismantling of land-based commons on the outskirts of large cities (e.g., Ouagadougou and Bobo-Dioulasso) has been driven by the public policies of the past four decades. Since the National Revolutionary Council (1983–87), inhabitants of informal settlements that are the subject of development operations have been given priority in the allocation of plots. Buying or trading plots on the outskirts of cities by settling there or by providing proof that one resides there has thus become a way to obtain land in new formal neighborhoods. This possibility increases supply as well as demand. Peri-urban land, formerly managed collectively under the aegis of a land chief, is being divided up among siblings and then sold to applicants from informal settlements. The strategy of these new landowners, who are, after all, expecting development to take place in the future, rests on the hope that there is profit to be made both by selling land to new inhabitants of informal settlements and by demanding compensation from public authorities when development does occur (Sory 2019; Traoré et al. 1986).

The shift from the collective management of land to its private appropriation was accelerated by the 2008 Loi numéro 57 portant promotion immobilière (Law 57 on real estate development) and 2009's Loi numéro 034 portant régime foncier rural (Law 034 on rural land tenure). The purpose of Law 034 was to safeguard collective property rights by dividing national land into state land, local government land, and private land. Given that Law 57 authorizes real estate developers to develop land, new landowners prefer to sell their vast estates only after obtaining a certificate of land possession. Land acquired through this channel is then developed and sold to the highest bidder, which contributes to land speculation and accelerates the dismantling of the collective management of peri-urban land.

by the state to a private company) or allow their houses to be demolished. They demanded an investigation by the State Inspectorate General. Starting in 2018, residents of Deny Malick Gueye attempted to have clear limits set on the new city's boundaries. In particular, they opposed plans for hotel developments, arguing that while they were not opposed to the development of infrastructure for the common good, they would not let their land be taken from them for the benefit of private interests (Lavigne Delville and Sow, forthcoming).

Resistance also occurs through resilient agricultural practices and hybrid economic strategies. By exploiting differences in the profitability of different areas of land and the constraints and opportunities of the agricultural sector, some farmers sell part of their land and modify their farming practices by changing what they produce or by intensifying production (box 3.3).

**BOX 3.3****Madagascar—Farmers’ Land Strategies to Maintain Agricultural Areas in Antananarivo**

The analysis of the spatial footprint of agriculture in Antananarivo conducted by Defrise et al. (2019) shows that agriculture does not only disappear; in some areas, it is being maintained or even expanded. In less densely populated urban areas, the urban system leads to an intensification of agricultural practices, and cultivated areas are growing at the expense of pastures. In downtown Antananarivo, the area of cultivated land is decreasing, but relatively slowly: undivided land ownership slows the sale of land and helps preserve its agricultural use. In the agricultural plains on the outskirts of the city, changes in the agricultural footprint are tied to infrastructure.

In short, land issues are at the heart of the large-scale territorial transformations that Sub-Saharan Africa is experiencing today. Although urban sprawl and the commodification and individualization of land rights respond to housing demand, they also aggravate sociospatial inequalities and call into question the sustainability of metropolitan areas. Access to land for housing must be conceived of in different ways than via the peri-urban market alone. The following section examines some concrete approaches and experiences in this area through the lens of the commons.

**Collective Arrangements for Access to Land and Housing in the City****Reopening Access to Urban Land for Housing**

The right to adequate housing is enshrined in the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights. It covers more than simply the material aspects of housing: it is the right “to live somewhere in security, peace and dignity” (OHCHR and UN-Habitat 2010, 3). It includes security of tenure; respect for the ability to pay; habitability; availability of services, materials, facilities, and infrastructure; accessibility; a suitable location and allowing access to employment opportunities and services; and respect for the expression of cultural identity. Housing is also explicitly addressed in Sustainable Development Goal number 11 on access for all to adequate, safe, affordable housing and basic services for all by 2030. Last, the New Urban Agenda, adopted at the Habitat III conference in 2016, develops a vision of “cities for all,” one of the goals of which is to fully realize the right to adequate housing, usually through relatively conventional public policies to support private home ownership.

However, decent urban housing remains out of reach for a significant percentage of city dwellers in Sub-Saharan Africa. The risk of eviction, the insecurity of the building or the land it is built on, and a lack of access to services and employment make urban housing conditions substandard. Many households do not have access to the housing offered by the government and the market in an individual, private property system. The price of land makes it impossible to generate decent, affordable housing for low-income families, whether to rent, own, or self-build. Furthermore, the rapid rise in the exchange and financial value of urban land has steadily increased the share of speculative acquisitions, particularly in areas with weak financial inclusion and high inflation (Aalbers, Rolnik, and Krijnen 2020).

Since the early 2000s, parts of academia and of the international community have recognized the necessity of the security of land tenure systems in all their diversity. In their reflections on adequate housing, both Sustainable Development Goal 11 and the Office of the High Commissioner for Human Rights recognize the continuum of rights and the need to recognize a diverse range of solutions to housing and land tenure, including cooperative solutions and different forms of collective tenure.

In the context of rehabilitating at-risk neighborhoods and developing new housing complexes, the commons approach paves the way for thinking about modes of land ownership and access that preserve social diversity in cities.

### **Urban Land-Based Commons for Housing**

Using the commons approach to think about access to land for low-income housing in dense urban areas, where land is commercially and financially valuable, involves making a shift in one's value system. In this case, priority is given to the land's social function, and sharing land as a resource is more important than owning it privately. The challenge lies in developing mechanisms that make it possible to resist exclusion by the market and land speculation marked by the bullish and exclusive influence of excess transnational liquidity (Simonneau and Denis 2021).

Beginning from the principle that land should serve a social function, there are various mechanisms in countries of the Global South for producing low-income housing in ways that preserve long-term access to land and housing. They are based on (a) owning land or part of the housing production process in common, (b) eliminating land value and controlling the ways housing can be resold and land value increases are distributed, and (c) governing the construction project or the management of the residential complex at a community level.

The purpose of these mechanisms is as follows:

- To establish collective use of the land or housing in order to allow the social function of the property to occur immediately. If the collective dimension of land ownership is not designed to last or can be undone, then legal land arrangements may be transitory.

- To decouple the ownership of land from the ownership of housing over the long term in a way that is not speculative. The purpose of the mechanisms' nonspeculative dimension is to guarantee the primacy of the social utility of land ownership through a low land price over the long term, even as users and owners come and go, as well as through the strict supervision of resales.

Collective and cooperative production may seem obvious in theory, but a wide range of situations exist, depending on which elements are held in common (e.g., financing, land rights, housing, open spaces and facilities, the management of the residence) (Simonneau, Denis, and Sory 2019). Situations differ in terms of how land and financing are accessed, how housing is built, how collective spaces and facilities are developed and maintained, how property transfers and realized capital gains are controlled, and how members help one another financially and more generally.

In this chapter, we focus on two forms that are being rolled out in Sub-Saharan Africa and target different social groups: West African building cooperatives (boxes 3.4 and 3.5) and the Community Land Trust (CLT) scheme that has been tested in Kenya (box 3.6). We analyze what these two approaches have to offer for land and housing access, as well as their limitations and prospects.

### *Housing cooperatives*

Housing cooperatives are used to develop housing in several Sub-Saharan African countries<sup>3</sup> (Ganapati 2014). The quantity of housing developed this way remains relatively small and is aimed more at salaried workers than at the most at-risk populations. Nevertheless, given the longevity and potential of these schemes, they deserve attention.

Most of these cooperatives are “construction cooperatives” (Simonneau, Denis, and Sory 2019). The collective dimension often concerns only access to the land, the pooling of financial resources, and the negotiation for the joint purchase of an estate and construction of a residential complex. Once construction is complete, each household in the cooperative can access full ownership of its plot and dwelling.

As a point of reference, Uruguayan cooperatives, which are cited around the world as an example of the social production of housing (de Souza, Valitutto, and Simonneau 2021), collectivize every stage of the development of housing and housing districts. Ownership of land and housing remains cooperative (i.e., inhabitants have usage rights only), and community life is insisted upon, particularly when it comes to maintaining collective spaces. In comparison, then, the communal dimension of West African cooperatives appears far more limited in ambition and duration.

**BOX 3.4****Housing Cooperatives in Burkina Faso**

Because of natural growth, rural exodus, and more recently internal displacement resulting from Burkina Faso's security crisis, the urban region of Ouagadougou is growing at a rate of 100,000 to 110,000 people per year (Delaunay and Boyer 2017; Sory 2019). The informal land market, maintained by government subdivision practices, is generating significant urban sprawl, thereby creating a peripheral area where numerous plots are undeveloped or awaiting regularization (Guigma, Boudoux d'Hautefeuille, and Pierre-Louis 2015). Public policy since the early 2000s has been directed at deregulating the housing sector, reviving state-supervised housing construction with a focus on public-private partnerships, and a highly publicized, although rather ineffective, fight against speculative land practices on the outskirts of cities (Guigma 2017; Sory, Lingani, and Korbeogo 2015). A good example of this is the Programme national de construction de logements (PNCL) (National Housing Construction Program), launched in 2017.

The formation of housing cooperatives was first made possible in 2008 by the Loi sur la promotion immobilière (Real Estate Development Act). The PNCL, which provides for the construction of 40,000 housing units, sets a production target of 5,000 units to be built through cooperatives. Housing cooperatives are aimed at low-income households, with a view to developing formal access to land and property ownership through specially adapted bank loans. In fact, however, it is most often salaried workers who take advantage of this program.

The housing production and development activities of cooperatives are regulated by the state, similar to those of developers. Cooperatives must apply for approval from the urban planning authority. They are eligible to receive plots of land made available by the state (or acquire them on the market), and they can develop plots of land or build housing according to social housing standards (subject to a price ceiling) for direct sale or rent-to-own programs for their members.

Six cooperatives have been created since 2008. The homes are available for ownership under social housing conditions: they are sold at a ceiling price of 7.5 million CFA francs,<sup>a</sup> either directly or through rent-to-own agreements. In the latter case, households must obtain a bank loan on their own. The government cedes the land back to the cooperative via a "mother" title deed (which is not always issued). Households keep a housing allocation certificate attesting to their right to use the land and housing. Once a household has repaid its loan, it can apply for an urban housing permit and then for a land title. The plot of land is then normalized and can be sold at market price. The primary motivation of cooperative members seems to lie in the ease of access to land and property relative to traditional public housing programs. The cooperative can cease to serve any salient functions after the keys are handed over.

a. The minimum monthly salary is 33,000 CFA francs.

**BOX 3.5****Housing Cooperatives in Senegal**

A total of 3.9 million Senegalese, or half of the country's urban population, live in the Dakar region. Access to formal housing is limited by price and the fact that households who make a living through the informal economy cannot access credit (CAHF 2019). Demographic pressures, combined with soaring land prices, are generating significant urban sprawl, which the 2016 Plan de développement urbain (Urban Development Plan) attempts to manage through the creation of urban centers.

The first Senegalese housing cooperatives were founded in Dakar in the 1950s (Fall 2007; Osmont 1973). They have been legally regulated since 1983 by Loi numéro 1983/07 portant statut général des coopératives (Law 1983/07 on the general statutes of cooperatives). They are also part of the 2016 provisions to support the construction of social housing, in Law 2016-31.

These organizations are approved by the government and receive technical support and financial benefits. In 1989, the Bureau d'assistance aux collectivités pour l'habitat social (Public Housing Assistance Bureau), an administrative assistance program for social housing collectives, was set up within the urban planning ministry to facilitate the administrative and financial processes of urban land acquisition and to supervise housing construction (Sané 2013). Cooperatives benefit from reduced taxation (exemption from income tax and reduced registration rates) and preferential rates for the repayment of individual and group housing loans from the Banque de l'Habitat du Sénégal (BHS) (Housing Bank of Senegal). Since 2020, the Fonds pour l'habitat social (Social Housing Fund) has been serving as a guarantor for applicants seeking to get a loan to obtain social housing. Public housing production programs provide land and road facilities. However, cooperatives can also acquire land on the conventional market.

Cooperatives are organizations that engage in land acquisition, housing development, and mutual guarantee programs (Diop 2012). They are often organized by profession, and certain companies or government agencies act as guarantors for their employees, for whom they can get loans by financing all or part of the contributions required to join the cooperative. The land is generally acquired in the name of the cooperative, through a collective lease. The project's financing comes from members' individual savings, which are collected by the cooperative, and from loans taken out with BHS. These loans can be collective, in the name of the cooperative ("developer loan"), or individual, in the name of the members of the cooperative ("buyer loan"). Construction is carried out either by private companies contracted by the cooperative or by the members themselves.

In the early 2010s, there were more than 700 housing cooperatives totaling some 300,000 members. In 2009, 74,400 homes were built with the support of housing cooperatives. In Dakar, 3.7 percent of households resided in cooperatives in 2013, with 94.5 percent of these construction cooperatives made up of salaried workers from large public or private employers. However, the legal framework does not exclude informal workers (Cissé 2013; Sané 2013).

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### Box 3.5 (continued)

Like other segments of formal housing production in Senegal, cooperative housing production remains constrained by the high cost of imported construction materials and by access to land. In addition, corruption and power games can undermine a project's collective dimension. Finally, projects can also fail because of developers' abusive practices toward the managers of these cooperative real estate projects, some of whom are volunteers. Nevertheless, the housing cooperative system seems to offer not only a sufficiently flexible framework to allow the development of innovative collective projects but also enough incentives to encourage residents to take advantage of it. This is what the Cité Fédération sénégalaise des habitants (FSH) (Senegalese Federation of Inhabitants) project demonstrates (box 3.7).

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#### *The Community Land Trust*

The CLT is an arrangement for distributing rights to land use, land ownership, and real estate that is organized around four principles (Davis 2010):

- Ownership of land and ownership of real estate are separate. The land is owned by a third-party organization, the trust, while the housing is owned by residents.
- Residents have land use rights.
- In the case of a sale, anti-speculation provisions give the trust preemptive rights. They also allocate to the trust a portion of any capital gains that result from a sale. These provisions make it possible to keep this housing affordable in the long run.
- The housing project is organized in a collective way, one that involves residents as well as representatives from government and civil society in the CLT's management structures.

Developed in the United States in the 1960s, the CLT and its principles have been adapted to a variety of places (including Australia, Belgium, Canada, France, and the United Kingdom) (box 3.6) and functions (e.g., agriculture, housing, and economic activities) (Davis, Algoed, and Hernández-Torrales 2020; Simonneau 2018).

#### **Alternatives to the Individualization and Commodification of Land?**

Altogether, these experiments comprise a relatively small number of dwellings and households in Sub-Saharan Africa. Still, they provide a useful window into a commons-based approach to meeting housing needs in urban areas where

**BOX 3.6****The Voi Community Land Trust in Kenya**

The secondary city of Voi, in Kenya, is home to the only Community Land Trust (CLT) on the African continent to date.<sup>a</sup> It was set up in the 1990s, as part of a development project to improve living conditions in the precarious neighborhood of Tanzania-Bondeni, and was financed with the help of the German cooperation agency. Tanzania-Bondeni was occupying public land on the outskirts of the city center without authorization. It was home to some 3,000 people in precarious living conditions (i.e., substandard housing, lack of basic services, and land insecurity). The purpose of the project was to improve these conditions, with an emphasis on long-term land security.

It was with these goals in mind that the neighborhood's residents chose a CLT from among other land-regularization options, such as leasehold titles or individual titles coupled with housing cooperatives (Bassett 2001). Formally implementing the CLT required making several legal adjustments. The two owners of the land occupied by the residents, Voi Sisal Estates and Kenya Railways, ceded the land as a contribution to the project. Two institutions were created: a neighborhood organization, the Tanzania-Bondeni Settlement Society, which would represent the residents (tenants as well as presumed owners), and a trust that would hold the primary leasehold. These institutions correspond to two levels of governance: a committee of residents elected to handle day-to-day affairs and a board of trustees that manages land affairs. Finally, a general assembly meets annually and elects the representatives of these governance bodies. Soon after, several interconnected collective structures were created, including tontines and neighborhood organizations.

A quarter-century after the end of the project, the main long-term lease, the centerpiece of the land package, has still not been issued. Only a letter of allotment has been issued. As a result, residents do not benefit from subleases but only from beacon certificates, which indicate the boundaries of the plots. The CLT's once-vigorous community life has faded: representatives have been reluctant to organize the annual general assembly, and certain internal rules, such as the prohibition on selling plots or renting out houses, have not been adhered to. Nevertheless, certain material benefits of the system have been retained: the architectural quality of the houses has generally improved, plans have been respected, and urban services have been put in place.

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a. CLTs have been proposed in South Africa (Klug and Klug 2019), and discussions are currently under way in Senegal with respect to the Fédération sénégalaise des habitants (FSH) (Senegalese Federation of Inhabitants) Housing Estates (CAHF, urbaMonde, and UrbaSEN 2020), but as far as we know, nothing concrete has been developed to date.

land pressures and the dynamics of individualization and commodification are most intense. They broaden the range of housing supply options, which is often limited to either difficult-to-access formal housing or precarious neighborhoods (although the latter category is in fact extremely diverse) (Deboulet 2016). They put the spotlight on actors other than just public construction agencies and



private real estate developers, such as builders who are also inhabitants, their collectives, and the nongovernmental organizations (NGOs) that support them. The existence—sometimes long-standing—of these local arrangements, such as housing cooperatives, constitutes a legal framework and a useful experience for broadening the range of housing offers by pooling access to land, construction, financing, or local life.

From the perspective of land-based commons for housing, two observations should be noted. The first observation is that these collective arrangements may not be sustainable in situations where residents may be highly mobile and where real estate and financial markets are especially active (Midheme 2015, 2018; Simonneau, Bassett, and Midheme 2020):

- Existing arrangements tend not to account much for the mobility of members and are poorly equipped to deal with generational turnover in ownership (particularly upon the death of the first owners). Although, in theory, they allow for a share of rental housing to be developed, they remain largely proprietary models.
- The collectives involved in these arrangements have been fairly resistant to real estate and financial market pressures for two reasons. The first is structural: in the case of housing cooperatives in Burkina Faso and Senegal, people form cooperatives to bypass constraints on land, in order to gain full ownership of the land and property. Once this goal has been attained, the collectives fall apart (Simonneau and Denis 2021). The second reason is contextual: the Kenyan experience with CLTs is now subject to mounting land pressures, resulting in unwarranted land grabs, the use of plots for profit, and an active land market.

The second observation is that it is rarely the most precarious segments of the population that take part in these arrangements. Rather, it tends to be households with stable incomes, who can get access to mortgage credit (sometimes with the help of collective guarantees) and can afford to have their savings frozen while a project is under way, sometimes for years at a time. Housing cooperatives, for example, are essentially the preserve of formal-sector workers: just 5.5 percent of Senegalese housing cooperative members are involved in informal sector work (Fall 2007).

Nevertheless, it seems possible to strengthen the role of collective production while also including the most precarious populations, provided that actors on the ground take full ownership of the approach and that the government agrees to support it. NGOs that support housing cooperatives often have an important role to play in structuring inhabitants' demands, as well as engaging in advocacy, for example, to ensure that a cooperative's socioeconomic profile (low and irregular income, in particular) is taken into account in public housing policies.

These are the conditions that must be met in order for these arrangements to become real, long-term alternatives to the individualization and commodification of urban land in Sub-Saharan Africa. The joint project of the Fédération sénégalaise des habitants (FSH) (Senegalese Federation of Inhabitants), which brings together savings groups from low-income neighborhoods and the NGOs UrbaSEN and urbaMonde, is notable in this respect (box 3.7).

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### BOX 3.7

## **The Cité FSH Project—A Cooperative, Nonspeculative, Low-Income Housing Project on the Outskirts of Dakar**

The Fédération sénégalaise des habitants (FSH) (Senegalese Federation of Inhabitants) is a federation of residents' groups from precarious neighborhoods in Senegal. Founded in 2014 in Pikine, the FSH is sponsoring a housing development project (Cité FSH) for its members, which now number over 12,000.

With the support of the nongovernmental organizations UrbaSEN and urbaMonde, as well as the Centre for Affordable Housing Finance, the FSH is building 150 dwelling units, along with community facilities, such as a clinic, a school, and places of worship, on land in the Dakar region that was acquired in 2021.

The FSH founded a cooperative in 2020. It will handle real estate development, hold the land (through a land title in the name of the FSH cooperative) with a view to preventing speculation, receive members' savings, and ensure the distribution of housing to households. By establishing itself as a cooperative, the FSH can benefit from banking services and guarantees; moreover, the government will be responsible for preparing the land for construction.

The project proposes innovative, concrete solutions to the Senegalese situation on several points. The housing estates will be part of an eco-neighborhood that uses sustainable materials and sources and will be greened throughout. Local artisans will be given preference and trained. Designing and managing the project is a participatory exercise; planning involves future residents, most of whom are women (Brant de Carvalho et al. 2020). Financing comes from a mix of socially responsible sources from the solidarity economy.

The project's collective dimension is an important feature. The Cité FSH project is founded on collective land ownership and the separation of land ownership from housing ownership. Bank loans are obtained collectively, in the name of the cooperative, with a guarantee provided by the Fonds pour l'habitat social (Social Housing Fund). In this sense, the project is similar to the Community Land Trust system.

The project is intended to set an example and promote methods of social housing production in Senegal that are accessible to precarious households. The goal is to use this pilot project to push Senegal's government to broaden the range of households targeted by social housing programs (urbaMonde 2021).

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## Possibilities for Public Action

### Regulating Land Practices and Offering Space to Future Cities

Both the shifts in land use that result from urbanization and the dismantling of rural commons are going to continue unabated. The strategies of land acquisition and accumulation and of subdividing properties cover a vast spectrum of practices. They involve a wide range of actors that are responding to a variety of incentives and that possess varying degrees of power and different economic resources when it comes to exploiting land resources.

Support from public authorities is necessary. In terms of access to land, facilities, and services, these processes generate inequalities not only between rural landowners and newcomers (certain rights holders are less able to make their voices heard) but also among newcomers themselves, such as between the urban working class and wealthier classes. These land practices are responses to real socioeconomic situations that vary across populations. Households may be seeking to establish an inheritance (storing savings), they may be responding to inflation (a kind of social security), or they may simply need a place to live. Yet public policies rarely address the socioeconomic conditions that enable or stimulate this land market—that is, economic inequalities between households and an often overly indebted agricultural sector (Merlet, Sauzion, and El Ouaamari 2017).

The future of agricultural production and food security is also at stake. Though large farms are better protected, certain transfers of rights result in fertile land being sterilized or left to lie fallow. In some areas, farmers are resisting by adapting to urban demands or by promoting adjustments to what food is produced and how—by engaging in practices that maintain soil fertility, for example, or by selling produce to urban markets.

The environmental impacts of urbanization are also crucial when it comes to maintaining soil fertility and groundwater recharge capacity; renewing resources such as wood, stones, and water; and preserving wetlands and biodiversity reserves.

There is a balance to be struck between regulating land conversion practices in ways that promote the sustainability of these regions, on the one hand, and making it possible for people to use land for housing, savings, or sometimes as an economic asset to pursue their life plans and provide for their children's futures, on the other hand.

From this perspective, the approach of land-based commons for housing, aimed at the rational management of land assets for housing purposes, is one possible way of devising innovative systems.

### Collective Measures to Meet Housing Needs

Thus, in very concrete terms, the collective housing initiatives described in the previous section are original approaches with the potential to broaden the range

of methods for accessing adequate housing. Three dimensions can be identified that are consistent with the commons-based entrepreneurship approach (see chapter 1), although their real-world implementation indicates that their range is limited in terms of time and space.

First, to varying degrees and in a variety of ways, collective and cooperative production is conceived of as an alternative to individual private land ownership. It comes with different arrangements and tools (e.g., collective leases, “mother” land titles, tools for breaking up the bundle of rights, fractioning of ownership) that recenter the long-term uses of the land. Although customary land tenure norms (i.e., rural commons) are sometimes evoked by project stakeholders (Simonneau 2018), the proposed tools are more akin to what is known as modern law, and inhabitants tend to be concerned mainly with securing an individual or family home. Yet the fact remains that some members of certain neighborhoods or professional or ethnic communities display a strong sense of belonging. Note that in some countries, legal recognition of customary or collective ownership can apply in urban areas, such as in Kenya, Namibia, and Tanzania (Alden Wily 2018). Certain examples outside of Africa are inspiring in this regard, such as in Brazil, where *quilombo* properties are recognized by special land statutes (Soares-Gonçalves 2021).

Second, collective and cooperative production can include provisions that limit speculation. The purpose of such provisions is to ensure that land and housing are used to meet housing needs and not for lucrative ends in the real estate market. In certain cases, they may also serve to keep down the cost of land to households. The implementation of this principle remains uneven, and it reveals the boundaries between a housing approach based on commons and one that exploits the collective principle for the purpose of private asset accumulation. This issue is directly connected to whether collectives are temporary: ultimately, collective and cooperative production will be limited if it is simply a gateway to private property. The local economic environment also encourages this individual private appropriation if it fails to offer more in the way of economic security and insertion than simply mortgages and the capture of land and real estate rent.

Third, the texts governing cooperative arrangements often commit to participatory governance. However, long-term progress in this regard remains limited. Cooperatives that are formed for the purpose of saving in common and building and securing housing in the medium term are not always maintained over the long haul. That said, this does not prevent neighborhood life from being vibrant or other cooperatives forming for other purposes, such as saving or defending access to services.

Collective housing arrangements thus constitute commons under certain conditions. They are directly engaged with the market for urban land and reveal clear limits to what they are capable of achieving. There is no simple answer to

the problem of how to reconcile the principle of “commoning” (see chapter 1) with city dwellers’ individual aspirations, particularly when these include accumulating an inheritance or even retaining the right to increase the value of one’s housing capital. In this regard, limiting nonspeculative commons arrangements to precarious populations who desperately need a roof over their heads would appear to only worsen inequalities. Above all, we should recall that urban land grabbing (Steel, Van Noorloos, and Otsuki 2019) also has its roots in the failure to adequately share the costs of education, health, and social security as broadly understood.

### **Conditions for Scaling and Long-Term Consolidation**

Our analysis of the most innovative real-world experiments, particularly the nonspeculative ones, leads us to underscore the fact that few of them have surpassed experimental scale and that they struggle to sustain themselves over generations of residents. The Voi CLT in Kenya, though widely publicized in specialized international forums<sup>4</sup> in the first years of the twenty-first century, has never been replicated elsewhere in Kenya. The Voi CLT itself was a success for the first generation of rehoused residents, but its community governance structures have been weakened and land ownership has been dispersed because it lacks a framework to guarantee subsidized and nonspeculative access across generations. Housing cooperatives, meanwhile, constitute a discrete housing production sector in West Africa. Still in their infancy in Burkina Faso, they are more firmly established in Senegal. Because their process is arduous, they have a high rate of failure, and cooperatives often disperse once the keys are handed over. As far as we know, there has been no systematic analysis of the renewal of generations of inhabitants in these housing projects. Such analysis could provide information about the future of these cooperatives and their capacity to ensure urban housing access beyond the first generation of first-time buyers. The gray and scientific literatures list numerous collective and cooperative initiatives that are innovative in one or another aspect (such as financing, land statutes, or governance) of popular housing development or regularization in Africa<sup>5</sup> and the countries of the Global South<sup>6</sup> (urbaMonde and Royez 2015). Yet there are few in-depth empirical studies of these same initiatives over time. Only this type of analysis, however, would make it possible to evaluate how robust these cooperatives are, and, especially, the application of their land rules remain over time.

Through our careful observations, however, we can identify certain principles that favor initial success, the ability to scale, and the inclusive sustainability of land-based commons for low-income housing.

#### ***Local support for the model and its adoption by resident groups***

As the experience of the CLT in Kenya demonstrates, support from international organizations, or even national support for the implementation of a model that

has proven successful elsewhere, is not a sufficient condition to guarantee its success locally and certainly not to ensure that it grows beyond an initial trial phase. The pooling of land must be adapted to local conditions and therefore must be linked to preexisting ways of “commoning,” whether they be activist or traditional. The desire to do and live in common must be met with the support of a cooperative that is sufficiently tightly knit to uphold these values in the long run. This is why starting from a preexisting set of shared values is so critical. The traditions of cooperatives and unions, or working-class savings and financing collectives, are indispensable foundations upon which to build local cooperative movements. And it is just as critical that the collective management framework for ensuring (a) the maintenance of the co-owned property, (b) the control of transactions and the sharing of capital gains, (c) handover or rental agreements, and, ultimately, (d) mutual aid among residents be clearly formalized and backed by a group of regularly elected representatives.

***Strong support from public authorities***

It is also a necessary, though not sufficient, condition that a favorable legislative framework emerge at the national level and that it can be put to use by residents’ groups and the associations that support them, particularly when it comes to setting up a legal structure that protects these groups. Creating cooperative statutes or legal forms that make it possible to divorce land ownership from housing ownership is therefore a key step.

Local authorities also have a crucial role to play in making land available in the city center (as is the case in Uruguay, with the principle of the land portfolio) and in the collective regularization of land, in the case of the in situ rehabilitation of precarious neighborhoods (de Souza, Valitutto, and Simonneau 2021).

***A regulatory framework for making urban commons for housing viable***

Promising projects that were undertaken enthusiastically by residents and the associations and institutions that support them, such as the Voi CLT in Kenya, are at risk of being gradually dismantled for want of a regulatory framework.

Over time, common goods are eroded by the poorly regulated sale of individual possessions. This is why anti-speculative provisions and keeping land ownership distinct from building ownership are critical to regulating sales and inheritances in order to preserve the inclusive dimension of these commons. Procedures for sharing and limiting capital gains in the event of sale are also essential for ensuring that the social function of housing commons is maintained and that money for operations or renovations goes to the cooperative, all while ensuring that profits are shared between the cooperative and the resident selling the property.

***Networking and the sharing of experiences and methods***

Mutual support between residents’ groups, sometimes organized by intermediaries, makes it easier to keep these experiments alive, circulate information

about them, and advocate for them locally. The success of the Uruguayan cooperative experience and its knock-on effects in South America are due in large part to the Federación Uruguaya de Cooperativas de Vivienda por Ayuda Mutua (Uruguayan Federation of Mutual Aid Cooperatives), which has organized and directed peer-to-peer exchanges of experiences, first in Uruguay, then at the Latin American level, and now at the global level. That said, the way civil society organizations in Sub-Saharan Africa are structured is a major point of differentiation here.

International NGOs that are active in the housing sector (particularly those in the CoHabitat Network) have succeeded in bringing the issues of commons and the right to the city into the international debate, as well as in publicizing and promulgating pilot projects in several regions of Africa and the countries of the Global South. However, they are not a substitute for the adoption and adaptation of these projects by local stakeholders—first and foremost by the inhabitants themselves but also by economic actors in the construction sector and the public authorities.

## Conclusion

This chapter has sought to explore current land dynamics in Sub-Saharan Africa and to discuss the future of land-based commons in the context of massive, rapid, and diffuse urbanization. The pressure on land to meet housing needs and the use of land as a basis for insurance and savings are both extremely significant.

On the one hand, this chapter demonstrates that access to rural land-based commons, which have roots in traditional land management, is being closed off. In the wake of societal changes and upheavals in local economies and in the conditions of agricultural production, lands that had traditionally been held in common are being divided up. Rights are being progressively individualized and sometimes transferred outside of local communities. These poorly regulated processes are generating inequalities between rural and urban dwellers and between land buyers with different financial means.

On the other hand, the chapter examines the possibilities for land access that are opening up in cities as a result of the establishment of new commons. The commons approach makes it possible to reconsider several aspects of urban housing development and to imagine, in particular, a mode of collective governance that privileges the needs of inhabitants and land that is made to serve a long-term social function and that is resistant to market pressures. The tools required to make this vision a reality do exist: nonspeculative provisions such as resale formulas, collective land statutes that protect inhabitants from exclusion by the market, and solidarity financing mechanisms. Although they may not meet the high demand for housing in these cities,

they make it possible to expand the range of options for accessing land and producing housing.

We base our discussion on several real-life uses of some of these tools: housing cooperatives in Burkina Faso and Senegal and the Voi CLT in Kenya. Empirical case studies allow us to show the potential and limits of these arrangements in terms of how inclusive they are of those at the lowest end of the socio-economic spectrum, how well they are able to scale up, and to what degree they maintain the values of “commoning” beyond the first group of inhabitants. Most West African cooperatives are now temporary arrangements enabling people with stable incomes to access private property, while vulnerable populations are likely to struggle to carry out such ambitious, long-term land and real estate projects. The CLT was a rather valuable experiment when it began, but it has begun to weaken. This points to how important it is to consider procedures for allowing households to leave cooperative and collective arrangements in a timely manner, as well as procedures for modifying rules at the level of the housing project.

Since they help broaden the spectrum of housing supply and diversify financing mechanisms and modes of governance in the housing sector, cooperative and collective arrangements have the potential to help achieve Sustainable Development Goal number 11. But promising though it may be, it is simply potential: the results of these experiments, which may be highly localized (as in the case of the Voi CLT) or aimed at households that are not the most precarious (such as the housing cooperative), are still quite limited. That said, the existing cooperative movement in Africa could be supported financially, legally, technically, and in terms of governance so that it could be opened up, within the framework of public housing policies (Marot et al. 2022), to the working classes in a more radical and protected way. What access do households have to solidarity financing if they cannot access bank loans for want of a steady income? What place has been accorded to precarious households in recent public programs for social and affordable housing in Africa? How can better technical support be provided to the management bodies of cooperatives?

The CLT system also feeds into ideas about helping inhabitants stay in coveted neighborhoods or even come settle there. It also contributes to the important debate that has been running for 40 years now about the regularization of precarious neighborhoods, and it should be thoroughly examined alongside the long list of mechanisms for securing the rights of those who live in precarious neighborhoods in Sub-Saharan Africa (Gulyani and Bassett 2007) and the countries of the Global South. The collective dimension of regularizations and restrictions on the resale of land has been tested on these occasions, and these experiences deserve a second look.

In this respect, we believe that more attention should be paid to the work of international NGOs in organizing exchanges of experience between countries



of the Global South and capitalizing on collective and cooperative production in the service of precarious inhabitants (Davis, Algoed, and Hernández-Torrales 2020; Gonzalez 2013; Williamson 2019). However, this work must be complemented by in-depth, long-term empirical studies in order to assess how robust commons remain over time.

Finally, we believe that it is essential to better produce and disseminate both the knowledge of inhabitants and diachronic scientific analyses according to the principles of learning communities and open-source urbanism rooted in the knowledge commons, so that local communities can adopt and adapt these systems.

## Notes

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2. In 2018, Bah, Faye, and Geh estimated that Africa had a deficit of 50 million housing units (Bah, Faye, and Geh 2018).
3. Especially in Burkina Faso, Cameroon, Ghana, Kenya, Mali, and Senegal.
4. Included in Kenya’s best practices at the 1996 Habitat II conference; finalist for the 2006 World Habitat Award.
5. For example, Amui Dzor Housing cooperative in Accra, Ghana (Gillespie 2018), or the Coophylos cooperative in Cameroon.
6. See the CoHabitat Network online census: <https://www.co-habitat.net/en/tools/cohabitat-io>.

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