

## **Negotiating statehood at the margins of the city: Land struggles, private zoning and contested State authority in Niamey**

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### **Introduction**

I would like to present some aspects of the current land governance practices at the periphery of the fast growing Sahelian capital Niamey, as a way of linking ongoing struggles around land with statehood negotiations that includes state and non-state actors in a broader sense. I focus on a relatively new phenomenon, the private zoning of periurban areas, which has reached an extent where state authority over the landed materiality of the capital is challenged in its basic function of authority over territory.

To start, I would like to clarify from my use of the term zoning, which in French is *lotissement*. We could possibly also use plotting as a translation, but I decided to line up with other authors on “zoning”. Zoning consists of a procedure of dividing rural land entities, normally agricultural fields, into smaller plots of usually between 200- 600m<sup>2</sup>, for the purpose of being sold for construction purposes. This bureaucratic procedure is seen by some authors as the very definition of transforming rural land in to urban land (Belko Maiga 1985, in Körling 2013: 32). Zoning stands thus in close connexion with urbanisation processes and normally takes place in periurban areas or areas that are expected to be urbanised in the near future.

### **Method**

This paper presents empirical results from recent field research conducted in the fast growing Nigeren capital Niamey. These results draw on fourteen months of ethnographic field research between 2011 and 2014, while most of the observational and interview material was gathered in 2012 and 2013. The study focuses on land and authority issues in the peripheral urban zones in general and those of the *Green Belt of Niamey* in particular. This paper however, will essentially deal with these issues beyond the green belt. It aims to link struggles over periurban land with negotiation about local state authority and local statehood.

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## **Liberalisation of land market and its invasion by private zoning entrepreneurs**

Access to urban land and living in postcolonial Niger has been a politicised issue which has its rooting in the colonial distinction between *citizen* and *subject* (Mamdani 1996). By actively granting access to a restricted part of society and denying it to the many others, Niamey's expansion was kept under control throughout the colonial period. After independence, the authorities continued a similar policy of urban planning with a restricted number of residence permits issued to newcomers. A chronic lack of housing for the non-salaried population was the consequence as the capital of Niger stayed in the early postcolonial years a place basically reserved to the country's local elite.<sup>2</sup> With the devastating droughts and food crisis in the mid-1970 and 80s this picture started to change irreversibly. The influx of the impoverished rural population toward the capital in search of relief forced the authorities to provide housing to temporarily settle these populations who eventually became permanent city dwellers. Even though the first systematic public zoning projects (*lotissement*) had started already in the 1950s, it is with these new migrant challenges that larger urban zones were plotted and the city started growing considerably in spatial dimensions. It is in this period also that the value of urban land became significant and where land market and speculation came into being (Njoh 2006).<sup>3</sup> During the postcolonial period until the early years 2000, the public central authority of Niamey kept the monopoly on transforming juxtaposing rural zones into urban land through the procedure of zoning (Körling 2011). The operationalisation of these zoning procedures and basic service infrastructure was done by public societies (*Société d'urbanisme et de l'immobilier*) who were mandated by the state authority.

The main reason for the rapid urban expansion however, lies in a rather structural strategy of the state. After the economic boom years of the 1970s when uranium prices on the world market were at its highest, a severe depression followed in the 80s. The public authority was no longer able to pay its civil servants and established an informal policy of "*parcelle-contre-arriéré-de-salaire*", a practice that consisted of replacing delayed salary payments with land plots (Issaka 2010). Initially emerging out of an emergency situation of an insolvent state, this policy became a *pratique courante* in the 1990s. It caused a hyper-production of urban land

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<sup>2</sup> Some, but rather few informal neighbourhoods were constructed in the urban periphery by inhabitants themselves, in search for urban housing (ex. Talladje, east of the city centre) and were formalized decades later.

<sup>3</sup> A plot of about 600m<sup>2</sup>, initially sold between 6'000-30'000 FCFA, multiplied its value in the coming decades to about 600'000 FCFA by 1990 (Motcho 2010). Today a plot in the city centre is worth several dozen millions of FCFA (ex 45 million?), while plots in new zonings in the periphery reach between 7- 10 million FCFA. These are usually maximum 400m<sup>2</sup>.

plots, well beyond the real demand for construction land from the side of civil servants. Rural land was transformed into urban plots and with it into a commercialized good that poured into the land market, was accumulated, left unproductive for several years, and was eventually sold with a much higher value. Aside from plotting for this very purpose, the zoning projects at the urban periphery increasingly became a source of income for Niamey's central city council. The number of produced plots increased exponentially between 1990 and 2000 with the same number of plots ten years as in the four decades before (Issaka 2007).

As a result of the decentralisation process from the mid-2000s onwards, five decentralised urban municipalities became the new authorities in terms of zoning and land markets in Niamey. At the same time the zoning became privatised which means that land owners themselves were able to plot their land and sell plots. In the first years of decentralised land governance, public and private zoning existed in parallel. The plotting of periurban land constituted a privileged source of income for the new municipalities that were tasked with numerous responsibilities, but with few financial means to realize them. The many zoning projects realised by these local authorities served first and foremost as income generators for municipalities and testify to a lack of urban planning consideration and coordination with the neighbouring urban municipalities. Essentially all free spaces available in the city and its margins were plotted and literally logged out.

In 2011, decentralisation of larger urban places, including Niamey, was reversed. The explanation was that the municipal authorities lacked competence and experience in acting as decentralised entities and that the urban development needed more coherent action. The even more pressing reason for this recentralisation was, however, strongly based on considerations about controlling the urban land market and thus struggles over authority in terms of access to land and control over space.<sup>4</sup>

In parallel to these institutional rearrangements, private zoning became more important for urban land production in Niamey, as elsewhere in middle sized cities in Niger. It has an important advantage to public zoning. It is not bound to regulated prices, as the municipality is, but rather the liberalized market regulates land prices according to demand and supply. This allows private zoning entrepreneurs to offer interesting conditions for land transactions to customary land owners and thus incite them to supply their land to the local land market.

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<sup>4</sup> See also Scott (1998) on urban planning as a way of controlling urban inhabitants.

When the public authority aims to proceed to zoning today, it is forced to negotiate with customary land owners to release their land for the public zoning project. Since colonial times, compensation for such public utility use was not to be expected. However, with democratisation claims from land owners increased from first 6% of the surface for the owner to today 25% (Körling 2013).<sup>5</sup> With privatisation of zoning, public authorities increasingly entered into competition with private entrepreneurs. Private actors have room of manoeuvre to propose to the land owners a business of 50:50 due to much higher profits from selling plots. This evolution has shifted the zoning and plotting activity these last ten years increasingly away from the public sector toward private zoning. Today, private actors have almost entirely zoned and plotted the space available for the future extension of the city and thus they control and possess space as far as 30 km distance to the city centre.

### **Linking private zoning, local politics and State authority**

But why did these zoning entrepreneurs become main producers of urban land for Niamey and what does this mean for the political landscape of the capital? To answer these questions we have to go back once more to the moment when they emerged and explore who they are and where they come from.

#### *From intermediaries to private zoning entrepreneurs*

Most of the individuals that are powerful zoning entrepreneurs today were in the beginning intermediaries between two poles that did not easily find together: A complex legal framework and bureaucratic apparatus that allowed since recent years zoning for private actors on the one hand, and customary land owners, willing to plot their land but often lacking technical and legal information and knowledge to do so, on the other. By lending a hand, these intermediaries, - or brokers in other terms- , did not need to provide any financial capital to invest in their up-coming business. Rather, their investment was knowledge about complex bureaucratic procedures of zoning - and even more important - contacts in the respective technical and administrative services to speed up and simplify the transactions. In providing these, they were able to accompany the many steps and bothers towards the successful accomplishment of the procedures. From bridging this gap, they gained their share of profit.

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<sup>5</sup> Information received from technical staff of urban planning unite, Central government of Niamey, 11.12.2013

A first category of intermediaries were the former technical staff of the bureaucratic services. Some had developed private *bureau d'études* in parallel to their engagement in official positions. In an environment of frequent institutional change and with its legal adaptations, having access to necessary legislation information is crucial to being able to zone land (Le Meur 2008). With the ongoing liberalisation of the land market, the zoning business became financially interesting for a swift economic ascension. Common land owners increasingly engaged in it, plotted for their family members and sold the rest of the plots out to interested buyers.

A second group of individuals that increasingly engaged in private zoning were persons from indigenous villages of Niamey, such as Gamkalley, Goudel or Saga. Niamey emerged with colonialization and the land on which it is built belonged to indigenous villagers that settled on the river banks prior to the establishment of the colonial settlement. The agricultural land surrounding Niamey is still the private customary land of these indigenous families. These land owners accepted selling their land to one of their literate kin, who then got in contact with potential investors that were willing to acquire urban land in order to process to zoning.<sup>6</sup> These intermediaries used their “being indigenous” as their capital to invest.

A third group of intermediaries in zoning processes belong to the local nobility or chieftaincy families. They have by their nobility affiliation easier access to land that belongs to the community. During colonialization and beyond, this community land was administered by traditional chiefs without being legally their property. In reality, the still strong symbolic power of canton chiefs makes that it comes down to that. Secondly, rural and often illiterate land owners may not refuse to sell their land to a member of the chief's family when they are asked to do so, which equally facilitates considerably access to land by these intermediaries.

However, we should note that the distinction between intermediaries that facilitate zoning procedures for others, and zoning entrepreneurs that zone for themselves is fluid and has evolved within the last fifteen years. Some of the smartest intermediaries with no own financial capital in the beginning but with their share from mediation evolved toward powerful private zoning entrepreneurs, able to invest into land purchase and zoning themselves which increased exponentially their profit.

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<sup>6</sup> Information received from technical staff of urban planning unite, Central government of Niamey, 11.12.2013

*A case study: Today's zoning entrepreneurs*

With the following case study of one of the big private entrepreneurs in Niamey, I will illustrate the hinge position that this individual accumulates and which allows him to play on different symbolic, legal and political terrains all in once.

Descending from a large and branched chieftaincy family originating from a location in direct proximity of the Nigeren capital, this person in his early forties started preparing his business as a simple intermediary (*démarcheur*) in bridging and mediating land transactions between customary land owners and potential investors. His affiliation to the indigenous population of the larger periphery of Niamey helped him to gain trust of both local land owners and successful business men (*El Hadji*) from other parts of the country, who are searching for investment opportunities in the capital. Until recently his lineage branch did not hold the chieftaincy title since several decades. But when in 2009 the former canton chief passed away, his family engaged immediately into rivalling to get the title back. By that time, - let's call him "Bob", - had gained sufficient means from private zoning mediation activities to play an important financial role in the struggle around the new chieftaincy's election. He positioned his younger brother as candidate for chief and managed to buy a majority of the votes to bring the title back to his lineage branch. Around the same time, in 2011, municipal elections for a new mayor and council members were coming up in Niamey's five decentralised municipalities. In the municipality that is closest to the chieftaincy location and that share overlapping land resources, "Bob's" direct relatives, one of his cousins, became 'elected' mayor.

*Local politics, authority and monopoly on urban land production*

Seemingly, "Bob" did not want to engage himself into politics nor into chieftaincy titles, even though he was uncontestably the central actor that made the game in both elections and shaped its outcome. Rather, he prepared the space to get the most freedom possible for moving and acting in favour of his evolving zoning business. With his younger brother in the position of the traditional chief and his cousin as mayor in the nearby municipality, he freed himself from possible local level constrains to accessing and controlling periurban land and processing it to zoning. Both, the traditional authority and the modern authority as well as the property right systems within these two spheres of power, are necessary for successful land zoning. The traditional chief and the mayor are both part of the recognition process for customary land to be formalised. This formalisation procedure is in turn the prerequisite for

zoning procedures (see Motcho 2005). Not surprisingly, the presence of this particular constellation in the local political landscape has coincided with the staggering ascension of this former intermediary to one of the most powerful private zoning actors in the capital. With no competitors to fear in the peripheral periurban area where he is doing his business, he literally controls the space of the future extension of the capital in a monopoly position.

#### *Win-win for party politics and zoning business*

The public authority in turn, has completely stopped zoning in recent years. The last public zoning project dates from 2009. This is probably not only due to lack of competitiveness of public zoning with private ones, but is also linked to wider political connexions. Successful private zoning actors are generally close to the local political sphere as demonstrated within the case study. But not only in terms of local politics and land control, zoning and politics connect well. But with increasing economic potential of the entrepreneurs, this connexion is also true on the national level of politics and even more in politicking. Private zoning entrepreneurs in the capital, as elsewhere, are often essential donors to local and national electoral campaigns of political parties. In exchange for financing party politics and campaigns, bureaucratic and administrative obstacles in private zoning procedures are more easily cleared away for party lessors. Zoning projects of alternative competitors are barred in the corridors of administrative services. In a democratic system where majorities have to be secured, support for party financing is welcomed and this cash comes, not only but in substantial part, from the land business. By challenging institutional procedures and influencing local politics and electoral processes, political as well as economic short term results might be met for both public and private actors. However, quests for recognition of property, access and citizenship from other societal groups such as poorer population or squatters are undermined. Land plots in private zoning projects are simply out of reach for these groups.

#### **Negotiating statehood at the periphery of the capital**

The results presented suggest that demographic growth as the main explanation for the rapid spatial expansion of Niamey clearly has to be reviewed. That explanation would be built upon the assumption of equal access to land and land property for societal groups and newcomers from rural areas. This is clearly not the case. Rather, periurban land and access to it is a highly politicised issue which raises the question about who defines and decides about who has access or who does not (Lund 2013). The massive production of urban plots by private zoning

actors is clearly directed to the upper class clientele that is not in direct need of immediate housing. In many zoning areas, basic infrastructure such as access to water and electricity takes about a decade to be finally installed by the public authorities (Issaka 2013). Modest households do not have that time to see their investment being valued. The predatory private zoning for the upper classes puts into question the authority of the State as a provider of urban land and living as a basic right for all citizens. By private zoners dominating the land market at their own guise, the State in its function as an authority in charge of guaranteeing equality of its citizens is contested. But State authorities are not only the victims of successful and powerful economic investors, but are also the producers of these through legislation and arrangements, creating niches for entrepreneurship and private initiatives. Administrators, government members and cadres are often the direct beneficiaries from private land business affairs.

The analysis of the everyday practices of land zoning in the Nigeren capital suggest that the urban periphery emerges, - and has also emerged repeatedly in the past -, as a space where legal and institutional pluralism allow the reconfiguration of statehood and authority over land access. These reconfigurations are continually negotiated between state and non-state actors (see Lindell 2008). Land governance is socially and politically embedded in local settings, these negotiations lead to fragmented authority and hybrid models of statehood and sovereignty (Chauveau et al 2001). Additionally, there is a strong symbolic meaning in controlling the periphery of the national capital, because controlling the national capital's periphery reflects a control of the local politics in this capital itself. Negotiation about land access and property in the periphery of the capital is thus also negotiation about authority and influence (Sikor & Lund 2009), and thus statehood in a broader sense (Hagmann & Péclard 2010). Different scales of statehood negotiation, both local and national, take place in one and the same spot on landed resources and the power to influence. The periphery is revealed thus as a space of plurality of norms and the room for negotiation. The embeddedness of economic and political authorities is also to be seen as a power materialised in control over landed resources (Jacob & Le Meur 2010).



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