

Land expropriation practices and the deterioration of the quality of life in the N'Djamena province

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Abstract: Due to urbanization, N'Djamena province is facing high demographic growth resulting into highest pressure on natural resources in general, and land resources in particular. For socioeconomic development, projects are multiplying, and land expropriations are becoming frequent. However, it must be noted that these expropriations are not always carried out according to established rules, which affects population that are not always involved in the process or poorly managed by the actors responsible for the management of expropriations. This study analyzes the effect of such practices on the quality of life of expropriated populations in the Province of N'Djamena. The qualitative methodology combines with documentary research, semi-structured interviews, and direct observation. The results show that land management institutions suffer from poor governance, and the impacts of expropriations are highly significant on the lives of the populations, causing enormous losses. This disruption in expropriation management institutions therefore exacerbates the impacts on the lives of the population and deserves particular attention from all stakeholders involved in the management of the expropriation process, in order to improve living conditions and strengthen the dynamics of participation for all in the sustainable development of the province.

Keywords: Urbanization, Land expropriation, Governance, Socioeconomic development, Quality of life.

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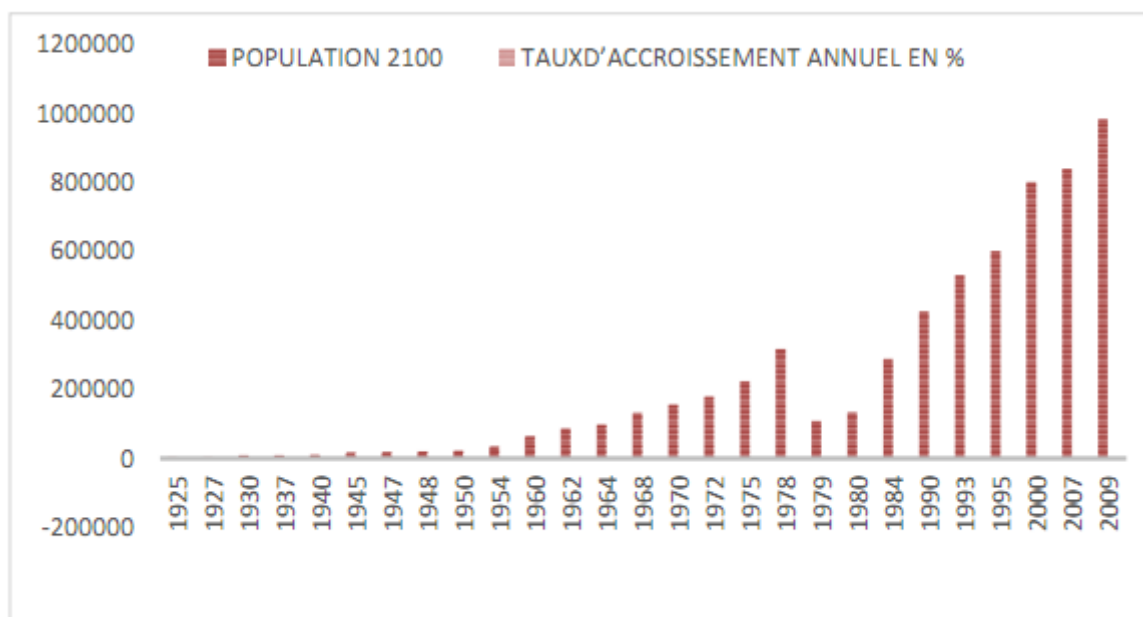
Introduction

Since independence, Chad has embarked on the path of development. This initiative, common to all African nations, nowadays relies on strategies oriented at the global level towards the Sustainable Development Goals (SDGs), at the continental level through the African Union's Agenda 2063, and at the national level through the development plan known as Vision 2030, under the slogan "The Chad We Want." Implemented since 2017, Vision 2030 aims to transform Chad into an emerging, united, and prosperous country, based on national cohesion, good governance, and the sustainable use of its resources. It also promotes human development, strengthens decentralization and citizen participation, fights against corruption, reinforces democratic institutions, the reduction of poverty and inequality, among other objectives.

Achieving these objectives, primarily those related to land planning, infrastructure development, and improving living conditions for the population, requires the implementation of key projects. The province of N'Djamena, the main gateway of Chad,

serves as the primary ground for implementing this vision. Accordingly, it has hosted significant development projects in recent years, including the construction of hospitals, health centers, schools, water retention basins, a road network, and a photovoltaic power plant, among others. Due to the nature of these projects, their execution inherently involves the use of natural resources, particularly land, as well as anything that entails the development of the sites meant to accommodate them, the management of the province's spatial resources, and the governance of land resources in general.

The indispensability of land resources in the province of N'Djamena arises in a context where demographic dynamics is already a key issue. Indeed, as the political headquarter of the country, the province is a prime destination for individuals and groups engaged in rural exodus. Offering diverse employment and self-employment opportunities, the headquarter becomes a coveted destination for rural migrants, and population growth intensifies. The population growth curve continues to rise, as shown in the chart below:

Graph 1: Population evolution and annual growth rate (1921-2009)

Source: INSEE, SMUH, DSEED, BCR, INSEE

This chart shows that the natural growth rate has exceeded one million inhabitants since 2019. This demographic trend implies needs in at least two levels: the increase in housing supply in terms of dwellings, and the expansion of neighborhoods in terms of urbanization.

Meeting the needs of land resources required for the implementation of development projects raises the thorny issue of expropriations, which have become very recurrent since 2008. Expropriation, understood as “an administrative operation by which the administration compels an individual to transfer a property, the ownership of a building, for the purpose of public utility and against just and prior compensation¹”, is regulated by Chadian land legislation supported by three main legal texts that regulate sustainable management of land resources and harmonious management of expropriations. These are: Law 67-23 of July 22, 1967, on the status of public property; Law No. 24 of July 22, 1967, on land ownership and customary laws; and Law 67-25 of July 22, 1967, limiting land rights. However, numerous studies²

¹ GAUDEMET Y, *Traité de droit administratif*, T2, 12^{ème} éd, L.G.D.J, n°575, 2002, 543p

² Djekonbe, D., & Tameko, G. T. (2020). Land conflicts and land tenure effects on agriculture productivity in Chad. *South Asian Journal of Social Studies and Economics*, 8(4), 16–27. <https://doi.org/10.9734/SAJSSE/2020/v8i430220>; Ekamena Ntsama, S. N., & Pale Seressadou, A. (2023). Conflits agropastoraux et production des céréales en zones rurales au Tchad. *Revue Marocaine des Sciences Économiques et Sociales*, 6(3), 157–174. <https://revues.imist.ma/index.php/REMSES/article/view/32211>; Alladjaba, M., & Tchekote, H. (2018). Conflits fonciers et problématique de développement rural dans la Sous-préfecture de Mongo, Région du Guéra (Tchad). *European Scientific Journal*, 14(29), 93–111. <https://doi.org/10.19044/esj.2018.v14n29p93>; Sougnabé, P., & Réounodji, F. (2022). Mécanismes de prévention

show that these laws are not likely to guarantee the well-being of the population for at least three reasons: they are inherited from French land tenure in the context of customary management, which generates conflicts and inequalities from the French colonial era and are not adapted to local realities; they contradict customary land management, which is otherwise widespread and known by the people; the implementation of the formal social management system that results into conflicts and social inequalities. Hence the question of knowing how land expropriation practices, based on these laws, influence the quality of life of expropriated population. The hypothesis explored suggests that expropriation practices supported by laws that are not contextualized, by exposing management gaps among actors, contribute to the deterioration of living conditions in the community.

1. Theoretical and methodological frameworks

1.1. Theoretical framework

et de gestion des conflits au Tchad : Relations entre agriculteurs et éleveurs. *Afrique Contemporaine*, 281(1), 51–70. <https://doi.org/10.3917/afco.281.0051>; Schilling, J., Opiyo, F. E. O., & Scheffran, J. (2022). Analysis of the water–conflict nexus in the Lake Chad Basin. *Nature Sustainability*, 5(9), 763–772. <https://doi.org/10.1038/s41893-022-00937-1>; International Crisis Group. (2023). Conflits et violences dans le bassin du lac Tchad. *Africa Report* No. 297. <https://www.crisisgroup.org/fr/africa/central-africa/lake-chad-basin/297-conflits-et-violences-dans-le-bassin-du-lac-tchad>; Malloum, M. A. (2020). Le foncier coutumier du Tchad : une définition à revisiter ? *Cahier du foncier au Tchad*, 3(2), 181–220. <https://landportal.org/library/resources/2077-0884/le-foncier-coutumier-du-tchad-une-définition-à-revisiter>; Berger, T., & Cotula, L. (2016). L’heure est-elle au changement ? Commentaires sur le projet de Code Domanial et Foncier du Tchad. *International Institute for Environment and Development (IIED)*. <https://www.iied.org/fr/g03954>;

Theoretically, this work is based on De Sardan's approach to actual governance, which states that in terms of public policies in Africa, there is a gap between the official standards structuring public services and the behavior of actors, namely political elites and civil servants. Consequently, the supply of public or collective goods and services is tainted by corruption, neo-patrimonialism, and particularly with an emphasis on informal practices. Applied to this study, this theoretical approach helps us to examine institutional disruption and the impacts of land expropriation on the population in the province of N'Djamena by considering both the regulatory framework of expropriation policies and the current practices of the stakeholders. This perspective allows us to consider the practices of public service actors not as the absolute application of land expropriation norms, but as influenced by personal or collective³ logic and interests that may differ from those prescribed by law.

1.2. Methodological framework

This study is based in the province of N'Djamena, located in the Central-West region. Its capital city is N'Djamena. Hosting the capital of Chad, it comprises 10 municipal districts spread over an area of 395 km² with a population of 1,243,994 inhabitants (RGPH2).

Three main reasons justify the choice of the province of N'Djamena for the study. First, due to its special status as both a province and the political headquarter, it hosts all the fundamental institutions necessary for the development of the province in particular and the country in general. It is the center of decision-making in terms of policies, land planning, and development actions. Second, the various communal development plans from 2008 to the present place particular emphasis on land planning, thereby increasing the demand for land resources. Third, the dynamics of urbanization, associated with population growth and rural exodus, contribute to its expansion toward peripheral areas, with a considerable increase in built-up areas to the detriment of natural and green spaces. These combined factors highlight the fundamental issue: land. The proliferation of development projects to meet the needs of the population thus makes the province of N'Djamena an ideal setting for analyzing land expropriation practices and their impact on the lives of the population.

Data collection, which is primarily qualitative, is based on an ethnographic approach using four techniques, namely: documentary research, life stories, semi-structured interviews, and direct observation. Documentary research involved the use of scientific documents, reports, and legal texts to construct the research problem and analyze the regulatory framework of land expropriation. On a sample of 67 participants, semi-structured interviews and life stories, guided by an interview guide, were conducted with land expropriated population, local authorities, and institutional actors to uncover the experiences, practices, and lived experiences of the informants. To triangulate the information, direct observation made it possible to highlight the reality of expropriated areas, resettlement zones, interactions between institutional actors and the population litigation, including ongoing legal disputes. Data were analyzed using thematic content analysis. After transcribing the recordings and using observation sheets, we

carried out coding, followed by categorization to identify the main themes necessary for the analysis.

2. Results

The results highlight the legal and institutional framework for managing expropriations in N'Djamena, the expropriation practices, and the adverse effects on the population's quality of life.

2.1. Legal and institutional framework for land expropriation management in Chad

2.1.1. Legal framework for land expropriation in Chad

The three texts governing the management of land resources are: Law 67-23 of July 22, 1967, on the status of state-owned property; Law No. 24 of July 22, 1967, on land ownership and customary laws; and Law 67-25 of July 22, 1967, on Limitation of Land Rights. Law 67-23 of July 22, 1967, on the status of state-owned property distinguishes two types of land domains: the national domain (including the natural public domain and the artificial public domain) and the private domain. In its Article 2, it provides that the natural public domain includes permanent or non-permanent watercourses, lakes, ponds and springs, islands, islets, sandbanks, and alluvial deposits forming in rivers; groundwater, mineral and mining deposits, and classified forests. In its Article 3, it provides that the artificial public domain includes navigation and irrigation canals, water pipes of all kinds, wastewater evacuation and sanitation systems; all types of communication routes, national defense works of all kinds and, where applicable, their protection zones; public monuments, collections or objects of cultural interest belonging to the State or to public legal entities subordinated to it. In its Article 8, it states that the private estate consists of areas that have ceased to belong to the public estate, lands that are unusable or inaccessible but have become usable as a result of public works, and in particular, lands reclaimed from the waters and irrigation perimeters, subject to the possible clearance of customary laws.

Law 67-25 of July 22, 1967, concerning the limitation of property rights, regulates the modalities and procedures for land expropriation, eviction, and payment of compensation. It establishes the standard of land expropriation procedure, the expropriation of rural land in cases of non-use, evictions, and public utility easements. It defines land expropriation as a "procedure by which the public authority compels a legal or natural person to transfer the ownership of a property or a real right to it, for the purposes of public utility and in exchange for compensation."⁴ Its Article 3 states that "any land expropriation must be preceded by an inquiry lasting at least one month and at most four months, with sufficiently broad publicity to allow all interested parties, particularly the expropriated, to register their observations." In its Article 1, it states that in matters of expropriation, "No one may be deprived of the ownership of buildings or of the use of land, except when required by public interest, provided there is compensation and that legal provisions are applied."

As for the modalities of land expropriation, it provides that a complete procedure must be followed, involving all potential actors including the president of the court, municipal and financial administrators, and those affected, in order to properly handle land

³ Informal public affairs management practices can originate from the personal initiative of an individual or from an organization of multiple actors whose objectives align.

⁴ Law 67-25 of July 22, 1967, concerning the limitation of land rights, Art 2.

expropriation and the implementation of a project in cases of public utility. It can take place in two phases.

The administrative phase, which includes the preliminary investigation before the declaration of public utility, enables to inform the interested public and consulting them on a project that may result in land expropriation, as well as clarifying to the population the necessity of land expropriation; the declaration of public utility, the parcel survey which allows the administration to determine, through consultation, the parcels to be expropriated, to relocate their owners, the real estate rights circulars, and other interested parties; the transferable act and the requisition for complete seizure established by one or more decrees or ministerial orders designating the properties to which land expropriation applies, if this designation does not result from the decree declaring public utility, and indicating the use of parcels that will not be effectively incorporated into the project or are not essential for the implementation of the operation. It is with this perspective that the implementing decree of Law 25, in its Article 1, stipulates that "When a public utility project requires expropriation, it must be preceded by an investigation of at least one (01) month and at most four (04) months."

The judicial phase on its own, intervenes only when there is a failure to reach an amicable agreement, giving one of the parties the opportunity to bring the matter before the competent court, which summons the stakeholders (within eight days of being seized and notifies them of all useful measures for the proper administration of justice) composed of four experts, two of whom are appointed by the parties and by the MLPUDH⁵, required to prepare their report within one month. In case of an agreement between them, the court ratifies the decision; otherwise, the judge draws up a record of non-conciliation specifying the reasons for the disagreement. The court rules by way of an order, which can be appealed within 15 days, and the appellate court must make its decision within a period set by decree.

2.1.2. Mapping of land management and land expropriation institutions in the province of N'Djamena

The institutional framework for land management mainly consists of the Ministry of Land Planning, Urban Management, and Housing, which is supported by external collaborators to ensure the proper organization and management of land sales, purchases, development, and land expropriation according to the rules governing land in Chad. For any land expropriation to be effective, several actors should normally be involved, including state actors, private stakeholders, and the civil society.

- State actors: these are public administration officials working in collaboration with the MLPUDH. Among these actors are the Ministry of Infrastructure, the Public Treasury, Road Services, municipalities, the Ministry of Justice, SOPROFIM... who provide technical and sometimes financial support in managing land expropriation projects;

- Private actors and financial partners: in most cases, these are funders who sometimes assist in the design and implementation of projects. In Chad, the most frequent ones are the World Bank, the IMF, UNDP, AFD, AfDB, UN-HABITAT, the EU, BDEAC, friendly countries to Chad such as France, Germany, the Spanish

company (Intercon), and the Chadian state itself, which sometimes finances some of its projects.

- Traditional and religious actors: they more often intervene in communication when the land expropriation timeline is known. Land chiefs, religious leaders, these actors are closest to the population and very involved in land management, especially in conflict matters. These include the blama, the cheikh...

- Civil society: this category of actors intervenes to form committees to assist the expropriated in case of problems. The expropriated themselves are the main actors;

Thus, the implementation of the aforementioned management texts is under the responsibility and control of institutions established by the government, operating in a decentralized manner but complementarily according to the different thematic areas of land transactions.

The management of land expropriations therefore involves a variety of actors with different but complementary roles. It should be noted that the land management system in Chad experiences a legal dualism that combines the so-called modern system with the mentioned institutions and the customary/traditional system, which has always had its place in land management in Chad, without overlooking civil society, which plays an important role in sociopolitical life.

2.2. Practice of land expropriations in the province of N'Djamena

2.2.1. Ongoing project in the province of N'Djamena

Several projects are currently being implemented in the province. One of these projects is based on the analysis of failures in land expropriations, notably the Djari Retention Basin construction project. This is a recent project, 'Water and Sanitation in N'Djamena,' which involves the construction of a stormwater drainage system in the eastern neighborhoods of the city, leading to land expropriation and compensation, causing a crisis in the implementation of the project. The work is focused on the creation of two retention basins, each with a pumping station in the two existing natural depressions (Darassalam and Ngabo), the construction of 10 kilometers of drainage (an intermediate canal between the two basins and a downstream canal), and finally the reinforcement of the existing downstream pumping station at Lamadji. The development work within this framework has affected 90 hectares of urban land, including 35 hectares in the North basin and 55 hectares in the South basin, and has caused losses of physical property (urban land, buildings, and infrastructure), as well as economic losses affecting vegetable farming in the reserve areas. A total of 1,072 plots belonging to 994 people were affected by the development work. However, regarding compensation, distributions have not been carried out regularly because many did not receive any indemnification or were replaced by people who were not even recorded during the identification of the area, assets, and residents living in the project zone.

The drainage project for the Northeast district of N'Djamena, led by the AFD, which handled compensations, and Chad, responsible for relocating the population to the Djinio site, encountered difficulties, as described to us by a service manager at the MLPUDH.

⁵ Ministry of Land Planning, Urban Development, and Housing.

There is a problem: there are people who do not have a land title but have invested, and although they are there on their land, someone else holds the document. And the one who invested does not have a document. That is what causes a problem during compensation. Because we compensate the one who invested. But the person who has the document later comes, objects, and does not accept it; they file a complaint because they say, no, the money given to someone else belongs to them. Do you see that? That's what causes a problem. We haven't even been able to improve this until now (...) and even once everything is done, personally, I brought between 400 to 500 people to the new site in Djinio with all the legal documents, including the minutes of meeting and an occupancy certificate, but these people are, sincerely, discouraged. The place is a bit far, they did not like this location and left; others even sold their share.

2.2.2. Disruptions observed in the practice of compensation

Three main disruption are obvious in the implementation process of the project: the weakness of institutional capacities and land governance, conflicts of interest, corruption and impunity, and non-participatory management.

2.2.2.1. Weakness of institutional capacities

In the province of N'Djamena, land institutions do not have sufficient means to carry out the tasks assigned to them. We are referring here to qualified human resources. This weakness arises from the poorly understood legal dualism used by land institutional actors, the lack of coordination among management institutions, the complexity, ambiguity, and outdated nature of land laws, all of which contribute to weakening the land governance system. According to a consulted OFT official,

Land management, and especially land expropriation process, is a total mess. Individuals lack experience and skills and, as if parachuted by connections, everyone does whatever comes to mind. This results in N'Djamena, according to the litigation services within the justice system that 80% of the cases in court are land-related issues. Another person added, "The laws date back to 1967 and are inspired by French texts of that time; how can we properly manage with laws that are not in line with our current realities?"

Legal pluralism in the province of N'Djamena is neither controlled nor utilized in the way that promotes effective land management. Referring to the observation of the coexistence, on the same state territory and at the same time, of several distinct legal orders that may complement or compete with each other (Hugues Moutouh cited by Nguiffo). In such cases, one is tempted to ask whether these institutions focus more on competition than on complementarity. In fact, it becomes clear that this weakness in land governance is real as the result of negligence within public institutions.

2.2.2.2. Conflicts of interest, corruption, and impunity

In land institutions in the province of N'Djamena, expropriation has become a State matter, a tool of power and pressure, a commodity from which everyone wants to benefit. Indeed, the absence of rigorous planning or policy is a major problem of land management and expropriation. This lack of adequate regulations thus gives room to corruption, which embeds itself at will within the land management system. An official from the N'Djamena municipality consulted say, and I quote:

It is true that we are a significant institution in the management of land affairs, especially in cases of land expropriation, but sometimes we do not even understand how things function. In the context of many land expropriation projects, we have conducted studies, prepared reports, and submitted payment orders so that those affected could receive their compensation. Today, more than 10 years later, things are still dragging on and we do not know why, even though we are well aware that the lessors made the necessary payments before the implementation of the projects.

Berg Johansen and Boch Waldorff (2017, p. 55) tell us that "institutional logics are subtly powerful in that they guide institutional orders." They constitute, in land affairs, a strength in decision-making within institutions and are associated with the interferences of the "untouchables," individuals, and military personnel in public affairs that remain unpunished, further weakening the expropriation process in the N'Djamena province.

2.2.2.3. Non-participatory management

The lack of consultation with the population and the misuse of existing management skills form the basis for excluding all stakeholders from the expropriation process. Whether on the side of institutional actors or the population, the problem is felt. This is precisely what this land registry officer tells us in the following terms:

"There are things happening in our institution of which we, the concerned parties, have no idea. It feels like we are there in name only, but the real decisions are dictated from elsewhere." An expropriated citizen adds that "we were never informed of an expropriation project nor did we participate in a meeting with all the stakeholders. We were given the order to leave our lands and move to another land that the State decided to give us."

These statements demonstrate enough that institutional pluralism in the management of expropriations and the complementarity prescribed by the legal texts is not being applied. Consultation with all stakeholders, a prerequisite before any expropriation, is subject to informal, partisan logics and embedded in the interests of actors with significant capital.

Such approaches are not without consequences for the practice of land expropriation and the population quality of life.

2.3. Impact of institutional disruption on the lives of the population of N'Djamena province

2.3.1. Impacts on human rights and sustainable development

According to UN reports (2018, 2019), cases of land expropriation can lead to violations of rights to property, security, and the lack of respect for rights and recourse for indigenous people during the expropriation process. In the province of N'Djamena, observations indicate that the impacts on these human rights are evident and affect the population; the majority of expropriated individuals consulted report violations of their property rights, which is reflected in compensations that are mostly disproportionate to the losses endured. This situation contributes to keeping population in poverty and hinders socio-economic development, leading to the loss of social and human resources in cases of forced displacement or marginalization, as well as environmental degradation when these land expropriations are not carried out in a sustainable manner.

2.3.2. The marginalization of social groups

Abnormal land expropriation of population leads to the loss of significant productive assets and the means of livelihood for the victims. Vulnerable groups and particularly women are among the most affected during expropriations, as they have fewer resources to defend themselves and their rights. In Chadian society, where

patriarchy is rampant and actively works to restrict women's rights despite combined efforts for their empowerment, women do not always have any power in decision-making. As a result, they lose their livelihoods, land resources, and sometimes even members of their families.

Image 1 : Widows who have lost their husbands go to the market to sell and provide for their children's needs



Such a situation is likely to create social fractures, insofar as the loss of means of production promotes social inequalities and accentuates the dependence of vulnerable groups.

2.3.3. The break out of conflicts

Land expropriations although sometimes implemented for good reasons, have impacts on economic life, which revolve around the deterioration of living conditions, the loss of income and assets of the affected population, and the increase in poverty. In the N'Djamena province, the population affected by land expropriation projects live in less comfortable conditions than before the expropriation. This situation is described by one of the expropriated individuals consulted:

The expropriation experiences truly made us go through hell. During the expropriation, we had family conflicts over the compensation, as everyone wanted to get their share more than the others, but also because the government damaged our relationships. And as misfortune never comes alone, upon arriving in the new relocation area, we found ourselves with other expropriated people from another project, farmers who did not want to give up their land to us. It was conflict after conflict, and today our claim for the remaining compensation is still lodged with the courts against the State.

The statements of this informant show that, in addition to the loss of means of production, the distribution of income immediately after land expropriation raises antagonisms within families, instability and tensions, and a loss of trust in institutions for both the population and institutional actors.

3. Discussions

The practice of land expropriations in the municipality of N'Djamena highlights a significant gap between the initial vision, the resources deployed, the practices of the actors, and the results. The objectives of Vision 2030, as demonstrated above, specify the

target results in terms of development. Despite the resources allocated to these objectives, the main beneficiaries of the Vision are characterized by precariousness and exclusion. Four underlying causes explain this situation. First, the use of legal texts inherited from colonization in the management of land affairs in N'Djamena is considered one of the major causes of poor management practices concerning local African land issues. The disconnection with realities generates contradictions and legal gaps that favor conflicts. This limitation of imported land legislation is not, moreover, exclusive to the province of N'Djamena. Guiffo's work shows that in Central Africa, land conflicts and the exclusion of the population from land management originate in the preservation of laws established by the colonizers.

Secondly, it should be noted that the coexistence of the formal legal framework and customary laws in land management, as well as the lack of coordination among the institutions involved in expropriation management, paves the way to personal initiatives carried out by individuals or groups. Legal gaps, impunity, and corrupted practices constitute opportunities that the service actors exploit and expand to defend and secure their interests. The result is therefore the gap between the initial vision and the situation of the beneficiaries. De Sardan strongly emphasizes this point when he notes that,

The world of development experiences a very large gap between discourse and practice: what is said about a development project, in order to design it, implement it, format or model it, finance it, legitimize it, has little relation to what the project actually becomes in practice, once it reaches its final recipients. (J.P.O De SARDAN: 2001)

The situation of expropriated population in the province of N'Djamena results from this issue. As shown by the social situation of the local population, the deterioration of their living conditions and their exclusion is certainly attributable to the land law framework, but also to the clientelism and informal practices

developed by the stakeholders.

Conclusion

This study analyzed the effect of land expropriation practices on the quality of life of the population in the N'Djamena province. The results show that institutional disruption in the land expropriation process has very significant impacts on the population's lives in the N'Djamena province. Management weaknesses play a crucial role in social dynamics and greatly affect the organization and living conditions of all development actors. It is therefore essential and judicious for all actors involved in the land expropriation process to strengthen land governance by promoting the participation of all stakeholders, transparency in the decision-making process, in order to respect, protect, and ensure sustainable development for the population.

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