

# Private property and real estate developers in the city of Ouagadougou: From honey to vinegar

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**Abstract.** In Burkina Faso, Law No. 008-2023/ALT of June 20, 2023, on private real estate development includes restrictions that prevent private real estate developers from promoting land. However, almost two-thirds of these actors were engaged in this activity alone. This document therefore proposes to analyze the effects of this new legislative framework on actors involved in private real estate development in Burkina Faso. To this end, it draws mainly on qualitative data collected as part of a thesis in progress since 2021 from real estate developers, landowners, village development advisors (VDAs), sales agents, and plot buyers. Through content analysis, the article demonstrates that the revision of the legislative framework for private real estate development in Burkina Faso has led to land insecurity surrounding plots developed by private real estate developers, as well as pressure on these actors, who are struggling to make their land investments profitable. This law also affects sales agents who were speculating on land and landowners who no longer have fields to cultivate and are left with plots that are almost unattractive to customers. The results of this research call on the State to revise the texts governing land management and to strengthen control over the activities of private real estate developers.

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## 1. Introduction

In Burkina Faso, as in many countries worldwide, the rapid growth of the urban population has led to multiple needs, including housing (Fekair & Kacemi, 2021; Guigma, 2022; Maunaye, 2016). This need is estimated at over 8,000 units per year in Ouagadougou alone (Dahani & Compaoré, 2021). However, the various housing policies fail to produce the desired effect, as is the case in most African cities (Chebini et al., 2023). On the contrary, they contribute to the further exclusion of low-income social strata (Sory et al., 2015). Informal settlements then become an alternative housing option for this segment of the population, serving as a transition to the formal city through housing development (Robineau, 2014). On the fringes of the city, these neighborhoods are developing, leading to a “nibbling” of rural land around the capital Ouagadougou, in line with what can be observed in southern cities (Christiawan & Nguyen, 2024). With the rapid growth of the urban population, land use is undergoing significant changes. Agricultural land is gradually being transformed into built-up areas (Chukwurah et al., 2022). To secure this land and encourage housing production through private property developers' real estate development, regulations have been introduced. With this in mind, a National policy on land tenure security in rural areas was introduced in 2007 (Karambiri, 2022). This policy led to the adoption of Law No. 034-2009/AN of June 16, 2009, on rural land security in Burkina Faso. Following the orientations of this legislative framework, rural land security is organized around the national rural land estate,

the rural land estate of the territorial community, and the rural land holdings of private property developers and individuals (Ouédraogo, 2014). By establishing these land domains, customary land rights are recognized, and an individual can dispose of land through the issuance of a Certificate of Land Possession and a land title (Karambiri, 2022). To strengthen its housing policy, the government took a series of measures, including the creation of a ministry and a housing bank in 2006. In 2008, it adopted Law No. 057 on private property developers, real estate development in Burkina Faso. In the same year, he launched the 10,000 housing program. These initiatives continued with the launch of the 40,000-housing program in 2017. To carry out this program, the State relies on the support of private property developers real estate developers (Séré, 2020). As a result, it issues a large number of approvals during this period (Sory, 2019). Indeed, in 2014, there were fewer than 40 licensed private property developers real estate developers in Burkina Faso (Guigma, 2017). There are currently 275 licensed real estate developers in Burkina Faso. Relying on the limitations of the existing legislative framework, these real estate promoters are shifting their focus from housing production to land development (Sory, 2019). One of the primary responsibilities of these developers is to secure land for their development operations, particularly for subdivisions. Rural land around urban centers represents a land mobilization opportunity for these players. As a result, private property developers and real estate developers are rushing to acquire rural land in Greater Ouaga. Thousands

of hectares of land are withdrawn and converted into urban land without any constraint from the regulatory systems in place (Compaoré & Naon, 2023). To play its role as the main spatial planner and regulate real estate development activity (Lefebvre, 2018), in 2023, the Burkinabe state undertook a reevaluation of Law No. 57, which imposed numerous restrictions preventing real estate promoters from engaging in land development. However, almost two-thirds of active real estate developers were only engaged in this practice (Guigma, 2017). As a result, these real estate developers find themselves trapped by a law that had once created conditions to facilitate their involvement in land development. This situation invites reflection on how the legislative framework influences private real estate development in Greater Ouaga, Burkina Faso. The results of this reflection provide a better understanding of the opportunities that led real estate developers into land development. They also provide a deeper understanding of the issues surrounding the new law on private real estate development and the effects of this legislative measure on those involved in the sector. This research is particularly important, as the activities of these real estate developers have already been perceived as a time bomb (Compaoré & Naon, 2023). Furthermore, little research has been conducted on how the legislative framework is appropriated by the actors involved in this activity. This research, therefore, serves as a springboard for a better understanding of the role of real estate developers in Greater Ouagadougou, Burkina Faso. Additionally, it draws the attention of policymakers to the future prospects of certain actors in this sector. The article employs a primarily qualitative approach to arrive at the research results.

The analysis of the effects of the legislative framework on real estate development is carried out at Great Ouaga. This area encompasses municipalities in the Central region and one municipality in the Central Plateau. Figure 1 shows the organization of this area. Great Ouaga comprises one urban district, Ouagadougou, the capital of Burkina Faso, and seven rural districts in the provinces of Kadiogo and Oubritenga. This area is home to a population of over 3 million inhabitants over an area estimated at 3300 km<sup>2</sup>. The Great Ouaga development plan serves as the primary reference tool for managing this area (Sigué, 2019).

On the other hand, this tool remains ambiguous in relation to the various existing planning documents. Indeed, Great Ouaga development plan overlaps with the Urban Development Master Plan and the Functional Organization Diagram and planning. It also remains unclear what constitutes urban and rural areas in this region (Guigma, 2017).

The lack of clarity surrounding the management of Great Ouaga is an opportunity for property developers to mobilize land for their development projects. The Great Ouaga area is an urban district surrounded by rural district, making it an ideal setting for analysis. A method focused primarily on qualitative data is adopted in this research.

## 2. Methods

A qualitative approach was favored in this research. The article therefore, draws on secondary and primary data from a thesis in progress since 2021. The secondary data comes from gray literature. The primary data has been collected regularly since 2021 from a variety of actors presented in Table 1.

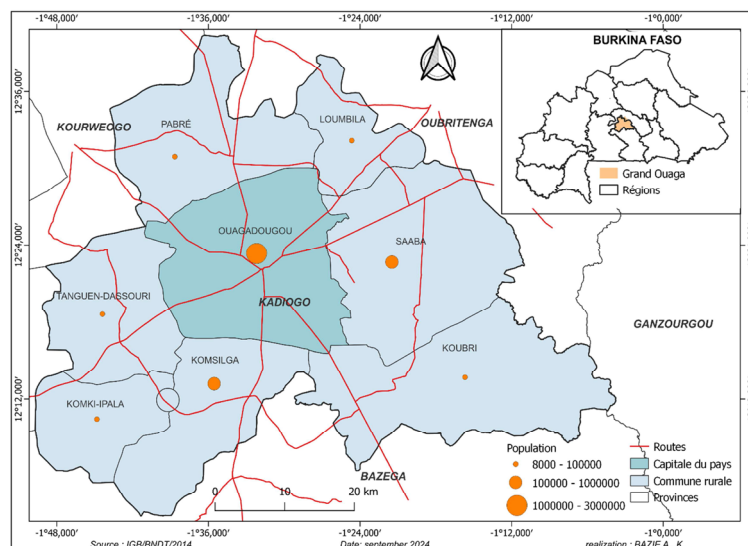


Figure 1. District of Great Ouaga

Table 1. The secondary data comes from gray literature.

| Categories of actors surveyed       | Workforce |
|-------------------------------------|-----------|
| Landowners                          | 05        |
| Customers                           | 05        |
| Real estate developers              | 06        |
| Real estate agency managers         | 10        |
| Village Development committee (CVD) | 12        |
| Canvassers                          | 110       |
| Total                               | 146       |

Field survey data 2021- 2024

A total of 146 semi-structured interviews were conducted. The choice of these actors is linked to their dynamism in land development. In fact, in land development, landowners are the actors of land supply, and it is from these actors that the land used for subdivisions is mobilized. Real estate developers are the actors of land demand. They are the ones who carry out subdivision operations. Between these two players are the canvassers, who act as intermediaries and help bring them into contact. The other players are also important for analysis purposes, as they are involved in land development operations at one point or another. However, this list of players is not exhaustive, as a wide variety of players are involved in land and property development (Sall, 2004). Les promoteurs immobiliers qui constituent l'un des informateurs clés dans cette recherche ont été identifiés suivant un choix raisonné. L'indisponibilité de ces acteurs ainsi que leur réticence à échanger sur leur activité constitue la principale difficulté. Certains d'entre eux ont d'ailleurs assimilés le chercheur à un agent de renseignement au service du pouvoir en place afin d'identifier les promoteurs qui ne sont pas en règle vis-à-vis de la loi. Dans ces conditions, les entretiens avec ces acteurs ne se sont pas déroulés suivant un plan élaboré mais plutôt en fonction de leur disponibilité à participer à la collecte de données. In-depth individual interviews were therefore conducted with six (06) real estate developers operating in Greater Ouaga. Real estate developers highly seek after canvassers in the context of land mobilization. They therefore constitute an important group for better understanding the changes and effects brought about by Law No. 008-2023/ALT of 2023 on real estate development. These actors were identified using the snowball technique. As a result, a sales representative was identified with whom friendly ties were established. It was this individual who recommended other sales representatives, who in turn referred their peers. These same sales representatives facilitated contact with landowners and potential customers. An interview was conducted with at least one CVD in each municipality of Greater Ouaga. Interviews with real estate agency managers took place at their respective offices. The sample of actors surveyed was defined according to the principle of saturation. Semi-structured interview guides adapted to each target group were used to collect data from these different actors. For processing and analysis, all interviews, which had been recorded beforehand, were transcribed verbatim. Through manual data collection and content analysis, the data were organized according to their unit of meaning to facilitate interpretation. Additionally, data triangulation across different sources was conducted to ensure the quality of the collected data. Verbatim quotes from these interviews are used to illustrate the comments. The data collected primarily focuses on the factors that contributed to the emergence of real estate developers, as well as their involvement in land development, and the effects of this involvement on the actors involved in the production of the city, particularly salespeople, landowners, and real estate developers. To ensure anonymity, interviewees were referred to by pseudonyms. The analyses yielded results presented in the following section.

### 3. Results and Discussion

#### Property developers within the law: "We only do what the law allows us to do".

In Burkina Faso, the year 2000 showed a major turning point in the housing sector. A return of the state involvement

in housing development and production marked this period. Governments took steps to encourage housing production by relying on the private property developers sector. This is the purpose of law no. 057 on real estate development in Burkina Faso. This law provides property developers with the opportunity to undertake land development operations.

Furthermore, five (05) operations are included in the development, according to Article No. 2 of Law No. 017-2006/AN of May 18, 2006, on the Urban Planning and Construction Code in Burkina Faso. These include urban regrouping, property restoration, restructuring, subdivision and urban renewal. It is therefore legitimate for real estate promoters to engage in land development activities through subdivision. On this point, real estate promoters are unanimous in stating that the development operations they carry out are legitimate and comply with the prescriptions of the legislative framework that governs their activity. The testimony of (K) GEORGE, illustrates this State of affairs: «We don't do this business by chance. The law itself authorizes us to build housing estates. I think it's a good thing, because it means that average civil servants can also have their own plots of land.» (extract from interview, (K) GEORGE, real estate developer, interview carried out on February 17, 2023). These comments reflect the appropriation of the legislative framework by real estate developers, who rely on these limits to promote land. Additionally, Law No. 034-2009/AN of June 16, 2009, and the RAF (Agrarian and Land Reorganization) of 2012, allow landowners to dispose of their land, providing potential buyers with the opportunity to discuss directly with landowners to obtain the land. This situation creates favorable conditions for land mobilization. In addition, the lax governance of the Movement of the People for Progress (MPP) regime has also accompanied the emergence of private property developers and real estate development. Property developers report that: «It's Rock's power that has created a mess in real estate development. With less than \$80,000 (USD), you can open a real estate development company. You need to know someone in the government» (Extract from entriant, (D) CHARLE, real estate developer, interview carried out on July 16, 2023, in Ouagadougou at 10 a.m.). This involvement of political players is also noted by CVDs and canvassers, who constitute a major group of players on whom property developers rely for land mobilization. These words from (G) DANIEL illustrate the point: «Local politicians own real estate development companies. But these people don't make themselves known. I know them because they're the ones who come to see us at night so that we can facilitate certain situations for them.» (Extract from entriant, (G) DANIEL, CVD, interview carried out on July 18, 2023, in Gonsé at 10 a.m.) These comments show that, in addition to the regulatory framework, private property developers' real estate development receives the support of certain government players. Real estate developers are therefore taking advantage of this situation to grab vast areas of land in the rural communes of Great Ouaga. Figures 2 show areas acquired by these players for land development.

The first image shows a space acquired by a real estate developer. The second shows a housing development built by a private real estate developer, who has already begun selling the plots resulting from his development. These are basic developments carried out by these real estate developers on these spaces. No servicing is carried out, and roads are laid out as and when the purchasers of these plots move in. These players invest very little in the land they develop to maximize their



Figure 2. Real estate development zone in the rural municipality of Saaba, photo by the author

profits. In fact, this activity is so “lucrative” for these players that in some rural communes of Great Ouaga, there is almost no space left for the construction of social infrastructure. This is what (S) OUMAR tells us in this story: « [...] in a village in Komsilga, there’s a project to build a school for the village, but they’ve sold all the land and there’s no space left for the school [...] » (Extract from entriement, (S) OUMAR, land agents, interview carried out in December 2022 in Komsilga at 10 a.m.). These legislative measures have led to a proliferation of transactions and the depletion of rural land around the capital, Ouagadougou, for the benefit of property developers. In short, both the regulatory framework and the MPP regime’s housing policy have turned real estate development into a “lucrative” activity in which economic operators invest. This activity is characterized by a “laissez-faire” attitude, resulting in the conversion of agricultural land into residential space without significant state control. These results show that Law No. 057 of 2008 on private real estate development in Burkina Faso is not the only factor that has facilitated land development by real estate developers. This practice is also encouraged by Law No. 034 on rural land tenure, the 2012 RAF, and the laxity of the State. These results highlight the need to reassess the legislative framework for rural land management and urge the State to assume greater responsibility. Furthermore, since the Patriotic Movement for Safeguard and Restoration 2 (MPSR 2) came to power, a new dynamic has been set in motion to provide a better framework for this activity.

#### “The end of the playground” in real estate development

Through its housing policy, the State has created the conditions to facilitate the involvement of private property developers and real estate developers in land development, leading to a shift in function on the part of these players. However, the MPSR 2 government has taken steps to regulate this activity. This section of the document presents the new legislative framework in place, the restrictions imposed by the new law on private real estate development in Burkina Faso, and shows the effects on the actors involved in land development.

#### Time for regulation

In Burkina Faso, the regulatory framework underpinned by the “laissez-faire” policy of post-revolutionary regimes,

and particularly that of the MPP government, has contributed to the proliferation of real estate development activity and competition for the mobilization and transformation of rural land into urban plots. Developed plots of land with no respect for servicing standards are being produced all over the rural communes of Great Ouaga. Invisible road layouts and unauthorized land subdivisions often accompany the promotion of land by property developers. However, the MPSR 2 government has undertaken reforms to regulate this activity. Law n°057, which allowed property developers to promote land, has been replaced by law n°008-2023/ALT of June 20, 2023, on property development in Burkina Faso (Soma *et al.*, 2024). This new legislative framework redefines the role of real estate developers. These players are now excluded from land development, and their main role is to produce housing. The limits of areas used for this activity are set at five hectares, and developments can no longer be carried out on rural land. Measures have also been taken to control better the approvals issued by the Ministry in charge of urban planning and construction. Approvals may be renewed, suspended, or withdrawn. In addition, measures of up to 10 years’ imprisonment and fines of up to 160,000 dollars (USD) per hectare have been introduced against offenders. These restrictions exert significant pressure on property developers, affecting all players involved in the transformation of rural land into urban land. Thus, the change in the legislative framework, marked by stricter measures and severe penalties, indicates a tightening of the noose around property developers.

#### Real estate promoters and direct marketers are at a legal impasse

In the wake of the rereading of Law No. 57, the noose is tightening around private property developers in the production of urban space. Landowners find themselves in a situation where they no longer have any land to cultivate, and can no longer make a profit from the plots taken as compensation for their ceded land. In fact, when mobilizing land, property developers hand over between four and five plots per hectare to the landowners giving up their fields. It is the sale of these plots that enables landowners to benefit from the financial resources of their land. With the rereading of law n°057, a reluctance was created in the purchase of these developed plots by property developers. As a result,

landowners find themselves without arable land and with plots that no longer attract customers. With the difficulty of selling their plots, some landowners are seeking to relinquish the plots they purchased from property developers, while demanding financial compensation.

Landowners aren't the only ones affected by this rereading. It also affects canvassers. As intermediaries between landowners and property developers, canvassers have become involved in the mobilization of rural land for development. Like landowners, they often obtain plots from both parties for their projects. With the restrictions imposed by the new law, these canvassers face legal constraints that hinder the marketing of plots by private property developers and real estate developers. However, several canvassers had begun speculating on land by buying plots at a lower cost and selling them at a higher price, hoping to make a profit. Direct seller (O) WENDSOM explains the difficulties he and his peers are currently encountering on the land market :

« [...] the transition has spoiled everything. We used to be able to sell plots of land without any problems, but now nobody wants plots of land from property developers. Personally, I paid \$2,400 (USD) for a plot, and I had a client who wanted to buy it for \$3,200 (USD) just the day before yesterday. He called to tell me he's no longer interested, even though I've put almost all my savings into it. » (Extract from entrient (O) WENDSOM, direct seller, carried out on January 12, 2023 in Saaba at 11 a.m).

WENDSOM is not the only one to face the reluctance of the local population to pay for plots of land by property developers. Indeed, many canvassers are no longer able to resell their plots, and their involvement in land mobilization is becoming increasingly limited. Furthermore, one of the players most affected by the effects of the revision of Law No. 057 is real estate developers.

Since the launch of the 40,000-unit housing program, the number of real estate developers has grown rapidly. They have taken over the rural land in Great Ouaga. They have invested

heavily in mobilizing land for subdivision. With the new legislation, the land mobilized by these players can no longer be subdivided, and those that have already been developed are facing poor sales and reluctance on the part of buyers, who feel that these plots do not offer security of tenure. This is what (G) BOUBACAR says :

« The advice I'm giving my friends right now is that if someone has the money right now to pay for a plot of land, they just have to be patient first, because with the law that the transition has passed, it's likely to hit a lot of people. It's better not to invest in developers' plots at this time. » (Extract from entrient (G) BOUBACAR, agricultural technician interview carried out on March 15, 2023, in Ouagadougou at 3 p.m).

This reluctance on the part of the population has been accentuated by the clearing of areas illegally developed by property developers. Figures 3. illustrate this.

The images show the demolition of homes built on land illegally developed by private real estate developers in the municipality of Komsilga. This situation is leading some plot buyers to go to property developers to hand over their plots and take money. Real estate developers are therefore under pressure from the law, as are landowners, canvassers and customers, who now feel insecure on their sites. (I) JACQUE reports that: «Since the law was revised, real estate developers have been coming here to see if we can't take their land and give them money. Because they can no longer divide and sell, they also don't have the financial resources to build the way we do. » (Extract from entrient (I) JACQUE, real estate developer, interview carried out on January 12, 2023 with in Ouagadougou at 4 p.m). These comments show that some players entered the real estate development business solely to promote land. The review of the law probably marks the end of their activity in this sector. This result shows that the application of the new law could help clean up the private real



Figure 3. Clearance of illegally developed sites in Komsilga, photo by the author, 2024

estate development sector by targeting those involved in land development and speculation.

## Discussion

This article reveals that the regulatory framework, comprising Law No. 57, Law No. 034, and the 2012 RAF, has created conditions for real estate developers to intervene in land development. In line with this finding, Simonneau *et al* (2023) find that the regulatory provision, which was aimed more at securing the rural land domain and enabling major investments in this space while ensuring collective land management, has led to the commodification of vast areas of land by landowners. According to Ouédraogo's (2015) analysis of new land tenure practices in the Ziro region of Burkina Faso, the existing legislative framework has accelerated the ownership of rural land by private property developers around urban centers. These analyses show that information asymmetry in relation to the regulatory framework on land leads landowners to cede large areas of land to private property developers and investors, particularly property developers. This situation is exacerbated in rural communes by the intervention of party politics in land transactions (Zoma & Djolgo, 2022). Contrary to the idea that land promotion by private property developers property developers is legal, Compaoré & Naon (2023) explains that this practice on rural land is contrary to the prescriptions of law n°34, which states in article 9 that « rural land is all land intended for agricultural, pastoral, forestry, wildlife, fish farming and conservation activities, located within the administrative boundaries of rural communes and villages attached to urban communes ». These lands are therefore not recommended for real estate development. And yet, analyses reveal that over 80,000 hectares of rural land have been taken away by these real estate developers. In addition to the regulatory framework used by real estate developers to monopolize rural land, these players have also benefited from a “laissez-faire” approach to governance. Indeed, authors have demonstrated that subdivision operations have frequently contributed to satisfying the electorate and strengthening the position of parties in power. On the involvement of political actors in real estate developments, authors such as Guigma (2017) and Sory (2019) have drawn attention to the period of increased number of private property developers in Burkina Faso. Indeed, over 40% of approvals were issued in 2017, the year corresponding to the MPP's launch of the 40,000 housing program. In African countries, the dynamism of real estate development has been triggered by the advent of Structural Adjustment Programs. In Mali, over fifty private property developer companies are involved in property development. In Côte d'Ivoire, the delicate nature of the intervention by these private property developers led the State to establish a legislative framework to better supervise their activities (Kanga, 2014). In Morocco, to address issues of substandard housing, public policies have undertaken reforms that favor partnerships between public and private property developers. Analyses by François *et al*, (2013) show that these public policies have facilitated the reconversion of agricultural land into residential space by private property developers and real estate developers. These analyses corroborate the results obtained in Great Ouaga. Under these conditions, the regulatory frameworks do not act as a brake on urban sprawl. Furthermore, the modification of Law No. 057 and the measures taken to regulate the activity are creating reticence around the spaces produced by real estate

developers and heralding the cessation of activities for some of them.

## 4. Conclusion

In Burkina Faso, the government has multiplied its strategies to provide the population with adequate housing. This has led to the introduction of legislative measures to support the State in the production of housing. At the same time, these players have taken advantage of the limitations of the regulatory framework to promote land development. The change in the law poses a problem for these real estate developers, who have invested in land development. Based on an ethnographic approach that mobilized primary data from real estate developers, landowners, canvassers, plot customers, and land agents, the article shows that the regulatory framework for real estate development, as well as the MPP's policy of producing 40,000 housing units through a partnership with the private property developers sector, has created conditions to facilitate land development. This land development is all the more legitimate as it adheres to the regulations of the legislative framework for real estate development. Analyses show that property developers have taken advantage of the gaps in various regulatory frameworks to acquire vast areas of land for subdivisions. With the amendment of law n°057, land tenure insecurity has been established around the plots produced by these players. This law restricts the activities of real estate developers, forcing them to abandon subdivision operations, and creates a lack of interest in the areas developed by these players. The rereading of the law is also creating major difficulties for landowners and canvassers who previously derived financial benefits from this activity. These people now find themselves without fields to cultivate and with plots they can no longer sell. If this situation persists, they say, the proliferation of undeveloped plots of land and delinquency are vices to be expected in Great Ouaga. If this situation persists, according to them, the proliferation of undeveloped land and crime are problems to be expected in Greater Ouaga. These results call on the government to exercise rigorous control over the actual activities of private real estate developers. They also demonstrate that this sector needs to be cleaned up to exclude real estate developers who lack the capacity to build housing that meets expectations.

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