

*Dryland Networks Programme*

ISSUE PAPER

**Current Natural Resource  
Management Systems:  
Landholding in the Gamaaji  
Saare Rural Community,  
Senegal**

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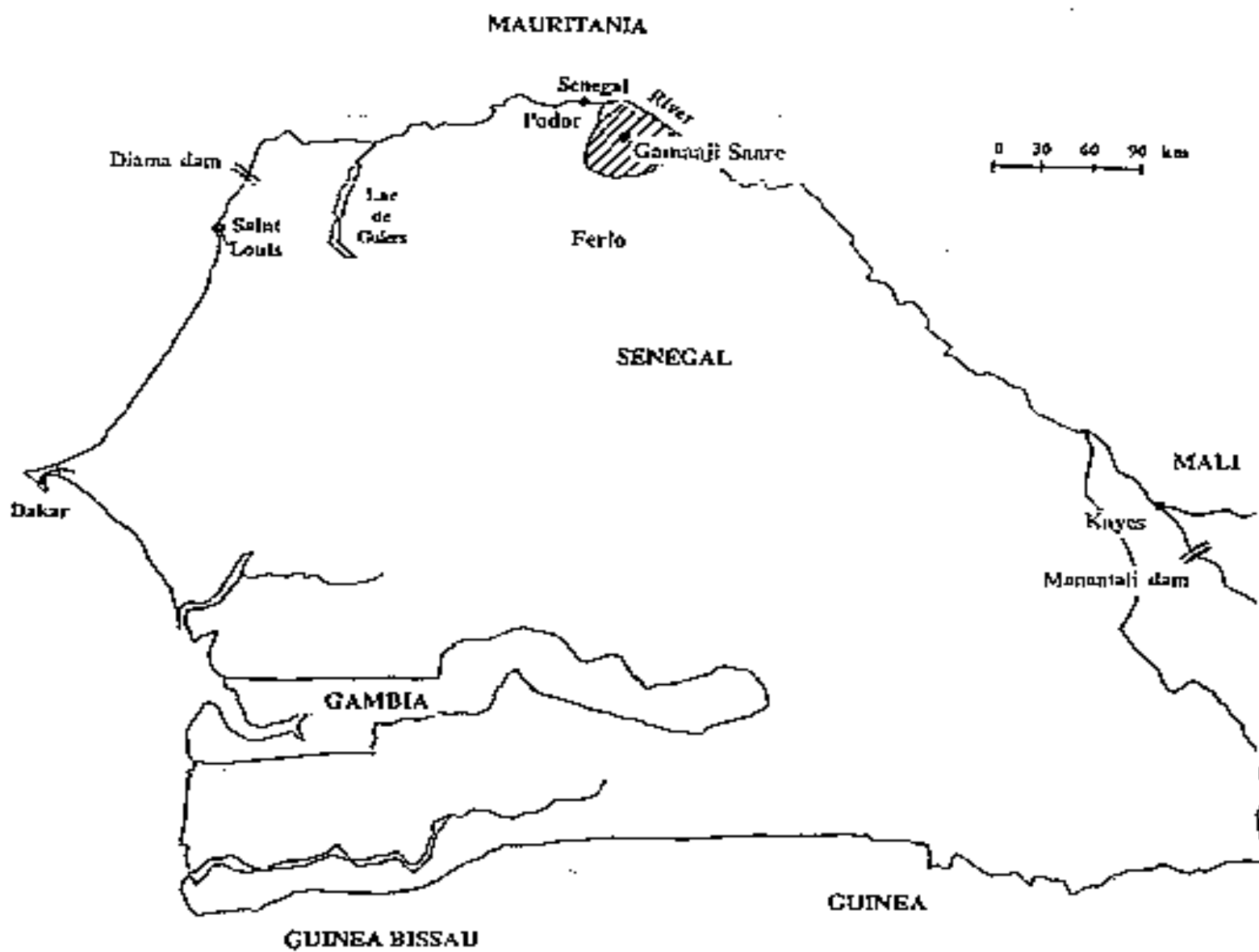
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## **CURRENT NATURAL RESOURCE MANAGEMENT SYSTEMS: LANDHOLDING IN THE GAMA AJI SAARE RURAL COMMUNITY**

### **INTRODUCTION**

Africa is experiencing environmental degradation as a direct consequence of decades of drought and desertification. These hitherto uncontrolled and uncontrollable calamities, combined with daily destruction as a result of human activity and determination to over-exploit the environment, cannot fail to affect the latter's health.

In recent years, the farming possibilities opened up by the Diama and Manantali dams in Senegal have encouraged local people and development practitioners to choose another way of development which based on a modern farming system and very specific land management procedures, illustrated by the expansion of village irrigation schemes, the formation of economic interest groups, etc.

**Diama.** Located close to the village of Diama, about 30 km upstream of the mouth of the Senegal river, this dam is intended to raise the water level in the reservoir, make navigation possible and prevent the intrusion of salt water from the ocean.

The Diama reservoir covers a total area of 40,000 to 50,000 hectares. The dam structure also includes two 80 km long dykes on each bank. Each dyke will have sluices at appropriate intervals to replenish the expanse of water and the irrigation systems linked to the reservoir. As well as a lock to allow navigation on the river, a road linking St. Louis in Senegal to Nouakchott in Mauritania

has been constructed on the top of the dam and along some sections of the dyke.

Replenishing the freshwater lakes which currently supply water for the region, as well as the city of Dakar, will make water available for irrigated agriculture and local and industrial consumption. These lakes should also provide an environment for breeding fish and opportunities for watering local livestock.

**Manantali.** The 70 metre high Manantali dam in Mali will check the flow of one of the main tributaries of the Senegal river, the Bafing. The water level in the 100 km long Manantali reservoir will vary from season to season, but at their peak the waters will reach 211 metres above sea level. The reservoir created by the dam is intended to supply water to generate electricity, facilitate *the development of irrigated farming and regulate the flow of the river when it is at its lowest*, in order to allow year-round navigation between Kayes in Mali and St. Louis in Senegal.

The physical and natural environment of Gamaaji Saare, a sample rural community selected for study, will be affected by the construction of these dams, especially on land suitable for flood retreat agriculture (Waalo). In fact, newly developed farming techniques encourage disproportionate exploitation of the Waalo to the detriment of land which cannot be irrigated from the river and where wet season farming and animal husbandry are practised (Jeeri), which has so far not received the attention it deserves. The Waalo is thus bearing the brunt of a seemingly endless imbalance.

The anticipated agricultural value of Waalo land following construction of the dams has led to a frantic race by well-off local individuals, major farmers and,

of course, agri-business concerns to occupy the area at the expense of the local people who are unable to practise large scale farming.

The agro-industrial complex will extend over some 250,000 hectares of irrigated land. While several hundred thousand small farmers will lose their traditional means of subsistence as a result of a drastic reduction in the areas flooded annually by the river spate, more than 250,000 small farmers, herders and fishermen who, together with their families, make up a total population of 1,500,000 people will have to up-root themselves to go and work and settle within the complex. That means major changes for all of them, the reduction if not the elimination of food production as developed hitherto by these communities on the one hand and, on the other, the transformation of production relationships leading to proletarianization of farmers/agricultural workers<sup>1</sup>.

## **DESCRIPTION AND PARTICULAR FEATURES OF THE COMMUNITY**

The Gamaaji Saare rural community is located in northern Senegal in the Podor Department of the St. Louis region and is made up of Waalo and Jeeri villages.

Waalo villages are large village settlements in which a fairly large number of families live, whereas Jeeri villages are a set of herder camps linked together for administrative purposes. This study deals with a sample of eight Waalo and four Jeeri villages.

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<sup>1</sup> For further explanation about the dams, see "Grands barrages pour l'industrie, eau pourrie pour les villages" (Major dams for industry, polluted water for villages), Quebec-Africa committee report, February 1981.



The particularity of Gamaaji Saare is that it straddles the Waalo land where flood retreat and irrigated agriculture is practised and the Jeeri land which is mainly pastoral.

## I LANDHOLDING IN THE WAALO

The land tenure situation in the Waalo is currently characterized by three sets of rules. Alongside recent legislation bringing land under state administration,<sup>2</sup> some forms of landholding are based on traditional customs whereas others have developed in line with collective use of the land through village irrigation schemes, in the so-called pioneer areas.

These three sets of rules have separate dynamics. They are superimposed on and interpenetrate each other, giving rise to a complex situation with regard to landholding where legal problems are bound to arise. This plurality of rules is found whether one looks at access regulations, the authorities involved with land allocation or the elimination of all rights over land.

In view of the fact that current management practices are substantially based on traditional land tenure arrangements, it is important to take a look at the past in order better to understand the present.

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<sup>2</sup> Law no. 64-46 of 1964 transferred management of the entire landholdings of traditional owners to the public authorities. Four categories of land were defined: urban areas, pioneer areas, gazetted areas and rural areas. In 1972, Law no. 72-25 confirmed the state's authority over the pioneer and gazetted areas, ceding urban and rural areas to the local authorities. (Diop et al. 1991).

## II THE TRADITIONAL SYSTEM

In the past, certain traditional authorities played a preponderant role in land allocation procedures. The "Laam tooro" set the boundaries between areas, while the "Ardo", "Elimanes" and "Joom" were responsible for distributing land within each area.

Later on, the district chiefs established by the colonial power were also able to influence transaction with regard to land. However, they were unable to exercise real power over land. These days, it is the customary owners who hold real power over land and, to a lesser extent, village chiefs.

### Village Chiefs

Originally, all land tenure issues were brought before them and they, in their turn, consulted the high-ranking members of village society. Their power with regard to land and their political role are intimately linked inasmuch as village chiefs are the descendants of the founders.

However, village chiefs these days have practically no power over land allocation any more. This is due to the fact that all land has already been attributed, so that the village chief has no effective power except where climatic conditions dictate a new division of land. Drought can mean that some village land can no longer be cultivated and so the remaining area must be divided out again between families. Changes in climate can also affect the land situation in other ways. The area of fertile land flooded annually varies according to the height reached by the flood water, making it difficult to decide who is entitled to which portion. The village chief may have to intervene. However, it

appears that his authority is not final, as some villagers admitted that they preferred to deal directly with the customary owners.

The village chief also has to deal with problems relating to requests for land from people from outside. But does he intervene directly and what are his powers in this regard? Is he simply an intermediary responsible for obtaining a plot from the customary owners? Or may he by right and/or after having consulted/taken a decision in conjunction with the Council of Elders take some land away and reallocate it to someone who puts in a request? It seems that he merely acts as a witness in transactions between the customary owners and the *person seeking land*; at least this is what the villagers ask of him and, if he is not there, they approach his stand-in.

### **The customary owners**

Prior to modern legislation, it was the customary owners who held real power over land. Apart from arranging rental contracts with landless people, their role was to distribute land amongst villagers depending on the rainfall situation.

This power can be moderated by the family, which must be consulted and can accept or refuse. Within a family, the oldest member is responsible for redistributing land and settling disputes. This reflects the communal nature of traditional land tenure.

According to modern law, traditional authorities now have no part in land allocation decisions.

### III CURRENT RULES FOR THE ALLOCATION OF WAALO LAND IN GAMAAJI SAARE

There are three types of access to land in Gamaaji Saare these days, traditional, collective and allocation by the rural council.

#### **Traditional arrangements**

The first occupants claimed the land and subsequently organized various ways of passing it on which still have some validity today.

The right of the first occupier : the position of the first occupier determined the original organization and distribution of land. The founder became the master of the land and shared it out amongst the families who came to settle. In fact, now that families are fully established and land has been allocated, this type of access has only historical interest.

Passing on land through the family: in principle, land only changed hands through the family. While outsiders might gain access through marriage, inheritance was the most common form of transmission. Almost all those interviewed said they acquired their land from their ancestors through inheritance.

#### a) Land acquisition through marriage.

Some outsiders succeeded in procuring land by marrying a woman from the village, whose parents would allocate some of their land to the husband so that he could feed his family.

b) **Inheritance**

Land passes on to the children. One compound head explained: "I inherited my land from my forefathers. We were two brothers at the time and then my older brother died. I took over his land because he was not married and had no children". This shows first of all that land is always kept in the family, so that if a traditional holder leaves no descendants and no widow, the land comes as of right to his surviving collateral. Secondly, it shows that collaterals share the land. However, it may be held by only one even when there are several heirs. This can happen when the other brothers have other activities (commerce, jobs in the administration and so on) or are living elsewhere.

Land transactions: these mainly involve borrowing and leasing.

a) **Loans: *Lewre***

In this type of arrangement, the traditional holder loans his land to a third party for clearance. That person then cultivates the land for a given time before handing it back to the traditional holder.

b) **Leasing**

A farmer may also use land for a certain time, through payment of rent in one of three ways to the traditional holder.

- "Njoldi" is paid to the traditional landholder in advance. It may be a fixed sum of FCFA 5,000 or 10,000 for a year's use.

- "Zakkat" or "Asakal": strictly speaking, "Zakkat" (alms-giving) is the third pillar of Islam. It is an obligation which must be paid by every free Muslim of sound mind. Slaves do not pay Zakkat. It may be paid in cash (one fortieth of the person's wealth) or in kind (for instance in crops, one tenth or one fifth if the land is irrigated). However, where land is concerned, Zakkat has lost its religious significance and relates to rent paid. It shows that the person receiving it really is the owner of the plot.
- "Rem-peccen", which means "cultivate and we'll share" in the local language, relates to share-cropping. Sharing depends on the relationship between the parties to the contract. The cultivator may take two thirds and the owner one third, or they may each take half of the crop. A traditional holder might also hand five fields to a landless person who would cultivate them and keep the harvest from one field.

The practice of "rem-peccen" was socially determined and intended for cases where a father died leaving young heirs unable to farm the land themselves or where the traditional holder was infirm. This is unfortunately no longer the case these days and rem-peccen is now a widespread form of land use like any other.

### Collective arrangements

Village irrigation schemes have brought new access arrangements into being. Before examining the distribution of plots within such schemes, it is useful to see how these are acquired. Collective arrangements refer to the co-operatives,

village groups and economic interest groups into which small farmers have been organized.

Acquisition: land for village irrigation schemes is acquired collectively by families or villages in various manners. A family or village group might first clear a specific plot and then ask an organization such as the SAED (a public body responsible for land use and development in the Senegal river delta and the Senegal river and Faleme valleys) or the EDF (European Development Fund) to set up a scheme. Alternatively, one of the latter may take charge of clearing a plot and setting up a scheme before handing it over to a group which has made a request.

It is not until much later that the rural council deals with collective allocation. In at least two villages, decisions on allocation were not taken until several years after the schemes were set up. The newly allocated plots are wider than those which the group was working.

Distribution: land within village irrigation schemes is divided up equitably on the basis of criteria such as: membership of the association, active participation in clearance or soil preparation work, providing land, paying for inputs.

Decision making: In all the associations visited, the General Assembly is responsible for land allocation and only rarely allows its leader to take the final decisions. The General Assembly of association members may be extended to traditional authorities (the village chief or his representative), invited ex-officio.

The decision-making process has one particular feature. The leader of a women's group told us: "as soon as we receive a request for plot allocation, I

inform the members of the group. Then I advise the mosque through an intermediary and the men give their opinion to the group....."

### **Legislation relating to state-administered property**

The Rural Council: in Gamaaji Saare, as everywhere else in Senegal, land allocation has been a matter for rural communities, through their rural councils, since the 1980 changes to law no. 72-25 of 19th April 1972. All requests in respect of land are considered by the rural council. The request is put to the President, usually by a rural councillor. The president of the rural council records the request, advises the sub-prefect and asks the president of the "State property commission", made up of rural councillors, to look into it. This commission is responsible, in co-operation with the head of the Rural Expansion Centre, for investigating to see whether the land requested may be allocated or not. The Head of the REC takes part in the enquiry on an advisory basis. He is responsible for marking out the plot and preparing the technical data (size, neighbouring users, development potential, etc). He also frequently acts as secretary to the rural council. The president will bring the commission, the requesting party and the head of the Podor REC together to find out whether the requesting party really is the customary owner of the plot. Neighbouring owners are consulted, as well as high-ranking members of village society, especially the chief.

Allocation: In Gamaaji Saare, the communal authorities have made collective and individual allocations on the basis of criteria drawn up by themselves. Collective allocations are made to specific associations such as "village sectors" which refer to a producer group, women's group, economic interest group or co-operative. This seems to be the main form of allocation by the rural



community, whose president has admitted his preference for allocation to the whole village community because this helps to avoid conflict situations. Land allocated collectively is not worked collectively. The association concerned divides it up between its members who use it on an individual basis.

There are few individual allocations. Although there are people who make requests because they know about recent legislation concerning state-administered property, it is none the less true that requests for individual allocation are usually made after a dispute has arisen. The decision can help to clarify the confused legal situation.

Allocation criteria: The Gamaaji Saare rural community has developed specific allocation criteria.

- The need for "customary ownership".

Individual allocations are made to regularize customary ownership. Those involved are all former traditional owners. The rural council applies this criterion strictly and when people who are not traditional owners make a request, its response is not favourable. As an illustration, let us consider the case of a small farmer who had been cultivating a piece of land for several years and decided to make an allocation request to the rural council. Realising that the land in question was part of his traditional property, another farmer also put in an allocation request. The rural council decided to allocate the land to its traditional owner at the expense of the person who was working it.

- No dispute over ownership

To ensure that there is no dispute, the state property commission is careful to consult the traditional authorities (village chief, etc) as well as neighbouring owners. When the in-field enquiry uncovers evidence of a dispute, the rural council suspends examination of the request or rejects it.

Once the rural council has verified that there is no dispute, it takes the decision to allocate the land to the requesting party. The paperwork is drawn up and sent the following week to the sub-prefect, who has one week to forward it to the prefect for approval.

The rural council's decision cannot come into effect until it has been approved by the departmental prefect, who is supposed to make his decision known within fifteen days of receiving information from the sub-prefect. However, the authorities often do not respect the time limits for examining requests and making their decision known. This causes problems, as people usually have to make several trips to find out what has happened to their request.

#### **IV CURRENT RULES GOVERNING THE WITHDRAWAL OF LAND IN GAMAAJI SAARE**

##### **Reasons for withdrawal (exclusion rules)**

Land rights are terminated by withdrawal or deallocation, which may occur for different reasons depending on whether the system is traditional, collective or state-administered.

Withdrawal of traditional land: Land allocated beyond the family structure is increasingly being withdrawn, in some cases due to non respect of the allocation rules. This new situation has arisen due to conflict between traditional rules and legislation relating to public administration of land. The latter has provision for dispossessing those who do not make productive use of their land and handing this land over to those who are actually cultivating it. In order to avoid losing out to cultivators, customary owners therefore keep them in a precarious situation. The technique consists of making them use a different piece of land every year so that they cannot achieve the minimum period of use required by law before they can make a claim for land allocation.

Apart from non respect of the rules of allocation, there can be other important reasons for withdrawing land:

- The wish of the customary owner: as mentioned above, an owner can withdraw permission to use land whenever he wishes;
- Divorce can place a divorced woman and her children in a precarious position. In this event, which happens mainly when the farmer is

polygamous, the village chief can decide to allocate a portion of the man's land to the rejected woman to help her to feed her children;

- Conflicts may arise between the user and the landowner himself, his son or his wife;
- Non payment of rent: this relates mainly to "asakal" and "rem-peccen" to which customary owners seem to be almost mystically attached. This may be due to the fact that land is the almost exclusive source of income or subsistence in rural areas. In the case of a son, it is considered that payment of "asakal" is a duty to his aged parent;
- Lack of use: this can include "inadequate use of the plot" or "poor maintenance or inappropriate use of the plot", the result in all cases being insufficient yields.

Withdrawal of land in village irrigation schemes: This is rare. In general, it is occupiers themselves who decide to abandon their plot. They advise the group which makes a new allocation. However, one village did mention a risk of withdrawal, referring to an individual who, having not worked his plot the previous year, was still being pursued to pay input charges for the season. The farmers considered that if he would not pay up, the plot would have been withdrawn and reallocated to someone else.

Withdrawal of land in village irrigation schemes is due to non respect of the terms of allocation, as in the previous case where the plot was not worked and there was a question of non payment of charges. However, mention was also

made of withdrawal in the event of lack of use, even where the person had paid for the inputs.

Deallocation by the Rural Council: There has been no case of this so far. However, in both Waalo and Jeeri villages, there are rumours of an imminent deallocation. In fact, in the interview he gave us, the president of the rural community declared that "deallocations are in prospect. They will relate to land which we ourselves have allocated" (we being the most recently elected Rural Council).

It should be noted, however, that some people do not think that deallocation could occur. They consider that the Rural Council would not dare to deallocate because they would not be supported by the administrative authorities who are blocking application of the law on public administration of land.

Reasons for deallocation by the Rural Council: Deallocation occurs when the terms of allocation are not respected and may occur:

1. At the request of the interested party;
2. When the person to whom the land has been allocated does not respect his commitments or the rules governing land use (inadequate yields);
3. When family or personal use ceases;
4. In the public interest (livestock routes, water supply, housing lots, highways, etc).

In the latter case, those concerned may receive as compensation a plot equivalent to the one they have lost. In all cases, the Rural Council has the right, with the prefect's approval, to recover the land whose holders are affected by such circumstances in order to give it to someone else who has made a request.

## V LAND TENURE ARRANGEMENTS IN THE JEERI

Unlike the Waalo land, the Jeeri only has potential for wet season cropping and pastoral use. With regard to national land ownership legislation, the Jeeri is subject to the same legal provisions, the same allocation and deallocation procedures and the same exclusion terms. However, there is not so much at stake in the Jeeri as in the Waalo. It has only been used so far as a living area and for wet season cropping and grazing. The local people think that wet season cropping does not require major investment, but they are aware of the need to develop their land to avoid being dispossessed by non residents with ample means at their disposal, as happened to herders in Khelcom. Moreover, according to our sources, marabouts and businessmen have already declared their intention to transform the vast territories of Jeeri land into ranches.

Our study shows that the Rural Council has never allocated any plots in the Jeeri because people do not ask for it.

## **VI THE GAZETTED FORESTS**

The Gamaaji Saare rural community has two gazetted forests:

- Thielao: 2,940 ha (gazetted in 1941)
- Diara: 3,000 ha (gazetted in 1942)

In each gazetted forest, there is a representative of the farmers who deals with the State Forestry Department.

Land in gazetted forests is considered to be very fertile, while the soil in village irrigation schemes is becoming less and less fertile and requests for plots are increasing. The farmers do not always see the point of giving particular status to certain forests, especially as these are often extremely sparse and, in some places, there is nothing but sand. What indeed is the point of a gazetted forest with no trees but only stumps?

## **VII THOSE EXCLUDED FROM LANDHOLDING IN THE RURAL COMMUNITY**

### **Women**

Traditionally, women do not inherit land. When there are women amongst descendants, only the men inherit the land. However, some situations may oblige women to claim a part of the inheritance. One woman told us: "Our father inherited some land in the Waalo. When he died, there were five of us to claim an inheritance: one son and four daughters. As it is customary in our

tradition that women are not involved in land acquisition, our brother inherited all the land. After a few years, in anticipation of the new situation after the dams were built, women came to claim their share of land. Our brother refused to give us our share, convinced that after a piece of land had been worked for several years, the law would grant ownership to the farmer".

### **Young children**

Another variation in the inheritance system occurs when children are very young on their father's death and cannot work the land. In such cases, the mother may take on responsibility for the land. However, it may also happen that this land is handed to a "slave" to cultivate for a given time, until the children grow up. According to traditional rules, at the end of this agreed period, the land should in principle be returned to the children.

### **The "Maccuve" (captives or landless people)**

This section of society finds it difficult to gain access to land as their ancestors were not landowners. They therefore have to go through the traditional owners to borrow or rent or use the "rem-peccen" system. Despite the provisions of the law on state-administered property which should allow them access to land like any other citizens, this sector still comes up against traditional land management practices.

### **Pastoralists**

True pastoralists live in the Jeeri because there is more space there and also because they do not directly practise agriculture. In fact, they are traditional



owners who used to have their land worked by those who had none of their own on terms agreed between the parties. Socio-cultural factors mean that pastoralists who live in the Jeeri are almost always the first occupiers of the land. However, in view of their status as transhumant herders, their land tends to be taken over by sedentary farmers who then claim to own it. When these nomads return to their place of origin, there is no guarantee that they can recover their land and they may simply be seen as outsiders.

Modern legislation has little to say about herding. Moreover, one is often tempted to deduce that herding is not considered to represent productive use of land in the same way as agriculture, which places the pastoralists in a precarious position.

## VIII ANALYSIS

### **An end to the power of the owners/managers**

Since the law placing land under state administration was adopted, village chiefs and customary owners no longer have any official power in respect of land allocation and deallocation. The village chiefs have certainly seen their responsibilities gradually worn away, whereas the law has taken all power away from customary owners, purging the land of all customary rights.

The nation (state) has now become the owner of the land (in place of the ancestors and the gods) which was previously held according to customary law. Following initial distribution by law, it is now up to the Rural Council to deal with allocation, deallocation and user rights. It is true that, in implementing

this law, the Rural Council still consults village chiefs and customary owners in marking out land to be allocated. This is, however, likely to come to an end as the Rural Council gets to know the lie of the land.

### **Removal of power from the co-operatives**

The right to distribute and withdraw plots on village irrigation schemes was held by the Board of the co-operative. In practice, this power was sometimes exercised by the General Assembly of all members of the co-operative which was more democratic and a welcome change. However, since the "pioneer" areas were brought back into the rural areas category in 1987, the Rural Council has been charged with allocating and deallocating land in village irrigation schemes.

### **The role of the Rural Council**

The only problem with the allocation procedure relates to the financial contributions demanded from people requesting land. The Rural Council finds itself caught between the demand for free access to land by farmers and the financial constraints imposed by land allocation operations in accordance with the law.

As the preamble to Law 64-46 explains, the aim is to combat speculation and give more freedom to small farmers by abolishing "retrograde customs" and the dues which farmers used to pay to the masters of the land and which hindered development. This is why, as Debene and Caveriviere note, the regime governing use of state-administered property will concentrate on ensuring access to land for farmers and stabilizing the situation with regard to productive use.

This theory falls foul of the financial difficulties of the Rural Communities who unfortunately cannot avail themselves of financial relief from the state, contrary to the financial arrangements planned for their budgets. The financial contribution demanded from people requesting land is seen as a necessary evil. However, the levy of FCFA 3,800 must be distinguished from the contribution towards transport and subsistence costs demanded in respect of the mission to mark out land for allocation. The legality of this levy must be analyzed against the financial operations that rural communities are authorized to conduct. While they are authorized to record optional ordinary expenditure, they do not have the right to collect certain revenue. The levy of FCFA 3,800 does not show up in the list of authorized revenue in article 76 of Law no. 72-25. Moreover, the rural community is not by nature empowered to institute such a levy. In fact, as this non-returnable levy is collected at the time of the request for allocation with nothing given in return, it is more of a tax than anything else.

## **IX WHAT NEEDS TO HAPPEN IN THE FUTURE**

The experience of Gamaaji Saare shows that it is important to review the legislation and try to bring it into line with the development objectives set by the government. The law on public administration of land was supposed to give everyone equal access, while restoring its traditional communal dimension.

It is important to ensure that the smallholders of the Gamaaji Saare rural community, the traditional owners of the land, are not reduced to the status of agricultural labourers working for major farmers coming in from outside.

It has been observed that the promotion of village irrigation schemes, economic interest groups, village associations and women's groups is a way of ensuring access to land without discrimination. The allocation criteria take no account of traditional ownership or the social category of the individual. In order to be eligible for allocation within these collective plots, it is only necessary to fulfil the conditions laid down by the whole village or the General Assembly.

It is also vital that herding should be considered as productive use of the land, as it plays an important role not only for the social sector which practises it, but also in the national economy.

A broad campaign of awareness-raising, information, and training needs to be launched, especially with regard to the fundamental provisions of the law on state-administered property.

## CONCLUSION

Land has always been the subject of dispute because it represents, for some of those who own it, the means of conserving their privileges, whereas, for others, it is a means of production. This is one reason why traditional practices still persist today and have considerable influence over current land management in rural communities. Such management is now extremely complex due to the co-habitation between customary law and modern law.

In initiating legislation on public administration of land, the Senegalese government sought to combat traditional land hegemony while maintaining communal traditions in a positive way. The idea was to achieve certain

economic aims on a national scale, but especially to direct small farmers towards collective, modern forms of production. The government also wanted to handle traditional customs and practices in a sensitive manner while bringing a modern and unifying perspective to land use arrangements throughout the country.

The application of this law has come up against many difficulties, especially in rural areas:

- The take-over of large areas by agri-business. In fact, the establishment of major projects poses real problems for rural councils as cultivated land comes to be occupied by agro-industrial complexes which expand in an inconsiderate manner and threaten rangeland and grazing areas;
- Numerous conflicts over land have arisen when seeking to adapt the law to customary practices, due to the resistance of traditional land practices to modern law;
- The law does not make provision for the management of a broad area, communally managed by and for herders;
- Conflicts of authority between village chiefs and rural councillors as the former consider themselves *de facto* managers of land and guardians of rules relating to its use, which functions the law has handed over to the latter;
- Inadequate knowledge of legislative texts relating to state administration of land and poor application of same, which compromises land reform.



**Dryland Networks Programme**

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