

**Improving tenure security
in northern Togo:
A means to address desertification**

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INTRODUCTION

Landholding systems in Togo, as in the bulk of French-speaking countries in sub-Saharan Africa, have undergone changes as the original forms of communal tenure have been undermined, although not fatally, by the introduction of state or individual private property, followed by the beginnings of so-called modern tenure reform. One of the most important conclusions reached by research & development in the last few years has been that the confusion prevailing in respect of tenure hinders efforts to combat land degradation and to achieve efficient resource management and human development.

The Convention to Combat Desertification (CCD) presents land tenure as an important issue in addressing dryland degradation. A striking feature of this text is the need to initiate national strategies to combat desertification in collaboration with people at grassroots level. Several complementary policies could promote wiser use of land: decentralisation, liberalisation, and participation. The ultimate goal being to ensure that both men and women have the means to adopt more sustainable land use practices. They are unlikely to make long term investments in measures to improve the productivity of their soils without secure rights over their land. This is the reason why today land tenure is the cornerstone of efforts to address sustainable development in Africa and most particularly in dry areas.

We suggest that there is a strong relationship between the control that different land users can exercise over their local resources and their incentive to conserve and manage them in a sustainable way. The prevailing situation in the savannah regions of Northern Togo will be examined in the light of this hypothesis and in relation to the design of land reform.

Up until the 1970s, land tenure proposals were based on a model promoting exclusive individual title to land which would be recognised under modern law. From this stemmed confusion regarding the legal status of the great majority of resources in Togo which did nothing to promote investment in sound land husbandry. This brings us back to the need to identify the interplay of different actors in the control over land (State, community, individuals). After a brief presentation of the main characteristics of the region, we aim to examine how the Land Tenure issues are manifested on the ground in the light of conflicting legal systems governing land. Finally, certain proposals will be outlined to

address the ambiguity concerning land rights and the means to assure greater security of tenure.

BACKGROUND

Geographical and socio-economic data

The Savannah Region¹ is the northernmost region of Togo, a country with a land area of 56,000 km². opening onto the Gulf of Guinea. Bordering on Burkina Faso to the north, Benin to the east, Ghana to the west and another region of the country (Kara) to the south, the Savannah Region has a land area of 8,553 km², 15% (Marchés nouveaux, 1998) of the national territory, one-third of which is occupied by wildlife reserves. In geographical terms, the plains have relatively poor, degraded soils which support scattered vegetation and have long been settled (see annexes 1 and 2 for a map of the area and demographic data). A description of the climate and environment is given by de Haan, who points out that during the rainy season from May to October, the region has the characteristics of a genuine grassy savannah. However, during the rest of the year, the author says that “*not a single drop of rain falls and the desert wind, the harmattan, rages furiously (...). During this dry period, the landscape is transformed into a semi-desert expanse with peak temperatures in February*” (de Haan, 1993).

According to the “degradation index” established by ORSTOM, the particular feature of this region is that it has the highest percentage of heavily degraded land in the country. The very intensive rains, coupled with slopping land and fragile soils encourage water erosion, especially gully erosion: “*this is the only region in Togo where quite rapidly expanding deep gullies can be seen at present*”. After noting other signs of gradual drying out of the region, the authors’ conclusion is irrevocable: “*Pressure on land in this area is already heavy, as population density exceeds 250 per km² in some sectors. Measures to protect the land must therefore be taken in the short term if genuine desertification of this part of the country is to be avoided*” (Brabant et al, 1996).

¹ The term region is applied to the Togolese savannah in both its geographical meaning (a particular expanse or area) and a more structural sense that fortunately coincides with the designation given when the country was divided administratively and politically by Law No. 81-89 of 23rd June 1981 on administrative reorganization (Togolese Official Journal, 6th July 1981). Written with capitals, the term is used here to describe the administrative division.

The area was an important economic centre on one of the caravan routes in pre-colonial Africa linking Hausa country with the prosperous areas further west (Ashanti, Agni and Mali). The same dynamism can be seen today, the area being located at the intersection between four different countries. Remarkably, at the market in Cinkassé (a village on the border with Burkina Faso), trading goes on smoothly and simultaneously in three different currencies: the CFA franc, the Ghanaian cedi and the Nigerian naira.

Other features of the region are its population growth rate of 2.7%, an unevenly distributed population and a high degree of mobility (World Bank, 1995). The only urban centres are Dapaong, which had 17,000 inhabitants in 1984 and a growth rate of 5% (Marchés nouveaux, 1998), and the town of Mango. The region's GDP is similar to that of the country as a whole, i.e. \$336 per capita in 1993. It is only the preponderance of pastoral activities that distinguishes this region from the rest of the country, although a large proportion of the population is still engaged in farming.

The gradual dessication of the Savannah Region

Over the last 10 years, signs of drought have been seen beyond the Sahel. A study undertaken as part of the ICCARE programme (Identification and consequences of climatic variability in non-Sahelian West Africa) in three countries along the Gulf of Guinea (Ivory Coast, Togo and Benin) has confirmed that the region is experiencing a recession in terms of rainfall, with slippage of isohyets southwards, a shorter rainy season and fewer rainy days.² The phenomenon was even more marked in 1998, with people in the area suffering frequent power cuts, which disrupted economic activity for almost six months.

As the causes of desertification – climatic variation and human activity – have been established, we need to find ways and means to tackle the problem at the root. In the case of Togo, it will be necessary to deal with the tenure issues that play a part in speeding up the process of soil loss, which eventually leads to desertification. The Savannah Region may be seen as a buffer zone that needs protection in order to preserve higher potential land further south. The same goes for the other coastal countries (Nigeria, Benin, Ghana and Ivory Coast), but there is presently no sign of any major initiatives in this respect at sub-regional level.

² The initial results of this study were published by Paturel (1995 :95-102).

While the development community is still focussing on the Sahelian area, it would still be worthwhile to consider preventive programmes further south. Without wishing to be pessimistic, one must recognise along with de Haan that: *“ although the West African savannah is considered to have greater development potential in view of its better natural conditions, it seems that population density, land shortages and erosion will eventually place a large proportion of the Togolese Savannah Region in a situation as disastrous as that currently facing the Sahel”* .

Tenure relations in the Region are complex and need to be clarified. Indeed, following the 1992 political crisis, people originating from areas that had been turned into nature reserves in the Savannah Region (about 47,500 of them) returned to settle there, as the power of the authorities responsible for conservation had been greatly weakened.³ This re-occupation has complicated tenure relations in that, while conservation rules were being strictly enforced, some people were apparently able to use their political connections to acquire land within the reserves. Furthermore, the social ties underlying patterns of access have undergone changes during the “exile” of the true owners and it is likely that some people have been able to turn this confused situation to their own advantage.

TENSIONS OVER TENURE: IS AN EXPLOSION IMMINENT?

To answer this question, we shall analyse the influence of the 1974 agrarian and property reform on local practices and then look at the system currently prevailing in the region.

Instability caused by the 1974 tenure reform

It is worth examining first of all the specific features of customary landholding systems in the Savannah Region, so as to identify the aspects which obviously conflict with the 1974 Law on agrarian and property reform.

³ The Mandouri and “Fosse aux lions” reserves were said to have been 100% occupied and Kéran 70% occupied. However, these figures do not agree with Brabant’s observations from which it was estimated that only 73 km² (or 2.7%) of these reserves were under cultivation.

There are two major ethnic groups in the area: the Moba/Gourma, whose centre is Dapaong, and the Anufom gathered around Mango. According to Cornevin, the former took up residence in the distant past, whereas the latter, originating from the Agni kingdom (present day Ivory Coast) took over their current location around 1760 (Cornevin, 1963)⁴. Tenure relations are based on the right of first occupancy and given concrete expression in all kinds of ritual ceremonies, whose purpose is not only to honour the connection with “Tigban”, the god of the land, but also to publicise and demonstrate the claim. The right thus conferred to settle and work the land could not under any circumstances be withdrawn from the group concerned. Of course, in the event of conquest, the victors claimed pre-emptive rights over land, but the original act of appropriation guaranteed that the initial occupants of an area would have some rights of access to land. Although the Anufom obtained land rights through their conquest of the Mango area, they always respected the original inhabitants’ religious connection with the land⁵.

Another form of tenure is the “right to clear”⁶. This is granted to new arrivals who ask for plots to cultivate or to build their Soukala (a compound made up of several huts built in a circle). These “outsiders” have usage rights over the plots allocated to them on a more or less permanent basis depending on the degree of kinship with the owners, the stock of available land and how good the harvest have been recently. However, according to Frobenius, land granted in this way was and remains the property of the first occupant and his descendants.⁷

In addition, access to water, fishing resources and rangeland was regulated under a joint management system. Moreover, collecting firewood and picking wild produce was forbidden in places with obvious religious significance. A study of the adjacent region, in present day Burkina Faso, shows that the places where cultivation or human activities were forbidden were in fact ecologically sensitive spots and these measures reflect the beginnings of concern for sustainable environmental management amongst African societies (Ki-Zerbo, 1997).⁸

⁴ See also the German colonial archives “Deutsches Kolonialblatt”, Berlin 1890-1915, quoted by de Haan (1993, 85-92).

⁵ Emile A.B. van Rouveroy van Nieuwaal, quoted by de Haan (1993 : 96).

⁶ “*Droit de hache*” in French.

⁷ L. Frobenius “Und Afrika sprach”, Tape 3, Berlin, 1913, quoted by de Haan (1993 : 97).

⁸ Common ancestry means that this study may be considered applicable to the Togolese savannah as well.

Access to natural resources in the Savannah Region is thus governed by various forms of tenure, from common resource property, usage or cultivation rights and gifts (which tempers the principle of inalienability of land) to derived rights (leasing, tenant farming and share cropping). Alongside customary tenure rights, colonial legislative provisions introduced the notion of ownership title, which had not been at all widespread in rural areas. The law of 24th July 1906, drawn up during the era of German colonisation, followed by the French decrees of 13th December 1922 and 15th August 1934, introduced registration of land in the property register and the “property book” for recording customary rights. Even after independence in 1960, these laws maintained a hold over tenure relations, especially in urban centres, although somewhat tenuous. Dziwonou stressed the ambiguity of tenure legislation in urban areas when he declared that “*when you acquire land for building in Lomé, you also ‘acquire’ a law suit*” (Dziwonou, 1987). The 1974 reform must be seen in this context. We shall not undertake an exhaustive legal review here, as there is a great deal of literature on the subject (Koffigoh, 1982; Foli, 1982; Jouve, 1979). Analysis of some of the principles introduced by this reform will help to understand the current tenure confusion.

Unlike other tenure reforms introduced elsewhere in Africa at the time, Togolese agrarian reform instituted by the law dated 6th February 1974⁹ did not provide for wholesale nationalisation of land. In fact, customary access patterns were recognised in the same way as acquisition according to modern law. Article 2 states that: “*the State guarantees the ownership rights of individuals and communities who hold land title issued in accordance with the law. The State also guarantees the ownership rights of any person or community who can claim to exercise customary rights over the land they use*”. The reference to land being used is of crucial importance, as land would not be acknowledged as belonging to individuals or communities unless they were putting it to productive use. Nevertheless, a period of five years from enactment of the edict was granted for recording that plots were actually in use (cf. provisions of Article 4, sub-paragraph 2). Moreover, the practice of setting aside or fallowing land is sanctioned in Article 6. According to Foli, the fact that the reform took actual productive use as a condition for acquiring land does not conflict with custom. He says that “*the land is only considered to be owned if it is cultivated (...) in the customary system, tillage was the*

⁹ Edict No. 12 of 6th February 1974 on the landholding and property system, Togolese Official Journal, 16th March 1974, p.113.

primary means of acquiring land” (Foli, 1982). Plots whose ownership had been recorded in this way differ from land which is lying fallow or “uncultivated” (in the words of the edict): this came under the control of the State through the establishment of the “*domaine foncier national*” (state-administered property). As a result, the public authorities had a planning tool enabling them to become players in the tenure game through their ability to use state-administered property “within the framework of rural, urban and industrial development programmes” (Article 30).

So what is the position today as regards enforcement of the reform and establishment of the state-administered land? The reform was supposed to be backed up by a battery of enforcement instruments which, unfortunately, were confined to the 1977 and 1978 decrees.¹⁰ In 1980, it was estimated that 70,000 hectares of uncultivated land could come under state administration – even then, this seemed an exorbitant figure considering the land hunger brought about by continuous population growth. This area was supposed to back up an efficient land allocation policy and rural development projects that never materialised. Although the 1977 and 1978 decrees envisaged the creation of ZAAPs (Planned agricultural development zones), the uncultivated land identified in this way was never actually put to use. On the contrary, farmland has expanded considerably, as a result of demographic growth and economic difficulties. The land currently under cultivation encompasses a significant part of the “*domaine national*”, as clearly evidenced by the occupation of wildlife reserves and national parks in the area.

Many farmers and herders are using land and resources they consider, wrongly or rightly, as their own; these resources could be taken away from them overnight if the State were to decide to implement the provisions of their agricultural development policy. Indeed, according to Article 31 of the 1974 edict: “*communities retain their traditional rights of use – hunting, gathering, rangeland, grazing, etc. – over all land forming part of the national estate, so long as the exercise of such rights is not incompatible with the new purpose for which the State wishes to use it*”. A number of users, aware that they are encroaching on state-administered property, still continue to exploit its resources by means of practices and methods which often show little concern for sustainability. An FAO study (Carnot et al, 1984) found that virtually all the farmers questioned claimed “*not to be aware of the existence of the tenure*

¹⁰ Decree No. 77/165, Togolese Official Journal of 16th September 1977, p.430 and Decree No. 78/45/PR and Decree No. 78/46/PR of 17th May 1978 on the creation of Planned Agricultural Development Zones (ZAAP).

reform". This behaviour reflects the ability of rural communities to ignore what they do not want and manufacture opportunistically a body of quite flexible rules, which stand in stark contrast to the way modern laws are framed.

The ambiguity of the landholding system

Togolese land and property reform, whose aim was to redefine tenure rights in order to bring about economic development of rural areas, has reached a dead end and seems to have been defeated by the actual situation on the ground. Foli thought that the reform was "*good, wise and appropriate to Togolese reality*" (M. Foli, 1982). However, the new principles it tried to introduce, by changing the rules governing land use, disconcerted the end users. Participants at a seminar on tenure problems in Sub-Saharan Africa, held in Paris in September 1980, were already expressing concerns about the establishment, through the reforms being implemented on the continent, of major areas owned by government which could "*bring about or consolidate a capitalist type society (...) with smallholders becoming agricultural labourers in the pay of government officials or other institutions*".¹¹

Thus, farmers in the Savannah Region of Togo did not find the reform to their liking, which is why some "deviation from the script" or "slippage" can be seen (Traore, 1997). Indeed, while some provisions of the reform regarding recognition of tenure rights (customary access patterns) have been accepted, technically-oriented measures to implement the reform (expanding farm size, mechanisation, etc.) have been rejected. Similarly, the local judicial and administrative authorities may on occasion make decisions which are not in accordance with the law in order to reduce risks of conflict (e.g. settling disputes over tenure of land which, in principle, forms part of the national estate, or allowing official registration of plots in that area).

One of the interesting contributions made by legal anthropology and sociology is the idea that legislative and institutional instruments should no longer be seen as a sum of technical proposals to solve a given problem, but need to be interpreted as a "social phenomenon", as shown by the way that groups seize upon the "*development proposals made to them, while trying to bend them to suit their own interests*" (Delise & Jacob, 1995). According to Hesselings,

¹¹ The minutes of these seminars have been published in "Enjeux fonciers en Afrique Noire" (Le Bris et al, 1982 :264).

“legislators often tend to overestimate the ability of formal law to influence the behaviour of stakeholders in the desired manner”.¹² In his well-known analytical sketch on the “social working of law”, Griffiths shows that the behaviour of those to whom a legislative provision is addressed is not solely determined by national legal rules, but also by rules deriving from so-called “semi-autonomous social fields”.¹³ There is a need, therefore, in this substantially altered social and legal context, to find practical solutions rather than legislative instruments to encourage further development and investment in the Region.

WHAT SORT OF SECURITY FOR WHICH STAKEHOLDERS?

According to Article 8-3-c (iii) of Annexe 1 to the Convention on Desertification regarding implementation of the Convention in Africa, one of the tasks to be undertaken by the National Action Programmes (NAPs) is to adapt, *“as appropriate, the institutional and regulatory framework of natural resource management to provide security of land tenure for local populations”*. As one of the very first countries to ratify the Convention, Togo presumably wanted to signal the strength of its commitment to combating desertification. The government has been involved in many such negotiations concerning the environment, signing all kinds of agreements and conventions. These, however, did not find any practical application in the field (Alinon, 1993). The success of the Togolese NAP is dependent on clarification of landholding practices in the Savannah Region.

How to provide greater security of tenure

The strong-armed policy initiated by the State with the 1974 reform was not successful in clarifying access to and ownership of land. This failure might have resulted in an exacerbation of tenure disputes and a consequent fall in agricultural yields, but it is clear that this worst case scenario did not materialised. Despite demographic pressure and certain economic difficulties, the customary system has proved its effectiveness in relation to management and use of land. The capacity for adaptation and intrinsic coherence of customary rules must therefore be acknowledged.

¹² Gerti Hesseling in a lecture given to the 3rd Summer School of the AEGIS network on legal aspect of reforming the State in Africa, Bordeaux, CEAN, 18th September 1998.

¹³ John Griffiths “The social working of law”, 1996, quoted by Hesseling (see note 12).

In the Sahel, natural resource management issues are relying to an increasing extent on transferring responsibilities to local authorities/communities, as demonstrated by some experiments in Yatenga (Burkina Faso) and Kayes (Mali) (Dugué, 1990; Soumare, 1996). The consensus is that only at “local level” can “*tenure relations really be given concrete expression*”.¹⁴ It cannot be expected that uniform customary practice will prevail throughout the Savannah Region. Notwithstanding the need for solutions specific to different ecological areas, there are two main scenarios.

First, in areas where farming is the dominant activity, it is recommended that management and investment should be left to operate in accordance with community ownership and inheritance patterns. This applies in the Oti plain area and the woody savannah of the cantons south of Dapaong. Within such systems, there will be site-specific features, in terms of usage or cultivation rights and how the regulatory bodies function depending on the ethnic and religious complexion of the population (ancient or more recent settlement, whether Islam has a major influence, etc.). While tensions between indigenous and migrant farmers in agricultural areas are rare, there are sometimes fatal clashes between indigenous farmers and transhumant herders. At certain times of year, grazing lands in the region are overwhelmed by waves of transhumant herders seeking pasture or in transit to the major urban centres in the south where livestock are sold. Free access to grazing areas and rangeland could be regulated better if control were exercised by resident pastoral communities. They could be, in particular, responsible for managing common resources such as water holes, high quality pastures, etc...

Second, it should be possible, where the State has initiated hydro-agricultural development programmes (e.g. the Tantigou and Gravillou dams or the Namiélé irrigation scheme), to set up a system of joint management by the administrative authorities and the beneficiaries. The latter would have to demonstrate their investment in their use of the scheme so as to establish individual, permanent rights in the land. This system could also apply to market gardening activities, irrigated agriculture and fishing. The dam currently under construction not far from Dapaong will be a significant test of the direction in which the public authorities are moving as regards tenure in the region.

¹⁴ Bernard Crousse et al., 1986 quoted by d’Aquino (1998 : 83).

Apart from determining resource access conditions, providing greater security of tenure also involves recording the rights of users and deciding on structures to regulate and provide arbitration in case of dispute. Until the regionalisation policy in Togo has been fully implemented, it seems wise to make the current *préfectures* responsible for dealing with tenure issues. These bodies, the successors to the administrative divisions of the 1970s, bring together most local-level state services. Moreover, they have gradually come to take on the social and ethnic characteristics of the local communities, making them the only established structures in a position to provide an institutional base at local level for effective land-use management. It would then be possible to move towards a solution along the lines of the Land Commissions in Niger (Yacouba, 1996); these Commissions, established within the Oti, Tone, Tandjouaré and Mandouri *préfectures* could be the centrepiece of the regulatory arrangements from the point of view of conciliation, with the judicial authorities continuing to deal with the most contentious cases. They would also be competent to establish and recognise tenure rights.

For such a proposal to be workable, it would be necessary first to settle the problem of the composition of the commissions and how their members are to be appointed. These structures must provide a forum where government services and representatives of grassroots farmer and pastoral organisations can come together and co-operate. Balanced representation of all stakeholders needs to be ensured, taking care that government administrative and extension staff do not dominate. While appointment by the hierarchy could be acceptable in the case of extension workers, it would be highly desirable for farmer and pastoralist representatives to be elected. Recent experience with rural organisations in the country provides evidence that transparency in representation can be achieved (Diagne, 1997)

The interests of the various stake-holders – landowners, farmers, herders and fishermen - must be reflected in the commissions. On the face of it, there is no set typology, but only those organisations which have a close interest should be selected, such as producer groups, village farming groups and village development committees. This follows the line taken by the Convention to Combat Desertification which asks parties to the Convention to ensure that “*decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities*” (cf. Article 3 (a)).

Furthermore, the same article of the Convention encourages States to ensure “*that an enabling environment is created at higher levels to facilitate action at national and local levels*”. There is a certain tendency to assume that popular participation means the virtual disengagement of the State from its responsibilities with regard to planning and infrastructure. Communities must undoubtedly put some effort into conserving natural resources, but the State must also retain a role in terms of support and harmonisation, as the Convention stresses. The success of local activities to combat desertification hinges upon the viability of macro-economic and social conditions. Experience in Machakos district (Kenya) illustrates the importance of having an appropriate political, economic and infrastructural framework (English et al, 1994). The problem of soil degradation and desertification cannot, therefore, be tackled outside the development process, which requires multi-sectoral assistance, several features of which are worth recalling with regard to tenure.

Pre-conditions for greater security of tenure

Countries affected by desertification have decided “*to address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes*” (Article 5c of the Convention to Combat Desertification). In addition, in Annexe 1 on implementation of the Convention at regional level in Africa, states undertook to “*sustain and strengthen reforms currently in progress toward greater decentralisation and resource tenure as well as reinforce participation of local populations and communities*” (Article 4-2b). We can infer from this that a certain number of practical conditions must be met if strategy relating to tenure and efforts to combat desertification are to be successful.

Implementing a genuine decentralisation policy

Decentralisation is implicitly bound up with the notions of participation and security of tenure. The challenge for the State is to design a legislative and institutional framework fostering security, while respecting the diversity of regional and local situations. This is why landholding practices and natural resource management in general cannot be dissociated from decentralisation, as recognised by the Sahelian countries in West Africa back in 1989. The approach developed by the CILSS member states in the following years led to the Regional Conference on Desertification and Decentralisation in the Sahel, held in Praia (Thomson & Coulibaly, 1994).

Togo is making slow progress on decentralisation. This slowness and indeed the reluctance of the public authorities to implement the policy can be explained by the relatively small size of the country, its long political tradition of state intervention and the social and political upheavals of the 1990s. Nevertheless, the consultation process has recently resulted in the adoption of a law on decentralisation. The bill currently being discussed by the National Assembly proposes three levels of decision-making: the *commune*, the *préfecture* and the region. The first two are to be legal entities, the executive body of the *commune* being known as the *conseil municipal*. At the *préfectures* and region levels, councils will also be established, while the executive body will be represented by the *préfet* and the president of the Region respectively. The chief towns of the *préfectures* will gain the status of *communes* and, for the first time, rural *communes* will be established.¹⁵ It is likely, therefore, that the process will eventually, by transferring a fair number of state powers to the local authorities, result in local land-use management. This will be in accordance with the provisions of the Convention on the effective implementation of NAPs, to the effect that states should “*encourage a policy of active decentralisation, devolve responsibility for management and decision-making to local authorities, and encourage initiatives and the assumption of responsibility by local communities*” (cf. Article 8-3-c (ii)).

Is decentralisation always the answer to tenure problems? It should certainly not be considered as a panacea or a means for the State to offload its responsibilities to local people. The main risk in decentralisation for African governments is of excessive fragmentation of national policy in respect of tenure and planning, more generally. For example, the need to clarify tenure issues has been made increasingly evident by the limitations of the “*gestion des terroirs*” (village land-use management) approach, which aimed to give local communities responsibility for designing and implementing development programmes (Caisse Française de Développement, 1994). All the same, decentralisation will make it easier to identify and put into practice appropriate solutions to tenure problems in different environments, in keeping with the principle of subsidiarity. It will be important to move towards some harmonisation and consistency of landholding practices which cannot be achieved on a lasting basis outside the government sphere.

Women’s Access to Land

¹⁵ This overview of decentralisation in Togo is taken from « Marchés nouveaux » (1998 : 148-153).

Women's access to land and natural resources is inhibited by social and cultural tradition in the Savannah Region, where land is a source of income and power in society. However, women play a key role in the development process. According to the working group on women and land tenure at the Praia Conference:

- *“women are responsible for 50% of production and constitute almost 80% of the agricultural labour force;*
- *sheep and goat rearing is handled by women in 80-90% of cases; and*
- *they are mainly responsible for providing the family with water and firewood” (Club du Sahel , 1994).*

This means that guaranteeing women's access to land would serve the interests of equity, formally acknowledge their predominant role in the local economy and be conducive to increased productivity. Ownership patterns in the savannah could perhaps draw on the landholding system of the matrilineal societies of south-western Togo, where women do own land. Introducing long-term usage rights would be a first step towards enabling women to own land. Such rights could be granted initially to women's groups, whose activities are more “visible” than individual initiatives. Article 10-2(f) of the Convention on Desertification suggests that states should bring the various land users into their programmes *“providing for effective participation at the local, national and regional levels of (...) local populations, both women and men”*.

Surveying and registering land

Recognition of tenure rights, whatever the manner in which they are registered, must be corroborated by a reliable survey. This would constitute a comprehensive, coherent legal instrument, which could eventually provide greater security of tenure and offer small farmers the ability to buy and sell land. It would also provide the public authorities with a planning and development tool. State-administered property in the Savannah Region could thus be monitored in quantitative terms (size of the estate) and qualitative terms.

Preparation of the survey could draw on experience in the Ivory Coast, where “the land-use plan survey will survey the current tenure position, recording – without alteration – rights to land as they derive from agreements between villages, families and possibly neighbouring individuals. These rights will be expressed by the interested parties (...) in front of a survey team [in our case a

land commission]”.¹⁶ Care must be taken that the use of the land survey or register for tax purposes is not stressed during the first phases of drawing up the document.

Monitoring and evaluation

The social impact of the tenure crisis and the importance of the political issues connected with it demand that a system of monitoring and evaluation be implemented. The “Observatoire foncier” (land tenure monitoring centre) experience in Mali could provide a model for Togo. This should be understood as “a permanent, organised system to collect and process data on tenure, which can provide information on tenure problems and issues” (PADLOS/CILSS, 1997). A good monitoring system should establish indicators so as to facilitate comparative analysis and assess the status of and trends in the natural resources base and its evolution over time.

Awareness-raising and information

Rural communities are sometimes responsible for misuse of land, through ignorance or lack of access to information on, for example, the process of soil degradation. The former director of the UNDP used to say: “*the poor in rural areas who cut down forests or extract a miserable living from worn out soils are not the cause but the helpless agents and innocent victims of this disaster*”.¹⁷

Providing information to local communities, with a view to strengthening their ability to combat desertification, should be part of an interactive exchange in which local conservation practices are recorded, developed and given wider currency. In Article 5(d), the Convention on Desertification encourages countries particularly affected by desertification to “*promote awareness and facilitate the participation of local populations, particularly women and youth*”. There is a lengthy article further on in the Convention, listing support measures, devoted to “capacity building, education and public awareness” (Article 19). Information is considered as an all-embracing concept, referring both to “*strengthening training and research capacity*” (Article 19 –1(b)) and “*fostering the use and dissemination of the knowledge, know-how and practices of local people*” (Article 19-1(d)), as well as elaborating “*appropriate school*

¹⁶ “Programme foncier ivoirien – objectifs généraux de l’opération”, quoted in annexe by Guyon (1989 :19).

¹⁷ William H. Draper III, speech to the UN General Assembly, New York, 17th November 1986.

curricula” and “*adult literacy programmes*” (Article 19-3(e)). Togo has taken the initiative in this regard through the information component of the draft NAP and, more generally, through the activities of the PACIPE (Programme of technical assistance to communication and information for environmental protection).

Combating poverty

The tight constraints imposed by poverty are now universally recognised: some agencies have even made the fight against poverty the cornerstone of their policy. Suggested solutions involve breaking the “vicious circle” of factors contributing to poverty by promoting “virtuous circles”, of which educating women forms a part and could usefully be joined by efforts to combat desertification.

The link between poverty and desertification is reaffirmed by the states which are party to the Convention in their decision to include “*strategies for poverty eradication into efforts to combat desertification*” (Article 4 -2c). For their part, African countries have gone further by committing themselves in Annexe I, Article 4-1 (a) to “*adopt the combating of desertification and/or the mitigation of the effects of drought as a central strategy in their efforts to eradicate poverty*” .

CONCLUSION

In response to repeated droughts between 1968 and 1974 in Africa, the United Nations Conference on Desertification (Nairobi, 1977) opted for technical solutions to the problem. Experts considered that techniques were already available and that “*emphasis should be placed, therefore, on transferring these solutions to regions at risk of desertification*” (Jobert, 1997). As a result, strategies to combat the scourge of desertification took little account of the human factor.

The human dimension was subsequently grasped when the controversial issue of over-population was raised. Analysis highlighted the harmful effects of an ever-increasing population competing for a limited resource. It was possible in this way to identify the cause and effect relationship between landholding practices and the status of natural resources, while tenure became a tool used by rural development plans in Africa during the 1970s and the 1980s.

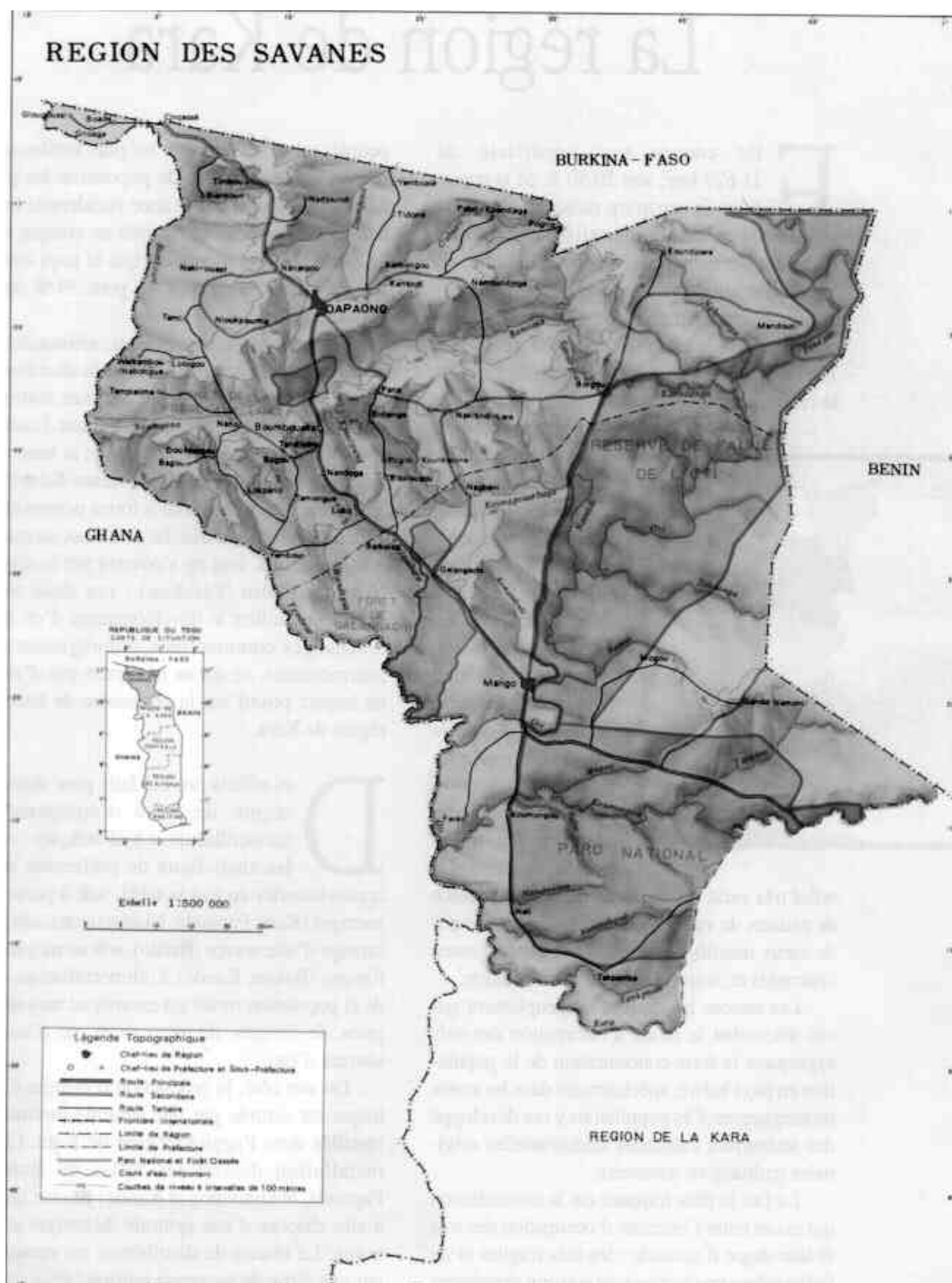
Against this background, agrarian and property reform was undertaken in Togo in 1974, the legislation tending to give preference, in general, to individual forms of ownership, perhaps with the secret hope that these would gradually supplant the collective patterns of landholding which were widespread in traditional society. Yet today, despite the existence of modern laws, customary rules continue to govern the bulk of tenure relations between the various stakeholders, as can be seen in the Savannah Region. Leaving aside polemics, one must infer from this coexistence of legal systems that the flexible, dynamic nature of local tenure rules is still relevant. It is universally accepted nowadays that the landholding systems specific to each environment must be taken into account when preparing strategies to combat desertification. However, it is not obvious how this can be achieved in practice. On the one hand, formalizing or codifying these systems could put a brake on or even completely block their dynamism, while there are so many of them that this would be a real labour of Sisyphus. On the other hand, allowing customary practices systematically to prevail could impinge on the minimum coherence a land-use management plan must have if it is to be successful in the long term.

Faced with this dilemma, d'Aquino reminds us that "*working on tenure is not simply a technical matter*" and that "*tenure is not simply a matter of legislation*" (d'Aquino, 1998). In Togo, the need is not draw up a new legal framework, but to take account of the specific features of each type of environment and bring about positive change, while encouraging users to take responsibility. Indeed, it is the aim rather than the form of customary rules that determines their stability. The range of accompanying measures underpinning the viability of these rules does, however, constitute a challenge for organisations involved in land tenure issues. How can so many different stakeholders be induced to co-operate and how can the concerns of so many sectors of activity be included? Will these organisations be able to support local initiatives which are as diverse as they are scattered? The scale of these tasks far exceeds the scope of any sectoral land-use management project and requires the support of the State. The direction taken by central government must reflect the development option preferred by the population. This implies that the political, economic and social environment must be conducive to expressing societal choices and encouraging a dynamic development process.

In the Savannah Region – as elsewhere in Togo – local stakeholders are trying to manage tenure issues through embryonic endogenous regulatory bodies. This illustrates the desire of rural communities to work on managing their

environment, with a view to guaranteeing its sustainability. Let us hope that the state apparatus will not continue to turn a deaf ear to this social aspiration.

Annexe 1: Map of the Savannah Region



Source: *Marchés nouveaux*, 1998

Annexe 2: Demography in Togo (1970-2000)

Regional Demographic Growth (1971-1981)

	Population 1970	Population 1981	Annual growth rate
Savannah Region	240,723	329,144	2.7 %
Total Togo	1,950,646	2,719,567	2.9 %

Source: Ministry of Planning and Mines – Statistical Department “Composition and Distribution of the Togolese Population”, Lomé, 1989 (see World Bank, 1995).

Population distribution and density (1981 and 1990)

	1981			1990		
	Population	%	Density	Population	%	Density
Savannah	329,144	12.1	38/km ²	405,000	11.7	48/km ²
Togo	2,719,567	100	48/km ²	3,492,000	100	62/km ²

Source: World Bank, 1995.

Rural population density

	Rural Population /km ² available arable land			
	1970	1981	1989	2000
Savannah	69	93	115	155
Togo	49	65	80	108

Source: World Bank, 1995.

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