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# The impact of pastoral legislation on equitable and sustainable natural resource management in Guinea

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# Contents

<b>1. Introduction .....</b>	<b>1</b>
<b>2. The process of formulating the <i>Code Pastoral</i> .....</b>	<b>4</b>
2.1 Background and motivation .....	4
2.2 Stakeholder involvement in formulation of the <i>Code Pastoral</i> .....	8
<b>3. Orientations of the <i>Code Pastoral</i> and its interaction with     other NRM-related legislation.....</b>	<b>13</b>
3.1 Orientations .....	13
3.2 Interaction between the <i>Code Pastoral</i> and other legislation on NRM .....	21
<b>4. Perceptions and appropriation of pastoral legislation .....</b>	<b>24</b>
4.1 Perceptions and visions of different interest groups .....	24
4.2 Levels of appropriation in different geographic zones .....	26
<b>5. Process and structures for implementing pastoral legislation ...</b>	<b>30</b>
5.1 Structures for managing transhumance and dealing with conflicts .....	30
5.2 Perceived impact of the implementation of pastoral legislation .....	35
<b>6. Constraints and pitfalls .....</b>	<b>37</b>
6.1 Continuing conflict over access to natural resources .....	37
6.2 Inherent limitations of interventions by transhumance and conflict management committees .....	40
6.3 Difficulty of developing alternative pastoral zones .....	41
6.4 Hopes and uncertainties regarding pastoral developments .....	43
<b>7. Conclusion .....</b>	<b>45</b>
<b>Bibliography .....</b>	<b>47</b>
<b>Appendix: List of persons interviewed .....</b>	<b>49</b>

## Acronyms

AGIET	<i>Association pour la Gestion Intégrée de l'Élevage Transhumant</i> Association for integrated management of transhumant livestock rearing
AGIR	<i>Appui à la Gestion Intégrée des Ressources Naturelles</i> Integrated natural resource management support project
CCNEG	<i>Comité de Coordination Nationale des Éleveurs de Guinée</i> National co-ordinating committee for Guinean herders
CRD	<i>Communauté Rurale de Développement</i> Rural municipality
DNE	<i>Direction Nationale de l'Élevage</i> National Department of Livestock
DPDRE	<i>Direction Préfectorale du Développement Rural et de l'Environnement</i> Prefectoral Office for Rural Development and the Environment
ENCOBE	<i>Entreprise Nationale de Commercialisation du Bétail</i> National Livestock Marketing Board
FAO	United Nations Food and Agriculture Organisation
NRM	Natural Resource Management
IIED	International Institute for Environment and Development
MAE	<i>Ministère de l'Agriculture et de l'Élevage</i> Ministry of Agriculture and Livestock Rearing
NGO	Non-Governmental Organisation
PNIR	<i>Programme National d'Infrastructures Rurales</i> National Rural Infrastructure Programme
SOBERGUI	<i>Société Bernas de Guinée</i> Nationalised development agency
SPA	<i>Section Promotion de l'Agriculture</i> Department for the Promotion of Agriculture
SPRA	<i>Section Promotion des Ressources Animales</i> Department for the Promotion of Livestock Resources
TCP	<i>Programme de Coopération Technique</i> Bilateral development programme
TRH	<i>Projet d'Aménagement de la Transhumance</i> Transhumance Development Project
VSF	<i>Vétérinaires Sans Frontières</i>

# 1. Introduction

Before presenting the findings of this study on the impact of Guinean pastoral legislation we should consider the context in which it was enacted.<sup>1</sup> Herders in West African countries have little security of tenure over the land on which they rear their livestock, and have recently seen great swathes of pasture swallowed up by farmland, particularly in agro-pastoral areas. Their livelihoods are also threatened by the intensification of government and private initiatives to develop and make productive use of land, which have resulted in the development of wetlands and plains and construction of hydro-electric and irrigation dams.

To counteract these constraints to pastoral mobility and strengthen herders' rights of tenure, countries in the sub-region have formulated new legislation aimed at helping pastoral communities assume greater responsibility for natural resource management. Niger began this process in 1993, developing a *Code Rural*<sup>2</sup> that defines the principles governing pastoralists' access to natural resources and gives substance to the concept of herders' home grazing territory.<sup>3</sup> Guinea was next, producing a *Code Pastoral*<sup>4</sup> and a *Code de l'élevage et des produits animaux*<sup>5</sup> in 1995; then Mauritania with a *Code Pastoral* in 2000; Mali with a *Charte Pastorale*<sup>6</sup> in 2001; and Burkina Faso with a framework law on pastoralism in 2002.

The new legislation adopted in Guinea and various other countries in the sub-region has introduced some interesting innovations, such as:

- Recognition of the economic importance of livestock rearing;
- Reinstatement of pastoralism as a productive use of land;

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1. This study was carried out on behalf of the International Institute for Environment and Development (IIED) as part of its sub-regional "Making Decentralisation Work" programme, which covers several Sahelian countries. The research/development activities undertaken in the context of this programme feed into reflection and debate on a number of important questions, particularly institutional reform, land tenure, NRM and decentralisation.

2. The *Code Rural* is an overarching law regulating access to all natural resources in rural Niger (water, forests, agricultural land, pastoral land, etc.).

3. Niger recently embarked upon a participatory process formulating sectoral legislation on pastoralism (Law supplementary to Order 93015, regarding the principles underlying the orientation of the *Code Rural*).

4. Law regulating pastoral resources.

5. Law regulating livestock and animal products.

6. Overarching legislation regulating use of and access to pastoral resources.

- Preservation of pastoral mobility;
- Opportunities for herders to gain access to the strategic resources required to develop their activities;
- Taking account of customary procedures in natural resource management;
- Reinstating endogenous mechanisms for conflict arbitration and resolution.

However, while some aspects of the new legislation are promising, it also contains weaknesses and ambiguities that could help perpetuate the marginalisation of pastoralists and exacerbate conflicts between different groups of land users. Its most serious shortcomings include:

- Transferring responsibilities for natural resource management to pastoral communities without actually giving them any genuine decision-making powers;
- Adopting a technocratic and technical interventionist approach to development that could, in the long run, reduce herders' security of access to natural resources;
- A tendency to pigeon-hole production activities and different types of natural resources, due to a compartmentalised view of the development of rural production systems;
- Lack of support for these reforms from herders, who are not always fully aware of the issues involved.

Because of these limitations we need to evaluate the real impact of the different laws at grassroots level and determine how, on the one hand, they make it possible to secure access to natural resources and permit their use for pastoral purposes, while on the other ensuring that land is managed by all users in a sustainable and consensual manner.

The objective of this evaluation of the impact of the implementation of Guinean pastoral legislation is to determine the strengths and weaknesses of the instruments adopted, in terms of their orientation, modes of formulation, strategies for putting the legislation into practice, extent to which it has been appropriated by the actors concerned and its effect on the living conditions of herders and other groups of actors.

Study areas were selected according to two key criteria: the range of problems affecting the development of livestock rearing and the extent to which the Pastoral Code has been applied. Three main study areas were selected:

- The Boffa/Boké area, where transhumance is managed on the basis of the *Code Pastoral*;
- The Gaoual/Koumbia area, where livestock movements are regulated by local agreements;
- The Koundara area, where the introduction of protected areas (classified forests and Badiar park) has severely reduced the amount of land available for pastoral purposes.

Field studies were used to highlight the main problems in each study area and assess the capacity of the *Code Pastoral* to address the constraints identified.<sup>7</sup> These were backed up with case studies designed to determine the ways in which herders gain access to renewable resources and their relationships with other groups of land users.<sup>8</sup>

**Map 1. Republic of Guinea**



7. Interviews mainly targeted: i) officials from the technical services and projects involved in natural resource management, ii) individual herders and farmers, iii) officials from herders' and farmers' organisations, iv) members of land tenure and/or arbitration structures, v) local administration officials, vi) customary authorities and vii) local elected officials.

8. Fieldwork was conducted with the support of M. Boubacar Camara from the Department of Livestock, who has an MA in Animal Sciences.



## 2. The process of formulating the *Code Pastoral*

### 2.1 Background and motivation

The *Code Pastoral* was formulated in response to calls for reform of the legislative mechanism, which were prompted by an overall review of the different legal arrangements regulating natural resource management. The land tenure legislation adopted under the First Republic had decreed that the State had eminent rights over land, and restricted individuals' rights to usufruct on their farms and land in which they had invested. When a more liberal system was adopted after the inauguration of the Second Republic in 1984, the land tenure statutes were redefined accordingly and various commissions were set up to reflect on the content of the land reform and legislation on the management of other natural resources (forests, wildlife, pastures, etc.).

Another major concern driving the formulation of the *Code Pastoral* was the wish to resolve conflicts over the movement of livestock and create an environment conducive to more peaceful relations between farmers and herders, particularly in transhumant reception areas. In order to understand the issues involved in this reform, we need to consider the context and assess the traditional mechanisms for regulating pastoral mobility.

### Destabilisation of seasonal transhumance systems

In Central Guinea land zoning has encouraged the integration of farming and pastoral activities.<sup>9</sup> In the sedentary livestock rearing systems characteristic of this area animals from family-run farms are allowed to graze on village lands, and in the dry season certain herds head out towards the border territories for short periods in search for better pastures. This sedentary system coexists with the predominantly pastoral system employed by families with large numbers of livestock, who need to move

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9. The reduction of pastoral land in the zone of Timbi Madina (Pita prefecture) is not seen as a major constraint, even though farmland has encroached upon grazing areas to accommodate the growth in market gardening (potato and onion production). Farmers across the zone use manure from the herders' livestock to fertilise their market gardens and increase their yields. They dig trenches to mark the boundaries of their plots, secure their land rights and protect their crops from livestock, which means that animals can circulate freely throughout the year without causing conflict.

further afield. Thus, some herders from the central plateau of Labé take their livestock west and north (to the prefectures of Gaoual and Koundara) or even to southern coastal areas.

Guinea's southern coastal zone has long provided dry season grazing and saltlicks for large numbers of herds from the hinterland. To ease their passage into reception areas, the predominantly Fulani herders negotiate with the customary authorities of the landholding Soussou, Landouma and Baga over rights of access to the coastal plains and the pastoral resources found in the transitional zone (see Box 1 below).

**Box 1. Traditional mechanisms allowing transhumant herders access to reception areas in the southern coastal zone**

Rights of entry to the coastal plains are negotiated several months before the arrival of the livestock. Herders wishing to go there on transhumance form groups that send emissaries to negotiate their access to the plains. These negotiations unroll in several stages. First, the emissaries (who are often lineage chiefs) seek the permission of customary landowners to settle on their village lands, in return for payment in kind known as "*cola traditionnelle*" (a bull-calf, gourds of curdled milk and liquid butter, etc.). These gifts are offered to the whole community to help prepare the ground for peaceful cohabitation and create the conditions for regulated negotiation of any possible conflicts.

Once the host community has agreed in principle, the emissaries begin direct negotiations with the families on whose land they will be staying (the *diatigui*). The *diatigui* act as guarantors for the transhumant herders and as an interface between them and the host community in the case of conflict. More "*cola*" is given, and the emissaries then contact the local administration to inform them of the forthcoming arrival of their herds and ensure that they have their support.

*"Herders pay fees and taxes at all levels of government or customary hierarchy to secure their support and forearm themselves against any possible hostility from the local population, which sometimes finds it rather hard to live alongside hundreds of cattle. Individuals can reduce the cost of their fees and subscriptions if they pay as a group..." (Ledroit, 1994).*

However, the extension of farmland and increasing pressure on natural resources has disrupted the system used by transhumant herders to gain access to the coastal plains. The problems caused by the development of areas previously used for dry season grazing are exacerbated by declining pastoral practices and less stringent surveillance of livestock. Moreover, livestock movements are severely restricted by the cultivation of dryland

crops such as maize, cassava, bananas and market gardening, which may be scattered across the plains or concentrated around the edges of villages and surface water points.<sup>10</sup>

In this situation fields are frequently damaged, especially at the end of the dry season, when there is little water or vegetation in the pastures and the unharvested crops are particularly tempting for livestock. This type of damage has led to such hostility that farmers refuse to allow transhumant herders onto their land in some areas, while in others it has exacerbated conflicts and led to increasing violence. Around Ténifily and Makoutan, which are situated on the transhumance route linking Téliélé to Boffa and Boké, farmers have had no compunction about killing animals found in their unharvested crops. Several people were killed in bloody confrontations between 1991 and 1992 after conflicts between farmers and herders worsened.<sup>11</sup> These disputes sometimes develop along ethnic lines if the communities involved seek support from members working as government employees.

The fact that male dependents leave family-run production systems sooner than they used to is another factor disrupting the transhumance system, since it has led to changes in the rules of land management. In the past, a single authority made decisions on behalf of the whole village; now this procedure is contested by families or particular groups who feel that no account has been taken of their interests (young men, women). As the centres of decision-making become more and more fragmented it is increasingly difficult for transhumant herders to negotiate access to natural resources.

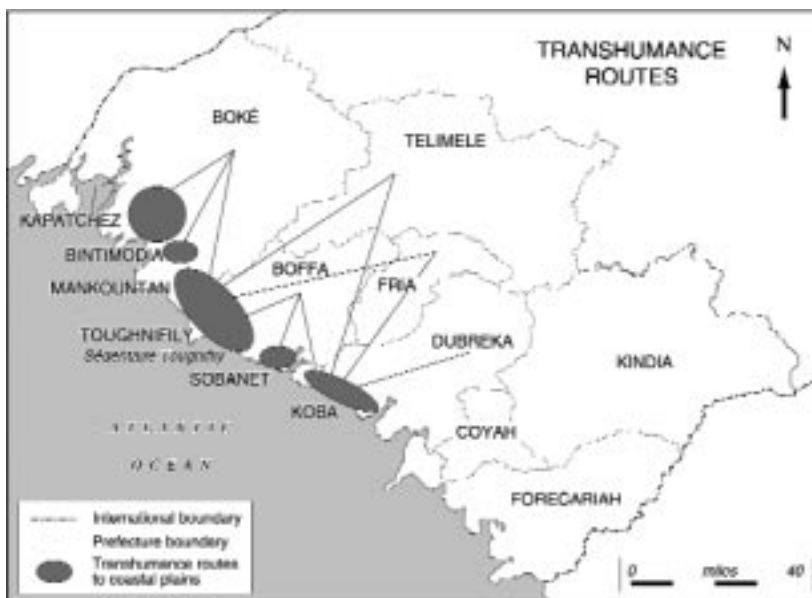
The authorities realised that they needed to address the situation by promoting reforms that would guarantee herders access rights to pastures

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10. The project document jointly approved by the Guinean authorities and FAO officials (January 1991) notes that "in the southern plains land is becoming exhausted by high demographic pressure and the constant increase in land under cultivation. This causes many conflicts between farmers and herders, and herders are forced back into dwindling pastoral areas where vast tracts of land are lost to farming projects or subject to unregulated colonisation by the urban elite. In the absence of any specific legislation on rural land management these constraints could endanger the future of livestock rearing. Since the vitality of this sector largely depends on herders securing a certain legal status, the formulation of a *Code Pastoral* is a matter of urgent priority".

11. A serious conflict flared up in Nérébougny back in 1978, with violent clashes between farmers and herders whose cattle had been killed.

**Map 2. Major transhumance routes to the coastal plains**



Source : Chouc et al., 1999

and water points, help regulate the movement of livestock<sup>12</sup> and thus reduce conflicts between herders and farmers. In short, pastoral legislation should *“establish the rights and responsibilities of farmers and herders in order to reduce the potential for conflict in both the rainy and dry seasons”*.

The question is: has the reform, as originally conceived, been able to address the aforementioned constraints in an appropriate and sustainable manner? It seems that the pastoral legislation was highly reactive, and was implemented primarily to deal with conflicts over access to natural resources. The preamble to the legislation only refers to organising natural resource use for livestock rearing purposes, guaranteeing rights of pastoral use and settling disputes between farmers and herders.

12. The authors of the *Code Pastoral* believe that the problem of straying animals is caused by the absence of a system for monitoring livestock movements. They seem to think that they are left to wander freely and uncontrolled around the bush, although they are in fact led to pastures under the guidance of herders.

## 2.2 Stakeholder involvement in the process of formulating the *Code Pastoral*

The process of formulating the *Code Pastoral* began in the early 1990s, with technical and financial support from the FAO (an agency that provides technical assistance to governments by making expertise available to them) delivered through a one-year TCP project (TCP/GUI/0054/A). The general methodology for legislation and policy formulation is determined by the countries concerned, since they are the only parties qualified to define how stakeholders should be involved in such exercises.<sup>13</sup>

The DNE set up a project to develop the *Code Pastoral* in order to identify the major constraints to livestock rearing, study current pastoral practices and outline possible solutions. An official from the food department was appointed to manage a team of three experts comprising an international consultant specialising in law, institutions and development, a specialist in customary law and a specialist in agro-pastoralism. They made two two-week field visits to conduct studies in different prefectures of Lower Guinea (Boké, Boffa, Téli-mélé), Central Guinea (Gaoual, Koundara, Labé and Pita) and Upper Guinea (Dabola, Faranah and Siguiri), where they interviewed herders, farmers and officials from local NGOs and other support structures.

Although no exhaustive list was made of pastoral customs and practices, the formulation of the code was based on studies that helped show how agro-pastoral systems function, defined the diverse modes of access to natural resources and identified good practices likely to help anchor the law in practical realities. To ensure that the new law was consistent with pre-existing legal arrangements, the team conducted a detailed review of every part of the legislative and institutional framework directly or indirectly related to livestock rearing.

Reflection on the possible orientations of pastoral legislation began with a close examination of the relationships between farming and livestock rearing. The key task at this stage was to define the major issues that could pave the way towards workable solutions. The outcome of these delibera-

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13. It was decided that anthropological approaches to the law and field studies (interviews with the technical services, herders, farmers and other participants) should play an important role in the process of formulating the *Code Pastoral*, because the FAO consultant believed that popular participation would add value to the exercise.

tions provided the basis of the preliminary version of the *Code Pastoral* that was presented and validated at a meeting organised by the DNE.

This workshop brought together experts from the DNE, senior technicians from institutions involved in NRM (agriculture, village land management, forestry and wildlife, etc.), representatives from the justice department and officials from the decentralised livestock agencies. Working groups were set up to examine each section of the document and propose amendments.

Once it was finalised, the text was circulated for approval (forwarded to the General Secretariat of the government and thence to the relevant public institutions for their comment). The code was promulgated in 1995, and an enforcement order regarding transhumance published in 1997.

Although some effort was made to promote consultation and collaboration around the code, the process left much to be desired in terms of stakeholder participation. Various meetings were held for members of the livestock services, but there was no broad coverage or presentation of the preliminary version of the document before its adoption by the government.<sup>14</sup> Moreover, there were very few herders' organisations around when the *Code Pastoral* was being formulated, and those that did exist lacked the organisational capacities, resources and skills required to formulate their own vision and proposals for this legislation.

Recent experiences in Guinea and elsewhere in the sub-region show that stakeholder participation in the formulation of legislation is crucial, especially because these governments prioritised the adoption of exhaustive national codes. Close involvement in the elaboration of framework law is less critical (for example, a law aimed at guaranteeing collective land rights with respect to existing production systems). This is because the general orientations of a charter allow for the formulation, at local level, of specific regulations that take account of the constraints and dynamics prevalent in each area under consideration.

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14. The task of publicising the pastoral legislation was put in the hands of the decentralised livestock services and staff from the transhumance development project in the southern coastal area, which ran from 1991 to 1999. In 2001 the Code was translated into several national languages (Peul and Malinké) and herder organisations were asked to disseminate it. However, this did not make the law any more accessible to grassroots communities, since it was simply translated into national languages without any explanation of its content.

On another level, it seems that the quality of civil society involvement in the formulation of policies or legislation is determined by the authorities' desire for openness. It also depends on the capacity of the actors concerned to become effectively involved in planning exercises and ensure that their specific concerns are taken into account. The last few years have seen the emergence of a federative herders' organisation whose structure mirrors the different levels of intervention (national, regional, prefectural, sub-prefectoral and local). Unfortunately this organisational dynamic does not seem to have led to any real awareness of what their participation in the implementation of the *Code Pastoral* actually entails.

Above and beyond the specific question of pastoral legislation, the real challenge for these organisations is to learn from their involvement in the process of formulating policies and strategies to develop livestock rearing. They should use the experience to determine what will help them improve their capacity to master these processes, understand the issues involved and turn them to their best advantage.<sup>15</sup> If they wish to play a larger role in the ongoing process, herders' organisations need to equip themselves with the resources to define their own vision and establish sound, legitimate and appropriate mechanisms for representation. Their capacity for effective engagement will not only be based on information and communication, but also on informed debate about the key issues concerning herders. As this debate continues it will be up to the herders' organisations to try to get other actors to understand their views and the workings and specific constraints of livestock rearing systems.

The CCNEG will only be able to develop the capacity to analyse and propose its own ideas if it establishes flexible mechanisms for communication with the departments responsible for policy on livestock rearing and natural resource management (see Box 2 below). At the moment, very little of the information on legislation, policies and programmes is available in forms that are accessible to herders' organisations. Public institutions need to address this problem by making the information they hold more readable, so that these organisations can participate in the ongoing debates.

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15. "More attention should be paid to the political and social aspects of institutional capacity building, so that local groups can improve their capacity for self-analysis, better understand the more general policy environment and the manner in which it affects them, extend their negotiating skills beyond their immediate spheres of influence and develop expertise in strategic planning and management. This should be an internal process, although some form of external facilitation may be required" (Hesse, 2000).

## Box 2. Structure of herders' organisations

According to CCNEG officials, the pastoral civil society movement was born out of autonomously created grassroots groups that then federated themselves at the various levels of intervention (sub-prefecture, prefecture, regional and national levels). This process of unifying grassroots groupings was not prompted by external support agencies, but was an endogenous initiative that began with the creation of livestock markets in Gaoual in 1994. It rapidly gathered momentum and spread across the whole country because herders realised that their dispersed organisational structures and lack of mechanisms for consultation between groups restricted their capacity for intervention and action.

Nowadays, herders' organisations have broadened their field of intervention so that they can deal with the diverse practical needs of their members. Through their activities they are involved in the supply of nutritional and veterinary inputs, development and management of water points and fodder plots, creation of livestock markets, livestock tattooing, etc.

Despite their achievements, much still needs to be done to address the organisational weaknesses prevalent at every level from the grassroots up to the topmost structures. With capacity building in analysis and forecasting these organisations would be able to improve their grasp of the issues involved and develop a strategic vision of development.

None of the studies on the various central structures yielded any precise information regarding the involvement of the DNE's partner public institutions in the formulation of the *Code Pastoral*. Technical officials from several structures (decentralisation, forestry and wildlife, agriculture, rural land resources, etc.) reported that they had not been directly associated with this process. However, while they claimed that they had neither seen nor read the *Code Pastoral*, they did admit that their institutions could have participated in the consultations regarding this legislation.

This can be explained by the fact that different government departments tend to operate in isolation, which considerably limits the opportunities for discussion and collaboration between various public institutions. The strategy of involving staff from public institutions in the process of legislation and policy formulation is hampered by various constraints. One is the way in which the steering structures for these exercises operate, for although mechanisms are in place to allow public institutions to be represented within these structures, they do not always take account of the capacities of the individuals selected to contribute to the process.



Whenever the technical services are asked to take part in a legislation or policy formulation exercise, their staff are given focal points to work on but are not assigned well-defined tasks, and no procedures are put in place for evaluating the quality of their involvement. With no terms and conditions or associated sanctions procedures (positive or negative), it is hardly surprising that they tackle their tasks with little motivation or rigour, particularly when it is hard to track files because the individuals representing institutions in the structures steering these exercises may change from one meeting to the next.

In short, local communities and their representatives were only marginally involved in the process used to formulate the *Code Pastoral*, which was essentially steered by public institutions. It has to be said that their involvement also left something to be desired, insofar as the DNE's partner structures were only involved in the exercise when it came to validating the preliminary version of the *Code Pastoral*.

Another major limitation of the process is that the formulation of the code took no account of thinking on how it would be implemented. This seems to suggest that the DNE carried out the procedure in two completely separate stages, focusing first on the formulation and validation of the *Code Pastoral*, and only then moving on to consider the mechanisms for its implementation.

## 3. Orientations of the *Code Pastoral* and its interaction with other NRM-related legislation

### 3.1 Orientations of the *Code Pastoral*

Because livestock rearing systems across the sub-region operate in similar contexts and face similar constraints, the Guinean experience of formulating and applying pastoral legislation is relevant to other West African countries.

The aim in Guinea is to create the conditions that will permit the progressive emergence of a pastoral law. As in many other countries of the sub-region, the conditions for using pastoral areas have long been regulated by a multitude of decrees and articles contained in various land and forestry laws, which are generally aimed at restricting herders' access to natural resources. The lack of any law specifically regulating the use of pastoral spaces therefore constitutes a major handicap to pastoral activities.

This is what led Guinea and Niger to undertake the first legislative reforms aimed at promoting greater security of tenure in the use of pastoral lands. While Niger focused on the adoption of a *Code Rural* encompassing all productive activities in rural areas, Guinea opted for sectoral legislation specifically concerned with pastoralism. This procedure has the advantage of clarifying herders' rights of access to natural resources, although there is a risk that it will lead to more laws and the adoption of an approach that compartmentalises production activities.

When work began on the *Code Pastoral* there was no shared vision of its aims among the various actors concerned. Some DNE experts believed that the legislation should be used to regulate the conditions of animal production and encourage more intensive livestock rearing systems, but after discussions with the FAO consultant it was agreed that the aim should not be to revolutionise production systems, but to improve existing practices by focusing on equitable access to natural resources for all actors.

The content of the pastoral law in Guinea<sup>16</sup> should be evaluated on the basis of a comparative reading of pastoral laws in other West African countries with similar legal systems (Niger, Mali, Mauritania and Burkina Faso),<sup>17</sup> and consideration of their basic underlying aims. Despite several differences in formulation, their legislation was prompted by similar concerns: securing herders' rights of access to natural resources, improving the management of pastoral lands and encouraging more integrated farming and livestock rearing.

Thus, the Mauritanian *Code Pastoral* stipulates that “*the aim of the arrangements of this law is to define the concepts and principles of sustainable management of pastoral lands, and to determine the precise rules regulating every aspect of pastoral activities in a manner that will ensure the preservation and promotion of pastoralism in the context of harmonious rural development*” (Law no. 2000/44 on the *Code Pastoral*).

In Mali, the first article of the *Charte Pastorale* specifically defines the fundamental principles and general rules that should govern pastoral activities. In other words, it “*establishes and specifies the basic rights of pastoralists, particularly with regard to livestock mobility and access to pastoral resources. It also defines their primary responsibilities in conducting pastoral activities, particularly preservation of the environment and respect for other people's property*” (Law no.004 of 27 February 2001, on the *Charte Pastorale*).

The framework law on pastoralism in Burkina Faso emphasises the fact that its primary aim is to establish the principles and modalities for sustainable, peaceful and integrated development of pastoral, agro-pastoral and silvo-pastoral activities.

In Niger, the arrangements of the *Code Rural* guarantee herders' rights of access to natural resources and shared use of areas reserved for range-

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16. This pastoral legislation consists of two texts: one regarding the *Code Pastoral* and one regarding the *Code de l'Élevage et des Produits Animaux*. It should be noted that this evaluation only covers the first text because the second is not concerned with NRM.

17. It should be noted that these governments wished to raise the issue of pastoralism at legislative level, believing it too important to be dealt with at regulatory level. Senegal is the only country where pastoralism is still governed by implementing regulations (Decree no. 80.268/MDR/DSPA of 10 March 1980, on the organisation of grazing lands and setting the conditions for use of pastures).

lands, pastures and grazing. Pastoralists have recognised priority rights of use over the natural resources found in their home grazing territories.

In Guinea, the *Code Pastoral* defines the general rules governing “*traditional livestock rearing*”. It endeavours to set out the main principles regulating i) the organisation of natural resource use for livestock rearing, ii) the preservation of pastoral rights of use and iii) resolution of conflicts between herders and farmers. On close reading it can be seen that the code has a dual objective: on the one hand, to provide an appropriate legal framework for traditional livestock rearing in a way that will give it greater security, and on the other, to encourage its development through more sustainable use of pastoral areas and better integration with agriculture.

As conceived, the arrangements of the code guarantee herders rights of access to different categories of pasture (natural grazing, developed pasturelands and post-harvest grazing), provided that they respect certain specific arrangements set out in various pieces of legislation. They also define the rights of use and conditions and modes of access to water resources, while setting out the restrictions and/or prohibitions prescribed in current laws and regulations.

By regulating the conditions for transhumance and specifying herders’ obligations to control livestock as they move around, the code creates a more secure basis for transhumance and guarantees herders access to key resources, particularly in the dry season. This desire to safeguard the interests of livestock rearing also prompted the stipulation that rural development projects should take account of pastoralism.

The major innovations introduced by the *Code Pastoral* include: i) legally guaranteed rights of pastoral use (particularly grazing rights<sup>18</sup>) and rights to use harvested fields (crop residues), ii) greater security for transhumance, iii) requiring rural development and land management projects to take account of the specific problems and needs of livestock rearing, iv) recognition of local government prerogatives regarding the protection of transhumance routes and development of common pastures and v) defined procedures for locally negotiated conflict settlement.

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18. The legislation does not indicate how this legally guaranteed right of pastoral use relates to customary practices based on a system of negotiation between the individuals or groups concerned, which ensures genuinely flexible access to resources.

On this last point, it should be said that in addition to the measures prescribed to prevent conflicts over fields damaged by livestock or ill treatment of stray animals by farmers, the *Code Pastoral* anticipated procedures for regulating such conflicts by defining various offences and corresponding sanctions. Minimum and maximum penalties for damage to livestock and property had already been set in earlier legislation (the penal code and contraventions code). These are still applied by the courts despite the fact that the *Code Pastoral* devotes several articles to conflict resolution.<sup>19</sup>

The procedure for conflict resolution prescribed by the code specifies that conciliation is the first resort, and must precede recourse to litigation. A process that includes the protagonists encourages local conflict management, and such alternative modes of conflict resolution are extremely important in communities where legal proceedings and the consequent possibility of imprisonment are seen as instruments of humiliation and moral degradation.

### **Insecure rights of access to natural resources**

While the *Code Pastoral* has made significant progress in some areas, it also raises several questions. Close reading of this document reveals that the options retained to secure herders' access to natural resources are based on two contradictory logics: preservation of the principles of shared access on the one hand, and privatisation of grazing lands on the other.

In the first case the code aims to safeguard shared access to natural resources for livestock from family farms in a specified area.<sup>20</sup> This reflects the current practice of establishing a system of shared access to pastures through mechanisms to control resources and decisions regarding their use.

The code begins by defining pastures as "*all unenclosed areas that are usually lawfully used to feed livestock on a permanent or seasonal basis,*

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19. Penal sanctions are prescribed for maltreatment, injury or poisoning of domestic animals (through the application of Article 103 of the *Code Pénal*). These sanctions apply in addition to civil reparation for damage.

20. As Thébaud (2002) points out, livestock rearing systems in the sub-region, whether or not they are associated with farming, are based on "shared use of diverse resources, whose rules of access must allow for maximum flexibility of use. This shared use, which operates to varying degrees and according to highly varied modalities, exercises the right of commons, which gives a body of users the right to jointly profit from a resource without actually owning it".

as well as spaces specially developed for this purpose". It then specifies the conditions of access to these areas, according to the principle that rights of use are shared and include a collective responsibility to protect the land. The use of natural grazing lands (known as *droit de parcours*, or grazing rights) does not incur any taxes or fees. Livestock may graze in woodlands provided they keep within the limits specified by forestry legislation, and on fallow lands if the landowner has given permission.

Thus, the code considers the rights to use these resources for pastoral purposes as "*special title rights*" that are recognised and protected as such by the law (particularly grazing rights and access to crop residues).<sup>21</sup> However, these rights are only guaranteed if they are exercised properly and with respect for the recognised rights of other land users. According to the arrangements set out in the law, pastoral rights of use can only be restricted or challenged if it serves the public interest, and provided that the injured community is compensated in kind. This compensation may involve "*making available alternative resources, compensatory developments or any appropriate accompanying measure*".<sup>22</sup>

The recognised right to raise livestock on fallow land and in classified forests may be restricted or altered when these areas are developed as part of a project. Since this right can be totally revoked if it is considered incompatible with the projected productive use, it seems that pastoral rights of use could be challenged by development projects whose aims are not clearly specified.

For grazing after the growing season (harvested fields) the code authorises the free, gratis use of unoccupied grazing during periods determined by a competent authority from each decentralised local government, in consultation with the actors concerned. Field owners may also arrange their own alternative agreements with herders.

However, the code also encourages the privatisation of pastures for the benefit of other parties operating in rural areas. It anticipates the possibility that legal persons in public law could develop special pastoral areas (grazing reserves) and charge third parties to use them. Local govern-

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21. Livestock routes, access routes to water points, transhumance routes and all similar developments are classified as State- or local government administered property.

22. There is no reparation for fallow plots reclaimed for farming, although the owner should inform the herders concerned of his intention to reclaim the fallow land and wait for a period determined by regulations.

ments are also authorised to create common pastures for the benefit of herders in their locality, and to introduce a system of access based on taxes that will be used to pay for services such as surveillance of local herds. In order to promote investment in livestock rearing the code permits the assignment of land from the private domain (without specifying which private domain) to be used for grazing by natural or legal persons in private law. This temporary assignment can be made permanent after minimum productive use, in a manner to be determined by regulations.

In short, the code sets out three ways in which grazing may be privatised: i) by the creation of grazing reserves, ii) through the development of common grazing and iii) by assigning privately owned plots to a third party to use as grazing. As an accompanying measure, the code anticipates the institution of a pastoral development fund that will be used to finance pastoral developments instigated by the authorities and support development initiatives by herders' organisations.

The creation of private pastures suggests that third parties may be denied access to these resources. Each type of privatisation challenges both the right to graze common pastoral lands and the rules underpinning this system. Although the privatisation of pastures may appear to be a way of permitting herders to secure their rights of tenure, it could actually be a pernicious trap for them.

There are at least two reasons for this. Firstly, the development of private pastures assumes that herders hold customary rights over the land that they occupy on a permanent or periodic basis. This is not the case in several regions of Guinea. In Lower Guinea, for example, the development of livestock rearing has been characterised by constantly mobile groups searching for increasingly scarce pastures in an area where pressure on farmland is intense and grazing is deteriorating. These herders are currently operating in areas where they do not have any real rights to the land.

Another major stumbling block is the fact that the *Code Pastoral* does not indicate how herders can claim rights to control land developed for fodder plots or perpetuate a right of use that was hitherto regularly renegotiated. The *Code Foncier et Domanial*, on the other hand, outlines the procedure for appropriating land for agricultural purposes (through registration). With grazing lands there is a risk that these arrangements will lead farmers to refuse herders access to their land because of fears that they will lose their rights over it.

The trend towards privatisation of pastures could encourage herders to become more sedentary, with enclosed, ranch-style livestock rearing systems. The subsequent loss of pastoral mobility could have serious consequences, particularly in the rainy season, resulting in overgrazing and accelerated environmental degradation.

As an alternative to sedentarisation, and knowing that private pastoral developments cannot function in isolation because of the uncertain climate, some herders might opt for a different strategy and continually move their animals between private and community pastures. If necessary, they could set aside private plots to produce fodder while waiting for common pastures to become exhausted. A German development project in Widou Thiengoly in Senegal found that this kind of strategy tends to reinforce inequalities in access to natural resources and exacerbate social tensions.<sup>23</sup>

### **Preventing and managing conflicts over access to natural resources**

The prevention of conflicts between farmers and herders is a central concern of pastoral legislation, which prescribes three different mechanisms for dealing with the most common types of conflict.

The idea behind territorial zoning and the demarcation of land used for grazing during the rainy season was that this would encourage the harmonious integration of productive activities.<sup>24</sup> The code is based on the premise that livestock access to natural resources does not pose any major problems in areas where relatively little land is farmed, although the existence of cultivated fields and their encroachment onto pastoral land is a source of potential conflict between farmers and herders. In this context, the demarcation of rainy season pastures should keep livestock away from crops and reduce the risk of them wandering onto fields.

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23. Thébaud et al., 1995. *Recognising the effectiveness of traditional pastoral practices: lessons from a controlled grazing experiment in Northern Senegal*, IIED Drylands Programme Programme, Issue Paper n° 55 and Touré, O. 1991 *Rapport d'évaluation du projet sénégal-allemand d'exploitation agro-sylvo-pastorale des sols dans le Nord Sénégal* (consultation report).

24. To encourage the harmonisation of farming and livestock rearing, particularly during the rainy season, local governments are invited to "identify and roughly demarcate the areas allocated for grazing during the rainy season". However, although it advocates zoning the code does not specify the scale of this demarcation. It simply indicates that in order to facilitate demarcation of pastures, "isolated areas of farmland should be enclosed, according to modalities that will be specified by regulations".



The zoning system is reinforced by mandatory surveillance of livestock during the rainy season, when crops are grown. Animals are allowed to move more freely during the dry season, particularly small herds, although the code recommends that owners of large herds continue to watch over them. For their part, farmers are expected to enclose and monitor their fields during the dry season to prevent any problems with free livestock movement.

As a final element of this mechanism for managing potential conflicts, the code outlines measures to establish a strict framework for transhumance. To facilitate livestock movement and settlement in reception areas it specifies certain rules for i) establishing a timetable for transhumance, ii) identifying the routes to be followed, iii) mobilizing a number of herders proportional to the size of each herd, iv) negotiating rights of access in reception areas and v) recourse, if necessary, to prefectural transhumance committees, which are responsible for resolving any problems related to livestock movements.

In its efforts to prevent conflict at every stage of the process, this relatively restrictive framework for transhumance actually contains some unnecessary conditions. This is particularly true of the stipulation that the number of herders should reflect the size of the transhumant herd, which takes no account of the large amount of labour required to ensure that transhumant livestock are closely watched to prevent them from straying onto cultivated land or getting lost, and to build temporary shelters and transport the necessary equipment and utensils.

Another limitation of the arrangement is the extended power given to the administrative authorities, even though the code recommends that decisions regarding the regulation of transhumance (departure and return dates, choice of itinerary and demarcation of transhumance routes) are taken "*after consultation*" with the actors concerned (competent technical services, representatives of herders, farmers and the customary authorities).

## 3.2 Interaction between the Code Pastoral and other legislation on NRM<sup>25</sup>

It is important to analyse the extent to which pastoral legislation is compatible and harmonises with other legislation in this domain, and to assess areas of convergence, overlap or contradiction.

The *Code Pastoral* was promulgated at the same time as the *Code de l'Élevage et de Produits Animaux*, which was intended to define the legal rules regulating livestock rearing in general, and animal health in particular. There are no known contradictions between these two texts, which seem to be complementary.

The *Code Forestier* recognises customary rights of use held by communities living within or close to forests, indicating that wood products may be used to meet domestic requirements but not exploited for commercial purposes, and that livestock are permitted to graze in classified forests but not in fully protected areas. It also specifies that forest areas should be protected against any form of degradation or destruction caused by factors such as overuse or overgrazing. These arrangements harmonise with those of the *Code Pastoral*, which authorises grazing by domestic animals in forested areas provided that they comply with the restrictions set out in the forestry legislation (particularly setting of controlled fires for pastoral purposes and early bush fires).

Legislation on the protection of wildlife and hunting regulations formally forbids grazing by domestic animals in national parks and fully protected natural reserves. However, while the ban on grazing in national parks applies to fully protected areas, *“in buffer zones or peripheral zones, human activities compatible with protection objectives, particularly the exercise of customary rights of use and local development activities, may be organised and carried out under the supervision of the authorities responsible for the park or reserve”*. In other words, the strategy for managing biological diversity is based on the concept of conservation/development. It not only reflects the need to take account of conservation, but also the importance of making local communities responsible for natural resource management.

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25. To help with this evaluation on the impact of legislation on equitable and sustainable natural resource management in Guinea, a lawyer knowledgeable about pastoral issues was recruited to help with legal analysis of the texts. The results of this work, which was conducted by Professor Ibrahima Ly, were taken into account when analysing the interaction between the *Code Pastoral* and other legislation on NRM.

Soon after the constitutional regime in Guinea was changed, an edict was passed to reorganise the administration of land and establish decentralised local governments (*collectivités locales*), which are now responsible for natural resource management (see Box 3 below).

### **Box 3. The decentralisation process in Guinea**

In institutional terms, the decentralisation process is embodied by the creation of decentralised local governments (*collectivités locales*) with executive council offices (303 CRDs and 38 urban *communes*). Various powers were transferred to these *collectivités locales*, including: i) management of basic social, educational and sanitation services (construction, refurbishment and maintenance of community amenities), ii) socio-economic development (estate and community property management) and iii) road maintenance.

In November 1997 an evaluation of the dynamics of decentralisation focused on the administrative functioning of the *collectivités locales* (frequency of budget sessions, existence and updating of administrative documents, renewal of community councillors' mandate, etc.). The serious difficulties encountered by the *collectivités locales* were documented by several sources, and it is worth looking at the conditions in which they were expected to exercise the transferred competences. A report produced by the working group on security of land tenure observed that *"little progress has been made in decentralising the management of land tenure, since the CRDs that were responsible for estate and community amenities from 1990 onwards are almost or completely uninvolved in land management due to the lack of structures operating at this level"*.<sup>26</sup> To address this constraint, the declaration on rural land tenure policy approved by Cabinet in March 2001 exhorted the government to make *"arrangements to invest CRDs with effective responsibilities for management of the land resources on which they depend for their livelihoods. The measures to be taken should on the one hand permit the development of particular areas and the establishment and maintenance of land reserves, and on the other hand make it possible to install and maintain community amenities. The government will support CRDs, helping them define the rules for land allocation and encourage access to ownership by the poor and the vulnerable, particularly women and young people"*.

The *Code Pastoral* is part of the decentralisation process insofar as it confers various powers to local governments with regard to i) the identification and demarcation of areas allocated for rainy season grazing, ii) the conditions regulating access to crop residues, iii) conditions of access to developed pastoral zones, iv) determining the end of the period when free livestock movement is permitted, v) conditions of access to water points and vi) determining the period when early fires are permitted.

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26. This working group was set up to prepare a paper on strategies for poverty reduction.

However, there is no obvious interaction between pastoral legislation and the *Code Foncier et Domanial* formulated in 1992, which defines the general status of land and modes of access to land ownership. This legislation pays little attention to rural land resources and merely states that modes of exploitation will be defined in by-laws at some point in the future.<sup>27</sup> The *Code Foncier et Domanial* is based on the recognition and guarantee of private land ownership through land registration. It puts the State and private individuals on an equal footing with regard to the acquisition of land, as both are required to register ownership on a land tenure plan and in the land register.

On close inspection, this procedure to establish legal recognition of rights mainly concerns producers involved in agriculture, whose “*position as owner*” of the land can be justified by “*peaceful, personal, permanent occupation in good faith*” uncontested by third parties. In other words, the *Code Foncier et Domanial* is part of a move towards the creation of a legal environment favouring intensive farming in the context of a liberal economy.

There have been serious difficulties in applying this legislation, particularly in rural areas where land practices are based on the social legitimacy conferred by family land rights. However, these perennial rights are severely undermined by the arrangements of the new land law,<sup>28</sup> which is why attempts have been made over the last few years to define procedures and options for securing land tenure. A recent paper produced in the context of the second Rural Infrastructures Project (PNIR2) advocates the introduction of a land management plan. This is presented as the most appropriate tool for clarifying and securing land rights, given the fact that farming is not only becoming more intensive, but is also more open to the laws of the marketplace, especially where access to land is concerned. While farming is central to the arrangements of the proposed cadastral plan, the status of livestock rearing and modalities for taking it into account are not specified.

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27. The only article of the Land Law devoted to the rural sector (Article 92) stipulates that “*the rules for rural development applicable to environmental protection and the improvement of agricultural, forestry and pastoral production are determined by legislation and regulations, particularly regarding the development of protected areas, classified forests and areas used for agricultural or pastoral purposes or soil restoration*”.

28. A farmer who has not registered his land rights not only runs the risk of seeing them challenged by third parties, but could also find that attempts to put the land to productive use are hampered by encroachment from various quarters.

## 4. Perception and appropriation of pastoral legislation by the various actors interviewed in the context of this study<sup>29</sup>

### 4.1 Perceptions and visions of different interest groups

Many of the regulatory texts required to implement pastoral legislation have yet to be adopted. This encourages tendentious interpretations of the law and enables different groups of actors to retain only those aspects of the code that seem to support their interests.

Farmers from the zones of Boké and Koumbia reported that they became aware of the *Code Pastoral* during awareness-raising sessions organised by the livestock department. They focus on four points of particular interest to them:

- The need to annually allocate land for farming and livestock rearing, to avoid conflicts caused by animals wandering onto fields. As one farmer from Diaré (Tanéné) said, *“at the moment the herders are on the plain and we farm our plots on the hills. Then we’ll go and farm on the plain and they’ll rear their livestock on the hills”*;
- The requirement for herders to set up night corrals for their livestock and ensure that they are watched during the day;
- The urgent need to negotiate the timetable and modalities for livestock access to grazing on the coastal plains;
- The need to set up joint committees to inspect fields damaged by livestock and set compensation rates.

Even if they acknowledge that the code obliges them to watch their plots by day, farmers put more emphasis on the arrangements that serve their specific interests: organising the transhumance calendar, mechanisms for permanent livestock surveillance to reduce the risk of animals wandering onto their fields, and compensation for damaged crops. As far as rice farmers from the Dabon-Néné (Kamsar) zone are concerned, the code essentially covers negotiation of the transhumance calendar and arrangements for compensation for damage caused by livestock.

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29. c.f. Appendix for a list of interviewees.

Herders seem to be more aware of the general content of the *Code Pastoral* than farmers, and to see it as an effective instrument for local-level management of conflicts between themselves and farmers. One official from the prefectural committee for herders' groups in Boké said that *"with the code, we won't need to go to the gendarmerie or prefecture to sort out disputes any more. It allows herders and farmers to discuss their differences and resolve them themselves"*.

However, even though herders seem to have a broader understanding of the content than farmers, they too focus on particular aspects of the code that address their specific concerns, namely: i) arrangements for their entry into reception areas during transhumance, ii) secure access to grazing on the coastal plains and iii) more flexible conditions for negotiated conflict settlement. They even want to introduce some extra arrangements of their own, such as abolishing the impounding of livestock, a sanction that frequently costs them dearly.

Many support structures operating in the field do not fully understand the *Code Pastoral*. Apart from staff in the livestock department, most members of the technical services are largely unaware of its content and only retain its general orientations.<sup>30</sup> One agent said that he saw the code as a tool for *"managing pastoral areas on the basis of local-level consultations between farmers and herders to define the modalities for using land"*. One of his colleagues thought that the code dealt with issues related to livestock mobility, natural resource management and relations between farmers and herders, while a third said that *"the code defines the area reserved for grazing and establishes the rules for managing this land"*.

Land administration officials do not seem to pay much attention to the details of the arrangements of the *Code Pastoral*. Their main concerns are cohabitation between herders and farmers and maintaining peaceful relations between the different groups of land users. They think that the code could help do this, provided that the administration is not stripped of its prerogatives to maintain public order. *"Conflicts can easily take on a political or ethnic dimension, and the government has to follow these things closely because they are highly sensitive. Land tenure is a complex issue in rural areas. It causes problems because everyone's views vary. In a zone*

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30. Staff from the livestock department, especially those in post or who have already worked in areas affected by transhumance, are relatively well-informed about the arrangements of the code.

*like Boké, indigenous farmers think the land belongs to them, and they sometimes refuse to let herds onto their land or try to take the law into their own hands. When this happens government officials have to intervene to maintain peace and social cohesion."*

## **4.2 Varying levels of appropriation in different geographic zones**

Popular appropriation of the *Code Pastoral* is patchy: stakeholder groups in one area may be relatively well informed about this instrument while little is known about it in other areas.

The southern coastal zone falls into the first category, particularly the coastal plains where most transhumant herds spend a good part of the dry season. It has already been noted that changing farming practices and the adoption of two growing seasons has made life increasingly difficult for transhumant herds, which cannot gain access to certain parts of these plains because rice is grown there during the dry season. Another change with a negative effect on livestock rearing activities is the annexation of wetlands, including wetlands on transhumance routes, for dry season crops like cassava and market gardening, or cash crops like oil palm plantations.

As a result, pressure on land is intensifying and herders are left with very little margin for negotiation in an environment where access to natural resources is a critical issue for all groups (see Box 4 below).

The frequency and severity of conflicts on the southern coast led to the introduction in 1992 of a pilot project supporting transhumance (the TRH project). This had two major objectives: i) to increase rural actors' awareness and understanding of the realities of transhumant livestock rearing and ii) to test reactions to developments aimed at facilitating the integration of herds into farmland.

In order to reconcile transhumance and farming practices the TRH project promoted various development activities focusing on i) the construction of night pens for livestock, ii) fencing off plots used to grow crops and iii) promoting fodder plots. The project also supported the creation and reinforcement of transhumance committees and worked to raise awareness of the *Code Pastoral* among different groups of actors.

#### **Box 4. Uneasy cohabitation between herders and farmers on the Kapatchez plain**

Nearly a quarter of the 7,500 ha upper Kapatchez basin has been developed by different intervention agencies since 1988. At the moment flooded rice is grown there during the rainy and dry seasons, and developed areas are managed by users' associations from the plains, which include rice growers.

To access grazing on the plain herders have to continually adapt the rhythm of their movements to new developments, changes in the growing season and the passage of fires. However, they still often end up on the plain before the rice fields have been harvested, and this frequently causes conflict (Chouc et al., 1999).

One official from the rice-growing area in Dabon-Néné (Kamsar) reported that farmers have many grievances against herders. *"Since the TRH project left livestock have not been penned in at night and they wander onto fields. This means that the farmers have to spend the night patrolling their fields to stop them getting in"*. Herders are also accused of failing to respect the time set for livestock to go onto the plain. This is set without the knowledge of the rice farmers, who often find themselves presented with a *fait accompli*.

Officials from the rice producers' union have been in contact with both the herders and transhumance management committees, but the situation has yet to be resolved and most conflicts in the zone are still caused by livestock entering fields. Furthermore, the number of transhumant herds in the area has increased considerably over the last few years. On their way through they destroy certain infrastructures in developed areas (drains and other structures), and herders often refuse to pay the compensation claimed by rice farmers.

For their part, herders complain that it is hard for them to water their livestock because the land around water points has been taken over by dry season crops. They also claim that farmers burn rice straw after the harvest purely to prevent their herds from grazing on the rice fields.

Following consultations on land management in the southern coastal zone, land users developed local agreements on natural resource management. In Koumbia herders and cotton growers came to an arrangement designed to create the conditions for harmonious integration of their activities within the same area.

Herders and farmers present this local agreement as the outcome of their joint and autonomous deliberations (see Box 5 below). *"People began to think about how they could resolve their problems. Farmers in the Koumbia area had difficulties with livestock wandering onto their fields and damaging crops, and the owners of the animals were supposed to pay compensation. This was set by the government and took no account of*



*the taxes that herders had to pay on livestock impounded for straying... The herders said that they were no better off than they had been under the ENCOBE system,<sup>31</sup> while farmers claimed that they were suffering because of the damage caused by livestock, and that they didn't always get all the compensation paid by the herders. So they got together to see if they could find a way of sorting out these problems".*

#### **Box 5. The " Doumbiadji law"**

This local agreement is known as "the Doumbiadji law" because it was adopted during a meeting in Doumbiadji, an area on the border between Koumbia and Foulamory. The meeting was attended by nearly 500 participants representing herders and farmers from the zone, who managed to reach a consensus on the regulation of wandering livestock and protection of cultivated plots. This regulation consists of four key arrangements: i) mandatory surveillance of livestock during the growing season, from 10 June to 30 December every year, ii) toleration of wandering livestock after the harvest, from 31 December onwards, iii) mandatory enclosure and daytime surveillance by owners of all cultivated plots during the dry season, and iv) overnight penning of livestock to avoid damage to cultivated plots during the dry season.<sup>32</sup> Representatives from the administration attending the meeting at Doumbiadji made a commitment to uphold the decisions taken at the meeting.

Local committees composed of herders and farmers were set up to monitor enforcement of the regulation and jointly oversee conflict management. When they were interviewed herders from Koumbia said that the regulation was evaluated by stakeholders two years after its adoption, and because of continued conflicts it was decided to introduce zoning to position the night pens away from cultivated areas.

Herders feel that this local agreement has helped promote a more favourable environment for peaceful cohabitation between the different groups of land users because livestock are causing less damage to fields. However, they claim that farmers do not respect the zoning arrangements, and that *"some of them cultivate plots in zones near the livestock corridors just so they can claim compensation for damaged crops"*.

Cotton growers from Kamballa said that they thought the regulation had been enforced in the two years since it was adopted. However, they claimed that the owners of large herds had stopped watching over their livestock during the growing season, and were also refusing to pay fines for the damage caused by their herds. They think that rich herders and certain local officials (from the administration and decentralised local government offices) collude with each other to get round the restrictions imposed by the regulation.

31. This system was set up by the authorities under the First Republic to control livestock rearing. It was particularly restrictive for herders, who were forced to sell off 10% of their herd each year at prices arbitrarily set by the government.

32. Compensation should be paid for any damage to plots caused by livestock during the night. However, no compensation can be claimed for damage done during the day.

Officials from support organisations believe that this local system of regulation was largely inspired by the *Code Pastoral*. *"The supervisory structures helped get talks going in 1994, and herders and farmers wrapped things up in 1996. It all started when a new cotton project was set up in the area between Koumbia and Foulamory, where there was a high concentration of livestock. There were problems between local communities because of the high densities of livestock, extension of cultivated land and unenclosed farmland, and they realised that they needed to do something to sort things out. When they started looking for solutions they got their ideas from the first deliberations in preparation for the Code Pastoral"*.

The situation is very different in Central Guinea, where little is known about the code. Agricultural and pastoral activities are closely integrated on village lands in this area, which is inhabited by agro-pastoralists. Local communities have little interest in the code since conflicts are not a serious problem here.

In most of Central Guinea the mechanisms for associated agriculture/livestock rearing are based on zoning. Farmers from Dionfo (Labé) reported that the zoning system developed out of separate arrangements in different villages. *"We've had to enclose our plots to avoid losing crops ever since we started farming over 50 years ago. Twenty years ago villages started allocating some land for farming and some for livestock rearing every year. Villagers get together to fence off the tapades.<sup>33</sup> Richer villages or those receiving remittances from outside (Conakry or abroad) use wire netting.<sup>34</sup> The same land is set aside for bush fields every year and enclosed with wood collected when the fields are cleared. We have a system that allows people to borrow land if they don't have tenure rights in the area set aside for bush fields, so that we can put all the bush fields together. This system of grouping of bush fields together and putting up a collective enclosure means that livestock can graze on all the vacant land"*.

For the time being the system of integrated farming and livestock rearing works relatively well in Central Guinea; which means that local communities don't see any need to apply the *Code Pastoral*. However, given the rising numbers of livestock and increasing pressure on land, this system may not work so well ten to fifteen years from now.

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33. A *tapade* is an intensively-farmed plot or field under permanent cultivation, clustered around the dwellings and protected by hedges or fences.

34. Contributions are made according to the size of the family landholding. Farmers believe that it is worth investing in wire netting because they recoup what they spend within two or three years.

## 5. Process and structures for implementing pastoral legislation

### 5.1 Structures for managing transhumance and dealing with conflicts

The enforcement order of the *Code Pastoral* concerning transhumance recommends that local and inter-prefectoral committees should be created to manage livestock movements, particularly to organise transhumance, ensure that it proceeds smoothly and deal with sanitation issues. As conceived by the order, these transhumance committees should be overseen by the administrative authorities in the regions receiving transhumant herders, and should include technicians from the livestock and agricultural services in the areas concerned, as well as representatives of herders and farmers in the reception districts.

#### Shortcomings of the first structures

From the outset the TRH project sought to encourage the structures it established and supported to operate autonomously, instead of placing them under the authority of the administration. The first three transhumance committees were set up in 1994 in Mankountan, where there is a large plain that is traditionally visited by herders from Kolaboui in the dry season. However, these committees were not authorised to regulate transhumance movements because they had no legal standing. In 1995 the livestock department and administrative authorities, notably the Governor of Boké, had to intervene in a serious conflict in the Mankountan plain. Afterwards project officials suggested that the administrative authorities should use the arrangements of the *Code Pastoral* to create transhumance committees to deal with conflicts over access to natural resources and promote collaborative land management that would benefit both agricultural and pastoral activities.

The Governor of Boké publicised “an administrative decision” regarding the creation of transhumance committees, whose main mission would be to organise livestock movements (calendar, access routes to the coastal plains, settlement sites for livestock) and ensure negotiated conflict management (evaluation of damage caused by livestock, possible compensation). Certain adjustments were suggested on the basis of an

evaluation conducted in 1998, and a new “*decision*” was taken to make the committees more effective.<sup>35</sup>

### **Changes to the organisational framework**

At the local level, joint committees are composed of 6 to 8 members who are designated during meetings chaired by the sub-prefect or president of the CRD. Each community appoints its representatives on the basis of confidence in their capacities, integrity and availability. Sub-prefectoral committees are composed of delegates from the local committees (two farmers representatives and two herders representatives), representatives from the CRD and an agent from the service responsible for rural development.

At prefectoral level, the technical committee responsible for monitoring transhumance includes officials from the services responsible for rural development (DPDRE, SPRA and SPA) and delegates from herders’ and farmers’ organisations. These committees are established to provide technical advice to lower ranking structures and ensure that livestock rearing is taken into account by programmes developing the plains for agricultural purposes.

These structures were created to address an issue that has been highlighted by the ongoing process of decentralisation: the need to identify mechanisms for negotiation that can guarantee all user groups equitable access to natural resources, and representation within the institutions that manage these resources. With shared resources, the main challenge is to help everyone to benefit from the opportunities that decentralisation offers in terms of acquiring both the power to decree the rules governing access to resources and the authority to enforce them.

At the moment the southern coastal zone has 56 transhumance committees operating at the local level, 12 at sub-prefectoral level and 3 at prefectoral level. In addition to these structures several zones (such as Koumbia and Gaoual) have conflict management committees. Some of these structures are effective in facilitating negotiated conflict resolution and have succeeded in resolving almost every case they have dealt with.

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35. The Governor’s first “*decision*” created committees at prefectoral and local levels. After the changes made in 2000, committees were set up at sub-prefectoral level to bring them in line with the dynamics of decentralisation.

However, others do very little to try to resolve conflicts and simply refer them up to a higher level.<sup>36</sup>

The report evaluating the activities of the TRH project (Chouc et al., 1999) highlights the positive results achieved by the transhumance committees. They have not only helped reduce conflicts, but have also encouraged protagonists to play an active role in seeking solutions to their differences. In many cases the protagonists have been able to resolve the conflicts themselves, without having to ask the administration or support organisations to arbitrate. Interest in this local-level procedure can be put down to two factors: i) herders spend less money on fines for damage caused by livestock because it is evaluated more objectively, and ii) farmers can be sure that they will receive all the compensation paid by livestock owners.

When they work properly, these committees provide a forum where the modalities for receiving transhumant herders into reception areas can be negotiated. This is particularly relevant in a context of increasing competition between farmland and pastoral land. While the effectiveness of these transhumance committees is partly determined by the availability, commitment and dynamism of their members, they are also helped by the fact that the social and geographic level at which they operate is entirely appropriate to the management of pastoral rangelands.

*“Transhumance management committees operate below the sub-prefectoral level. Their scope was wholly defined by local communities, farmers and herders, without any pre-determined criteria imposed by the project (...). These committees intervene at a level that corresponds to pastoral lands, not according to customary logic or administrative boundaries, and this makes their field of activity particularly appropriate to their task of managing transhumance (Chouc et al., 1999). These local committees are able to deal with issues related to access to natural resources and conflict management because their zones of intervention reflect the structure of pastoral lands and/or village lands.*

### **Lack of decision-making power among transhumance committees**

The strategies adopted by the various groups are shaped by their percep-

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36. When the TRH project ended some of its former employees set up an NGO for integrated transhumant livestock rearing (AGIET) in partnership with herders and farmers. Based in Boké, this structure intends to continue the activities undertaken in the context of the TRH. It is currently seeking funding from various development partners.

tion of what they stand to gain or lose from the creation of these committees, and it is this perception that determines the position taken by each group.

Comments made by local officials regarding the interventions of these committees do not always reflect their real attitude towards these structures. Many prefects and sub-prefects interviewed during the course of this study claimed that the local administration has lost some of its prerogatives since the committees were set up. As they see it, the transhumance committees are fulfilling their mission of regulating livestock movements and overseeing conflict management. However, they think that they are only able to do so because of the logistical support they receive from the local authorities and the CRD (venues for meetings, help with travel) and the political support they need to deal with serious conflicts.

In reality, the committees responsible for transhumance and conflict management are supervised by the administration. They are not autonomous structures and are left no real room to manoeuvre by officials from the administration or the CRD. In certain areas the committees' procedure for assessing damage is only really applicable to minor cases. Serious cases are handled by the administration, which sends a technical agent to assess the damage and submit a report indicating the amount of compensation to be paid.

In other areas, the administrative authorities urge the committees to assess the damage and set the amount to be paid in compensation. However, these decisions can only be enforced if they are approved by the administration itself, which reserves the right to adjust the amount as it sees fit (increasing or lowering the fine). The fact that the administrative authorities are involved in managing conflicts between herders and farmers over access to natural resources indicates the significant financial stakes involved in controlling these conflict management procedures.

### **Divergent interests among rural stakeholders**

Herders generally support the local transhumance committees because they see their creation as part of a drive to secure transhumance and facilitate livestock access to the coastal plains. Small-scale herders are particularly aware of the need to support these structures, because under the new arrangements access to grazing on these plains is no longer the privilege of large herd owners, who used to get priority access because

they were the only ones able to give generously to holders of customary land rights.

Small-scale herders generally interact with these committees in one of two ways. In some areas they encourage dignitaries, particularly lineage chiefs, to become involved, in order to create a balance of power that will help them against the farmers. In other areas they focus on getting younger members of the committees to take on more responsibility, because they are more available and better equipped to deal with the administration and support structures.

Rich livestock owners tend to feel that the advantages of the committees' interventions are outweighed by the loss of their monopoly over dry season grazing on the coastal plains, which means that they have to compete with small-scale herders for access to natural resources. Knowing that the previous system for managing transhumance was more favourable to their interests, this group often tries to bypass, neutralise or weaken the committees by dealing directly with the administration, CRDs or customary authorities holding land tenure rights in the area receiving transhumant herders.

Farmers in the southern coastal region see the creation of the joint committees as a challenge to their exclusive right to manage the pastoral resources of the coastal plains. However, the committees' actions also help guarantee automatic compensation for the damage to plots caused by livestock. The advantages of this arrangement largely outweigh its disadvantages, since lineage chiefs still play a key role in land management despite the increasing individualisation of land tenure arrangements.

Farmers tend to try and work through opinion leaders such as village chiefs, dignitaries or former local government officials, who are competing with holders of customary land rights over control of the committees.

We should remember that access to land and natural resources was traditionally the prerogative of holders of customary land rights, who used to be the sole authority permitted to negotiate with transhumant herders. The creation of these committees challenges their discretionary power and the benefits associated with collecting and redistributing "cola" – hence their attempts to control who is appointed to the committees. This is a key issue for them, because *"the committees have assumed the right*

*to negotiate, collect and distribute traditional cola, which is now being monetarised. This is a major source of tension with the local administration, which only receives a very small part of the cola, and with the customary authorities, because the cola seems to be shared out between the committee, the elders and the “host” farmers receiving transhumant herders on their land”* (Chouc et al., 1999).

## **5.2 Perceived impact of the implementation of pastoral legislation<sup>37</sup>**

The perceived effects of the implementation of the *Code Pastoral* vary according to the divergent and sometimes contradictory interests of each stakeholder group. Nevertheless, there is some agreement regarding the innovations introduced as a result of this legislation.

For herders, the most significant changes concern the allocation of land for agricultural and pastoral purposes, which facilitates livestock access to natural resources and reduces the risks of them straying onto plots, thereby reducing the number of conflicts over damage to land.<sup>38</sup> They also emphasise the positive impact of the transhumance committees’ work to secure transhumance routes and facilitate negotiated access to grazing on the coastal plains. Other benefits include the introduction of free rights of access to uncultivated land for all rural producers (farmers, forest users, herders, etc.) and the adoption of procedures for negotiated conflict resolution that are less punitive for livestock owners because damage is assessed on a more objective basis, leaving more room for negotiation between the protagonists.

For farmers, the most important changes are more secure harvests because less is lost to livestock wandering onto their fields, fewer serious conflicts, restoration of soil fertility by livestock manuring the plots where they are penned, and the opportunity for villagers to purchase livestock, particularly for family and social ceremonies (especially sacrifices).

Administration officials focus on the improved relations between herders and farmers, the more peaceful atmosphere that has developed since local people became involved in negotiated conflict resolution and the emer-

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37. These opinions were expressed by the various actors interviewed during field studies.

38. According to CRD officials, over 40% of localities in Sangarédi adopted this zoning system after an awareness raising campaign led by decentralised local government management structures.



gence of a more tolerant environment, which means that the presence of transhumant herders in reception areas causes less hostility and fewer serious conflicts.<sup>39</sup>

There seems to be general agreement that without the *Code Pastoral* transhumance would have been severely hampered or at least subject to highly restrictive conditions, particularly in terms of financial costs. Different user groups are changing their strategies so that they can maximise the benefits derived from implementation of the code and minimise its negative effects on their interests. Thus, certain farmers in the Diogoyah area (Boffa zone) cultivate unenclosed plots near transhumant routes or watering holes (particularly potatoes) to prevent transhumant herders coming onto their lands, while farmers in other zones invite transhumant herders onto their land without demanding “*cola*” because they want the herds to manure their plots.

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39. Interviewees cited a case where transhumant herders settled in the Tormelin zone and, after several years' continuous presence, successfully applied to borrow land for rainy season cultivation.

## 6. Constraints and pitfalls

It has already been noted that the implementation of pastoral legislation has helped establish more equitable systems of access to natural resources, particularly in southern coastal areas where there is intense competition for land between farmers and herders. However, while significant progress has been made in some areas, there have been difficulties in applying the code at various levels.

### 6.1 Continuing conflict over access to natural resources

The most common cause of conflict is damage to cultivated plots by livestock, which is generally due to a disregard for zoning or failure to comply with arrangements for monitoring animals and fields. For example, some farmers refuse to fence off plots in designated farmland and cultivate fields scattered across the bush in a deliberate attempt to create “traps” that will attract livestock and earn them compensation. Similarly, certain herders try to pasture their livestock around the edges of fields or refuse to pen them overnight.

Several members of the conflict management committees in Koumbia reported that zoning does not provide all the answers, since part of the problem lies in the fact that less land is being set aside for grazing. It is not only non-livestock owning farmers that are reluctant to liberate enough land for livestock rearing, as agro-pastoralists also need large amounts of land for their crops.

Failure to comply with the arrangements for managing transhumance is another cause of conflict. Trouble often arises over the timing of the herds' arrival on the coastal plains. *“In Diogoyah, in 2002, the transhumant herders arrived without any warning because the waterholes in the area where they had spent the rainy season dried up earlier than normal. Their livestock destroyed over 1,000 potato mounds and this caused serious problems with the farmers.”*

Several herders groups in the intermediate zone between the coast and Fouta Djallon are trying to establish more permanent arrangements giving them greater control over the land they occupy. Their attempts to

challenge the system of land use based on continuous renegotiation have aroused considerable hostility among the communities holding rights to the land (see Box 6 below).

**Box 6. Conflict in Tatafara (Tanéné sub-prefecture in the Boké area)**

For many years this area was occupied by Landuma farmers, who rear very few livestock. When groups of Fulani herders from Télémélé started arriving in the early 1990s the TRH project helped them settle permanently in the area by developing fodder plots, which meant that they needed to move their herds around less. In 2000 conflict erupted between the two communities after a serious disagreement between the herders and some young men from the reception village.

Opinions differ over the cause of the dispute. The herders claim that the indigenous villagers decided to throw them off their land after the death of the village patriarch, although they had no valid reason for doing so. The farmers say that the herders wanted to increase the amount of land allocated to them by the deceased patriarch, and that they gave his son money so that he would give them more land. Even though he was not the head of the community, he gave them permission to occupy the land they wanted and the herders then sent a delegation to Boké to get the papers that would establish their rights to it. The Landuma who knew what was going on decided to throw the herders off their land, and in May 2000 some young men from the village went and burned down their camps when they refused to leave.

Working with the Landuma customary authorities, CRD officials from Tanéné found a compromise solution to put an end to the conflict. This involved the young Landuma rebuilding the camp and the herders being permitted to continue to use the space that they had originally been allocated, provided they withdrew their claim for compensation for money lost when their camps were burned.

There is fierce competition between different user groups for the resources found on the plains of the southern coast. Conflict is inevitable unless they work together to agree on modes of access to these resources, which are of strategic importance for each group (see Box 7 below).

### **Box 7. Conflict in Souguébouye (Kolaboui sub-prefecture in the Boké area)**

Souguébouye is made up of several small close-set hamlets. One is inhabited by the indigenous Landuma, another by Diakhanké farmers who cultivate land loaned from the Landuma, and a third by Fulani agro-pastoralist families. The Fulani herders and Diakhanké farmers claim to have been settled in the area for two or three generations, with the backing of the Landuma. Although relations between these two communities have not always been good, there were few open conflicts between them until 2000.

The Diakhanké cleared about 3 hectares of land in an area that they said they usually cultivated and planted it with groundnuts, fonio and rice. The president of the district and administration officials ordered them to put a livestock corridor through the cleared land so that animals from the neighbouring village could get onto the plain. According to the Fulani agro-pastoralists, *“the people from Souguebouye behaved as if they were trying to get us to leave the area. They wouldn’t let our animals graze on harvested fields, and they tried to squeeze us out by forming alliances with the indigenous Landuma, who are farmers like them”*. They believe that the problems between them and their neighbours were caused by increases in the number of livestock and cultivated land, and lack of consultation between different land users over how the land was managed.

The livestock agency official from the Kolaboui area reported that this plain was traditionally used by farmers, and that a livestock corridor had been established so that animals could get access to the pool and pastures on the plain. In 1999 they were unable to get to the pool because the farmers had planted out-of-season cassava around it without fencing off their fields. Since then farmers and herders have been fighting for control of the plain and its surface water points.

In 2000 the farmers cleared plots of land on the livestock corridor leading to the plain, thereby cutting off access to the pool. After the agro-pastoralists complained about this, delegates from the sub-prefecture visited the site to get the communities concerned to discuss the situation and try to resolve it. Having established that the livestock corridor was blocked, the team asked the farmers to mark out a 30-40m wide corridor through the cleared land to enable the animals to pass through. The farmers refused to do so, and despite the fact that the team have upheld their decision, the conflict has yet to be fully resolved. Livestock are still denied access to the pool and the agro-pastoralists have to dig wells, which run dry very quickly. They have gone back to the administrative authorities to ask them to find a lasting solution to the crisis.

## 6.2 Inherent limitations of interventions by transhumance and conflict management committees

These committees were created on the assumption that farmers and herders have a clear perception of the issues involved in negotiating shared land use, and that both groups understand the advantages of a system of accessing resources that can be adopted by a much broader range of actors. In practice, however, each group has tended to develop strategies that are shaped by their own specific concerns rather than their shared interests. Moreover, strategies differ within each group and are sometimes contradictory. As everyone tries to pursue their particular interests they develop various procedures, some aimed at getting the committees to deviate from their objectives, and some at bypassing them altogether.

While it is true that these committees draw a certain social and political legitimacy from the status of their members, this does not give them enough authority to get their decisions accepted and applied if they are contested by one of the parties involved in the conflict. They are also unable to recall cases from the administration or security services if one of the protagonists decides to take their complaint directly to these institutions. This inability to impose their authority partly stems from the fact that the administration and the CRD behave as if they are the only bodies qualified to arbitrate on conflict management. They present the committees as subordinate structures and reinforce this image of dependency by making the committees reliant upon them for meeting places and help with travel.<sup>40</sup>

Furthermore, the pastoral legislation gives decentralised local governments powers over the management of transhumance, not the committees. The active involvement of CRDs in the zoning of land and demarcation of transhumance routes tends to relegate the committees to the level of mere agents implementing decisions taken by the decentralised local governments. *"The committees do the work, but it is the CRDs that have the decision-making power. Just before the rainy season, the head of the CRD brought together the district chiefs and asked them to set aside part of the bush for livestock and mark out transhumance routes"*.

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40. In most zones committees are unable to work properly because they are under-resourced. Every time a committee is informed about a case of livestock getting onto farmland, its members have to go to the site to assess the damage. They either have to go on foot or ask the administration or CRD for help. In certain localities the committees charge a fixed rate for each visit to assess damage done by livestock.

Committee members complain that certain CRD officials exceed their powers by decreeing regulations for access to natural resources that do not conform to the arrangements set out in pastoral legislation. “*In Gaoual, these people went into the districts and told farmers that they didn’t have to put fences around their fields. This will cause problems because it means that the herders will refuse to pay compensation if their livestock damage unenclosed plots*”.

The committees’ weakness is not only due to their relations with local power structures, but also to the way in which they work. None of the local committees in the southern coastal area have renewed their members in the last eight years, and officials from the decentralised livestock services see no need to renew them as long as they are operational. While the continued tenure of the same officials could be seen as proof of their constituents’ faith in them, the fact that they do not follow democratic procedures undermines their very *raison d’être*.

### 6.3 Difficulty of developing alternative pastoral zones

The development of alternative pastoral zones has proved particularly problematic in the Koundara area, where the creation of Badiar Park in 1988 reduced livestock access to grazing within the classified area. Initially herders continued to pasture their animals in the park, but forestry service agents quickly reacted by expelling over ten thousand cattle from the area and instituting a tax on impounded livestock.<sup>41</sup>

In 1994 *Vétérinaires sans Frontières* (VSF) intervened in an attempt to settle the dispute between the park authorities and the herders. The Catchment Basin project was designed to support management of the outlying area of the park and help the protagonists resolve their differences.<sup>42</sup> However, conflicts between herders and farmers worsened as pastoral lands were reduced by closure of the livestock park and the

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41. The initial charge of 10,000 GNF per head of livestock prompted such protest at various levels that the case was referred to Conakry. After consultation between the technical services concerned the fine was reduced to 3,000 GNF and committees were set up to manage the money, which was to be used to fund the construction of pastoral wells. However, the committees set up in Sambaylo and Koundara are barely functional.

42. The project lasted from 1994 to 1997. Activities undertaken in the context of the component “Assistance in establishing Badiar Park” affected 267 villages and hamlets, and were structured around three main themes: i) pastoral water projects (development of hillside reservoirs, wells, watering points, micro-dams, etc.), ii) support for livestock rearing activities (vaccination campaigns, zoo-technical follow-up, etc.) and iii) management of areas used for a variety of purposes (development of transhumance routes, conflict management, etc.).

extension of farmland after cotton was introduced to the area. Internal livestock movements intensified because the animals had to leave the floodplains of Saré Boydo, Kamabi and Koundara during the rainy season and withdraw towards Youkounkoun and Gningan, where their arrival aroused considerable hostility.

The VSF team conducted various studies in conjunction with the administrative authorities and support services, and it was decided to pursue the idea of developing alternative grazing areas. VSF identified potential zones for the initiative and held sessions to encourage farmers and herders to talk to each other and try to reach a consensus. These consultations were followed by meetings to approve the location of the retained zones, and in 1997 the Support Project for Integrated Resource Management (AGIR) started developing catchment basins in the alternative grazing zones to provide watering points for livestock

However, there has been fierce opposition to the creation of these zones, particularly from certain farmers holding customary rights to the land. They are supported by the CRD officials and staff who were involved in identifying the alternative pastoral zones. As one agent replied when asked about the situation: *"we followed the procedures set by VSF but the people from Youkounkoun and Gningan refuse to recognise them. They say that their land will never be divided between farming and livestock rearing. Right now they don't even want herders on their land. They've gone on Koundara community radio to say so, and they're setting up special fields so they can "trap" livestock and chase them off their land"*.

With no strong support structure behind them the herders had no option but to take their case to the Chamber of Agriculture,<sup>43</sup> which informed the administrative authorities of the situation and is waiting for them to make a decision.

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43. The Chamber of Agriculture is dealing with the issue because there are still no conflict management committees in Koundara. In practice, the damage is assessed by the unit responsible for agricultural statistics, which forwards the PV of the assessment to the DPDRE. The DPDRE then prepares a report and sends it on to the Chamber of Agriculture for action.

## 6.4 Hopes and uncertainties regarding pastoral developments

Introduced when the TRH project started constructing night corrals and developing fodder plots, pastoral developments are a relatively recent phenomenon in the southern coast of Guinea. Knowing that land tenure is such a significant issue across the zone, project managers did not start work until land rights holders had formally agreed to the developments. Their consent should help prevent conflicts since it means that herders can assume the right to assign or extend rights of use over these developments in the absence of any such agreement.

Despite this precaution herders tend to assume that the existence of fodder plots – both the crop and its protective enclosure – gives them long-term rights over the land that they occupy. In their view the fact that the contract may be renegotiated confers even more secure rights to the land.

In some areas this has made landowners suspicious of herders and unwilling to give them land for fodder crops. One village chief from Soussou said he thought transhumant herders should not grow crops and that they should only use land for grazing. *“The land the herders are on hasn’t been given or sold to them. The reason we let them set up camp and graze their animals on it is because it’s not being cultivated this year. If they come back next year they can use our fallow fields and we’ll farm the land that their livestock fertilised this year. And if other groups of transhumant herders come and offer cola, then we’ll be happy to let them use our land”.*

Only a limited number of herders have access to fodder plots because they are expensive. The beneficiary has to pay 22% of the outlay and *“it costs about 658,500GNF per hectare sown. Very few herders would take up fodder plots if they weren’t subsidised by the project, as the low success rate makes it a risky investment”* (Chouc et al., 1999).

Most requests to develop enclosed fodder plots come from rich herders. Some buy land from holders of customary rights and take steps to get their new rights recognised,<sup>44</sup> while others grow fodder on borrowed land.

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44. Herders *“follow certain procedures at the cadastral services of the prefecture. There seems to be consensus that this gives them the right to use the land even though there is no official legislation supporting the process, because ownership titles are acquired from the Ministry of Agriculture by decree”* (Chouc et al, 1999).



While these developments are greatly appreciated by the herders that benefit from them, non-beneficiaries challenge this “*monopolisation*” of land by the better off. According to them, “*Land ownership isn’t important to herders. What herders are interested in is finding pastures to feed their livestock, being able to take them where they’ll have something to eat*”. They believe that the development of fodder crops will further limit the amount of land available for shared use. This trend is all the more worrying because of several factors that have contributed to a dramatic reduction in the resources accessible to livestock:

- The development of rice-growing on the plains, which takes no account of the specific needs of livestock rearing (in the Kaaba plain the areas developed by SOBERGUI have left no room for livestock and have forced herds from Téliimélé to withdraw to other plains);
- The emergence of “*new actors*” from urban areas who mainly operate in the public sector and commerce. Their intrusion into the dynamics of land tenure is typified by their seizure of the wetlands, which are a strategic resource for herders;
- The development of mining in areas traditionally reserved for grazing, with no attempt made to compensate herders for loss of access to natural resources.

## 7. Conclusion

The experience in Guinea has shown that grassroots appropriation of the *Code Pastoral* is essential if this instrument is to be applied effectively. In order to meet this challenge, herders' organisations need to be more aware of and engage with the issues involved in natural resource management and the ongoing process of decentralisation. Because CCNEG officials have not seen decentralisation as an opportunity to promote more equitable access to natural resources, herders' leaders have not given serious consideration to their strategies for adapting modes of access to natural resources, or to the mechanisms they will need to mobilise their communities around clearly prioritised objectives in order to respond to the changes engendered by decentralisation.

Our evaluation of this experience indicates that formulating legislation, or even translating it into national languages, is not enough to ensure its dissemination and appropriation by local communities. Nearly ten years after its promulgation little is known about pastoral legislation in Central Guinea. In order to appropriate it the actors concerned need to play an active role in determining the orientations of pastoral legislation and the mechanisms for its implementation. If they are to fully grasp the issues involved in NRM at this stage of the ongoing process, herding communities need to get together and think about the dynamics of livestock rearing systems and their interaction with other forms of land use. They will then be able to identify the adjustments that need to be made to the content of the *Code Pastoral* and its modes of application.<sup>45</sup>

This would promote a broader outlook and help dispel the current narrow focus on management of large-scale transhumance to the coastal plains, since a significant proportion of herders are not involved in these movements. In other words, the application of the code needs to be well thought out and to take account of the diverse systems used to move herds, which operate according to different logics in each zone. All areas used for pastoral purposes should be taken into account, not just the

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45. Participants at the workshop presenting the results of this evaluation of the impact of the implementation of pastoral legislation on equitable and sustainable access to natural resources advocated that the *Code Pastoral* should be updated to take account of the lessons learned on the ground over the last ten years.

coastal plains, and the diversity of modes of access to resources must also be considered. Only then will it be possible to start collaborating on certain key issues, such as:

- Identifying levers that will permit the promotion of local agreements through the implementation of pastoral legislation;
- Mechanisms that will ensure that the specific needs of livestock rearing are taken into account by development programmes (farmlands, classified forests, protected areas, etc.);
- Developing mechanisms for compensation in areas that are being mined.

Studies undertaken in the context of this evaluation also illustrate the consequences of the poorly defined modalities for implementing pastoral legislation, the inadequate tools for applying this code and lack of appropriate mechanisms for monitoring and control. These have encouraged tendentious interpretations of the law and enabled each category of actor to retain only those parts that protect their specific interests. This favours the better-informed elite and further marginalises the most vulnerable groups.

A mechanism is needed to regularly monitor the impact of NRM-related legislation and provide objective information on the dynamics and evolution of land tenure. Particular attention should be paid to the modalities and indicators for monitoring impact, and to how local actors can use the data from monitoring/evaluation to engage in dialogue with policy-makers about the effects of legislation and strategic choices for natural resource management.

For the future, the challenge lies in creating the conditions for viable institutions and determining how the structures responsible for implementing pastoral legislation may be reinforced. To devise a strategy that takes account of all the factors involved, these support structures need to be made less dependent on the administration, and careful consideration should be given to their interaction with other agencies exercising power at the local level, particularly CRDs and the customary authorities. These structures need to be invested with sufficient authority to enable them to enforce their decisions. This is critical, because interventions by the structures put in place by the *Code Pastoral* raise very different issues for the different interest groups concerned. Thus, while small-scale herders and farmers recognise that certain elements of these structures conform to their interests, rich herders and the customary authorities are forming alliances to neutralise or weaken them because they are unable to control them.

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## APPENDIX

### List of persons interviewed

#### **Direction Nationale de l'Élevage** (Department of Livestock)

Dr Diallo, National Director

Dr Mané, Deputy National Director

Dr Boucara Diallo

Ibrahima Séfal Camara (Legislation Department)

Boubacar Camara (Nutrition Department)

Lansiné Traoré (Nutrition Department)

#### **Direction Nationale de la Décentralisation** (Department of Decentralisation)

Djibril Diallo (local government organisation department)

Oumar Chérif (Civil registry department)

Chérif Souleymane Diaby (Department of decentralised development)

#### **Direction Nationale des Forêts et de la Faune** (Forestry and Wildlife Department)

Djiramba Diawara

Mamadou Dia

#### **Services National des Ressources Foncières Rurales** (Department of Rural Land Resources)

Aboubacar Mané

#### **Instances nationales de direction du CCNEG** (National Executive of the CCNEG)

Mamadou Fily Diallo (President)

Bachir Diallo (Administrative Secretary)

#### **Boffa**

Alpha Sory Bangoura (SPRA)

Sabert Abou Bangoura (Tugnifili conflict management committee)

#### **Boké**

Préfet

Abdoulaye Sylla (Procurator)

Bademba Modibo Makanéra (SPRA)

Alahaye Bangoura (Head of livestock rearing, SPRA)

Hassane Diallo (AGIET)

Mamadou Bah Soumah (Forestry and Wildlife Department)

Sory Baldé (Forestry and Wildlife Department)

Sékou Souaré (DPDRE)

Mme Adama Sylla Keïta (Sub-prefect, Kolaboui)

Salifou Konté (Community Secretary, Kolaboui CRD)

Mouctar Diallo (Head of Kolaboui livestock rearing post)

Falilou Bah (Herder, member of the prefectoral conflict management committee)

Haroua Bah (Herder, member of the Kinsily herders' group)

Thierno Oury Bah (Herder from Ley Balla)

El Hadji Tahirou Bah (President of Tassara district council)  
Abass Bah (Kassoro transhumance committee)  
Alseyne Bah (Kinsily transhumance committee)  
Satening Sidibé, Gallé Sidibé et Samba Sidibé (farmers from Ayndé N'Diaré)  
Eh Hadji Thierno Bah (Agro-pastoralist from Ayndé N'Diaré)  
Mamadou Bobo Mané (President of Tanéné CRD)  
Alseyne Coumbassa (Tanéné CRD)  
Mamadou Lamine Touré (Sub-prefect, Tanéné)  
Ousmane Diassy (Farmer from Tanéné)  
Mamadou Oury Diallo (President of the prefectoral committee of herders' groups)  
Yaya Savané (Farmer from Souguébouye)

### **Sangarédi**

El Hadji Lamarana Bah (President of the regional committee of herders' groups)  
Mme Fatoumata Barry Bah (Head of veterinary post)  
Souleymane Bah (Livestock official)  
Thierno Aliou Gadjogo (Medical official)  
Satala Bah (Farmer, president of Silidra farmers' group)  
Ibrahima Bah (Herder, member of the prefectoral committee of herders' groups)

### **Bintimodia**

Daouda Camara (Sub-prefectoral transhumance committee)  
Karamoko Camara (Dabon-Néné rice producers' union)  
Abdoulaye Sidibé (President of the CRD)  
Younouss Bah, Billé Sow, Rachil Diallo (Sub-prefectoral committee of herders' groups)  
Souhaïbou Bah, Lamarana Bah (Sub-prefectoral transhumance committee)

### **Gaoual**

Chef SPRA  
Mamadou Oury Diallo, Mody Doumbary Diallo (Committee of herders' groups)  
Amadou Woury Camara (Butchers' Co-operative)  
Baïlo Sidibé, El Hadji Abdoulaye Diallo (Agro-pastoralists)  
Mme Marième Diallo (Head of veterinary post)  
Kandoura Guirassy, Yacouba Touré (Agro-pastoralists from Sinthiorou Gaoual)  
Racine Ka, Soryba Camara (Conflict management committee)

### **Koumbia**

Idrissa Diallo (Herder, president of the sub-prefectoral committee of herders' groups)  
El Hadji Ousmane Diaby (Sub-prefectoral committee of herders' groups)  
Mamadou Saliou Diallo (Sub-prefect)  
Ibrahima Sory Diallo (Herder from Darabowé)  
Amadou Diouldé Diallo (Darabowé conflict management committee)  
Demba Camara, Thieno Boubacar Diallo (Farmers from Kamballa)  
Cellou Doumbia (President of Kamballa cotton growers' union)

### **FRIA**

Director of SPRA

Almamy Sanoussy (Sub-prefect from Baguiné)  
Thierno Lama Kouria Diallo (Herder, member of the group from Boussoura/  
Boussoura herders' group)  
Seydou Bah Camara (Agro-pastoralist from Boussoura)  
Mamadou Guélo Barry, Thierno Sady Sow (Wawayaya herders' group)  
Fodé Salia Camara (Sub-prefect)  
Nicolas Pépé Delamou (Head of Tormelin livestock rearing post)  
Ibrahima Damba (Farmer from Tormelin)

#### **Pita**

Mamadou Diallo (Fouta farmers' federation, Timbi Madina)

#### **Labé**

Dr Barry (SPRA)  
Moussa Camara (DPDRE)  
Celistin Torno (Regional farms inspector)  
Alcaly Touré (SPA)  
Pita Bah, Amady Thierno Diallo, Sidy Condé (PAE)  
Mario Gauthier, Mamadou Saliou Diallo, Pape Meïssa Diop (PEGRN)  
Lassana Touré (Procurator)  
Laya Kourouma (Head of county court)  
Tamba Descartes Kanano (Sub-prefect, Dionfo)  
Lamine Soumah (Deputy sub-prefect, Dionfo)  
Almamy Saliou Diallo (President of Dionfo CRD)  
Camara (Community secretary, Dionfo CRD)  
Karim Baldé, Thieno Mamadou Boye (Prefectoral committee of herders' groups)  
Alassane Diallo, Alpha Yaya Diallo (Hotonlaré herders' groups)  
Mohamadou Diallo (Herders' representative, Dionfo)

#### **Koundara**

Mamadou Diouldé Diallo (SPRA)  
Mamadou Sow (DPDRE)  
El Hadji Sidy Kanté (Chamber of Agriculture)  
Moustapha Diallo (Committee of herders' groups)  
Moussa Bah, Lamarana Baldé, Amadou Laye Kaba, Mamadou Savané (Cotton project)  
Amadou Diallo (Deputy conservator, Badiar Park)





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The Drylands Programme aims to contribute towards more effective and equitable management of natural resources in semi-arid Africa. It has a particular focus on decentralised management of natural resources, pastoral development, land tenure and resource access. Key objectives of the programme are to strengthen local capacity for sustainable resource management, by building effective and accountable local institutions; identify and promote national policies that legitimise and enable local-level decision making and authority; argue and lobby for global policies and institutions that support the development needs and priorities of dryland peoples.

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