

Issue paper no. 129

From colonisation to consultation

Regulating use of a
pastoral zone in
Samorogouan,
Burkina Faso

Joost Nelen,
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Moumouni Ouattara

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Abbreviations

BIS	<i>Boutique d'Information de Samorogouan, SNV-Burkina,</i> Samorogouan information centre, SNV-Burkina
CARC	<i>Centre d'Aménagement des Ranchs Collectifs</i> Centre for the development of group ranching
CEZIET	<i>Centre d'Encadrement des Zones d'Intensification de l'Elevage Traditionnel</i> Supervision centre for intensification of traditional livestock rearing
CIRDES	<i>Centre International de Recherche-Développement sur l'Elevage en zones Sub-humides</i> International centre for research and development on livestock rearing in sub-humid zones
CVGT	<i>Commission Villageoise de Gestion des Terroirs</i> Village Land Management Commission
DAPF	<i>Direction des Aménagements Pastoraux et du Foncier (MRA)</i> Department of Pastoral Planning and Land Affairs (Ministry of Livestock Resources)
DEP	<i>Direction des Etudes et Planification (MA)</i> Department of Studies and Planning (Ministry of Agriculture)
DRA-K	<i>Direction des Ressources Animales de la Province du Kéné Dougou (MRA)</i> Department of Livestock Resources in Kéné Dougou province (Ministry of Agriculture)
FAO	Food and Agricultural Organisation (UN)
NRM	Natural Resource Management
GTZ	German Technical Co-operation
IIED	International Institute for Environment and Development
JO	<i>Journal Officiel du Faso</i> Bulletin giving details of laws and official announcements in Burkina Faso
LPDRD	<i>Lettre de Politique de Développement Rural Décentralisé</i> Policy paper on decentralised rural development
MA	<i>Ministère de l'Agriculture</i> Ministry of Agriculture
MRA	<i>Ministère des Ressources Animales</i> Ministry of Livestock Resources
PAAP	<i>Programme d'Appui aux Aménagements Pastoraux</i> Pastoral Development Support Programme
PEOV	<i>Projet d'Elevage Ouest Volta</i> West Volta Livestock Rearing Project
PNGT	<i>Programme National de Gestion des Terroirs</i> National Land Management Programme
PV	<i>Procès Verbal de palabre</i> Written minutes of a discussion held in the presence of a government official
RAF	<i>Réorganisation Agraire et Foncière</i> Land Reform Act
SNV	<i>Organisation Néerlandaise de Développement</i> SNV Netherlands Development Organisation
TOD	<i>Texte d'Orientation de la Décentralisation</i> Overall law setting out the broad principles of decentralisation
UTL	Unit of Tropical Livestock

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1. Introduction

Much has been written about the precariousness of natural resource management in Sahelian countries, and there is widespread concern that current practices, particularly in densely populated areas, are jeopardising the future of renewable natural resources. However, many publications also show that local responses to the situation are diverse, multi-faceted and encouraging at both technical and institutional levels, related to sustainable use, land tenure agreements, consultations and conventions.¹ The process described in our paper confirms this, illustrating how in the department of Samorogouan in Burkina Faso growing awareness of the pressure on natural resources and increasing conflicts between different user groups drove local actors to take steps to regulate their use.

Map 1. Burkina Faso



Samorogouan is one of the 350 administrative departments in the country and unlike other departments in western Burkina has a pastoral zone created by the State in the 1970s for its “pastoral planning and livestock rearing intensification” projects. Many pastoralists settled in the department. The project influenced the development of the department over the

1. See, for example, other IIED Issue Papers in the same series, or collected papers on the experiences of GTZ (Kirsch-Jung *et al.*, 2000 and 2003), on www.gtz.de/lamin/english

1980s and 1990s. Introducing a pastoral zone into an area where cotton and cereal growing dominate production systems heightened the already intense competition between different groups using the land and its resources. It became, and remains, an area of high immigration. As concern about the influx of pastoralists and then migrant farmers grew, the indigenous population started challenging tenure agreements made by previous generations, attempting to recover land from incomers or retrieve land that their parents had ceded to the State for the pastoral zone. The situation deteriorated as conflicts between different user groups proliferated; not helped by the fact that the status of these land transactions under customary or national law has never been clarified, or that current legislation is neither well known nor closely related to actual practice.

Finding that national policies and legislation hadn't provided an appropriate answer, local actors in Samorogouan (village authorities, farmer organisations, decentralised services, prefecture) devised pragmatic solutions to improve their security of tenure. Even though national policies and laws had at first sight little to offer them but a jumble of texts and institutions, the principles behind legislation on decentralisation, land organisation and the livestock rearing and forestry sectors, give these local actors sufficient room for manoeuvre. They worked together on a process of reconciliation and consultation, and succeeded in formulating a set of management rules that were endorsed by prefectural decree (*arrêté*) in 2003.

We will analyse how the idea of creating a "zone for pastoral activities" in Samorogouan (and maintaining it in accordance with proposals for the National Land Management Programme put forward in 2003 by the Ministry for Livestock Resources) coexists with the complex realities of natural resource management in Sudanian zones of West Africa. In these zones an area or territory usually contains a variety of resources that are subject to different modes of use and tenure regimes, and pastoral resources are frequently spread across several village territories.

This paper discusses the problems experienced in areas used for pastoral purposes, but it does not attempt to evaluate areas outside Samorogouan. It considers what the ongoing process in this zone has achieved so far. Even though structures for enforcement and control are only just being put in place, it seems an appropriate time for a critical review, because the sanctioning of rules by prefectural order constitutes a major landmark in the process.

2 Context

2.1 Local characteristics and trends

The department of Samorogouan covers 121,800 hectares of Kéné Dougou province on the far western border with the Republic of Mali (see Maps 1 and 2). Average annual rainfall in this Sudanian zone is 1000 mm/pa. Some 24,000 people live in the 16 villages and five farming hamlets in the department, which is a fairly small population for this type of zone. It does, however, have a significant demographic growth rate of over 4.5% per annum, which is partly due to the birth rate but mainly caused by high levels of immigration.

The west of the country can be divided into two zones: the “cotton basin” in the northwest and central western area, and the “cotton front” in the southwest.² Lying at the junction between the two zones, Samorogouan is fairly typical of such areas in West Africa, having a production system based on cotton and cereals and well equipped but increasingly fragmented farms, food self-sufficiency and, for the time being, stable crop yields.³ However, increasing pressure on land has resulted in shorter fallow periods, putting at stake this ancient method of restoring the organic matter so essential for soil fertility. Uncultivated wooded savannahs and protected forests are in competitive demand as a source of fallow farmland, woodland or pasture.

2.2 Pastoral zones of Burkina

The idea of pastoral zones has enjoyed considerable support in Burkina Faso. After the droughts of 1972-1974, the government promoted the creation of refuge areas for agro-pastoralists (“pastoral zones”) as the technical and political answer to restoring livestock levels and increasing their productivity. This strategy resulted in the creation of a dozen pastoral zones nationwide, of which Samorogouan was one of the largest (302,500 hectares planned by the State).

2. These zones respectively account for 50% and 35% of all national cotton production (Lauby, 2003).

3. Over 50% of farms have bought their first draught cattle/plough and cart/donkey (idem).

Map 2. Provinces of western Burkina



This zone covers at least three quarters of the territory of Samorogouan and spreads across five departments of Kéné Dougou province. Its many floodplains provide fodder for livestock during the dry season, while its soils are known for their fertility and well suited to maize, rice and cotton production. The remaining, northern quarter of the Samorogouan department has a large flood plain that is also a traditional reception zone and thoroughfare for livestock.

As Box 1 confirms, the concept of pastoral zones is based on “sedentarisation” and “securing livestock rearing activities” through land use planning: without questioning the genuine desire to develop the livestock rearing sector, these ideas have proved to be notoriously difficult to put into practice. The system of transhumant livestock rearing in the Sudanian zone does not differ greatly from that in the Sahel, since it too is based on human and livestock mobility, albeit on a smaller scale than in the north. Numerous studies have shown that transhumance developed as an economic response to the scarcity of pastoral resources in the Sahel, as well as the need to address other factors like ecological considerations (spreading pressure over several areas), health issues (avoiding infestations), nutrition (finding a variety of good quality pastures) and even cultural concerns (young men and women freed from family supervision

Box 1. Pastoral zones in Burkina Faso

Major droughts in 1972-1973 and 1984-1985 ruined many herders in the stricken areas and decimated national livestock levels, first by 25% and then by 12% (Meyer, *in* Kagoné, 2001, p.23). Between 1974-1985, the first wave of pastoral zones gave herders in severely affected areas permanent access to pastoral resources in the newly established zones of Sidéradougou (Comoë province), Sondré-Est, Nouhao, Yallé and Samorogouan. Then, between 1985 and 2002, policies were influenced by the concept of village land management and a more participatory and multi-disciplinary approach, that produced a second generation of pastoral zones in Barani (Kossi province), Saho (Tuy province) and Guiriao (Nahouri province).

The government aimed to mitigate the effects of drought and address the issue of agricultural encroachment onto pastoral areas, by *“sedentarising Fulani transhumant livestock rearing, securing land for pastoral activities, increasing livestock productivity and rationalising natural resource management. Herders that regularly settle in these zones benefit from close supervision and a significant network of livestock rearing infrastructures (water points, vaccination pens, input suppliers, mini-dairies, etc.). In 1997 there were 10 functional developed pastoral zones covering a total of almost 542,000 ha and supporting 3,995 families, 133,000 cattle, 69,000 sheep and 70,000 goats. 50 zones are planned covering a total area of 2,000,000 ha”* (Kagoné, 2001, p.14).

while on the move). But how can a system based on mobility survive within the confines of a pastoral zone? The herders in whose name these areas have been promoted are caught between conflicting interests: the security of tenure provided by pastoral zones and a production system characterised by mobility, which is the antithesis of sedentarisation.

3. Historical background to Samorogouan

3.1 Pre-1975: customary land rights

When the Samorogouan pastoral zone was created it was intended to cover the territories of eleven “indigenous” Sénoufo, Samogho and Bobo village communities. There was no common political structure: each community recognised the prerogatives of a land chief who neither owned nor usually allocated land, but was rather the legal and religious guarantor of land tenure rights. Land could not be assigned or sold to third parties from outside the community, although “outsiders” could have productive use rights, provided they respected the customs of the host community and showed proper gratitude to the family allowing them to settle on part of their patrimony. These families were represented by a lineage chief, the *Djatigui*, who established and maintained links with transhumant pastoralists in the area and mediated on their behalf when their livestock caused any damage.⁴

In 1975 the inhabitants of at least eight of the eleven villages broke with tradition and agreed to assign the State some land beyond their settlement and home fields, for a 50-year period of “ranching”. The agreement was documented in six sets of *procès-verbaux de palabre* (PV), minutes of discussions held in the presence of a government official. The PVs record that customary officials acted as signatories for local people, assigning these lands to the State for PEOV activities (West Volta Livestock Rearing project, see 3.2 below). It is worth noting that the total amount of land assigned between 1976 and 1980 only amounted to several tens of thousands of hectares,⁵ far less than the 302,500 hectares planned by the project. By the end of the project, the administrative authorities had still not marked out the areas concerned, and were only seeking agreement from the village authorities to use land already affected by village activities (fields, fallow). As far as we know, the administration never returned

4. See DAPF, 2003, p. 15; Tallet, Sanou and Balac, 2000, pp. 20-21; Jacob, 2002, pp. 2-3.

5. Six PVs, produced between December 1976 and January 1980, were found through the Kéné Dougou provincial Department for Livestock Resources in Orodara. Four of them specify the area assigned, which amounted to a total of around 23,000 hectares, while the other 2 did not state the amount of land involved in the transaction.

to these agreements and the boundaries between village lands and the area covered by the PEOV were never defined.⁶

So why did the villages agree to this? Firstly, because administrative authorities had a certain hold over them. Secondly, because there was the temptation for landowning villages to see projects as a potential source of investment. And thirdly, because usable land was plentiful at the time and the “fear of the void” still prevailed: rather than seeing assigning large areas of inhabited, little used land as a problem, local people felt that settling others on it gave them some kind of security.⁷

3.2 1975-1983: the good years

The West Volta Livestock Rearing project was launched in 1975, as a result of a study on the livestock rearing sector in Upper Volta undertaken by the Institut pour le Développement Agricole (IDA) for the World Bank. One of the objectives of this project was to “*design a specific action to improve traditional livestock rearing, taking account of the constraints on land (rapid demographic growth, extensive farming), social problems between farmers and herders, and climatic problems (droughts)*”.

To achieve this objective the project introduced “ranching” as a mode of livestock rearing, and in 1975 set up the *Centre d’Aménagement des Ranchs Collectifs* (CARC)⁸ with the aim of creating and developing nine group ranches. From 1976-1977 onwards the project helped settle pastoralists in the area, breaking with the old system of *Djatiguya*. Many of the new arrivals were Fulani from the neighbouring provinces of Banwa, Mouhoun, Kossi and Houet. Livestock farmers from Kéné Dougou province had little interest in the project, since Samorogouan was known to be full of tsetse fly.

First investments began in 1976-1977, installing the livestock rearing infrastructures typical of this type of project: water points, livestock fattening centres, firebreaks and fodder crops, as well as providing tractors, vaccination pens, a dairy and even socio-sanitary and school infrastructures, housing and offices. The first group ranches were set up in 1981.

6. We are unsure about the legal validity of this 50-year lease agreed by the indigenous population, in terms of both non-demarcation and RAF law No.77/60/AN.

7. See also, Jacob, p. 6.

8. In accordance with decree No. 157/MF, of 12/04/1975.

Samorogouan prospered between 1977 and 1983, as the indigenous population and local incomers enjoyed the economic side effects of project activities and exchanged food for livestock rearing products. However, this was an artificial environment sustained by the considerable resources mobilised by CARC; worse still, it sowed the seeds of future conflict.

3.3 1984-1985: increasing migration

The World Bank withdrew from the project in 1984 because of differences with the new revolutionary Burkinabé government over policy orientation. The development structure CARC was replaced by CEZIET, a supervision centre for intensifying traditional livestock rearing. Created to manage CARC's achievements, the new centre commanded little respect and was faced with a virtually impossible mission, since it had far less money to invest⁹ and local people (pastoralists and farmers alike) had become used to receiving assistance. Furthermore, to use an understatement, "bad asset management" by officials had impoverished the structure – another reason why the World Bank no longer wished to fund the centre – so that staffing levels had to be cut and activities reduced. As the ranch committees progressively slackened surveillance,¹⁰ maintenance of hydraulic and animal health infrastructures, fodder crops and firebreaks ceased, and the centre stopped selling products from livestock rearing. It covered just four ranches instead of the nine originally planned, and only developed three of these. The four ranches covered 124,500 hectares, most of which lay in territory of the department of Samorogouan.

The constraints facing CEZIET were also of a different order: the "group ranching" techniques proved incompatible with the livestock rearing systems practiced by Fulani pastoralists from the Sudanian area, who consult each other in managing their herds, but who seek privacy and still choose their own grazing lands. "Group ranching" involves sharing the management of routes and pastures, respecting carrying capacity and following common elementary animal health procedures, such as measures against parasites, vaccinations and trypanocide treatments (against

9. Although certain activities continued into the 1990s with funding from the Programme d'Appui aux Aménagements Pastoraux (PAAP), a pastoral development support programme.

10. In the time of CARC, committees regulated access to, use of and departure from ranchlands. Management officials were responsible for animal health, provisions and inputs, and livestock marketing. From the impressive staffing levels under CARC, CEZIET was reduced to just three agents (responsible for organising producers and pastoral extension work).

tsetse fly). While pastoralists had accepted ranching in order to save their livestock after the droughts, the harsh realities of working in groups and managing their herds jointly soon dulled its appeal. Furthermore, the authorities in villages that had signed the lease, contested certain encampment sites and pastoral interventions on the grounds that, *“the beneficiary of the lease, namely CEZIET, has not respected all the clauses of the initial agreement”* (DAPF, 2003, p. 17). This non-compliance did not so much concern the promised infrastructures as the annual sacrifices and gifts to be made by CEZIET in accordance with the assignment agreements: since these sacrifices signified that the land would in the end revert to the customary authorities of the villages, saying that the centre only had usufruct rights to the land.¹¹

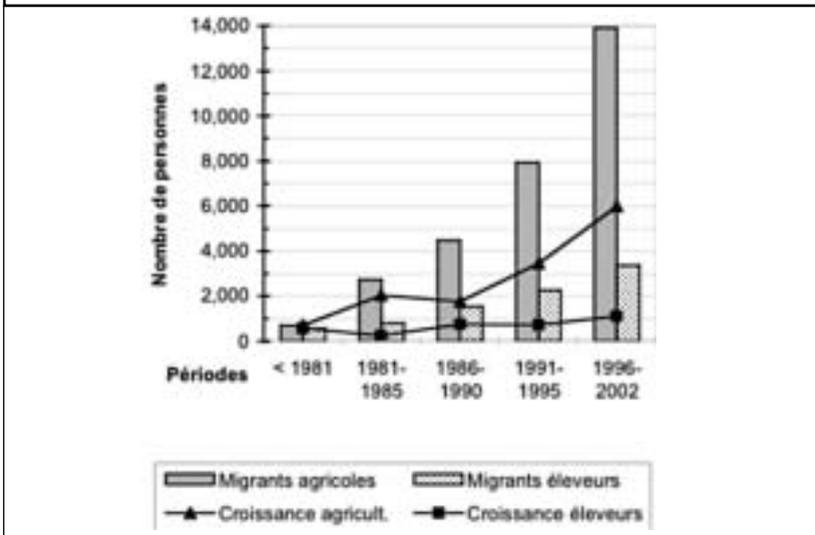
After the 1983-1984 drought Samo, Bobo and particularly Mossi migrant farmers starting moving onto sites in the pastoral zone. The administration reacted by issuing a regulation *“regarding the organisation and exploitation of the CEZIET agro-pastoral zone”*, which was signed by the *préfet* of Samorogouan in November 1984. A product of the *préfet*'s desire to respond to the complex situation (and probably influenced by the first texts on the RAF land reform, see Chapter 4), this document was not only of questionable legal value, but also impossible to put into practice, since the institutions responsible for implementing it had yet to be created.

These events caused the first exodus of pastoralists from the zone. In reality they had only stayed because of the favourable – but artificial – conditions created by CARC. After the contract between CARC and CIRDES (the International Centre for Research/Development on Livestock Rearing in sub-humid Zones) collapsed they were unable to keep up the expensive chemical treatments and tsetse fly traps, which led to a re-infestation of tsetse fly and an outbreak of animal trypanosomiasis. This affects their preferred strain of Zebu cattle particularly badly, unlike the more trypanosomiasis tolerant Baoulé and N'Dama cattle.

Figure 1 illustrates migration in the zone covered by CEZIET, showing a first wave of migrant farmers into Samorogouan between 1980 and 1985, and a reduction of the growth of pastoralists or herders.

11. According to interviews conducted in N'Gana, Sikorla, Samorogouan and Djégouan.

Figure 1. Migration in the CEZIET pastoral zone



Nombre de personnes: number of people
 Migrants Agricoles: Migrant farmers
 Migrants éleveurs: Migrant herders

Périodes: Timescale
 Croissance agricole: Increase of farmers
 Croissance Éleveurs: Increase of herders

3.4 1985-1995: agricultural activities in the pastoral zone

The outflow of pastoralists continued as migrant farmers moved in, cultivating the fertile fields around their encampments and encroaching upon their grazing lands, water points, pens, etc. As in the rest of western Burkina Faso, pressure on land was intensifying due to the demographic growth and emerging market economy generated by cotton growing. Farming households in the department of Samorogouan now needed the large fertile expanses of sylvo-pastoral land beyond their home fields, most of which was located within the area covered by CEZIET.

Some of this land was abandoned by pastoralists who still preferred a system of partial transhumance, grazing equally on fallow and crop residues in indigenous villages or the floodplains north of Samorogouan and Bazon (see map in Appendix 1). Other plots were assigned to migrant farmers with the complicit support of CEZIET officials, the local administration or sedentary pastoralists.¹² It seems that the indigenous population was involved

12. All CEZIET staff supported crop production, and over time some pastoralists combined subsistence farming with livestock rearing, which reduced the custom for indigenous farmers.

too: certain customary rights holders (lineage chiefs and others) tried to reclaim their land by using migrant farmers as “*pawns in a silent battle between indigenous communities and the State*” (Koté et al., 1999, p. 34). The fact that migrants paid their indigenous hosts in cereal indicates that they saw them, rather than the State, as landowners.

However, from the 1990s onwards, second and third generation migrants started making arrangements through their parents rather than seeking agreements with their former hosts. By gradually whittling away at the pastoral zone, the indigenous authorities had helped create and finally lost control over a race for cultivable lands in the zone. Their ability to close this “Pandora’s box” was further hampered by the 50-year pact (sealed with sacrifices) transferring their land distribution and exclusion rights to the State. No-one seemed able to control the spread of farmland in a supposedly pastoral zone, and various conflicts erupted between farmers, between farmers and herders, between the indigenous population and migrants, and between the public services and local people. “Fear of the void” had been superseded by “fear of overcrowding”.¹³

Box 2. Birth of a herders’ organisation

In 1990 a village-level livestock farmers’ organisation was set up, which was given responsibility for the surveillance and maintenance of tsetse fly traps/screens and firebreaks. Having taken over the role of the former ranch committees in regulating access to resources in the pastoral zone, the group then set itself the task of helping resolve conflicts caused by the presence of farmers in the zone. Access to the organisation was subject to certain conditions, such as Burkinabé nationality, cattle ownership, a fee of 10,000 FCFA per herd, and residence in CEZIET or acceptance by other members. This encouraged people living outside the area covered by the centre to join the group and gain the right to decide on organisational affairs. All but one of its 107 members were of Fulani origin.

Given its history, membership criteria and strongly tribal nature, the decision to give this herders’ group authority to control access to the pastoral zone was questionable, and hardly likely to facilitate social integration. The indigenous population continued to think that the State was expropriating their land in favour of the Fulani, while pastoralists gained little security for their livestock (reduced access to pasture, increased risk of epidemics) or themselves (confrontations between the different communities).

13. See also Bary, 2003, pp. 44-45; Tallet, Sanou and Balac, 2000, p.21.

3.5 1995-2000: the end of the pastoral area?

Members of the indigenous population started taking more overt action in the mid-1990s, and various accounts from 1995-2000 show that the administration, technical services and/or indigenous authorities also tried to halt or at least slow down the “*anarchic migrant settlements on CEZIET lands*” (see Box 3 below). One such initiative in 1996 attempted to convert the pastoral zone into a classified forest and thus close it to pastoralists and migrant farmers, on the grounds that it was home to a herd of elephants. This failed because of a misunderstanding between the technical livestock rearing services and the environmental services, a division which strengthened the migrants’ hand.

Box 3. Perceptions of migrant farmers

The PV of a meeting in Samorogouan village reports that, “*Local dignitaries met in Samorogouan on 24/07/1998 to discuss the issue of migrants on Samorogouan lands (...). Anarchic migrant settlement on farm plots, with excessive land clearance and concentrated settlement is creating a built up area in the forest, with a negative effect on the environment...in violation of our customs (...). The various parties were asked to tailor land clearances to their means and to settle in Samorogouan village to avoid damaging the environment, since the bush is peppered with houses (...). This meeting was attended by representatives of the migrants, and agreement on the issue was unanimous.*” The PV was signed by “*local dignitaries and customary chiefs from Samorogouan BF*”, plus a dozen migrant farmers.

Local perceptions of migrants “*being unconcerned about preserving the environment and using resources in an unsustainable manner*” (consultative committee, 2000, 2001) need to be qualified, since experiences in western Burkina show that the modes of farming practiced by new arrivals are not necessarily less sustainable than those of their “indigenous” counterparts. Differentiation between farmers and their respective modes of farming has more to do with socio-economic criteria (e.g. access to means of production and land) than their origins (see Gray and Kevane, 2001; De Zeeuw, 1995).

Photos 1 & 2. Clearance in Samorogouan



Photos: Marion Veltenaar

In reality, there was very little difference between the pastoral zones and areas not earmarked for this purpose.¹⁴ At the national level the FAO states that, “the productivity of livestock rearing within equipped pastoral zones does not differ significantly from that outside these zones” (Kagoné, 2001, p.14). However, there was at least one major difference in Samorogouan. Local actors were not only subject to legal pluralism (of national legislation and customary rules) so characteristic of the Sahel-Sudan zone, but were also operating in a void where both customary institutions and local administration had compromised their legitimacy, since the former had formally ceded their powers and the latter was incapable of managing the zone.¹⁵ The pastoral zone outside village territories, where dwellings and home fields are found, is actually a sort of no man’s land subject to free access rather than “shared use”.¹⁶

By the end of the 1990s the pastoral zone covered 19 villages and 12 farming hamlets, with 11 of the villages and five of the hamlets located in the department of Samorogouan. Migrants made up 45% of the total population of these villages (30% of whom were of Mossi origin) and around 53% of the population in the department as a whole, constituting a majority in at least three village territories.¹⁷

Initial estimates indicate the presence of around 32,000 head of cattle in the zone, which is above the threshold of what this type of extensive livestock rearing area can support (about 25,000 head).¹⁸ 65% of these livestock are in the hands of Fulani pastoralists.¹⁹

Analysis of Box 4 shows that the zone is far from what it claims to be: a haven for pastoral activities. Estimates show that 40% of the land is already set aside for agriculture, and that in a high growth scenario this would reach 70% in seven years. This raises the question of what the zone is really used for: although it was designated as a reception area and

14. As already noted, the CEZIET pastoral zone only covers 124,500 ha (for the four ranches) of the 302,500 ha planned in the 1970s. This means that the other 178,000 ha, which is mainly located outside the department of Samorogouan, have no special status as “classified forest” or “developed pastoral zone”.

15. Worse, certain “indigenous hosts” were installing migrants on land that had never belonged to them.

16. See Lavigne Delville, 2001, pp. 3-5.

17. And thus making the composition of future village commissions a delicate issue (see Chapters 4 and 5).

18. Based on 1 head of cattle \approx 0.8 UTL; carrying capacity per hectare \approx 0.16 UTL.

19. DAPF, 2003. It is not known whether they own them.

Box 4. Occupation of the CEZIET pastoral zone

Towards 1999 there were at least 20,000 people, or about 3,300 households, living in or around the boundaries of the four ranches in the Samorogouan pastoral zone. We estimate that these farming households occupy +/- 52,500 hectares (land under cereal and short-term fallow), which corresponds to 40% of the pastoral land occupied by the four ranches. If growth levels remain at their current rate (>5% per annum) the area will be home to around 6,500 households in seven years, which will take up about 78% of the pastoral zone (*data interpreted from DAPF report, 2003*).

refuge for pastoralists, are pastoralists actually moving out of rather than into it? If it is to become a genuine pastoral zone, will all the current occupants have to leave or can they be managed within the area they currently exploit? When the situation proved too much for CEZIET officials they passed it on to the departmental and provincial authorities and to the Samorogouan departmental consultative committee (see Chapter 5), meaning that the problem is no longer confined to the pastoral zone, but has become a departmental issue.

Photo 2. Cattle in the pastoral zone of Samorogouan



Photo: Joost Nelen

4. Policies and legislation in the late 1990s

4.1 Land reform

The legal status of the CEZIET pastoral zone was only clarified in 2000, when an inter-ministerial decree was issued determining its boundaries.²⁰ Before we look at the ways in which the problems in Samorogouan have been addressed, it would be useful to examine two laws relevant to land management that emerged during the 1990s: the land reform act (*loi sur la Réorganisation Agraire et Foncière*) or RAF, and the overall law setting out the broad principles of decentralisation (*Textes d'Orientation de la Décentralisation*), the TOD.

The last RAF and its enforcement order (*décret d'application*) date from 1996 and 1997. A policy paper on decentralised rural development published by the Burkinabé government in August 2001, the LPDRD, confirmed the logic behind this law, which forms the basis of land legislation. The heated debates provoked by the RAF and LPDRD demonstrate that Samorogouan was far from an isolated case. A workshop and study conducted by the PNGT in 1999 are a good indication of thinking on the RAF at the time. The authors state that, in terms of the legal and institutional frameworks: *"This text is characterised by several legal constants, most notably the principle of instituting a national estate, the distinction between rural and urban land regimes, and land management by village commissions. (...) However, the legal status of rural lands remains unclear. There are very few specific arrangements regarding such areas (...) and while some arrangements cover access to rural lands, they are so inappropriate as to be inapplicable on the ground. Lands within village territories, i.e., lands subject to customary management, are regulated not by law but by tolerance – a provisional arrangement that may persist for a very long time"* (Koté et al., 1999, p.8).

With specific regard to undeveloped rural lands such as Samorogouan,²¹ the authors note that

20. Decree N°2000-40/MRA/AGRI/MEE/MEF/MATS/MEM/MIHU.

21. In this sense, "developed" rural lands are covered by land management plans. As far as we know, no such plans exist for Samorogouan.

"Land legislation before the RAF recognised that these lands were governed by customary land tenure regimes (...) It should be stressed that the... provisional arrangements of the enforcement order maintain the status quo by allowing rural populations to continue to exploit their lands without being subject to any legal obligations. Thus, holders of these lands in village territory are neither obliged to hold prior title nor taxed on their rights of use. This is certainly to their advantage. However, what is given with one hand is quickly taken back by the other: landholders in village territories do not benefit from the protections and guarantees that the law offers to those holding rights of tenure, particularly the right to be compensated for expropriated land." (Koté et al., 1999, p.11).

Uncertainty about the real status of those holding customary tenure rights to rural land does not make it any easier to resolve problems over the management of such land, particularly the two issues that cause most land-related conflicts in Samorogouan and other rural areas: land clearance and new occupation. The legislation anticipates a minimum legal framework, stating that all new occupants require prior authorisation from the administration - powers that could be devolved to local authorities such as the village land management commissions (CVGTs).²² Furthermore, *"the RAF is making positive efforts to establish which rural areas may be considered as pastures (Article 506 of the RAF enforcement order)"* (Koté et al., 1999, p. 11), by aiming to create several levels of land management structures (departmental, municipal).²³ At the village level, special sub-committees of the village land management commissions (CVGTs) will be responsible for the assignment, evaluation and withdrawal of lands.²⁴

22. CVGT: *commissions villageoises de gestion des terroirs*

23. Law No. 14-96/ADP of 23 May 1996, regarding land reform in Burkina Faso, and its decree no. 97-050/PRES/PM/MEF of 6 February 1997, regarding the conditions and modalities for applying the RAF. These create the following structures within each main departmental and municipal town, to manage lands in the national estate (Articles 41, 46): a committee responsible for assigning land for habitation, a committee responsible for evaluating and assessing productive land use, and a committee responsible for withdrawing land.

24. Decree no. 0010/AGRI/MEE/MEF/MATS/MRA of 3 February 2000, regarding the constitution, attributions, organisation and functioning of CVGTs. It stipulates that CVGTs are specifically responsible for village-level assignment, evaluation and withdrawal of lands within the national estate (Article 4, Para. 1).

4.2 Legal framework for decentralisation

Burkina Faso began the process of decentralisation in 1993, adopting a strategy of progressive implementation beginning with urban centres and extending out to rural municipalities. This formed the basis of the legal framework for decentralisation (TOD) proposed by the National Commission for Decentralisation (CND) and adopted by Parliament in 1998. The TOD laid down guidelines for three levels of decentralisation (regional, provincial, municipal) and established certain principles regarding the progressive nature of the process, the associated transfer of powers and resources, and the desire to implement decentralisation on two fronts (urban and rural). Full transfer of powers is a challenge that has yet to be addressed.²⁵

The future creation of local governments in rural areas has generated much debate, and continues to do so. The 1998 TOD set out demographic and budgetary criteria²⁶ for creating municipalities, but no spatial criteria. This means that the principal towns of departments are automatically designated as municipalities by the TOD, and that any grouping of villages fulfilling these criteria can apply for the status of rural municipality. None have.

It is not clear why. Are these villages showing commendable caution in the face of ambiguous government attitudes to decentralisation; is it due to the lack of real debate and information at grass roots level; or a combination of both? It could be the former, since the decentralisation process as planned in 2003 remains unclear about the fate of (inter-) village areas that do not fulfil the criteria for elevation to a municipality.²⁷

After many years of inertia, the rural decentralisation process finally seems to be moving in Burkina Faso. At the end of 2002, a proposal was made to use existing departments as the basis for the establishment of future rural municipalities (beside the urban centres); a proposal initially rejected by Parliament in 2003, but which it has subsequently reconsidered with a favourable eye in 2004. These plans, however, will have minimal impact in the short term on natural resource management (NRM)

25. The TOD were adopted in 1998 (Laws 40-98, 41-98, 43-98, of August 1998).

26. Rural municipality: at least 5,000 inhabitants and a balanced income/expenditure budget of 5,000,000 FCFA.

27. N.B. In 2004 the Constitutional Court of Burkina Faso declared a part of the TOD to be unconstitutional. The follow up is uncertain.

in administrative districts like the department of Samorogouan. Even in Samorogouan village, expected to become a municipality in 2006 (on the basis of its population size), there will be little impact since its powers as a municipality will be limited to those lands under its jurisdiction, which are likely to be used for habitation in the next few years. The eventual conversion of the department into a rural municipality will have more impact since the latter will have overall responsibility for natural resource management on those lands under its domain (see also section 4.3).

4.3 The TOD and RAF: living apart together

It remains to be seen how the village commissions will interact with the (future) municipalities, since the 1998 TOD make very little reference to the RAF. However, the PNGT-2 national land management programme, through which the RAF is being applied, is clear about its position regarding municipalities during its second phase. One of its objectives is to *"reinforce the technical and organisational capacities of rural populations so that (...) they can ultimately set themselves up as rural municipalities. In order to do this, awareness-raising and training activities have been organised for village communities and their organisations."*²⁸

The decree on CVGTs and the policy paper on decentralised rural development seem to go further than the RAF, giving them responsibility for (i) the formulation of local development plans and (ii) the management of investments at village level.²⁹

So while the prospects for rural decentralisation are moving slowly, legislation has however created a space that allows CVGTs to try out initiatives to preserve and manage natural resources in a sustainable manner, under the auspices of the *préfet* of the department and maybe later by rural municipalities.³⁰ Rural municipalities will be free to manage their territorial lands once the transfer is effected, but will only be able to do so through an (inter-) village land management commission.³¹

28. See PNGT-2 objectives, on www.pngt.gov.bf.

29. Policy paper on decentralised rural development, 2001, p. 10.

30. Although the law anticipates that this will be done by village councils, they have not actually been put in place in any of the villages in the zone. Instead it is done informally by village delegates or chiefs assisted by a council of dignitaries, depending on the chief and history of the village.

31. Conversely, the law currently makes no mention of an estate (*domaine*) belonging to any CVGT (Ouattara, 2002, p.9).

5. Formulating natural resource management rules

5.1 The first steps towards regulation

In 2000, inhabitants of the department of Samorogouan used their “Association for the Social, Economic and Cultural Development of Nanergué” to alert the Minister for the Environment and Water and the High Commissioner of Kéné Dougou to “improper wood clearances” in the pastoral zone. An inter-ministerial decree issued in 2000 officially recognised the pastoral zone and set its area at 124,500 ha.

This was also the year that the PNGT in Kéné Dougou developed its “village lands management” approach inside the pastoral zone. Basing this approach on the idea of multiple use village lands, the programme set out two “inter-village pastoral zones” within the large pre-existing CEZIET pastoral zone, demarcating one of them with permanent markers (DAPF, 2003, p.17-18).

These actions by an additional intervening agency further confused the situation, prompting the manager of CEZIET to call for joint discussions on the issue (see Section 3.5). The prefect, technical services and representatives from several villages in Samorogouan responded by organising discussion sessions for the “consultative committee” in 2000/2001 (see Section 5.2). While these sessions were generally useful and helped clarify the status of the zone, the situation continued to deteriorate until mid-2001, with growing colonisation by migrant farmers, agricultural encroachment into pastoral areas and continuing conflict between resource users (see Box 5 below).

5.2 Samorogouan consultative committee

Departmental consultative committees are *ad hoc* structures set up by the *préfets* to monitor activities on their administrative territory.³² They usually bring together all the technical services, projects and NGOs within the territory of the prefecture, and are normally chaired by the *prefet*,

32. NB: The RAF anticipates a technical consultative committee at provincial, but not at departmental, level.

Box 5. Letter from the Prefect of Samorogouan to the High Commissioner of Kéné Dougou

“...CEZIET’s real problems began with the anarchic and illegal occupation of the zone by migrant farmers. The trouble stems from the fact that the indigenous population of Samorogouan want to reclaim land they had ceded to the State for 50 years, so they wrote to the Ministry of Livestock Resources asking for it to be returned to them, saying they haven’t got enough farmland to keep pace with population growth in the village. Paradoxically, they’re still going ahead with a policy of installing migrant farmers on their land. Various politicians from the villages of Djégouan, Sougalobougou and Sourou II are behind proposals to replace CEZIET with a village forest, even though the villages involved haven’t agreed to it because they’re worried that they will be driven out. In the meantime, migrant farmers have continued to settle in the area despite attempts to stop them by CEZIET officials. In 1999 CEZIET asked the provincial department of livestock resources to get the provincial technical consultative committee to meet and discuss the issue. They did meet on 03/05/1999, but the decisions and recommendations made were never followed through...”

Out in the field the NRM committees (sub-committees of the CVGT –JN/NT/MO) were getting down to work. Some of these committees (Djégouan, Diankinabougou, Sourou II) and various administrative officials made a stand against recent illegal migrant settlements on their lands (2001-2002) and migrants that only stayed for 3 seasons, and this developed into operations to clear them off the land...We were against it...but the people involved got help from more senior authorities... Now certain people in Samorogouan are hostile to the word “clearance” for selfish, personal reasons, but we – the technical services, administration, police, and administrative and customary officials from the villages concerned – all think it should be seen through to the end, and that migrants should leave the zone”

Source: Letter no. 2002-13/MATD/PKND/DSMRG CONF of 30/04/2002, from the Prefect of Samorogouan to the High Commissioner of Kéné Dougou).

meeting for updates on the activities undertaken by each service or to discuss specific situations.

Samorogouan consultative committee was set up in February 1997. Its internal regulations state that it is a tool “for better integrated development actions through mobilisation, cooperation, information and exchange”, and that each village can have one representative on the committee. The committee meets four times a year and may be approached by any member regarding their professional activities. It was for this reason that the local service for livestock resources came to the committee in the late 1990s regarding the problems in the pastoral zone.

Box 6. PV of a meeting held in July 2001

"On 15/07/2001 a tripartite meeting was held ... between the Prefect, the manager of the pastoral zone and officials from Fulani Camp 1... A spokesperson for the herders said ... 'when we first moved into the CEZIET zone we just reared livestock, but in 1996-1997 migrant farmers started coming in and planting cotton fields next to our enclosures and homesteads. So in 1997-1998 we herders decided to start growing cotton too, in order to stop the migrant farmers getting to their cotton fields... We stopped after the administrative authorities and CEZIET management intervened and got an undertaking that there would be no more cotton growing in the zone. Then we found that the migrant farmers were still producing cotton, so we started growing it again this year and having started using inputs'...

It seems from what was said (by the CEZIET official) that...the herders were told that cotton growing was forbidden...Furthermore, the departmental technical consultative committee took steps to protect their encampments, enclosures, livestock routes and water courses, so that farming activities wouldn't prevent herders from pursuing their pastoral activities.

The prefect...reviewed the main decisions taken by the consultative committee and urged the herders to abandon their plans... It was decided that no herders should grow cotton in the CEZIET zone, and that anyone refusing to stop doing so ...will be expelled from it. As a result, anyone growing cotton will have their fields destroyed and be sanctioned in other ways".

Source: Samorogouan Prefecture

With hindsight, it seems that until 2001 the consultative committee was less of a "channel for discussion" and more of a conduit for pressure from the administration and technical services. In the drive to ensure compliance with the first regulations issued in 1984, this pressure was mainly focused on migrants and pastoralists. A number of PVs reveal that decisions were issued as ultimatums to certain occupants of the zone (see Boxes 5 and 6); ultimatums that were often not followed through.³³

33. With little follow-up from their superiors at national level, the local administration (prefect, police) often avoids tackling this type of burning issue. Assisted by the technical services, it seems to be relevant with regard to citizen compliance with rules or conflict resolution (damage to fields and forests), but less so with regard to land rights, which is still an issue between local authorities. See also Jacob, 2002, p. 25.

5.3 Developing rules for natural resource management

During a workshop in August 2000 the consultative committee set up a 14-member “*ad hoc* research committee”, whose mission was to propose a set of draft “rules for natural resource management in the department of Samorogouan”. The composition of the *ad hoc* committee was as out of balance as the consultative committee: most members came from the technical services and NGOs (5 members), or were administrative officials, land chiefs or village dignitaries (9 members, mainly from Samorogouan village). Two members were pastoralists, but migrant farmers and women were not represented. The first set of draft rules was clearly influenced by the technicians on the committee, and is little more than an attempt to resolve the “anarchic settlement by migrant farmers” so as to permit the opening of livestock access routes to watercourses and pastures in the pastoral zone. However, in its critical self-assessment, the *ad hoc* committee underlined the complicity of all actors in the bad management of the pastoral zone. All members agreed on the proposal, which helped to address the issue better and gave a first outline for the rules for natural resource management.

As part of this process of reflection, around 30 people went on a study trip in the provinces of Houet, Banwa and Kossi, visiting the pastoral zone of Barani, among others. A report on the study findings was presented to nine villages in the pastoral zone (see BIS, 2001), and from mid-2001 onwards representatives from these villages began to play a more active role in discussions to define local rules, which started to take account of all the stakeholders involved. The consultative committee had been useful in initiating the process of reflection, but could go no further since it was essentially a technical and administrative structure. In 2001 the PNGT team helped set up the first village land management commissions in seven villages, and four more villages followed suit the following year.

In 2002 the amendments proposed by the *ad hoc* committee were adopted during meetings of eleven CVGTs, which were attended by villagers from every social, professional and cultural origin (including pastoralists, women and migrants). This was a critical phase in the process of formulating the rules since it enabled every stakeholder to voice their aspirations. This amended, but not final, version was adopted by the permanent secretary of the consultative committee, the existing CVGTs and representatives from groups of pastoralists, women and migrants.

Photo 3. Meeting in Djégouan



Photo : Marion Veitenaar

5.4 From legitimacy to legality: sanction by a decree

Once it had been accepted that force was not an option, the ad hoc committee and village discussions were key factors in shifting the emphasis from excluding migrants and pastoralists from the pastoral zone to developing NRM regulations applicable to every resource and actor in the department of Samorogouan. The legal setting was also extremely important: the instigators of the consultative committee understood the need to ensure that the new rules were in accordance with national legislation as well as the international agreements signed by Burkina Faso, and that failure to do so would render them invalid. During 2002 and 2003 the NGO SNV Netherlands Development Organisation helped the consultative committee find a legal advisor to check the draft rules against the national and international legal framework and amend them as necessary. In addition to proposing a set of rules, this consultation had two other outcomes. First, through various, sometimes heated exchanges, it won the confidence of the host authorities (Prefect and High Commissioner), who do not always have to hand all the legislation and laws they need to approve rules through a prefectoral decree. Secondly, it further involved the CVGTs and gave them a central role in the process of implementing the new rules. At the end of 2002 the villages and consultative committee sent a delegation to visit the region of Sikasso in Mali, so that they could learn from similar experiences of formulating and endorsing local codes or bylaws.

CVGTs have a hand in managing part of the national estate since they can deliberate on the use, assignment, maintenance, etc. of these lands. Their findings are passed on to the *préfet*; and, if approved, after consultations with his services, they must then be followed by everyone and implemented by the decentralised services. Since *préfets* rule their departments by decree, a prefectural decree to endorse and enforce the local rules proposed by CVGTs would seem the most appropriate system under current legislation (Ouattara, 2002).

The CVGTs adopted the NRM regulations in early 2003, assisted by their legal advisor and the *ad hoc* research committee. The validated rules were then forwarded to the *préfet* of Samorogouan department, who discussed them with the Secretary General and Provincial High Commissioner, who changed their format slightly and then adopted and signed them. In mid-2003, the decree regulating NRM in the department was sent to the *journal officiel* of Burkina Faso, a bulletin giving details of laws and official announcements.³⁴

5.5 CVGT ownership

With the regulations formulated and sanctioned, much remains to be done before they can be put into practice. This will be a long process, as it will involve putting in place the institutional arrangements needed to ensure that the rules produce the desired effect. The consultative committee was in charge of their formulation; now the task of applying these rules has fallen to the CVGTs. They will have the real ownership, although the technical services and the *préfet* (who supervises the process) certainly have a role to play in helping enforce the arrangements contained in the decree. The *préfet* will still preside over the departmental court, which will effectively become the recourse structure for the CVGTs and which will manage disagreements arising from the application of the regulations.

34. Decree No 2003-231/MATD/PKND/DSMRG regarding NRM regulations in the department of Samorogouan (see Appendix 2). The prefect sent two copies to his hierarchy for dispatch to the *journal officiel* (JO). Date of signature is taken as the date that the decree came into force. Apparently it can take months or even a year to get this type of administrative document into the JO as it does not appear regularly, and many (non-paying) administrative papers are still awaiting publication. For a decree, insertion in the JO is optional, and in no way detracts from its legal character or status with regard to third parties.

The application of the rules is proceeding on three fronts:

1. Completing of the **prescriptive (or normative) framework**. This involves designing various simple instruments, such as documents relating to land tenure, procedures for filling in and monitoring these documents, and/or information and communication materials (see Box 7).
2. **Institutional development**. A range of structures exist at village and departmental level: public structures, such as the administration and departmental services, the departmental court, CVGTs, consultative committees, etc., plus at least 100 civil society organisations in the 21 villages and hamlets. These latter, predominantly profit-making organisations (groups of cotton producers or herders) seem to be operational, particularly at village level.

Because CVGTs were only established in Samorogouan in 2000, some ten years after the concept was developed, their role and relationship with the many other local structures is still not fully understood – even though their field of action is set out in the joint decree of 2000. As the emphasis in Samorogouan has been on land management, the CVGT can function in the run-up to rural decentralisation and remain available to the future local government when it becomes a reality.

Box 7. Instruments for applying the proposed rules

These instruments cover:

- Terms and conditions for specialised use (agriculture, livestock rearing, fishing, etc.).
- Templates for contracts or titles of access to natural resources or land (through licence, concession, permit or even decree); model contracts already exist for “loans of land”, “peaceful cohabitation” and “access to other natural resources”.
- Procedures for completing, signing and monitoring contracts (e.g. compiling a dossier to accompany the contract, determining who can benefit from it, locations and dates of deposition).
- Materials to ensure that these instruments are easily understood and suitable for rural areas where illiteracy rates are high (e.g. audiocassettes, available local paralegals).
- Appropriate locations and modalities to ensure that the rules and their instruments of application are constantly accessible (e.g. each village selects a specific place where information about the rules is available (Ouattara, 2002, p. 25-26; Ouattara and Nombéré, 2003, Appendices).

Box 8. Strengthening management structures

The plan for implementing the NRM regulations covers the following points:

- A list of every structure operating at departmental and village level, or that needs to be created in accordance with the prefectoral decree. This was drawn up by the villagers themselves, with external support. It's better to build on what already exists: villages should decide on the relevance and effectiveness of the different structures and how they can be made operational. Preliminary discussions about the decree and its outcome have taken place, and an inventory made of existing structures in the 16 villages of Samorogouan.
- Preparations for relevant structures that are not yet functional (e.g. land sub-committees), as well as the co-ordinating and guiding village body – be it CVGT or other.
- Description of the role and specific tasks of each structure and actor (village and administrative): CVGT, sub-committee on land and settlement of disputes, and the departmental court and consultative committee.
- Appropriate means of disseminating and popularising roles and tasks.
- Training and equipping structures and actors; in the second quarter of 2003 five CVGTs and the local administration received training on what needs to be done once the rules have been validated.
- Installation of an external advisory and support framework providing demand-led assistance to villages, made up of partners that have followed the process from its inception: NGO, provincial department for livestock resources, and perhaps the PNGT team.³⁵ An optional element needing more in-depth attention is the promotion of local resource persons capable of acting as paralegals.

Sources: Consultative committee/PAO/SNV, 2003; Ouattara, 2002, p. 27-28; Ouattara and Nombé, 2003, Appendices.

3. Finally, the issue of **financial resources**. The decree stipulates that income from taxes and damages are paid into CVGT accounts (Articles 7-9). Furthermore, if each village is to be responsible for its own development, it should consider setting up a body of professionals from the village and funding it with income from local activities. However, this raises the issue of managing village development funds and all income generated by socio-economic activities in a transparent manner.

At the moment local actors are adapting to their new roles, and the balance of power that they establish in this process will partly determine the extent to which CVGTs can exercise the powers conferred on them by the decree and foreseen in the aforementioned trajectory. It remains to

35. The position of the PNGT team is ambiguous as it has supported the process, but not retained it in Samorogouan as a pilot zone for its Securing Land Tenure component.

be seen whether the Samorogouan consultative committee in its current form is capable of supporting them.

Management capacity within these structures is also an issue, in terms of the availability and competence of their members. Investment in the CVGTs, their sub-committees and surrounding structures is crucial, and the key to ensuring that they are recognised by other organisations. With this in mind, SNV helped the consultative committee in Samorogouan formulate a “plan for implementing the rules” in June 2003. It is currently being implemented (see Boxes 7 and 8).

6. Evaluation of the formulation and sanctioning of the rules

6.1 Factors favouring the decree

The positions taken by certain key players and institutions favoured the initiative of the prefectural decree. The main factors favouring its endorsement are outlined below:

- From around 2000 onwards, a growing realisation among all actors that “the situation was becoming untenable”. More specifically, land chiefs and customary authorities realised that they were no longer in control of land tenure: the 50-year lease with the government had reduced their real field of power to agricultural enclaves, that are too small to satisfy the current demand for farmland. They have also lost their authority over migrants from the central plateau of Burkina or those fleeing the troubles in Ivory Coast,³⁶ who settle on their lands or land ceded to the government. The customary authorities see granting (at least formal) permission to cede their land management prerogatives to CVGTs as the ‘least bad option’, since they are represented on these bodies. Armed with the blessing of the customary authorities, the CVGTs now have the opportunity to demonstrate their *raison d’être*: i.e. to manage land and its resources.
- The willingness of the provincial authorities to try other solutions to resolve “the situation in Samorogouan”. Although colonisation of the pastoral zone was nothing new, they decided to tackle the problem after several sources drew it to their attention in the early 2000s: the consultative committee, inhabitants of Samorogouan, services from the Ministry of Livestock Resources and the Ministry of the Environment. The lack of control over the influx of migrants and ensuing conflicts in the zone finally convinced the provincial administration of the need to find a more sustainable solution than simply chasing people off the land or policing the forest, which, as we have seen, were having little effect. So the High Commissioner and provincial technical services closely monitored the work of the consultative

36. An armed rebellion in the Ivory Coast beginning on 19 September 2002 was primarily mounted by people from the north of the country. After initial attempts by the central government in Abidjan to quell the uprising failed, Burkina Faso was accused of supporting it and Burkinabé were hunted down. Many tried to return to their homeland, and the government is organizing an operation to repatriate volunteers.

committee, and the High Commissioner showed his support by sanctioning the proposed rules.

- Awareness of the problem and openness to change on the part of the *préfet* and technical services in the department of Samorogouan. Consecutive *préfets* and heads of the departmental consultative committee had dealt more closely with the conflicts in the pastoral zone than the High Commissioner, and needed a more permanent solution than speeches and field visits that were never followed up. For example, the current *préfet* (a man of considerable experience and social standing) spent time researching the legal texts that would enable him to sign the decree, and visited the provincial headquarters several times seeking advice from his superiors. Members of the consultative committee proved equally determined in their efforts, while the *ad hoc* research committee (represented by the head of the CZIET pastoral zone) invested an enormous amount of energy in formulating the management rules aimed at resolving the many land-related conflicts in Samorogouan.
- The tact and patience of the external facilitators promoting the process, whose well timed support was not proffered as a substitute for local actors. SNV advisors co-organised a workshop in August 2000, participated in discussions by the *ad hoc* committee regarding formulation of the rules between 2000 and 2002, and organised two study trips for the villages directly concerned, as well as presenting the results of these trips. These actions were important in involving representatives from the villages, and subsequently the village commissions, in the process of formulating and appropriating the rules. SNV facilitated the intervention by a legal advisor, who played a key role in finalising the rules and involving the administrative and customary authorities in the process.

6.2 Quality of the process

We have seen that the success of this process is due to a combination of favourable human factors. This is not to say that it has been free of risks – in fact the contrary is true, which is why we will try to evaluate the quality of the process thus far. To do this we will use four determining criteria for success, taken from a list of local NRM agreements and codes used in West Africa.³⁷

37. Betke and Kirsch-Jung, presentation in Bamako, Mali, 2003.

Rules rooted in custom and practice

It would be exaggerating to say that traditional rules were taken as the departure point for the process in 2000; more appropriate to talk instead of a broad consensus among representatives from the villages, encampments, administration and technical services that “the system wasn’t working any more”, which gave rise to various proposals and discussions. Several passages in the decree can be traced back to the village representatives, such as those relating to taboos and customs (Articles 35, 41, 43), limitations on the acquisition of farm plots (Articles 10-12, 16, 17) and the protection of encampments and pastoral areas (Articles 18, 19, 47). Moreover, CVGTs are named as the first level of authority to intervene in differences between farmers and herders and disputes over land (Articles 13-15).

However, the process was subsequently slightly “derailed”, slipping back into the hands of the technicians as the articles were amended, first by the committee members writing them up (who included an agent from the technical livestock rearing services), and then by the legal advisor ensuring that the proposed rules were consistent with current legislation. This required a certain amount of reorganisation, and the rejection of certain articles that did not comply with the law. The language used by the lawyer and members of the administration assisting the process was also more opaque, or at least very different from that of the villagers. Because of this, the draft regulations for Samorogouan are only partly based on traditional rules. However, the idea was never to explicitly formalise recognised and respected local rules, since very few existed for the zone.³⁸ The aim was rather to give legal cover to local actors by creating a legal framework that was supported by all of them and in accordance with current legislation.

Interaction with national legislation

The *préfet* of the department signed the decree in July 2003. The regulations proposed by the 16 CVGTs in Samorogouan comply with national legislation, since they are based on the RAF and decrees regarding the membership and attributions of CVGTs and the powers of the administrative authorities (High Commissioner, Prefect).³⁹ Where necessary, articles

38. We do not consider the 1984 regulations for the pastoral zone as a reference point in this context.

39. The TOD are taken into account in the introduction, but are not referred to in specific articles.

of the decree refer to the forestry code and codes on water and the environment; while the rights and responsibilities of herders, including transhumant herders, conform to the blueprint law (*loi d'orientation*) on pastoralism.⁴⁰ Furthermore, as already noted, the decree seeks to regulate land clearance for agriculture, create opportunities to establish livestock routes, and protect encampments, water points, grazing lands and existing pastoral areas.

The key institutions concerned with enforcing these regulations are the CVGTs (see Section 5.5). It is generally agreed that their difficulties in emerging as viable institutions are due to the fact that they are the product of an external initiative (PNGT and other development programmes) rather than of locally expressed needs. The decree of 2000 and the 2001 policy paper may claim that the CVGT is the local body “responsible for guiding and co-ordinating development actions at village territory level”, but in that case much needs to be done to communicate this to all the other committees, councils and groups existing at village and departmental level (Ouattara, 2002, p. 27). Since they initially chose to ‘play the system’ rather than changing it, there is a considerable amount of capacity building to be done, not just with the CVGTs, but with all actors in Samorogouan. The process needs more than legal and organisational advice on technical application of the rules: it deserves close support to foster confidence among CVGT members.

With regard to the prerogatives of the CVGTs, a key question is what types of rural land they are empowered to manage. The answer seems to be: land for habitation, pastoral purposes and subsistence crops. Land for commercial or industrial use can still only be obtained via the State Property Department; anyone applying for undeveloped or unplanned rural land for these purposes should submit a dossier including proof of identity, a plan, a sketch of the establishment and a PV (RAF Section IV, Articles 184-185). Applications will be endorsed by the relevant authority, once they have been approved by the State Property Department, following the advice of the technical services. In Samorogouan the CVGTs are responsible for drafting an important element, the PV (Articles 10-17 of the decree). Furthermore the decree seeks to make land transactions more transparent by restricting withdrawals and sales of land that do not involve CVGTs (Articles 44-46).

40. Law No 034-2002/AN of 14/11/2002.

Ecological and social sustainability

Obviously the adoption of NRM rules does not in itself guarantee sustainable natural resource use. Rights are of little value unless people fulfil their duties and responsibilities: the rules have their counterpart in land control.⁴¹ There are various degrees of control, from the “lesser” duty to respect pathways and remove resources without damaging or preventing their regeneration (livestock routes, pastures; wood, water, grazing), to the “weightier” responsibility of land users and rights holders to invest in conservation and other measures, and regenerate resources in the area to which their rights pertain. The decree gives some indication of the types of control envisaged, such as obligatory tree planting or establishing terms and conditions. However, real control goes beyond such measures and is manifested in other ways, which are outlined below:

- a. *Maintaining specific production systems* (agricultural, pastoral) through techniques that allow individual users to balance production with conservation. Past attempts by various projects and programmes (including CARC and CEZIET) to address this issue have had mixed results, and now the task has fallen to specific groups of cotton producers, pastoralists, etc. While these groups still have some technical and organisational deficiencies that need to be remedied, other examples in the cotton basin (Banwa and Mouhoun provinces) demonstrate that the federations of producers and pastoralist associations can encourage sustainable production programmes.
- b. The *quality of support and advice* these users receive from the technical services, which should focus more on their support function than on policing or arbitration. Land users and services bear most of the weight of controlling operational rules, which determine when or how users can employ the resource in question.
- c. *Balanced deliberations by village committees*. There is also a social dimension to control, which concerns its capacity to limit or exclude: decisions about duration of use; about access for crop growing, hunting, pasturing, etc; deciding who has rights of access, etc. These are decisions that can't be avoided, but they should neither disadvantage nor favour any social group of society.

41. See Barrière, 1997.

Box 9. Different aspects of agricultural intensification

Rural society in western Burkina Faso is at a crossroads: even if one can worry about damage to vegetative cover by land clearance, we see on the other hand numerous initiatives to change to 'intensive' modes of production. There are various faces of agricultural intensification: it can restore soils, but also facilitates access to land, because certain mechanical conservation measures mark the land. Less obviously, it also plays a role in the acquisition of land rights: in Bobo, Sénoufo, Samogho or Gouin communities in western Burkina, farmers making genuinely productive use of land, are rarely chased off it, unless they have seriously violated customs. The question is to know which farmers will be able to intensify: probably it will be the big cotton producers and new actors. Access to means of production is a pre-requisite for intensification, and can create socio-economic division in rural areas. Intensification also has repercussions on security of tenure: it permits continuous cultivation (without too much fallow), it marks the soil, and indirectly, it reinforces the position of individual farmers. Thus, tenure security also becomes a differentiating factor between farmers (see Gray and Kevane, 2001).

So far, little has been done with regard to the first two points (a, b). This is not surprising, given the considerable effort invested in getting the rules sanctioned, but it is high time that action was taken – for obvious reasons (see also Box 9). The third point (c) has been the subject of several discussions among the consultative committee and villages.

Involving all stakeholders in negotiations

Stakeholder involvement is the key factor in this process. We have already raised questions about the past actions and weaknesses of the Samorogouan consultative committee, and that it paid little attention to the interests of secondary tenure rights holders such as women, migrants and pastoralists (see Chapter 5). Not only were migrants and women under-represented in consultations, but most of the pressure exercised by the committee before 2001 was directed against migrant farmers and pastoralists. These groups certainly have an ambiguous attitude towards the committee and its role in the practical application of the new rules. So, while it has the merit of having got the draft rules on track, the consultative committee still has to prove itself as a forum for discussions that take account of all stakeholder interests. Therefore it has little legitimacy at the moment, although it could attain it. The administration and local services have put a lot of effort into this committee, and its success depends above all on their ability to adapt to the new context.

The joint decree of 2000 also provides for the creation of inter-village land management commissions, to manage development projects or conduct joint activities (Article 27). Perhaps this arrangement could help remedy the deficiencies of the consultative committee?

Stakeholders only became involved in the process through study trips and grass-root discussions organised by their CVGTs. As we have noted, these bodies have yet to fix their roots in Burkina. This rooting has to prove itself both through the quality of their deliberations and actions, and through a balanced composition. The initial experiences in 2001-2002 suggest that most of the 11 CVGTs were established after extensive discussions in villages, hamlets and encampments.⁴² True, their members were designated rather than elected, but we should moderate our expectations of equitable distribution of members in the delicate situation where migration levels are high, particularly in Samogho villages (such as Samorogouan village). It is a question of finding a balance over time, which will require particular attention on the part of support and advisory structures (consultative committee, provincial technical services, NGOs). Although indigenous farmers are in the majority within CVGTs, other groups are usually represented too. This is not the case with the CVGT in Samorogouan village, whose composition should be reviewed.

On the other hand, all the villages, hamlets and encampments agree on the need for, and value of the prefectoral decree. Furthermore, the initiative passed to the CVGTs when they received the blessing of the customary authorities. Now it is up to them to show that they are up to the job of managing their village territories in a sustainable and peaceful manner.

42. Five more CVGTs were created in 2003.

7 Conclusions, questions and perspectives

This evaluation has looked at several sides of a process where people are seeking reconciliation and practical solutions for sustainable governance of natural resources in the territory of Samorogouan. Local resource users, being the actors most directly concerned with the outcome, led the process. First of all, its success is due to human factors. Prompted by growing concerns about the untenable situation in the zone, the process and the regulations it produced, owe their legitimacy to consultations between all stakeholders and their legality to scrutiny of current legislation and sanctioning by prefectoral decree. Although the process is still fragile, it has made encouraging progress and was helped by the reorientation (temporary or not) of the Samorogouan consultative committee from a conduit for pressure to a forum for debate.

However, the process remains vulnerable and conflicts continue to simmer beneath the surface. At the moment local actors are still adapting to their new roles, and the balance of power between them will partly determine the extent to which CVGTs can exercise the authority conferred on them by the decree. As the rules are applied, will certain key actors, such as land chiefs and the customary and/or administrative authorities, accept that some of their land management powers have passed to the CVGTs? Further on, we cannot be sure that the consultative committee in its present form is capable of providing a forum for discussions that take account of the interests of all stakeholders, while it remains also to be seen whose interests the CVGTs will defend. Continued support and advice from appropriate organisations is critical to the success of this phase.

So where do CVGTs fit in? The RAF legislation casts them as the structures responsible for NRM at the local level. Certain development programmes go further, seeing them as structures that prefigure decentralisation in rural areas,⁴³ based on the attributions prescribed by the joint decree of 2000 and the policy paper on rural decentralisation. This is a practical interpretation that will fill some of the institutional gaps in rural areas, but it still leaves certain issues unresolved. Firstly, although this is rather a generalisation, initial experiences on the ground indicate that those

43. Speech on the PNGT (2002) promoted by the World Bank and subsequently confirmed by French and Dutch development agencies (through their "local development programmes").

CVGTs that are operational, do everything that is anticipated in the policy paper with regard to development plans or managing works, but fail to live up to their name: managing village lands and their natural resources. Secondly, even if the decree stipulates this, there is no guarantee that the RAF (or TOD) actually give the CVGTs an independent legal status. In legal terms, they are technical bodies whose activities are controlled by the most decentralised administrative authority: the *préfet*, who is responsible for ensuring that the CVGT decisions conform to current legislation.

Moreover, what role will CVGTs play in the main departmental towns that will become rural municipalities by 2006? How will the CVGTs remain viable and legitimate,⁴⁴ and avoid the “territorial” attitudes that could exclude certain groups of secondary rights holders, such as women, transhumant herders and/or migrants?⁴⁵

However, the answer to the key question of whether the village commissions can manage the lands of Samorogouan is *affirmative*, provided that:

- The State, through the Ministries of Animal Resources and of Agriculture (MRA, MA) recognises that the CEZIET zone is not a purely “pastoral area”: like the rest of the region, it contains a patchwork of lands that are used for agriculture, livestock rearing, grazing, wood-cutting, etc. At the moment it would be better to support the ongoing process and sanction local implementation of the texts and institutions, it has promulgated itself.
- Management of village lands and pastoral infrastructures in this zone is the responsibility of village structures from the department of Samorogouan, including villages that ceded their land to make way for the ranches and CEZIET livestock rearing centres (formerly CARC). More specifically, it should fall to existing CVGTs while alternative institutional arrangements are being made.⁴⁶
- All local and national actors take the rules sanctioned by the 2003 prefectural decree, as the basis for natural resource governance. They also need to be aware that this is only one of the many stages in an ongoing process, since the real test of good management presents

44. See Thiéba, 2003, pp. 22-26; 33-35.

45. See Bary, 2003, pp. 46-50.

46. And perhaps an inter-village commission in a later phase.

itself by application and command of the rules by user groups. At the moment, the first contracts (including “land loans”) have been signed under the auspices of the CVGTs, and a first test of support for the process will be their management and endorsement by the departmental administration.

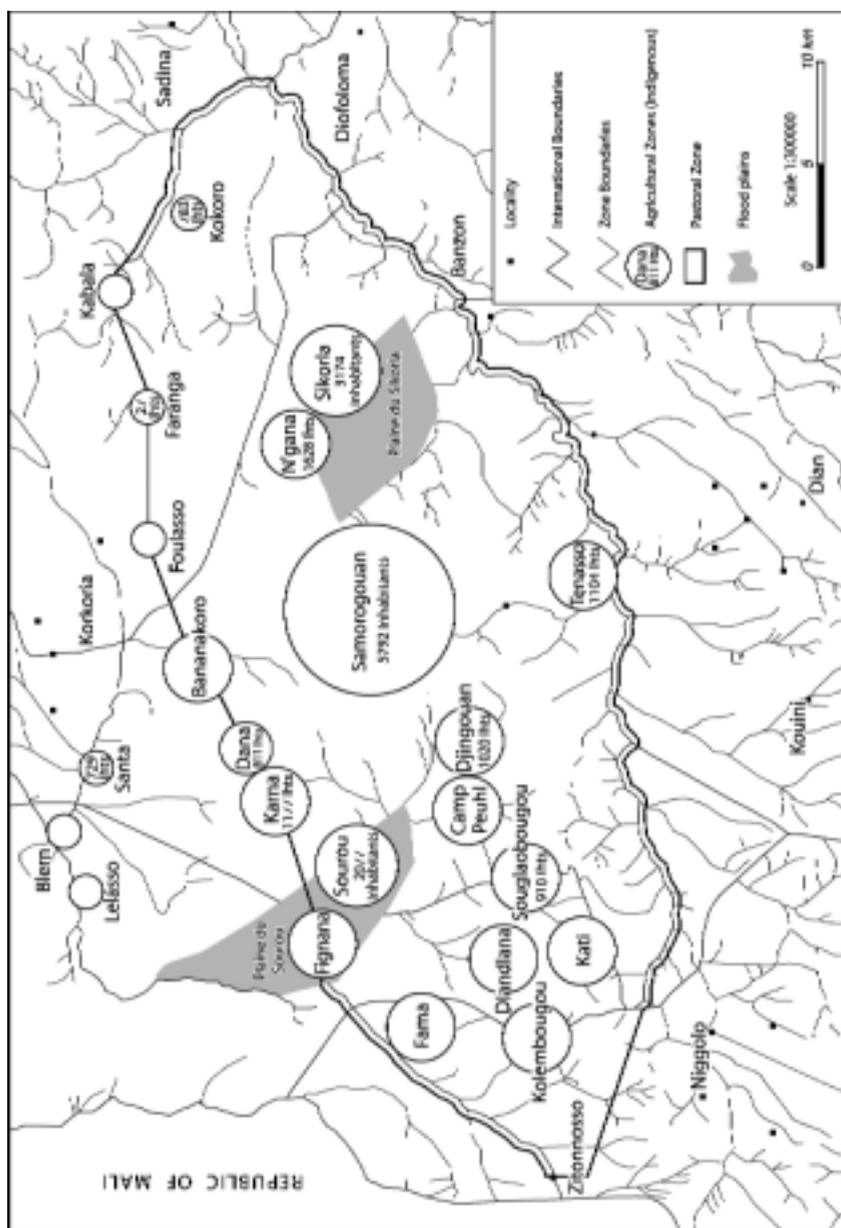
- Everyone is seeking ecologically and socially sustainable modes of management. One of the first tests will be to ensure that the CVGTs have a balanced composition and do not become vehicles for local factions. Support in the current phase needs to focus a bit more on legitimacy than legislation: not an easy task, given the doubts about current election procedures (one person, one vote) in villages with high levels of immigration. In the meantime, alternative mechanisms for setting up CVGTs need to be found, mechanisms that promote open and democratic debate.

The frailty of the current process is that it has to master all these conditions. One of the potential risks lies in a management plan for the 124,500 ha of the pastoral zone drawn up by the Department of Pastoral Development and Land Tenure (DAPF, within the MRA) and proposed to PNGT-2 (within the MA). This plan talks of returning the zone to its former status as a livestock rearing centre and rehabilitating its infrastructures. It takes little account of reality, ignoring the fact that over a third of the land is already under crops or fallow, with more going the same way; and that the customary authorities have never stopped trying to regain their land prerogatives and will not countenance such a reversal. The plan makes several interesting points regarding pastoralism, seeking to preserve livestock rearing in an expanding agricultural area, but rehabilitation is unrealistic and will probably cause new conflicts. Continuing to opt for the livestock rearing centre as planned, effectively maintains the existing competition between user groups, something that the State has proved itself incapable of controlling. The real question is how these two institutions (MRA and MA) can sustain the process that has begun in Samorogouan.

Another, broader issue raised by developments in Samorogouan is the paradox that a pastoral zone can encapsulate the uncertain future of pastoralism in western Burkina Faso. As land is increasingly used for agricultural purposes, there is a danger that returning it to the villages will further threaten the refuge areas so essential to this system of livestock rearing.

These questions have yet to be answered, but they should not stifle support for a process that has dared tackle one of the most sensitive issues in the country: land management and tenure. And what are the other options for sustainable and peaceful land and natural resource management? While awaiting the advent of rural municipalities – the supposed flag bearers of local development and land management – the need remains to build community and farming institutions that are respected by everyone, capable of supporting local development, but not in competition with the future local governments. Samoroguan shows us elements how this can be done.

Annexe 1



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