



LAND TENURE AND FAMILY FARMING IN AFRICA: With special reference to Senegal

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Executive summary

After analysing the challenges to agriculture in Africa, this paper shows how agricultural production is defined by farmers and by the public services, describes its main characteristics, and observes and discusses their ramifications for this sector.

The significance of land tenure for farmers is examined, along with land policies. Particular attention is paid to the national land law, local government law, the framework agricultural law and constitutional matters. After discussing this legislation and its implications, particularly with regard to security of tenure, the paper closes with a number of recommendations.

I. Introduction

Forty years after Independence, agriculture in Africa is still plagued by a number of unresolved and highly complex problems. While their complexity stems from the very nature of agricultural production, the inability to resolve them is in large part due to lack of understanding about its aims.

Different African states set various objectives for the agricultural sector when they attained Independence. Many of them are still valid today.

The first is to be able to feed the population. Despite the favourable agro-climatic conditions over much of Africa, this continent still imports most of its food. It is true that this is an overall picture that takes no account of different countries, zones (West Africa, Central Africa...) or eating habits. Several countries do meet the need for traditional cereals like millet, maize and sorghum, but are unable to produce enough rice, which has become the staple food of a large proportion of the population. Data from the last five years (Cilss, FAO, World Bank) show that only about 60% of food needs are met by local production, which means that African agriculture is still not feeding its people.

The second objective is to provide work for local people. As an occupation, this sector employs the vast majority of people in Africa: up to 70% in some countries. However, in terms of employment, two factors need to be taken into account. The first is the principle of remuneration. Farm labourers are mostly unpaid family members (women, children, nephews, etc.) who are financially dependent on the head of their family.

The second factor is the amount they receive when they are paid. With farm workers earning less than the minimum wage of around 33,000 francs CFA per month, wages in the agricultural sector are rarely enough to support a family.

So even though 65% or more of the African population is engaged in agricultural activities, this does not constitute gainful employment because it pays so little.

The third objective is to help improve the balance of trade through export. This raises two problems.

The first concerns the value of exports, disregarding the amount of produce leaving the country. While this value primarily depends on how much is sold, the price it fetches is equally important, as it may influence national production strategies. Until now, however, Africans have had no decision-making powers in setting the price of their own produce.

The second problem is the volume of exports. This mainly hinges on production, which in turn depends upon factors of production. Apart from cocoa, coffee and, to a small extent, cotton, Africa plays virtually no part in world agricultural trade, producing only 3% of the global volume of goods.

Thus, in terms of volume, agriculture contributes very little towards improving the balance of trade.

The fourth objective concerns the opportunities that agriculture presents as a source of investment for other sectors and as a means of purchasing manufactured goods.

Although perceptible advances have been made in the agricultural sector all over Africa, these four objectives have yet to be fully met.

In terms of progress, African agriculture is now more diversified and even more productive than before. This productivity can partly be attributed to the results achieved through training, usually in local languages, which has helped subsistence farmers improve their output; and partly to the fact that it is now the stakeholders themselves who decide what direction farming will take as the sector becomes increasingly and irreversibly professionalised.

Many of the problems affecting agriculture stem from the way in which farmers, technicians, States and even donors understand the aims of a sector whose specificities begin with the basic unit of production, which is the same across the continent: the family farm.

II Definitions of family farming

2.1. As defined by farmers

We should start by re-examining *the notion of the agrarian system*. In his 1946 publication “*Problèmes de structure agraire et d’économie rurale*”, André Cholley states that the agrarian system is a combination of several factors that are so closely intertwined it is inconceivable that one can change radically without affecting the others and altering the dynamics of the overall structure. This system is a combination of physical, biological and human factors.

Thus, there are two aspects of an agrarian system: one structural and the other functional. The first reflects the fact that it is a spatial organisation of elements at a given moment, and the second that it is also a process, a succession of phenomena over time.

The second notion is the system of production. This is the overall life of the family (its physical, human and biological resources and objectives, strategies and methods), which closely corresponds with agricultural production.

Other notions and terms associated with this system are outlined below.

To work, exploit resources, farm. This signifies production, and the different processes employed to obtain a product.

Family. Genetically related biological beings that organise themselves as a unit in order to achieve a particular aim.

Considered as family. One or more households, which may not necessarily be involved in farming or live in the same homestead, which are linked by a system of social protection and a body of values, under the moral authority of the head of the family.

Known as head of the family. An authority figure invested with the power to decide how the family farm is managed. These powers are agreed at family meetings.

Family meeting. The highest decision-making authority regarding management of the farm. Its decisions are freely accepted by everyone who considers themselves family members.

Considered as a family enterprise. All family-type production: farming and non-farming activities undertaken in rural or urban areas.

Family farming or production signifies that the family is the primary decision-making and management structure in this production system.

Thus, family farming is the point at which two factors - decision and management - combine, underpinned by a significant social relationship. We have two units – the farm and the family – whose respective reproduction is closely intertwined. This production system operates at the level of the family, not only as a structure, but also as a continually changing element. All the other elements (State, land, market, etc.) are seen as factors of this change.

For farmers, agricultural production is one factor in a system in which every element is part of a dynamic process geared towards a single goal, under the authority of one person.

2.2. As defined by the state services

For agents of the state services, the family farm is simply a plot of land cultivated by people from the same family. They have always seen family farming in terms of the plot, i.e. the unit of production corresponding to the farming system; and therefore tend to understand the concept of family farming in rather simplistic terms.

2.3 Observations and implications

In the eyes of the state services, family farming is primarily defined in terms of the plot of land under cultivation. As far as they are concerned, they are dealing with an entity that is defined by its mode of production: the plot. This mode of production is characterised by the cultivation of small areas, low productivity and modest harvests, which are simply the logical outcome of limited factors of production. Some say that investment in production factors is limited because of the small scale of the farms, while others maintain that farms are small because opportunities for investment are limited.

In every case the result is the same: low production. This can only generate very modest returns and thus small savings, meaning that there is no opportunity for investment.

Agricultural production cannot simply be summarised in a series of production workshops. In Senegal, for example, there has been a major change in the perception of rural affairs, and interventionism is pretty much a thing of the past. One important characteristic of family farming is sustainability, which is based on four fundamental principles:

- The *participation* of all family members in family meetings;
- *Equity*, i.e. sharing of income and resources;
- Activities for each family member, signifying shared responsibilities; and finally
- Good management, which implies that all resources – human, financial, material and natural – must be well administered.

The family organises itself in order to achieve a specific goal. The whole group has to set clear objectives, and make appropriate decisions regarding the objectives and methods used in relation to the resources available: what should be grown, when and how much of it?

Family members may live more or less autonomously and have different needs, preferences and objectives. Decisions, and the manner in which family members make them, depend upon their knowledge, the relationship between the number of men, women and children, the nature of their relationships and their age, health, skills, experience, needs, etc.

The family farming approach, commonly known as LEFA, sees the family as the first point of decision-making, planning and actions. It has been adopted by the Federation of NGOs (FONGS) with the aim of building a production system that will stimulate sustainable economic and social development based on the family unit, through the diversification and intensification of activities and recognition of the importance of social cohesion and equitable sharing of responsibilities and income. This family farming approach is a more appropriate way of using rural resources productively, as it corresponds to the interests and realities of the rural world, with a system of production and reproduction that maintains and improves the life of the family group and embodies the most positive values of our societies.

The level at which farmers can influence the social order is the family. Power relationships are negotiated around family networks, with family meetings providing a forum for farmers to assert their authority and views on all production activities.

The family farm is the point at which farmers produce, reproduce, protect and preserve their values and cultural norms. It is a coherent and global whole, an entity that takes account of local realities, a mode of using resources productively and in accordance with local customs.

From a production perspective, the primary objective is to have enough food to live off. The second objective is to have enough to put aside for food security, the third to be able to help the poorest members of society (particularly the extended family and neighbours), and only then, if there is enough, does selling produce in order to satisfy certain specific needs become an objective.

Although family farms are usually small or medium in size, very large farms can be run along the same lines. In fact, family production is not restricted to agricultural activities. It reflects a way of life, an attachment to a way of doing things that includes emotional elements and, since family members cannot be dismissed, avoids social exclusion. A family farm should be organised so as to ensure the security of its members, but above all to make sure that every one of them is fed.

Family farming is part of a system. What characterises and constitutes the strength of a system is not only the individual value of its components, but the mutual support between its different elements.

There has always been some form of integration between agriculture and livestock rearing, as this is the best defence against all types of hazard. Farmers understand the importance of complementarity and synergy, constantly trying to get the most out of the land available to them by combining genetic resources and exploiting the interactions within and between different types of vegetation and livestock.

The mix of plants and animals on a farm is not a random collection of genetic resources. Every space that is used must be adapted to the biophysical and socio-economic environment of the farm and fulfil a productive, reproductive, protective or social function, and, in certain cases, combine several of these. Every space, every genetic resource has a meaning that justifies its presence on the farm.

III The significance of land for farmers

“The land is female”.

Land is central to family farming, which is built with and around a resource whose principal element is female. Women create life, nurture it, maintain, embellish and transform it. This can be understood on two levels.

- Firstly, land has a mystical significance. Therefore it is not surprising that in some ethnic groups (such as the Sérère) certain nephews had a higher claim to land than the direct heirs of the deceased, who were assigned the remainder of his estate. However, this only applied to the sons of sisters who shared the same biological mother as the deceased. The philosophy behind this practice stems from a Wolof saying that in our polygamous families the father belongs to everyone (including half-brothers), but not the mother.

Like mothers, land is a source of refuge and security, the solution to all our problems. Mother Earth carries all God’s creatures within her.

Land is synonymous with perpetuation and durability. In traditional religion many genies live in trees, which must therefore be protected, and practices that lead to deforestation discouraged. The land should be revered and respected.

For Senegalese farmers, land is life: it signifies production, reproduction, security and the propagation of the species in time and space.

Like women, land arouses jealousy and other emotions. This is the underlying reason for the violence sparked by wandering livestock, whose incursions not only cause material damage, but violate and sully what is closest to the farmer’s heart.

- In material terms, land represents many things for the farmer. It is above all an element of identity and social status, which confers political and economic power. It defines his origins and the status of his family.

Land is a tool for perpetuating the family. Through it we subsist, and weave, maintain and consolidate links between different members of the family. It is the basis of all investment, economic expansion and development, safeguarding the family by providing security and material and spiritual refuge.

Land is the natural pharmacy for the individual, where medicinal plants grow.

It also signifies durability and the ability to reproduce. Planting a tree must be understood as a sign of attachment to life, a means of preserving it. And we must preserve for future generations that which our parents bequeathed to us.

IV Land policies

4.1 National Land Law (LDN)

The colonial land law inherited after Independence in Senegal found little favour with either the State or the people. The State balked at the fact that land could only be registered as state property once it had been amicably established that it was free of all customary rights, while the French legislation and European-style property rights based on Roman law were neither appropriate to nor understood by people in rural areas.

When France colonised Africa, colonial legislators found the land regime so strange they never even considered using it: a land tenure regime that did not involve ownership was inconceivable for Latin lawyers, who saw land tenure as the right of ownership and its associated benefits. What mattered to African farmers was not ownership in the European sense of the term, but to be able to continue to use the farmland and pastures that the community made available to them. The national land law passed in 1964 was one of the most important decisions taken by the new State.

This legislation was conceived in response to the authorities' desire to rekindle the community aspect of African land tenure, which had not been recognised by colonial legislation; and to adapt traditional rules and uses to the demands of economic and social development. To this end, the national land law was supposed to give everyone equal access to land while restoring its traditional community dimension. Like French law, Senegalese land legislation recognises public and private lands, but unlike these lands, the national land assets covering over 95% of the country are owned by neither the State nor any public body.

To help establish its development policies, this original solution to the newly independent nation's land and agrarian problems gave the State rights of use over national land assets. The aim of the legislation was to rationalise traditional customs and practices while introducing a modern and unifying dynamic into the national land regime. Through this new system the State, as heir to ancient customary powers, became the sole landholder.

However, the June 1964 land reform anticipated the creation of *communautés rurales*¹ to act as a framework for the application of the law. On April 19 1972 Law No. 72-75 was passed, establishing the rural institutions responsible for managing public lands. This made rural councils responsible for democratic land management, under the control of the administrative authorities representing the State (governors, *préfets* and *sous-préfets*).

4.2. Local government law (*loi sur les collectivités locales, LCL*)

Laws 96-06 and 96-07 cover local government law in Senegal (*Code des collectivités locales*), which is also known as the law on decentralisation. Decentralisation is legally defined as recognition, by the State, of other public bodies with decision-making powers that are authorised to intervene in certain arenas with a degree of autonomy. Unlike deconcentration, where local representatives of the State (governors, *préfets*, etc.) remain directly accountable to their superiors in central government, decentralisation is intended to express and address the concerns of local groups - even though decentralised authorities remain under the ultimate control of central government.

Its initiators and supporters hope that these laws will establish decentralisation as a standard for good governance, giving local governments a better chance to be actors and managers of grassroots development, rather than simply following and directing centralised policies. It is essential, however, that development managers have the capacity to deal with change at every level.

4.3. Framework agricultural law (*loi d'orientation agricole, LOA*)

The aim of the Agricultural Bill is to modernise agriculture and improve performance so that this sector can meet the nation's needs. Recognising that it will be hard to attract and secure investment until the status of land has been clearly defined, this bill pays particular attention to the Action Plan for Land (*Plan d'Action Foncier, PAF*), among other issues.

¹ Administrative grouping of the population: rural community.

The PAF presents three scenarios: the first maintains the status quo established by the National Land Law (NDL), the second is based on total land privatisation, and the third is a mixture of the first two options.

- The first option, maintaining the status quo, is manifestly inappropriate (otherwise it would not even be challenged!), given the limited application of the LDN and the need to secure investments agreed for priority zones, such as irrigable areas like the valleys of the Rivers Senegal and Anambé. Some of the shortcomings of this option are outlined below.

a) It is important to note that the LDN has never been a guarantee for good land management. Evidence of this can be seen in the millions of hectares of the River Senegal delta that now lie abandoned and severely degraded after cursory cultivation by private farmers, who were more interested in marking their presence on the land than using it for genuine agricultural purposes.

b) In certain cases where land has been reclaimed by local traditional and political elites, the LDN has even accentuated inequalities, something that is clearly contrary to the basic principles of equality underpinning this law.

c) Until now, the LDN has hindered financial transactions and limited opportunities for farmers to secure their investment in the medium and/or long term.

d) Finally, productive land use has been hampered and restricted by the failure to clarify exactly what constitutes productive land use. People always manage to invest something in the land assigned to them in order to retain it, but their investment frequently falls short of their production objectives.

The LDN has not encouraged people to invest because it is not sensible to invest in land that belongs to someone else.

- The second, supposedly liberal, option is based on giving everyone who has invested in the land assigned them the opportunity to register it. Thus, land becomes an asset and farmers are encouraged to develop its potential. However, this option also has many drawbacks:

a) It may create tensions because it ignores customary rights holders.

b) There are high risks even for the State, if, for reasons of public utility, it finds itself in the embarrassing position of wanting to reclaim land that has already been registered. This could entail very high compensation costs and lengthy procedures.

c) Lack of clarity about the notion and definition of a minimal level of investment could create the same kind of difficulties that the concept of productive use caused the LDN. This is important, because land users can only register the land they have been allocated once they have made this minimal investment.

d) There are no real measures that the State or local governments can take against private investors who fail to comply with the norms for development and productive use. To be sustainable, land use must comply with these norms, and there is a risk that bad practices may cause the loss of certain lands in the delta or make them hard to reclaim (lack of drainage, accumulation of toxic salts in the soil).

- The third, mixed, option is based on the principle that “the State reserves the right, at all times and in all areas, to withdraw land assets from public lands and register them in its name”. This could facilitate a gentler transition towards a land ownership regime, helping reduce the risk of it being rejected and causing conflict.

4.4. Constitutional aspects

Certain constitutional aspects of decentralisation and land legislation warrant particular attention.

- The first concerns the constitutional establishment of local governments in Senegal. From now on the existence of our local governments is constitutionally guaranteed by Article 90, which specifies the three levels of local government in the Republic: the region, the *commune* and the *communauté rurale*. These three levels of local government can only be removed by the constitution that created them, not by law or by decree. This is an established political fact.

- The second aspect concerns the transfer of competences to local governments. Although this is to be commended, its application has been patchy and beset by difficulties. For example, the regions, which are supposed to approve, assist or pilot all development projects within their territory, possess no land, and conflicts have already broken out between certain regions and *communautés rurales*!

- The third point is that analysis of all the options shows that the State has actually ceded nothing! Is this a way of preserving this land for future generations? Whatever happened to the right to ownership enshrined in our constitution?

4.5. Implications

a) Reading through the Law of 22 March 1996, regarding Law 96-07 on the transfer of powers, it is clear that some powers have not been transferred in the sectors of agriculture, livestock rearing, fisheries and tourism.

The failure to transfer powers over agriculture and livestock rearing is particularly hard to understand, given that on the one hand, most of the activities in these sectors are undertaken in *communautés rurales* and not in *communes* such as Dakar; and on the other, the potential benefits arising from the complementarity between these sectors.

A similar situation exists with tourism and fishing, which are of particular interest in areas such as Saint-Louis or M'bour.

b) There have been difficulties in applying the transferred powers. With regard to land and land assets, it is not a matter of transferring competences to local governments, but ceding a right (Articles 16 and 17). Public lands have not been transferred to the regions, which means that although they are supposed to develop regional development plans, they can do nothing without the backing of the *communauté rurales*. So while the regions may have well defined territories, they do not actually have any land.

c) The same applies to mines and quarries: the State has a complete monopoly and gives nothing to local governments. There are numerous examples, such as the *communauté rurale* of Ross Béthio in Saint-Louis region, which has one of the largest laterite quarries in the country, but derives absolutely no benefit from it.

d) Decentralisation and conflict management

With regard to conflicts related to power and natural resource management, decentralisation is a paradox, as it carries within it the seeds of the conflicts it is supposed to help manage and resolve.

The changes that are occurring at every level are accompanied by increasingly pressing claims from farmers, herders, young people, women and development associations. In certain specific cases, regionalisation seems to be fraught with conflict.

- The first example of conflict concerns natural resources.

With regard to land tenure: the creation of public lands with the introduction of Law 64-46 of 17 June 1964 has made land a major issue. It is a resource that polarises all sorts of desires and arouses the territorial instincts of individuals and groups.

The notion that land is an asset that belongs to the nation implies that every citizen has equal access to and, in certain cases, equal control over this shared asset. However, while the underlying logic may seem perfectly reasonable, application of the power to manage and control land has caused serious imbalances.

As each *communauté rurale* puts in place its own strategy, certain actors will be excluded. The traditional land tenure authorities that have become managers of rural councils now hold all the power over land, allowing them to combine the spirit of the laws of the Republic with customary mechanisms for controlling land. This has consequences at various levels and causes conflicts around this resource. Pressure on land is so strong that competition for it can become very violent...

The most acute conflicts concern management of land for pastoral purposes. The implementation of decentralised land management policies in rural areas has caused serious imbalances through the refusal to recognise, in policy or practice, pastoralism as a productive form of use for public lands.

Land allocation in *communautés rurales* focuses solely on agriculture, relegating herding to a residual category of land use and land and resource management. Rather than helping redress the balance, the text of Law No. 80-268 of March 1980 reveals that its real objective was to secure agricultural holdings by restricting grazing lands to a single area and thereby limit wandering livestock. In fact, this 'grazing land' is simply land that is not used for farming. The confinement of livestock rearing to this reduced area, and the expansion of farmland encouraged by State and community policies are the most serious and frequent causes of conflict between farmers and herders.

Local governments not only provoke these conflicts by refusing to manage pastoral lands, but are also unable to resolve them because they lack the necessary legal and political tools to do so. Failure to balance the management of agricultural and pastoral activities also constitutes a tacit choice by the State to encourage the development of irrigated agriculture, as in the region of Saint-Louis. Once this happens, local governments lose all power to control land management, access to land becomes exclusive, and access to water becomes a major point of contention. Herders are driven back into the sandy areas of the *diéri*² because most of the access routes to the river are under irrigated cultivation.

e) So, has decentralisation actually helped resolve the problems it is supposed to address? This assumes that they can be resolved, or at least that some kind of proposed solution is possible. Often it is not, since there are as many texts whose application will create potential conflict as there are possible solutions.

- Land and land assets are particularly fertile ground for potential conflict. On close observation, it is clear that there has been no transfer of power in this arena. Articles 16 onwards show that powers over public land have yet to be wrested from the claws of the

² Poor quality sandy lands traditionally used by herders in the rainy season.

State. For local governments, simply managing their land heritage cannot be compared with an exercise of power in the legal sense of the term, although this is less paradoxical than it seems since the powers involved usually pertain to the State.

- The most serious problems are likely to arise over public lands. No further powers over these lands have been transferred. The *communautés rurales* were accorded a certain amount of power by Law 72-75 and then Law 96-06, meaning that the power to allocate and withdraw lands within home territories has not changed under decentralisation. As a result, entities such as the regions have no management powers over public lands, and their development projects may be blocked by *communauté rurales* if the latter do not support them. This is a double-edged sword, as regions can then respond by blocking *communauté rurale* projects, as is happening now in the region of Saint-Louis.

- The local government law has not addressed the underlying issues causing conflicts between farmers and herders, ministerial departments, or natural resource users and local governments.

Although certain powers have been transferred, they have not only proved difficult to apply, but are also likely to generate conflict. Looking at the attributions of the regions, Article 28 states that regions have the power to create woods, forests and protected areas. This immediately raises the question of where to plant them! Who ever heard of regional forests?

- Another potential source of conflict is park management. There has been no transfer of powers over parks as yet, and although it is not causing any problems at the moment, their management could create tensions between local governments and the State. If properly shared, the resources in these parks could act as a lever to develop protected areas. The fact that the State has ignored this issue up to now has encouraged *communautés rurales* to encroach upon these lands. There is some evidence of conflict in the parks of Djoudj and Niokolo Koba.

Communautés rurales allocate and withdraw land for agricultural purposes from both public and state lands, although they do not actually have the right to assign any part of state lands.

f) Women and land

Neither the National Land Law nor the national constitution discriminate against women with regard to access to land, which means that their marginalisation is due to the perpetuation of longstanding practices by certain dignitaries. However, since women and young girls are now educated at school (which was previously considered a hotbed of atheists and miscreants), it is possible that their access to land resources could soon be regulated. Senegalese women have fought to get where they are now, and many *communautés rurales* have begun to give them the recognition they are due. Few here dare forget that women constitute the largest and most cohesive electoral fringe group, or how easy it is to get on the wrong side of voters!!

4.6. Security of tenure

Apart from the fact that most *communautés rurales* know very little about conflict management, the difficulties of applying the national land law will, in the long term, also create problems with tenure security. This is something that needs to be dealt with as a matter of urgency, in order to encourage private investment.

- The first objective of tenure security is to safeguard a limited and degradable resource. This involves putting in place mechanisms that will bring together all stakeholders, particularly the State, so that they can reach consensus on how this resource can be preserved.

- The next step is to secure productive use, which will involve improving conditions of production. Appropriate measures in the river valley, for example, would include irrigation, drainage, enforcement of development norms and a minimum level of productive use.

This two-pronged approach to improving security should be appropriate and applicable everywhere, especially in areas where significant investments have been agreed. However, it needs to be backed up by the ongoing land reform, which will determine the legal status of land users.

In the region of Saint-Louis, the measures needed to obtain dual tenure security are formulation of a land use and development plan (*Plan d'Occupation et d'Aménagement des Sols*, POAS), a charter on irrigated lands (*Charte sur le Domaine Irrigué*, CDI), funding for infrastructure maintenance (*Fonds de Maintenance des Infrastructures*, FMI) and water development plans for Podor and the delta, to help the region adapt to the demands of sustainable irrigation.

The objective of the land use and development plan (POAS) is to provide local governments with an institutional and technical tool that will help them manage their affairs and work with other actors. This will involve everyone through a very broad participatory approach, starting at the village level and bringing together women, the young and the elderly in a completely non-discriminatory manner. Through the POAS it will be possible to:

- Clarify the situation with regard to land tenure;
- Establish and reinforce complementarity between agriculture and other economic activities in order to make them sustainable;
- Promote local democracy and enable local people to make decisions about land, then implement, monitor and evaluate them.

Having heard about the success of the POAS developed by the *communauté rurale* of Ross Béthio, several zones are currently in the process of developing their own.

The charter on irrigated lands (CDI) is a draft agreement between different public and private partners (the State, SAED, private bodies, SONEES) regarding sustainable water and land use. In effect, this recognises the lack of overview or coherence between the legislation on land and on water (Water Law). In view of the shortcomings of both types of legislation with regard to irrigable land, the objective of the CDI is to use the official texts to develop consensual rules that will enable *communautés rurales* to set the conditions for land allocation and productive use, as well as possible sanctions for non-compliance with the rules established.

There are several points worth noting with regard to the CDI:

- The fact that the largest users are *communautés rurales*, and that the sole aim of this charter seems to be to permit them to better manage their potential land resources.
- The draft agreement is of limited legal value, and the strength of this CDI lies in its consensual nature. Therefore, it should be formulated in a participatory manner, through broad and more detailed consultations.
- Its application will be based on a PAOS, which should be included in the conditions for the allocation and withdrawal of lands.

The region of Saint-Louis should provide a useful (if specific) example of securing tenure.

VI Recommendations and conclusions

Farmers' living conditions have changed; some say for the better, others for the worse. However, it is hard to compare current conditions with those before and after Independence, given that globalisation did not exist before and terms of trade were not so bad, while the rules of the game were clearer because there was no cheating through backdoor subsidies. If Senegalese farmers are still largely dissatisfied, it is mainly because this supposedly priority sector has yet to deliver the benefits expected of it, despite the many millions invested. They have a point.

There are two fundamental issues that still need to be fully resolved:

- The first is the longstanding refusal to accord much importance to family farming, despite the fact that this type of production is inseparable from the farmer and all his values!

It is also time to face up to certain truths. How is it that countries like Vietnam, which recently suffered so much from the effects of war, famine and shortages, can become rice exporters in less than twelve years? The answer is not complicated: it is their cultural values that have enabled them to get to this position, values that have been exploited for productive ends, and in which family values and discipline are held in high esteem. That is all we are asking for in this country.

Everything should proceed from what farmers know and control: the family. It is this unit that is the basis of everything connected with agricultural production, remotely or otherwise.

- The second issue concerns land, the sole asset that farmers possess. There are real dangers with regard to land, particularly in zones of high economic potential, such as the River Senegal valley.

The land-related issues at stake create a conflict of interests between various groups, such as the State, local governments and local people. Also, different communities may have divergent interests, such as customary rights holders, other indigenous groups, non-indigenous groups that have lived in the locality for a long time, and last but not least, agri-business.

Central to land issues are the problems of sustainable agricultural development, and the preservation of soils and other related natural resources.

The traditional vision of land tenure permeates the National Land Law of 17 June 1964, which is a biased synthesis of African and Western concepts, the latter entirely centred around private property.

The hybrid character of the law, or rather, its tacit bias in favour of the community rather than the capitalist approach, seems unsuited to the requirements of a modern economy focused on maximising the profitability of production, because the significant investments that farmers are prepared to make give them important rights over the resource.

There is limited support for two variations of the Land Action Plan currently being formulated, the status quo and the liberal option. The third, and most popular option is a middle way. There are three variants of this:

- The first advocates "the transformation of public lands into local government lands"... This would enable local governments to become more involved in land management, but raises the

difficulty of what is meant by government (*collectivité*) – as though decentralisation didn't raise enough problems already!

- The second variation suggests that all public lands be registered in the name of the State.
- The third proposes that registration is restricted to land that has been or is to be developed. This has the advantage of avoiding a mixture of several modes of land ownership.

The second of these proposals seems the most suitable, because:

- a) It makes it possible to preserve the spirit of decentralised management, which makes *communautés rurales* genuine arenas for development.
- b) It allows the State to preserve the uniqueness of the law throughout the land.
- c) It gives local governments the power to allocate land for ownership, rental or use, which will help broaden and facilitate access to land by both indigenous and non-indigenous people.
- d) It will also limit the cost to the State of compensating landowners.

Finally, we should remember that land and water have always been factors in conflicts.

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