

Managing Land Tenure and Resource Access in West Africa:
A regional workshop held at Goree, Senegal, November 18-22 1996.

MAJOR ISSUES AND THEMES

A number of major issues were raised in the presentations and discussed during plenary and working group sessions. Below, the most important of these themes have been outlined, to provide the basis for collaborative work between English and French speaking West Africans in future. Debate during the workshop also highlighted an important set of questions relating to the role that research and researchers can play in the process of public debate. It was agreed that on a subject of such importance as land tenure and access to resources, it is important to generate debate at all levels - village and district, as well as regional and national. Researchers, NGOs and farmer groups have a useful part to play in examining the range of options for tenure and resource access, design of policy and decision making systems at all levels. Attention in future could usefully be directed to a range of means for opening up and supporting this debate through a range of different media.

1. *Diversity of situations, systems, and recent changes to resource access.* West African tenure systems are remarkably diverse, in part related to the culture of the societies involved, in part to the nature of the physical environment. Overlaying these factors are the influence of colonial and post-colonial interventions in the field of tenure and development activity, in addition to the particular characteristics of a given site, such as ease of access to markets, or availability of a high value resource. The case studies at Gorée brought together experience from the tropical forest zone of coastal West Africa, peri-urban land development, pastoral resource management in the dry Sahelian uplands, and fishing regimes within the inland delta of the River Niger. Understanding the current situation requires a knowledge of the past, the influence of different factors and the dynamics of change. Such diversity at micro-level makes it particularly important that a proper balance be achieved between the necessary enabling framework at national level for setting the principles and rules within which access to resources must be managed, and the equally necessary attention to be given to local processes of negotiation and management.

2. *There has been a marked shift in approaches to land tenure and administration since the early 1960s.* At independence, governments saw control over land and other resources as an important tool to assert their power over local chiefs and enable them to take land for development purposes. Over time, governments have recognised that they are often not best placed to manage land directly, and that formal legal codes do not fit the diverse settings and associated customary systems found within the region. A strong dualism in the rules by which land is administered has been created, causing problems of overlapping and contradictory rules for resolving disputes over land. Over the last decade, a much greater acceptance has evolved that a single common set of rules is not necessarily needed at national level. Rather, it is necessary to develop a broader set of guiding principles to outline how tenure and access issues might be approached at local level. The experience from anglophone states with their weight on support to customary practice provides a set of lessons on which might be built a more decentralised system of land administration,

better able to respond to the diverse social and environmental conditions found in different parts of the region. The question then becomes how to develop the best aspects of the customary system within a broad set of principles established at national level.

3. *A large number of different bodies and structures are responsible for land administration, raising problems of competing powers and contradictory mandates.* New legal texts are produced without sufficient reference to existing law and customary practice, and there is a real problem in making new legislation widely known and understood, even amongst those who are meant to be implementing and administering such legislation.

4. *Land remains a very important asset in West African countries, both as a means for production of crops, livestock, forest and other products, and as a source of power.* While in the past, land was perceived as relatively abundant, particularly in the drier more marginal parts of the Sahel, the last generation has witnessed a major change in people's perceptions of land availability. Land is now perceived by most people as being under pressure through competing demands from different groups and for differing uses, hence the desire amongst many people to attain clearer and more assured rights to control access to resources. This growing shortage of land has combined with an increase in its value due to improved possibilities for marketing of outputs, and a decline in social control over land exercised through traditional religion and cultural values. Thus, access to and control over land is increasingly subject to contest between different peoples and for differing uses. This is particularly evident in areas where there is significant migration from other parts of the country or broader region, and where new patterns of land use - such as irrigated agriculture - deprive seasonal land users, such as transhumant herders from their traditional grazing rights during the dry season.

5. All case studies point to a clear dichotomy between:

* *customary tenure* - negotiable, flexible, diverse and evolutionary but open to a range of pressures from people seeking to acquire land; and

* *the formal, codified system* - characterised as inflexible, inappropriate and difficult to interpret, having little linkage and relevance for local people, no particular connection to local values, nor ways of doing things.

There is considerable overlap between the two systems, when it comes to land tenure and resource access, and contradictory rulings often result from pursuing each of the two different systems. In some cases, traditional chiefs have formal powers recognised by government to handle land disputes, but elsewhere governments do not acknowledge such traditional powers.

6. *The decentralisation process provides a common background against which land tenure and resource management issues must be set.* This process is now underway in a variety of forms throughout the region, in both anglo- and francophone countries. The level and degree of devolution, and powers involved vary between places (such as over tax and revenue raising). Responsibility for allocating land, and resolving disputes is also a major element at stake in the decentralisation process. The pressure to decentralise stems from both the perception by governments that they are not well-suited to try and manage land at local level, and financial constraints which have forced governments to scale back their ambitions and shift responsibility for

many functions from government to local populations. Several countries have been running decentralised systems for some years, such as Senegal where rural councils were set up in 1972, and in Ghana where decentralisation dates back over nearly ten years. Elsewhere, such as in Mali, the first elections for newly designed decentralised structures are shortly to happen. Hence, the decentralisation issue is both highly topical and also provides a valuable comparative policy theme within which there is much experience to be shared. Questions of importance under this theme include: What range of powers are allocated to structures at different levels? What linkages develop between newly decentralised structures and traditional/customary chiefs? How do the processes of decentralisation and democratisation link together to create a more transparent system for decision-making over land tenure and resource access?

7. *Titling programmes* have been seen by governments and donors as a means by which firmer land rights might be assured, hence encouraging increased investment in land improvement, rising productivity, and the development of a market in land. Land markets are seen by some as essential for ensuring that this scarce resource is allocated to those best able to maximise its productivity. Experience from West Africa shows that where titling has been undertaken, this has tended to favour the rich, educated, commercial interests who have been acquiring land. This is particularly true in peri-urban areas, where land has become very valuable for building plots, but is also occurring in grazing and farmlands. There is no evidence to date that the holding of titles is leading to increased productivity on titled land, but rather people seem to be buying land for speculative purposes. There is the need to make information much more available at all levels so that people know how titling systems work, the procedures to be pursued and, where necessary, to reduce the costs of engaging in such a process, given that the price usually far exceeds what a small holder could afford. A number of participants argued that a distinction should be made between assuring secure access to land, and privatisation. The latter was neither necessary nor sufficient to ensure the former. For example, formal land titles are not needed in many areas where community control and management can provide an institutional structure within which control over land can be vested.

8. While the main focus is usually on land for agricultural purposes, there are *a range of other resources of high value to West African economies* where important questions of access and control must be addressed. For example, there are several kinds of resource which pose particularly interesting challenges for management, such as fisheries - both inland and coastal. Other key resources include the humid forests found along the coast (eg. Ivory Coast, Cameroon, Ghana) where incoming settlers are finding their rights increasingly under threat from indigenous populations, and programmes for conservation of tropical forest areas. The peri-urban zone also represents an area where there is keen competition amongst potential land users for this scarce resource with rising value.

9. *Experience from different West African countries demonstrates valuable experience with initiatives to reform land tenure legislation and patterns of administration.* In some cases, pilot initiatives are in operation to clarify how new legislation might best be implemented, while elsewhere revision of tenure legislation is still under discussion. At the same time, considerable experience has now developed at micro-level with a range of local level planning initiatives, such as *gestion de terroir*, which serves as a model for community level planning. Such

approaches combine both a technical element - such as promotion of soil conservation practices within farmlands - and an institutional dimension - such as to clarify responsibilities for land allocation, and rights to manage resources within the village's territory. While some uncertainty remains about the strength of powers devolved to village level, and the formal rights associated with *gestion de terroir*, overall there are useful lessons here for anglophone countries to gain from this approach.

10. *A wide variety of mechanisms and arrangements exist through which people gain access to land, such as loans from kin and neighbours, sharecropping, and tenancy agreements.* Such arrangements are very important for allowing flexibility in use of land whereby, for example, a farm household currently unable to work all their holding can let plots be cultivated by another while retaining the option of claiming the land back once their circumstances change. However, little attention has been paid to tenancy as a mechanism for providing access to land, and adjusting changing ratios of land and labour available to farm households over time. The main focus has been on ownership, property, and titling procedures. However, tenancy of one form or another is very common, though often not formally recognised in law. Considerable benefit might be gained from addressing this area more effectively, by providing clearer rights and responsibilities to tenant and land owner, and thereby an extra degree of flexibility in providing access to resources.

11. *The pastoral livestock sector remains relatively neglected within the land tenure debate.* A clear distinction is usually made between the rights which farmers can acquire through the clearance and cultivation of land, demonstrated by the marks of the hoe or plough, and those attributable to the grazing of land by livestock. As a consequence, conflicts between herders and farmers are usually resolved in favour of the cultivator. Herders have witnessed the persistent alienation of the resources on which they depended, particularly for the dry season and in times of drought. Insufficient account has been taken of the adverse implications for the continued health of the pastoral livestock sector from such continued loss of access to key grazing resources.

12. *Promoting networks and information exchange on land tenure and resource access issues.* Discussions during the Gorée meeting demonstrated the importance of bringing people together from a different range of backgrounds and with varied experience. Several important contrasts were evident between the case studies presented from which important lessons can be drawn. These include: the different historical and linguistic legacy of countries in West Africa, which has an impact on, for example, structures for administering land, and access to the literature on certain themes. For example, the issue of common property resource management has been very widely debated within the anglophone literature, while little comparable work exists in French. By contrast, the very promising approaches associated with the *gestion de terroir* experience have been very little known outside francophone circles. A second important contrast concerns the diversity of situations faced across ecological zones, according to the nature of the resource being managed as well as to socio-economic and institutional factors. The densely populated coastal areas of West Africa contrast markedly with the open uplands of the Sahel, where population densities are low. Thirdly, the diversity of backgrounds and experience of people involved in the tenure field offers major potential for learning across disciplines and professions. Researchers have a great opportunity to help policy makers and

practitioners reflect on the experience gained with tenure issues elsewhere. At the same time, for researchers to have access to discussions with practitioners provides the former with much valuable understanding regarding the need to tailor their work in a way which ensures its practical utility.

Participants at Gorée were keen to continue the contact and debate generated by this workshop. Future work to be supported under this and other programmes should focus on strengthening such collaboration between West African countries, across the linguistic boundaries, with the aim of broadening debate on tenure options, and ensuring more effective use of West African expertise in this field.

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