

## **Dynamique des régimes fonciers coutumiers et de la gestion des ressources naturelles dans le Darfour**

*Exactement deux décennies après une famine dévastatrice, le Darfour attire à nouveau l'attention internationale, en tant que région connaissant la plus grave crise humanitaire du monde entier. Cette fois-ci, cette crise est due à la poursuite de la guerre civile qui a divisé la population du Darfour en deux groupes ethniques: les africains et les arabes. Étant donné que la majeure partie des populations africaines du Darfour sont des agriculteurs sédentaires alors que les populations arabes du Darfour sont, pour l'essentiel, des pasteurs nomades, une question peut légitimement être posée: dans quelle mesure le conflit actuel est-il lié, d'une façon ou d'une autre, à la concurrence pour l'utilisation des ressources naturelles – notamment la terre? Le présent article passe en revue le régime foncier du Darfour du point de vue des pratiques coutumières en vigueur, notamment dans le nord du Darfour, afin de comprendre comment il est possible, avec ce système séculaire, de faire face aux défis nés de la nouvelle conjoncture matérielle et sociale.*

## **La dinámica de la tenencia de tierras y la ordenación de recursos naturales en Darfur**

*Exactamente dos decenios después de una devastadora carestía, Darfur vuelve a ocupar los titulares de la prensa por la peor crisis humanitaria del mundo actual. Esta vez, la crisis es consecuencia de una guerra civil que ha polarizado a la población de Darfur en dos grupos étnicos indistintos: los africanos y los árabes. Puesto que en Darfur la mayoría de los africanos son agricultores sedentarios y la mayoría de los árabes son pastores nómadas, es legítimo preguntarse hasta que punto el conflicto en curso se relaciona de alguna forma con la competencia por los recursos naturales, en concreto la tierra. En este artículo se examina la situación de la tenencia de la tierra en Darfur desde el punto de vista de las prácticas consuetudinarias imperantes especialmente en el norte de Darfur, para tratar de entender cómo hace frente este sistema secular a los retos que entrañan las nuevas situaciones, tanto desde el punto de vista físico como social.*

# The dynamics of customary land tenure and natural resource management in Darfur

Musa Adam Abdul-Jalil

Associate Professor of Social Anthropology, University of Khartoum, Sudan.

*Exactly two decades after the devastating famine, Darfur has hit the news again as the worst humanitarian crisis in the world today. This time the crisis has resulted from the ongoing civil war, which has polarized Darfurian people into two non-exclusive (not easily distinguishable from each other) ethnic groups: Africans and Arabs. Since most African Darfurians are settled cultivators and most Arab Darfurians pursue various forms of pastoralism, a legitimate question arises regarding the extent to which the current conflict is somehow related to competition over natural resources – notably, land. This article reviews the situation of land tenure in Darfur from the point of view of the prevailing customary practices, with the aim of understanding how the age-old system is coping with the challenges presented by new situations, both physical and social.*

## INTRODUCTION

Land has always been an important aspect in defining and reshaping relationships between human beings, whether they are individuals or groups. Anthropologists studying small-scale societies in Africa in the first half of the twentieth century considered the occupation of a specific territory to be the most important criterion for defining a political system (Fortes and Evans-Pritchard, 1940). Thus, the value attached to land does not only derive from its function of supporting livelihoods, but also from its symbolic value as a criterion for group identification. For this reason, land tenure in most pre-colonial African societies was based on communal ownership of land, which was congruent with the prevailing subsistence economy and a political system centred around the tribe.

In many cases, the colonial powers did little to introduce a countrywide reform of the traditional land-tenure systems they found. They only altered them where it served the interests of the colonial economy.

Colonial administrations in Africa started most of the important large-scale farming – for example, cotton growing in the irrigated Gezira region of the Sudan, rubber growing on plantations in Liberia and coffee growing in Côte d'Ivoire, Ethiopia and Kenya. Independent national governments of the Sudan followed the same policy. They introduced more mechanized agricultural schemes in the central savannah grasslands – leading to the alienation of traditional farmers and nomadic pastoralists from their original lands, mostly in total denial of their traditional tenure rights (because of confiscation and blockage of livestock migration routes).

Agricultural activity in Darfur has been left, without much alteration, to its traditional land-use practices. Limited attempts at modernizing traditional agriculture were started with the Jebel Marra Rural Development Scheme, the consolidated phase of which started in 1980. It was followed immediately by the Western Savannah Development Corporation in 1981. Both schemes were

established in areas that are considered environmentally the most hospitable parts of the region, the Jebel Marra plateau and the rich savannah plains in the southern part of Darfur. On the other hand, northern Darfur, which is the most arid part of the region, remained firmly entrenched in the traditional land-tenure system inherited from prehistoric times and later altered by the Keira sultans (1640–1916).

As time goes on, there is a growing demand for more productivity in order to feed an ever-increasing population. One of the problems facing many African societies today is that the communal form of land tenure they still cherish is not easily adaptable to development. As one author puts it, “land-use planning, farm planning and the introduction of better farming systems are rendered difficult by this form of land tenure” (Webster and Wilson, 1980, p. 101). Although traditional land-tenure systems may be flexible enough in terms of allocation of plots and resolution of disputes between land users, they have less elasticity regarding the development of modern agricultural practices (e.g. seed improvement, introduction of new varieties, use of new tools and marketing facilities). This relates not only to plot sizes and their irregular shapes but, most importantly, to the absence of the legal documents of ownership that are crucial for introducing agricultural credit facilities. From a conflict management point of view, traditional tenure systems can be seen as having a clear advantage, so there is an incentive to keep them – especially in conflict prone areas. On the other hand, they can be seen as an obstacle to development.

Keeping the delicate balance regarding land use becomes more difficult because customary land-tenure systems have less elasticity to enable them to cope with changing conditions. Furthermore, new changes can play an important role in turning an otherwise peaceful coexistence between groups into a hostile confrontation, or even a full-scale war. For that matter, some researchers tend to consider ecology as a major factor explaining many conflicts

in Africa today (chiefly Suliman, 1999; Kuznar and Sedlmeyer, 2005). When there is a negative change in the environment (e.g. drought) the capacity of land to sustain people’s livelihoods shrinks, and when that is combined with population increase, a recipe for conflict is already present. In fact there is a dialectical relationship between environmental degradation and conflict because they are both mediated by human action, which can be a cause and an effect at the same time. On the other hand, traditional agricultural systems in Africa are mostly associated with two interrelated features: shifting cultivation and customary land tenure.

Drought is one common feature of environmental change that has been associated with conflicts in many African countries. The severe drought of the early 1970s that hit African Sahel countries instigated a series of changes that seriously affected the lives of millions of people. The western part of the Sudan was among the deeply affected areas, which culminated with the infamous 1984 famine. The Darfur region (which has subsequently been divided into three administrative units/states: Northern, Western and Southern) was the worst-affected area in the country. Ecologically, Darfur is diverse, ranging from a typical desert environment in the north to rich savannah marshland in the south. Two decades after the devastating famine, Darfur has drawn global attention as the worst humanitarian crisis of the present. This time the crisis has resulted from the ongoing civil war, which has polarized the Darfurian people. Because most African Darfurians are settled cultivators and most Arab Darfurians are nomadic pastoralists, a legitimate question arises regarding the extent to which the current conflict is somehow related to competition over natural resources – notably land.

This article reviews the situation of land tenure in Darfur from the point of view of prevailing customary practices and tries to understand how the age-old system is coping with the challenges presented by new situations – both physical and social.

## CUSTOMARY LAND TENURE IN DARFUR

### Land tenure in the pre-state period

The history of Darfur before the ascendancy of the Keira dynasty to the leadership of the sultanate in the mid-seventeenth century is largely unknown. Therefore, any detailed information on land tenure for that period is unavailable. Nonetheless, it is reasonable to assume that in this developmental stage the tribe was the overarching organizing principle. Membership in tribal groups was essential to the make-up of local communities. As is generally known from similar communities in Africa, groups living in a given territory owned the surrounding land communally in the pre-state period. That would have entailed the allocation of land to each extended family (not to individuals) according to its need within the territory belonging to a given lineage or clan. Lineages and clans of a particular tribe occupied contiguous territories. Families had usufructory rights on their farmland as long as it was continuously utilized. Under this system, when a family stops cultivating the land for any reason, it reverts back to the community and can be utilized by another family. Normally, a community leader (probably also the village headman) is responsible for land allocation or recognition of new occupancy.

Uncultivated land was simultaneously utilized by all members of the community for various purposes, ranging from wood-cutting to collection of wild fruits and hunting. Non-members, i.e. newcomers, had to be accepted first into the community before they could be given access to natural resources. Because security was an important concern for these communities, they only accepted newcomers after a level of trust had been created. It is important to remember that revenue from land was not expected in the pre-state period; hence, competition over land was not expected either. Land was abundant, the population was small and people had very limited expectations, because their basic needs were satisfied by their environment.

In the pre-state period, there was vast unoccupied and unclaimed land, which

was available for newcomers. Historians of Darfur have not recorded any large-scale skirmishes between the indigenous groups and the Arab nomads who arrived a few centuries ago. There is enough evidence (for an elaborate review see Abdul-Haleem, 1991, pp. 191–270) to show that the infiltration of these groups was gradual and peaceful. The fact that the majority of Arab tribes have their own recognized *dars* (homelands) is further proof of this point.

### Land tenure under the Darfur sultanate

According to Shuqayr (quoted in O'Fahey, 1980), Sultan Musa Ibn Suleiman, who was the second ruler of the Keira dynasty (1680–1700), is said to have introduced a new system of granting land titles, i.e. estates, called *hakura* in Arabic (plural *hawakir*), even though the earliest documents yet found date from the time of Sultan Ahmad Bakur, the third sultan of the dynasty. The granting of *hawakir* by sultans was initially associated with the encouragement of *fuqura* (religious teachers) to settle in Darfur and preach Islam. Merchants from the Nile Valley were also given estates in recognition of their valuable service to the state, which was mainly related to promotion of trade with Egypt and riverine Sudan. The *hakura* system was a powerful tool for the process of Islamization as well as the consolidation of state power.

The *hawakir* granted by Keira sultans were of two types: an administrative *hakura*, which gave limited rights of taxation over people occupying a certain territory, and a more exclusive *hakura* of privilege, which gave the title-holder all rights for taxes and religious dues. The first type was usually granted to tribal leaders, and later came to be known as *dars* (literally meaning “homeland”). Effectively, administrative *hakura* confirmed communal ownership of land for a given group of people, who usually made up a tribe or a division of a tribe under a recognized leader. Originally, the group had obtained such rights as a result of earlier occupation from the pre-state period. The sultan in this case merely recognized that fact and reconfirmed

the position of the group's leader. On the other hand, the *hakura* of privilege (which was relatively smaller) rewarded individuals for services and had limited administrative implications. Both types of estates were managed through stewards acting on behalf of the title-holder.

Some sources tend to consider the difference between the two types of estates as one of scale: "The distinction between the two forms of grants was primarily one of scale. To the *fuqura*, merchants and members of the royal clan the sultans granted exemptions from taxation over a defined area of land or a named community; to the title-holders much larger estates were granted, which in turn often encompassed privileged communities or land" (O'Fahey, 1980, p. 51). For reasons of clarity, one is tempted to restrict the use of the term *hakura* to refer to grants of privilege. The term *dar* is more appropriate to denote an administrative *hakura*.

Sultans were able to ensure the loyalty and support of tribal leaders by issuing seals bearing charters (written in Arabic) confirming the authority of a chief over his people and his right to manage the land within the territory of the tribe. Usually such charters also describe the boundaries of the estate being granted. Army leaders and state officials were also granted land, returns from which they used to meet their expenses, because no regular salary system was in existence. Thus, while much of the land in Darfur was communally held according to tribal *dar* rights, the later development of the *hakura* system shows some parallels with the feudal system. Later land charters used the expression *iqta al-tamlik*, i.e. concession of property rights, which makes the *hakura* similar to a freehold. Title-holders were able to extract customary dues (*ushur*) equal to one-tenth of farm yield from those who cultivated their land through a steward/manager called *sid-al-fas* ("master of the axe"), who would manage the estate by allocating pieces of land for settlement or cultivation. Customary dues collected from land were shared

by various officials in the administrative hierarchy, which made a *hakura* less than a freehold. Moreover, there was no unitary system for land management as such in Darfur. Practice tended to vary according to time and place; in Western Darfur the responsibility for the collection of *zakat* and *fitr* (types of religious dues) fell on the estate stewards. For example, in Zami Baya *shartaya* (an administrative unit), the stewards collected fines, *zakat* and *fitr*, taking a proportion each year to the *shartay* (tribal administrator) from whom in turn the sultan's emissaries collected a part for their master. Nearer to the capital the canonical taxes were collected directly by the *jabbayyin* or tax collectors (see O'Fahey, 1980, p. 55).

It seems that the Keira sultans succeeded to a great extent in making land tenure a part of the administration of the sultanate. Because not all lands were granted as estates, it meant that the older system of communal tenure continued to exist side by side with the *hakura* system in various places around Darfur. As far as tribal groups are concerned, the land they occupied effectively became synonymous with an administrative *hakura*. In other words, what used to be communal land has now come to be considered as an administrative *hakura* or *dar*. Tribal homelands were named after the tribe, e.g. Dar Zaghawa (land of the Zaghawa people) and Dar Rezeigat (land of the Rezeigat people). This development introduced a further function to the land, beyond its economic potential; it became a symbol of group identity. As the region is open to immigrants from neighbouring areas, it follows that newcomers have to access land through transactions with indigenous land-holding tribal groups. That is exactly what nomadic camel pastoralist groups have been doing for the last two hundred years or so.

Because nomadic land-use rights are group-based and less individual-specific, this mode of land tenure bears a close resemblance to the early form of (pre-*hakura*) communal rights. Individual

nomads do not need to manage their own particular pieces of grazing land because they do not stay in one place anyway. Moreover, the nomadic mode of life requires that pastoralists be given passing rights through special corridors in the tribal lands of sedentary groups. This was done through special arrangements between the traditional leaders of each party, according to which the customary rights of each side were observed. Such relationships even developed into a form of interdependence between the two communities. Until the outbreak of the current interethnic civil war, many nomads used to keep animals for their sedentary friends. Their friends, on the other hand, would reciprocate through gifts and by giving access to the remains of agricultural produce, which makes good fodder. It is worth mentioning here that although cattle-herding Arab groups occupying most of Southern Darfur (Rezeigat, Habbania, Taisha and Beni Halba areas) traditionally have their own *dars*, the Arab camel nomads of Northern Darfur do not have *dars* of their own.

When Darfur was finally annexed to the Sudan in 1916, the colonial authorities introduced few changes to the existing system of administration. Under their policy of indirect rule, they confirmed tribal leaders as part of a native administration system and as custodians of land belonging to their tribes. Tribal homelands (*dars*) came to be recognized by the government on the basis of expediency because this helped in controlling the rural population more efficiently. One can therefore classify Darfurian tribes into land-holding and non-land-holding groups. The first category includes all the sedentary groups, plus the cattle-herding tribes of Southern Darfur. The second includes the Arab camel nomads of the north, plus newcomers from neighbouring Chad who were driven by drought, political instability or both to seek permanent residence in Darfur. The implications of this pattern of relationships with land on the current civil war cannot be overemphasized.

### **Types of land**

Rural land can be classified into several types according to its potential usage:

- irrigable vegetable gardens around wadi beds;
- flood plains around wadi beds (*arashu*);
- *hashab* gardens (usually on sandy soil);
- terrace farms on clay soil (*bawali*);
- rainfed farmland (both clay and sandy soils);
- uncultivated wasteland that is potentially cultivable;
- fallow land (left after being exhausted);
- uncultivable land (rocky, extremely sandy or salty).

Although there are general customary practices that regulate access to land, local variations may exist. Furthermore, access of individuals or groups depends greatly on land classification or typology. In theory, all usable land is supposed to fall under the responsibility of someone. In practice, it is the best land that elicits direct responsibility. As a matter of fact, the first four types of land are the most expensive and do not change hands easily; hence they represent the nearest thing to private ownership. Rainfed farmland becomes subject to disputes when left unused for a while. The majority of land disputes revolve around uncultivated wasteland and fallow land because of their economic potential. Newcomers are usually accommodated within these two land types. Moreover, according to customary norms, rights for animal grazing by visiting nomadic groups cannot be denied in such cases. Uncultivable land is usually also poor in its grazing potential and is best used by nomads in transition or others interested in building material or fuelwood.

### **Types of rights over land and natural resources**

Customary rights over land in Darfur are seldom exclusive – hence it is rather inappropriate to talk about “ownership” of land. Typically, many kinds of inclusive rights exist over these types of land. In principle, there are communal rights that override individual user’s rights on a given

plot of land. The most common of such community rights include:

- access to drinking water for humans;
- access to drinking water for animals;
- access to roads;
- access to animal routes (sedentary, transhumant and nomadic);
- grazing;
- hunting;
- gathering of wild fruits;
- collection of fuelwood;
- cutting of building wood;
- collection of fodder (for use or sale);
- collection of other building materials (rocks, clay, etc.).

Although these rights are accepted in principle, other sets of normative rules define how they are to be enjoyed or claimed. These rules vary according to location and the relationships between the individuals and groups involved. Hence customary practices regarding communal rights to land differ slightly from one place or community to another (depending on physical or social conditions). The first four types of land are usually permanently fenced because of the nature of the activities performed on them; hence certain rules of trespass apply which nullify these communal rights. Common exceptions are the rights to drinking water for humans and access to roads for travellers on foot or using transport animals.

The rainfed farmland is the most problematic because it is put under use for certain periods of the year and left open after harvest, a practice known as *taliq* ("release" or "let go"). There is a communal custom throughout Darfur that stipulates the freedom of access to farmland after harvest so that animals can graze on the remains of harvested crops. Accordingly, farmers cannot allow their own animals to graze post-harvest fodder while denying access to other people's animals. It used to be the case that *taliq* was communally decided and announced by the native administrators concerned (village heads and *omdas*). As will be shown later in this article, new factors have created a situation whereby many types of communal

rights are being gradually replaced by individual rights. For example, in many places around Kutum, many farmers tend to keep their farms enclosed and guarded against encroaching animals long after the beginning of the *taliq* season. Likewise, a new customary rule prohibits others from cutting wood from someone's fallow land. As a matter of fact, only uncultivated wasteland and uncultivable land remain truly within the realm of communal rights. However, since cultivable wasteland is rare in Northern Darfur, one can safely conclude that only uncultivable land is available for open and direct communal use.

## LAND TENURE AND SOCIAL ORGANIZATION

### Land rights and territorial groups

With the exception of urban and very limited cases in rural areas, almost all land in Darfur is utilized according to a customary tenure system that gives individuals and groups usufructory rights over land under their possession. In the period before the Keira dynasty, each individual or family had the right to obtain land for settlement, cultivation, grazing and hunting and to get wood for building or fuel by virtue of community membership. Once a person has occupied a piece of land on which to build a house or cultivate, that land continues to be recognized as his or her property as long as he or she does not give up occupation for a significant period of time (there is variation between communities as to the length of such a period, which could be anything between three to five years or more). In the past, because there was no scarcity of land, the system operated smoothly. Even strangers were able to obtain usufructory rights over land through occupancy and observance of neighbourly relations with members of the indigenous clan in the area. The following statement summarizes the situation very clearly:

At present, the forms of tenure practiced during the colonial period are to a greater degree still practised with some modifications. Within the customary tenure, individuals exercise different rights according to established norms and

customs. According to tradition, four scales of ownership exist:

- 1- At the communal scale, each tribe has a given land as a dar;
- 2- Within the tribal dar, there is the clan ownership with a known boundary;
- 3- At the village level, there is the village land where each villager practices his private ownership respected by all;
- 4- Unclaimed land, used as rangeland or allotted to "strangers" (migrants) by the village head.

(Mohamed, 2004, p. 4)

If we take the example of Dar Zaghawa in the northernmost habitable areas of Darfur, we find that it is divided into Dar Kobe, Dar Tuar, Dar Gala, Dar Artaj and Dar Sueni. Each of these *dars* is inhabited by a known Zaghawa clan, whose members represent the majority of residents. However, in all of these *dars*, representatives of other clans are to be found. Various factors account for such mixture. Marriage is a normal factor according to which people stay with their in-laws and may therefore permanently change their places of residence. Some people are alienated from their communities because of a crime or conflict with relatives. As a general rule in Darfur, the *dar* belongs to (or to be more specific, is named after or associated with) a major clan, but in practice its residents reflect a wide range of ethnic backgrounds. The main advantage of this arrangement for the major clan is that it gives it a monopoly over political leadership.

As mentioned earlier, when the British colonized Darfur they opted for a system that would stabilize and pacify the region: namely, indirect rule, leaving in place the tribal landholdings, which were based on the pre-existing system of the Darfur sultanate. Land in Darfur is divided up into tribal homelands locally known as tribal *dar*; however, this is misleading, for it implies that the tribal homeland is an ethnically homogenous territory, which it is not. Members, and even groups (e.g. other tribal communities with their own sheikh), can be found within the homeland of another tribe. A Gimir settlement, for

example, could be found in Kebkabiya, far from the Gimir tribal homeland (which is around Kulbus).

### **Role of native administrators in land and natural resource management**

The colonial government abolished the Darfur sultanate, yet nevertheless retained many of its institutions under the newly instated native administration (*idara ahlia*). The British relied upon a form of indirect rule based on a model developed by Lord Lugard, who was the British High Commissioner in Nigeria. The Lugardian model was a practical form of administration and control which left the local population free to manage their own affairs through their own rulers, under the guidance of the British staff and subject to the laws and policy of the administration. Effectively, that meant the incorporation of traditional tribal and village leaders into the structure of the government. The native or tribal administration was based on an earlier system that was developed under the sultanate, whereby the whole of Darfur was divided into recognized *dars* or tribal homelands. The native administration provided a system of local governance, which managed the use of natural resources and allowed various groups to live in relative peace and stability. Native administrators were entrusted with implementing the policy of resource allocation and regulating the grazing activities of different tribes and outsiders to avert conflicts between farmers and pastoralists. This role included the enforcement of grazing boundaries that demarcated the grazing and farming areas; regulation of the seasonal movement of pastoralists in terms of timing and routes from the dry-season grazing areas to the wet-season grazing areas; limitation and containment of tribal intermingling in the grazing areas; and the opening and closing of the water points.

The functions of the village headman seem to have continued from the old pre-state period but were later amended according to the changing policies of the powers of the



day. What is certain is that with the advent of the modern state of the Sudan native administration became fully responsible for land and natural resource management in the rural areas where the majority of the population lives. In many cases, forest rangers were appointed and/or supervised by native administrators. Paramount chiefs, who represent the highest authority in the native administration system, perform their duties through a medium level of leadership (the *omda*), and the latter through the lower level leadership of a village headman (sheikh). The village headman actually combines a modern administrative office with a customary one. According to the latter, he is responsible for allocating land for settlement and cultivation. Any dispute regarding access to land rights or any form of natural resources would first be processed through the village headman, who then communicates with the upper level of native administration if he fails to settle it.

The tribal homeland policy adopted by the colonial authorities in Darfur favoured the larger tribes because their leader is confirmed as a paramount chief (*nazir*, *shartay* or sultan) to be responsible for managing the land as well as the people. That means small tribal groupings with their chiefs came under the administration of larger tribal chiefdoms with or without their consent. This has been the case with the Nyala Mugdumate, which is headed by a Fur paramount chief but includes many tribal groups within its territory. Many of the small tribes struggled for their own tribal entity and land. The “claim” for an independent tribal administration is linked to ownership of a separate *dar* as according to customary law a tribe could not have its own independent administration without having its own *dar*.

The independent administration includes the native administration as well as leadership positions pertaining to representation in modern institutions, whether local, regional or national (e.g. local councils and state and national assemblies). It follows that the claim for a separate *dar* by minority tribes is usually

resisted by the majority tribes, because it would lead to the fragmentation of the *dar*. This situation has been a major source of tribal conflicts in the region, for example, the Ma’alyia–Rizeigat conflict in 1968. However, such kinds of local conflict have escalated when the division of the *dar* has been supported by the government. The decision to divide Dar Masalit into 13 emirates in 1995 meant the demotion of the authority of the Masalit Sultan and led to a devastating ethnic conflict and widespread insecurity. Moreover, it created a vacuum at the level of grassroots administration. The profound effect of this vacuum was felt in resource management in all localities of Habila and Geneina Provinces. As a result, Western Darfur was declared an emergency area from 1995 to 1999. No doubt those developments heavily influenced the current crises that began to unfold in 2003.

A parallel and critical issue is that the northern Rizeigat, who are camel pastoralists (*abbala*), do not have their own *dars*. This was partially due to the fact that granting of tribal *dars* favoured larger tribes, and also because in the past land titles were not an important issue for there were no shortages of land; the prosperity of Arab tribes depended on nomadic pastoralism and livestock trade, not land titles. In Western Darfur, there were additional pressures from the influx of Arab groups from Chad. Many of these groups have close kinship ties with the Sudanese nomadic groups (e.g. Mahameid, Mahariya, Salamat, Shattiya, Awlad Zeid, Awlad Rashid, Awlad Tako).

The issue of *dar* became more critical following the growing pressures on natural resources as a result of ecological degradation, combined with expanding rainfed and wadi cultivation staggering to meet the demands of increased population. Since the incumbent government assigned new political roles to native administrators, the *dar* issue has become explosive. A drastic change to the system of native administration was introduced in 1995 by the incumbent *Ingaz* (Arabic, meaning “salvation”) government in a

famous congress held at Naeema village in White Nile State. The role of the native administrator was redefined to be that of a religious leader for his own identity group, not only leading them in prayer but more important, preparing the youth to go to *jihad* (“holy war”) in the south. Instead of curbing identity groups from attacking others, native administrators were told to do just the opposite – in fact, leading their followers to war.

### **Accommodation of newcomers**

As a general rule, all *hakura* systems allow for settlement of newcomers, whether they are individuals or groups, provided that they adhere to stipulated customary regulations, the most important of which is to remain subject to the administrative authorities of the host tribe. Grazing, hunting and forest use are all included in such regulations. Nomadic groups did not have any problems with the system in the past because the migratory system they practised gave them the advantage of exploiting a variety of resources in different ecological zones.

A newcomer usually acquires the right to stay in an area and join the community, and can then ask to be allotted farmland. If a person is not accepted in a community, farmland cannot be given. The village headman first informs his senior native administrator of the arrival of newcomers, irrespective of whether they are temporary visitors or have the intent to settle permanently. When the newcomer is considered harmless to the security of the *dar*, the village headman is allowed to allocate land accordingly. This clearly emphasizes the primacy of community membership over private *hakura* rights, which is only logical because communal land rights historically preceded the advent of the *hakura* system itself.

*Hakura* title-holders cooperate closely with the native administrators in order to manage their estates. Without native administrators, title-holders are powerless to enforce any customary obligation on land users. Most important, the establishment

of a new settler community by newcomers is supervised by the native administrator. If the newcomers are individuals or a few families, they join an existing village and become followers of its headman. However, if the number of the newcomers is large enough to constitute a separate village (such as in the case of Zaghawa migrations following the drought of the mid-1980s) they are allowed to have their own village headman, who will be accountable to the *omda* of the area. In this case, the headman does not have any jurisdiction over land and is therefore called Sheikh Anfar (“headman of people”), instead of the more prestigious office of Sheikh Al-Ard (“headman of land”). Even during the sultanate, *hakura* landowners cooperated with tribal leaders because it is through the latter that settlers can occupy and till the land from which the title-holder obtains revenue. In relation to land matters, the native administrator is called Seid Al-Seif (“master of the sword”), which signifies political authority. The title-holder is called “Seid Al-Ard”. It is significant that at the lower level of administration, both roles are combined in the village headman. The role of the Sheikh Al-Ard is therefore the key to understanding all matters concerning the village community – settlement of disputes, security, taxes, environment and natural resource management, mobilization and other administrative matters.

### **Customary land tenure and social stratification**

A more or less discrete structure of stratification can be seen among Darfurian communities, depending on their relationship to land. People can be roughly classified as follows:

- title-holders;
- members of the main indigenous clans and their affiliates;
- other indigenous occupiers and their affiliates;
- permanently residing latecomers;
- seasonal nomadic visitors;
- temporary migrants or *akkala* (literally “eaters”, meaning food seekers);
- blacksmiths and potters.

## **CHANGING TIMES: PATTERNS AND RESPONSES**

### **Cutting loose: the interference of the central government**

To add yet another layer of complexity to the already complicated system of land tenure in Darfur, the Government of Jafar Numeiri abolished native administration and enacted a law in 1970 called the unregistered land act (ULA), according to which all land that is not registered before the enactment of this law becomes the property of the government by default. Although the government did not have any means to either map or directly manage all unregistered land, the law paved the way for later developments regarding land tenure in Darfur. Migrants from Northern Darfur who settled in other places (notably the *goz* and the southern plains zones) were ready to claim the right to establish their own native administration structures in their new homes, because under the ULA the land they occupy belongs to the government. Such claims would have been unthinkable in the past, when newcomers were expected to remain as “guests” of the host tribe and abide by its customary rules regarding land tenure and native administration. The many conflicts that the resettled Zaghawa in the eastern *goz* (sandy stretches of land) were part of in the areas south of El-Fasher in the mid-1980s attest to the negative effects of the 1970 act (see Abdul-Jalil, 1988). Despite all the developments that added more complexity to the system, customary land tenure continued to function because it was flexible enough to adapt to new situations – up to a point.

One may add here that the 1970 ULA affects mainly the fourth scale of ownership mentioned above, because the government can only redistribute unclaimed land.

As a partial recognition of the time-tested customary acquisition of land, the government issued a Civil Transactions Act (CTA) in 1984, which states that local communities have usufructory rights over land they occupy, although legal ownership still remains with the government. The result is that different land-tenure systems coexist in the same area. Nonetheless, many

factors have affected land-use patterns in Darfur for the last three decades, which in turn have affected customary land tenure itself and put its adaptive capabilities to a serious test.

### **Factors affecting land use**

Although it is possible to enumerate many factors influencing land use in Darfur, it is more fruitful here to concentrate on the most important ones. Six main factors can be identified:

#### ***Drought***

In the early 1970s, the amount of rainfall started to dwindle and the resulting drought devastated the African Sahelian belt, creating widespread famine in Darfur. Conditions in the north were exceptionally dire: the decline in annual mean rainfall reached 52.2 percent, leading to crop failure and very poor pastures.

#### ***Increased human population***

The increasing population has meant that each year new farmland has to be secured for new families. Darfur’s population has multiplied nearly five times since 1973 (from 1 350 000 to 6 480 000) according to the 1973 census (Central Bureau of Statistics, 1973) and the 2003 estimates from the UNFPA (UNFPA/Central Bureau of Statistics, 2003). This has resulted in decreased wasteland and disregard for the practice of fallowing. Not only that, but even some nomadic migratory routes and rest places have also been turned into farmland. Out of eleven migratory routes in the 1950s, only three are functioning today, in addition to a few newly found ones.

#### ***Increased animal population***

The animal population has likewise increased drastically in the same period, though for different reasons. Because the Sudan started exporting meat and live animals to Arab Gulf countries, livestock breeders invested more in animal health care. Sedentary farmers were also lured to increase their stocks because farming can no longer satisfy their growing needs.

### **Population migration (internal and external)**

Darfur witnessed two types of migration trends that directly affected land-use patterns. A decade of mostly dry years (mid-1970s to mid-1980s) triggered internal migration from Northern Darfur. The displaced sought refuge in the eastern *goz* to the south of El-Fasher as well as in the southern zone. These places later began to show signs of saturation. As mentioned earlier, pastoralists from Chad were tempted to cross the borders and seek permanent settlement in Darfur. The fact that many tribes have members on both sides of the borders makes such migrations difficult for Sudanese authorities to monitor.

### **Increased commercialized farming**

With the spread of education and urbanization, people in the rural areas became acquainted with new consumption patterns. As their need for cash increased, their strategies in agriculture gradually became market-oriented. Oilseed production (groundnuts, sesame and watermelon seeds) on the eastern *goz* has been greatly expanded to meet a growing export market. Vegetable and fruit cultivation is increasingly practised where conditions permit. Small urban centres have provided excellent marketing opportunities for such ventures.

### **Increased market-oriented livestock breeding**

Because the expanding Sudanese livestock export market favours sheep raising, many nomadic pastoralists in Northern Darfur started changing the structure of their herds by concentrating more on sheep and less on camels. Accordingly, migratory routes and patterns have been correspondingly altered. Moreover, sedentary farmers also took to sheep raising to the extent of actually competing with nomadic pastoralists. Some of them have even become pastoral transhumants. Accurate figures have yet to be produced by reliable authorities in order to quantify this trend.

### **Consequences for land-use patterns**

The factors reviewed above have not operated uniformly, nor have they produced the same effects throughout the area. Although the various factors have direct implications for diverse aspects of land use, it is more sensible to consider all factors as having jointly affected traditional land-use patterns in general. A summary of the cumulative effects on land use in Darfur is given below:

1. The expansion of millet cultivation beyond the agronomic dry-boundary limit. Millet is the staple food crop in Darfur. Farmers are obliged to put more land under cultivation for two main reasons. The first relates to decreased productivity, which means that a farmer cannot expect the same amount of grain from the same area. The second relates to the increased number of new families that need to have their own farms, hence new land has to be cleared even if it is marginal and unproductive. Extended families cannot secure the needs of their members from the same plots as before.
2. A decreased rate of land rotation, which has become unavoidable because more land is being put under permanent cultivation. Farmers no longer give up any piece of their land, because according to customary practice such unused land reverts back to communal ownership and will be subject to redistribution through established, customary channels. Hence at the level of farm administration, a decrease in the practice of fallowing has been observed.
3. The expansion of fruit and vegetable cultivation, as well as production of tobacco, in clay and alluvial soils around wadi beds (watercourses). This involves one of three forms of irrigation: flooding, water harvesting or well-digging. Many farmers began to cultivate fruits and vegetables where possible, drawing water from shallow wells dug around dry watercourses either by using buckets made of goatskin (*dalo*), or a diesel pump in the case of well-to-do peasants. Such activities grow out of

the need to adapt to new conditions; drought and consumer markets have provided the most important incentives.

4. Blocking of animal migration routes (*marahil*) and decreased access to water sources for animals as a result of expansion of agricultural land. Nomads usually require that land near water sources remains uncultivated, otherwise animals may damage crops and their owners will be fined for trespass. Many researchers have pointed to the fact that nomads often complain about such practices, which are against customary land tenure arrangements (Fadul, 2004). At the same time, the better areas around watercourses have been utilized by farmers to grow millet and vegetables. The blocking of routes has become a permanent item on the agenda of tribal reconciliation conferences convened over the last two decades to solve interethnic disputes in Darfur, and is one of the common causes of grassroots conflicts.
5. Land degradation and desertification. In combination with drought, human activity (tree-felling, excessive cultivation and overgrazing) have greatly speeded up the desertification process, to the extent that vast areas have lost the capacity to sustain traditional livelihoods for the inhabitants. Some experts assert that millet cultivation in the semi-arid zone has dangerous implications for the environment, and have advocated the prohibition of millet cultivation beyond certain boundaries (see Ibrahim, 1984).
6. Overgrazing and deterioration of rangeland. Much of the land in the semi-desert and *goz* zones has lost its capacity to grow grazing grasses for forage, or trees. For example, the carrying capacity of pasture in the 1970s was 40–50 animal units per square kilometre in the eastern sandy soils. A survey conducted by the Range and Pasture Department in 2002 found the carrying capacity for the same area to be only nine animal units per square kilometre (Fadul, 2004).

### **Dynamic adaptation of customary tenure systems**

Successive changes have created new and variable conditions which have made it difficult for the customary land-tenure system to continue without significant adjustments. It is no longer possible to talk about either a single or homogeneous land-tenure system in the whole of Darfur. The actual arrangements in a given ecological zone (or locality for that matter) depend very much on the economic, environmental, political and social conditions, reflecting the dynamic aspects of the allocation of land resources. On a different level, such arrangements also reflect the relationship between various stakeholders regarding land as an important natural resource. Taking the above statements into consideration, a few observations could be made about the transformed state of land tenure in Darfur.

1. The southern zone was subjected to less cultivation in the past because most of its inhabitants practised cattle raising. As a result, less land was put to permanent cultivation as family plots on the basis of customary tenure. When the Sahelian drought caused large numbers of people to migrate from Northern Darfur, many were easily settled in Southern Darfur on previously unclaimed land. The 1970 ULA was particularly constructive in this case because it facilitated the absorption of the new settlers into the existing local administrative structures without many hurdles. The few large-scale mechanized agricultural projects, which require large tracts of land with modern ownership arrangements, were also introduced in Southern Darfur (mainly in Um Ajaj) under the 1970 ULA. The government was able to distribute large plots of farmland to urban merchant elites, most of whom come from outside Darfur (mainly central or riverine Sudan).
2. Elsewhere, the tendency towards commercialized agriculture has left its impact on tenure arrangements. As mentioned earlier, the expansion of vegetable and fruit cultivation

along wadi beds (using wells or water-spreading techniques) has meant that considerable pieces of land have been put out of traditional use. One of the implications is that grazing rights after harvest can no longer be applied to such land. This has undermined the flexibility that characterized customary tenure and enabled it to survive for so long.

3. Another noticeable feature of change affecting the customary land tenure system is the increase in land sales and leasing. This is a new phenomenon, which did not exist prior to the 1970s except on very limited occasions, which typically involved merchants or government officials with no access to customary rights, who wanted to establish gardens on land near small towns that provided good marketing outlets for fruits and vegetables. Such people were actually the first pioneers who introduced innovative agricultural practices, which local Darfurians imitated later. The increasing importance of cash for families to have access to food and consumer goods has turned some land into a commodity, even though the legal status of such land is not clear. Those who are not able to cultivate their land all year round and do not want to sell can lease it on a cash or sharecropping basis.

El Amin sums up the implications of changing tenure arrangements and competition between stakeholders over land both as an asset and a resource: "With various recently emerging post-drought forms of land tenure that deviate from the customary rules, land tenure in Darfur is at present becoming more complex than ever; creating real and potential sources of conflict both at the inter and intra-communal levels" (El Amin, 1999, p. 82).

### **Women and land rights**

Customary rules regulating land rights in Darfur do not apply equally to both sexes. Originally people obtained access to land not as individuals but as members of an extended family, which was universally headed by males only. This did not

mean that the rights of women were not recognized. As a rule, communal rights over land and natural resources are equally claimed by both sexes (grazing, fuelwood, food gathering, etc.). As for farmland, women have the right to use their father's land or their husband's. They can also inherit from both in accordance with Islamic sharia law. However, women may not acquire new land for themselves directly from the title-holder or his agent. Their request will have to be processed through a male relative or husband. Nevertheless, it is astonishing to notice that royal women in the Darfur sultanate were *hakura* title-holders (O'Fahey, 1980). Land can also be given as a dowry in marriage transactions.

It is worth noting here that irrigated land has fallen under what is almost a form of permanent ownership in some places (e.g. Wadi Kutum). Although a long continuous utilization of a piece of land gives a person ownership rights according to both customary and statutory laws, in the latter case a legal document is required in order to prove ownership. The state however did not set up any apparatus to enable farmers to register their plots. This means that the farmer owns a piece of land but he/she does not have a document to prove it. Despite the absence of such documents, modern institutions accept the claims of male owners and treat them accordingly. When the owner of an irrigated piece of land is a woman, one expects that modern institutions promoting rural development (such as the agricultural bank) would deal with the female owner according to the *de facto* situation as well. The reality, however, is different. They still deal with women through the patronage of their male kinsmen (see Abdul-Jalil and Umbadda, 1986, for a report on the situation in Wadi Kutum). In Darfur, women till the land more than their men folk, yet their ownership rights are not recognized by modern institutions.

### **CONCLUDING REMARKS**

In conclusion, a couple of points must be addressed regarding the relationship

between land tenure and conflict in Darfur:

First, customary land tenure in the region has developed over the years to the extent that talking about a single land-tenure system is no longer intelligible. Land-use practices have been affected by environmental constraints, changes in economic conditions and governmental legislation, leading in turn to adaptive changes in customary land-tenure arrangements.

Second, it is important to recognize that conflict over land is part of a wider conflict in Darfur that involves a host of other factors such as underdevelopment, lack of democracy, competition over political office, armed robbery, ethnic politics, restructuring of the native administration, population increase (both people and animals), the Libyan-Chadian conflict, the Chadian civil war and the spread of modern firearms.

## RECOMMENDATIONS

The following recommendations suggest practical approaches to dealing with the current problems regarding access to land:

- A land commission should be established to develop a land-use policy and devise means for land development and registration, taking into consideration the particularity of the situation in Darfur in terms of historical developments and customary practices.
- A comprehensive survey of current land-use patterns and the actual existing tenure arrangements should be conducted for the various ecological zones and local communities of the region.
- The inherited customary tenure system is deeply entrenched in the social organization of the local territorial groups and as such helps in stabilizing communities and providing a good base for a future environmental management strategy. For this reason, customary tenure systems should be adapted to new conditions but not abolished.
- Projects that constitute essential infrastructure for development (roads,

water, electricity, etc.) should be undertaken.

- The vertical expansion of agriculture through the introduction of intermediate/appropriate technology packages, better water management methods and agricultural extension services should be encouraged.
- The voluntary settlement of nomads should be fostered, along with development of ranch farming and improved livestock breeding in the desert and semi-desert zones by utilizing the plentiful existing underground water.<sup>1</sup>
- The external immigration of nomadic groups from neighbouring countries needs to be monitored and managed, which would require establishing a civil record for Sudanese citizens (currently non-existent).
- Community participation should be encouraged in decision-making on issues that directly affect people's lives, such as development, natural resource management and conflict resolution. Both traditional institutions and modern civil society organizations should be involved.

## REFERENCES

- Abdul-Haleem, R.M.** 1991. *Arabism and Islam in Darfur in the Middle Ages*. (In Arabic). Cairo, Althaghafa House.
- Abdul-Jalil, M.A.** 1988. Some political aspects of Zaghawa migration and resettlement. In F. Ibrahim & H. Ruppert, eds. *Rural-urban migration and identity change: case studies from the Sudan*. Bayreuther Geowissenschaftliche Arbeiten, Vol. 11.
- Abdul-Jalil, M.A. & Umbadda, S.** 1986. Problems and prospects of horticulture in a subsistence economy: the case of Wadi Kutum. In P. Wel & A.M. Ahmed, eds. *Perspectives on development*

<sup>1</sup> One water expert states that "The north and the northwestern parts of Darfur are underlain by an extended Nubian Sandstone groundwater basin, known as the Sahara Basin. It covers an area of 275 000 square km. and hosts storage of 6 000 milliard cubic meters of groundwater of excellent quality and at shallower depth varying between 5 to 50m below ground surface in addition to an annual recharge of about 20 million cubic meters" (Ali, 2002, p. 17).

- in the Sudan*. The Hague, Institute of Social Studies.
- Ali, H.O.** 2002. Issues, problems and policy principles related to groundwater resources in Sudan. In Al-Rahed, Singh & Sherif (eds). *Water resources development and management in arid regions*, pp. 13–30. Swets & Zeitlinger, Lissers.
- Central Bureau of Statistics**, 1973. Sudan National Census Final Tabulation, Khartoum.
- El Amin, K.A.** 1999. *Drought, adjustments in economic activities, changes in land use and land tenure forms in Darfur, Sudan*. DSRC Monograph Series No. 42. University of Khartoum.
- Fadul, A.A.** 2004. *Natural resources management for sustainable peace in Darfur*. Paper submitted to a Workshop on Environmental Degradation and Conflict in Darfur organized by the UN University for Peace and University of Khartoum Peace Research Centre. 15–16 December 2004.
- Fortes, M. & Evans-Pritchard, E.E.** 1940. *African political systems*. Oxford, Clarendon Press.
- Ibrahim, F.N.** 1984. *Ecological imbalance in the Republic of the Sudan – with special reference to desertification in Darfur*. Bayreuther Geowissenschaftliche Arbeiten, Vol. 6.
- Kuznar, L.A. & Sedlmeyer, R.** 2005. Collective violence in Darfur: an agent-based model of pastoral nomad/sedentary peasant interaction. *Mathematical Anthropology and Cultural Theory*, 1(4) (also available at: [www.mathematicalanthropology.org](http://www.mathematicalanthropology.org)).
- Mohamed, Y.A.** 2004. *Land tenure, land use and conflict in Darfur*. Paper submitted to a Workshop on Environmental Degradation and Conflict in Darfur organized by the UN University for Peace & University of Khartoum Peace Research Centre. 15–16 December 2004.
- O’Fahey, R.S.** 1980. *State and society in Darfur*. London, Hurst.
- Suliman, M.** 1999. *The Sudan: a continent of conflicts. A report on the state of war and peace in the Sudan*. Bern, Swiss Peace Foundation.
- UNFPA/Central Bureau of Statistics**, 2003. Population Data Sheet for Sudan by States. Khartoum.
- Webster, C.C. & Wilson, P.N.** 1980. *Agriculture in the tropics*. London, Longman.



## **A conceptual framework for land tenure security, insecurity and securement**

*The terms land tenure security and insecurity are central to debate on land policy. They are, however, often used in an approximate, indeed contradictory, manner. Apparent consensus on the importance of land tenure security masks differing perceptions of insecurity, its causes and thus possible solutions. This article sets out to clarify these notions and to propose a conceptual framework. Land tenure security is essential if producers are to invest and enjoy the fruits of their work, but land tenure security should not be confused with private property, nor should the nature of rights (e.g. formal or informal, permanent or temporary) be confused with the notion of whether or not these are secured.*

*Land tenure security signifies that legitimately held rights, whatever their content, will not be questioned without foundation and, if contested, will be confirmed by dispute settlement mechanisms. There are many causes of insecurity and any discussion to reduce it requires analysis of the causes and the forms of insecurity that producers experience. Intended “securement of land tenure” must first ensure that rights are secured. This will help clarify the determinants of land tenure security and the important role of dispute settlement and regulatory mechanisms.*

## **Seguridad, inseguridad y garantía de la tenencia: marco conceptual**

*En el debate sobre las políticas relativas a la tenencia de la tierra, los términos “seguridad” e «inseguridad» ocupan un lugar prominente. Sin embargo, su utilización es a menudo imprecisa, e incluso contradictoria. El consenso aparente sobre el desafío de una tenencia segura encubre, en realidad, visiones muy diferentes sobre la inseguridad y sus causas y, por consiguiente, sobre las posibles respuestas ante este problema. La finalidad de este artículo es aclarar tales conceptos y proponer un marco conceptual. La seguridad de la tenencia es indispensable para que los productores puedan invertir recursos y beneficiarse del fruto de sus esfuerzos, pero no debe confundirse con la propiedad privada; análogamente hay que evitar toda confusión entre la naturaleza de los derechos (formales o informales, permanentes o transitorios, etc.) y el hecho de que sean o no «seguros».*

*Seguridad de la tenencia significa que los derechos legítimos, cualquiera sea su contenido, no se ponen en entredicho, y que en caso de que sean cuestionados existen mecanismos de arbitraje para confirmarlos. Las causas de la inseguridad son múltiples: para determinar las maneras de reducirla es indispensable que se analice toda la gama de motivos y todas las formas de inseguridad que experimentan de hecho los productores. El concepto de «garantía de la tenencia» se refiere al proceso mediante el cual se asegura el ejercicio de los derechos. Esto permite poner en claro cuáles son los factores determinantes de la seguridad de la tenencia, y en particular el importante papel que desempeñan los mecanismos de arbitraje y regulación.*

# Sécurité, insécurités, et sécurisation foncières: un cadre conceptuel

Ph. Lavigne Delville

Anthropologue, Directeur scientifique du GRET<sup>1</sup>, Paris, France.

*Sécurité, insécurité foncières: ces termes sont au cœur des débats sur les politiques foncières. Toutefois, ils sont souvent utilisés de manière approximative, voire contradictoire. Le consensus apparent sur l'enjeu de la sécurité foncière cache des visions très différentes de l'insécurité et de ses causes, et donc des façons d'y répondre. Le présent article vise à clarifier ces notions et à proposer un cadre conceptuel. Une sécurité foncière est indispensable pour que les producteurs puissent investir et bénéficier du fruit de leurs efforts, mais il ne faut pas confondre sécurité foncière et propriété privée, ni la nature des droits (formels ou informels, permanents ou temporaires, etc.) avec le fait qu'ils soient ou non «sûrs».*

*La sécurité foncière signifie que les droits que l'on détient de façon légitime, quel que soit le contenu de ces droits, ne sont pas remis en question sans raison et que, s'ils sont contestés, les mécanismes d'arbitrage les confirment. Les causes de l'insécurité sont multiples: pour débattre des manières de la réduire, il est indispensable d'analyser la diversité des causes et des formes d'insécurité concrètement vécues par les producteurs. Raisonner en termes de «sécurisation foncière» passe par le processus grâce auquel les droits sont sécurisés. Cela permet de clarifier les facteurs déterminants de la sécurité foncière, et plus particulièrement le rôle important des dispositifs d'arbitrage et de régulation.*

## INTRODUCTION

La question foncière devient ou redevient à l'ordre du jour, en Afrique comme dans le reste du monde. La croissance démographique, les migrations, la libéralisation économique et les crises internes aux Etats concourent à faire de l'accès à la terre un enjeu essentiel, objet de compétition et de conflits mêlant intérêts de toute sorte, productifs, identitaires, politiques et autres.

Le débat sur le foncier est apparu – ou mieux, réapparu – sous l'angle de la production avec les politiques de privatisation ou de délivrance de titres, la

question étant de comprendre comment stimuler la productivité des terres. La délivrance de titres par l'Etat a été pendant longtemps considérée par les économistes et les institutions de Bretton Woods comme une condition nécessaire et suffisante à cet égard<sup>2</sup>.

Or, de nombreux travaux, tant empiriques que théoriques, ont remis en cause ce lien mécanique, et montré que les droits fonciers locaux n'étaient pas associés en général à une insécurité. Parallèlement, l'accroissement des conflits fonciers a mis en lumière les dysfonctionnements des mécanismes d'arbitrage, autre dimension de la sécurité foncière.

Des expériences de terrain ont tenté avec plus ou moins de succès de mettre en œuvre des démarches de sécurisation

<sup>1</sup> La préparation de ce texte a été réalisée dans le cadre du projet de recherche INCO-CLAIMS, coordonné par l'IIED et financé par l'Union européenne. Une première version a fait l'objet de la communication introductive «Comment sécuriser les droits fonciers en milieu rural?», à l'atelier du même nom, lors du Forum Praia+9, CILSS, Bamako, 17-21 novembre 2003.

<sup>2</sup> Voir Platteau, 1998 pour une présentation et une analyse critique de ce modèle.

foncière. Cependant, si cette notion a fait l'objet d'un ouvrage de référence (Le Roy *et al.*, 1996), le concept de sécurité foncière est souvent utilisé de façon générique, et en fin de compte floue, voire largement erronée. Ainsi, lorsque Bruce et Mighot-Adholla (1994) définissent la sécurité foncière comme «le droit, ressenti par le possesseur d'une parcelle de terre, de gérer et utiliser sa parcelle, de disposer de son produit, d'engager des transactions, y compris des transferts temporaires ou permanents, sans entrave ou interférence de personne physique ou morale», ils décrivent la notion de propriété privée et non celle de sécurité foncière. Des droits d'exploitations obtenus en faire-valoir indirect peuvent parfaitement être sécurisés, et l'on peut être sécurisé dans ses droits même avec des restrictions au droit de vendre. Par ailleurs, «la sécurité foncière n'est pas un concept fixe et objectif, dépendant uniquement de la légalité du titre foncier. La sécurité foncière est autant une question de perception qu'une catégorie juridique» (Hesseling, 1991).

Il semble donc important de revenir sur ces concepts et de tenter d'en cerner un peu plus précisément les contours et les enjeux.

### SÉCURITÉ FONCIÈRE ET PRODUCTIVITÉ

Une sécurité foncière *suffisante*, à savoir le fait que les droits sur la terre et les ressources naturelles ne soient pas contestés sans raison, constitue effectivement une condition pour que les producteurs puissent mener à bien leurs activités – agricoles, pastorales ou autres –, diriger convenablement leurs efforts et bénéficier des fruits de ces derniers. La sécurité foncière est ainsi *une condition* de développement économique et *un déterminant* des stratégies des agriculteurs, même si elle n'est pas le seul ni le premier, la primauté revenant le plus souvent aux données économiques (prix des produits et des intrants, situation des marchés, accès au crédit, etc.).

Pour autant, sécurisation foncière ne signifie pas propriété privée: les droits sur la terre ne se résument pas à la propriété privée, et celle-ci n'est pas nécessairement sécurisée.

«La sécurité foncière nécessaire pour investir n'implique pas automatiquement la propriété foncière individuelle. La garantie de culture à travers un bail de longue durée est sans doute suffisante» (Falloux et Rochegude, 1986).

En outre, il est bien vite apparu qu'il fallait remettre en cause certaines idées reçues:

- Le raisonnement économique standard selon lequel la délivrance de titres induit des stratégies d'investissement et des gains de productivité comporte de nombreuses limites, et ne marche que dans des contextes précis (Platteau, 1996; 1998).
- Sauf exception, il n'y a pas de blocage à une intensification en régime coutumier, et il faut chercher ailleurs les contraintes premières (notamment dans les rapports de prix, l'accès au crédit, le contrôle des filières, etc.) (Lavigne Delville, 1998).
- Les spécificités des zones arides impliquent une pluralité d'usages et une flexibilité des stratégies d'exploitation (agricoles, pastorales, etc.) peu compatibles avec une fixation rigide des droits.
- Les conflits fonciers et l'insécurité foncière ne tiennent pas tant à la compétition foncière en elle-même, qu'à des problèmes de *régulation* de cette compétition: rivalité entre pouvoirs pour les arbitrages sur le foncier; absence de règles partagées permettant de gérer des situations nouvelles; inaptitude de la loi à répondre à une série de problèmes concrets vécus par les producteurs en milieu rural. Ce constat amène ainsi à réorienter la réflexion en tenant compte de diverses exigences:
  - *Prendre en considération les différents enjeux du foncier*: les enjeux productifs naturellement, mais aussi ceux liés à l'identité, à la paix sociale ou à la citoyenneté. En effet, la sécurité foncière est un facteur de paix sociale, et un flou sur les droits ou une contestation des règles est apte à provoquer ou favoriser les conflits – que les acteurs concernés soient de bonne foi ou qu'il s'agisse de

manipulations ou de coups de force. Mais c'est aussi une question de citoyenneté car, en démocratie, l'Etat se doit de garantir les droits des citoyens (fussent-ils petits agriculteurs ou pasteurs) et de leur offrir reconnaissance et protection.

- *Elargir le cadre de raisonnement*: il est nécessaire de penser en termes *d'accès à la terre et aux ressources* et de contrôle de ces derniers, et non de «foncier» au sens strict, si l'on veut être à même de prendre en compte la question des ressources naturelles, de se rapprocher de la réalité des systèmes fonciers existants et d'affronter les problèmes d'arbitrage et de gestion des conflits.
- *Renouveler profondément le cadre de réflexion des politiques foncières*: il ne s'agit plus de prétendre substituer le titre à des règles foncières locales jugées inefficaces, mais de répondre aux enjeux sociaux et économiques de ce nouveau siècle. Cela implique de prendre sérieusement en considération la coexistence de différents types de droits sur les terres et les ressources, de travailler à réduire les contradictions entre législations sectorielles et fondements des droits locaux, et de s'employer à améliorer ou inventer des modes locaux de gestion foncière reconnus par l'Etat.

En ce début de XXI<sup>e</sup> siècle, le défi consiste donc à sortir de la dichotomie entre législation et pratique, une dichotomie léguée par la colonisation et maintenue durant les premières décennies de l'indépendance des nouveaux Etats. Il s'agit ainsi de réconcilier légalité, légitimité et pratiques (Lavigne Delville, 1998), pour à *la fois* limiter les conflits, favoriser les évolutions en cohérence avec les politiques nationales, réduire les contraintes foncières à la production et construire les citoyennetés.

#### **QU'EST-CE QUE LA SÉCURISATION FONCIÈRE? QUELQUES PRÉCISIONS CONCEPTUELLES**

Avant de revenir sur une définition de la sécurisation foncière, il est nécessaire de préciser un certain nombre de termes.

#### **Droits, normes, autorités**

Les catégories standard (propriété, location, etc.) ne permettent pas de décrire les droits concrets, c'est-à-dire les prérogatives et devoirs effectifs. Grâce à des travaux récents effectués en économie institutionnelle, en gestion des ressources naturelles et en anthropologie du foncier, il est possible désormais d'échapper à ce biais et d'utiliser des termes plus précis, distinguant entre «droits opérationnels» et «droits d'administration».

En effet, les droits fonciers (au sens des prérogatives et devoirs détenus par des individus ou des groupes) n'ont pas de sens par eux-mêmes:

- ces droits n'existent qu'en référence à des normes: normes locales, coutumières ou récentes, établissant ce qu'il est possible ou non de faire et ce qui est ou non légitime; et normes et principes légaux, issus de la Constitution, des législations sectorielles ou d'autres instances;
- on ne passe pas directement de principes ou de normes à des droits. Des étapes intermédiaires sont nécessaires: il faut *des autorités* pour affecter ou valider les droits, et pour arbitrer en cas de revendication, de désaccord ou de conflit, et il faut *des outils ou des procédures* pour mettre en œuvre tout le processus.

Cela est naturellement vrai en régime coutumier, où les différentes autorités foncières affectent des droits, valident des accords et arbitrent les conflits en fonction d'un ensemble évolutif de principes ou de règles (comme l'appropriation par la défriche, la confirmation des droits par la marque du travail, l'usage de ne pas refuser la terre nécessaire à se nourrir, etc.). Une des caractéristiques des régulations coutumières est précisément que les droits sont le produit de négociations avec les autorités à différents niveaux (familial, lignager, villageois, etc.), sur la base d'un certain nombre de principes et en fonction des contextes. C'est cette interaction au sein du triangle «normes, autorités, acteurs» qui confère aux régulations coutumières leur souplesse et leur dynamique, chacune des pointes du triangle étant susceptible d'évoluer.

## Deux conceptions de la sécurisation foncière, des pratiques hybrides

Deux logiques différentes renvoient à deux grandes conceptions de la sécurisation foncière.

Dans les logiques sociales locales, la sécurisation de l'accès aux terres passe par l'inscription dans les réseaux sociaux: c'est en fonction de son statut social, de sa place dans la hiérarchie familiale, que l'on peut prétendre à certains droits et les négocier. L'accueil d'éventuels «étrangers» se fait par l'intermédiaire de «tuteurs», et à travers la création de relations de clientèle ou de patronage avec ceux-ci. Investir dans les réseaux de clientèle auprès de ceux qui contrôlent la terre est une façon de négocier des droits sur la terre et de les sécuriser.

En revanche, selon la logique de l'Etat et du titre, c'est le titre (appuyé par un appareil administratif et judiciaire) qui confère les droits. Et pour user de ceux-ci il existe des procédures, censées être neutres et dépersonnalisées. En réalité, les tentatives de l'Etat d'imposer une législation dite «moderne» ne se sont pas traduites par une dépersonnalisation de la gestion foncière, mais plutôt par une recomposition partielle des réseaux d'accès à la terre et aux ressources autour des membres de l'appareil d'Etat.

Cependant, dans la pratique, ces oppositions de logique ne s'expriment pas directement. Les acteurs – acteurs ruraux et urbains, agents de l'Etat, pouvoirs coutumiers – jouent, à des degrés divers, sur les différents tableaux, empruntant à l'une et à l'autre conception. Au sein d'un même village, des espaces relevant de statuts fonciers différents peuvent cohabiter. Des parcelles affectées par l'Etat sur des aménagements peuvent être gérées par des groupements selon des normes hybrides. Là où la terre devient rare, l'accès à cette dernière passe de plus en plus par des négociations internes aux groupes familiaux.

Enfin, dans des contextes en rapide et profonde évolution, les acteurs cherchent à réduire l'imprévisibilité du jeu foncier, et l'on voit apparaître des innovations institutionnelles, de nouvelles instances et de nouvelles procédures. Le recours à l'écrit dans les transactions foncières en est un, assez frappant (Lavigne Delville, 2002).

Mais cela se vérifie aussi en régime de propriété privée, où interviennent les principes (et des questions telles que: Qui peut accéder à la propriété? Est-elle possible pour des non-nationaux?), les autorités (l'administration territoriale, la justice), les procédures d'immatriculation, les enquêtes et la publicité foncière, l'enregistrement des mutations et les procédures de contentieux. Ainsi, même dans le contexte de la propriété privée, les droits ne sont pas indépendants des normes et des autorités qui les définissent, en garantissent la mise en pratique et arbitrent les conflits.

En réalité, c'est en identifiant qui *contrôle* la terre ou la ressource dont il est question qu'il est possible de préciser les modes d'accès aux droits opérationnels – droits de prélever des ressources naturelles et droits de cultiver ou d'aménager. Dans la pratique toutefois, la relation entre normes et droits n'est pas univoque et, au sein des régulations coutumières comme dans le droit positif, des normes contradictoires peuvent coexister. Ainsi, en régime coutumier, le principe selon lequel «on ne refuse pas la terre à qui en a besoin pour manger» peut se trouver en contradiction avec celui d'après lequel «il faut préserver le patrimoine familial et les possibilités de vie des futurs membres du groupe familial» (Jacob, 2002); ou encore, au sein du lignage, le droit d'accès à une parcelle sur l'ensemble du patrimoine entre en concurrence avec le droit de culture sur une parcelle donnée, consolidé par une occupation continue (Breusers, 1999). De même, dans le cadre des normes publiques, les contradictions entre législations sectorielles diverses sont fréquentes.

Mais c'est le plus souvent entre normes locales et normes étatiques que les oppositions sont les plus massives. En effet, plusieurs revendications contradictoires, toutes légitimes chacune dans son registre normatif, peuvent coexister, et il existe une compétition entre les différents pouvoirs en matière d'arbitrage.

Dans les deux cas, c'est dans une relation dynamique entre instances (qui a le pouvoir d'affecter ou de valider des droits?),

normes (qu'est-ce qui est autorisé ou interdit? Qu'est-ce qui légitime tel droit?) et procédures ou outils (modes de négociation, procédures de validation des droits ou des transactions, contrats types, cartes, marquages physiques et autres bornages, etc.) que les droits sont sécurisés.

### **Précarité économique, précarité foncière et insécurité**

La *sécurité foncière* découle ainsi du fait que les droits détenus, quels qu'ils soient, ne sont pas remis en cause sans raison, ou qu'ils sont réaffirmés en cas de contestation induite. Elle n'a rien à voir avec la nature des droits, ni avec leur caractère légal ou non.

A l'inverse, l'*insécurité foncière* découle du fait que des droits, *légitimes au regard d'un registre de normes*, sont remis en cause, ne peuvent être exercés paisiblement, voire sont impossibles à exercer ou sont tout simplement annulés.

L'insécurité foncière est donc fondamentalement différente de la *précarité foncière*, qu'on peut définir comme le fait de ne pas avoir de visibilité à court, moyen ou long termes sur les droits d'accès à la terre dont on pourra disposer. Un agriculteur qui exploite des terres en location, sur la base de contrats annuels, est en situation précaire, il n'est pas en insécurité foncière (sauf si son contrat est rompu en cours d'année). Cette précarité peut elle-même être *réelle* (si le risque que le contrat ne soit pas renouvelé est réel) ou *potentielle*, lorsque, en pratique, la relation avec celui qui lui a loué la parcelle est durable et que, même si ce dernier a bien le droit de reprendre la parcelle chaque année, la reconduction est automatique dans les faits.

Quant à la *précarité économique* d'une famille, elle renvoie au fait que celle-ci ait du mal à assurer sa reproduction économique, et à, comme on dit, «joindre les deux bouts». Naturellement, cela est en partie lié au fait que l'assise foncière de l'exploitation et les surfaces cultivées (en fonction des potentialités des terres, des rapports de prix, des itinéraires techniques, du statut foncier et des éventuelles redevances) ne suffisent pas à entretenir le

foyer. Mais cela ne l'est qu'en partie car des revenus extra agricoles, par exemple, peuvent venir compenser une faible assise foncière.

Il existe bien évidemment des liens entre la précarité économique et le foncier:

- Une partie (plus ou moins importante selon les zones) des ventes de terre est due à la détresse, faute d'alternatives pour faire face à des besoins monétaires urgents. La précarité économique se traduit ainsi par une décapitalisation foncière, qui aggrave encore la situation économique du foyer. Le besoin monétaire peut aussi obliger à mettre des terres en gage, voire en location.
- Faute de pouvoir payer le coût d'une location, payable à l'avance en argent, certains agriculteurs à la recherche de terres à cultiver peuvent être obligés de se rabattre sur des types de contrats moins avantageux.
- Dès lors que le produit de la récolte paie les intérêts et non le capital, la mise en gage se traduit fréquemment par une décapitalisation foncière.

Mais les problèmes de précarité économique et de pauvreté rurale ne se traitent pas nécessairement par une entrée foncière. Le prix des produits, la maîtrise des filières, l'accès au crédit (productif et de trésorerie) à travers des systèmes de microfinance ne demandant pas de garantie bancaire sont en effet susceptibles d'avoir des impacts plus importants. On peut ainsi penser – même si cela ne semble pas avoir été démontré – qu'une politique de microfinance est apte à avoir des effets régulateurs sur le «marché» foncier. De même, on peut penser que, si elle est mise en œuvre de façon à ne pas exclure les plus démunis, une politique de reconnaissance des droits locaux peut contribuer à accroître le prix des terres, permettant ainsi aux exploitations les plus pauvres de sortir de l'agriculture et de mieux valoriser leur patrimoine.

### **Insécurité juridique, normative, institutionnelle, contractuelle**

Lorsqu'elle est réelle, l'insécurité foncière peut avoir plusieurs origines:

- Des droits obtenus à une époque donnée peuvent être contestés aujourd'hui pour différentes raisons, entre autres:
  - *Des droits contradictoires*, relevant de normes différentes, se superposent sur un même espace.
  - *Les évolutions du contexte* amènent certains acteurs à vouloir renégocier ces droits. Par exemple, certaines affectations de droits d'exploitation sans limitation de durée sur des jachères (appelées «installations») comprennent une clause de reprise en cas de besoin; dans les zones de forte migration ancienne, les droits accordés aux migrants il y a 20 ans sont aujourd'hui remis en cause par les jeunes autochtones, qui considèrent que les patrimoines fonciers familiaux ont été dilapidés par leurs pères.
  - *Il existe un flou* sur le contenu d'un accord passé, et les plus âgés n'ont plus la capacité d'assurer la mémoire de l'histoire foncière villageoise.
  - *Les contradictions entre normes* favorisent les revendications opportunistes ou les manipulations. Ainsi, un acteur urbain ayant négocié le droit de planter sur une terre en profite pour enclencher une procédure d'immatriculation visant à en obtenir la propriété; de même, il peut y avoir des contradictions internes intrinsèques aux normes coutumières.
- Des formes nouvelles de transactions ne sont réellement régulées, ni par les mécanismes coutumiers, ni par les règles étatiques, ce qui produit de l'indétermination, du flou et des conflits. C'est souvent le cas des ventes de terre. Il existe donc différents types d'insécurité. Sans que cela soit pour autant une typologie fixe, l'insécurité foncière peut être de nature diverse:
  - *Juridique*, lorsque la source du problème vient de contradictions fortes entre le droit positif et les principes légitimes sur le plan local. Ainsi, dans la plupart des législations foncières, les droits coutumiers ont un statut ambigu, et ne bénéficient pas d'une réelle reconnaissance par l'Etat.
  - *Normative*, lorsqu'il existe une indétermination sur les normes devant régler un cas de figure donné. Il en est ainsi lorsque normes locales et étatiques sont en contradiction ou lorsque certains problèmes concrets ne trouvent de réponse ni dans les règles locales ni dans le droit positif (c'est le cas pour les ventes de terres objet de droits coutumiers, qui existent tout en n'étant pas reconnues comme légitimes localement et ne relevant pas non plus de procédures précises).
  - *Institutionnelle*, lorsque la compétition et la concurrence entre instances (coutumières, publiques, mixtes, etc.) jouant un rôle dans la régulation foncière – ou leur corruption – amènent à des arbitrages illégitimes ou illégaux, ou bien lorsque les procédures d'accès au droit sont en pratique inaccessibles.
  - *Contractuelle*, lorsque c'est le contenu même du contrat entre deux personnes qui se montre flou. On voit ainsi, d'une part, que la nature diverse de l'insécurité n'appelle pas toujours les mêmes types de réponses (en pratique, les cas de conflits mêlent souvent plusieurs formes), d'autre part, que l'arbitrage et la gestion des conflits sont une dimension à part entière de la sécurisation. Le fait le plus frappant réside sans doute dans les décalages au sein des normes.

## SÉCURISATION FONCIÈRE ET RÉGULATIONS

### La sécurité foncière plus que la propriété

La thématique de la sécurisation foncière émerge ainsi d'une critique d'une approche de la sécurité foncière en termes de titre:

- *La sécurité des droits* suppose que ceux-ci ne soient pas contestés sans raison, ou que, en cas de contestation infondée, les droits légitimes soient confirmés; cela vaut quels que soient les droits en question, leur nature, leur origine ou leur statut au regard de la loi.
- *Il ne faut donc pas confondre* «sécurité» des droits et «nature» des droits: par exemple, un droit de culture temporaire peut être précaire, sans que cela ait de lien avec la sécurité ou l'insécurité.

- *Des titres peuvent ne pas offrir* de sécurité foncière en pratique, s'ils ne bénéficient pas de reconnaissance sociale ni de légitimité locale.
- *D'un point de vue productif*, l'enjeu est de garantir un accès sécurisé à des «droits d'exploitation» (prélèvement, exploitation, investissement) et non à la propriété en tant que telle, la propriété privée n'étant qu'une forme de droit.
- *Plus largement*, d'un point de vue empirique l'enjeu est bien celui de l'accès à la terre et aux ressources, et du *contrôle* de cet accès.

L'approche en termes de sécurisation permet ainsi de raisonner sur la *sécurité de l'accès* aux ressources productives, sans présager a priori de la *nature* des droits sur ces ressources, ni de leur *statut juridique*. La question de la sécurité foncière (indispensable pour produire et condition de paix sociale) peut ainsi s'aborder de façon indépendante de celle de la propriété (et en tout cas du statut légal des droits), ce qui permet de prendre en compte la large gamme des droits existants: droits dits «coutumiers», mais aussi droits issus de la loi (titres, permis d'exploiter, etc.) ou droits hybrides (exploitants installés par l'Etat sans statut juridique, terres coutumières achetées, etc.).

### **La sécurisation foncière comme enjeu de régulation**

Parler de sécurisation, c'est, comme le souligne Le Roy, mettre l'accent sur le *processus de sécurisation*, c'est-à-dire le processus par lequel les droits sont affectés, validés, et garantis en cas de contestation. Cela montre que la sécurité foncière n'existe pas en soi, mais est nécessairement le résultat d'un processus social, mettant la question des *institutions* (normes, autorités) et celle des liens entre droits et *autorités* (coutumières, néo-coutumières, étatiques, etc.) au cœur du débat. Cela vaut pour les droits acquis dans le cadre de régulations tant coutumières qu'étatiques, et renvoie tout particulièrement à la racine du problème foncier en Afrique où, pour une part, l'insécurité foncière découle de la pluralité des

normes et de la compétition entre instances d'arbitrage, insuffisamment articulées ou hiérarchisées (Lavigne Delville, 2000).

Dans ce contexte, du fait des évolutions sociales et politiques, de l'intervention de l'Etat et des projets de développement, les acteurs de la gestion foncière locale, potentiels ou réels, sont aujourd'hui très nombreux. Aussi la sécurité foncière découle-t-elle du soutien des acteurs les plus puissants, ou d'un accord sur les droits en question négocié entre différentes parties prenantes. La sécurisation foncière relève ainsi d'un enjeu de régulation sociale, à savoir des formes de coordination entre acteurs multiples, des processus d'«élaboration des règles, c'est-à-dire [des] ajustements sociaux et [des] compromis qui les rendent acceptables» (Gaudin, 2004), à travers des conflits et des négociations impliquant l'émergence de régularités dans les décisions et les arbitrages «d'autorités légitimes et gestionnaires» (Le Roy, 1996).

### **CONCLUSION**

Ces clarifications conceptuelles permettent de poser de façon plus substantielle les questions de la sécurité et de la sécurisation foncières. Elles semblent permettre d'échapper au piège du dilemme «titre/droits coutumiers», pour appréhender concrètement les situations foncières.

«Passer de 'sécurité' à 'sécurisation', c'est exprimer l'idée que la sécurité n'est pas un état stable, mais le résultat d'un ensemble de facteurs s'inscrivant dans un espace-temps à prendre en considération cas par cas» (Le Roy, 1996).

Cette problématique met l'accent sur la légitimité des normes à partir desquelles se définissent les droits, et sur le dispositif institutionnel qui les définit et les garantit. Elle permet de sortir de l'illusion que le titre foncier issu de l'immatriculation (ou n'importe quel autre document écrit attesté par l'Etat) est une condition nécessaire et suffisante de sécurisation<sup>3</sup>. Elle offre ainsi une perspective particulièrement

<sup>3</sup> Sur la question des «petits papiers», voir Lavigne Delville, 2002.



intéressante, dans des contextes de pluralité conflictuelle de normes et d'instabilité des instances d'arbitrage et de régulation, tant d'un point de vue conceptuel qu'opérationnel. En effet, la question des dispositifs légaux et institutionnels de sécurisation foncière (les titres, les enregistrements, les formes de gestion de conflits, etc.) est dès lors abordée en relation aux problèmes d'insécurité effectivement rencontrés par les différents acteurs, et non pas a priori, selon un raisonnement formel.

La question des politiques foncières se pose ainsi sous un angle plus pertinent d'un point de vue scientifique, mais surtout *plus opérationnel*, en prise avec les enjeux concrets qui se posent aux acteurs, en évitant les problèmes conceptuels et les fausses oppositions qui obscurcissent trop souvent les débats.

## BIBLIOGRAPHIE

- Breusers, M.** 1999. *On the Move; Mobility, Land Use and Livelihood Practices on the Central Plateau in Burkina Faso*, Münster, LIT/APAD, 423 p.
- Bruce, J.W. et Migot-Adholla, S.E.** éd. 1994. *Searching for land tenure security in Africa*, Kendall/Hunt, 282 p.
- Falloux, F. et Rochegude, A.** 1986. La nécessaire maîtrise des espaces fonciers pour la gestion rationnelles des ressources. *Atelier sur le contrôle de la désertification et la gestion des ressources renouvelables dans les zones soudano-sahéliennes d'Afrique de l'Ouest*. Oslo, Banque mondiale, 28 p.
- Gaudin, J.P.** 2004. *L'action publique: sociologie et politique*. Presses de Sciences Po/Daloz, Paris, 242 p.
- Hesseling, G.** 1991. Les citadins et le droit à la ville: des stratégies diversifiées, dans Le Bris *et al.*, *L'appropriation de la terre en Afrique noire*, Karthala, p. 203-213.
- Jacob, J.P.** 2002. La tradition du pluralisme institutionnel dans les conflits fonciers entre autochtones. Le cas du Gwendégué (Centre-Ouest du Burkina Faso), Document de travail de l'UR 095 n° 3, UR REFO-IRD/GRET, 39 p.
- Lavigne Delville, Ph., éd.** 1998. *Quelles politiques foncières en Afrique rurale? réconcilier pratiques, légitimité et légalité*. Ministère de la Coopération, Paris, Karthala.
- Lavigne Delville, Ph.** 1998b. Sécurité foncière et intensification. Dans Ph. Lavigne Delville (éd.), *Quelles politiques foncières en Afrique noire rurale? réconcilier pratiques, légitimité et légalité*, Ministère de la Coopération, Paris, Karthala, p. 264-292.
- Lavigne Delville, Ph.** 2000. Harmonising formal law and customary land rights in french-speaking West Africa. Dans C. Toulmin et J. Quan (éds), *Evolving land rights, policy and tenure in Africa*, DFID/IIED/NRI, Londres, p. 97-121.
- Lavigne Delville, Ph.** 2002. *Les pratiques populaires de recours à l'écrit dans les transactions foncières en Afrique rurale. Eclairages sur des dynamiques d'innovation institutionnelle*, Documents de travail de l'UR REFO 7, IRD, 22 p.
- Le Roy, E.** 1996. Des autorités foncières légitimées, autonomes et gestionnaires. Dans Le Roy *et al.*, éds. *La sécurisation foncière en Afrique*, Paris, Karthala, p. 239-250.
- Le Roy, E., Karsenty, A. et Bertrand, A.** 1996. *La sécurisation foncière en Afrique: pour une gestion viable des ressources renouvelables*, Paris, Karthala.
- Platteau, J.-Ph.** 1996. The evolutionary theory of land rights as applied to sub-saharan Africa: a critical assesment. *Development and change*, (27)1: 29-86.
- Platteau, J.-Ph.** 1998. Droits fonciers, enregistrement des terres et accès au crédit. Dans Ph. Lavigne Delville (éd.), *Quelles politiques foncières pour l'Afrique rurale?* Coopération française, Paris, Karthala, p. 293-301.



## **Communications stratégiques pour des projets d'enregistrement des terres: étude de cas sur El Salvador**

*Parmi les nombreuses conditions requises pour un développement économique rationnel, deux conditions sont jugées primordiales: un accès socialement équitable à la terre et la sécurité des droits fonciers. Une grande étude publiée récemment par une équipe de chercheurs (Deininger, 2003) présente des observations de portée mondiale, couvre les différentes options et stratégies possibles, mais ne traite pas d'un aspect fondamental, qui peut déterminer l'échec ou le succès de tout projet d'accès à la terre et d'enregistrement des biens fonciers, à savoir les communications stratégiques, qui font partie intégrante de tout projet, programme ou initiative visant à renforcer les institutions. Cet article s'efforcera, du moins en partie, de combler cette lacune et d'encourager les débats sur une question qui risque d'être sous-estimée et, en conséquence, sous-financée ou mal gérée.*

## **Las comunicaciones estratégicas en los proyectos de registro de tierras: estudio de caso de El Salvador**

*Entre las numerosas condiciones necesarias para un desarrollo económico adecuado, es sabido que el acceso socialmente justo a la tierra y la seguridad de los derechos de tenencia revisten la máxima importancia. Un trabajo de gran envergadura publicado recientemente por un equipo de investigadores (Deininger, 2003) presenta observaciones realizadas en todo el mundo y expone las diversas opciones, así como toda la gama de estrategias diferentes. Sin embargo, no aborda un aspecto que es fundamental para el éxito o el fracaso de todo proyecto relacionado con el acceso a la tierra o con el registro de la propiedad agraria: las comunicaciones estratégicas, componente integral de cualquier proyecto, programa o actividad de fortalecimiento institucional. Este artículo intenta colmar, al menos en parte, esa laguna y estimular el debate sobre un aspecto que se corre el riesgo de subestimar y que podría, en ese caso, no recibir financiación suficiente o ser objeto de una gestión inadecuada.*

# Strategic communication for land registration projects: a case study from El Salvador

Lucia Grenna, Helena Miranda and Fabio M. Santucci

Lucia Grenna is Unit Head, Communication for Sustainable Development in Operations, Development Communication Division (DevComm), The World Bank, Washington, DC; Helena Miranda is a freelance adviser in communication, El Salvador; and Fabio Maria Santucci is Professor at the Faculty of Agrarian Sciences, University of Perugia, Italy.

*Of the many conditions required for proper economic development, socially just access to land and security of land rights are recognized as being of the utmost importance. A major recent publication by a team of researchers (Deininger, 2003) presents worldwide observations, covers the different options and all the various strategies – yet does not treat one aspect that is of vital relevance for the failure or success of any land access or land registration project: that of strategic communications, which are an integral component of any project, programme or effort towards institution building. This paper will try to fill this void, at least partially, as well as to stimulate discussion about a topic that risks to be underappreciated, and consequently underfunded or mismanaged.*

## STRATEGIC COMMUNICATION

Strategic communication is much more than the mere dissemination of information via usual means. It is not institutional public relations, nor the brainwashing of beneficiaries. It is communication for sustainable development with a holistic approach, which involves actively soliciting stakeholders' views in order to shape policy, putting in place mechanisms for a two-way flow of information and pursuing a dialectical process to reach a consensus on future actions (FAO, 2005).<sup>1</sup>

A strategic communication approach consequently does not add costs to the project cycle but rather reduces them – eliminating useless, meaningless, often

unplanned communication activities and, furthermore, ensuring that the project is properly designed, its goals shared by all stakeholders and that its implementation is successful (Santucci, 2005).

With reference to land registration projects, the essential roles of communication within such a participatory approach are as follows (Dalal-Clayton and Bass, 2002):

- to create awareness about land registration activities, purposes and consequences for public authorities and private owners, as well as an appropriate communication environment;
- to create momentum and reinforce the continuity of the registration process;
- to ensure transparency;
- to manage expectations.

At the operational level, strategic communication requires identifying the key stakeholder groups, defining together what is expected from them, elaborating appropriate messages, selecting communication methods

<sup>1</sup> Two major issues are inclusion and expression. Inclusion brings stakeholders into the process, while expression solicits their views and opinions about the most important development issues they face. The successful involvement of stakeholders will ensure effective ownership, participation and accountability in both preparation and implementation.

and media, indicating responsibilities and resources and agreeing on indicators for monitoring results.

Among the key questions are the following:

- Stakeholders: Who are the groups and categories with primary and secondary interests in the future activities? What do they already know and think about the contents and goals of the project?
- Stakeholders' involvement: What is expected from them? Which behaviours, although justified by habits and traditions, should be modified through the project?
- Research: What do we need to share – existing knowledge, attitudes, practices – before planning our messages? How do the different categories get information and skills? Which sources of information do the stakeholders rely upon?
- Media and methods, resource institutions and individuals: What information is already being offered? Which agencies (public, private and non-governmental organizations [NGOs]) are already operating? What skills and talents are available and could be drawn upon to help develop and implement strategic communication?
- Budget: What will be the cost of strategic communication involving all groups of stakeholders?
- Evaluation criteria: What indicators of inputs, outputs, outcomes and impacts will be used to continuously and periodically monitor the implementation of the communication strategy, so as to introduce timely improvements? How will the stakeholders be involved in the monitoring and evaluation (M&E) process?

Communication activities involve an iterative process that can be divided into five important steps: (1) assessment; (2) planning; (3) material development and pre-testing, as well as training of advisers on topics and communication techniques; (4) implementation, monitoring and ongoing evaluation; and (5) final evaluation. The monitoring and evaluation (both ongoing and final) allow a continuous circle of

reassessment and refinement (Cabañero-Verzosa, 1999), both within the time frame of the project and for future projects.

Central to the assessment stage is to obtain the information that will guide the communication strategy and to identify the following elements: which stakeholders need to be reached, who are they and how are they segmented; which behaviour should be encouraged or discouraged; what approach is feasible for the identified group(s) of stakeholders; which opinions and attitudes should be corrected; which are the communication channels used by the stakeholders and which sources do they trust. For example, many rural people do not trust their governments, or they fear that land registration will lead to taxation. They hide when the measurement teams arrive and sometimes even fiercely oppose registration actions. In other cases, even with a positive attitude about registration, interested parties are not on the spot to agree about boundaries, or they do not have any available documents demonstrating existing rights. Many have emigrated abroad or moved into towns, and the family members still at the village need time to contact them in order to get information or papers about their land rights. To avoid resistance and delay, different communication activities are required to open the way and prepare the ground for the technical and legal teams, which otherwise risk losing precious time and missing the technical targets of the project (number of owners registered, number of parcels, areas measured, conflicts solved, etc.).

Therefore, issues such as existing communication sources and channels and their capabilities, as well as basic socio-economic facts about each different stakeholder group, their cultural and political dynamics, the government's existing plans and the public views about the existing programmes, all need to be included in a social assessment.

At the planning stage, a clear course of action is devised on the basis of this information. Important elements of the plan include: the behaviour aimed at,

the planned achievements, the message concepts that will promote perceived benefits of the new behaviour and the communication methods and media to involve the stakeholders in the most effective way to ensure their full and conscious participation. Supporting elements such as a budget, a timeline and the building of institutional capacity for communication work are also necessary.

At this stage, two factors are very important. The first is the specificity of each group of stakeholders and their context: each activity should be selected for each stakeholder group<sup>2</sup> with specific messages and channels in mind to achieve specific goals. The tailoring of the communication to the stakeholders will strongly influence both the goals of the strategy and the length of time it will take to be effective. The second factor is the need for realism; it should be taken into account that changes in opinion, attitude and behaviour are always a long-term process.

Finally, monitoring and ongoing evaluation should be carried on simultaneously with implementation, as programmes are monitored to gather systematically information on stakeholders' participation, opinions about messages, and subsequent changes in knowledge, attitudes, beliefs and practices associated with the intervention. The goal of monitoring is to make continual corrections that will improve the communication intervention. A separate and final evaluation follows completion of the project, to provide lessons for future communication programmes (Cabañero-Verzosa, 1999). Usually, the setting of well-defined objectives and targets in collaboration with the stakeholders themselves makes it possible

<sup>2</sup> For example, the prospective audience can be distributed along a "stages of change" continuum, i.e. from those who are ignorant that a problem exists, through those who are aware, concerned, knowledgeable, motivated to try a new behaviour and finally, those already engaged in the recommended behaviour (Cabañero-Verzosa, 1999). The prospective audience also can be divided into government officials at all levels, academics, institutes, think tanks, NGOs, international organizations, opinion formers/spokespersons/ local leaders, civil society and its organizations, the media and so on (Mozammel and Zatlouk, 2002).

to prepare verifiable, useful indicators both of the impact and the process; however, it should be kept in mind that such procedures are notoriously challenging. For example, changes in stakeholders' knowledge, awareness and behaviour will be influenced by many factors other than the implemented communication activities, thus making it difficult to attribute those changes solely to the communications strategy. In addition, needs, expectations and requirements shift rapidly, calling for rapid support and adaptation in a process that is always highly demanding (Dalal-Clayton and Bass, 2002).

### **THE LAND ADMINISTRATION PROJECT (EL SALVADOR)**

The Land Administration Project (better known as PAT, Proyecto de Administración de Tierras) began its operations on 30 March 1997 with the aim of regularizing land registration for several million rural and urban land parcels and strengthening an already existing, relatively efficient and financially self-sustaining authority, the National Registry Council (NRC; in Spanish CNR, for Consejo Nacional de Registros). As in many other countries, the land tenure situation in El Salvador was largely confused, with poor or totally missing documentation, de facto occupancies and unclear property rights. This situation contributed to civil unrest, which ultimately led to the civil war of the 1980s.

After the peace agreements of January 1992, it was felt that the entire system had to be modernized. With Executive Decree 62/1994, the NRC was established under the jurisdiction of the Ministry of Justice. Several institutions have been merged: the Register of Properties and Mortgages (established in 1881), the Social Register of Estates (established in 1991 for dealing with small and very small owners) and the National Geographic Institute. Later on, with Legislative Decree 462/1995, the NRC was put under the jurisdiction of the Ministry of Economy.

A first pilot project was funded in 1995–97 by the World Bank and took place in the

Department of Sonsonate. In this period, the communication activities were managed directly, with mass communication and field agents (promoters) coordinated by the Communication Unit of the NRC (UEP-CNR, 1995). Technical activities were contracted out to private operators. This separation of tasks caused several coordination problems, but the final results of the experience were satisfactory: 114 000 parcels were properly registered, in comparison with the target of 120–150 000 parcels.

When the latest project started in 1998, in order to avoid coordination problems between field promoters and measurement activities, the field promotion was contracted out to the same company that had won the contract for technical measurement. After the first months, the need was felt to have at least one professional fully devoted to managing and coordinating both levels of communications, those channeled through mass media, and those to be carried out in the field via personal communication. Also in 1998, the character of *El Chambita Medidor* (“the small Salvadoran who measures”) was invented, who goes from village to village and from place to place to measure the land. A song was also produced, which (with local music) says that the measurement will take place. This song initially lasted almost two minutes and now has been reduced to 51 seconds, so as to fit better in radio programmes. In three years, over 217 000 parcels were fully registered, versus an estimated number of 222 000, in the departments of Ahuchapan and Santa Ana.

Still, direct management of mass information was felt to be much too cumbersome for the NRC and required too much bureaucracy. Consequently, in 2001 it was decided to outsource the whole package, with one single contract for technical measurement operations, field promotion activities and mass communication. The Communication Unit of the NRC had now to concentrate its attention on general supervision and on corporate communication.

The project was divided into three contracts: a) the Department of La Paz

with 102 000 parcels; b) the rural part of the Department of San Salvador and the Department of La Libertad, with 274 000 parcels; c) and the metropolitan area of the capital, El Salvador, with an estimated 532 000 parcels. Altogether, an estimated total of 908 000 parcels had to be fully registered before project conclusion in December 2004. The first two bids were won by the same company and the third was won by another firm; in addition, the first two contracts were implemented using slightly different organizational strategies because the terms of reference were conceived in a different way. The communication budget was divided into 70 percent for field operations (including salaries, operational costs of promoters and the recently established hotline) and 30 percent for mass communications, out of which 60 percent is for radio and 40 percent for printed materials.

### **Mass communication**

Mass media communication for contracts (a) and (b) were organized by the same firm, and cooperation was established with the firm that won contract (c), to avoid confusing messages and to exploit all likely scale economies.

Mass communication was largely based on radio spots, with short stories with the well-known jingle saying that *El Chambita Medidor* was coming to measure the parcels. Owing to the small size of the country, these transmissions covered the whole of El Salvador. Schedules were carefully planned to avoid periods with excessive competing communications (Christmas, Easter) or pre-electoral weeks. Each contract entailed 1 500 spots per month, for a total of 4 500 per month. Other mass communication was made using the same jingle on local radio or market radio, complemented by a final message indicating that the measurement was organized for the following days. On the first day of measurement, cars with loudspeakers moved through the area, reminding residents that the registration operations had started.

In order to strengthen the message, posters, leaflets and comic books for children were distributed in the area that was going to be measured. The comic books described likely situations and they were useful to transmit some suggestions to adult non-readers, via their children.

### **Field promotion**

Field communication activities are extremely important to reinforce the message and to ensure that when the measurement staff arrive, owners or occupants of all parcels will be there, with the available documentation. Field operations were structured into two phases:

First phase (diagnosis and analysis): about 30 days before the technical staff come, the promoter scouts the area, checks the correspondence with existing maps, verifies that roads and streets are accessible, takes note of crops, speaks with people about what is going on and introduces himself or herself. The promoter hangs posters in visible places and distributes leaflets. Later the promoter returns to the same area, sometimes accompanied by other personnel, sometimes with a supervisor or NRC staff, to visit the local leaders (mayors, clergy, health operators, the presidents of the neighborhood council, teachers, police, etc.) in order to have their support. Meetings are organized for the entire population.

Second phase (local promotion): during the week before the measurement staff arrive, four days are devoted to intensive interpersonal communication in the area to ensure that all owners or occupants, or empowered relatives, will be present on the measurement days, ready with their documents (if they have any) and willing to cooperate. The promotion consists of several meetings – previously organized with local leaders, groups or individuals – to explain the reasons and the benefits, reduce the fear of new taxation, define the timing of operations and get names and telephone numbers. All this information is given to the supervisor. The fifth day coincides with the first day of the technical staff's arrival

in the area. The promoter accompanies the supervisors and technical staff, and a car with a loudspeaker canvasses the area.

### **Hotline**

With the operations approaching the capital area, it was decided to open a telephone hotline, through which interested people could get information about forthcoming measurement activities. In 2003, about 20 calls per day were received. Information required was monitored and feedback was given to improve field operations and mass media utilization.

### **Monitoring and evaluation of the communication activities**

The improvement of the quality of communication was always considered vital by the NRC management and by the contracted agents, and consequently output (radio emissions, posters, information in the daily newspapers, field activities, etc.) was monitored constantly.

In 2001, a formal evaluation of the communication activities was carried out. About 3 000 people in the departments of Ahuchapan, Santa Ana and San Salvador were interviewed. Field operations had not started yet in San Salvador, but project management wanted to explore the level of existing awareness. It turned out to be quite high (70 percent in San Salvador), and 76 percent knew that NRC was measuring the parcels. The *Chambita Medidor* was known by 81 percent (86 percent in San Salvador). Radio spots were the most important information medium (88 percent), with all other methods below 10–15 percent. Also, in the areas where the field promotion had been carried out, the vast majority of respondents attributed their knowledge to radio spots. It was found that the message was still remembered by 62 percent of the people. The radio message was considered easy to understand (86 percent) and very much appreciated (71 percent). Sixty-five percent liked the song and 77 percent suggested to make no changes.

Other methods or media referred to by the respondents were the home visits



(11.5 percent and 12.3 percent, respectively, for Santa Ana and Ahuachapan); announcements in the daily papers (4.5 percent and 3.1 percent); cars with loudspeakers (13.5 percent and 9.8 percent); leaflets (5.7 percent and 4.2 percent); posters (10.0 percent and 3.4 percent); and comic books (1.4 percent and 0.5 percent). For the future, respondents suggested also to use television (46 percent), to be more informative and explain better why measuring the properties is important (25 percent) and generally to make more promotion (24 percent). Following this study, and also taking into consideration observations made by field personnel and other staff, some changes were proposed in the format and contents of both graphic and spoken communication. Focus groups were used to validate the suggested changes before their implementation, with one group from a rural area and another from an urban area.

Another evaluation (Hernández, 2003) took place on 12 March 2003 in nine municipalities where 500 people were interviewed; 93 percent knew that the technical measurement operations were coming, and all five technical aspects were known by more than 80 percent of respondents. The most important communication media had been the leaflets (22 percent), the radio spots (20 percent) and the loudspeakers mounted on a car (18 percent). Individual meetings with the field promoters were quoted by 18 percent and community meetings by 9 percent of respondents.

### **Changes introduced after evaluation**

The new messages were made more gender sensitive: in the radio spots some new characters were women, and a woman also appeared on the posters. Names of areas under measurement were not printed; instead there was a blank space where they could be written with block letters by the field promoters. This change reduced the production cost, eliminated waste of leftover posters and allowed the message to be focused better. The poster size was reduced and it was printed horizontally. The name

of the measuring firm was deleted (it was misleading and led to waste), and only the NCR logo was put on posters, t-shirts, caps and other promotional items. This allows the same materials to be used for all firms, with obvious scale economies. Positioning of posters in public places was improved and radio transmissions have been timed better to reach the highest number of listeners. Leaflets have been printed on cheaper paper and only in black and white, but in much larger numbers.

### **Conclusions**

The communication strategy of NCR has been quite successful, because several aspects were combined in a positive way: the organizational setting, the appropriate mix of mass media and labour-intensive methods, continuous monitoring and periodic evaluations. All stakeholders participated in the evaluation and contributed their opinions and suggestions: the field agents who took note of what they felt and saw while talking with the people; the supervisors; the measurement personnel; and the hotline operators who reported about the typology of questions. There was also an external component, in the form of focus groups and surveys. These components were applied with attention to budget and to cost-effectiveness, leading to a better and more efficient strategy.

### **RECOMMENDATIONS**

Mainstreaming strategic communications into rural development projects does not appear to be a tremendously difficult task, nor does it seem that it could produce cost increases. Almost all rural development projects pay for field-level personnel, produce an impressive variety of printed materials, contribute to radio programmes, create TV ads and have public relations activities – but with little planning and almost no monitoring and evaluation. There is a lot of creativity but not much order, and this means that there is sometimes a waste of resources, little or no knowledge creation and slow improvements. Therefore, some of the following recommendations (Santucci, 2005)

are deceptively simple, but this only confirms that with a little effort and some professional skill, great improvements are possible.

**Have a communication expert in the project formulation team.** A communication expert should be integral to the project formulation team, in order to have the communication problems in view from the very beginning of the talks. This person should have two main tasks: a) to ensure that communication activities are properly envisioned and budgeted, interacting with the other technical expertise; and b) to ensure that proper communication activities are actually implemented during the project formulation, to promote full and conscious participation of all likely stakeholders.

**Develop a communication audit.** In all countries, rural people already receive information from a variety of existing sources: radio and TV stations, newspapers and magazines, NGOs, churches, ministries, friends and intermediaries. The knowledge of what media are available in the future project area is extremely relevant for designing the draft of the communication strategy.

**Establish a team of communicators.** Whenever a project will involve more than one agency, at least one communicator per agency should be designated as a member of the communication team, either during the formulation or later during the implementation.

**Identify likely stakeholders.** The various groups of stakeholders should be identified and described, both qualitatively and quantitatively, because this information is fundamental to the design of the technical part of the project, and even more vital for the communication strategy. Social and economic variables can be used in this exercise, so as to have a clear vision of who will be involved in the project formulation and implementation.

**Introduce opinions and beliefs, attitudes and knowledge into the baseline.** Most projects want to change the present situation and introduce some modifications in people's attitudes and behaviour. These objectives can only be achieved if the individuals and the communities are willing and able to implement some suggested behaviour, but behaviour is influenced by beliefs, attitudes and knowledge. The existing situation at the moment of project design should therefore be properly described in terms of what people think about institutions, their living conditions, and their perceived problems, perspectives and beliefs.

**Set quantitative communication objectives.** Once the baseline has been established (partly during project formulation and partly through specific surveys at the very beginning of the project implementation itself), intermediate and final quantitative targets should be established, to be reached at progressive stages during the project (e.g. after one, two and three years) and upon its completion. These intermediate and final targets are the primary objectives of the communication activities and should not be confused with the project's technical objectives (establish new legislation, register a certain number of properties, solve certain disputes, register a given number of hectares, reduce time for recording by a specific number of days, and so on). As a matter of fact, the achievement of the technical objectives is not only due to improved knowledge or a change of opinions, but also to such factors as availability of inputs, market fluctuations, climatic conditions and political stability. It has been proved (Rogers, 1983) that on many occasions, the knowledge of the beneficiaries has been improved and they have developed a proactive desire to change, but change failed to occur owing to other impediments. The establishment

of appropriate communication targets and the monitoring of the evolution can lead to greater understanding of whether the missing change of behaviour is due to poor communication, or to other causes.

**Elaborate a strategy and then a programme of communication activities.**

The overall strategy describes the main purposes and the directives for the communication activities, their major orientations and motivations, whereas the annual programmes of activity enter into more specific details.

**Quantify a budget for communication.**

The resources available for communication activities should be clearly established in the Project Appraisal Document and their utilization should be properly respected.

**Establish monitoring and evaluation procedures.**

Continuous monitoring and evaluation is fundamental for the smooth management of any project. If the communication strategy has been converted into a programme of activity, monitoring its implementation becomes easier (in terms of output production), and consequently facilitates the effective use of the budget. Impact evaluation should also be forecast via specific surveys, focus groups and opinion polls.

**Pre-test all media and train all personnel.**

All media to be produced in large numbers should be pre-tested beforehand, so as to avoid spending resources in useless or incomprehensible messages.

**Avoid logo confusion.** Projects do not last forever, but institutions remain. With this in mind, projects should not have their own logo and their own messages, but should rather channel their resources to strengthen the image of the agency or agencies they are supporting.

**Ensure internal communication.**

Knowledge management systems should be put in place to ensure that knowledge generated by the project is fruitfully shared and not lost. The flow of knowledge should be horizontal (between partner agencies), vertical (between the different layers of an agency), diachronic (through time) and should favour feedback mechanisms.

**Educate for communication.**

Short training courses should be organized for high-level officials and for technical staff about communication techniques. Most of these people are conscious of the relevance of good communication, but sometimes they lack the skills needed.

**Ensure technical assistance to communication.**

The implementing agencies might need backup support by specialists to elaborate and implement the communication strategy. In the technical assistance budget, as well as in the supervision missions or in the mid-term review mission, there should be room for a communication expert.

**REFERENCES**

- Cabañero-Verzosa, C.** 1999. *Strategic communication for development projects*. Washington, DC, World Bank (available at [www.worldbank.org/developmentcommunications/Publications/FinalBook.pdf](http://www.worldbank.org/developmentcommunications/Publications/FinalBook.pdf)).
- Dalal-Clayton, B. & Bass, S.** 2002. *Sustainable development strategies. A resource book*. London, UK, Earthscan Publications.
- Deininger, K.** 2003. *Land policies for growth and poverty reduction*. Washington, DC, World Bank.
- FAO.** 2005. *Communication for development roundtable report, focus on sustainable development*. Rome, FAO.
- Hernández, A.** 2003. *Evaluación de impacto de promoción*. San Salvador, Kamsax.
- Mozammel, M. & Zatlökal, B.** 2002, *Strategic communication in PRSP*, Washington, DC, World Bank (available at <http://siteresources.worldbank.org/EXTDEVCOMMENG/Resources/prspstrategiccommchapter.pdf>).

**Rogers, E.M.** 1983. *Diffusion of innovations*. 3rd ed. New York, USA. The Free Press.

**Santucci, F.M.** 2005. *Strategic communications for rural development projects*. Washington, DC, World Bank (available at <http://siteresources.worldbank.org/EXTDEVCOMMENG/Resources/strategiccommruralfinal.pdf>).

**UEP-CNR.** 1995. *Campana de publicidad, divulgación y relaciones publicas, Información Básica*. San Salvador.