

BRIEFING NOTES

to improve our understanding and ability to ask the right questions and take effective action on land matters in West Africa

“Land Tenure & Development” Technical Committee

A Support Procedure for Decentralised Land Management (DLM)

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Local actors’ tasks, rights and responsibilities change when the management of land, natural resources and activities is decentralised. This can be a challenging process, so everyone needs to be able to see the benefits these changes will bring and think carefully about the kind of support they will require. It should facilitate effective decentralised land management while being light and flexible enough to respond to the material and financial constraints that many States in West Africa have to overcome. This sheet draws on experiences in the River Senegal valley, where AFD has helped put in place mechanisms to increase the involvement of local people, local governments and the technical services in decentralised land management (DLM).

DLM Can Be Learned! A Flexible Formula for Capacity Building in this Field

If decentralised land management is to work, local governments need to have the capacity to manage the territory themselves; the deconcentrated administrative technical services (DATS) need to be able to help local governments fulfil their new responsibilities; and other local actors (elected officials, civil society and the general public) need to understand and recognise how this new distribution of tasks and responsibilities works.

Regardless of the type of capacities that they need to develop, local governments will only be able to function if other actors allow them to assume their new responsibilities. Similarly, technical agents will not be able to fulfil their new advisory and support role if other actors still regard them as the sole repositories of knowledge and authority. There is also a danger that local governments may abuse their new powers if civil society and local citizens are not closely involved in managing their territory.

The support procedure for Decentralised Land Management (DLM) in Sen-

egal was specifically updated in order to help each actor play their new role. The three main pillars of this support were:

- a sound strategy to enable priority actors (local elected officials, their technical and administrative staff and DATS) to acquire the capacities they would need to initiate DLM, by transferring adapted land management tools through a progressive action learning process that involved all the actors concerned;
- three specific training modules and sustained dialogue with all actors, as part of a parallel year-long support process to structure the changes in stakeholders’ knowledge and positions;
- an inexpensive and flexible local mechanism to institutionalise decentralisation.

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How It Works

● Transferring Capacities Quickly and Effectively

The DLM support procedure is based on a strong principle of learning through autonomous action: it is imperative that local actors can function autonomously in the space of a few months so that they can start actively managing their territory. This kind of ‘learning by doing’ is regarded as the best way of fostering autonomy, enabling the support services to progressively withdraw their support and leave local governments and other actors to steer, analyse and determine their first DLM actions on their own.

Three tools are successively put in place to progressively improve local actors’ DLM practices (these tools are covered separately, see references at the end of this sheet). Their first task is learning to agree on collective rules for land use and develop medium-term guidelines for managing land-related resources and activities (see land use plan below).

The next, more detailed stage uses a land use plan (LUP) to take account of local land rights, safeguard activities in the locality and then secure the tenure of those involved in these activities. LUPs safeguard the activity rather than the actors: for example, they can set aside particular areas for livestock rearing activities, but do not determine which herders have the right to use these areas. This is the role of the Land Allocation Information System (LAIS, see below).

In the final stage, more restrictive measures may be added to specifically address intensive land use and development (Land Use Charters, see below).

These three tools are:

- The **Land Use Plan (LUP)**, a jointly formulated plan that regulates land occupancy and different rural activities in a given area. It enables local actors to agree and decide on current land uses;
- The **Land Allocation Information System (LAIS)**, a set of procedures and instruments that are used to secure and properly manage legally assigned land rights in the area concerned. They are designed to be accessible to local actors, especially local governments;
- The **Land Use Charter (LUC)**, a joint procedure that enables the State, land users and local governments to clearly identify their responsibilities and ensure that land where the State has invested in productive infrastructures is put to the best possible use.

These tools are part of a sound medium-term strategy that can be adapted to local resource constraints: the first tool (LUP) helps achieve a satisfactory level of DLM from the outset; the second tool (LAIS) improves the management of land capital in the area; and when the resources and context allow an LUC to be put in place, this helps establish a joint model to optimise the use of local land resources.

● Targeted Support to Change the Knowledge and Positions of Different DLM Actors

The first element of this support consists of three training modules. These should benefit at least two of the main actors involved in DLM (elected officials and their support staff, and the decentralised State services), but should also be delivered to other local resource persons (farmer associations, civil socie-



A Quick Guide to DLM Tools

	WHAT IS IT?	WHAT DOES IT DO?
LUP	Decentralised rules for collective land use.	Allocates and secures land-related activities. Limits conflicting land uses. Ensures that the local government includes other stakeholders in thinking about its land management strategy.
LAIS	A system for securing and managing legal land rights.	Secures actors' land tenure. Limits conflicts over land rights and field boundaries. Ensures that the local government engages in collective thinking about its land management strategy.
LUC	Negotiated rules to optimise the productive use of land developed by the State.	Helps define standards for land use that are adapted to each local context and accepted by local land users.

ty organisations, customary authorities and village officials, etc.). The teaching format enables trainees to acquire basic knowledge of decentralised land management in just three modules:

- The first module on **Land and Decentralisation** provides information on decentralisation texts and procedures, land-related issues and the rights and responsibilities of each of the actors concerned;
- The objective of the second module, **Formulating a Territorial Policy**, is to enable participants to devise a set of practical territorial management guidelines that can be effectively incorporated into the instruments for decentralised management they have at their disposal (local development plan, LUP, etc.);
- The third module, **Applying the Rules**, is for the local government

agents who will be responsible for raising awareness about the collective rules for land occupancy and use and ensuring that they are appropriated and followed.

Details of these three modules can be found on the Internet (see "Further Information" at the end of this sheet).

The second element of support consists of a year of regular advice and assistance to progressively increase the different partners' legitimacy and effectiveness in their new roles. This is done through three types of support:

- Supporting discussions between local governments, technicians and the territorial administration, in order to develop mutual recognition of their new roles in DLM;
- Specific periodic training to fill gaps in the partners' knowledge about

particular tasks (from setting up local finance files to mastering office technologies);

- Proposals to improve the way that each partner works to implement DLM (especially local governments).

● Regionally and Flexibly Structured Support

Support should be flexible and affordable so that it can be delivered on a wide scale:

- **Regional interprofessional centres to support local actors.** These centres bring together the funding available for different kinds of support, analyse training needs, identify local service providers, make their infrastructures available for training, and progressively help local service providers improve their skills. They provide a flexible and adaptable

mechanism that can deliver targeted and tailored support and set up local networks of independent service providers.

- **National oversight of these regional centres.** The State should set up a small team of national experts based in the relevant central services to provide advice and support and monitor and structure these centres. This team should also be involved in the national information and awareness-raising strategy to help local governments and their partners implement changes across the country.

Conditions for Success

- LUPs, LAISs and LUCs should be covered by legal texts giving them sufficient probative force to be used against third parties and be applicable nationwide.
- Local taxes need to generate sufficient funds to support local government DLM actions, especially monitoring and application of the agreed rules. ●

FOR FURTHER ACTION, SEE:

Annexes:

- >> Training module on Land and Decentralisation
- >> Training module on Formulating Territorial Policies
- >> Training module on Applying collective local rules

<http://www.foncier-developpement.fr/publication/demarche-daccompagnement-mettre-en-oeuvre-gestion-territoriale-fonciere-decentralisee-gtfd/>

“Land Tenure & Development” Technical Committee Briefing Notes:

- >> D’Aquino P., Seck S. M., Fedior O., *Land Use Plans (LUPs), decentralised rules for local land occupancy*. P. d’Aquino, S.M. Seck, O. Fedior. CTFD, ADF, MAE fact sheet, Paris.
- >> *Land Allocation Information Systems: making land registration accessible to local people*. P. d’Aquino, S.M. Seck, M. Koffi. CTFD, ADF, MAE fact sheet, Paris.
- >> *Land Use Charters, a commitment to intensive and sustainable natural resource use*. P. d’Aquino, S.M. Seck, S. Camara. CTFD, ADF, MAE fact sheet, Paris.

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ANNEX 1

Training Module on Land and Decentralisation

Mathias Koffi

This is the first of a series of three training modules (the other two cover *Formulating Territorial Policies* and *Applying collective local rules*), which are designed to support the different actors involved in Decentralised Land Management (DLM), help develop local actors' knowledge and change their positions.

Objectives

To inform and train the different local actors involved in DLM (elected local officials, local government administrative and technical staff, local agents from the technical services and territorial administration, farmer organisations, civil society, village officials, etc.) on the texts and procedures relating to decentralisation and rural land management, with a particular focus on participants appropriating the rights and responsibilities of all those involved in DLM.

Content

SESSION 1: Forums on land and natural resource management provide a framework for exchange between the local government council and communities in the zone.¹ They fulfil several functions: providing a broader space where local people can come together to discuss land and natural resource

management; an opportunity to update the public on the tools and procedures that have been put in place to manage local resources; a framework to discuss local land governance; and a public forum where elected officials are called to account for the way that land and natural resources are managed.

SESSION 2: A range of training activities on decentralisation, covering:

- The local government code² and texts relating to the implementation of decentralisation, to improve participants' understanding of the legal provisions put in place by the central administration;
- The nature and extent of the powers devolved to local actors, the role of the deconcentrated administrative and technical services (DATS) in implementing DLM, the role of regional development agencies (RDAs), and intercommunal relations.

SESSION 3: Training on decentralised management of rural land and natural resources, to inform participants about how local governments can use the tools provided by different laws to play a key role in DLM.³ This training covers:

- **Archiving manual and digital DLM documents:** the aim is to en-

sure that DLM documents are properly stored and updated, help local governments resolve certain structural problems by appointing an official responsible for storing DLM documents, and tackle functional or organisational problems by distributing proposed documents for public consultation and filling gaps in documentation. Participants also learn how and when documents can be consulted.

- **Land and spatial management tools.** This module trains local land actors on the tools associated with the Land Allocation Information System (land documentation and registry, manual on land-related procedures, bundles of land rights). Participants are given a user's guide for each tool at the end of the training to help them understand and appropriate these tools.
- **Using GPS to demarcate parcels, plotting GPS coordinates, sketching plots and map reading.** This training is delivered to the local government council technical committees and DATS involved in the LAIS. The plot sketches and GPS plot demarcation are used in deliberations and land allocations, and for the mapping element of the LAIS.

¹ A zone consists of a set of villages with the same territorial specificities defined in the Land Use Plan (LUP).

² The general Local Government Code (GLGC) of 2004 in Burkina Faso, and the Local Government Code (LGC) of 1996 in Senegal.

³ Law n° 034-2009/AN of 16 June 2009 regarding the rural land regime in Burkina Faso, Decree n° 72-1288 of 27 October 1972 regarding the conditions for the allocation and withdrawal of national lands in rural communes, modified by Decree n° 80-1051 of 14 October 1980 and Decree n° 86-445 of 10 April 1986.

- **Training local bodies involved in land and natural resource management.** The role of the local authorities (village chiefs, village land committees, village reconciliation committees, village development

committees, etc.) is still largely confined to resolving conflicts over local resource use.

SESSION 4: Seminar on how the three previous themes relate to the imple-

mentation of land management tools such as LUMs, LAISs, LUCs and LDPs, and how they can be used to develop a shared vision of community space and inform decisions about local development. ●

>> Format

SESSION	TYPE	LOCATION	DURATION (DAYS)	PARTICIPANTS
SESSION 1	Zonal forum	Principal town in the zone	1	Local elected officials and support staff, village chief, local people (150 to 200 people).
SESSION 2	Workshop	Principal town covered by the local government (LG)	2	Local elected officials and support staff, LG technical committees, DATS, OPAs, village land and development committees, farmer organisations, NGOs, women and youth groups (50 to 60 people).
SESSION 3	Workshop		5	
SESSION 4	Seminar		2	Local elected officials and support staff, LG technical committees, DATS and OPAs (25 to 30 people).

>> Training providers' profiles

SESSION	TYPE	TRAINER PROFILE
SESSION 1	Zonal forum	1 land expert and 1 decentralisation expert, or 1 expert with knowledge of both fields (at Masters or BAC +4 level, plus at least 5 years' experience), ability to speak the local language is desirable, sound experience in rural development approaches essential.
SESSION 2	Workshop	1 expert in decentralisation and local development (BAC+4, with at least 5 years' experience), with proven experience in land and natural resource management.
SESSION 3	Workshop	1 land expert, 1 LAIS expert, 1 expert in archiving techniques, (all BAC+4, with at least 5 years' experience), proven experience in supporting natural resource management and rural land management.
SESSION 4	Seminar	1 expert in geography or rural affairs, specialist in support for decentralised land and territorial management (BAC+5, with at least 10 years' experience), proven experience in rural development.

ANNEX 2

Training Module on Formulating a Territorial Policy

Patrick d'Aquino

This is the second in a series of three training modules (coming after *Land and Decentralisation* and before *Applying collective local rules*), which are designed to support the different actors involved in Decentralised Land Management (DLM), help develop local actors' knowledge and change their positions.

Objectives

To enable the local government and its partners to build a workable vision

for their territory that can be translated into an effective local land and territorial management policy.

The political ('visionary') dimension is the outcome of a participatory process that enables each participant to explore and discuss their hopes for the future of the territory, and use simulations to test the operational decisions (content of the land use plan, local development plan, land information system) that will enable them to realise the chosen vision for their territory.

Content

This module consists of a three-day participatory simulation workshop for about 40 participants.

Day 1: Appropriation of the methodology and tools for participatory simulation of a local territorial policy (2h), followed by simulation of three territorial development policies and evaluation of their effects (3h).

Day 2: Historical and prospective analysis of the socio-economic and environmental trends in the territory concerned, followed by a prospective participatory territorial exercise (2h), simulation of four possible territorial development policies for the area, and evaluation of their effects (3h).

Day 3: Participants use the results of the simulations to translate the retained territorial policy choices into a land use plan, a local development plan and a land information system (3h); then identify the most appropriate ways of implementing and monitoring these tools (2h). ●

>> Format

TYPE	DURATION (HOURS)	PARTICIPANTS
Participatory simulation workshop	5	Elected local officials and support staff, village representatives, representatives of different socio-professional groups (40 to 60 people).
Forum	2	
Participatory simulation workshop	3	
Forum	5	

ANNEXE 3

Module de formation sur Application des règles collectives locales

Patrick d'Aquino

This is the last in a series of three training modules (coming after *Land and Decentralisation and Formulating a territorial policy*), which are designed to support the different actors involved in Decentralised Land Management (DLM), help develop local actors' knowledge and change their positions.

Objectives

To enable local governments to put in place an effective system to apply and monitor the collective rules contained in their local territorial management tools (Land Use Map, Local Development Plan, land management procedures, etc.).

Content

Day 1: A one-day seminar for local government staff, to determine how to apply and monitor the collective rules contained in the local territorial management tools. This includes allocating responsibilities, defining missions, identifying the actors concerned, determining the necessary and available human and financial resources, and producing an action plan that will mobilize the local networks needed to apply and monitor the rules (local agents, village resource persons, customary officials, etc.).

Day 2: Training workshop for local resource persons identified and select-

ed by the local government, with participation by elected local officials and staff from the deconcentrated territorial administration:

- Review current texts relating to decentralised territorial and land management, and each actor's responsibilities, rights and obligations;
- Participatory training and mobilization techniques;
- In-depth appropriation of the content of local government land management tools;
- Co-design an effective strategy and methodology to raise public awareness of the need to respect collective rules;
- Co-design a strategy and methodology for monitoring enforcement of the rules and sanctioning infringements.

Day 3: One-day seminar for local government staff to consolidate the administrative and financial aspects of the action plan to apply and monitor the collective rules. ●

>> Format

SESSION	TYPE	DURATION (DAYS)	PARTICIPANTS
SESSION 1	Workshop	1	Elected officials and support staff (20 to 40 people).
SESSION 2	Workshop	2	Resource persons selected to run local activities (local outreach agents, village resource persons, customary officials, etc.), local elected officials and members of the deconcentrated territorial administration (20 to 40 people).
SESSION 3	Workshop	1	Local elected officials and support staff (20 to 40 people).