

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

Towards operational mechanisms to secure agro-sylvopastoral commons in the Sahel

Lessons learned from 20 years' experience on the left bank of the River Senegal valley

by Patrick d'Aquino¹, Omar Fedior², Kader Ngom² and Aziz Sow², November 2020

In the late 1990s a pilot operation in the River Senegal delta introduced an innovative support tool for local authorities, known as Land Use and Allocation Plans (POAS)³ as an innovative support tool for local authorities. Conceived as a highly participatory tool that can be easily integrated into existing institutional frameworks, the 'POAS approach'⁴ is now well established across the sub-region and has helped legitimise the shared use of certain spaces (particularly sylvo-pastoral areas) – something that was widely regarded as incompatible with 'modern' development when it was first introduced.

The POAS approach aimed to create an operational framework for the identification and institutional recognition of shared spaces – commons – on the left bank of the River Senegal valley⁵. This kind of POAS can be seen as an 'empty' but secure 'box' that local authorities gradually 'fill' by identifying, testing and finalising the procedures they consider most relevant in securing and managing commons.

The two priority issues that have emerged over this 20-year process of progressive enrichment are:

- safeguarding collective decisions taken during the initial participatory formulation of a POAS;
- and combining POAS, land policies and natural resource management tools to ensure the long-term security of commons.

● Focus on preserving and strengthening the participatory dimension of POAS at every stage of the process

The bottom-up participatory POAS process needs to be embedded in the organisational structure of the commune. In this case, it consists of an extended land commission composed of elected local officials, village chiefs, representatives of different socio-professional groups and the state technical services; while local people are organised in village-based zones, with zone commissions representing diverse activity sectors, village chiefs, local elected officials and com-

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³ See 'Further information' section at the end of this paper.

⁴ See 'Further information' section at the end of this paper.

⁵ Commons are non-specialised spaces that are not privately appropriated, and which are regulated by a set of rules established by users over time ('traditionally'). Despite being very widespread, these spaces rarely receive the institutional recognition needed to secure their various uses and users.

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SAFEGUARDING COLLECTIVE DECISIONS MADE WHEN A POAS IS FIRST ESTABLISHED

The rules laid down in a POAS will only be sustainable if they are upheld by local communities and local authorities.

munity-based organisations. Concerns and proposed rules are gathered at this level and then discussed and validated by the communal-level extended land commission.

These commissions need to have clearly defined functions and procedures. In the River Senegal valley the chair rotates between the different village chiefs, a POAS facilitator services the commission and reports to the communal-level POAS coordinator, and monitoring bodies composed of residents are responsible for ensuring that the provisions of the POAS are respected. Information on existing avenues of appeal and alternative mediation mechanisms is provided, to inform local people about their options and develop their capacity to oppose any attempts to change the initial purpose of a space or allocate land without following the proper procedures. See figure page 5.

Finally, **the process of updating a POAS should be just as inclusive and participatory as its initial formulation.** It should also respect the principle of parallel forms,⁶ meaning that proposals should be formulated from the bottom up with support from the technical services and rules subjected to legal analysis and deliberation by the municipal council. The new document should be put to the vote, approved by the administrative authority, published and then monitored by peers, with conflict regulation mechanisms in place to resolve potential disputes.

⁶ *Parallelism of forms is a legal principle whereby an instrument adopted according to a certain procedure can only be modified or repealed by following the same procedure.*

- **The authorities need to be closely involved to ensure compliance**

When setting up a POAS it is important to remember that it is not a 'project', but a mechanism for decentralisation policies whose provisions have been deliberated by the communal council. This means that POAS has administrative value, and that **the administrative and judicial authorities are important stakeholders in ensuring long-term compliance with the rules established through POAS.**

In Senegal, for example, sub-prefects need to be aware that POAS has legal value and should be consulted before any further deliberations are approved. The same applies to gendarmes who may be called upon to intervene in conflicts over the use of commons. All relevant authorities should have a copy of the POAS and be fully informed about its content.

- **Local authorities need to support the learning process for several years**

Supporting the implementation of POAS is just as important as supporting its formulation. This can be done through regular work sessions to ensure that the diverse stakeholders all subscribe to the modalities and consequences of implementing the Plan (land allocations that reflect the purpose of particular spaces, oversight of rules and sanctions, ensuring that POAS and communal development plans are mutually supportive, etc.).

All stakeholders should be involved in supporting POAS implementation, from local elected officials to the local authority's administrative team, decentralised technical services and spokespersons for different user groups in

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Informing users about POAS rules in the locality

the zone commissions. It is also important to focus on good communication, using simple didactic tools in local languages (videos, illustrated documents, etc.) and mobilizing community radio stations.

- **The need for a financial component**

Plan for a dedicated communal budget for POAS

The inclusive organisation described above is effective but requires regular follow-up, monitoring and awareness-raising. Local authority budgets should cover the operating costs of zone commissions, support for coordinators and facilitators, etc. See table page 6.

Combine POAS with a local development funding component

However relevant they may be, consultation and capacity-building strategies will not automatically generate much enthusiasm among stakeholders struggling to meet their daily needs in contexts of poverty. A communal support fund could be used to complement POAS and support procedures to secure land tenure, with visible direct investments to help meet urgent social demand for boreholes, market gardens, fodder crops, weekly markets, pastoral ponds, etc.



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Here too, external financial support for the learning process will be required, to ensure that local authorities contribute financially to such initiatives.

THE THREE PILLARS OF THE COMMONS: POAS, LAND POLICIES, AND NATURAL RESOURCE MANAGEMENT TOOLS

● The need to recognise locally diverse commons

In terms of securing land tenure, the main strength of POAS is that it provides an opportunity to recognise rights that are based on how the land in question is used rather than on its status. This makes it possible to identify and recognise more diverse forms of land relations that combine shared uses of certain resources with more individualised uses of others.

Recognising the fact that commons allow for multiple forms of appropriation and use (as with traditional local rules) enables local authorities to divide their territory into different spaces, each of which is jointly managed according to its own rules by a zone commission. This means that there can be considerable variations in the way that individual land allocations, collective resource use and recognition of shared responsibilities for certain areas or resources are dealt with in each space.

POAS provides a secure framework that gives communities the freedom to progressively institute more detailed and diverse forms of management, drawing on local rules to create and develop the kind of common they want while remaining within the national regulatory framework.

● POAS as a staged process to strengthen these spaces

POAS is a tool for securing land uses, and should be used in conjunction with land registers, procedures manuals, Land Information Systems, land charters and other tools and bodies for securing land tenure (see CTFD sheets). The zoning element of the POAS process identifies areas with shared occupancy and use, which is a first step in securing land. It would be useful to have a second step setting out the authorised procedures for formalising land within these zones, such as collective land allocations to users' associations, and land charters specifying spaces where land allocations are prohibited in order to maintain their initial shared use. Collectively managed areas could also be made legally inalienable and regarded as common land assets.

In the same vein, POAS should be seen as a preliminary framework for sustainable decentralised resource management that will be progressively enriched. POAS zoning helps preserve key resources in each zone by identifying different forms of land use and specific rules for the use and/or protection of resources in that zone (such as local charters), which can then be supported through investment and infrastructure plans (for individual pastoral units, for example).

CONCLUSION: CONDITIONS FOR THE EMERGENCE OF ESTABLISHED COMMON SPACES

Experience in the River Senegal valley over the last 20 years has shown that certain conditions need to be in place to facilitate operational support for commons, namely:

An institutional framework that protects and promotes the progressive formalisation of common spaces and resources through:

- POAS formulation.
- Decentralised decisions by communities of users (zone commissions).
- Recognition of diverse and flexible forms of formalisation (institutional and land).
- Collective rules for natural resource use that are progressively enriched through learning by doing.

Support for collective action and initiatives characterised by:

- Bottom-up participatory approaches (rules initially proposed by users in each zone).
- Ongoing support for learning in stakeholder actions.
- A dedicated communal budget supported by funding for local development. ●

These pedagogic factsheets were produced with the support of the Technical Committee on 'Land Tenure & Development' and the 'Land Tenure Policy Elaboration Support' mobilizing project financed by the Agence Française de Développement. These factsheets can be downloaded in their entirety from the www.foncier-developpement.org web portal.

FOR FURTHER INFORMATION

>> D'Aquino P., Seck S.M., Fedior P., 2014a: *Land Use Plans (LUP). Decentralised rules for territorial land use*. 4 p. 'Land Tenure and Development' Technical Committee Briefing Note, Paris, Ministry for Europe and Foreign Affairs (MEAE), French Development Agency (AFD). <https://www.foncier-developpement.fr/publication/plan-doccupation-sols-pos-regles-decentralisees-dutilisation-dun-territoire/>

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POAS' stakeholders organisation and operation of management bodies, in a commune in the department of Podor

POAS coordination at the communal level

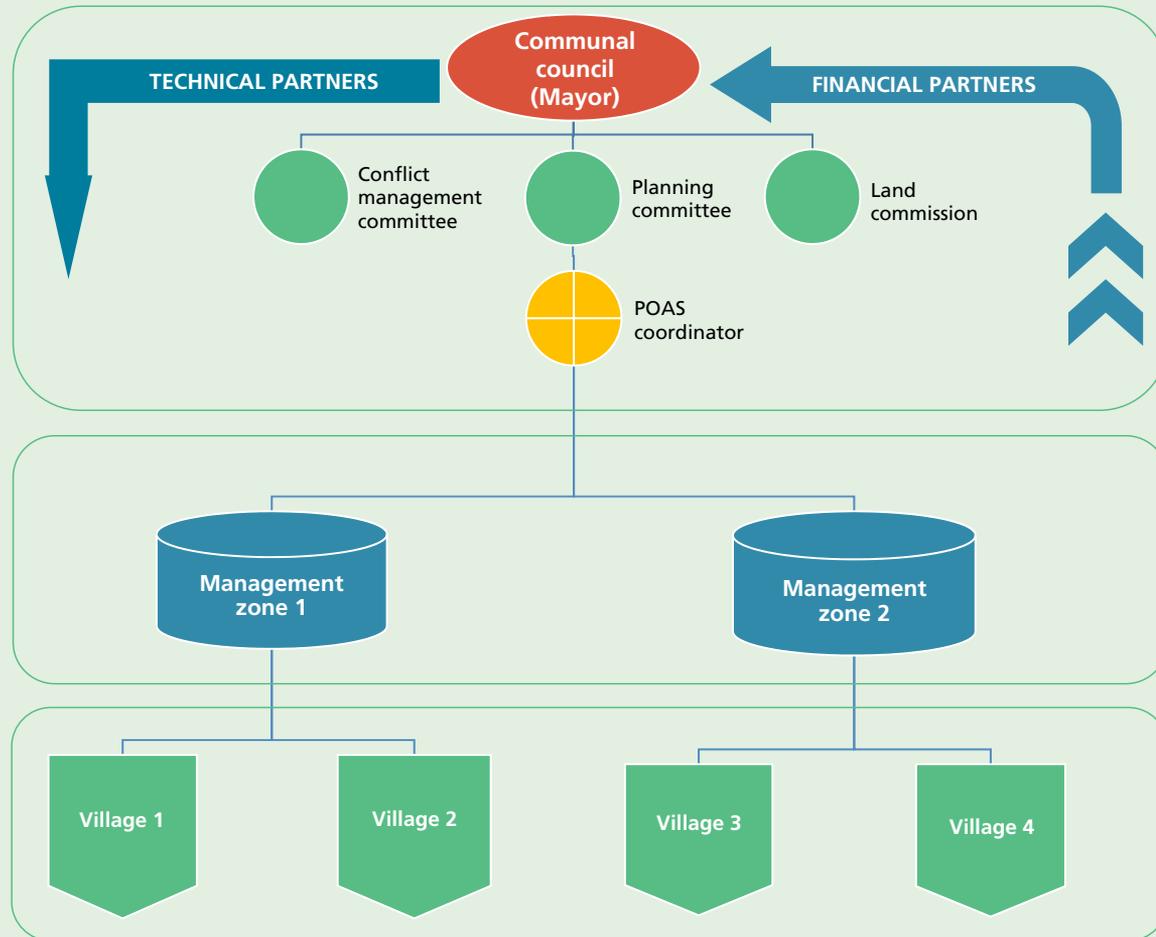
- Mayor
- **Elected communal officials**
- **Town Clerk**
- Representatives of socio-professional organisations (extended land commission)
- Deconcentrated technical services (extended land commission)
- Facilitators for the zone

Commissions responsible for POAS implementation in each zone

- Village chiefs
- Resident advisors
- Representatives of socio-professional organisations (agriculture, livestock, fishing, etc.)
- Youth representatives
- Women's representatives
- Facilitators for the zone

Village commissions responsible for POAS implementation

- Village chiefs
- Imams
- Farmers' representatives
- Herders' representatives
- Fishers' representatives
- Youth representatives
- Women's representatives
- Village-level facilitators



**SAMPLE OPERATING BUDGET FOR ZONE COMMISSION AND POAS FACILITATORS
IN A COMMUNE IN THE DEPARTMENT OF PODOR, SENEGAL (based on 4 POAS zones)**
(costs in francs FCFA)

LOCAL FACILITATOR	
Average number of villages in the management zone	10
Number of zones	4
Payment per village visited (francs CFA)	2,500
Number of visits to each village per quarter	3
Number of facilitators in each commune	4
Number of visits per quarter	30
Amount per quarter for 1 facilitator	75,000
Quarterly transport costs per quarter	75,000
Total amount per quarter per facilitator	150,000
Total amount per quarter for all facilitators	600,000
Total annual amount for all facilitators	2,400,000
ZONE COMMISSION MEMBERS	
Average number of members	25
Number of zones	4
Quarterly transport costs for each member	5,000
Quarterly total cost	125,000
Quarterly food costs	50,000
Total costs (food + transport)	175,000
Total quarterly costs (food + transport) in the four zones	700,000
Total annual cost for all the members	2,800,000
Global annual budget	5,200,000

Cost of fabricating and installing road sign
(management zone, livestock routes, water points, etc.)

DESCRIPTION	AVERAGE QUANTITY PER COMMUNE	UNIT COST (fabrication + installation)	TOTAL COST (francs FCFA)
Metal signpost	50	120,000	6,000,000