

Formulating a national policy to secure rural land tenure in Burkina Faso

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PREFACE

This research report was prepared as part of the ‘research’ component of the catalytic ‘Support for land policy formulation’ project, which was funded by the French Development Agency and implemented under the auspices of the French Cooperation’s ‘Land Tenure and Development’ Technical Committee.

The aim of this research component is to deepen knowledge in this field through empirical work on two themes undertaken by research teams in the Northern and Southern Hemispheres:

- ▷ **Land dynamics and transactions:** the different forms of transaction, the actors concerned, modes of regulation, economic and social impacts.
- ▷ **Land policy formulation processes:** the political and economic issues, the actors involved, formal and informal lobbying and negotiations, the role of research and expertise, etc.

The reports generated by this research can be found on the ‘Land tenure and development’ portal: <http://www.foncier-developpement.org/vie-des-reseaux/le-projet-appui-a-lelaboration-des-politiques-foncieres/volet-recherche>

Contents

ACRONYMS AND ABBREVIATIONS	5
SUMMARY	7
INTRODUCTION	9
Participation and land policy formulation	10
Research questions and the dual position of the principal researcher	10
I. THE NATIONAL POLICY TO SECURE LAND TENURE IN RURAL AREAS: EMERGING FROM THE MARGINS OF THE ‘MONUMENTAL’ RAF	12
1. From the RAF to the PNSFMR: changing land legislation in Burkina Faso	12
1.1 The importance of state land.....	12
1.2 Successive versions of the RAF	12
1.3 The question of ‘new actors’	14
1.4 The emerging issue of security of tenure.....	15
1.5 The national committee on land tenure security in rural areas and emergence of the policy to secure land tenure.....	16
II. FORMULATING THE PNSFMR: A PARTICIPATORY PROCESS DESIGNED TO TAKE ACCOUNT OF DIFFERENT INTEREST GROUPS	18
1. The objectives of the process	18
2. The team of experts: composition and proposals	19
3. A procedure designed to take account of interest groups.....	20
3.1 Justification for a participatory procedure and logic of the proposed methodology	20
3.2 The hypotheses and assumptions of the model.....	23
III. DEFINING THE NATIONAL POLICY TO SECURE LAND TENURE.....	26
1. Preparing the assessment and initial guidelines for the debate	26
2. Instigating debates with different categories of actor	27
3. Opening the debate at the regional level	30
4. Finalising the proposals: the national forum and final adoption.....	34
4.1 Preparations for the forum by different actors.....	34
4.2 The national forum: description of the process	35
4.3 Main conclusions and comments on the forum	38
4.4 The final adoption process.....	43

IV. DOES PARTICIPATION LEAD TO PERTINENT POLICIES? ANALYSIS AND LESSONS LEARNED FROM THE PNSFMR FORMULATION PROCESS	47
1. Strengths and weaknesses of the formulation process	47
1.1 How the “most participatory process to date” influenced the final document.....	47
1.2 Strategic groups in the consultation process.....	49
1.3 Insufficient neutrality in the facilitation and synthesis of the debates.....	54
1.4 Insufficient clarity on certain points of ‘consensus’	54
1.5 Clarification on the future of agriculture	56
2. The underlying assumptions of the procedure	59
2.1 The team of experts’ capacities and the autonomy of the intervention	59
2.2 The steering mechanism	60
2.3 Consequences	62
CONCLUSIONS AND LESSONS LEARNED	65
An innovative process, subject to various constraints.....	65
The conditions for undertaking a consultative procedure to formulate public policies ...	66
Interplay between expertise and participation	67
Actors’ representation, legitimacy and capacity for critical analysis and proposals	69
Facilitating dialogue	69
BIBLIOGRAPHIC REFERENCES	70
ANNEXES	72
Annex 1: Interview sheet on participation in formulation of the PNSFMR.....	73
Annex 2: Survey Procedure	77
Annex 3: Programme of events at the national forum on the draft national policy to secure land tenure in rural areas	78
Annex 4: Letter written to the DGFROP on behalf of farmer organisations	80

Acronyms and abbreviations

AFDI	Association française de développement international
ANTR	Agence nationale des terres rurales
AVV	Aménagement des vallées des Voltas
CNR	Conseil national de la Révolution
CNSFMR	Comité national de sécurisation foncière en milieu rural, now Comité national de sécurisation foncière rurale (CONA-SFR): National Committee on Security of Rural Land Tenure
CPF	Confédération paysanne du Faso
CSLP	Strategic framework for poverty reduction
CVD	Village Development Council
CVGT	Village Land Management Committee
DFL	Domaine foncier local
DFN	Domaine foncier national
DID	Droit, institutions et développement
DGFROP	Direction générale du foncier rural et des organisations paysannes
FAC	Fund for Aid and Cooperation
FEPAB	Fédération des producteurs agricoles du Burkina
GRAF	Groupe de recherche et d'action sur le foncier
GREFCO	Groupe de recherche, de formation et de conseils
GEPRENAF	Participatory Management of Natural Resources and Fauna in West Africa
LPDRD	Letter on Decentralised Rural Development Policy
MAHRH	Ministry of Agriculture, Hydraulics and Water Resources
NRM	Natural resource management
PDI-Z	Zoundwéogo Integrated Development Programme
PDRI-Comoé	Comoé Integrated Rural Development Programme
PFR/G	Ganzourgou Rural Land Management Plan
PGRN-Bazèga	Bazèga Natural Resource Management Project
PNGT	National Village Lands Management Programme
PNSFMR	National Policy to Secure Land Tenure in Rural Areas

PO	Producer Organisation
PV/CPF	Written minutes of a discussion recording land ownership
RAF	Réorganisation agraire et foncière: Agrarian and Land Reorganisation
RAF	Réforme agraire et foncière: Agrarian and Land Reform
SDR	Rural Development Strategy
SNAT	National Master Plan for Territorial Development
SRAT	Regional Master Plan for Territorial Development
VARENA	Valorisation des ressources naturelles par l'autopromotion

SUMMARY

Land policies are a means of promoting economic development by allowing more productive land use on the one hand, and managing land and its resources on the other. Defining effective modes of land management has been a key concern of successive political regimes in Burkina Faso since the country achieved independence. The law on Agrarian and Land Reform (RAF), which was formulated in a context of legal pluralism and multiple conflicts over land use, clearly affirmed the State's monopoly over land management and ownership. After two further readings, it also created a place for customary chiefdoms and private actors.

Security of tenure became a key issue in the 1990s with the proliferation of projects and programmes to secure land tenure and manage natural resources, and the emergence of the so-called 'new actors'.

As a result of dissatisfaction with successive readings of the law, recurrent and often violent conflicts over land (particularly between farmers and herders), and the desire to secure private investment in the agricultural sector, the political authorities decided to work on a coherent, global response framed in the process of formulating a Rural Land Policy. In an innovative move, a multi-disciplinary team of Burkinabé experts was mandated to lead the technical aspects of the process; while a national Committee on security of rural land tenure was established to guide, supervise and monitor the quality of the process.

The starting point for the consultations between actors was the idea that Burkinabé society is made up of strategic groups that come together around land tenure, and that these groups should form the basis of the debate so that their main concerns could be taken into account and a consensus reached, in the sense of a compromise that would ensure socio-political balance and national cohesion.

The process evolved through different phases: preparing an assessment and the initial guidelines for the debate, instigating a debate between the different categories of actor, holding debates at the regional level, finalising the proposals emanating from the regional and thematic debates, holding a national forum and, finally, producing a synthesis of the conclusions of the forum for official adoption by the Government. The process began in February 2005, and ended in May 2007 with a national forum whose conclusions were adopted in September 2007. This process was characterised by phases of activity followed by periods of dormancy that built up into bursts of frenetic activity. Successive versions of the draft document were produced throughout this process, reflecting the proposals made by the different strategic groups.

At the end of the process, consensus was achieved on certain key points, particularly the need to end the State's monopoly on land ownership. In principle, it was agreed that some lands should belong to the State (*Domaine foncier de l'Etat*) and some to local governments (*Domaine foncier des collectivités territoriales*), and that alongside these two types of public land, some should belong to individuals (*Domaine foncier des individus ou particuliers*). It was also agreed that there need to be opportunities to secure land tenure, and that rights should be recognised in different ways to take account of the specificity of actors' situations and their need to secure tenure, especially so-called vulnerable groups such as women and pastoralists.

This would be done through title deeds for new actors or interested parties, and certificates of ownership for rural actors (individuals, families, lineage groups) that can possibly be changed to title deeds. Another important advance was the principle of local land charters formulated through a participatory procedure.

However, certain issues remained unresolved at the end of this process, such as the place of customary chiefdoms in local land management, the rights to be given to new actors, and how these will be managed. Various non-governmental actors (producer organisations and certain elected officials) were unhappy about the way that these points – and other issues that were not dealt with in sufficient detail – were framed in the final document.

The mechanisms for selecting participants at the different meetings did not always ensure that the concerned stakeholders were properly represented, particularly in terms of legitimacy. Furthermore, within each different group of actors, the central question of appointing delegates to take part in the process does not seem to have been addressed as rigorously or effectively as it should have been. The representatives at the workshops and the forum did not always seem to have been appointed on the basis of their capacity to understand and make relevant contributions to the proceedings. And on a more general note, while the introductory paper (prepared by experts before the consultative meetings) was useful in introducing the debates, it was not always easy to follow or understand. The fact that insufficient time was allowed to prepare for the debates further accentuated the inequalities in the way that they were conducted.

It also became apparent that certain people from the central administration partly or wholly hijacked the roles of the experts who had been assigned to run the technical aspects of the process. This happened fairly early on in the process, and raises serious questions about the neutrality of the administration and its supposed function as an arbitrator.

Several observers view this as one of the most positive examples of multi-actor consultation in public policy formulation in West Africa, whose constructive outcomes show that it is possible – and even desirable (in terms of added value) – to use participatory processes to build policies. It has to be said, however, that the quality of the participation in this case left something to be desired, in terms of the inequalities between the actors concerned and the roles ultimately played by the administration (false neutrality on certain points, influence on agendas, budget lines funded, etc.). These failings were a function of both the issues at stake and the balance of power in this domain.

Nevertheless, there are lessons to be learned from this process, despite its shortcomings. The objective of this document is to identify what these might be.

INTRODUCTION

There are many issues associated with land policies. In the prologue to part of a book entitled *Quelle politique foncière pour l'Afrique rurale ?* Philippe Lavigne Delville highlights two of their major objectives.¹ On the one hand, they aim to “*promote economic development by facilitating more productive land use*”, and on the other they are a means of “*managing land and resources*”; in this sense, they are largely about power. The governments of countries in the Southern Hemisphere have always had great difficulty in enshrining these objectives in their land legislation due to resistance from local customs, both during the colonial period and after Independence.

Many of the concerned governments focused on the option of introducing private land ownership. However, numerous studies have shown the limitations of this option, not just in terms of the presumed potential for agricultural intensification and increased productivity, but also in facilitating access to credit for additional investment (see Migot-Adholla *and al.*, 1991; Platteau, 1999 on this subject). Analysing changes in land legislation, Emmanuel Le Roy notes that in the mid-1990s, “*the issue of introducing widespread private ownership was still too new to be effected through land policies; nevertheless, it seems that the doctrine of private ownership remains the alpha and omega of multi-lateral aid policy*”.²

This debate has rumbled on to varying degrees as food and energy crises pushed land policies higher up the political agenda, and it was recently revived by the growing interest in agriculture among major private investors (dissatisfied with current legislation). Governments have grown increasingly concerned with finding a framework that will help secure capital while better protecting small producers, and this issue has been the focus of vigorous debate in Burkina Faso, where a growing number of private investors (national and, more recently, foreign) in both rain-fed and irrigated agriculture are making their presence felt.

Although exercises to secure land tenure have been under way in Burkina Faso for at least ten years, it was the issues raised by securing private investment that led the authorities at the highest level of government to put this at the top of the reform agenda. Intended as a global, coherent and sustainable response to agrarian problems in rural areas, the reform led to the idea for the PNSFMR: a national policy to secure land tenure in rural areas.

The authorities wanted this to be a participatory exercise, on the one hand to fulfil the criteria for effectiveness and good governance, and on the other because they realised that a question as crucial as land tenure could not be regulated through technocratic procedures – as the experience of the first major land reform, the Agrarian and Land Reform (RAF) proved in

¹ Ph. Lavigne Delville, 1998, *Quelles politiques foncières pour l'Afrique rurale ? Réconcilier pratiques, légitimité et légalité*, Karthala-Coopération française, pp. 259-260.

² E. Le Roy, 1998, « Les orientations des réformes foncières en Afrique francophone depuis le début des années 90 », in Ph. Lavigne Delville, *idem*, p. 384.

rural areas. Civil society actors also demanded that this type of exercise should be participatory, given the frustration and disappointment associated with the RAF.

Participation and land policy formulation

Participation has long been seen as the key to successful and sustainable development actions; indeed, a whole body of literature developed around this theme in the 1970s and 1980s. The idea of participation in the formulation of public policies gradually emerged as an important factor in good policies, and then as a requirement for both quality policies and transparent governance. International institutions, particularly the World Bank and certain bilateral development agencies, made it an implicit condition of support. As a result of this external pressure Burkina Faso introduced participatory policy formulation processes, marking an important milestone with the elaboration of the first version of the Strategic framework for poverty reduction (CSLP). Sectoral policies soon followed suit, conducting consultations with stakeholders in their respective fields of intervention.

Research questions and the dual position of the principal researcher

The questions at the centre of this present research operate on two levels: a detailed description of the process, and analysis of the results and main findings (consultation, participation, consequences).

The main justification for the research is descriptive. The aim was to describe how the process of formulating the PNSFMR unfolded: who took part, what were its effects and impacts in terms of taking account of specific interests, and what were the main activities? What roles did the different stakeholders play? How did the mechanisms for decision-making work? In addition to this series of descriptive questions, we wanted to find out what the actors felt about the process in terms of its usefulness, the effectiveness of the consultations, and the relevance of the results.

Though this report describes the elaboration of the rural land law that flowed from and led to the PNSFMR, this law was not the focus of the research. It was part of the same process and had the objective of securing rural actors' tenure, but the two exercises took place at different times and in different forms, in terms of their sequence and the experts and modes of participation involved.³ The field of the research covered by this paper was the policy document known as the PNSFMR.

The elaboration of the PNSFMR, like most other current public policies in Africa, was based on a process of consultation with the main 'strategic groups', who are seen as actors that have an empirically similar position in relation to a particular problem, and follow the same strategy for dealing with it. The questions were about the factors that influenced the effectiveness and efficiency of the participation, the achieved results, about the factors that affected the mechanisms for the final decision-making, about the way the strategies deployed by the strategic concerned groups enable them to understand these factors?

³ The rural land law was still being formulated at the time of writing, while the PNSFMR document was adopted in September 2007 by the Council of Ministers.

This reflection is timely in the sense that there was a genuine desire and effort made to consult the main groups of actors concerned with the PNSFMR and the ensuing law, which was not the case with the original version or re-readings of the RAF.

As well as attempting to answer these particular questions, this research also endeavoured to understand the main lessons learned from the participatory procedures used to formulate land policies in particular, and public policies in general.

It should be noted that the lead author of this research had been a member of the team of experts who were responsible for the formulation process. This research provided an opportunity to revisit the process, to describe, analyse and explain how it proceeded, and understand how and why any possible anomalies arose and what their consequences were. Given the ambiguities created by his previous involvement in it and the difficulty of being objective, the author made every effort to dissociate himself from the process (which was not always easy). With the help of external observers and testimonies, the research team have kept to the facts and sought to be rigorous in their analysis of them.

This document describes the historical context of land issues in Burkina Faso, the successive reforms, the justification for formulating the new policy known as the PNSFMR, and the issues at stake. After giving an overview of the methodological procedure that guided the process, it describes how it unfolded (its stages, activities and progressive outcomes). The final chapter raises questions about the strengths and weaknesses of the exercise in terms of the added value and effectiveness of the participation, and identifies how the actors' interests and strategies influenced the nature of the process. Finally, it draws out the general lessons to be learned about the usefulness of exercises in participatory policy formulation, the issues involved, and the risks and conditions for 'successful' participation from the viewpoint of civil society actors. Looking beyond the specific case of the PNSFMR, this document also aims to contribute to broader analysis of participation in public policy formulation.

I. THE NATIONAL POLICY TO SECURE LAND TENURE IN RURAL AREAS: EMERGING FROM THE MARGINS OF THE ‘MONUMENTAL’ RAF

This new policy to secure land tenure is part of the contemporary debate about land policies in Africa, where the importance of public lands and uncertain status of local rights are increasingly recognised as sources of tenure insecurity and conflict. In Burkina Faso, this is the outcome of a long history of land policies overshadowed by the ‘monumental’ (I can’t remember who described it thus) Agrarian and Land Reform (RAF) promulgated in 1984 by Thomas Sankara’s revolutionary regime.

1. From the RAF to the PNSFMR: changing land legislation in Burkina Faso

1.1 The importance of state land

Defining appropriate modes of land management has been a key concern of successive political regimes in Burkina Faso since Independence. The public authorities soon resolved to establish a ‘favourable’ institutional environment for land matters in order to establish social peace between communities, fulfil donor requirements and create the conditions that would enable new actors with private capital to access land more easily ... In March 1980 an application to the European Aid and Cooperation Fund (FAC) made by the AVV identified two key laws:

- ▷ Law n° 77/60/AN of 12 July 1960 regarding land regulation, making the State the potential owner of unregistered lands;
- ▷ Law n° 29/63/AN of 24 July 1963 authorising the State to reserve for itself special developed areas and sparsely populated lands.

These measures enabled the State to establish its own private landholdings on developed and undeveloped areas. Agricultural colonies sprang up on government-sponsored irrigated and rain-fed developments (especially the latter) in the Centre-Est, Sud and Sud-Ouest regions, helping relieve pressure on over-populated areas where agro-ecological resources were becoming severely degraded, particularly in central and northern Burkina. Farmers continued to settle in these developed areas until the mid-1980s, creating competition for land between indigenous and settler farmers. These areas attracted both regular settlers and farmers, who sometimes outnumbered the settlers. In undeveloped areas – which accounted for the vast majority of the country’s agricultural lands – agricultural immigration was regulated by the customary authorities. Some villages in these areas had more incomers than indigenous residents, which created problems between the two groups as land reserves became increasingly scarce due to the massive allocation of cultivation rights.

1.2 Successive versions of the RAF

The law on the Agrarian and Land Reform (RAF) was introduced at the height of the revolutionary period, in a context of de facto legal pluralism (a mixture of statutory law that

was difficult to enforce, customs that were generally respected, and new practices arising from customs that were themselves influenced by the RAF) and frequent conflicts over the use of land resources. Initiated by the *Conseil national de la révolution* (CNR) in 1984, the two main objectives of the original RAF were stated in the preamble: “*The CNR and its government (...) have decided to formulate a new land statute and lay down the guiding principles for a reorganisation of rural areas*”. The aim was to change social relations with land in order to boost rural development. According to the revolutionary system of justice, these social relations were the inequitable outcome of traditional power that was itself the synthesis of a long demographic and cultural history. They were now going to be completely overhauled, primarily through the creation of new public lands (*domaine foncier national*, or DFN) and new local authorities that would be responsible for their management.

Although Article 1 of the enforcement order for the RAF classified all land in the national territory as DFN lands, Article 3 of the same order gave the State automatic and exclusive ownership rights over these public lands. This amounted to a declaration that the State wanted full and exclusive control over all land, marking a change from its previous, relatively tolerant stance on public lands. From now on, anyone wanting to access public lands would have to obtain cultivation rights.

This could be done in two main ways. The first is set out in Article 18 of the ordinance of 1984: “*DFN lands (in rural areas) are allocated [by the State through the local authorities responsible for land matters] to those who have a genuine social need for land (...)*”. Migrants in agricultural settlement areas used (and continue to use) this affirmation to support their case in disputes over land rights, on the basis that “*The land belongs to the State*” and “*We are all Burkinabè*”. This assertion has sometimes contributed to the marginalization of customary land management, especially in these areas.

The second mode of access was through village land management committees (CVGTs), which had the power to allocate land, determine whether it is used productively, and regulate disputes and conflicts over the allocation or use of land. Their responsibilities for land matters thus included prerogatives that were previously ascribed to customary chiefs. Article 20 of the enforcement order for the RAF also stipulates that the village *Comité de défense de la révolution* (CDR) should play a role in allocating rural lands alongside the CVGTs. As the village CDRs were elected bodies, and customary chiefs were neither members of nor represented on the CVGTs, they tried to get family members elected onto them in order to retain their influence over land matters. According to B. Tallet (1999:393), this manoeuvre succeeded in the Mossi area where “the hierarchy had been respected”, enabling the chiefdom to retain its powers).⁴ Citing L. Paré (1997), he also notes that even in agricultural settlement areas where migrants were in the majority, they “*have sometimes agreed, after lively discussions, to acknowledge the place of the indigenous communities, or at least not openly confront them*”).⁵

⁴ B. Tallet, 1999, ‘Le certificat de palabre comme instrument dans les transactions foncières’, in Ph. Lavigne Delville, P. Mathieu, eds, *Formalisation des contrats et des transactions. Repérage des pratiques populaires d’usage de l’écrit dans les transactions foncières en Afrique rurale*, GRET-IED/UCL, Working paper.

⁵ L. Paré, 1997, *La gestion de l’espace en zone de colonisation agricole: la région de Kouka, Exemples de modalités de l’occupation de l’espace et de recherche de sécurité foncière au Burkina Faso*, Geography thesis, Université de Paris X, 350 p.

This helped the chiefdoms retain some unofficial room to manoeuvre in land management – to the detriment of certain CVGTs, which became inactive. However, in provinces covered by projects that used the ‘village land management approach’ backed by the PNGT, in which CVGTs were the spearhead for this type of intervention, these committees rehabilitated themselves by supporting community investment initiatives.

The ‘Rectification’ regime that came to power in 1987 decided to review the RAF in order to remedy its shortcomings. The revised version, which was produced in 1991 as the economies of the Southern Hemisphere were being liberalised in order to meet new conditions imposed by development aid donors, was very much of its time. Wishing to ally itself with the customary authorities, the new government introduced transitional measures reinstating customary prerogatives over undeveloped lands (Articles 707 to 730 of the order), without modifying the content of the DFN, which remained automatic State property. Tallet (*op.cit.*) identifies one significant change in the text, “*the disappearance of any reference to popular revolutionary structures*”. Furthermore, he underlines the fact that “*the general economy of modes of land management is not changed by this revision of the initial text of the RAF, which focuses on urban aspects*”. However, this needs to be set against the fact that the new version introduced the possibility of acquiring part of the DFN as private property. Article 5 of the *Zatu* (or law) states that “*DFN lands may be assigned as private property to natural or legal persons under the conditions set by kiti. Titles issued in this way cease to be state property*”. Comparing the RAF of 1991 with that of 1984, A.M. Pouya and J.C. Legoupil (1993) note that the one of the most distinctive features of the 1991 revision is the introduction of private property and different sorts of title, including the allocation orders and land use permits that applicants could obtain. In reality, however, very few actors were actually able to exploit the theoretical opportunity these gave them to access private ownership or credit from the bank.⁶

This private option was confirmed in 1996 with the second revision of the RAF. In order to improve access to land, especially in undeveloped areas, this version instituted the *procès verbal de palabre* (Article 184 of the enforcement order) – written minutes of a discussion held in the presence of a government official. Known as a PV, this instrument was a way of recording different rights holders’ views and agreements regarding rural land allocations. But while the *procès verbal de palabre* had the advantage of formalising land agreements, it also looked like a form of compensation for another key new measure: the withdrawal of the customary authorities’ land management prerogatives through the abolition of transitional measures in the 1991 RAF that implicitly gave them this right, thereby restoring the CVGTs to their former place in land management.

1.3 The question of ‘new actors’

Agricultural entrepreneurs, who are now known as ‘new actors’, “*are often active or retired public and private sector workers, or traders and politicians from large urban areas and (a few) rural centres who have made a lot of money from commerce or rearing livestock*”.⁷ Current government agricultural policy guidelines view them as the engine of

⁶ A. M. Pouya, J. C. Legoupil, 1993. ‘Perspectives et possibilité d’application pratique de la RAF (1991) aux aménagements hydroagricoles’, in proceedings of the workshop-seminar *Quels environnements pour le développement de l’irrigation au Burkina Faso?* IIMI, Ouagadougou.

⁷ S. Ouédraogo, 2006. *New actors and land acquisition around Lake Bazèga, Burkina Faso*, Drylands Issue Paper n° 138, IIED.

agricultural modernisation, armed with financial and social capital and sufficient resources and influence to achieve their aim of establishing substantial farms.

Recent years have seen large numbers of new actors invest in agricultural enterprises that require vast tracts of land. In some areas this has been detrimental to family farming, which is regarded as subsistence farming and is not protected by land legislation. Article 142 of the enforcement order for the 1996 RAF states that rural landholders engaged in subsistence farming may continue to farm without administrative certificates.

1.4 The emerging issue of security of tenure

In addition to two reviews of the RAF, the 1990s also saw a growing number of projects and programs which tested various tools to secure land tenure that could ultimately feed into amendments to the land legislation. With donors' strategic choices apparently increasingly guided by the presumed links between agricultural intensification and security of tenure, the government's priority shifted to securing private investment in agriculture.

The first category of tools for securing tenure amounted to local agreements regarding the management of land resources. Still called local or internal management rules, these ways of codifying local habits and customs for managing land resources sometimes had the merit of clarifying the use of common resources, which the RAF did not do. Their success was largely due to the fact that they were formulated in a participatory manner, thus ensuring that they were recognised and respected by local people.

In this respect, the work done to build on the experience of 12 development projects that use local conventions in their NRM procedure is instructive (PDRI-Comoé, PDI-Z, PGRN-Bazèga, PNGT, GEPRENAF, VARENA, etc.).⁸ It shows that despite the virtues of this procedure, *“several projects remain very timid in their efforts to clarify or secure land tenure. They do not seek to clarify the status of the resources or the nature and limitations of the rights assigned to producers (...). Other projects have chosen to stay outside this process of clarifying the status of land and land rights, sometimes by leaving the task of mediating conflicts to the administration (prefect), or inviting rural actors to negotiate between themselves (...).”* This study also underlines the fact that, while internally validated rules do not generally pose any problems for projects that have involved different actors in the various stages of the process, legal validation *“often remains no more than an intention”*. This situation undermines the authority and scope of local conventions.

With the second category of tools, land rights are negotiated and formalised in the framework of projects such as the pilot project for the Ganzourgou Rural Land Management Plan (PFR/G) and the pilot operation to secure land tenure in Padema. The PFR/G, whose outcomes inspired the proposals for certain tools to secure land tenure contained in the PNSFMR, consisted of 10 stages. These can be grouped into the following five phases:

1. Preparation: acquiring orthophotomaps (corrected aerial photographs with maps to the value of 5000e, which are used as mapping materials in land surveys) and gathering all existing documentation.

⁸ S. Sanou *et al.*, 2003, *Elaboration et validation des règles locales de gestion foncière dans les zones de terroir au Burkina Faso*. Final report, volume 2: *Description et analyses à l'échelle des activités*, Ouagadougou, 84p.

2. Sensitisation: general meetings across the intervention area and smaller meetings in all the villages concerned.
3. Agricultural and socio-land surveys.
4. Checking and processing data.
5. Official publication: completing the work of the PFR by publicising the rural land use plan for each village (maps of village lands, land survey forms).

At the end of each stage, the project produced written minutes of discussions establishing the land ownership of each individual and collective parcel concerned (PV/CPF). These documents were then sent to the Tax division (a branch of the General Directorate for taxes) to be signed before being issued to producers.

This was initially set up as a classic two-year project, but the project manager introduced additional interventions in 2003 to respond to the social and legal uncertainties that the new land titles had created in rural areas, and the scale of land conflicts in the area. The three new components – land mediation, land management and legal facilitation – were supposed to ensure the legality and viability of the outputs of the PFR/G.

A rigorous assessment of the report on the RAF and the approaches of institutional arrangements highlighted the lessons that could be learned from the process for future initiatives. This critical review by other experts directly or indirectly involved in such work was extremely useful in evaluating the arguments put forward, enriching the analysis, reviewing the sources of data, and continuing the debates without challenging the need to review previous concepts and approaches in a consensual manner.

Unfortunately there was not enough time for the experts to examine all the existing work in detail, initiate complementary evaluations on subjects needing further investigation (pilot experiences securing land tenure in rural areas, interventions by agri-business, land tenure implications, incentives for the emergence of competitive family farming, the lessons learned from interventions in developed areas, especially irrigated lands, and so on), identify and document the lessons learned in a distanced manner, and/or formulate parallel questions with complete autonomy. This type of evaluation, coupled with forward planning, would also have captured the diverse views of actors in different socio-land situations (indigenous actors, incomers, women, herders in saturated agricultural areas). This would have been particularly valuable, since many of these types of actors do not have a voice as they are not members of producer organisations (POs) and therefore do not attend workshops.

The study does not demonstrate the lessons learned from certain previous policy options, such as the place of the chiefdoms, the way that the village committees (CVGTs) were set up, or even the specific question of agribusiness. And while the team of consultants did assemble the scattered data, it has to be said that the synthetic data (existing surveys, supplementary surveys, evaluations and experiences in other countries) were either not presented with the document or were not been provided to help evaluate some of these options.

1.5 The national committee on land tenure security in rural areas and emergence of the policy to secure land tenure

While progress was certainly made with the different versions of the RAF, it still left many land issues unresolved in rural areas, namely:

- ▷ establishing the identity of rural landholders, especially in the context of developments;
- ▷ access to land and the conditions for consolidating family farms in order to encourage investment;
- ▷ securing producers' rights (both so-called 'customary' and assigned rights);
- ▷ local mechanisms for managing rural lands and land-related conflicts.

There was also considerable pressure to promote private agriculture, from nationals who had spent the last decade or so building up their agribusiness interests on fertile village lands, and new actors with large holdings in irrigated areas. Combined with the prospect of extending the irrigated areas (Samandéni hydro-agricultural project) and putting any existing large developments to productive use, this made the political authorities wonder how to respond to approaches from private investors, how best to proceed, given the uncertainties the RAF had created with regard to securing the private investment that the government believes should be driving the growth of the agricultural sector?

The scope of these issues, dissatisfaction with successive versions of the RAF, and recurrent and often violent conflicts (especially between farmers and herders) made the political authorities realise that a global response was needed to address this question in a coherent manner. Hence the growing determination to formulate a vision, clear objectives and an appropriate strategy based on a minimum social consensus, or at least democratic choice. It was this that led to the belief that a policy on rural land tenure was needed, with a document that would:

- ▷ legitimise future action by being based on social consensus;
- ▷ provide a tool to guide land legislation and decisions regarding such legislation;
- ▷ establish a frame of reference for addressing land problems in a sustainable manner.

*“The national policy to secure land tenure in rural areas does not view land tenure in a narrow sense, as simple technical questions of registration and legal procedures, but in the broad sense of genuine policy questions that involve societal choices and consideration of the fundamental principles associated with democracy, social equity, justice and peace”.*⁹

The formulation of the PNSFMR was driven by political commitment at the highest level, through the Ministry of Agriculture, Hydraulics and Water Resources (reflecting the expectations of rural actors, elected local officials and private investors in the agricultural sector). The technical and financial partners in this initiative provided the support and resources required for such an important undertaking. Lead actors in this respect included the French Cooperation with support for the experts' intellectual input, and the second phase of the National village land management programme (PNGT II), which directed resources from the World Bank to facilitate the participatory national consultation process.

⁹ National policy to secure rural land tenure, Ministry of Agriculture, Hydraulics and Water Resources, August 2007.

II. FORMULATING THE CNSFMR: A PARTICIPATORY PROCESS DESIGNED TO TAKE ACCOUNT OF DIFFERENT INTEREST GROUPS

This section describes the course of the process from the initial tendering for bids and recruiting of experts to the consultation activities and preparation of successive versions of the document.

1. The objectives of the process¹⁰

The ultimate objective of this tendering procedure was to formulate a national policy to secure land tenure in rural areas. According to the terms of reference, the policy document on securing land tenure in rural areas should:

- ▷ Dispassionately present the main facts of the current situation with regard to land tenure;
- ▷ Define a clear, pragmatic vision, specify the main guidelines to be followed, and prioritise the major objectives to be attained over an average period of ten years;
- ▷ Determine the framework for a strategy and the principles for implementing the national policy”.

The terms of reference identify several principles that should be respected, and establish the key stages of the process:

- ▷ Formulate a draft policy in a progressive and iterative manner in regular consultation with the CNSFMR, to be validated by the CNSFMR;
- ▷ Instigate a debate on the draft policy at the national and local levels, and produce syntheses of the direct beneficiaries’ positions, the consensual amendments and points of disagreement;
- ▷ Finalise the draft policy to be submitted to the authorities for adoption.

Considerable emphasis was placed on the need for a participatory and consensual procedure. Four experts in the following fields were to be recruited: a lawyer, a socio-anthropologist, a socio-economist and a specialist in pastoralism.

In terms of monitoring, the CNSFMR was appointed to steer the whole process and oversee the initial validation of the process; and the DEP/MAHRH was to be responsible for the technical secretariat of the CNSFMR, facilitating the experts’ work and monitoring the process

The process of formulating the national policy to secure rural land tenure was supposed to take no longer than eight months.

After consulting various agencies that were qualified to submit bids, the technical and financial bid made by the firm DID was selected.

¹⁰ MAHRH, terms of reference for the ‘Elaboration d’une politique nationale de sécurisation foncière en milieu rural’ November 2004.

2. The team of experts: composition and proposals¹¹

The technical bid proposed the following team, in accordance with the profiles set out in the terms of reference:

- ▷ a lawyer specialising in land policy, legislation and institutions, to lead the mission;
- ▷ a socio-anthropologist specialising in development policy, participation and implementation of participatory consultations on land matters;
- ▷ a sociologist specialising in local development and land matters;
- ▷ a specialist in pastoralism, pastoral lands and conflict management.

The bid proposed the following main stages for the procedure:

- ▷ to present the study and methodology to the CNSFMR;
- ▷ to hold a mini-workshop to launch the process, drawing on national expertise in this field;
- ▷ to review the available documentation to take account of all relevant existing data;
- ▷ to field visits to gather additional data, depending on the existing documentation;
- ▷ to process all the collected data and prepare a preliminary report;
- ▷ to produce the preliminary report and present it to the CNSFMR;
- ▷ to organise debates on the preliminary report (workshops for groups of actors, regional workshops); preparations for the workshops, including those at the regional level, to be supervised by the specialist in participation... It was suggested that it would be more efficient to hire persons and institutions working and based at the local level to run the community-based consultations and report on this process;
- ▷ to draft a proposal for the national policy to secure rural land tenure, which should be preceded by a synthesis presentation paper;
- ▷ A national dialogue, consultations and validation. “The draft document will be presented to the CNSFMR for pre-validation ... One or more civil society organisations will be called upon as service providers to broaden the debate at the local and/or national level. The team of experts is to supervise and monitor this broader consultation process.

The technical bid specifies that: “*The [draft] will be pre-finalised and sent to the CNSFMR, to be used as an introductory document at the national validation workshop, along with the technical presentation paper. The national workshop will be organised so that it is sufficiently representative while not being unmanageably large. It will be organised as a national workshop, not a national forum, so that participants can play an active role in it. Working groups will be organised to discuss key subjects, particularly points of divergence and disagreement. To ensure that farmer organisations and other groups of actors can participate effectively, it is suggested that a pre-workshop is held for them before the national workshop. The aim of this pre-workshop is to enable producers to play an active and effective role in the national workshop. Therefore, the main focus will be on helping them understand the issues and preparatory documents to be discussed at the national meeting, and prepare and argue their own points of view according to their legitimate interests, etc. Producers should be able*

¹¹ DID technical bid: *Etude sur l’élaboration d’une politique nationale de sécurisation foncière en milieu rural*, December 2004.

to express themselves in local languages if they wish. Translation facilities will be made available to enable them to do so.”

The technical bid also describes the process of finalising the document in these terms: “The results of the national workshop will be carefully used to finalise the document for the policy to secure rural land tenure. This document will be submitted to the CNSFMR for approval before it is sent for adoption by the competent authorities”.

The methodological procedure was based on a consultation process involving close interaction between three categories of actor: members of civil society (including the principal strategic groups), the administration and the team of experts.¹²

Negotiations with the commissioning agent resulted in two important aspects of the process being scaled down: building on previous experiences in securing tenure and, even more importantly, participation. This led to a smaller consultation element than originally intended (especially with civil society actors). Two consultations with producer organisations were planned, fudging the issue of internal factions, but no provisions were made for explicit dialogue with strategic groups within a particular social category (such as migrants or herders). Furthermore, the approach did not allow for much independent input (by persons co-opted by DID) or detailed reporting.

3. A procedure designed to take account of interest groups

3.1 Justification for a participatory procedure and logic of the proposed methodology

The chosen model is based on a participatory tradition that establishes the legitimacy of public choices while remaining deeply rooted in the context of land tenure.

Two decades after its adoption, the RAF had not just failed to achieve its objectives in rural areas, but had actually had numerous perverse effects, one of which was to exacerbate land conflicts. Even the remaining sceptics in the government understood that public policies in Burkina Faso, and in this case the policy on land tenure, must be based on objectives and values defined by the stakeholders themselves; and that these actors should be invited to contribute to and guide the ways and approaches to policy-making. For who is better placed to determine the type of final results expected, the chain of intermediate results and the arrangements for facilitating the expected changes? Shouldn't their input be a pre-requisite for formulating institutional and regulatory mechanisms? Given that two revisions of the RAF had still failed to deliver the expected results, the implicit assumption was that these questions would be answered in the affirmative. And shouldn't the evaluation of the previous mechanism be based on its relevance to rural actors' expectations? Who was better equipped than them to say how and why the desired results had been achieved or not?

In democratic processes the criteria for evaluating policies and the extent to which they are accessible to and meet the requirements of those concerned call for direct stakeholder

¹² See experts' technical bid. H. Ouédraogo *et al.*, Working document, January 2005.

involvement (in policy formulation) rather than purely rational decision-making.¹³ This requires participation and entails significant costs in terms of time and money. Nevertheless, belief in the advantages of this approach and the desire to legitimise sensitive decisions (and thus secure social peace) were important factors in the government's desire for a participatory process that would reflect social demand and facilitate compromise between actors whose interests in this matter often diverge.

In general, *"in the sphere of public action there is greater recourse to mechanisms that aim to explicitly involve a plurality of actors beyond those classically empowered to make decisions within the framework of representative government."*¹⁴

The idea that experts should assume all the responsibility for technological or social development issues is increasingly challenged by civil society organisations on every continent.¹⁵ And there is no doubt that the strong social demand for appropriate land policies and legislation, open questioning of the RAF in recurrent land conflicts, the inadequacy of measures to secure land tenure, and the increasingly abundant documentation in cases studies by non-governmental organisations contributed to the decision to base the policy formulation process on a mechanism for consultation that involved multiple actors.

The chosen procedure marked a break with the processes used to formulate and revise the RAF. Instead, it relied on the contributions of diverse actors, particularly agricultural producers of every type, in accordance with the growing demand for consultation and decision-making that involves the whole social body.

One of the innovative aspects of the procedure proposed by DID was the idea of running separate, parallel consultation exercises with strategic groups of actors, debating and synthesising their different visions, and identifying points of divergence that needed to be explicitly discussed so that compromises could be found or arbitrated by the State.

The option to rely on a single team of national experts (chosen by the CNSFMR) was also a new departure in this type of exercise.

The methodological procedure for formulating the PNSFMR was based on an iterative process of preparation and consultation led by two main types of actor: the team of consultants and the CNSFMR. Created in 2002 to coordinate, monitor and supervise draft policies relating to land, the CNSFMR was intended to be a framework for consultation and coordination, and to build on actions relating to rural land. It was composed of representatives from State services concerned with rural land, projects and programmes with a land component, and various representatives of civil society. Representatives from the Ministry of Agriculture, Hydraulics and Water Resources were mandated by the General Secretariat to chair the CNSFMR and manage its secretariat.

¹³ M.G. Kweit and R.W. Kweit, 2000, The politics of policy analysis: the role of citizen participation in analytic decision making, in 'Citizen Participation in Public Decision making', *Political Science*, n° 158, Greenwood Press.

¹⁴ Loïc Blondiaux, Yves Sintomer, 2002, 'L'impératif délibératif' *Politix*. vol. 15, n° 57.

¹⁵ Jack Desario and Stuart Langton, 2000, Citizen Participation and Technocracy, in 'Citizen Participation in Public Decision Making', *Political Science*, n° 158, Greenwood Press.

The team of experts was responsible for the technical aspects of the formulation process, which included preparing an initial assessment that would be the focus of successive consultations until the final document was produced, and running the consultation meetings.

The administration (state services concerned) was responsible for ensuring that the whole process ran smoothly, through a steering committee that would oversee the material and logistical organisation of the consultation meetings.

The first task for the team of consultants was to produce a preliminary diagnostic report assessing the land tenure security situation in Burkina Faso. This would provide them with the basis for the preliminary version of the policy document: the objectives, principles, guidelines and modalities for implementation. This preliminary document would eventually be debated by a wide range of actors, but before this there would be consultations with groups of actors to get their feedback on the preliminary document. It was expected that they would react in various ways, with reservations, challenges and additional ideas, so that at the end of the separate discussion meetings with different groups of actors, the team of consultants would have the material to produce a better version of the policy document that took account of the concerns and proposals expressed.

The consolidated version of the policy document was supposed to be submitted for a second, broader phase of consultations with other categories of actor, including representatives from the public administration and elected local officials from different regions, in order to incorporate their opinions and discuss the subjects raised in more detail, and thus produce an even more advanced version of the document. The objective was to seek consensus around the policy document.

The final stage in examining the document was a national forum bringing together representatives of every categories of actor concerned to discuss the points that needed to be addressed in more detail, identify points of disagreement and ultimately reach a consensus. The final version of the document would be produced at the end of this forum, incorporating any additional elements contributed during the forum.

This model described in the technical bid was based on consultation and participation. The team of experts' role was to take care of the technical aspects of facilitating this participation (preparing documents and versions of the PNSFMR, developing teaching materials for the meetings, suggesting and supervising participants in the discussion meetings, running, facilitating and reporting on meetings, etc.).

Through the CNSFMR, the State also put in place a mechanism to steer the process and supervise and monitor the quality of the work, in accordance with the terms of reference.

With this kind of mechanism, the team of experts act as facilitator between the different strategic groups of actors. The State agreed to be one of these strategic actors, while ensuring through the supervisory committee that each party – including the experts – played its allotted role.

The model was based on successive stages, each bringing new qualitative and additional elements to the process, facilitating the progressive production of a document that examined all the questions in some detail, and helping participants reach consensus on a range of issues.

3.2 The hypotheses and assumptions of the model

In order to understand and analyse the procedure and attempt to answer the research questions, it is useful to start by determining whether the model's underlying hypotheses and assumptions were pertinent, and whether they were verified.¹⁶

The strategy and methodology proposed by the agency DID were based on several implicit hypotheses, which need to be unpacked. There are five hypotheses in all, regarding (i) the capacities of the team of experts; (ii) the effectiveness and neutrality of the administration and the CNSFMR in its role as arbitrator and regulator of the groups of actors concerned; (iii) the legitimacy and representativity of the groups of actors; (iv) the quality of the contribution to the debates, in terms of participants' 'capacities' to articulate and present their particular group's analysis and proposals regarding the issues under discussion; (v) the quality and accuracy of the minutes, which were supposed to provide a record of the discussions and essential source materials for documents relating to the PNSFMR and the law.

■ The 'capacities' of the team of experts

The experts were expected to have a range of skills relating to the different technical aspects of land matters, and detailed knowledge of the realities of land affairs. These were essential in order to produce the initial document, and to ensure that subsequent documents were coherent and accurate.

They also needed to have the capacity to facilitate the consultation meetings. Running meetings is not a skill that is specific to any theme (in this case, land matters); it requires the ability to prepare for meetings in advance, enable different kinds of actors to engage in the debate during meetings, and to raise and further investigate questions in their field of expertise.

Finally, there was the ability to listen, to grasp and retain key messages so that they could be taken into account effectively, and to explore the contradictory positions of the different groups involved in the debates.

The team's capacities not only related to their skills, but also to conditions of their contract (in terms of the time available to them), the effective use made of their skills and the room they had to manoeuvre, as per the roles allocated in the technical bid for the consultation process.

■ Effectiveness and neutrality of the administration and the CNSFMR

Although it initially seemed that the administration was not concerned by the technical aspects of producing the successive documents, it was expected to be effective at several levels.

Its primary function was to steer the process. In order to do this, the administration, through the CNSFMR, needed to have a clear understanding of the expected content of the documents at the different stages of the process, so that it could guide the consultants and verify the quality of the intermediate outputs. This steering capacity involved the ability to pick up on and closely monitor any difficulties that arose so that appropriate measures could be taken, even if they had not initially been planned. The iterative consultation process entailed a series

¹⁶ Ray Pawson, 'Nothing as practical as a good theory', *Sage Publications*, vol. 9, n° 4, pp. 471-490.

of evolving events and required appropriate and timely decision-making. In order to fulfil this function, the administration had to constantly work through the intermediary of the CNSFMR (which included representatives of the principal national actors playing a role in and contributing to land matters). In order to fulfil their supervisory and monitoring function, members of the Committee and, more obviously, the administration, were not supposed to act as service providers (helping run meetings, producing versions of the PNSFMR, developing training materials, minuting meetings, etc.) as this would have undermined their position and made it impossible to maintain a neutral position.

Its second function was to provide the necessary administrative support to ensure that activities ran smoothly; and to be available, in terms of its proven ability to respond to approaches and requests relating to the process in a timely and effective manner.

A third and final aspect of the model was the assumption that the political authorities would refrain from interfering in the course of the debates, from the very start of the process, through the minutes, during the final phase of the forum and right up to the adoption of the final report. Satisfactory arrangements for steering the meetings and producing written minutes needed to be in place to ensure that it remained neutral. This would help establish a consensus in terms deemed appropriate by the experts, and negotiate compromise on areas of disagreement or, where this proved impossible, possibly have one imposed by the political authority.

■ Legitimacy of the representation

Several conditions needed to be met to ensure that the discussions with the different groups of actors were effective. Firstly, the ability to accurately reflect the views of any strategic group assumes that it has relatively homogenous interests. To be more precise, if a particular group is made up of strategic sub-groups, it is essential that this is reflected in the discussions so that this diversity is recognised and each sub-group has the opportunity to make its voice heard. Secondly, a minimum level of organisation or consultation is required to ensure that the people representing the strategic group concerned have been legitimately chosen and represent the diversity of the sub-groups in question. In other words, there is an assumption that the mechanism for selecting representatives will make it possible to appoint people who can legitimately to speak in the name of the strategic group concerned, taking account of the diverse views held by its members.

■ Quality of the contribution to the debates

The quality of the contribution to the debates reflects the effectiveness of the participation. It is distinct from the quality of the representation, which assumes that the actors most concerned feel that it is worth the effort of participating, that they will be heard and that they will take the platform that they have been offered. Here, it is assumed that the actors concerned had the opportunity to discuss in depth all the subjects relating to the theme, not just those 'listed on the agenda', and that they had the opportunity to take the initiative to discuss or propose certain orientations. This assumes that the organisational and political conditions for internal discussion within their group had been met (in pre-existing organisations), in terms of access to strategic support where it was needed, and sufficient time being allowed for preparation. Another condition for participating in the debate was that members of the group of actors had the capacity to understand the preliminary document and read it critically. The final assumption in this respect was that the representatives of the groups

of strategic actors would have the capacity to present their points of view and ensure that they were reflected in both the minutes and subsequent reports on the discussions.

■ **Quality and accuracy of workshop reports and minutes**

Although it may seem unimportant, this is a crucial aspect of a process that is mainly based on consultation: the assumption that meetings will be accurately recorded so that minutes of the main contributions and arguments regarding the different topics of debate can be taken into consideration. This point is also linked with the technical opportunity that the mechanism gives stakeholders' representatives to gain access to the successive reports, especially the final report, so that they can determine whether it takes account of the main concerns raised by their group. This is also an important factor in correcting reports to ensure that they are an accurate record of the proceedings.

These reports were particularly important because they conditioned the progressive process of writing policy documents, and constituted the institutional memory in a context of high staff turnover within the administration (appointments, job changes, etc.).

All these assumptions, which are inherent in the model of participation suggested by the team of experts, should have made it possible to achieve a particular kind of consensus: not one that was pertinent in the widely accepted sense, but a minimum consensus on specific points and clarification of the divergences and points of disagreement. This in turn could have established the areas for negotiation, compromise and arbitration (arising from policy choices that needed to be clarified).

We suggest (as a hypothesis) that these assumptions were not entirely correct. Our aim is to test the validity of this affirmation in the research, first by sifting through all the sources of information; and secondly by examining the strategies deployed by the actors involved to determine why these assumptions were flawed and the conditions for the process left a good deal to be desired.

III. DEFINING THE NATIONAL POLICY TO SECURE LAND TENURE

This section describes how the process of defining the PNSFMR progressed, presenting the main conclusions and developments in the reference text at each stage of the procedure.

1. Preparing the assessment and initial guidelines for the debate

The first stage of the experts' mandate for this mission was to conduct a 'preliminary assessment of the land tenure situation in rural areas'. Work on this stage, which was seen as crucial to the whole process, was undertaken in three periods between February and October 2005:

- ▷ review of secondary data, studying the available pre-existing data on the topic, especially thematic reports and other sectoral documents;
- ▷ obtaining specific and updated data during a one-week field visit;
- ▷ finally, preparing a baseline document structured around four main points:

(i) Land tenure in village territories: these undeveloped areas make up the vast majority of rural lands, and are the basis for traditional productive activities (agriculture, livestock rearing and forestry). Village lands are mainly managed through local practices based on customary techniques.

(ii) Land tenure in developed rural areas: these are lands where various operations have been undertaken to increase their productivity and economic value (agricultural, pastoral, forestry, faunal, hydraulic and fisheries developments). In the specific case of hydro-agricultural initiatives, developed areas belong to the State. Only 13.8 per cent of the land with development potential has been developed, and 10.4 per cent is used productively. Access to these lands is generally inequitable, to the detriment of women.

(iii) Conflicts over land and their regulation: conflicts are escalating, sometimes to fatal levels; mechanisms for land management and the prevention/management of land conflicts in rural areas do not seem to be very effective.

(iv) Initiatives to secure land tenure. Key initiatives include:

- the Ganzourgou Rural Land Management Plan (PFR/G);
- the Pilot operation to secure land tenure (OPSF) led by PNGT2;
- the OPSF for the Local Development Project in Western Burkina (PDL-Ouest);
- the Sylvo-pastoral Project in Nouaho, to secure pastoralists' land tenure;
- periodic actions by other projects to secure land tenure for beneficiaries of their interventions (PDI/Z, PGRN/B, PNGT, VARENA, etc.).

The preliminary assessment was accompanied by the following vision for security of tenure in rural areas: *"Rural actors with secure rights to use their land, benefiting from a peaceful*

social environment that enables them to be productive, achieve food security and sustainable development, and participate in the market”¹⁷.

This vision provided the basis for the objectives (one global, and the others specific). All of the initial proposals were submitted for comment to a group of institutional and field actors in February 2005 (teachers-researchers, CNSFMR) so that they could be progressively refined and improved.

Things moved along fairly quickly thanks to the consensus reached on the land tenure assessment and the resource persons’ contributions, and the first consolidated version of the working paper for the national policy to secure land tenure in rural areas was presented in the form of a ‘preliminary report’ in April 2005.

This preliminary report already proposed the operational procedure for the PNSFMR, with six strategic axes of implementation and guidelines for their development. This document opened the way for a series of consultations that started in May 2005, with successive meetings to discuss the main thematic, technical and policy aspects of the process. These were the foundations for the policy document.

On the material and logistical front, all the meetings were organised by the PNGT, a single structure within the Ministry of Agriculture, Hydraulics and Water Resources, which was responsible for funding consultation activities. The CNSFMR, whose technical secretariat was led by representatives from the same ministry, was responsible for sending out documents, invitations and successive reports to be submitted for discussion.

2. Instigating debates with different categories of actor

The preliminary report of April 2005 was enriched through consultation workshops with actors from different socio-professional groups jointly identified by the team of experts and the steering committee. These actors included women, customary and traditional chiefs, farmer organisations, members of the administration, private operators and the technical services.

During these thematic workshops participants discussed (i) the land tenure situation in rural areas; (ii) their experiences and main concerns (current and future) with regard to land tenure; (iii) the content of the proposed guidelines and strategic orientations of the national policy to secure land tenure in rural areas; (iv) medium- and long-term priorities and prospects.

These workshops and the topics they covered are described chronologically below:

- ▷ Bobo-Dioulasso, 13th May 2005: 25 leaders of producer organisations (POs) from different provinces represented rural POs at a workshop to discuss two points:
 - the assessment of land tenure in rural areas,
 - the national policy document to secure land tenure in rural areas.
- ▷ 14th May 2005: 18 private operators representing ‘new actors’ from different provinces, focused on the following topics in their work sessions:
 - access to land;
 - the question of ownership;

¹⁷ Preliminary diagnostic document.

- procedures for obtaining titles;
 - conflicts/tensions over land;
 - the absence of a strong agricultural policy ;
 - insecurity of tenure;
 - the need to improve every aspect of tenure security for all actors.
- ▷ Koudougou, 27th May 2005: 29 women representing women’s collectives/networks of women’s associations voiced their concerns and discussed the following topics:
- access to land;
 - land ownership;
 - insecurity of tenure;
 - land conflicts;
 - problems with investment.

They then discussed the land tenure assessment, with which they agreed; and the national policy to secure land tenure in rural areas, where they emphasised several points:

- women’s place in local institutions;
 - their worries and reservations about the effects of new actors’ practices on land ownership among smallholders;
 - the role and place of customary chiefs: these women did not believe that ‘returning to the olden days’ and appointing customary chiefs as land officials would necessarily resolve the problem.
- ▷ 28th May 2005, 24 governors, regional advisors, high commissioners and prefects met to discuss the following key issues in their capacity as government officials:
- land conflicts and their causes;
 - land practices;
 - the place and role of the administration;
 - agribusiness.
- ▷ In Ouagadougou, on July 8th and 9th 2005, 36 chiefs and customary dignitaries representing customary and traditional chiefdoms in different provinces participated in debates on the following matters:
- the policy of installing migrants in the context of programmes to develop the Volta valleys (AVV), which certain traditional chiefs saw as the root of current land-related tensions in the areas concerned. They also recommended, among other things, ‘un-naming’ the villages created by the AVV and giving them names that better reflect the socio-cultural context of their village lands;
 - the responsibility of the State in the emergence or aggravation of conflicts, especially those relating to territorial boundaries (sparked by inappropriate approaches to installing infrastructures shared by two or more villages, or actions to mark out territorial boundaries initiated by village land management projects);
 - fraudulent land acquisitions;
 - the effects of urbanisation and the expansion of urban communes into neighbouring village lands;
 - the status of land, with the recommendation that the provision that “land belongs to the State” be revised;

– the degradation of natural resources.

- ▷ On 5th October 2005, a workshop for representatives from the State's central technical services and projects.

These thematic workshops provided the first enlarged framework for these actors to voice their main concerns and questions regarding security of tenure in rural areas, and to express their views and opinions on the consultants' initial proposals.¹⁸

Contributions to these workshops suggested or clarified ways in which the working document could be improved. The main innovations in the amended version produced in December 2005 were guidelines to the formulation of the PNSFMR to reflect:

- ▷ the social demand from actors, as captured in the preliminary studies and field visits;
- ▷ the relationship between the strategic axes, making the document more coherent.

The new document and guidelines were then used to define the strategic axes of the policy.

The main changes to the draft versions of the PNSFMR produced in April and December 2005 are summarised below.

In terms of its vision, the link between land and the market is clarified in a way that underlines the importance of both the economic and social environment in creating the conditions for successful access to the market and, more generally, for sustainable development.¹⁹

The different elements of the assessment of rural land tenure were better structured, to show:

- ▷ the land tenure situation in developed rural areas;
- ▷ the main changes currently under way in rural areas;
- ▷ initiatives to improve security of tenure.

The document produced in December 2005 after these discussions resulted in an important modification to the form of the document. Instead of simply having the strategic axes proposed in the previous version, five main orientations were identified as the basis on which these strategic axes could be developed:

- ▷ Orientation 1: recognising and protecting all land actors' legitimate rights to land and natural resources;
- ▷ Orientation 2: promoting and supporting the development of legitimate local community-based organisations;
- ▷ Orientation 3: clarifying the institutional framework for managing conflicts at the local level and improving the effectiveness of the local authorities responsible for conflict resolution;
- ▷ Orientation 4: improving rural land management;
- ▷ Orientation 5: developing the capacities of the State services, local governments and civil society.

¹⁸ The second framework focusing on this issue was the *Journées nationales des paysans* (JNP - National farmer days) in January 2006.

¹⁹ Draft version of the PNSFMR, December 2005.

The introduction was reviewed and developed to present the justifications and the issues involved in preparing the document. Existing reference documents (the LPDRD, CSLP, decentralisation process) were explicitly mentioned and, crucially, the objectives were reviewed and clarified in order to take account of the situation for each group of actors (rather than talking about vulnerable groups in general).

Unlike the initial document, the December version set out the basic principles that would drive the implementation strategy, which were defined as follows:

1. Balance: securing all types of rural enterprise, whether they are family farms, pastoral systems or agribusinesses.
2. Differentiation: taking account of the variability of situations and local land issues when formulating solutions to secure land tenure, and offering a variety of ways to secure tenure.
3. Freedom of choice: the right of rural actors to choose modes of securing tenure that they feel are most appropriate to their specific local contexts and land issues.
4. Subsidiarity: decentralised rural land management, with the obligation to be accountable to and involve local communities.
5. Legality: the recommended measures for securing land tenure should on the one hand give rural actors land tenure status that is recognised by the law and protected by legislation; and on the other, conform to the fundamental principles (which are generally constitutional in scope) of equality, lack of discrimination and citizenship.
6. Progressiveness: implementation of the proposed measures to secure land tenure should be progressive and pragmatic with, where necessary, interim measures to take account of the time required to bring about the desired changes in practice.

This document underlines the desire to secure the tenure of different types of actors in ways that take account of their specific needs. While recognising that this right also applies to ‘new actors’, it sets out a set of strict measures to combat land speculation, which include limitations on the amount of land that can be allocated to one person in a particular locality.

Rather than restoring power to the chiefdoms, their role is described in terms of consultation, arbitration and advice, with the clear message that they will have the moral authority to ensure that rules are enforced, and play an important role in alternative conflict management.²⁰

3. Opening the debate at the regional level

The December 2005 draft version of the PNSFMR was then submitted for a series of regional-level consultations. This was done through regional workshops that sought to open up genuine policy dialogue between heterogeneous actors with divergent interests, on the problems associated with land and sustainable development.

These workshops were undoubtedly a key stage in the process of formulating the PNSFMR, in that they created the conditions for a plural, detailed and informed debate in a single space, with the objective of reaching national consensus on the orientations, axes and strategies for the policy based on open, multi-lateral debate and the force of argument.

²⁰ PNSFMR document, March 2006 version.

A total of four regional workshops were held between May 9th and 27th 2006:

- ▷ one in Kaya, on May 9th and 10th 2006, for participants from the Centre-Nord, Sahel and Plateau central regions;
- ▷ one in Tenkodogo, on May 12th and 13th 2006, for participants from the Centre-Est, Est and Centre-Sud regions;
- ▷ one in Koudougou, on May 23rd and 24th 2006, for participants from the Centre, Centre-Ouest and Nord regions;
- ▷ one in Bobo-Dioulasso, on May 27th and 28th 2006, for participants from the Hauts-Bassins, Cascades, Boucle du Mouhoun and Sud-Ouest regions.

These workshops were held virtually in the same places and brought together representatives of the same socio-professional categories (and sometimes the same individuals) that had been invited to the thematic workshops the previous year. This time, however, the approach and general procedure was designed to place greater emphasis on the quality of the contributions and amendments, thanks to the preparatory support that GRAF (*Groupe de recherches et d'action sur le foncier*) had given the producer concerned organisations.

In order to do this, the CNSFMR asked all the concerned structures (state and otherwise) to prepare for the regional workshops by producing coherent and consensual contributions that could possibly be passed on to the committee's technical Secretariat. Due to various factors, some actors, such as producer organisations (POs), seemed better able to participate than others. The POs were organised through the *Confédération paysanne du Faso* (CPF), and received support from various advisory and support structures like GRAF, which put in place a small 'Rural land tenure research committee' whose preliminary work was undertaken in two main stages:

- ▷ internal research culminating in a document synthesising the position, vision and questions of rural producers;²¹
- ▷ a series of pre-workshops to improve the quality of their representatives' participation, and a synthesis of the results of these workshops.²²

The work done during the regional workshops themselves was organised so as to encourage participants to contribute as much as possible, with:

- ▷ an introductory presentation summarising the draft version of the PNSFMR document (December 2005 working paper) at a plenary session, followed by a general debate;
- ▷ working groups (workshops) to discuss the five orientations of the document;
- ▷ workshop reports, debates and a synthesis in plenary session.

In addition to these workshops, two specific workshops were held in September 2006 for the mayors of Burkina Faso's 351 communes, the first in Kaya and the second in Bobo-Dioulasso.

The following subjects were discussed during these workshops:

- recognising the rights of the State;
- the role and place of new actors;

²¹ Rural land tenure research committee: elements of the synthesis (undated).

²² A total of four pre-workshops were held just before each regional CNSFMR workshop (Kaya, Tenkodogo, Koudougou, Bobo). Cf. specific reports and synthesis report.

- land taxes specific to new actors;
- civil society's role in monitoring developments;
- the role and place of customary chiefs;
- the political autonomy of local institutions;
- clarification of the roles and tasks of the rural police;
- policy on town planning and rural land tenure;
- monitoring hydro-agricultural developments.

with the following outcomes:

- points of consensus: rejection of the State's monopoly over land, recognition of all actors' land rights;
- point of disagreement: the role and place of traditional and customary chiefdoms in local land management.

The majority of actors were in favour of limiting the amount of agricultural land that single individual can hold in a particular locality.

The results of the work done at these regional workshops were fed into a third version of the document, a working paper that was submitted to the forum held in May 2007.

One significant change at this stage was that greater account was explicitly taken of the interests of vulnerable groups, especially women. Unlike previous versions, which used the general wording 'all rural actors', Axis 1 of Orientation 4 of this version clearly stated the principle of 'recognising the local land rights of male and female producers in rural areas'.

Another change, which helped make the document clearer, was the subdivision of one of the orientations to take account of the results of the regional workshops. This meant that the document presented at the forum in May 2007 had six orientations rather than the five set out in the December 2005 version:

- ▷ Orientation 1: recognise and protect all rural actors' legitimate rights to land and natural resources.
- ▷ Orientation 2: promote and support the development of legitimate community-based local organisations.
- ▷ Orientation 3: clarify the institutional framework for managing conflicts at the local level and improve the effectiveness of the local authorities responsible for conflict resolution.
- ▷ Orientation 4: improve rural land management.
- ▷ Orientation 5: put in place a coherent institutional framework for rural land management;
- ▷ Orientation 6: develop the capacities of the State services, local governments and civil society to deal with land matters.

Finally, with regard to the implementation strategy, the document that was produced after the regional workshops²³ and submitted to the forum in May 2007 also notes the need to formulate a program to implement the PNSFMR that takes account of the action plan.

This version added value to several points, including measures:

²³ PNSFMR document, December 2006 version.

- ▷ to improve rural land management;
- ▷ to take greater account of the communes' role in policy implementation.

The new version clarified several aspects of the first point:

“The principal mechanisms and tools listed below will contribute to better rural land management: preparing national and regional master plans for territorial development (SNAT and SRATs); preparing a framework law on rural land and legislation on rural leases; implementing local mechanisms for information and communication on rural land management; designing and implementing an appropriate and manageable rural land register; establishing clear and precise criteria for establishing DFN and DFL lands; evaluating the costs of demarcating and registering DFN and DFL lands and incorporating them into projected development costs; involving the private sector in executing operations to establish and mark out the boundaries of DFN and DFL lands; preparing the terms and conditions for developments in rural areas”.

This version also describes how land management institutions in Burkina Faso should be organised, especially at the central level, as shown in Box 1 below:

Box 1: Organisation of land management institutions across the country

The role of the CNSFMR in coordinating, monitoring and evaluating implementation of the PNSFMR is confirmed and strengthened. However, it will also be necessary to set up a national Rural Lands Agency (ANTR) and to strengthen the central services responsible for rural lands.

As a public body, the ANTR will be responsible for promoting the productive use of State lands in rural areas.

In the central services, land management currently falls under the jurisdiction of the General Directorate for Taxes (DGI) in the ministry responsible for the Economy and Finance. Under the current institutional set-up, the Directorate of Law and Litigation (DLC) and the Directorate of Land and Cadastral Affairs (DADFC) within the DGI are most concerned with implementation of the PNSFMR. At the moment their specialisation and capacities mainly relate to urban land management and tax matters. As far as the cadastral services are concerned, a national directorate of land registers will need to be established, along with a rural cadastral service that will work in collaboration with the CNSFMR on the creation of a rural land register.

In addition to this, the document suggested specific measures to help improve the management of irrigated areas, identifying weaknesses in the system and the measures required to rectify them.

The representatives from producer organisations were better prepared for the regional workshops (having been supported by independent NGOs), and better able to put across their views on certain points. Several actors that had participated in the first series of consultations also attended the regional workshops, where some proved more able to contribute to the discussions. Some of the elected local officials raised specific questions about local land

management, helping clarify certain elements of the operational arrangements that needed to be made.

4. Finalising the proposals: the national forum and final adoption

The discussion/consultation process culminated in a national forum in Ouagadougou, where representatives of the concerned actors had the opportunity to confirm the points with which they agreed and/or disagreed on the one hand, and on the other, to deepen reflection and seek consensus on questions that had not been resolved at the end of the other series of workshops. The forum set itself the objective of helping reach a national consensus among all rural land actors on the draft PNSFMR document. The main expected outcomes of the forum were: (i) participants know about the PNSFMR; (ii) previously unresolved questions answered; (iii) questions about implementation investigated in greater detail; (iv) national consensus established around the PNSFMR; (v) recommendations and guidelines prepared for finalising the formulation of the legislative and regulatory framework to secure land tenure.

4.1 Preparations for the forum by different actors

The main aspects of preparations for the forum are summarised below:

■ Training for radio and press journalists; their contributions

On May 24th and 25th, 17 radio and press journalists from branches of the media with large urban and rural audiences attended a pre-forum workshop to prepare them for their involvement in public relations activities before, during and after the forum. The main focus of this training was to familiarise these media professionals with the key points of consensus and disagreement, and with questions that needed further investigation in future consultations, through a presentation by the Directorate for rural land matters and farmer organisations (see Box 2 below).

Because the concerns addressed by the PNSFMR touch on sensitive issues, the training was designed to provide the journalists with the tools to deal with them appropriately. Many participants agreed that *“this information will help them distance themselves from certain land-related events; and provide reliable sources to them keep up to date with land matters and the progress of the PNSFMR. Some of them think that they will be able to improve their output by giving timely information”* (Training report, page 40).²⁴

After the training journalists from the capital helped provide media coverage of the forum, while those running radio showed in the country broadcast a special 24-minute slot as part of a media campaign on the formulation of the PNSFMR. Between 27th May and 2nd June 2007, nine members of Burkina Faso’s local rural radio network (ReR-BF), which has a total of 2,350,000 potential listeners, participated in this campaign. The level of media coverage was deemed to be significant because of the high number of potential listeners, the vast majority of whom live in rural areas. At the end of this media campaign, radio broadcasters recommended

²⁴ Jade Productions, Information workshop ‘Journalisme et foncier: savoir pour informer’, Ouagadougou, 24-25 May 2007, Workshop report, Ouagadougou, 42 p.

that local resource persons be trained on the PNSFMR, and that a *simple French language* version of the policy document be made available to elected local officials.

■ Contribution from TV

Burkina's national radio and TV company *Radio-Télévision nationale du Burkina* (RTB) broadcast regular publicity spots announcing the forum before it took place, and provided coverage as it happened. It also recorded a programme on the PNSFMR on May 25th, in the form of a one-and-a-half-hour debate bringing together on the same platform representatives from the Ministry of Agriculture, Hydraulics and Water Resources, the president of the CPF, an agri-businessman, a consultant specialising in land matters and a customary chief. This was broadcast on the national network at peak viewing time after the daily news at 8.00 pm on May 27th, as preparations for the forum were well under way.

However, there was no particular strategy for disseminating the various workshop reports and other working documents. The DGFROP, which (as the technical secretariat of the CNSFMR) played a central role in circulating different documents throughout the process, certainly made an effort, but there was no mechanism in place to check the quality of these documents or ensure that the right people received them in good time. This was due to the fact that there was usually a rush to send the working documents to the people concerned (and possibly also to finalise them in the desired format), something that is reflected in the feedback from certain participants (see Box 2 below).

With regard to the internal functioning of the CNSFMR and, by extrapolation, the organisation and running of the PNSFMR formulation process (under the auspices of said committee), the 15-day deadline for sending working documents before meetings (Article 7) was hardly ever respected.

4.2 The national forum: description of the process

The national forum on securing land tenure in rural areas was held at the international conference centre in Ouagadougou on May 29th and 30th 2007. It was attended by 513 participants, including representatives from the state technical and administrative services, civil society, local governments, religious and customary authorities, the private sector and donor agencies; as well as Burkinabé nationals living in Côte d'Ivoire and delegates from Niger who gave presentations on their experience in these countries.

Drawing on the procedures followed during the regional workshops, the forum was organised as follows:²⁵

- ▷ introductory presentations followed by discussions in plenary sessions;
- ▷ presentation of the draft version of the national policy to secure land tenure in rural areas (draft version updated in May 2007) ;
- ▷ presentations on problems with land tenure experienced by Burkinabé living in Côte d'Ivoire;
- ▷ group work (workshops) on the following themes:
 - Working group 1: Recognising and protecting all rural actors' legitimate rights to land and natural resources.

²⁵ See detailed programme in the annex 3.

- Working group 2: Promoting and supporting the development of legitimate community-based local institutions; putting in place a coherent institutional framework for rural land management.
- Working group 3: Clarifying and improving the effectiveness of local authorities responsible for conflict prevention and management at the local level.
- Working group 4: Improving rural land management.
- Working group 5: Implementing and building the land-related capacities of the State services, local governments and civil society.

■ Reporting back, debates and syntheses in plenary sessions

After the Prime Minister opened the forum in the afternoon of May 29th, a welcoming address was given by the mayor of Ouagadougou, then president of the *Association des maires du Burkina*. He noted that the RAF had failed to resolve uncertainties over the status of land, and expressed his hope of obtaining a consensual document that would serve as a frame of reference for government action.

The minister for Agriculture, Hydraulics and Water Resources then opened the proceedings by affirming that the two successive reviews of the RAF of 1984 demonstrated the authorities' desire to find new ways of securing rural land tenure that are appropriate to the country's social, political and economic context. Explaining that the ongoing problem of tenure insecurity had prompted the government to formulate a national policy to secure land tenure in rural areas, he then summarised the key stages in this long process:

- ▷ the implementation, from 1998 onwards, of pilot projects to secure land tenure in different areas in order to test various procedures and modes of securing tenure;
- ▷ the installation of a National committee to secure land tenure in rural areas, an inter-ministerial body bringing together civil society organisations, whose main mission is to "suggest to the competent authorities the elements needed to formulate and implement a national policy to secure land tenure in rural areas";
- ▷ fourteen consultation workshops and a national farmers' day to discuss the different versions of the PNSFMR proposed by the group of experts, the results of which were fed into the version of the document presented at the forum.

The first part of the plenary session on the morning of the second day was devoted to presentations on two reports. The first was a technical report on the results of the consultations on the main orientations of the PNSFMR, which noted the points on which consensus had already been reached, points of contention, and elements requiring more in-depth examination.

Box 2: Points of contention and elements needing more in-depth examination

Points of contention:

The role and place of traditional and customary chiefs in land management. There are two main positions on this:

1. Traditional and customary chiefs should have a more active role;
2. Their function is to exercise moral authority by supporting and advising legitimate local institutions.

Points requiring more in-depth analysis:²⁶

The status of land: Having reached a consensus on the need to end the State's monopoly on land ownership, the status of land needs to be redefined. This means addressing questions such as land ownership, the criteria for and modes of establishing national and local public lands, safeguarding the interests of future generations and, finally, the prerogatives to be given to local land management structures.

District courts: What is to become of them in the process of communalisation? What mechanisms need to be put in place at the local level to manage land disputes and conflicts, and how will they articulate with classic jurisdictions?

The rural police: Under the decentralisation process each local government can create a municipal police force. However, the concept of 'rural police' mentioned in the PNSFMR needs to be clarified in relation to the 'local police' envisaged in the context of efforts to combat insecurity and criminality.

'New actors' and the introduction of land taxes: The name given to this category of actors needs to be clarified, along with specific measures to limit their land actions.

Land use and ownership titles: It is expected that there will be proposals to reduce the costs and procedures entailed in obtaining these titles.

The communes' role in land management: Expectations in this respect mainly concern the revision of texts relating to the composition of the land allocation committees.

Inter-communal areas: These correspond to areas of common resources or peri-urban areas separating two neighbouring communes, whose management needs to be taken into account in the PNSFMR.

The second report summarised the current version of the PNSFMR, which was expected to be amended after the forum. The presentation of these two reports was followed by a general debate.

In the second part of the plenary session, the Burkinabé honorary consul in Soubré (Côte d'Ivoire) gave a presentation on how efforts to secure land tenure in Côte d'Ivoire had affected the Burkinabé community in that country. After the debate following this presentation and the moderator's synthesis, the organisers divided the hundred or so participants into five

²⁶ Introductory paper for the Forum on rural land tenure, May 2007.

thematic working groups or commissions, in preparation for the afternoon workshops. After three and a half hours of discussion, each group reported back on their work the following morning, which was the last day of the forum. Their presentations were followed by a presentation of the general report and the closure of the forum in the afternoon.

4.3 Main conclusions and comments on the forum

Although there was ‘general approval’ of the points submitted to the forum, this consensus underlines some differences in the participants’ understanding and requests for more detail and clarification on certain matters.

■ The status of land and types of public land

The different attitudes expressed during previous workshops and at this forum showed that the status of land was still a sensitive issue: “Land belongs to the first occupants”, “Land belongs to customary owners”, “The land belongs to God”, “Land belongs to the State”. In order to separate these positions, the president of the commission looking into the recognition of land rights reminded participants that the earlier workshops had resulted in consensus on the need to modify the State’s monopoly on land by involving other actors in land management, an option that had long seemed impossible. To define its position, the commission referred to the Constitution, which states that “*natural wealth and resources belong to the people*”, before opting for the following wording: “*Land is a shared national heritage. The State organises its management for the benefit of all actors*”. This phrasing makes it possible to acknowledge that some national lands belong to the State (*Domaine foncier de l’État*), some belong to local governments (*Domaine foncier des collectivités territoriales*), and in addition to these two types of public land, some land belongs to individuals (*Domaine foncier des individus ou des particuliers*).

■ Land use titles, individual ownership titles, securing use rights

It was generally agreed that there needs to be a mechanism to secure land tenure, and that this should be established so that rights can be recognised in different way to take account of individual situations and actors’ various needs to secure their rights. This would be done through ownership rights for new actors or interested parties, and certificates of land ownership for rural actors (individuals, families and lineage groups), with the possibility of changing these to titles of ownership.

Some useful lessons on the introduction of land ownership documents had been learned from the experience with the procedure for recognising land rights used in the Ganzourgou Rural Land Management Plan (PFR/G). In order to reduce the costs of issuing ownership documents, the commission recommended using the PFR tool. It also pleaded the cause of the poorest sectors of the population, recommending that they should be able to obtain these documents free of charge or at subsidised rates.

The commission also recommended that land transactions should be secured through forms adapted and validated by the administration.

■ Land access and security of tenure for vulnerable groups

The most vulnerable socio-professional groups in terms of land tenure are women, the inhabitants of peri-urban areas and pastoralists.

Opportunities to secure tenure do exist, confirming the proposals presented in the introductory document to the forum. For example, the principle of introducing a quota for women was retained, especially in developed areas; and rights to village lands can be recognised through a statement of land ownership and then a land certificate, which enables the holder to follow the procedures for obtaining other legal titles to secure tenure, including land ownership titles. The modalities for implementing the rural land register could follow this model.

However, experience suggests that the proposals to secure tenure, particularly in undeveloped areas, were not sufficiently clear about the operational approaches that would be used to give greater security to vulnerable groups, especially women. Although each version of the document seemed to take explicit account of this issue, representatives of women's collectives/networks of women's associations still had two main areas of concern.

First, it was felt that by placing particular emphasis on taking "socio-cultural realities and specificities" into account, the PNSFMR closely 'allied' itself with the very customs and traditions that they saw as contributing to their disadvantaged position.

Secondly, they did not believe that the arrangements proposed in the current document would ensure that women's representatives would be able to fully participate in or contribute effectively to local land management bodies and authorities (especially those concerned with conflict management). They also felt that the number of women's representatives should be increased in order to strengthen the 'potential range' of their voices in decision-making/consultative bodies.

The commission emphasised the fact that efforts to secure tenure should be followed by support measures to ensure that land is put to good productive use, as the absence of such measures is a source of tenure insecurity.

With regard to pastoralists (especially in agricultural areas), the conclusions did not define effective strategies and modalities that would enable them to influence decisions on matters such as the identification and delimitation of grazing areas or livestock corridors. This meant that there was a risk that farmers' models or options, or those that were solely concerned with agriculture, would predominate.

■ The place and role of customary and traditional chiefs in rural land management

The role of the customary chiefs was couched in rather vague terms, and thinking on village and inter-village institutions focused solely on village development councils (CVDs). These were presented as the solution to a wide range of problems, although the decree relating to their creation and establishment disregarded both the guidelines set out in the experts' document and many of the lessons learned from previous local land management committees. The team of experts had thought that the analyses and proposals in the PNSFMR document would reopen the debate on CVDs and the modalities for putting them in place, but this did not happen – partly because the subject was not discussed in sufficient detail to determine all the implications of establishing such bodies. Many observers see the CVDs as pale imitations of the CVGTs whose formality will prevent them from being appropriated. There is also a real risk that they will stifle existing resource management initiatives by users' associations and committees managing economic goods, because they will be tools in the hands of the communal council rather than a sovereign space to express and contribute ideas. It should also be noted that the assessments and guidelines presented in the policy document were not accurately reflected in the revision of the draft document relating to the CVDs.

One of the most bitterly disputed points was the role that customary and traditional chiefs should play in land management. In previous workshops various groups of actors (other than the customary chiefs) had insisted that the customary and land chiefs should have a purely consultative role on village land management committees; and at the forum in May 2007, the report by Working Group 3 explicitly recommended that the customary authorities should be involved in managing land conflicts on a strictly consultative basis.

Most actors – apart from the chiefs themselves – felt that any form of active involvement by these chiefs would risk making the land management bodies less effective in terms of internal governance/democracy, and would create confusion over roles. It is also worth noting that in several areas (especially the Ouest), the chiefdoms have very little power, if they exist at all.

Working Group 2 also tackled this subject, but came to a different conclusion. It recommended that the chiefs should be given “an active role in terms of involvement in local land management structures, based on the revision of Article 7 of the decree regarding the creation of the CVDs, so that they are automatically given specific functions and prerogatives within specialised committees”.

In the end, it was this proposal by the second working group – which was supported by the political authorities – that was retained in the final report.

■ **The rights to be accorded to agri-businessmen or new actors, and priority options for rural land policies**

It is important to recognise that new actors contribute to the rural economy just as small farmers do. They bring investment into the agricultural sector, so it is important to encourage agribusiness rather than condemning it for competing with smallholders. What is needed, however, is an investment plan with clear terms and conditions that takes account of the need to protect the environment (particularly by regulating land clearance), and for new actors to help fund the new local governments.

Although the forum referred to family farms and their need for flexible ways of securing tenure, producer organisations felt that they were not really seen as a priority. This was due to the refusal to implement arrangements that would better ‘frame’ agribusiness activities and prevent the perverse effects that their failure to comply with current terms and conditions have had in certain areas. These farmer organisations also criticised the lack of voluntary support measures to help family farms to become more competitive, and expressed concern about demographic change and its effect on the availability of land for future generations.

PO representatives were clear about the need to address a number of questions, such as limiting the amount of land to be allocated to agri-business (especially in certain areas); enabling family farms to access land in hydro-agricultural developments and secure long-term leases; more rigorous monitoring and sanctioning of failure to comply with the terms of leases (the administration has proved very lax in this respect); and finally, introducing *retrospective arrangements* into the land law, especially with regard to limiting the size of landholdings. The new version of the policy document certainly made more concessions to agri-business than the December 2005 version, and was much more in line with the government’s vision of Burkina Faso as a country on the road to agricultural modernisation.

Given that one of the central objectives of the PNSFMR was to encourage competitive family farming, certain PO representatives and observers of agricultural dynamics in Burkina Faso

felt that the issues associated with such an initiative should have been clearly stated, along with their implications for coherent and complementary development policies. Family farms could play a role in modernising agriculture, since there are support measures and arrangements in place for this type of farmer (especially in terms of land). According to the POs and most local elected officials at the forum, ‘new actors’ are not best placed (in terms of priority) to revitalise agriculture or resolve problems with employment and sustainable natural resource management.

Nevertheless, many aspects of the final report on the forum seemed to place particular emphasis on ‘promoting large farms’ backed by actors from outside the agricultural sector (‘new actors’) as the best – or at least main – route to more modern and competitive agriculture.

This is doubtless due to the strong desire to get the PNSFMR and draft law to support the objective of modernising agriculture, largely on the basis of external private investment by actors other than those already settled in the area.

■ Action plan and implementation

The law is the tool for putting the PNSFMR into practice. It calls for an action plan that sets out the key actions, timeline and actors involved in its implementation, using a participatory approach that takes account of the different land issues at stake, secures producers’ tenure and helps protect natural resources in order to reduce poverty.

It was disappointing that the forum ended without determining the key guidelines for formulating the action plan and finalising the draft law. Implementing policy guidelines and pursuing target objectives effectively requires more than just a law. A tool is needed, along with a set of institutional and support measures of the kind identified in the assessment and guidelines, plus support for the implementation process (capacity building, supervision, monitoring, enforcing sanctions). Although a training needs assessment is planned, the PNSFMR should surely specify the minimum threshold for competencies, capacities and dialogue as a framework for future training requirements?

On a completely different matter, the forum also showed that more consideration needed to be given to the question of funding. More time could – and should – have been devoted to this issue, and the fact that it was not properly addressed meant that no specific new proposals or recommendations for funding emerged from the forum. More time should also have been given to the pilot phase, which could have been incorporated into the framework of several existing projects.

Finally, the political or ministerial authorities insisted that a preliminary version of the law should be elaborated and presented at the forum, supposedly so that the policy document could be examined and validated. Various actors expressed their disapproval of this procedure, which was seen in many quarters as an attempt by high-level officials to ‘force’ the process – doubtless because they were so keen to get a certain number of arrangements adopted, particularly those securing initiatives by new actors with investments in rural land.

■ Monitoring and evaluation

According to the conclusions of the forum, monitoring and evaluation will entail “using the information available from projects, programmes and ministerial departments; defining key

indicators and the data to be collected; establishing a database and defining a structure for the monitoring and evaluation”.

In reality, however, there is no reference baseline; there are no clear and consensual indicators (which could have been proposed in the policy document) or mechanisms for collecting reliable data. Neither the workshops nor the forum formulated criteria on which to base the indicators; nor did they give any indication of the institutional set up for the monitoring and evaluation system.

A number of questions were not examined in any depth at the forum, despite being raised by working groups during the consultation workshops. Certain actors felt that most of the subjects discussed in relation to these questions were either not explored in sufficient detail, or were postponed until later exercises (formulation of the law and implementation document),

As the forum was supposed to be part of the process of consolidating the policy document, it is worth asking whether its organisational procedure proved as productive as many had hoped. Our interviews show that actors with the highest expectations did not really feel that it constituted the final element in a staged process. One participant said, “Ultimately, we would say that the forum confirmed the consensus already obtained during earlier consultation phases rather than enabling us to reach a new consensus”; and another, “The key questions we expected to discuss were dealt with pretty superficially or ‘settled’ without genuine open debate based on differing points of view, and the consensus masks differing attitudes to agribusiness, the chiefdoms, the formulation of the law and the implementation strategy”.

Box 3 below shows that the forum did not live up to everyone’s expectations, although it is not possible to determine how people many felt this way.

Box 3: Opinion expressed by one participant at the forum

“All four thematic groups seemed to find it difficult to get into their subject in the workshop exercises, even though ToR had been prepared and made available. In most cases, the debates were conducted in such a way that you’d have thought this was a first round of consultations with a detailed examination of the content of the policy document, even on points where consensus had been reached during previous consultations.”
“Everything seemed to be put on the table as though we were starting the process”, which meant that there often wasn’t enough time to explore the points that really needed to be examined as a matter of priority”.

And the general report that was read out in the plenary session didn’t seem to accurately reflect the reports of the four thematic working groups – even though they had already been presented at the plenary session. For example, the working group’s report supported the option of a purely consultative role for the customary and traditional chiefs, but the general report supports the contradictory option of an active role, with the principle of active participation, and thus a role within the CVDs.

Another example: the group work supported the position already defended by certain actors at the regional workshops, that the principle of limiting the amount of land allocated to private operators should be clearly affirmed, even with proposals that the amount of land should take account of specific regional and social land attributes. But

this position wasn't accurately reflected in the general report, even though the question of tackling speculation was highlighted.

Finally, and without questioning the integrity, competencies or capacities of the resource persons who were allocated certain tasks during the course of the forum, it is striking that the responsibility for running/facilitating the working groups was almost always assigned to state actors (political officials or technicians such as regional governors, general or central directors, heads of service, customary or traditional chiefs), as if “they were frightened that things would get out of hand”. Although there are no data indicating that this could have appreciably affected the course of the debates, this procedure was not in accordance with the initial idea that the process and debates between different groups of actors would be steered by external resource persons with no direct interest in the issues under discussion.

The experts did not manage to control the process in this respect, partly because they were under considerable pressure to work at a pace set by the political authorities, and partly because of their growing weariness with an increasingly drawn-out mission.

■ Post-forum version of the policy document

After the forum the policy document was finalised by DGFROP and the resource persons that had worked closely with this institution throughout the process. None of the team of experts were involved in this aspect of finalising the document, as per the technical bid submitted by DID, as this would have prolonged their involvement in the process.

There were some delays in finalising the forum report: the first version sent by DGFROP was almost immediately replaced with another one, as DGRFOP claimed that the initial document was ‘not the right one’, and this was then followed by the finalised version. Some of those involved in the finalisation process felt that this confusion was due to the absence of a clear procedure among the team of rapporteurs, which meant that one of them had been able to send the first version without checking it with the others.

4.4 The final adoption process

There is very little difference between the document that was adopted by the forum and the version finally confirmed by the council of ministers. Apart from the addition of a new axis for Orientation 4,²⁷ the adopted version repeats and confirms the arrangements set out in the final report on the forum of May 2007.

In strictly technical terms, and according to well-informed sources, the document should have been adopted through a rigorous procedure that would allow those involved in the process to verify whether it was consistent with the forum report, and possibly raise certain questions that they felt had not been sufficiently clarified at the forum. The CNSFMR was the authority best equipped to do this as it had been responsible for piloting the process.

What actually happened after the forum was that the procedure was ‘simplified’ to the extent that the MAHRH sent its technical report directly to the general secretariat of the government

²⁷ Axis 1: Clarify and define the types of landholding.

along with the draft decree regarding the adoption, copied to the different ministries for their comments.

This meant that the CNSFMR did not have to meet to send clear directives on how the document should be revised to reflect the conclusions of the forum; nor did it meet to examine the version to be submitted to the government, thus giving its backing to the Ministry of Agriculture, Hydraulics and Water Resources. This suggests that the ministry's report to the council of ministers was based on the final document arising from the forum, and that this was how the PNSFMR came to be adopted by the council of ministers on 5th September 2007.

The description of the forum notes the modifications that were made to the document during this event, as the final report on the forum incorporated these points as they were presented at the plenary session. However, it should also have noted that at the end of the forum, and in accordance with the conclusions of the working group discussions, the 'rural police' (first proposed in the December 2005 version) had been dropped on the basis that they were not necessary.

The main changes between the document submitted to the forum and the adopted version are presented below.

■ PNSFMR vision and objectives

The global objective defined in the forum version broadens the notion of '*rural actors*' to '*all rural actors*', in order to make this notion open and inclusive and prevent it from being at all restrictive.

Table 1: Main changes in the objectives of the PNSFMR (between the document submitted to the forum and the adopted version)

Version of the working document presented at the forum in May 2006	Final version of the document adopted in October 2007
Global objective <i>"To ensure that different types of rural actors have equitable access to land, that their investments are secure and land disputes are managed effectively, in order to contribute to poverty reduction, consolidate social peace and achieve sustainable development."</i>	Global objective <i>"To ensure that all rural actors have equitable access to land, that their investments are secure and land disputes are managed effectively, in order to contribute to poverty reduction, consolidate social peace and achieve sustainable development."</i>

■ Strategic guidelines and axes

The adopted version takes explicit account of the rights of ‘private’ parties and ‘individuals’.

Table 2: Main changes in the strategic orientations and axes (between the document submitted to the forum and the adopted version)

Version of the working document presented at the forum in May 2006	Final version of the document adopted in October 2007
<p>ORIENTATION 1: RECOGNISE AND PROTECT THE LEGITIMATE RIGHTS OF ALL RURAL ACTORS TO LAND AND NATURAL RESOURCES</p> <p>Axis 3: Recognise the rights of the State and local governments</p> <p>Axis 4: Ensure security of tenure for ‘new actors’</p>	<p>ORIENTATION 1: RECOGNISE AND PROTECT THE LEGITIMATE RIGHTS OF ALL RURAL ACTORS TO LAND AND NATURAL RESOURCES</p> <p>Axis 3: Recognise the rights of the State, local governments and individuals</p> <p>Axis 4: Ensure security of tenure for ‘new actors’ and private parties</p>

A comparison of the two versions presented in Table 3 shows that the adopted version has a new axis, resulting in the reclassification of the axes in orientations 4, 5, and 6.

Table 3: Main changes in the strategic orientations and axes (between the document submitted to the forum and the adopted version)

Version of the working document presented at the forum in May 2006	Final version of the document adopted in October 2007
<p>ORIENTATION 4: IMPROVE RURAL LAND MANAGEMENT</p> <p>Four axes in total</p>	<p>ORIENTATION 4: IMPROVE RURAL LAND MANAGEMENT</p> <p>Five axes</p> <p>New axis1: Clarify and define the different types of landholding.</p>

The adopted version explicitly and clearly states that civil society has the right to receive the support its needs to accomplish the tasks it was assigned in implementing and monitoring the PNSFMR.

Table 4: Main changes in the strategic orientations and axes (between the document submitted to the forum and the adopted version)

Version of the working document presented at the forum in May 2006	Final version of the document adopted in October 2007
<p>ORIENTATION 6: STRENGTHEN THE CAPACITIES OF STATE SERVICES, LOCAL GOVERNMENTS AND CIVIL SOCIETY WITH REGARD TO LAND MATTERS</p> <p>Axis 1: Increase the effectiveness of State technical services and local governments</p>	<p>ORIENTATION 6: STRENGTHEN THE CAPACITIES OF STATE SERVICES, LOCAL GOVERNMENTS AND CIVIL SOCIETY WITH REGARD TO LAND MATTERS</p> <p>Axis 1: Increase the effectiveness of State technical services, local governments and civil society</p>

■ Implementation strategy

It is notable that the consultations helped produce a more detailed, complete and coherent implementation program in the adopted version.

Table 5: Main changes in the implementation strategy (between the document submitted to the forum and the adopted version)

Version of the working document presented at the forum in May 2006	Final version of the document adopted in October 2007
<p>5.2. FORMULATE AN IMPLEMENTATION PROGRAMME FOR THE PNSFMR</p> <p>A. Information, education, training</p> <p>B. Participatory and consultative formulation of a framework rural land law</p> <p>C. Pilot actions to implement the PNSFMR and framework rural land law</p> <p>D. Resolution of local land conflicts</p>	<p>5.2. FORMULATE AN IMPLEMENTATION PROGRAMME FOR THE PNSFMR</p> <p>A. Information, education, training</p> <p>B. Participatory and consultative formulation of a framework rural land law</p> <p>C. Pilot actions to implement the PNSFMR and framework rural land law</p> <p>D. Resolution of local land conflicts</p> <p>E. Capacity building for the State</p> <p>F. Funding mechanisms</p> <p>G. Monitoring and evaluation</p> <p>H. Support measures</p>

■ The next stages: formulating the law

We should not forget that work on writing the draft law began before the PNSFMR was adopted, and that one version of this law was even presented at the national forum. DID supervised the preparation of this document and mobilised the lawyers concerned. This formulation process also followed a participatory procedure, with regional consultation workshops organised along the same lines as the procedure for formulating the PNSFMR, although the strategic non-governmental groups involved reported that these discussions were less detailed. However, while there seems to have been a clear desire for inclusive participation, the procedure did not always give the different stakeholders a real chance to make well-argued contributions based on analysis and supported by an internal consultation process. For example, the different versions of the draft law were often sent to actors just a few days before the consultation workshops took place, and insufficient thought was given to the issues before the workshops to allow participants to grasp the full meaning and implications of the terms of the law.²⁸

Many observers, especially those from producer organisations, felt that the participatory process was less effective than the one used to formulate the PNSFMR.

²⁸ Cf. Annex CPF/FEPAB letter to the DGFROP, November 2008.

IV. DOES PARTICIPATION LEAD TO PERTINENT POLICIES? ANALYSIS AND LESSONS LEARNED FROM THE PNSFMR FORMULATION PROCESS

1. Strengths and weaknesses of the formulation process

1.1 How the “most participatory process to date” influenced the final document

The land policy presented in the document has some important qualities. It is based on a rigorous, detailed and accurate assessment of the social and land realities in Burkina Faso; and the different actors who took part in the process believe that its pragmatic and participatory formulation process marks a break with the RAF. The PNSFMR offers a broader vision where tenure can be secured not just in terms of ownership (land titles), but in various ways that are appropriate to the different actors concerned.

Its endeavours to link legitimacy and legality – thereby addressing one of the greatest weaknesses of previous policies – and takes account of one crucial dimension that is often missing from policy documents: the mechanisms for implementation and the principle of a pilot phase and monitoring and evaluation.

The preliminary version of the policy document produced by the team of experts, and the subsequent version produced after consultations and submitted to the national forum clearly show that the participatory debates led to fundamental changes in the form and content of the original document.²⁹ However, changes in certain guidelines or positions arising from the open debates tended to focus on particular topics, such as the role of the chiefs or agribusiness, which meant that the retained formulation pleased these groups of actors, but was not to the liking of others, especially the producer groups.

The preliminary version was mainly based on consultations with local actors during field visits, and with resource persons during the workshop. These consultations helped give the consultants a better and more nuanced understanding of the issues at stake, and their priority and importance to the actors concerned. Many of the document’s best qualities can be attributed to the successive contributions that participants made to the assessment and policy orientations. The procedure did endeavour to facilitate democratic debate: “Participatory democracy is only possible if formalised theories or hypotheses are open to full participation and democratic debate”,³⁰ distancing itself from many current populist approaches that merely preach to the converted or gather grievances from the ‘public’ without really identifying the stratification and dividing lines within the various groups.

This impression was confirmed by the participants we interviewed during our research (125 people who took part in the consultation workshops and forum). Few responded negatively

²⁹ H. Ouédraogo *et al.*, ‘Politique nationale de sécurisation foncière en milieu rural’, May 2005 and December 2006 versions.

³⁰ Marc Crépon and Bernard Stiegler, *De la démocratie participative. Fondements et limites*, Mille et Une Nuits, 2007.

(11 per cent overall), and 62 per cent of those interviewed thought that this was the most participatory process they had ever known. This view was most prevalent among non-civil servants: 63 per cent of producer organisations, 79 per cent of customary authorities and 72 per cent of elected local officials. According to well-informed observers, this was the most advanced example of a consultation process involving actors in the formulation of public policies in Burkina Faso, and doubtless in West Africa.

The Ministry of Agriculture, Hydraulics and Water Resources believes that it has succeeded in preparing a land policy document in which the principal actors played a real role, and the authorities see this as one of the most participatory processes in the agricultural sector. In their eyes, consensus was achieved and expressed during the forum, which was one of their key concerns.

Setting aside the content and the stated objectives and principles of the policy document, well-informed actors see the PNSFMR as more innovative than the RAF and many other policy documents in its emphasis on two areas: (i) the need for experimental pilot actions to test the relevance and coherence of the recommended measures and actions; and (ii) putting in place a rigorous monitoring and evaluation mechanism for both the experimental phase and overall implementation. This will allow the PNSFMR to be reactive and continuously improve its content on the basis of the field-testing. However, the MAHR sees things differently, envisaging an evaluation five years down the line.³¹

The Government of Burkina Faso asked the World Bank to review the formulation process and content of the PNSFMR. The main findings of this mission were: (i) this was an effective participatory process, (ii) the content of the document is based on good global land management practices, (iii) the approach based on local human resources shows the vitality of land-related competences in Burkina Faso compared with most countries in sub-Saharan Africa, especially within civil society.³²

These different elements, which contribute to the quality and richness of the PNSFMR, are the result of the experts' interventions (specialist knowledge), the different consultation meetings that facilitated broad participation and, above all, the innovative nature of the methodological procedure. A comparison between the preliminary version of the PNSFMR (April 2005) and the version presented to the national forum in May 2007 shows that significant progress was made as a result of the consultations, which helped reduce fundamental disagreements and led to a richer, clearer and more comprehensible policy. Thanks to the knowledge that the experts brought to the process and the study of existing documents, the consultation led to a more detailed document that incorporated key issues and took account of actors' priorities and capacity to implement the guidelines. Therefore, this mode of consultation can be considered to have facilitated a 'consensus' based on rural actors' options, and to have resolved certain debates about the assessment or guidelines on the basis of their experiences and the reality on the ground.

While there is general agreement about the strengths of the process, the same cannot be said with regard to its weaknesses – which is perfectly understandable. We will concentrate on two aspects of these weaknesses: the factual data generated by the information gathering (reports,

³¹ Ministry of Agriculture, Hydraulics and Water Resources, 'Pour une politique pragmatique et consensuelle de sécurisation foncière en milieu rural', September 2007.

³² Memorandum, World Bank review mission, July 2006.

quantitative surveys and interviews with actors) and the analysis and interpretation of these data. Every effort has been made to present the factual data as objectively as possible (logical deductions from the sources of information).

It is interesting to see the differing perceptions of the process. There are no clear divisions in the strategic groups' analysis of the document's limitations – we can simply say that most of the criticism comes from the following strategic groups: agricultural producers, civil society groups working on land issues, and certain resource persons. It was also fed by analysis of the exercise by certain experts who took part in the process (in an effort to distance themselves from it).

1.2 Strategic groups in the consultation process

■ Legitimacy of representation

We noted that the mechanisms for selecting participants at the different meetings did not always ensure that stakeholders were effectively or legitimately represented. The CNSFMR, whose technical secretariat is overseen by representatives from the Ministry of Agriculture, was responsible for sending the invitations and successive reports to be submitted for debate, but recipients usually had insufficient time to read the introductory report accompanying their invitations to the consultation meetings. They usually had just a few days, and in some cases only saw the working papers once the session was under way.

Furthermore, it seems that the key issue of identifying/appointing delegates within the different groups of actors was not always handled as rigorously and effectively as it should have been. Representatives attending the workshops and the forum did not always appear to have been appointed on the basis of their ability to understand or make relevant contributions to the proceedings.

This was the case with the women's organisations, where it was often the most visible people who were selected, even if there were other contenders for the appointment. We also saw several cases of 'dual representation' within a single category of actors, as with the women's representatives at the regional workshop in Koudougou in May 2006, which led to 'fights over the per diems'.

And although producer organisations are legally recognised bodies with designated representatives, some people – particularly herders – still felt that their voices were not heard, which suggests that these organisations are not as inclusive as they claim to be.

The category of new actors or 'agri-businessmen' is actually very diverse and not well organised. There is no umbrella structure for economic operators in the rural agricultural sector, so representatives were 'randomly' selected according to who was known to the team of consultants or the administration. Many of these actors were not involved in the consultations, especially private operators with the largest investments and biggest farms, who often occupy senior positions in the civil or military administration. Although they are a significant presence in peri-urban and irrigated areas in various parts of the country, they tend to keep a low profile and were noticeably absent from this process. Conversations and interviews with this type of actor suggest that this is because they want to see a fairly rapid change in the status of lands occupied by titleholders, or to benefit from preferential use rights (on developed lands), but don't want to draw attention to themselves because they have been widely criticised by advocates of family farming.

Because they were largely absent from the process, the family farmers' representatives at the regional workshops often contested the representatives of these new actors, saying (rightly or wrongly) that they were not 'real agri-businessmen' and were therefore not in a position to present the thoughts and contributions of large private operators. In some cases, as at the thematic workshop held in Kaya in May 2006, they were not represented at all.

With regard to the chiefdoms, it emerged that it was the political chiefs (the 'cap wearers') who spoke at the meetings, not the land chiefs. This is because it is the political chiefs who discuss and make decisions about village management, and who claim the prerogative to make political speeches about land. As land chiefs are becoming increasingly rare (in terms of fulfilling their function), their power is increasingly based on cultural acts, and the fact that they lack a social body makes it hard to imagine them speaking as a group even when they do have significant land management powers.

The representatives' selection and legitimacy was strongly influenced by the pre-existing level of organisation within each social group. The political chiefs constitute a well-established and well-organised body, but the other social groups' organisations were invited by the team of consultants or the administration, or, in some cases, put forward by the individuals themselves (14 per cent of participants at the national forum).

We also noted that few of the social groups held preliminary internal consultations before the consultative workshops (for the groups of actors and each region) or the forum. The producer organisations did hold a few consultations with support from GRAF, but this was not an official part of the procedure, and there was no budget for it.

This explains why the producers' group reported that 55 per cent of the people representing this category of actors had been able to discuss and define their position before the consultation workshops. Overall, 42 per cent felt that their organisation had been able to define its position before the national forum; and 52 per cent of participants in the forum thought that they had been able to discuss it sufficiently with other people in the same social group before attending the forum.

However, analysis of the interviews and consultation workshops with social groups shows that apart from the customary chiefs and, to a certain extent, producer organisations, participants tended to defend their personal views, rather than the positions debated and adopted by their strategic group before the meeting in a consensual manner that took account of the members' diversity (strategic sub-groups). The programme budget did not cover the cost of preliminary meetings, and they were too expensive for these organisations to fund themselves, even though several officials firmly believed that they were necessary.

In addition to these organisational factors, many institutions are hierarchical, directed and managed by people defending positions on which they have not necessarily sought to build a consensus. For various reasons, these bodies are sometimes seen as instruments with which to promote partisan or individual viewpoints, which can lead to situations where there is no attempt or desire to represent or be accountable to the social group they are supposed to represent.

The limitations of existing formal organisations also need to be considered, especially the extent to which they represent the members of a given social body. While this concern may be more prevalent in the West, it is no less relevant in the African context and in Burkina Faso. If the hypothesis is that representatives do not reflect the diversity of actors in the social group,

or are not best able to present and explain their problems, vision and expected outcomes, there is a risk that the consultation will have limited results.

The feedback from participants presented below illustrates some of the shortcomings of the process.

Box 4: Feedback from a representative of a farmer organisation

The main constraints to the process of preparing farmer organisations for effective and constructive participation in the different consultation workshops on securing land tenure in rural areas were:

- delays in sending the working documents,
- lack of time allowed to prepare our structures to participate in the formal frameworks for consultation,
- the multiple versions of the working documents sent to our structures,
- anything that did not help our leaders and grassroots members appropriate the process or documents.

B. A. Ouagadougou, 21/11/08

Box 5: Feedback from a representative of a women's organisation

The PNSFMR is highly pertinent, and was very welcome. I've participated in several meetings on behalf of my particular structure and all women in Burkina Faso in general.

But if we're looking at what didn't work particularly well, I would say that things could have been better in terms of logistics: some of the rooms were so small that we could barely fit into them; and at the meeting in Liptako-Gourma it was virtually impossible to get your point across, everyone wanted to speak at the same time and we were all squeezed in 'like sardines' with everyone talking at once.

There was very little feedback after we'd made our contributions, or at least we didn't get any. It's always been difficult for us, and now it's even harder to know whether or not we've been taken into account, whether things have changed ... what they make of our observations and contributions. And it seems to have been the same with the version that was adopted there.

We were often sent different versions of documents for the same meeting, it seemed as if the organisers couldn't even manage to update the different versions properly. It might have been better if we'd just worked on synthesising people's observations, comments and contributions during these meetings ...

Interview with Mme Z/N. L. on 9/01/09, Ouagadougou

■ Quality of the contributions

In general, although the introductory document prepared by the experts before the consultation meetings was useful in introducing the debates, it was not particularly easy to understand and was therefore rather inaccessible: 34 per cent of farmers' representatives found the working documents difficult or very difficult to understand; as did 71 per cent of the customary authorities and 29 per cent of elected local officials (local government officials). Our interviews with participants show that apart from the civil servants, most actors had various problems engaging with the debate. Officials from the producer organisations that we interviewed individually found it hard to contribute to discussions that centred around these documents, either because they didn't fully understand them or because they didn't want to appear foolish. The fact that there was a pre-determined framework for comment meant that anyone unable to read or write a certain level of French was potentially excluded from the debate. This explains the repeated requests from numerous participants for the documents to be translated into 'simple French'. There should certainly have been teaching materials to enable people to participate in and contribute to the debates, regardless of their level of education, so that they could share their experiences and proposals during preparatory activities for the consultations with different categories of actor.

Setting aside the form of the document, it is also important to be clear about the concrete expectations of what each social category can bring to this kind of debate in terms of suggesting or clarifying options. If this is not established at the outset, there is a risk that participants will be asked questions that are too abstract or technocratic for them to debate in this setting. Rural actors are perfectly capable of giving their views on certain key questions (in this case the assessment, policy options and support measures) provided they are formulated clearly enough, possibly with guidelines to enable them to engage in the debate and feel comfortable about presenting the vision and strategies forged out of their experience.

A second factor that certainly limited the quality of contributions was the time allowed to circulate and examine the working documents for the preparatory workshops and forum. Some 48.5 per cent of participants in the forum felt that they were not given long enough to analyse the documents for this event; and 62 per cent said that they hadn't been able to read the synthetic report on the consultation documents, which would have helped improve the contributions to the forum. Every social group was affected, including more than half of the civil servants involved.³³ When asked whether the baseline document submitted for examination during the forum reflected the views of the participants concerned, 61.5 per cent answered that they didn't know, and 10.3 per cent said no.

It is not easy to form an opinion and make pertinent contributions to a debate if one has limited time to look at the relevant documentation, if documents are difficult to understand on a technical level, and there is not enough information (reporting back) – yet this was the situation in which many participants found themselves.

The different social groups produced very few working documents presenting their own assessment of the situation and views as an explicit contribution to the debates. Two civil

³³ This key constraint had already been identified in the surveys on the participatory process used to formulate the Strategic framework for poverty reduction. For more details, see Daniel Thieba 'La participation dans l'élaboration des politiques publiques' (2001), or even the study report 'Participation de la société civile dans l'élaboration du CSLP' (2002).

society organisations, GRAF and CPF, had anticipated this risk, and were closely involved in a series of activities to improve awareness and appropriation of the PNSFMR document, with support from the AFDI.³⁴ Several consultation meetings were organised for this purpose, but even staff in GRAF and CPF felt that they were insufficient.

The consultations were implemented in a way that bore very little relation to the experts' initial proposals, and they were ultimately unable to supervise the technical aspects of these workshops from start to finish as proposed in their bid.

They also spent much less time intervening in the process than originally planned, especially on the preliminary studies and interacting with groups of actors during the workshops and community-based exercises. This very local-level consultation and debate would have helped participants better understand the relevance of the different axes (especially recognition of all actors' rights), as well as the problems and thus the support measures needed to promote effective change. More targeted and specific work meetings with strategic sub-groups (family farmers in the process of acquiring more land, migrants in a weak position, transhumant herders, rural women) would also have helped raise and address numerous questions in more detail, as these groups are under-represented within formal producer organisations and therefore rarely have a voice at workshops.

Family farms that are in the process of acquiring more land generally have one individual who is an extremely able farmer (the head of household or a young man on a large family farm), often with additional resources from other activities (livestock rearing, petty commerce), who acquires and consolidates land through various transactions and finally achieves remarkable technical and economic results. This type of farmer, who is more common than one would think, is an influential vector of change.

While it is important to work with strategic groups, it is also essential to identify the strategic sub-groups within them and determine their position, which may differ from or even contradict that of the larger group on certain points. It proved impossible to do this rigorously during this participatory procedure, and certain sub-groups did not have the organisational and thus the political capacities to make themselves clearly heard.

If people had been asked what they thought of each type of consultation meeting (taken separately), the responses would doubtless have varied considerably. Our interviews show that they were more positive about the workshops for groups of actors (first phase) than the regional workshops or the forum, whose organisation caused a good deal of frustration.

Although the team of experts had set out the modalities for decentralised consultations with the different groups of actors, these were not followed. Instead, the workshops for these actors and the forum were planned on the basis that the strategic groups were uniform, and with greater emphasis on the number of participants rather than quality of representation (diversity) or the contributions and new knowledge brought to the debate. Certain civil society actors eloquently expressed their frustration at being denied a full role in the process: "We didn't participate, others participated on our behalf".

³⁴ One example of this was the preparatory forum organised ahead of the national forum on the PNSFMR in May 2007.

1.3 Insufficient neutrality in the facilitation and synthesis of the debates

In this kind of process, it is essential to put in place a mechanism to ensure that debates are run and synthesised on a completely neutral basis. After the workshops for the groups of actors in Bobo, members of the steering committee and some administrative officials were actively involved in either running the workshops or reporting back to them; and although this was not in accordance with what the team of experts had planned, they went on managing activities until the end of the forum. As noted earlier with regard to the workshop reports and the evolution of the debates, this could have had an impact on the content of the document, either in terms of emphasising certain points or in phrasing that altered the tone of particular messages.³⁵

1.4 Insufficient clarity on certain points of ‘consensus’

If we examine the so-called ‘general consensus’ that emerged from the consultations and the forum more closely, it can be seen that many aspects of it are open to interpretation.

With regard to choices in irrigated family farming

Box 6: The need for economies of scale in order to be competitive

Should we choose irrigated family farms with a minimum land capital, or farming on fragmented parcels, many of which are very small (0.12 to 0.20 hectares), as the basis for investment and economic viability?

³⁵ The underlying reasons and consequences of this situation are explored in section 7.2 in relation to the steering mechanism.

With regard to village institutions

Box 7: CVDs as the miracle answer to building village institutions

The lack of evaluations of village and inter-village institutions, or clarification of the implications of the guidelines, suggest that CVDs will be established even though their structure and links with the communes mean that there is a huge risk that they will be manipulated. And since no lessons have been learned about the best way of putting in place and supporting this type of structure, there is little likelihood that any innovative strategies and operational mechanisms will be forthcoming. There is consensus on the importance of legitimate village and inter-village institutions, but no clarification of what this means in terms of revising the arrangements set out in the texts on decentralisation and the decree instituting the CVDs. The local elected officials we met after the forum felt that there were still ambiguities about the role and competencies of the CVDs that needed to be resolved.³⁶ There is a significant risk that the CVDs will be just as dysfunctional as previous forms of village institution (especially the CVGTs), because the PNSFMR document does not clearly address the underlying difficulties and implications of establishing such bodies.

■ The need to explore key questions on the follow-up to the process in more detail

The implementation, monitoring and evaluation of the next stages are of particular concern here. Although the experts had emphasised this aspect in order to clarify the follow-up to the participatory process, no new ideas that would have helped give precise guidelines on the way that the regulatory authorities should proceed emerged from the national forum; not even the modalities for running the test pilot phase (duration, zones, funding, operational teams) or the mechanism for monitoring and evaluation (indicators or, failing that, criteria, institutional framework, mechanism for data collection). Furthermore, no detailed consideration was given to the critical hypotheses that would ensure that the process could be implemented in such a way as to achieve the objectives (actors' behaviours and capacities). This meant that the measures that should drive the whole process (new law, new guidelines for agricultural or development policies) were not clarified or justified; and doubtless explains the exclusive focus on the law during discussions about implementation. No lessons were drawn from the observation that the administration has proved incapable of enforcing the regulations relating to the procedures that enable 'agri-businessmen' to access land and/or land titles, with various adverse effects that are vigorously criticised by most actors. Social change is more complex, as the legal or regulatory aspect is just one dimension of the framework for encouraging the desired changes in behaviour.

Nevertheless, 24 per cent of our interviewees felt that the modalities for implementation are the most important aspect of the PNSFMR. Numerous participants at the consultation

³⁶ It should be noted that these institutions are still seen in terms of CVDs, and that their design and implementation are a continuation of what Burkina went through with the CVGTs. The remarks and suggested guidelines in the PNSFMR show little indication of any innovation in the design or implementation of these bodies.

workshops argued this point, claiming that *“A real place should be given to the strategy for implementing the policy, because that’s often the real weak point of policies. Otherwise, principles remain no more than declarations of intent”*, or lose the meaning that people wanted to give them. Many participants left the forum without a clear idea of the next stages and the modalities that will enable them to contribute to the discussions, or at least be informed about them. Some people were quick to condemn the approach used to formulate the land law (an ongoing process), which would not be “in step with the participatory procedure adopted for the formulation of the PNSFMR (multi-actor consultations)”. They were also surprised at the speed with which the law had been sketched out and presented before the PNSFMR was even formally adopted.

There is no doubt that the fact that the forum ended without a strategy for implementing or monitoring and evaluating the policy led to uncertainty about the way forward. One should certainly have been debated, adopted and timetabled during the national forum.

It may also be that there were two different visions of the process: one believing that it was moving from broad consensus to identifying the concrete implications for the policy; and the other that the basic options should be defined and clarified as far as possible, in order to make the rest of the process visible and straightforward.

1.5 Clarification on the future of agriculture

Burkina Faso’s increasing engagement with a market economy raises the question of how to balance the need for the natural resources required to sustain increased and better quality rural production with the need to ensure that people can access the natural resources on which rural production is based.

In a context of marked climate change that has greatly weakened production systems and reduced yields, securing land tenure for family farms should be prioritised as a determining factor in improving domestic and national food security and enabling more people to play a greater role in the market economy. However, the need to take account of other types of rural production, including agri-business, should not be ignored.

In such a vision, “all family farms enjoy guaranteed land rights and have a responsibility to manage natural resources in a sustainable manner. The land rights of other types of farm are also secured, while respecting the interests of the majority.”³⁷

There is no denying that a vision of rural land tenure was formulated in the PNSFMR document, and objectives were set. But some actors believe that it is not sufficiently explicit about certain choices that concern the very nature of rural development. Also, that it takes insufficient account of the respective parts that rural producers and agri-businessmen play in agriculture, and how the reality on the ground affects every aspect of their performance.

³⁷ ‘Quelle sécurisation foncière en milieu rural au Burkina? La vision du GRAF’, October 2006, page 3.

Box 9: Examples of insufficiently clear answers

The answers to the following questions raise several further questions:

The majority of producers prioritise support for family farming in order to encourage agricultural development, but what is this supposed to achieve in terms of land concentration and specific land rights (especially common grazing rights)? Where should support be directed?³⁸ Shouldn't this be a voluntary policy if the aim is to promote land concentration and consolidation, since the example of France in the 1960s shows that the simple play of supply and demand is insufficient?

Clarification on this point would also raise the issue of the viability of common grazing: is there a need for constantly open spaces after the harvest has ended? If not, what does this mean in terms of new arrangements for livestock-rearing activities? What are the implications for common grazing, and for producers who are not equipped for such a change? Would an improved land market (stimulated by the proposed measures and actions) precipitate such a development? What measures could the State and communes take to support and accelerate this change: encouraging land concentration by facilitating land transactions? And what measures should be envisaged to mitigate the effects on certain social groups?³⁹

In talking of vulnerable groups, are we seeking to maintain and safeguard their cultivable lands for better or worse, no matter what this entails? If so, what would the consequences of this be? And if not, what support measures (in terms of an overall national policy) would be envisaged?

In irrigated areas, should priority be given to family farms or agribusiness? What arguments and lessons should choices be based on? Do farms need a minimum amount and quality of land to be competitive, instead of the current uncompetitive small parcels? What implications does this have for policies on development, land allocation (area) and securing rights? The following points need to be taken into account: (i) agricultural interventions by agribusiness have largely failed, except in peri-urban areas; (ii) insecurity of tenure is not the main factor in this failure; (iii) in many respects agribusiness does not fulfil the terms and conditions currently in force, but is not sanctioned for this. So what arrangements or measures should be taken before promulgating arrangements to secure land tenure (titles, long-term leases)?

Failure to address such questions properly will leave the door open to unequal access to land by actors who may be more interested in its speculative potential rather than its productive capacity.

And doesn't cohesive family farming assume that the rights of women within this production system are secure, without challenging the overall coherence of the farm?

³⁸ On the advantages of family farming and its capacity to respond to the challenges of economic competitiveness, see Camilla Toulmin and Bara Gueye, *Transformations in West African agriculture and the role of family farms*, IIED, Issue Paper No. 123, December 2003.

³⁹ Agricultural and land policies in France in the 1950s encouraged voluntary land consolidation.

A number of studies provide more detailed data on agri-businessmen, which tend to put the new actors' expectations into perspective by highlighting the many ways in which they not only under-perform, but also seriously affect the environment and existing activities. Data on village lands⁴⁰ and similar observations about irrigated agriculture⁴¹ also need to be developed. Even if one recognises the legitimacy of agri-business, to what extent should it be prioritised? What measures should be taken to curb its perverse and inequitable effects and the risks of speculation? What lessons should be learned from the impossibility of "getting (existing) measures enforced" in order to control actions by agribusinesses?

These are crucial questions, which were either not explicitly raised (in the interests of reaching a general consensus), or on which opinion was sometimes widely divided. It should not be forgotten that land policies are supposed to support agriculture and help producers overcome the challenges they face.

Because the PNSFMR does not provide any clear answers to these questions, it leaves the door open to different interpretations. Clear answers would have made it possible to tackle the suggested options and use the guidelines and support measures to seek satisfactory answers; but while such answers have the advantage of clarity, they can cause controversy and be divisive. Those representing the administration wanted to avoid tackling politically sensitive questions in order to facilitate 'consensus' (the overriding focus of the procedure), which meant that the desire for unanimity often took precedence over the need for genuinely open debate when the various versions of the document were being prepared. The positions that were retained could also be seen as a means of avoiding explicit discussions that would reveal divergences over objectives, priorities and strategy – thus sidestepping conflict and achieving the 'consensus' that everyone hoped for. But is it really possible to reach an overall consensus on public policy, in this case policy on rural land tenure?

There are no easy answers to these questions. However, getting them into the public domain does mean that attempts can be made to answer them during pilot operations to test the PNSFMR and the law. Certain elements of civil society, especially producer organisations and GRAF,⁴² have made their views on subjects such as the place of family farming and the need to boost economic competitiveness very clear. GRAF even produced an internal paper on this topic. But they will not have any answers or be able to instigate a debate calling on the PNSFMR to provide a clear, unambiguous and accurate position until this issue and the operational proposals are explored in greater detail. The situation is certainly not helped by the fact that certain members of the team of experts had held senior positions in GRAF.

One of the added values – perhaps the most important – of this participatory process is that it made the objectives comprehensible, relating them to concrete situations so that people could understand the nature and setting of the problems that need to be resolved. Those on the ground have a crucial role to play in finding appropriate solutions by specifying where they

⁴⁰ Moussa Ouédraogo, *New stakeholders and the promotion of agro-sylvo-pastoral activities in southern Burkina Faso*, IIED, Issue Paper No. 118, March 2003.

⁴¹ *Les nouveaux acteurs dans les périmètres hydro-agricoles*, GRAF, 2007.

⁴² Internal paper on the PNSFMR, GRAF, 2007.

hope to go and identifying the obstacles to their progress,⁴³ while the experts help them determine how they can achieve their objectives (and what this will entail).

2. The underlying assumptions of the procedure

In the section describing the consultation process, and more specifically, the limitations of the PNSFMR, we showed that it was not possible to confirm the implicit hypotheses that all the participants in the various consultation meetings were legitimate and representative.

Let us now examine two other central hypotheses regarding the ‘capacities’ of the team of experts and the supposed effectiveness and neutrality of the administration.

2.1 The team of experts’ capacities and the autonomy of the intervention

The different actors involved in the process felt that the resource persons had the necessary profile and range of skills for the task. The consultancy firm responsible for coordinating the process has recognised credibility in this field, which explains why there was no call for external expertise – something that is most unusual in sub-Saharan Africa. However, there were significant shortcomings in the contractual framework, which were discussed but not resolved. For example, not enough time was allowed for the investigations and preliminary surveys and evaluations, given the expected scope of the work; hence the scant time allocated for fieldwork to collect the updated and focused data (literature review, preliminary fieldwork to update and produce information). Also, it had been assumed that the existing documentation would be up-to-date on every subject. This proved not to be the case, which meant that the experts had to make their field visits much longer than originally planned in order to update the data and produce sufficiently detailed arguments on the axes of the policy (averaging six days for each of the four experts).

In broader terms, the team of consultants appear to have lost control of the operational modalities for implementing the process by the time the first two consultation workshops with different groups of actors had ended (13th and 14th May 2005 in Bobo). Their attempts to discuss methodological questions were blocked by a discourse on budgetary constraints, and relations with the administration were sometimes tense, although any friction was veiled. The programming of activities took insufficient account of the experts’ availability, even less of the methodological requirements of the process, and was often driven by the political authorities’ agenda; furthermore, there was a well-founded feeling that the administration wanted to replace not only the consultants, but also the CNSFMR in designing and planning the consultation activities and preparing and running the forum, which was not what had originally been agreed when the different roles and responsibilities were allocated.

Looking back, it can be seen that the team of experts had been accommodating in accepting the proposed budget (having explained its constraints), which did not reflect the requirements for the consultative mechanisms recommended in the technical bid. In fact, the available funding need not have been a constraint to participation, as it would have been possible to

⁴³ M.G. Kweit and R.W. Kweit, “The politics of policy analysis: the role of citizen participation in analytic decision-making”, in “Citizen Participation in Public Decision making”, *Political Science*, n° 158, Greenwood Press.

implement a much more effective participatory process with the total budget allocated for the participatory exercise had certain changes been made.

If the institutional group of actors (producers, new actors and agri-businessmen, women, State sector) were supposed to constitute an entry point to the debate, it would have been more advisable to present the visions of the strategic groups in terms of how they relate to land issues. This would have entailed dividing the 'producer' group into entities such as indigenous groups, migrants, herders and transhumant herders. And this in turn would have required much more local-level consultations with these strategic groups, using specialist resource persons or institutions – as clearly stated in the technical proposal. However, these concerns were not addressed in the retained budget, nor were they taken on board when new resources were subsequently found to support the consultation process. Consequently, the approved budget did not cover the services required. The team of experts doubtless under-estimated the difficulties that the process would face when they did not stand firm on this point.

We can also see how losing control of the process led to a forum being held, rather than a national workshop with appropriate arrangements to involve producers (in the broad sense) in the debates, as recommended in the preliminary bid.

The team of experts originally suggested holding regional workshops, in accordance to the terms of reference, because they wanted the debate to be more accessible and take account of regional differences. While this assumption was verified to a certain extent, these debates actually added less value than the interactions with the groups of actors they identified and met during the national consultations (producers representing POs, agribusiness, chiefdoms, women). It was this first series of consultations that set the basic framework for the document, so it would probably have been more efficient to invest more resources in preparing and organising this type of workshop and attending to the facilitation and debates with strategic groups, i.e. sub-groups of the five categories of actor directly linked with land issues, while holding a dialogue with elected local officials.

2.2 The steering mechanism

Despite certain difficulties, the administration did act as a guide and catalyst in piloting the process, especially during the phase that led to the production of the draft policy document: two meetings of the steering committee took place, and committee members also made significant written contributions to the first version of the PNSFMR document. However, the phase of finalising the documents needed to prepare and hold the forum that was plagued by uncertainties, weak leadership and insufficient planning, which led to delays in the timetable for implementation. With hindsight, this can largely be explained by the departure of a technical assistant and other resource persons who had played a key role in starting the formulation process within the CNSFMR, who were never effectively replaced.

Furthermore, the CNSFMR was insufficiently involved in supervising the process as an institution, since members of the Ministry of Agriculture within the CNSFMR did everything on its behalf. Other members of the CNSFMR knew nothing about its budget for monitoring the formulation process or the terms of the contract between the CNSFMR and the PNGT, and never discussed these matters. Doing so would doubtless have made the process more transparent, and above all clarified the roles of the actors involved. The analysis indicates that this was part of a strategy by the group from the Ministry of Agriculture within the CNSFMR to retain political control and manage its financial resources.

As noted above, the CNSFMR's institutional capacity to supervise and steer the process was weakened by the departure of core resource persons who had started the process (whose contracts had ended or were reassigned). The facilitators that took over from them did not put enough sustained effort into involving every committee member in the proceedings, by circulating information, reimbursing costs incurred by non-residents of Ouagadougou, holding regular CNSFMR meetings and so on.

The loss of these resource persons exacerbated certain shortcomings of the process, such as the quality of the participation in consultations between groups of actors (level of preliminary preparations and consultation within the strategic sub-groups). These problems tended to become more pronounced during the regional meetings and the forum, and it clearly became difficult to discuss and adapt them calmly to the realities on the ground.

The very small group from the CNSFMR that subsequently interacted with donors (especially the PNGT) and the team of consultants was entirely composed of members from the Ministry of Agriculture. The other members of the CNSFMR ascribe this to unwillingness to involve the whole institution in supervising and steering the process, and concerns about lack of transparency in its financial management. Whatever the reason, members from the Ministry of Agriculture were certainly keen to manage the operational and financial aspects of the process.

Through the DGFROP, Ministry of Agriculture officials were also directly involved in implementing activities, often as service providers running workshops, minuting meetings, making technical preparations for the forum, preparing amended versions of the progress report, and so on. This meant that they could not fulfil their role in supervising and monitoring the quality of the experts' work, and certainly had a significant impact on the efficiency and transparency of the collaboration between the stakeholders concerned. The process ended up drifting away from the initial model, which had clearly established the separation and synergy between the roles played by the team of experts (which was responsible for most of the technical tasks), the CNSFMR, and the monitoring committee acting on behalf of the CNSFMR (which was responsible for steering and supervising the process).

In many respects, the position taken by senior officials in the Ministry can be explained by decisions that had already been made on certain matters, especially the promotion of agribusiness and future major developments. The MAHRH had chosen arrangements to secure tenure that would help these new actors overcome one of the major difficulties in attracting private investment in rural areas (especially external investments). This is why, despite the criticisms and reservations that every other category of actor expressed regarding the risks that new actors represent for agriculture, the reports use one broadly consensual formulation that does not include precautionary measures to better demarcate and control interventions by agribusinessmen. The political authorities behind the large development programmes of today (Bagré, Sourou) and tomorrow (Samandéni) believe that it is agribusiness (driven by the upper echelons of the administration, private promoters from urban areas and external capital) that will change the 'backward nature' of agriculture.

This attitude is strengthened by the fact that numerous figures from the political and business world occupy lands in rural areas, and are hoping for more flexible and rapid arrangements that will enable them to secure their claims in the long term without having to prove that they respect the minimal conditions currently in place.

Given their insistence that the political chiefs should play a greater role in local land management, it seems that the authorities also succumbed to pressure from this quarter, ignoring the reservations and precautionary measures suggested by other categories of actor and previously backed by the team of experts. The terms of the authorities' intervention at the forum indicate that agreement to negotiate on this crucial issue came from the highest level.

The administration's strategy was to seek a woolly consensus phrased in terms that left the door open to the ideas that it wanted to promote and enforce through the legal texts.

The way that the process was managed could also be seen as favouring the interests of a particular group within the Ministry of Agriculture, who wanted to cash in on the opportunity to claim for expenses and per diems for running workshops, reporting back to meetings and preparing for consultations. It seems that several members of the ministry (and not those at the lowest level) set themselves up as experts and hijacked a role that should have been entirely assumed by the team of consultants. This created friction and misunderstandings, initially and especially between this category of actors and the PNGT II, which was funding the consultation process, and then between this category of actors and certain members of the team of experts, who became increasingly disillusioned with the way that these representatives of the State were flouting the rules of the game.

All in all, the State cannot be said to have played a neutral role in steering the process, given the way that it pushed for certain concerns to be addressed or to set the rhythm according to the political agenda.

2.3 Consequences

The nature of the debates. The quality of the experts' assessment facilitated calm debate on many points, but this was not the case with each topic. Two issues proved particularly contentious: the role of the traditional chiefdoms and the place of agribusiness. This was not only due to insufficient evaluation of recent experiences, but also to disagreements and points of divergence that needed to be explicitly discussed during the forum – underscoring the need to analyse all the key subjects and questions in depth. More importantly, certain categories of actor were insufficiently prepared for the process and were therefore unable to engage in the debate.

Workshop reports. The experts and very few participants that had access to these reports remarked on their poor quality, as they did not reflect the level of the debates and often added very little value to them. This meant that members of the team of experts had to rewrite several reports on the basis of their own notes, which they should not have had to do. While the team of consultants was not sufficiently vigilant in this respect, it has to be said that bringing in members of the administration to write the reports rather than allowing the experts to decide who would do this, as originally agreed, made it difficult to supervise this work effectively. This was doubtless a strategy by these officials to position themselves as service providers rather than agents of the administration (whose roles had been clearly defined at the outset).

Managing the final debate and report. The Minister of Agriculture chaired the debate during the first plenary session of the forum. His position on certain issues gave many participants the impression that choices had already been made on matters such as the revision of the decree regarding the creation of CVDs, and taking account of customary chiefs. This

was not helpful. Furthermore, many of the people that we interviewed said they felt that there wasn't enough discussion after the presentations of the working group reports, that many comments and questions went unanswered and the debate was left unfinished. This feeling was confirmed by the finalisation process, which was not validated by the CNSFMR.

Divided opinion on the role played by the State. Many actors from certain strategic groups (producer organisations) and civil society associations felt that the retained proposals were not sufficiently consensual, and that they represented the barely concealed wishes of the highest levels of the State. A case in point was the way that the chiefs' role in village institutions was handled to reflect an option favouring the customary authorities, who had been very vocal throughout the whole process in pushing for an active role in village institutions, especially the land commissions. Similarly, the forum report did not accurately reflect the attitudes to agribusiness expressed during the consultation workshops before the forum, and toned down the level of support measures that were felt necessary to mitigate the negative effects of agribusiness. The phrasing retained in the general report on the national forum leaves the door open for the promotion of a policy that is favourable to agribusiness, without firmer and more rigorous arrangements being made to avoid speculation and the detrimental effects agribusiness often has on the environment and common resources.

The report retained after the forum was introduced and submitted to the government without the CNSFMR verifying that the final document reflected the conclusions of the forum, contrary to what had been proposed in the experts' bid.

The appearance of legitimacy. Listening to many of the actors concerned (local elected officials and producers) and looking at how the workshops and forum were organised (focusing on quantity rather than quality) suggests that the focus was more on the appearance of the process (legitimising the forthcoming policy through large-scale participation) than listening to the range of different opinions and much broader alternatives that were proposed. The general attitude to participation seemed to equate it with simply having actors present at the meetings, without properly acknowledging the validity of their contributions.

Although the cost of the consultations was high, especially for the national forum, there was no budgetary support for preliminary planning to help the different groups prepare their contributions, apart from a little support for producer organisations.

Length of the formulation process and uneven pace of the different stages. The timetable for the process of preparing for the forum was largely dictated by the agenda of senior officials from the Ministry of Agriculture, Hydraulics and Water Resources, and the legislative elections of 2007. The quality of the process and dialogue with the team of consultants (expected contributions, availability to coordinate the process, etc.) was compromised by the team from the ministry's lack of autonomy and the lack of human resources. This partly explains why the formulation process took such a long time – two and a half years elapsed between the start of the contract with the team of consultants (January 2005) and the forum (May 2007), although the original plan was to adopt the policy document in July 2005.

Even though the whole process took a long time, there was initially considerable pressure to produce the policy document within a short timeframe. This explains the urgency with which the work was done, and certain weaknesses in the quality of participation during the consultations between groups of actors. Fairly long periods of inactivity were succeeded by

sudden spurts of activity prompted by high-level political agendas, which did not help preparations for the national forum, for example. It is clear that the agenda for the process was often set by the political authority, with little account given to the methodological requirements of this type of exercise.

Level of expert involvement in the overall process. Some of the experts were clearly unhappy with the process, from the start of the regional workshops phase up to the forum. This manifested itself in a certain lack of motivation and intellectual withdrawal as the formulation process drew to a close.

The team of experts were contractually obliged to see the process through; the implicit concern being to avoid open conflict with the group from the administration responsible for facilitating the CNSFMR or with the donors (PNGT, French Cooperation). This sometimes resulted in formulations that were certainly consensual, but are open to very different interpretations in the future.

CONCLUSIONS AND LESSONS LEARNED

An innovative process, subject to various constraints

The great majority of those concerned believe that using the stakeholder consultation model to formulate development policies (in this case the PNSFMR) can help establish an accurate and detailed assessment of the situation and take account of the main concerns, values and orientations that policies need to address. Because their concerns were taken into account, the actors that took part in this consultation process made an effective contribution to improving the document. It was not simply a matter of validating the final policy document, but of making qualitative contributions to a continuous process of improving and building on the preliminary version, which was intended to open the debate.

Having analysed the process, we identified the factors that played a key role in achieving this outcome, even if some of them were insufficiently developed:

- ▷ sustained political commitment at the highest level of government;
- ▷ a steering mechanism which allocated roles in a way that gave the team of experts autonomy and put in place a State-led monitoring and steering mechanism composed of key actors – even though, as we have seen, this mechanism did not entirely fulfil its function;
- ▷ a preliminary assessment and evaluation of interventions on rural lands and the lessons learned from them, which were extremely useful but insufficient;
- ▷ the legitimacy and representativity of the people speaking on behalf of different groups of actors;
- ▷ consultations between strategic groups of actors, which were very fruitful, but which nevertheless failed to fulfil their true potential due to lack of preparation and failure to take full account of the diversity of these groups.

Various observers see this as one the most positive examples of multi-actor consultation in public policy formulation in West Africa. This was a constructive process, which shows that it is possible and even desirable (in terms of added value) to build policies through participatory processes.

It has to be said that the innovative aspects of this procedure were experimental, as there was no proven methodological master plan for such a process. This explains certain initial shortcomings (insufficient preliminary consultations between strategic sub-groups; lack of other discussion materials for the sub-groups, offering those unable to read or write an alternative to the written document). It was also subject to various constraints, particularly in terms of the time and funding available, which left the CNSFMR steering group and even direct financial partners with limited room to manoeuvre and adapt to the situation; as well as periodic ‘boosts’ from the political authority that compromised certain consultation exercises (the forum, examination and approval of the PNSFMR document to be submitted to the government, etc.).

While many aspects of the participatory model suggest that its use is to be encouraged, it should be noted that its effectiveness is influenced by several factors, such as the way that those involved interact with their systems of representation, the desired objectives and the resources at their disposal. Moreover, the way that the process is organised (agenda, financial and logistical resources) has a significant impact on the quality of the consultation. This does not mean that this model should be rejected, but that we need to learn from this process and identify the factors that could have helped make it more effective.

The conditions for undertaking a consultative procedure to formulate public policies

In a remarkable essay, Sherry Arnstein⁴⁴ established a typology of eight levels of participation, which can be grouped into three main categories: citizen power, tokenism, and non-participation (phony participation). The latter is characterised by completely artificial forms of involvement or presence at meetings, where actors are unable to speak or express themselves freely. With tokenism, actors have the opportunity to express themselves, and have a voice, but do not have the power to organise their contribution so that their opinions will be taken into account, because the political authority treats their views as expressions of opinion and reserves for itself the right to make decisions. Citizen power or control raises the level of participation by giving actors the opportunity to negotiate the whole process, and to exercise some control over the decisions to be taken.

Although this is a very sketchy description it does reflect certain situations, especially the process of formulating this land policy, which falls into the category of tokenism.

If a steering committee is to properly fulfil its role, it needs to be set up so that it receives information on a regular basis and has the resources to function. It is crucial that it includes active members from non-governmental organisations (private sector, producer organisations, co-opted independent resource persons) to ensure that the whole process is supervised and managed, that there is a space for dialogue between stakeholders, and an ability to pick up on strategies that lead to apparent rather than real participation. As we have seen, the CNSFMR was unable to fulfil this function.

The authorities took account of three demands. The first was taking into consideration the proposals arising from the consultations. The second was being sensitive to the requirements and expectations of social groups close to the political authority (the political chiefdoms, senior government officials with agricultural investments), and to ideas about the requirements for agricultural development (promoting agri-business, attracting private investment in agriculture). This explains the lack of clarity on certain subjects and preferences for others. The third and final requirement relates to the donors' 'preferences', especially those of the Bretton Woods institutions. While they did not have any formal command over the land policy, it is worth noting that at one stage (after the formulation of the draft policy document following the first consultations in May), the government asked the World Bank to evaluate the formulation process and its orientations.

The strategy adopted by certain members of the steering committee who became involved as service providers (the group from the Ministry of Agriculture) severely impaired the

⁴⁴ Sherry R. Arnstein, 'A ladder of citizen participation', JAIP, vol. 35, n° 4, July 1969.

effectiveness of the consultation process, and skewed the conditions for supervising and monitoring the effectiveness of the procedure (expected outputs, added value of the consultations, etc.). Ultimately, this meant that the experts were unable to supervise the technical aspects of the process.

Civil society organisations only had limited powers, as they were involved in the workshops but had no real influence on the steering and supervisory process or the mechanisms for participation. This would and should have been possible if the CNSFMR had been properly run and had functioned effectively, which it certainly had the resources to do. On another level, there was hardly any control over the output of the process, how it was interpreted or the decisions that were ultimately taken. There was no effective mechanism for ensuring that those involved worked in partnership throughout the process, thus creating the conditions for social control.

With no financial support from the State, other donor agencies or NGOs, these bodies had little capacity to organise themselves and speak out. Some progress was made on this front, thanks to initiatives by certain civil society organisations, but not enough.

Finally, the team of experts under-estimated the final implications that the retained budget (which was very different from the initial proposal in certain important aspects) would have on the quality of the consultation process.

Interplay between expertise and participation

One key question concerns the respective roles of the experts and the actors who were consulted. Even if this was not easy, they should have been clarified in more detail to determine what would the consultation be about, and what value the actors (producers, chiefs, women, etc.) could add to the process.

Two researchers maintain that the North American enthusiasm for expertise and participation needs to be examined more closely to determine how these two elements can co-exist and be harnessed more productively.⁴⁵ They distinguish between three types of decision:

- ▷ purely technical decisions that are solely concerned with technical procedures, factual data and experimentation; such as What is the best way of sending a rocket to the moon?
- ▷ decisions relating to values, norms and societal choices; questions such as What is necessary, and what is desirable? Opinions do not flow from empirical data and rational analysis, but reflect social arrangements and societal choices. Given the nature of this type of decision, citizens are best qualified to make them;
- ▷ mixed decisions relating to both technical and normative choices. The vast majority of decisions fall into this category.

There is no doubt that land policies typically fall into the third category of decision. It is essential to enable strategic groups to make choices regarding the main possible options, and that they do this bearing in mind the economic and especially social consequences of these choices. This brings us to the nub of the question: What kind of agriculture do we want, what

⁴⁵ Jack Desario and Stuart Langton, 'Citizen Participation and Technocracy', in "Citizen Participation in Public Decision Making", *Political Science*, n° 158, Greenwood Press, 2000.

rural land rights do we want to secure, and how do we want to secure them? The main possible land policy options need to be identified and presented to the public, because certain options will be prioritised on the basis of social issues. The experts' first task is certainly to formulate the scenarios and implications of different choices (feasibility, risks of conflict, social costs, etc.), but stakeholder and citizen consultation is essential even at this stage of the process because these actors are well placed to ensure that the different scenarios are coherent.

Working on the hypothesis that it is possible to separate questions of a purely technical nature from normative questions, we believe that responses to mixed decisions require participation and consultation between experts and citizens.

One of the great dilemmas in expert-led public policy formulation is the strategy for apprising actors of the possible responses to such questions. Strategies are based on hypotheses, assumptions whose validity can only be tested on the basis of experience. Since the actors concerned are also capable of examining the plausibility of these hypotheses, the experts' capacity to construct valid theories that make sense, are realistic and feasible in the eyes of these actors becomes a major challenge in the consultations and discussions between experts and actors. The main concern in producing a 'good' theory of change (desired ends, in the sense of democratically determined normative choices) is to make the chain that allows the orientations, measures and actions intended to produce the desired ends readable to those concerned, giving these actors the opportunity to consider them critically in light of their own situation. There are several experiences of this type of citizen debate in Europe, such as the *conférence des citoyens* in France.⁴⁶

Public policies (economic and social development) are not technical procedures where experimental data can be used to demonstrate that action X leads to outcome Y, simply because experts in the field have devised hypotheses affirming that certain choices or technical options exist, whether or not they are valid. So it is not simply a matter of relying on experts to think about answers to the question 'How can we get from A to B?' We need to think about what factors, conditions and constraints are involved in this journey, and since the actors concerned are well placed to answer such questions, the experts need to engage in dialogue with them to ensure that their hypotheses are valid.

There are various approaches to tackling this type of dilemma. While the methodology implicitly retained during the formulation of the PNSFMR aimed to address it, certain questions still need to be asked:

- ▷ Were the normative choices sufficiently clear?
- ▷ Regarding the technical proposals arising from these choices, were all the groups of strategic actors concerned able to examine the strategy sufficiently critically (relevance of the actions and measures, relevance of the implicit and explicit assumptions of the desired model of change to their context and resources)?
- ▷ Does the desire to reach complete consensus (in the sense of unanimity) lead to 'minimum agreements' that can be interpreted in several ways, and what consequences does this have for the rest of the process (legislative and regulatory texts, implementation strategy)? Isn't

⁴⁶ Daniel Boy *et al.*, 'Un exemple de démocratie participative', *Revue française de science politique*, 2000, vol. 50, n° 4.

some kind of arbitration necessary? And what criteria should be used to arbitrate on issues as sensitive as land policies?

Actors' representation, legitimacy and capacity for critical analysis and proposals

The level of organisation among the various groups of actors and difficulty of seeing a legitimate discourse emerging certainly called for a pragmatic approach to ensuring the legitimacy of their representatives. Where the structure of the social body was quite weak (agri-business, women, agricultural producers) or non-existent (the sub-group of migrant farmers), there should have been smaller-scale, more local and diversified consultations to compensate for certain strategic sub-groups' 'weaker' capacity to participate in the debates and make their particular voices heard.

Facilitating dialogue

This aspect of the process had to be addressed in terms of the nature of the questions to be debated during the consultations. While subjects of a normative order need to be broadly debated and defined and conclusions retained democratically, issues relating to the formulation of strategies could be seen as interactive exercises between the experts (who formulated proposals) and the representatives of the different groups of actors. It is not just a matter of representatives in the political sense, but of people whose experience equips them to discuss the validity of the proposed strategy (relevance of the assumptions and thus the theory of the recommended change and its foreseeable impacts and consequences), take on board the points of disagreement, justify them and, if possible, negotiate compromises. In order to facilitate dialogue, the experts need to have the capacity to clarify the hypotheses underpinning the various scenarios, present the different viewpoints and associated issues, and help negotiate clear compromises. This assumes that they have the capacity to raise questions in a way that will enable grassroots actors to engage in open debate through various channels, since many actors find written documents inaccessible. Above all, it also assumes that the different sub-groups have the organisational capacity to mobilise themselves to make their voices heard.

Finally, this case has shown that the different segments of the State (professional staff, political authorities) are not always content with the role of providing neutral support and arbitration. They may interfere with the process, shaping it to reflect their options and alliances with certain social groups while dressing it up with assurances that all the retained choices are legitimate.

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Annexes

- Annex 1: Interview sheet on participation in formulation of the PNSFMR
- Annex 2: Survey procedure
- Annex 3: Programme of events at the national forum on the draft national policy to secure land tenure in rural areas
- Annex 4: Letter written to the DGFROP on behalf of farmer organisations

Annex 1: Interview sheet on participation in formulation of the PNSFMR

A. IDENTIFICATION

- A01. Date of interview.....
- A02. Researcher's family name and first names.....
- A03. Region
- A04. Profession.
- 1. Farmer ☐
 - 2. Chief ☐
 - 3. Private operator ☐
 - 4. Civil servant ☐
 - 5. Elected local official ☐
 - 6. Other ☐
- A05. Respondent: 1. Male .. ☐ 2. Female .. ☐
- A06. What type of workshop did you participate in?
- 1. Actors' group ☐
 - 2. Regional presentation ☐
 - 3. Elected local officials ☐

B. PREPARATION AND PROCEDURE FOR THE MEETING

- A07. Who selected you to attend the meeting?
- 1. Organisers ☐
 - 2. The institution to which I belong ☐
 - 3. Other ☐
- A08. Why did you want to participate in this meeting?
- 1. Hoping to see my opinions taken into account ☐
 - 2. The importance of the subject matter ☐
 - 3. Networking opportunities ☐

A09. What did you think about the way the meeting was held and the style of the working document?

- 1. Very difficult ☐
- 2. Difficult ☐
- 3. Easy ☐

A10. What did you think about the way the meeting was organised?

- 1. Very satisfied ☐
- 2. Satisfied ☐
- 3. Dissatisfied ☐
- 4. Other ☐

A11. What do you think about the time you had to examine the introductory document?

- 1. Very positive ☐
- 2. Positive ☐
- 3. Negative ☐

A12. Do you belong to a corporate organisation?

- 1. Yes ☐
- 2. No ☐

If the answer to Q12 was 'Yes', please answer the next two questions; otherwise skip to Q15

A13. Did you discuss the issues sufficiently with other people in your organisation before coming to the consultation meeting?

- 1. In depth ☐
- 2. Superficially ☐
- 3. Not at all ☐

A14. Was your organisation (or body) able to define its own position before the consultation workshop?

- 1. Yes ☐
- 2. No ☐

A15. What do you think about the opportunities you had to express your points of view or those of your group or social body?

- 1. Very positive ☐
- 2. Positive ☐
- 3. Negative ☐

A16. Were you able to read and use the final document produced after all the consultation workshops?

1. Yes ☐

2. No ☐

A17. If the answer to the previous question was 'Yes', does this document reflect your points of view and concerns?

1. Yes ☐

2. No ☐

3. Don't know ☐

Please explain your answer

A18. What do you think about the time you had to prepare for the forum (to analyse the preparatory document)?

1. Sufficient ☐

2. Insufficient ☐

3. Don't know ☐

A19. What issues do you think are most important for the PNSFMR today?

The place of the customary chiefs ☐

Agribusiness ☐

The status of land (ownership) ☐

Modalities for implementation ☐

Other (to be specified below) ☐

C. COMPARISON WITH OTHER PARTICIPATORY PROCESSES

A20. Do you think that the participatory process for the PNSFMR was more effective than other participatory processes that you know of?

- 1. Yes ☐
- 2. No ☐
- 3. Similar ☐
- 4. No opinion ☐

A21. Which aspects do you think helped facilitate participation?

- 1. The content of the preliminary document ☐
- 2. The accessibility of the introductory document (understandable) ☐
- 3. Preparation time before the consultation meetings ☐
- 4. Support from a resource person to help discuss the introductory document in more detail during the consultation workshops ☐
- 5. Taking account of the views expressed during the consultations ☐
- 6. Other (to be specified below) ☐

A22. What aspects do you think needed more attention in participatory exercises to formulate policies?

- 1. Content of the preliminary document (quality) ☐
- 2. Accessibility of the introductory document (understandable) ☐
- 3. Preparation time before the consultation meetings ☐
- 4. Support from a resource person to help discuss the introductory document in more detail during the consultation workshops ☐
- 5. Taking account of the views expressed during the consultation workshops ☐
- 6. Other (to be specified below) ☐

Annex 2: Survey Procedure

A team of three researchers interviewed 124 participants on the margins of the national forum held in Ouagadougou on May 30th to June 1st 2007. One of the researchers supervised the interview process.

These interviewees had been involved in the preparatory workshops (either the workshops for groups of actors or the regional workshops), and therefore had sufficient knowledge of the process to express an opinion about it.

They came from the following socio-professional groups.

Profession	Number	Percentage of sample group
Farmer	67	54
Chief	14	11
Private operator	7	6
Civil servant	15	12
Elected local official	21	17
Total	124	100

Most of the interviewees were men (111), accounting for 90% of the sample group.

Annex 3: Programme of events at the national forum on the draft national policy to secure land tenure in rural areas

Time	Activity
Day One: 29th May 2007	
15h30 to 16h30	Opening of the forum by the authorities: <ul style="list-style-type: none"> - Welcoming address by the mayor of Ouagadougou - Opening speech by the Minister of Agriculture, Hydraulics and Water Resources
16h30 to 18h00	Installation of the presidium: <ul style="list-style-type: none"> - Introduction to the forum (objectives) - Work programme
Day Two: 30th May 2007	
09h00 to 10h30	<ul style="list-style-type: none"> - Presentation of the technical report on the consultations - Presentation of the PNSFMR - General debate
10h30 to 11h00	Break
11h00 to 12h30	<ul style="list-style-type: none"> - Presentation on Burkinabé expatriates' experiences of initiatives to secure land tenure in Côte d'Ivoire, by Burkina Faso's honorary consul in Soubre - General debate
12h30 to 13h00	<ul style="list-style-type: none"> - Summary by the moderator - Set up working groups
13h00 to 14h00	Break
14h00 to 17h30	Workshops for groups to discuss: <ul style="list-style-type: none"> - Unresolved questions - Questions requiring more detailed examination

Day Three: 31st May 2007

09h00 to 10h30	Workshop reports
10h30 to 11h00	Break
11h00 to 12h30	Preparation of the synthesis report on the forum: conclusions and recommendations
13h00 to 13h30	Closure of the forum: <ul style="list-style-type: none">- Presentation of synthesis report on the forum- Closing speech by the Minister of Agriculture, Hydraulics and Water Resources

Annex 4: Letter written to the DGFROP on behalf of farmer organisations

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BURKINA FASO

UNITE – PROGRES

Ouagadougou, 21 November 2008

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**Director general, Foncier rural et
des Organisations paysannes/
DGFROP, Ouagadougou**

Our ref: 2008/007/FEPA-B

Subject: Participation in the national workshop to validate the draft law

Dear Madam,

We would like to draw your attention to the fact that the process of preparing farmer organisations and women's networks/collectives of women's associations to enable them to participate effectively and constructively in the national workshop to validate the draft rural land law has been hampered by several constraints, namely:

- delays in circulating working documents
- the lack of time allowed to prepare our structures for participation in the formal frameworks for consultation
- the multiple versions of the working documents sent to our structures (both the draft law and the draft enforcement orders).

This has not been helpful in enabling our leaders and grassroots members to properly appropriate either the process or the documents (which have been inconsistent).

We would also like to draw your attention to the fact that the dates retained for the national workshop coincide with several very important events for the civil society organisations to which we belong, namely:

- the national forum for the women of Burkina, scheduled to take place on November 25-27
- the AMBF general assembly and journées des communes, scheduled to take place on November 26-28.

This raises the question of whether the mayors and leaders of women's networks and collective associations will be effectively represented at the national workshop, and how this will affect the workshop.

In view of this situation, we would be grateful if you would inform us of any arrangements that could be made to ensure that the national workshop can genuinely achieve its objectives.

I look forward to receiving clarification on these matters, **Madame Director General**.

Yours sincerely.

***President of the Confédération paysanne
du Faso, writing on behalf of Farmer
Organisations and Women's
Networks/Collectives of Women's
Associations***

Bassiaka DAO