

Local land-use plans, bylaws and conventions reduce resource-based conflicts

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“Simple, widely disseminated local conventions have decreased conflicts and promoted FMNR in densely populated rural areas.”

Introduction

Burkina Faso and Niger face rapid population growth, climate change, armed insecurity and conflicts over resources. In response, the National Cooperative Business Association CLUSA International (NCBA CLUSA) implemented the Resilience and Economic Growth in the Sahel – Enhanced Resilience (REGIS-ER) project. This saw the development of 17 local conventions at the commune (rural district) level to assure the sustainable use of natural resources, strengthen responsive decentralised governance, and reinforce citizens’ rights and responsibilities. These conventions have had considerable success in improving natural resource management, increasing farmer managed natural regeneration (FMNR) on 5% of farmland and reducing violent conflicts by 74% in targeted communes. They were less successful, however, in managing forests, pastures and ponds far from the villages.

Project context

REGIS-ER is a seven-year project (2013–20) funded by USAID. It promotes the resilience of chronically

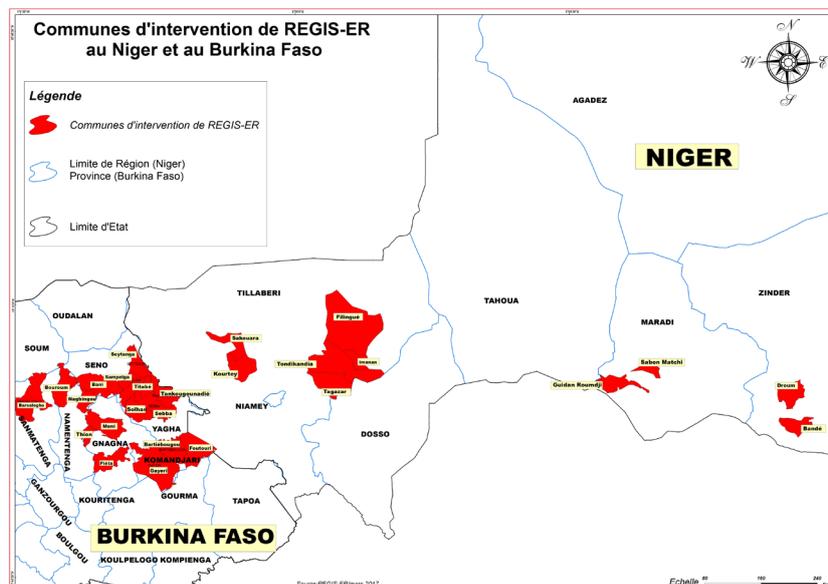
food insecure communities in 570 villages in 25 communes in 6 regions, covering 35,732 km² of agropastoral zones in Burkina Faso and Niger. See Figure 1. In the target areas, drought and flooding lead to malnutrition and migration and to conflicts over limited resources.

By reinforcing communal institutions, refining procedures, and increasing financing, the project takes a systemic approach to addressing communities’ resilience needs; improving soil fertility, agricultural production and sanitation; and building assets, especially among women, to ensure household food security. And as drought is an ever-present risk, the project builds capacity for famine early warning and timely local response to crop failure and conflict.

Local conventions

The goal of local conventions is to assure the conservation and sustainable use of natural resources on commune lands, to satisfy growing demands while maintaining productivity and ecological and social well-being. Local conventions were first developed in the 1990s in Senegal

Figure 1: REGIS-ER intervention areas



and Mali as experiments in decentralisation and alternatives to costly production forestry. In 2005, GIZ identified 150 local conventions in West Africa (Alinon and Kalinganire 2008) and there are considerably more now.

Local conventions consist of two parts: a land-use plan and a set of bylaws. The land-use plan (*Plan Communal d'Occupation et d'Affectation des Sols*, PCOAS) is a decision-making tool to guide planning and management of natural resources at the commune level, and is supported by commune bylaws that regulate natural resource use. Land-use plans include an inventory and map of natural resources, with land-use zones defined and demarcated according to potential use (see Figure 2), and a land-use tool to support decision-making. Natural resource bylaws define guidelines for access, use and management of natural resources and provide a platform for dialogue among stakeholders with conflicting interests. Bylaws must be aligned with national laws.

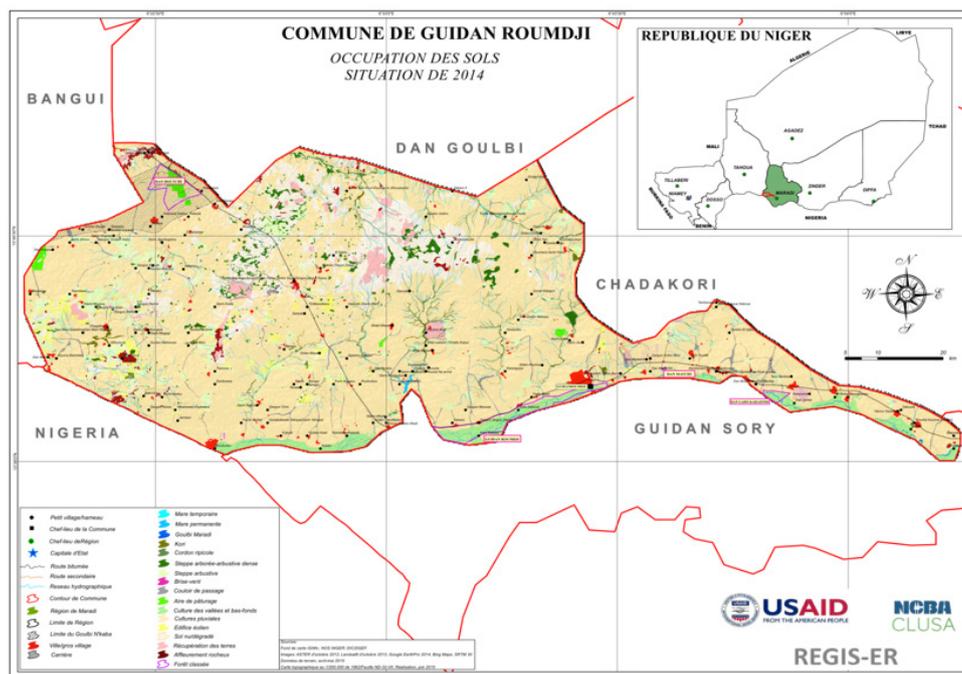
NCBA CLUSA adopted an 11-step process for developing conventions.

1. Sensitize commune leaders to the benefits of local conventions;
2. Establish a technical steering committee and sub-zone committees;

3. Train sub-zone committees in environmental analysis;
4. Draft a land-use map;
5. Assist sub-zone committees to elaborate a land-use plan (*Plan Communal d'Occupation et d'Affectation des Sols*);
6. Propose commune bylaws (steering committee, zone groups, municipal council, chef de canton, village chiefs, and other stakeholders);
7. Have bylaws validated by population and technical services;
8. Obtain approval of the local convention by the mayor and *prefet/sous-prefet*;
9. Disseminate the local convention;
10. Train people in commune monitoring and evaluation; and
11. Integrate the local convention into commune development plans.

The project facilitates active participation, involving stakeholders from communities, local government councils and technical services, including women, youth, herders and other resource users who represent a wide variety of interests. Local conventions should be reviewed, renewed and aligned with other commune development priorities every five years.

Figure 2. Land-use zones in Guidan Roundji, Niger





COFOB meeting in Gamba, Zinder. Photo: NCBA CLUSA

The average cost of developing both land-use plans and bylaws was calculated to be about US\$19,000 per commune. Local NGOs are also being trained to implement and renew local conventions after the project ends. It is estimated that without external facilitators, consultant fees and other overhead costs, the cost would fall to about US\$10,000 per commune, and would be even less if maps and land-use plans were simplified. Mayors said they might be able to cover approximately US\$3,500 from their budgets, but the rest would have to be subsidised. There would be a greater incentive to invest in local conventions if they could generate revenue for local government, but this could happen only where resources have sufficient market value that could be levied or valued in some other way to generate revenue.

Implementing local conventions

This study examined 5 of the project's 17 local conventions, in the communes of Manni and Bouroum in eastern Burkina Faso, and Tondikandia, Droum and Guidan-Roundji in Niger (Johnson et al. 2019). Data was collected in October 2019.

Conforming with decentralised governance policies, the project collaborated with village development committees: the *Comité Local de Développement* in Niger and *Conseil Villageois de Développement* in Burkina Faso. Within their respective communities, these village-level institutions establish subcommittees that are responsible for specific activities, such as implementing the local convention. Since the members of these local development committees are unpaid, they can only carry out simple natural resource management monitoring activities that are not time consuming.

The project also cooperated with partners to expand the network of land commissions that register land titles at the village level: the *Commission Foncière de Base* in Niger, and the *Commissions Foncières Villageoises* or *Commission de Conciliation Foncière Villageoise* in Burkina Faso. In addition to monitoring land tenure, these groups are authorised to manage natural resource conflicts. Unlike the case of the village development committees, land commissions can generate modest fees that can incentivize agents. Since the committees are newly established and have a scope that occasionally overlaps with traditional authorities, they are not yet completely functional.



Herd of sheep grazing near a seasonal pond. Photo: NCBA CLUSA

Tondikandia, Droum and Manni proposed village development committees as their primary management structure. Guidan Roumdji and Bouroum designated land commissions to manage their local conventions, with village development committees playing a supporting role.

Effective management of common resources (forests, pastures or ponds) that are distant from village areas requires specialised management groups with specific technical training. The project did not invest in the establishment of these groups, but instead relied on similar groups established by other development programmes. While this would build on existing institutions rather than multiply them, at least in theory, most were pasture management or soil conservation groups whose aims were to support the goals of the project that created them, rather than broadly manage natural resources in a commune.

All local convention bylaws include taxes, fees and fines associated with the use or abuse of the commune's natural resources. These mostly reaffirm existing customary or national levies that provide little or no returns to the commune council or management groups responsible for implementing local conventions. Customary fines

are received by the aggrieved party, and only 10% of federal levies on natural resources are returned to the communes. Guidan Roumdji, Manni and Bouroum developed mechanisms to capture revenues at the communal level; Tondikandia and Droum did not, relying on meagre tax revenues from the central government to implement their local conventions.

Impacts

Farmer managed natural regeneration

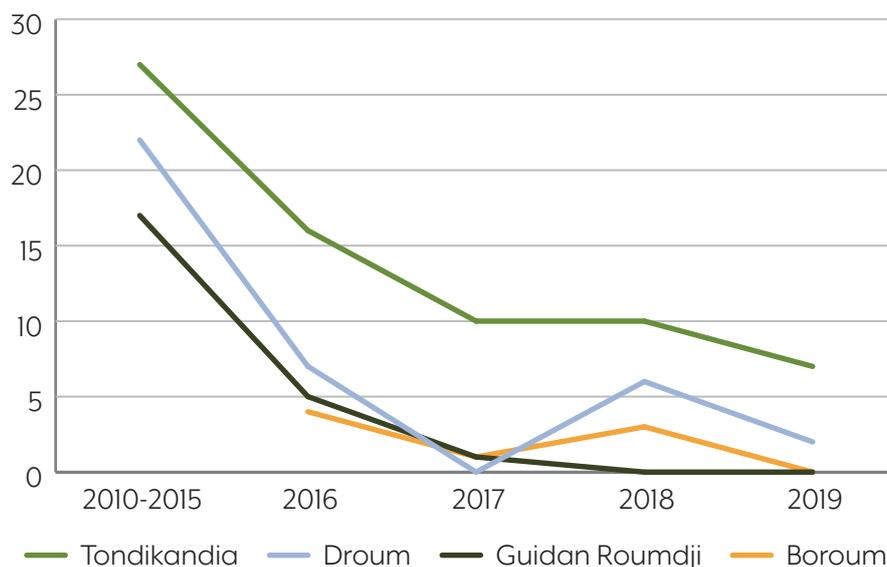
Village sub-committees fostered farmer managed natural regeneration (FMNR) on 13,742 ha, a 4.6% increase in arable land that was attributed to project activities alone. The commune of Manni, which developed its local convention three years previously, achieved an impressive 32% increase in FMNR coverage, with 30 to 65 trees/ha.

Conflicts over natural resources dropped dramatically, by 74% in four communes. See Figure 3. Results from Droum, the only commune where data was detailed by the nature of conflict, suggest there was little change in the type of conflicts experienced. However, data was collected in October 2019, so not all conflict data for that year is included. Furthermore, the local

convention in Manni was validated in May 2017 and disseminated in July, with the large number of conflicts that year occurring several months later.

Local authorities argue that the implementers did not yet have the capacity to resolve these conflicts in July.

Figure 3. Decreases in conflicts over time



Factors for success

Participatory elaboration and diffusion

The collective acceptance and subsequent enforcement of local conventions at the village level is vital. Acceptance and enforcement must be ensured through a highly participatory process, otherwise the convention will represent only the elite and will exclude disenfranchised groups (Granier 2010). Given the vast size of some of these communes, steps 3, 5, and 6 of the process were carried out in central towns at the sub-zone level to reduce cost. Although this constrained the project's ability to engage all citizens, the process required the involvement of at least two inhabitants from every village, representing all levels of society in a sub-zone. In the commune of Tondikandia, for example, 0.5% of the adult population was involved in elaboration, which is comparatively inclusive for such a large-scale participatory governance process.

The project also fostered strong acceptance of the new conventions; communities translated them into local languages and disseminated them through a month-long series of local radio broadcasts presented by local leaders. In densely populated rural areas in the Sahel, this can lead to commune-wide acceptance and

self-enforcement in village areas, mitigating the need for complicated institutional structures to monitor, adjudicate and enforce rules. With robust and legitimate traditional leadership in both countries, a vigorous dissemination of rules is equal to, or perhaps even more important than, massive participation in the elaboration of rules.

Recognised structures

The sustainability of local conventions is anchored in their legitimacy with and endorsement by technical services (Johnson et al. 2020). Even though village development committees are limited in scope both technically and geographically, they are nonetheless recognised by commune government and technical services, which strengthens their authority and effectiveness. Local conventions are also intended to be integrated into commune development plans to reinforce their legitimacy. However, as decentralised planning occurs only every five years, communes must wait for the next planning cycle to include local conventions in their plans; so far, only one (Tondikandia) has been integrated.

Systems-based approach

Most projects that facilitate local conventions establish local natural resource management

groups, and strengthen the municipal council's natural resource management committee, encouraging exchange between the two. Building resilience, on the other hand, requires a systems-based approach, including public, civil society, and private-sector actors. Local conventions are more sustainable when their local governance context is vibrant and responsive.

As part of its wider governance work, the project developed civil society organisations called citizen working groups to facilitate communication between village stakeholders and municipal councils. Farmer producer groups generate revenues and increase community capacity to pay taxes or fees. Community-based service providers sell seedlings to farmers. Village savings and loan associations provide credit to producers and service providers. Land tenure commissions provide land title to support the restoration of degraded lands. All of these efforts reinforce the viability of local conventions.

Challenges

Tailoring the intervention to capacity is a critical factor for sustainability. The main challenge to the sustainability of local conventions is their lack of capacity to generate revenue. Two factors determine their financial sustainability: the value of local resources, and the ability to capture fees and fines at the commune level. But Sahelian natural resources are sparse and often of comparatively low value, so establishing communal levies can be politically controversial. The only revenues generated by a local convention in this study were fees associated with artisanal gold mining in Bouroum, and few Sahelian communes can tap resources of such value.

Limited financial resources clearly constrain management groups, who require tools, technical training and financial incentives to effectively perform their duties. Fortunately, the enforcement of herder/farmer and FMNR infractions in village areas can be carried out collectively with light oversight from village development committees, requiring neither incentives nor tools.

Approach

Areas that have valuable forest, mineral or animal resources and are difficult to monitor require

land-use plans and specialised teams for sustainable management. However, the project demonstrated that widely accepted bylaws have promoted FMNR and prevented conflict in densely populated rural areas, even with limited enforcement. There is little reason to elaborate costly land-use plans that require oversight by incentivized committees if there are limited opportunities to generate revenue. Thus, a simple contingency approach is recommended for local conventions in populated Sahelian agricultural zones.

First, simple bylaws should be established, with a focus on farmland and pastures monitored by land commissions or village development subcommittees to reduce conflict and promote FMNR. Then, if communes can demonstrate that forest, mineral or animal resources can generate the revenues needed to ensure effective management of their commons, a land-use plan should be drafted. Bylaws should address appropriate communal tax schedules and revenue sharing, and an accompanying decree should establish technically competent management teams, define their roles and responsibilities, and clarify their lines of authority. If the project had adopted this conditional approach, then Tondikandia, Droum, Guidan-Roundji and Manni would still have decreased the frequency of conflicts and increased FMNR, but at a considerably lower cost.

Conclusions

Much has been written about the dramatic greening of southern Niger achieved by FMNR. While it is a simple concept, practising FMNR requires a shift in the collective mindset that can be challenging to achieve. Reij and Winterbottom (2015) describe six steps: (i) identify existing FMNR successes; (ii) build grassroots movements to promote FMNR; (iii) address relevant policy and legal issues; (iv) implement a communication strategy; (v) strengthen agroforestry value chains; and (vi) expand research activities. Local conventions effectively promote steps 2, 3 and 4, and with an active land-use plan, step 5, demonstrating their effectiveness in fostering FMNR.

The Institute for Economics and Peace (2019) reports that Burkina Faso and Niger rank 104th and 116th of 163 on the 2019 Global Peace Index, with the economic cost of violence accounting

for 9% of Niger's GDP. However, Higazi and Abubakar Ali (2018) affirmed that "local conventions [in Burkina Faso], which stipulate the rights and responsibilities of farmers and pastoralists and establish mutually-agreed enforcement procedures, that are sanctioned by local state authorities...[are]...helping to promote conflict prevention, mediation, and resolution."

The project's local convention approach demonstrates that inclusively developed, widely disseminated land-use bylaws, enforced by a network of village groups, is the most sustainable model for reducing conflicts and increasing tree cover in densely-populated, agricultural regions of the Sahel.

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