



Meeting of the Task Force on rural land issues in the ECOWAS region

4-6 October 2010, Dakar

Report

1. Introduction

At the invitation of ECOWAS, in collaboration with LPI/AU Secretariat, UEMOA and CILSS, and with the technical support of Hub Rural, the meeting of the Task Force on rural land issues in the ECOWAS region was held in Dakar, Senegal, from 4 to 6 October 2010.

2. Purpose of the Meeting

Within the framework of the implementation of its Regional Agricultural Investment Plan, ECOWAS decided to launch a process to promote land policies and thus facilitate responsible and sustainable resource management. The meeting was convened to institute, in the ECOWAS region and on the basis of guidance and principles defined in the African Union Framework and Guidelines on land issues, a strategy to promote consensus and the convergence of national land policies around basic values and principles, notably economic growth, equity, good governance and sustainable environmental management. To that end, the meeting had to also examine ways of taking advantage of initiatives afoot in the region (CILSS, UEMOA, ROPPA, Billital Maroobe, POSCAO, IED-Afrique, etc...).

3. Participants

The meeting was attended by representatives of ECOWAS, UEMOA, CILSS, ROPPA, POSCAO, the Billital Maroobe network, Oxfam International, Hub Rural, IED Afrique and resource persons. The list of participants is annexed to the report.

4. Proceedings

The Task Force first made an overall review of continental and regional initiatives on rural land issues. Each concerned organisation presented its own initiatives and each presentation was followed by discussions to analyze the content of initiatives, identify areas of agreement, the needs for enhanced synergy and outline the priority issues to be examined. The following topics were dealt with in the presentations :

- ECOWAS Initiative : From RAIP to land concerns ;
- African Union Framework and Guidelines on Land Issues;
- UEMOA land-related working areas; Toward a Regional Land Observatory in West Africa;
- The Hub Rural Experience in support of land policy actors in West Africa ;
- CILSS land-related activities: The regional land tenure charter in the Sahel and West Africa ;
- Initiatives of the Billital Maroobe network on transhumance-related land issues;
- POSCAO Initiatives on land policy instruments;
- IED Afrique Initiatives : action research and methodological tools on land ;
- Oxfam International Initiative : support to FO/CSO alliance on agricultural policy instruments;
- ROPPA Initiatives: action research on the security of family-run farms.

These initial discussions underscored the need to prepare a unique framework which will serve as a guide for the preparation and implementation of converging land policies in the region. The Task Force then defined the basic components of this convergence framework. To that end, it drew on:

- A presentation of the report on land policies in West Africa : Content, lessons and challenges;
- A presentation of the LPI entitled « Declaration of AU Heads of State on land issues: From commitment to concrete action at regional and national levels » ;
- The content of the AU framework and guidelines on land policies.

The essence of all these presentations is attached to this report.

5. Key conclusions and recommendations.

Since there is nothing new about the interest shown in the land issue, the Task Force is pleased to note the existence of several initiatives and expertise that could serve as a basis in the definition and implementation of a framework for the preparation and enforcement of converging land policies.

This framework should be unique and defined for the entire West African region.

It should be in line with the LPI directions and guidelines, but should also portray, with respect to the convergence principles and criteria, the ambitions of the region in terms of regional integration.

It was decided that the framework should be structured as follows:

- outline of the situation (context and state of design and implementation of land policies in the region) ;
- major stakes and challenges;
- framework guidance: vision, mission, key principles, convergence criteria and lines of intervention.

In defining the convergence criteria and lines of intervention, five elements are singled out:

- Preparation of land policies;
- Implementation of land policies;
- Monitoring-evaluation;
- Steering;
- Mobilizing human and financial resources

The basic components of this framework are presented in annex.

On the basis of a precise definition of these convergence criteria and major actions that could serve as levers, it will be possible to proceed with the development of an action plan that clearly spells out the activities to be undertaken, the expected outcomes, the schedules to be complied with, the roles and responsibilities of each actor by stepping up the competence of each of them.

A road map, attached in annex, defines the major phases for the design and adoption of this framework in order to prepare and enforce converging land policies in the ECOWAS region.

6. Annexes

- Components of the framework
- Components of the roadmap
- Essence of presentations
- List of participants

Components of the framework

1. Outline of the situation

A. Context

- Context of democratization of politics, desire for change, decentralization policies
- Gender and youth issues
- Persistent colonial heritage
- Legal pluralism
- Regional integration
- Problems related to conflict and post-conflict situations
- Impact of demography
- Migration and urbanization
- Common resources and ecosystems
- Land monopolizing phenomenon
- Importance of agriculture in the regional economy and renewed interest in this sector
- Fight against poverty

(Explain each point in a few lines, and fill).

B. State of definition and implementation of land policies

In almost all States, the land securement objective was stated and reaffirmed, notably with respect to rural land. Even though almost all States have reviewed their land laws more or less extensively, most of the land registration systems introduced during the colonial era are still in force.

It has been observed that, for about a decade, States have the tendency to adopt a participatory approach in the preparation of documents and laws relative to land. All the countries are not at the same level though: While some are trying to develop a land reform, others are implementing their reform, or do not envisage reforms at the moment. Four countries (Ghana, Sierra Leone, Guinea, Burkina Faso) of the region have adopted land policy papers. Some countries (Niger, Côte d'Ivoire, Benin, etc.) have adopted Framework Laws on land ; two (Mali, Senegal) have adopted Agricultural Orientation Laws which provides for the preparation of land policies and rural land laws.

There is an increasingly expressed desire to create a link between land policies/framework laws and other sectoral policies and legislations, particularly those related to natural resources management. Efforts have also been made to ensure linkage with the decentralization laws, even though the transfer of responsibilities and resources to territorial communities is hardly effective.

It has been observed that recent land laws have the tendency to (1) create local land management structures, essentially meant to reduce land securement costs, (2) develop new methodologies and new land securement tools , (3) ensure greater accommodation of the diversity of local land

situations, (4) institute alternative rural land conflict prevention and management mechanisms, (5) adopt participatory approaches for the implementation of measures.

(To be filled and state whether the framework is appropriate or not).

2. Major stakes and challenges

- The effective decentralization of the land management administration
- Securing land access for vulnerable groups both in “normal” and post-conflict contexts
- The future of family-run agriculture and grassland farming in a context in which land is “wrongly treated as a commodity”
- The regulation of exogenous and endogenous land « monopolizing » processes
- Harmonization of texts for an enhanced regional integration
- Women’s access to land and land ownership
- The recognition and securement of local land rights and rights to natural resources
- A transparent and efficient management of natural resources (mining, forestry ...): Inequalities contribute substantially to social and political tensions

(Explain each point in a few lines, and fill).

3. Framework guidance:

A. Vision

West African States, in an all-inclusive and participatory manner, develop land policies which provide for secure and equitable access to land and natural resources, gender integration, conflict reduction, promotion of the sustainable management of natural resources, ensure sustainable human development, marshal actors likely to contribute to economic growth, improve their living conditions and contribute to political stability.

B. Mission

(to be filled)

C. Key principles

To be filled with the help of policies (agricultural, environmental, water, decentralization, land-use planning, regional integration) adopted at regional level, national land policies and laws, and principles laid down at international level (FAO Voluntary Guidelines on land governance, for example).

Don't forget: Grassland farming, monopolizing, regional integration (right of establishment), States' financial commitment.

D. Convergence criteria and lines of intervention

Have a land policy paper, laws and implementing orders

- Information production and management (data base, documentation on existing policies and texts ...)
- Improving analysis and formulation capacities

Have a land policy implementation strategy

- Land information production and management (land certificate, titles, local agreements, etc.)
- Setting up implementation institutions
- Institutional arrangements

Have an efficient monitoring-evaluation system

- National Land Observatory (cf. UEMOA model)

Have an appropriate steering mechanism

- Multi-sectoral coordination
- Concerted action, consultations (actors' negotiating capacity, methodological and leadership capacities, clarity of issues and rules of arbitration)
- Communication

Mobilization of human and financial resources, equipment (integrating the land dimension in agricultural and environmental policies, cf. investment plans)

ROADMAP FOR PREPARATION AND VALIDATION OF THE FRAMEWORK

Mobilizing experts to prepare the draft framework. Deadline: End of October 2010

Preparation of the first draft. Deadline: End of November 2010

Distribution of the first draft. Deadline: End of November 2010

Gathering Task Force members' observations. Deadline: 15 December 2010

Preparation of version 2 of the framework Deadline: End of December 2010

Meeting of the Task Force Deadline: End of January 2011

Member States Experts Meeting Deadline: End of February 2011

Ministers' validation Meeting Deadline: End of February 2011

Ministers' Adoption Meeting Deadline: June 2011

ESSENCE OF PRESENTATIONS

ECOWAS Initiative: from RAIP to land concerns (Yamar MBODJ)

This introduction to the meeting helped clarify the ECOWAS objectives. The Task Force is entrusted with helping ECOWAS to initiate a process with a view to instituting a land strategy which should be in line with the AU Framework and Guidelines on land policy, with the support of ongoing initiatives

African Union Framework and Guidelines on land policy (Thiémokho DIOP)

The Framework and Guidelines (CLD) result from a long continental consultation process. Adopted by AU Heads of State, the Framework and Guidelines target various objectives contributing to the promotion of land policy development in Africa. The Framework and Guidelines identify the continent's common land problems, regional specificities, take stock and draws lessons on the preparation, implementation and monitoring-evaluation of land policies.

UEMOA land-related working areas; toward a Regional Land Observatory in West Africa (Soumana DIALLO)

UEMOA has initiated different reforms relative d to land issues. UEMOA has identified several land-related issues and challenges which led the African Union to prepare an action plan on land which was validated at a regional workshop held in October 2009. This action plan comprises four key areas of intervention, including the creation of a Regional Land Observatory in West Africa (ORFAO). The Terms of Reference of the feasibility study for the creation of the Regional Land Observatory in West Africa are being drafted.

The Hub Rural Experience in support of land policy actors in West Africa (Vincent BASSERIE)

The Hub Rural's mandate consists in enhancing consistency in the preparation and implementation of public policies. It develops activities at both national and regional levels. At regional level, it plays the role of a watch guard on rural land issues, develops teaching media on key themes concerning land issues and provides support to UEMOA, ECOWAS and the regional alliance of farmer Organizations and CSO on land matters.

CILSS land-related activities: The regional land tenure charter in the Sahel and West Africa (Mahalmoudou HAMADOUN)

CILSS has, since 1989, initiated a process to reflect on the land issue in West Africa and has regularly organized important regional forums. CILSS is engaged in the project for the preparation of a regional land tenure charter in the Sahel and West Africa. A roadmap was drawn up to that end in 2006. It comprises three key areas of intervention covering a period of ten to twenty years. Provision is made for a strategy and a mechanism for the implementation of the roadmap.

Initiatives of the Billital Maroobe network (Blamah JALLOH)

The Billital Maroobe Network is involved in advocacy and capacity building actions in 7 countries. It strives for the implementation of recommendations of the Gogounou sub-regional forum on transborder transhumance, the ultimate aim of which is the securement of land for animal breeding

and grassland farming. It calls for the setting up of a transhumance observatory to promote the dissemination of information on the movement of animals and regulate their trans-border flows.

POSCAO Initiatives (Abel GBETOENONMON)

One of POSCAO's major land-related objectives is to arrive at the common positioning of FO (farmers and animal breeders) and civil society organizations which to enable them to define concrete common proposals, within the framework of ECOWAP's implementation. POSCAO would like the region to comply with the guidelines covering a period of 10, 20 and even 50 years.

IED Afrique Initiatives (Bara GUEYE)

IED Afrique has, for a long time, been working on the links between research and action, by translating the research findings into training and action programmes. More recently, IED Afrique I has been engaged in designing new methodologies and new tools on land issues and natural resource management. IED Afrique collects information and prepares documentation on good land management practices, notably from the decentralization standpoint.

Oxfam International Initiative (Samira DAOUD)

Oxfam presented its activities in support of the civil society and farmer organizations on land issues. Oxfam supported an action research activity on land monopolizing conducted by the CSO of Senegal, Burkina and Mali. Moreover, in partnership with Hub Rural, ROPPA, RECAO, POSCAO and the Billital Maroobe network, Oxfam provided backing to a round of political dialogue on agricultural policy instruments, particularly those related to land.

ROPPA Initiatives (André TIORO)

The Network of Farmers' and Agricultural Producers' Organizations of West Africa (ROPPA) is making an inventory on land access rights and land control in the 12 countries it covers, with special emphasis on the situation of women. In collaboration with CILSS and UEMOA, ROPPA embarks on case studies on the land monopolizing process involving both foreign firms and the national elite. These case studies are intended to identify the impact of this phenomenon on family farms .

Report on land-use policies in West Africa : Content, lessons and challenges (Malam Kandine ADAM)

This report was prepared, then validated at the regional workshop, within the framework of the preparation of the African Union Framework and Guidelines on land issues. It identifies the contextual issues, the major land-related problems and challenges, makes observations both on the land policy formulation process and on land policy implementation and draws lessons from these analyses in terms of inadequacies, constraints and needs.

AU Heads of State Declaration on Land issues: from commitment to concrete action at regional and national levels (Vincent BASSERIE)

During the adoption of the African Union Framework and Guidelines, the Heads of State made various commitments, launched appeals to the LPI, CER and States. The LPI has started preparing a

strategy for the implementation of the CLD, based on a regional approach and giving a sense of responsibility to CER. The LPI proposes several action trails which ECOWAS could associate itself with.

List of participants

Liste des participants à la reunion de la Task Force Meeting on the Promotion of Forest

And Land Use' - Ndiambour Hôtel
4-6 Octobre 2010 at Dakar, Sénégal

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