

Millennium Challenge Corporation

Achieving Fair and Transparent Land Allocation of High-Value Agricultural Lands in the Senegal River Valley: The Delicate Question of Selecting Project Beneficiaries

Alain Diouf

Millennium Challenge Account-Senegal

Kent Elbow

Millennium Challenge Corporation, United States

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UNITED STATES OF AMERICA

Millennium Challenge Corporation, 875 15th St. NW, Washington, DC 20005.

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Abstract

The paper explores the question of how the beneficiaries of increased land values are determined. Our case study is the Millennium Challenge Corporation's (MCC) Integrated Water Resources Management Project being implemented in the Senegal River Valley (SRV) by the Senegalese government's Millennium Challenge Account (MCA). Our investigation is built on the question: How is land, whose value is increased through project activities, to be allocated to beneficiaries? The land allocation process is centrally important in that it serves as the mechanism to decide *who* will directly benefit from the enhanced land values that result from a publicly-funded development initiative.

The MCC/MCA approach to land allocation in the SRV can be boiled down to two fundamental principles: facilitated local participation in designing community-specific land allocation policies and transparency in implementing the land allocation process. This fits well with Senegalese land tenure and land management policies that assign land allocation responsibilities to local governments. Nevertheless, it is an approach that requires careful design and considerable investment of time and expertise. It is also a model that is gaining support from Senegalese policymakers and emulation by international partners interested in sponsoring or investing in agricultural development in the SRV.

Key Words

- ★ Irrigated Agricultural Development
- ★ Decentralized Land Management
- ★ Land Allocation
- ★ Land Tenure
- ★ Senegal River Valley

Introduction

The Integrated Water Resources Management (IWRM) Project targets increased agricultural productivity by improving access to quality water for irrigation in the Senegal River Valley (SRV). Estimated at a cost of \$170 million, IWRM is funded by the U.S. Government's Millennium Challenge Corporation (MCC) and implemented by the Millennium Challenge Account (MCA) of Senegal. Completion of infrastructural improvements in the Delta region (westernmost portion of the SRV) by September of 2015 will improve water quality and availability in existing irrigation perimeters and will increase irrigable land from 26,910 hectares to 39,300 hectares. Approximately 75 percent of the total surface area will be used for rice production and the remaining 25 percent reserved for vegetable production. Just to the east of the Delta region, IWRM is also developing a pilot irrigation perimeter of 440 hectares at Ngallenka (rural community of Ndiayène Pendao, Podor Department) for rice and vegetable production.

MCA-Senegal's program to increase agricultural production capacity in targeted zones of the SRV represents a very significant investment. Careful pre-project studies suggest that the investment is justified given calculations of increased profits to be earned by agricultural producers, profits that are expected to generate a solidly-positive rate of return on MCC's investment. Perhaps less visible are the answers to the central questions explored in this paper: How should land, whose value is increased through project activities, be allocated to beneficiaries? What are the processes and mechanisms for identifying existing land rights holders and selecting new ones? What are the assumptions that underlie land allocation, and how are these assumptions adopted? What are the governing principles of land allocation, and how were they decided?

The Land Tenure Security Activity (LTSA), with a budget of \$3.7 million, is the component of the IWRM that focuses on land tenure and land management throughout the project zone. The fundamental goal of the LTSA is to formalize and secure land property rights in the IWRM intervention zone. Formalization of land property rights culminates in delivery of the appropriate, legally-established land titling instruments (consisting, in the context of the SRV, of *use* rights titles rather than full land titles) into the hands of legitimate holders of land rights. Obviously, before their rights can be formalized, legitimate holders of land rights must be clearly identified.

In other words, adding value to land has implications for existing distributions of land property rights and, by extension, is likely to influence access and occupation patterns of high-value agricultural land in the affected areas. In the case of IWRM, the existing profile of current land rights holders will need to be adjusted to take advantage of new and more intensive agricultural practices made possible by IWRM improvements. The end result is that the population of post-project rights holders will not be identical to the population of pre-project rights holders. This property rights transition must be very carefully managed and monitored given MCC's rigorous resettlement policy, which requires that all project-affected parties be fully compensated for any negative impacts on their livelihoods.

Reallocation of land property rights can be an especially delicate issue given that a limited supply of benefits is to be distributed among numerous categories of arguably worthy recipients. To further complicate the issue, land allocation decisions are often subject to unresolved development debates: Is promotion of agribusiness or support for family farming more valuable in local and national economic development? How can projects be designed to achieve both economic growth and poverty reduction? How much weight should be placed on customary land property rights? What measures can or should be taken to ensure that women and vulnerable populations gain and maintain secure access to high-value land? MCC approaches these issues by seeking growth-related investments that include and reach the poor. Within this global approach, careful attention is paid to tailoring interventions so that they are appropriate and effective in a variety of contexts.

Land allocation takes place in specific settings, and each setting has its own history, characteristics and local populations exhibiting ever-evolving worldviews and value systems. The SRV is an especially diverse and complex setting given its long experience as a magnet for ambitious and transformative development initiatives, coinciding with dramatic fluctuations of its demographic profile, climatic conditions and land management policies.

In the face of the considerable challenge of achieving socially-acceptable and economically-efficient land allocation, MCA-Senegal has settled on two fundamental principles: facilitated local participation in designing local land allocation policies and transparency in implementing the land allocation process. Once these principles have been adopted, the challenge becomes how to devise a feasible and affordable methodology for their application. The methodology must also adhere to MCC's rigorous resettlement and gender integration standards.

Following this introduction, Section 2 of the paper frames MCA-Senegal's land allocation challenge by presenting the contemporary development context of the SRV. This section also describes the environmental, demographic and policy contexts relevant to land management and land allocation in the SRV. Section 3 focuses on the statutory aspects of land allocation in the SRV and presents the legal guidelines for land allocation in Senegal and the SRV. Section 4 features a project specific discussion of LTSA support for developing land allocation principles and criteria for each of the nine local governments located in the project intervention zone. While Section 4 focuses on the results achieved by the LTSA during Phase 1, Section 5 describes the Phase 2 program now being launched and scheduled for completion by September 2015. Among its several objectives, LTSA Phase 2 will support local communities in implementing their specific land allocation principles and criteria that were developed during the project's first phase. Finally, Section 6 summarizes the paper's major conclusions.

Abbreviations

CDI – Charte du Domaine Irrigué (in English: Charter for the Irrigated Domain)

CNCR – Conseil National de Concertation et de Coopération des Ruraux (in English: National Council for Coordination and Cooperation of Rural Populations)

CPI – Conseil Présidentiel de l'Investissement (in English: President's Council on Investment. This was established to identify and achieve an attractive investment climate in Senegal.)

CR – Communauté Rurale (in English: *rural community*. In Senegal, *rural communities* are vested with specific responsibilities for self-governance, such as local land management.)

CTASF – Comité Technique d'Appui à la Sécurisation Foncière (in English: Technical Committee in Support of Land Tenure Security)

GOANA – Grande Offensive Agricole pour la Nourriture et l'Abondance (in English: Grand Agricultural Offensive for Food Security)

GOS – Government of Senegal

IWRM – Integrated Water Resources Management (in French: Gestion Intégrée des Ressources en Eau or GIRE)

LTSA – Land Tenure Security Activity (in French: Projet de Sécurisation Foncière or PSF)

MCA – Millennium Challenge Account (the Senegal government entity responsible for managing and implementing the compact signed with the United States)

MCC – Millennium Challenge Corporation (a U.S. Government agency targeting poverty reduction in partner countries through long-term economic growth)

LDN – Loi sur le domaine national (in English: National Domain Law of 1964)

OMVS – Organisation pour la Mise en Valeur du Fleuve Sénégal (in English: Organization for Development of the Senegal River)

PDIDAS – Projet pour le Développement Inclusif et Durable de l'Agrobusiness au Sénégal (in English: Project for Inclusive and Sustainable Agribusiness in Senegal)

PDMAS – Programme de Développement des Marchés Agricoles au Sénégal (in English: Agricultural Markets and Agribusiness Development Project)

PIP – Périmètres Irrigués Privés (in English: private irrigated parcels)

PIV – Périmètres Irrigués Villageois (in English: village, or small-holder, irrigated perimeters)

POAS – Plan d'Occupation et d'Aménagement des Sols (in English: land occupation and development plan)

RAP – Resettlement Action Plan (in French : plan d'action de recasement)

SAED – Société Nationale d'Aménagement et d'Exploitation des Terres du Delta du Fleuve Sénégal et des Vallées du Fleuve Sénégal et de la Falémé (in English: National Society for Development and Production on the Lands of the Senegal River Valley and the Falémé)

SRV – Senegal River Valley (in French: Vallée du Fleuve Sénégal or VFS)

UMV – Unité de Mise en Valeur (in English a rough translation would be "investment unit" comprised of a group of producers working together)

USG – U.S. Government

Section 2: The Senegal River Valley: A Long History Culminating in a Dynamic and Complex Landscape for Development

The Senegal River Valley (SRV) has long been recognized for its development potential made possible by the Senegal River. The region boasts a rich history of national and international investments aimed at mobilizing water resources to achieve development objectives, including irrigated agricultural production. These development initiatives have had significant impact on the local environment and populations. But development programs alone did not contribute to a complex and nuanced local context regarding land tenure and land allocation. Among the dynamic factors influencing agricultural production patterns and practices in the western SRV are climate and ecology, migration and demography, local land tenure status based on national policy, decentralized land management authority, increasing private investment in agricultural production, and increasingly knowledgeable and mobilized producer and interest groups. This section presents and briefly describes some of the major transformative factors that together constitute a challenging context for contemporary development programs, including issues related to land allocation.

Heightened development ambitions in interaction with a shifting physical and social landscape

Large-scale efforts to control the flow of the Senegal River began in the mid-1940s (Salem-Murdock 1996; OMVS, 2003). In 1972, the Organization for Development of the Senegal River (OMVS) was established to coordinate development efforts among the neighboring countries of Senegal, Mauritania and Mali in the SRV. Two years later, OMVS published an ambitious blueprint that included constructing two large dams to create the conditions for large-scale irrigated agricultural production, generating hydroelectric power and improving navigation and transportation along the river (Adams, 1999; Salem-Murdock, 1996).

Many of the initial ambitions expressed in the 1974 OMVS plan remain unrealized to this day. In particular, targeted pace and scale for the development of irrigation perimeters have been much more modest than originally hoped (Bertoncin et al, 2009). However, the plan's major infrastructural targets—the Diama and Manantali dams—were realized within 15 years of creation of OMVS. Completion of the dams in the late-1980s has played a transformative role in the ecological, social, cultural, and economic contexts of the SRV.

Among the most significant impacts of newly-controlled water levels is the dramatic reduction in seasonal flooding that in many parts of the SRV had supported traditional recession (floodplain) agriculture that today has largely ceased. The decline of this type of agriculture has required readjusting local strategies to diversify incomes (Salem-Murdock, 1996) and increased the local populations' dependency on modern irrigated agricultural production or

on adapting to shortened rain-fed growing seasons. Some observers have viewed this shift of production practices as abrupt and unsettling, both socially and economically, and argue for a return to recession agriculture (Adams, 1999; Pottinger, 1998; Rasmussen et al, 1999; Fravel et al, 2002). Others, probably the majority, emphasize the dramatic potential of irrigated rice production to respond to urgent needs for food and economic security, particularly in the wake of the disastrous drought of the late-1960s/early-1970s. Observers in the latter camp temper their optimism by recognizing that increasing dependence on irrigated production brings with it the need for new forms of social organization and institutions in the face of the “technological revolution” that a shift to irrigated agricultural production entails (Boutillier, 1989).

The changing role of the state as a sponsor of development in the Senegal River Valley

Following nearly two decades of colonial and post-independence government-sponsored development of large-scale irrigated agriculture in the Saint Louis region at Richard Toll, the National Society for Development of the Lands of the Senegal River Valley (SAED) was established in 1965 to assume responsibility for the next phase of developing irrigated agriculture in the Delta. For at least its first decade, and to some extent well beyond, SAED adopted a decidedly top-down approach in its relations with local producers (Varis et al, 2006; Sylla, 2006) and maintained a focus on establishing large-scale production and marketing systems.

SAED even played a role in determining settlement patterns and the contemporary demographic profile of this westernmost section of the SRV. Consistent with the Delta’s legal status as a pioneer zone (established in 1965 by Décret N° 65-443 and expanded in 1972 by Décret N° 72-1393), SAED orchestrated an influx of migrants from other areas of the SRV and elsewhere in Senegal to secure a workforce for irrigated agricultural production (Le Roy, 2005; Bertoncin et al, 2009). This is in contrast to other parts of the SRV that have a long and profound history of out-migration, especially of young men seeking employment opportunities in the urban centers of West Africa and Europe (Dia, 2007). Mass arrival of non-indigenous populations in the Delta appears to have overwhelmed whatever customary land tenure systems may have been in place before the migrations. It is common to hear Delta residents declare that customary land tenure does not exist in this section of the SRV.

Over time, SAED’s approach to development evolved and left behind its former top-down orientation (Bertoncin et al, 2009; Sylla, 2006). This was motivated in part by extremely modest progress in achieving the ambitious objectives for irrigated agriculture as targeted by the OMVS plan of 1974. SAED, faced with the after-effects of severe drought along with high costs and low profits, met with little success from its creation through the early-1970s (Salem-Murdock, 1996).

As a result, SAED and its partners re-evaluated its development strategy. In the mid-1970s, SAED began supporting smaller-scale family-oriented production in the form of village-level irrigated perimeters (PIVs). The PIV

approach was also encouraged by Senegal's donors and development partners. The new approach caught on, and SAED and its partners steadily added to the irrigated surface area under PIV management. On the Senegalese side of the river, the surface area of community-based irrigated fields grew from 20 hectares in 1974 to 7,335 hectares in 1983 to 12,978 hectares in 1986 (OMVS, 2003). Moreover, application of the PIV model has continued. Support for family farms was included as an important component of the World Bank-funded Agricultural Markets and Agribusiness Development (PDMAS) irrigation project initiated in the Delta region of the SRV beginning in 2006¹ (Matsumoto-Isadifar, 2009).

In part, SAED's relinquishment of its role as exclusive manager of development in the SRV was the result of the structural adjustment program begun in Senegal in 1984. The following years saw SAED cease its operations as a supplier of credit, agricultural inputs and mechanized equipment (Le Roy, 2005). Nevertheless, SAED progressively expanded its geographical zone of active intervention. The expansion had begun as early as 1973 when SAED extended its activities beyond the Delta to Podor (Adams, 1999). Today, SAED's two primary intervention zones are the Delta and Podor, which roughly coincide with the MCA-Senegal intervention. SAED remains an important provider of technical assistance to agricultural producers and international donors, and is a key partner to MCA-Senegal in implementing its Land Tenure Security Activity.

The rise of private investment in irrigated agricultural production and its politicization in the SRV

Among the legacies of the structural adjustment program was strengthening the hand of private investors capable of filling in the investment gap created by the withdrawal of state financing (Adams, 1999). Although expansion of PIVs steadily advanced, the approach did not respond to the needs of investors beyond the SRV. As SAED withdrew in the 1980s from agricultural production and marketing, private investment established a relatively new type of irrigation perimeter: the *private irrigation perimeters* or PIPs (Bertoncin et al, 2009). Many PIPs were financed by Senegalese nationals whose cultural roots were outside of the SRV. In time, the trend toward private investment was explicitly reinforced by government policy, the most visible example of which is the Grand Agricultural Offensive for Abundant Food (GOANA) initiated in April 2008. GOANA encouraged private investors with sufficient means, from wherever they were based in the country, to acquire land in areas of high agricultural production potential, such as the SRV, and to invest in modern agricultural methods and inputs (IPAR, 2011).

Some actors equate GOANA to government favoritism of external private investors over local governments and populations (IPAR, 2011). Within a month of the launch of GOANA, the Senegalese National Council for Coordination and Cooperation of Rural Producers (CNCR) published a "Declaration on GOANA" that

¹ PDMAS support for local family-based agricultural production is by no means its sole program component. PDMAS, together with recent internationally-sponsored projects such as PDIDAS (discussed elsewhere in this paper), reflect Senegalese and international agricultural development policy to support large-scale agribusiness and generate employment opportunities to absorb available local labor.

fundamentally disagreed with the policy and called for an overhaul of national land tenure legislation (CNCR Declaration on GOANA, 2008/2009). Many stakeholders and observers directly associate GOANA with land grabbing on the part of government officials and private investors (AllAfrica, May 29, 2012; Wal Fadjri Feb 9 2011; IPAR, 2011). The association of government policies with land grabbing has politicized attitudes regarding how land should be allocated and framed the issue as one that pits private investment against farming families.

Application of national land tenure policy in the western SRV

Another transformative element in the agricultural development history of the western portion of the SRV is national land tenure policy. The 1964 National Domain Law, still in effect today, divides the national territory into 4 domains: urban, government reserves, village lands (*terroir*), and special development zones (*zones pionnières*). The Delta zone of western SRV was classified as a *zone pionnière* and targeted for state-led development of irrigated agriculture.

In 1987, the Delta's legal status as a state-managed pioneer development zone ended when Décret n° 87-720 of June 4, 1987 re-classified the Delta as a *zone terroir* under the management authority of the local government. While the local governments in the Delta are generally more experienced and better equipped to assume a role as land managers of the local *zone terroir* than are the local governments in other parts of the SRV, they continue to struggle to achieve transparent land allocation and adequate maintenance of land records. For example, Cotula (2006) cites a study from a rural community in the Saint Louis region that found within two years of the 1987 decree giving the rural council authority to allocate land, total land allocations exceeded the total surface area of the community by about 2,000 hectares. In the same community, nearly one-third of the allocations benefited “outsiders,” such as the urban elites from Saint Louis, Dakar and Touba (Cotula, 2006). As a general observation regarding land management on the part of local governments throughout Senegal, local populations are increasingly open in their criticism of public land allocation practices (Faye, 2008).

The reality and continuing specter of land conflicts

In April 1989, a confrontation between herders and farmers in the SRV escalated into widespread violence and fatalities that reached the capital cities of both Senegal and Mauritania, the repatriation of as many as 50,000 citizens of each country from the opposite side of the border, and a diplomatic rift that took years to heal. All observers agree that disagreements over land tenure were a major catalyst of the dispute (Park et al., 1991; Fall, 1998, Fresia, 2006). One analyst provides a three-point summary of dispute factors: drought, development and national land tenure policy (Leservoisier, 1999).

Although the Mauritanian-Senegalese border dispute of 1989-1990 was particularly dramatic and far-reaching in its scope, land conflict continues to pose a significant threat to the tranquility of the SRV. One of the potential, and sometimes realized, sources of conflict is a lack of transparency in allocating local lands. While local governments

are responsible for allocating *terroir* lands, land allocation rules and processes are not standardized. Thus, rural council presidents have sometimes taken the liberty of making land allocation decisions not vetted by local residents. In some cases, the council president's decision has not been presented even to the full rural council prior to its execution. In some areas, the dominance of customary land authorities on rural councils appears to contribute to the non-transparent and non-democratic tendencies of local governments that encourage public land management decisions to be made on the basis of informal rights and authority (Cotula, 2006; Faye, 2008).

A highly-publicized result of non-transparent land allocation occurred in the rural community of Fanaye just to the east of the MCA-Senegal intervention zone in October 2011. At Fanaye, a decision by the rural council president to allocate 20,000 hectares to an Italian company for ethanol production led to a local confrontation resulting in one death and 14 wounded disputants (Walfadjri News Service, October 27, 2011). In other SRV rural communities land allocation decisions do not usually lead to open violence, but they do often lead to local grumblings and feelings of unjust treatment at the hands of local officials (Faye, 2008).

Section Conclusion

The SRV, particularly its westernmost sections that constitute the intervention zone of MCA Senegal's IWRM Project, has a long and complicated history of internationally-sponsored development initiatives featuring ambitious plans to expand irrigated agricultural production. Distribution of land rights and relative security of land property have emerged to be particularly contentious topics among local populations.

At the national and international levels, discussions of land allocation are sometimes framed in terms of straightforward principles such as promoting private investment and job creation (favoring agribusinesses) or alleviating local poverty (favoring family farms). When framed as a land tenure issue, some will argue that the desired outcome is privatization of land while others promote formalization of customary land rights and practices.

In our view, the complicated and nuanced context for land allocation in the SRV reinforces the MCA-Senegal approach that emphasizes facilitated inclusive participation in designing land allocation policies and transparency in land allocation operations. Given multiple and divergent interests, principles and criteria for land allocation need to be re-negotiated among all interested parties. While stakeholders begin at the local level with producer groups as well as major socioeconomic categories, they also include both public and private interests at the regional and national levels. Achieving a consensus across all stakeholder groups is a tall order, but anything less leaves the door open to unfulfilled development goals, unanswered social and economic needs, and continuing land conflict. This is perhaps especially true in the complex and dynamic development environment of the Senegal River Valley.

Section 3: Key Existing Legal Guidelines for Land Allocation in Senegal

National Domain Law

The first article of the 1964 National Domain Law (*Loi sur le Domaine National*–LDN) establishes a “national domain” that consists of all lands that have not been registered as private property in the national land registry as of the date of the law’s adoption. Given the extremely small percentage of registered land at that time, the national domain includes the vast majority—at least 95 percent—of the surface area of Senegal. Land included in the national domain may *only* be registered as property in the name of the state, thus excluding the possibility of direct private registration of land.

Article 4 defines the four legal classifications of land within the national domain: urban land, classified (or *reserve*) land, *pioneer* land (managed by the state to achieve development goals), and *terroir* or *rural village* lands. Article 9 of the LDN confirms that *terroir* lands remain under the authority of the state. The same article assigns management responsibility of *terroir* lands to the governing councils and mayors of rural communities and urban communes. The IWRM intervention zone falls under the classification of *terroir* lands.

The LDN provides very little guidance on how rural community councils are to manage the *terroir* lands under their authority. Regarding rules for land allocation, the sole reference is included in Article 8 and appears to limit land allocations to the residents of the rural community in which the land is located. In general, Senegalese land managers have not strictly interpreted Article 8 and have permitted land allocation to non-residents, such as private investors in agricultural production, under certain conditions. Conditions are specified in individual written agreements (*cahiers des charges*) that accompany allocations and that specify investment requirements and other terms that apply to individual allocations.

Decree n° 72-1288 of October 27, 1972

This decree provides certain rules and regulations governing land allocation and recuperation by rural councils. The central principle is that the recipient of land allocated by the rural council must have sufficient capacity to invest in the land and realize its production capacity (article 2). Although land is to be allocated for an unlimited time period, if the land is not put to use within a year it may be de-allocated by the rural council for subsequent reallocation. (Certain safeguards against government abuse are in place: The council is required to provide the current landholder with official notification of pending repossession of the parcel a full year before repossession takes place). The lack of definition in the decree of more specific criteria to determine the acceptable level of investment (and thus provide a safeguard against repossession of an allocated parcel by the rural council) has been a significant impediment to applying this condition.

Charter for the Irrigated Domain

It was not until 2007 that the lack of definition of what constitutes adequate investment to maintain formal access to allocated land was, at least partially, resolved. On July 27 of that year, the Prime Minister's office issued an administrative order known as the Charter for the Irrigated Domain (CDI). The CDI is designed for and uniquely applicable to the Senegalese portion of the SRV. The CDI defines the investment requirements in terms of the amount of surface area of the allocated land that is put to production. Regarding privately-developed allocated land, the recipient is allowed three years to put at least 50 percent of the surface area under production, and five years to achieve production for the entire parcel. In the context of publicly-developed irrigation perimeters, the requirement is simply to put 100 percent of the surface area to production on an annual basis (article 4).

Section Conclusion

Review of the above-cited legislation leads to the conclusion that there are significant gaps in the official guidance and regulation of land allocation in the SRV. Existing principles, such as the residence requirement that appears in the 1964 LDN, are outdated and little-applied. The procedures to be followed by rural councils to exercise their land allocation responsibilities are undefined, as is any clear guidance on how land should be distributed across categories such as resident producers, external investors or holders of customary land rights. In spite of increasing policy support for securing rights, including access to land, and for expanding the participation of women and vulnerable actors across all economic and social sectors, existing land legislation is mostly silent on precisely how to accomplish this. In legal terms, land allocation issues are left to the discretion of local governing councils and their presidents or mayors, but also are subject to the oversight of central government administrators such as sub-prefects and prefects, who must approve the land allocations of local governments. At the same time, land allocation is increasingly subject to analysis and a search for solutions by government agencies, donors and development projects.

Section 4: Developing Participatory Land Allocation Criteria, Designing a Transparent Land Allocation Process and Ensuring Back-up Technical Support

During the preparatory phase of the MCC/MCA compact (signed in September 2009), designers of the Land Tenure Security Activity were faced with the challenge of developing methodologies for securing land tenure in a number of different settings targeted for an increase in land values resulting from project activities:

- ★ Existing irrigation perimeters on which the quality and quantity of water for irrigation will increase;
- ★ Undeveloped areas adjacent to existing irrigation perimeters whose value will increase as a result of increased water availability; and
- ★ A new irrigation perimeter of 440 hectares.

In each of these contexts, adjustments to the profile of the occupants of higher-value parcels are subject to MCC requirements that account for and protect existing holders of rights to land and natural resources, even if undocumented, difficult to identify or not fully recognized by law.

This section presents Phase 1 (2010–2012) LTSA activities focused on identifying and protecting existing rights and achieving socially-acceptable and economically-efficient land allocation in the contexts identified above. Beyond the specific project-related contexts, LTSA aims at developing an approach and model to standardize and improve land allocation practices in the SRV and throughout Senegal.

The IWRM/LTSA intervention zone

The IWRM/LTSA project zone is distributed across the westernmost administrative departments of the SRV, including Dagana and Podor and the northern portion of Saint Louis (see Figures 1 to 5). The Dagana/Saint Louis portion of the intervention zone is within a long-established irrigated production zone referred to by its historical name of the *Delta*. East of the Delta, Podor Department is a vast zone with increasing numbers of irrigated perimeters interspersed with wide-open spaces of sparse vegetation and occasional herds of cattle and bands of small livestock.

Dagana (located in the Delta) and Podor departments have very different histories, and this is reflected in contemporary society and land management practices. Many of today's residents of the Delta are the second and third generations who arrived to practice irrigated agricultural production in the 1960s and 1970s when the area was legally classified as a pioneer zone targeted for state-led development. At that time, land allocation in areas being developed for irrigated production was under the authority of SAED, rather than customary authorities. By the

time land management authority was transferred to the local rural councils in 1987, government-led land management appears to have become an established principle largely accepted by local populations.

In contrast to the Delta, Podor has never carried the status of *pioneer zone*. In Podor, and in most parts of the SRV other than the Delta, customary land tenure systems have not only survived but remain robust. Local governing councils in Podor are influenced, or even dominated, to varying degrees by influential customary authorities. Even areas that have been unproductive for decades following severe drought in the late 1960s and early 1970s and subsequent local climate change remain subject to historical property claims based on extended family or clan membership.

The Land Tenure Security Activity (LTSA)

In the project intervention zone, legal responsibility for land allocation is assigned to local governments. The LTSA is working with four local governments in the Delta and five in Podor Department (see Figure 5). Each local government is classified either as a *rural community* or an urban *commune*, both of which constitute official administrative and political entities in Senegal. Participating communities in the Delta include the rural communities of Diamo, Gandon and Ronkh and the urban commune of Ross Béthio. In Podor Department, participating rural communities include Ndiayène Pendao, Guédé Village, Dodel, and Gamadji Sarré and the participating urban commune is Podor.

LTSA is designed to secure land tenure in the specific context of the IWRM Project. The IWRM Project is adding to land values in three distinct settings: existing irrigation perimeters; extension zones of existing irrigation perimeters that will feature new potential for development of irrigation capacity; and construction of an entirely new irrigation perimeter at Ngalenka (Podor Department).

Existing perimeters – Although land allocation operations were conducted after each existing perimeter was constructed, the initial distribution of land rights in many cases does not completely match current occupation patterns. Technical problems, such as salinization of soils within several of the perimeters, have led to the abandonment of parcels or exchange of use rights among actors. Clarification of current formal and informal land tenure claims will certainly require some degree of adjustment as legitimate rights holders are identified and verified. This is likely to include repossession by local governing councils of under-exploited parcels followed by their reallocation to new producers.

Increased water availability in the “extension zones” of existing perimeters – The extension zones will require further investment in irrigation infrastructure in order to realize the new production potential. Nevertheless, the value of the lands in these zones will be considerably enhanced as a result of IWRM improvements. Some of the lands in these zones have been allocated by government councils in past years, but not all allocations have

materialized on the ground and may not feature precisely-defined locations. Other parts of the zones have never been allocated.

A new irrigation perimeter – The 440-hectare irrigation perimeter to be constructed at Ngalenka (Podor Department) will require complete dissolution of existing land rights and their replacement via a land allocation process.

Pre-Compact Preparations for Land Allocation

The MCC and Government of Senegal teams working to design and implement the compact were aware of the central importance of supporting a sound land allocation program. Repeated and extended discussions between MCC and GOS on appropriate land allocation criteria during project assessment and design and prior to project implementation led to the development of recommended guidelines. The resulting model for development of land allocation principles and criteria was formalized as part of the Program Implementation Agreement signed between the GOS and the USG concurrently with the compact on September 16, 2009.

The land allocation guidelines attached to the Program Implementation Agreement highlight a number of topics, notably: selection criteria for land recipients, distribution of parcels by size and quantity, land allocation institutions and procedures, and responsibilities and rights of beneficiaries. Consistent with MCC's resettlement requirements, the guidelines recognize and ensure existing land rights, whether formal or informal. The guidelines also encourage enhanced access to land on the part of women, youth and vulnerable rural actors.

Conscious of local debates regarding access to irrigated parcels on the part of non-resident investors vis-à-vis local farming families, the guidelines suggest setting minimum and maximum parcel sizes based on local preferences. For example, a community can adjust relative access of different actors by defining the proportion of a perimeter eligible for partition into small plots versus the proportion to be made available for industrial-scale farming, with minimum and maximum parcel sizes identified in both settings.

The MCA-Senegal guidelines establish a framework for transparent land allocation procedures and broad representation on allocation committees by all stakeholders, including different types of producers, women, youth, customary land tenure authorities, and producer organizations. While upholding farmer choice in crop selection, the guidelines suggest that producers occupying irrigated parcels adhere to the investment requirements of the Charter for the Irrigated Domain (investment requirements are principally expressed in terms of an obligation to maintain continuous production on parcels within the perimeter). The guidelines also formalize the requirement that water-user fees be paid. Finally, the guidelines suggest that recipients of land be given the option to obtain a joint title that includes the names of spouses.

The LTSA Phase 1 program in support of transparent and participatory land allocation

Phase 1 of the LTSA (2010-2012) was designed to lay the groundwork for sound, socially-acceptable and economically- efficient land allocation processes. The major activities of LTSA Phase 1 include:

1. Exhaustive collection of existing property rights information through an extensive survey;
2. Development of land allocation principles and criteria by local governments;
3. Development of management tools for land tenure; and
4. Establishment of a technical committee for each local government to provide assistance and services for all land allocation operations.

Collection of property rights information based on quantitative and qualitative surveys

LTSA Phase 1 was designed on the premise that good land governance relies on good information. Of particular importance is accurate baseline knowledge of the formal and informal land tenure status of current occupants of the IWRM intervention zone.

The project intervention zone includes areas in which land occupation is justified under customary, informal rules and other areas in which occupants have been formally allocated land by the rural council or (formally or informally) through individual land transactions. Baseline information was designed to include all actors and tools that played a role in land management, whether “upstream” or “downstream” to actual decision-making and whether formal or informal. The goal was to obtain a realistic portrait of existing practices and institutions in order to move logically and transparently toward a system that both conforms to legal requirements and is viewed as legitimate by stakeholders. The only way to obtain the required baseline information was through completing a comprehensive survey exercise. The surveys required significant time and resources, but produced a gold mine of valuable land property rights information.

Survey results revealed that in the Delta, 1,945 parcels in the intervention zone had been formalized in the past and remained valid within the statutory regime. At the same time, over 3,000 parcels are occupied informally based on customary practices, and 422 land transactions have been conducted that are not authorized by current land laws. Parcels classified in the informal or unregistered transaction categories will be targeted for formalization during LTSA Phase 2. Approximately 3,600 “extension” hectares, in zones made irrigable through project improvements but still require additional investment, will be formalized. The surveys also reveal a large number of parcels that have been abandoned because of overly saline soils, lack of access to credit and other reasons. Many of these parcels will need to be repossessed by the rural councils for reallocation.

The Poder Department presents a contrast to the Delta in that agriculture continues to be dominated by traditional practices, such as seasonally alternating between rain-fed and flood-recession production. Customary land tenure systems remain largely intact, and traditional land proprietors known collectively as “Diom Lédy” maintain considerable authority over land decisions. Customary land tenure management coexists with the legal land tenure regime framed by the 1964 National Domain Law.

Potential for irrigated agriculture in Podor is largely centered on ancient depressions referred to as *cuvettes*. Most of the Podor *cuvettes* feature surface areas in excess of 1,000 hectares that lie at below-average elevation and provide opportunities for easy channeling and circulation of water for irrigation. Before construction in the late 1980s of the Diama and Managali dams, these areas were often used for flood-recession agricultural production, but in recent decades the *cuvettes* rarely witness an inflow of sufficient water for that purpose.

The *cuvette* of Ngalenka is typical of most *cuvettes* in Podor Department in that customary land property rights continue to be in effect. Although agricultural production has not been practiced on over 80 percent of the *cuvette* for the past 30 years, local populations retain nuanced knowledge regarding configurations of property rights of the zone. Moreover, occasional or seasonal use of the zone by transhumant herders long ago evolved into legitimate rights based on customary practices. Because of the mobility of some rights holders and the distance and seeming disconnection between the site and local villages, LTSA faced an especially significant challenge at Ngalenka in sorting out existing land property rights and documenting the baseline land tenure situation. In Ngalenka, the collected information painted a portrait of a customary authority system built on three lineages: Sowonabé, Ngédarnabé and Wodabé. Among the findings of the surveys was an ancient written agreement among the three lineages that identified the boundaries between each of their land claims. The original agreement was written in Arabic but was translated into French near the beginning of the 1980s. Information from the agreement was used by MCA-Senegal in collaboration with local administrative authorities to establish physical markers of the lineage boundaries.

A different type of customary land right had been established by members of two producer groups practicing rudimentary irrigated agricultural production over about 20 percent of the surface area of the Ngalenka *cuvette*. Rights over these parcels had been established based on investments in agricultural production. The physical manifestation of these investments on these parcels allowed them to be surveyed in a manner similar to the surveys that were conducted in the irrigated perimeters of the Delta.

In both the Delta and Podor Department, the surveys reveal that where formal land management and records currently exist they appear in embryonic form, with most parcels insufficiently registered or mapped if at all. Perhaps most important, the surveys provide the basis for establishing an up-to-date land property rights database. This system built on survey information collected during LTSA Phase 1 provides a valuable starting point for development in Phase 2 of a system allowing local governments to conserve and update land records as land transactions and allocations occur.

Facilitated development of local land allocation principles and criteria

LTSA managed the development of a locally-negotiated and shared set of community land allocation principles and criteria in each of the nine communities of the intervention zone. The local principles and criteria were to result from a transparent process in which all stakeholders are not only represented but are also encouraged to participate actively.

Proposed guidelines for contents of land allocation criteria

MCC and GOS developed land allocation guidelines during the design phase of IWRM/LTSA. Topics the guidelines address include:

- ★ Identification of priority categories of actors eligible for land allocations;
- ★ Possible quotas of surface areas to be reserved for vulnerable actors;
- ★ Minimum and maximum sizes of parcels to be allocated in view of the need to balance requirements for obtaining a threshold level of revenue for each recipient while maximizing the number of beneficiaries;
- ★ Safeguards for ensuring transparency in land allocation, specifically establishment of a technical assistance committee to be composed of public and private technicians and advisors, and tasked with supporting government councils throughout the land allocation decision-making process;
- ★ Reinforcement or establishment of agencies to manage land conflicts based on local mediation or conciliation;
- ★ Clearly-stated requirements regarding investment obligations and payment of water and other necessary fees; and
- ★ An option for delivery of joint titles citing both the landholder and one or more spouses.

Organization of workshops to develop land allocation principles and criteria

A series of workshops was organized in each of the nine local communities to facilitate discussion, debate and negotiation to achieve local agreements regarding the nature and rules of the land allocation process and the principles to be applied during land allocation operations. To further encourage local participation, the initial series of workshops took place at a sub-community level, following the division of each community into three or four zones. The composition of workshop participants at both the sub-zone and the subsequent community-wide level was designed to represent all major categories of local stakeholders, including institutional actors (rural and municipal councils, government technical support agencies and administrative officials), women, farmers, herders, and

youth. Once a consensus had been achieved at the level of each community's sub-zones, representatives from all zones, including each category of stakeholders, were selected for participation at the level of the entire community.

While earlier workshops focused on developing effective communications, meeting procedures and objectives, later workshops focused on negotiating specific adaptations of the MCA-Senegal land allocation guidelines to ensure that they are appropriate, locally-acceptable and adapted to local conditions. A final workshop was designed to achieve community validation of the negotiated principles and criteria. Each community's validation workshop also confirmed that democratic and transparent principles had been applied throughout the workshops and that the proposed allocation principles did not contradict existing land laws. Following the validation workshop, the governing council of each community held a meeting to officially adopt the land allocation rules. Adoption by the local government was followed by a central government representative (prefect or sub-prefect) issuing an administrative order codifying the new rules.

Analysis of the newly adopted land allocation principles and criteria

The workshops were successfully completed according to plan. Workshop participants remained engaged and active throughout the proceedings. In the end, the adopted land allocation principles and criteria are in near complete agreement with the guidelines developed by MCC and GOS during the design phase of the LTSA. Reasonable local adaptations were made under themes such as identifying priority recipients of land in a given community, maximum and minimum size of allocated parcels and percentage of developed surface area to be reserved for women and vulnerable actors.

The only recommendation contained in the guidelines that received only partial support from local communities was joint titling of land. Several of the nine communities hesitated to adopt the option to include the names of spouses of rights holders on title documents. Many local residents, perhaps surprisingly a majority of whom were women, voiced the opinion that this option was not consistent with local cultural values and practices. However, adoption of joint titling by the somewhat more urbanized communes of Ross Béthio and Podor suggests that such cultural values may evolve as local development progresses and that over time joint titling may still establish itself as a universal option throughout the SRV.

Most of the five communities of Podor share the following order of priority groups to benefit from allocation of lands developed for irrigated agricultural production:

1. Existing rights holders (whether holders of allocation certificates or by virtue of customary practices),
2. Landless local residents, and
3. Private investors organized into small enterprises.

Of the Podor communities, only Ndiayène Pendao deviates from this prioritization. Ndiayène Pendao is the rural community in which the Ngalenka perimeter is located, a perimeter that was specifically designed for local producers to exploit. This community places a high priority on reserving land access rights for project affected persons (PAPs), who have forfeited pre-development land rights as a result of developing the irrigation perimeter. In Ndiayène Pendao, PAPs are the second highest priority category for receiving allocated land, surpassed only by the category of existing customary rights holders. The land allocation principles developed at Ndiayène Pendao are consistent with MCC policy, guaranteeing that all PAPs will receive land allocations *at least* of equal value to their land losses. A project-sponsored resettlement action plan has been developed and is being implemented at Ngalenka to further ensure adequate compensation of PAPs.

Another striking feature of the allocation priorities of Ndiayène Pendao is that they do not recognize private investors as eligible to receive land, a priority adopted by the four other Podor communities. This is consistent with land tenure legislation as articulated in the 1964 National Domain Law, but nevertheless appears as a particularity in the context of the land allocation rules developed by the majority of the Podor communities.

Each of the five communities of Podor Department, again with a single exception, has adopted a rule to reserve 10 percent of developed land for women's producer groups. Guédé rural community is the exception, which reserves only 5 percent of developed allocated land for women's groups. Community leaders cite that many women in Guédé have access to land as individuals and do not require supplementary access as members of women's producer groups. The women of Guédé apparently agree, adding that some of the land currently assigned to women is under-utilized.

The four communities of the Delta adopted land allocation principles and criteria that reflect their lengthy history of participation in irrigated agricultural production. These communities are keenly aware of land policy based on the National Domain Law and adhere to its fundamental precepts. These particularities help explain that the contrast between the communities of the Delta and those of Podor is that none of the Delta communities include *customary* property rights as way to identify priority recipients of land.

The Delta communities have long been exposed to the concept and practice of a use rights title (*titre d'affectation*), first by a state agency (SAED) until 1987, and by local governments since then. However, many use rights titles delivered in the past do not specify precise geographical location, and many of their holders have yet to occupy any land corresponding to their legal claims. This phenomenon appears to be particularly frequent in the former rural community of Ross Béthio whose rural council issued a large number of use rights titles just prior to a 2009 administrative reclassification of the community that split it into two separate rural communities and an urban commune (all included in the IWRM intervention zone). In view of this history, it is probably not surprising that the highest priority group for allocation of land in three out of four of the Delta communities is made up of individuals holding previously issued use rights titles but who have not yet received actual land. The exception is the rural community of Diama, which ranks holders of existing use rights titles at the third level of priority out of

four identified groups: 1) indigenous landless farmers, 2) resident landless farmers (consisting of landless farmers originating from outside of the community), 3) use rights title holders, and 4) private investors.

Another contrast between the communities of the Delta and those of Podor is the proportion of allocated surface area reserved for women and vulnerable actors: 20 percent in the Delta compared to 5 to 10 percent in the Podor communities. Of the 20 percent proportion adopted by each of the Delta communities, 10 percent is to be reserved exclusively for women's producer groups, with the rest to be apportioned to youth and disabled populations. It is likely that these policies in the Delta result from long exposure to similar policies and formulas in the context of previous allocations of land in irrigation perimeters.

Establishment of technical committees to provide assistance and services to each local government for all land allocation operations

The Technical Committee in Support of Land Tenure Security (French acronym: CTASF) is an important innovation of the MCA-Senegal land tenure program. The need for specialized technical support was clearly demonstrated based on the project's early diagnostic exercises concluding that local land management agencies, particularly local government councils, faced severe capacity constraints. The model for the CTASF was developed during the project design phase. Beyond its general focus on land management, each CTASF is also expected to provide technical support for all development tasks undertaken by local governments. Specific responsibilities of the CTASF include:

- ★ Furnishing government councils with information relevant to land management and development topics and initiatives,
- ★ Providing expert opinions and recommendations without trespassing on the legal decision-making prerogatives of the councils,
- ★ Assisting the government councils in conducting technical and financial evaluations of applications for land allocations, and
- ★ Participating in monitoring, research and implementation of all activities with implications for local land tenure.

A CTASF has been established for each community, but to a significant extent these technical committees have overlapping memberships across communities. A sub-prefect (in rural communities) or the prefect (in urban communes) presides over the CTASF, which includes representatives from all agencies with land management responsibilities, including the community's governing council, SAED experts and government technical agents in disciplines such as development, agriculture, livestock, and forestry. In addition, the CTASF includes representatives of private producer groups working in agriculture and livestock production at both regional and national levels. Finally, the CTASF includes representatives of producer cooperatives and women's and youth organizations.

CTASF's support is expected to contribute significantly to transparency of land allocation operations, information flow and participation of stakeholders in land allocation decision-making.

Section Conclusion

Formalization of land property rights works best where the local community condones and supports the distribution of rights to high-value land. The LTSA approaches the task of local land allocation based on good local governance, democratic processes and representative decision-making. The approach and methodology employed by the LTSA in this effort are just the beginning of a process seeking sustainable improvements in local land governance. The following section presents the LTSA program designed to support local governments in assuming their legally-mandated role as the primary managers of local land tenure.

Section 5: LTSA Phase 2 – Implementing the New Land Allocation Criteria

LTSA Phase 2 began implementation in early 2013 and is expected to continue until about the end date of the MCC/Senegal compact on September 23, 2015. LTSA Phase 1, presented in the preceding section, was of comparable duration. The approximately equal amounts of time devoted to the LTSA preparatory and implementation phases are an indication of MCA-Senegal's approach to establish a detailed portrait of baseline conditions and take the time to develop communications, relations and participatory methodologies throughout the intervention zone. Having laid the groundwork, LTSA Phase 2 kicks-off with an exhaustive database of up-to-date and pertinent property rights information, an updated institutional analysis of actors, roles and responsibilities, detailed understanding of existing land management tools and their strengths and weaknesses, reinforced technical backstopping for land management and allocation, and a consensus among local stakeholders regarding land allocation rules and priorities.

LTSA Phase 2 is designed to support local land management authorities in transparently and efficiently executing their responsibilities. A centerpiece of Phase 2 is the formalization of existing land rights that have been acquired via customary access to land or following extra-legal land transactions. Land to be allocated in the new irrigation perimeter at Ngalenka (Podor Department) and in the extension areas of the Delta will also be formalized. In each case, formalization will require delivery of a use rights title (*titre d'affectation*) to the legitimate land property rights holder. It is anticipated that well over 3,000 use rights titles will be delivered in the project intervention zone during Phase 2.

Beyond the one-time formalization of existing rights and those that will result from land allocations, LTSA Phase 2 embraces a multi-pronged program to achieve a sustainable land management system that consists of maintaining and updating land records by trained personnel, applying appropriate land planning tools, increasing stakeholder participation in land management, awareness and respect for investment rules, and relying on effective internal land attributions and monitoring by producer groups. Important components of Phase 2 include a training program targeting a variety of actors, completion and installation of individual community land management databases, implementation of community land management plans (POAS), support for the long-term viability and effectiveness of the land tenure technical support committees (CTASF) legally established during Phase 1 and, of course, the application of each community's land allocation principles and criteria also developed during Phase 1.

In coming years, land allocations and reposessions in the Delta communities could involve tens of thousands of hectares. Anticipated expansion of irrigated agricultural production to several additional cuvettes in the Podor communities could require extensive land allocation within the next decade beyond the 440 hectares of the perimeter at Ngalenka sponsored by MCA-Senegal that will be allocated in the next two years. In this context, thousands of applications for land allocations and use rights titles will need to be evaluated during and following LTSA Phase 2 by local governing councils, and large numbers of currently unproductive or under-invested

parcels will require evaluation and recommendations for possible re-allocation and a return to productivity. Beyond support for consistent application of land allocation rules and local priorities, there are sophisticated technical requirements related to land allocation such as land registration and mapping. An immediate priority of LTSA Phase 2 will be to prepare the CTASF to provide adequate support to local governing councils throughout the land allocation and land repossession decision-making processes and during the subsequent processes targeting delivery of use rights titles.

Given that CTASF support for land allocation is a component of more general support for local development planning, the committee will support local governing councils to coordinate land allocation decisions with community land management plans known as POAS (*Plan d'Occupation et d'Aménagement des Sols*). These plans include priority zoning for residential, agricultural, forestry, and livestock activities, and provide guidelines for local development programs and initiatives. During LTSA Phase 2, MCA-Senegal will sponsor improvements to the contents and cartographic aspects of the POAS, as well as their implementation.

Also during Phase 2, local governments, with support from the CTASF, will each develop a monitoring tool for land allocations. All steps of the land allocation process, from receipt and evaluation of applications for land to parcel awards, will be recorded in a specially-designed database. Time needs and explanations for any time delays relative to each step will be analyzed with the goal of improving the efficiency of land allocation operations.

Application of the land allocation guidelines and priorities developed during Phase 1 will initially be tested at the new irrigation perimeter at Ngalenka (Podor Department). The broad categories of priority land recipients will be further refined and detailed in the course of local participatory workshops. In large part, these workshops are a continuation of the land allocation planning workshops conducted during LTSA Phase 1. In Phase 2, supplementary surveys may be needed to develop more nuanced understandings of the composition of each priority category, such as “landless,” “women” or “vulnerable groups,” and to develop more detailed selection criteria within each group. Similar to the criteria-development workshops of Phase 1, Phase 2 workshops will include representatives of all major stakeholders and conclude with an exercise to validate the consensus of all participants.

Lessons from the pilot land allocation exercises at Ngalenka will be applied to the land allocation operations of other communities in the project intervention zone. In some communities, it will be necessary to tailor the lessons from Ngalenka, which is the pilot for delivering use rights titles in a *newly developed perimeter* to different types of land tenure contexts, such as:

- ★ Delivery of use rights titles in existing irrigation perimeters on the basis of customary claims,
- ★ Formalization of land transactions that were conducted informally without reference to legal requirements, and the
- ★ Delivery of use rights titles following land allocations in the IWRM “extension” zones of the Delta.

Section Conclusion

In summary, LTSA Phase 2 will support consistent and transparent application of local land allocation preferences in a diversity of settings. In preparation, a clear but detailed land allocation procedures manual will be developed to support each local government apply the agreed-upon principles and criteria in a manner that accounts for the land tenure specificities of each locality.

Upcoming land allocation operations in the Delta and Podor provide an opportunity for MCA-Senegal and its partners to innovate and build a collective system of land management that will include participation by local communities and stakeholders along with government technical services and administrators. The goal is to develop a model that conforms to national land laws at the same time that it adapts to local conditions and secures access to land on the part of all socioeconomic categories. Among the targeted beneficiaries are the actors that have traditionally been marginalized by the application of land management systems that tend to be defined by abstract legal concepts and are often implemented imperfectly under sometimes distant bureaucracies or untrained local agencies.

Section 6: Prospects for Successful Land Allocation in the MCA-Senegal Project Intervention Zone and Anticipated Results

The Senegal River Valley is widely promoted as the potential “rice basket” of Senegal, but one that has yet to achieve its promised potential. The challenge faced by MCA-Senegal is to encourage investment and modernization in a context dominated by traditional rural populations with substantial land needs and rights but who lack substantial investment resources. A delicate balance needs to be struck between attracting investment from outside of the SRV and doing so on terms defined by local populations. Success in meeting this challenge in the context of the SRV, a context that features the full variety of agricultural development challenges encountered in Senegal, could provide a much needed development model for all of Senegal and contribute to overdue land tenure reform.

The inclusive and participatory approach on display since the launch of the first phase of LTSA has met with an enthusiastic response from local populations and governments. LTSA has also drawn the attention of national policymakers. The approach not only confronts issues that seem to pit local populations against outside investors but also provides opportunities for women and vulnerable actors to secure access to land. The model is consistent with the promise of universal access on the part of all citizens to the land and natural resources of Senegal. The emphasis on dialogue and consensus-building also contributes to social stability, reduced land conflict and accounting for the rights of traditional land occupants.

However, the model also relies on expanded involvement in land management activities on the part of the national government. Such involvement has not been lacking in the past: Since adoption of the National Domain Law in 1964, local land allocation decisions must be approved by prefects or sub-prefects (decentralized agents of central government administration). In the MCA-Senegal model, the role of the central government is redesigned as a technical support agency in the form of the CTASF headed by the sub-prefect. The assumption is that a technical, as opposed to an administrative, and expanded central government support unit will increase transparency in decision-making at the same time that it leads to better-informed decisions that are also more socially-acceptable. Admittedly, the approach is still experimental and not entirely without risk, but based on the LTSA Phase 1 experience it is also promising.

With MCA-Senegal technical support, the Government of Senegal is experimenting, based in part on the LTSA model, with two new agricultural development projects located in the Saint Louis Administrative Region:

- ★ ***The Project for Inclusive and Sustainable Agribusiness in Senegal (PDIDAS):*** This World Bank-sponsored project is currently in its design phase and could eventually reach an investment level of \$80 million over a six-year implementation timeframe. Activities include developing a new irrigated surface area of 10,000 hectares. Producers will consist both of small farmers and non-resident entrepreneurs, the precise mix to be negotiated between local communities and potential investors with facilitation from GOS technicians. PDIDAS will help rural communities implement land allocation principles and criteria in communities where they exist (PDIDAS will work with some of the same communities now collaborating with MCA-Senegal) and will facilitate development of criteria in communities where they are lacking.
- ★ ***Project Senhuile:*** This project will be financed by private international investors. Current plans target long-term leases to be established between GOS and private investors on 10,000 hectares for production of vegetable oils, and the investor's sponsorship of small-farmer production on an additional 5,000 hectares on which the producers will maintain formal land use rights. On leased lands, the investors will provide local residents with jobs; and on lands secured for local populations, the investors will provide small farmers with inputs and purchase their produce. Project costs are estimated at 140 billion CFA.

Preparatory steps for each of these projects are borrowed from LTSA and are being implemented with support from MCA-Senegal, including:

- ★ Locally negotiated site selection of project activities,
- ★ Design and implementation of a public consultation process,
- ★ Proposal and validation of principles and procedures to govern land use,
- ★ Identification and acknowledgement of commitments, responsibilities and expectations on the part of local populations, investors and the government,
- ★ Public approval and acceptance of land management decisions, and
- ★ Formalization of commitments and agreements among partners in writing.

Adopting this model represents a break from past practices that consisted of direct (and often closed) negotiations between a local governing council president and an outside private investor. Agreements resulting from such a process are flawed in that they represent a relatively small proportion of stakeholders. This type of agreement does not respond to either the policy objectives of the central government or the interests of local populations. A closed process can lead to conflict (and in many cases has led to such social instability as described in Section 2) since grievances build among local populations, outside investors and sponsors of development projects.

The LTSA approach and its variations place the central government in an intermediary position between investors and rural populations. Success of the model will depend in part on the skills and commitment of government negotiators and will require careful monitoring and possibly additional support, such as training or strategic

adjustments. At this time, it seems promising to experiment within a general approach that expands the circle of negotiating partners by securing central government technical support and facilitation. Such increased technical support should reduce the burden placed on still-maturing local governing councils that have sometimes been susceptible to non-transparent negotiations with well-resourced and sophisticated private investors. Participation by a variety of government technicians, including specialists in forestry, water management and economic planning, from the earliest stages of planning for land allocation decisions also reinforces government policies aimed at improved and more sustainable environmental management and generating economic benefits. Each of these aspects receives targeted attention in land development agreements reached between local populations and investors facilitated by the central government.

The MCA-Senegal Land Tenure Security Activity has reached the halfway point of its implementation, with Phase 1 now complete and Phase 2 just getting underway. Given this timeframe, aspects of the final outcome remain to be determined, although Phase 1 results are viewed as extremely promising. On the basis of LTSA results achieved during the program's first two years, the Government of Senegal invited MCA-Senegal to head the Technical Committee on National Land Tenure Reform (Working Group 2) established by the President's Council on Investment (CPI). GOS has tasked this committee to develop recommendations for eventually reforming the national land tenure legislation. Selection of MCA-Senegal as president of the technical committee resulted from a model promoting participation by local stakeholders in land allocation decision-making. Beginning with the grassroots, this approach is predicated on achieving win-win outcomes for all major stakeholders.

At this point in its implementation cycle, it seems that the influence of MCA-Senegal on land allocation policy and practices may eventually far surpass the limits of its ostensible project intervention zone.

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Figure 1: Saint Louis Administrative Region includes departments of Dagana (Northwest shaded area), Podor (eastern half of shaded area) and Saint Louis (southwest shaded area).

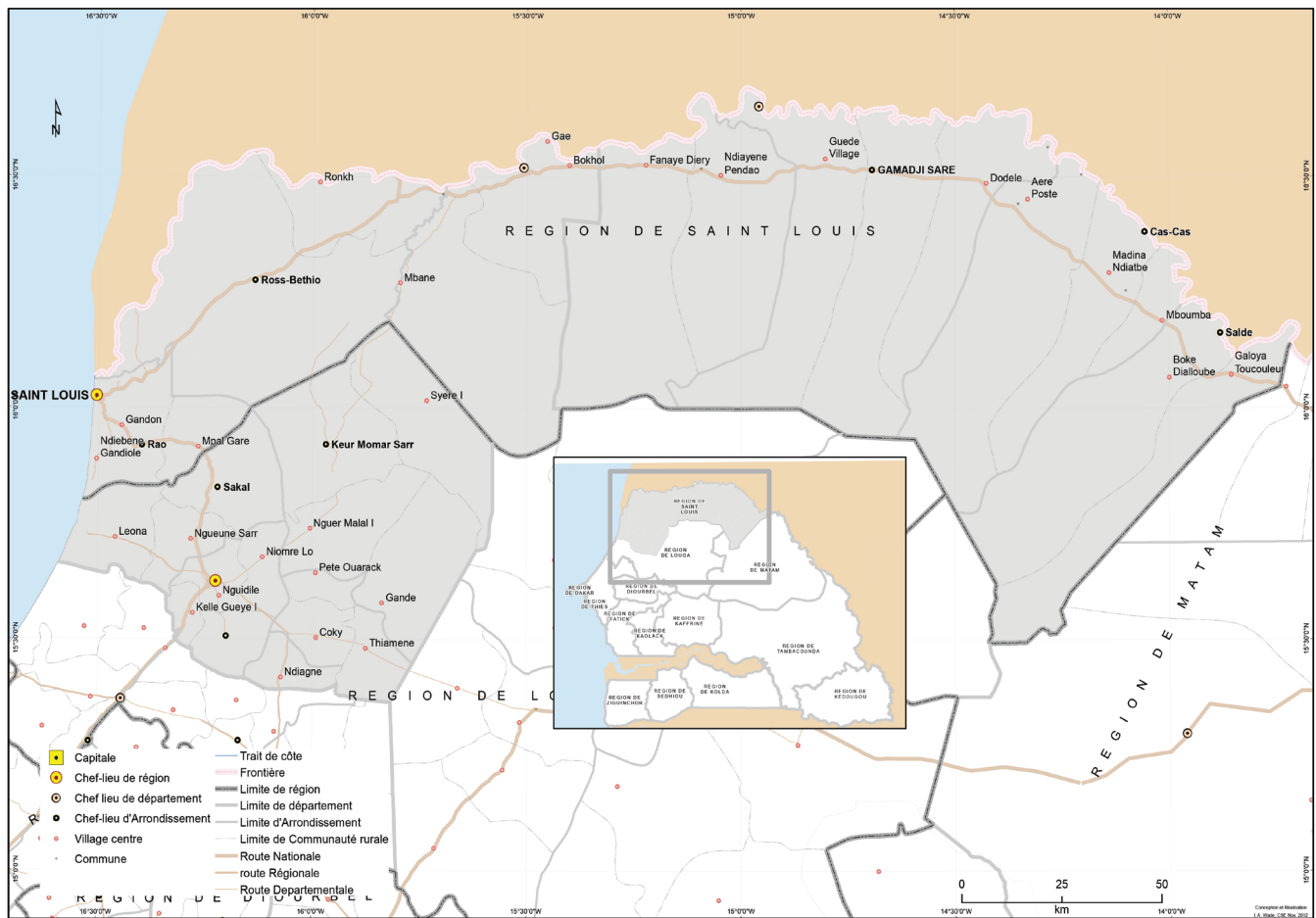
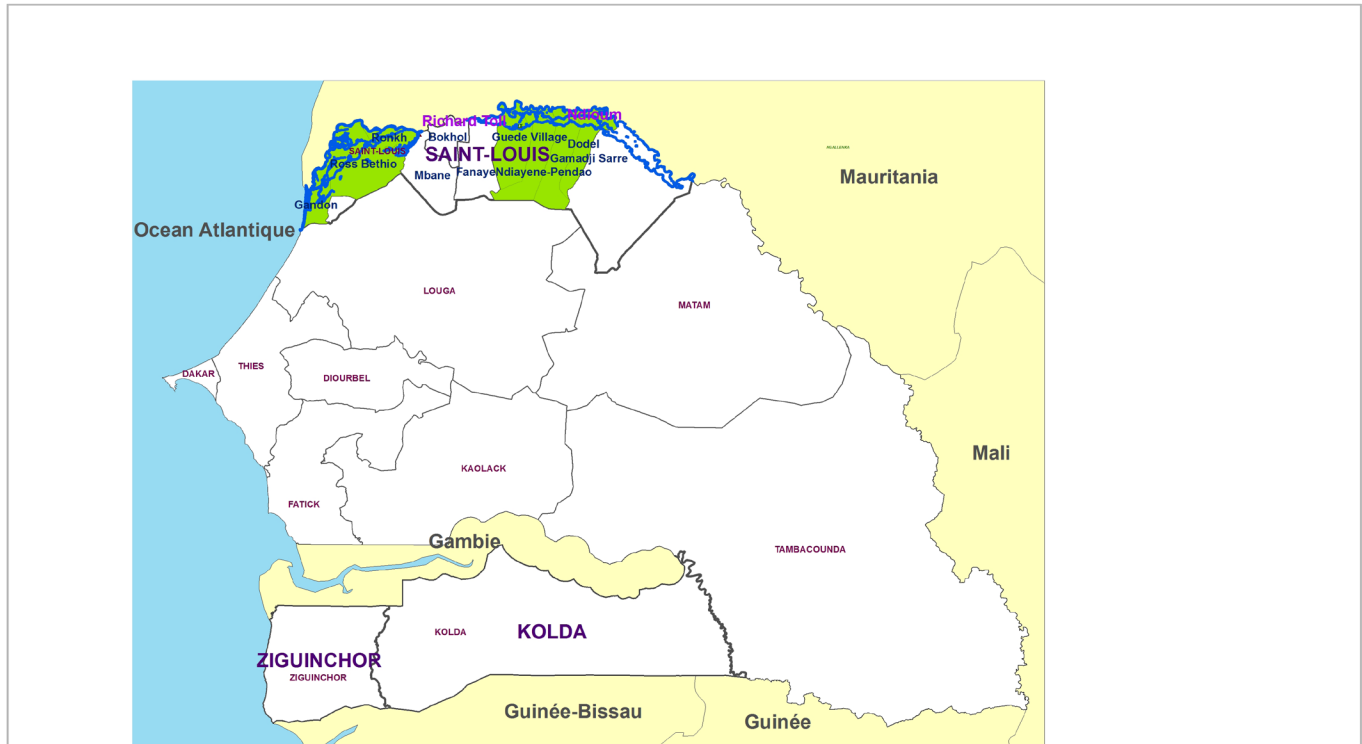


Figure 2: The intervention zone of MCA-Senegal's Land Tenure Security Activity includes four communities of the Delta (shaded green to the west) and five participating communities of Podor Department (shaded green to the east).



Légende	
■	Réseau hydrographique
■	CR Zone nord IWRM
■	CR Zone nord

1:900 000



Système de projection WGS_1984_UTM_Zone_28N
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ZONE D'INTERVENTION IWRMP/MCA-S

Figure 3: View of the IWRM intervention zone in the Delta.

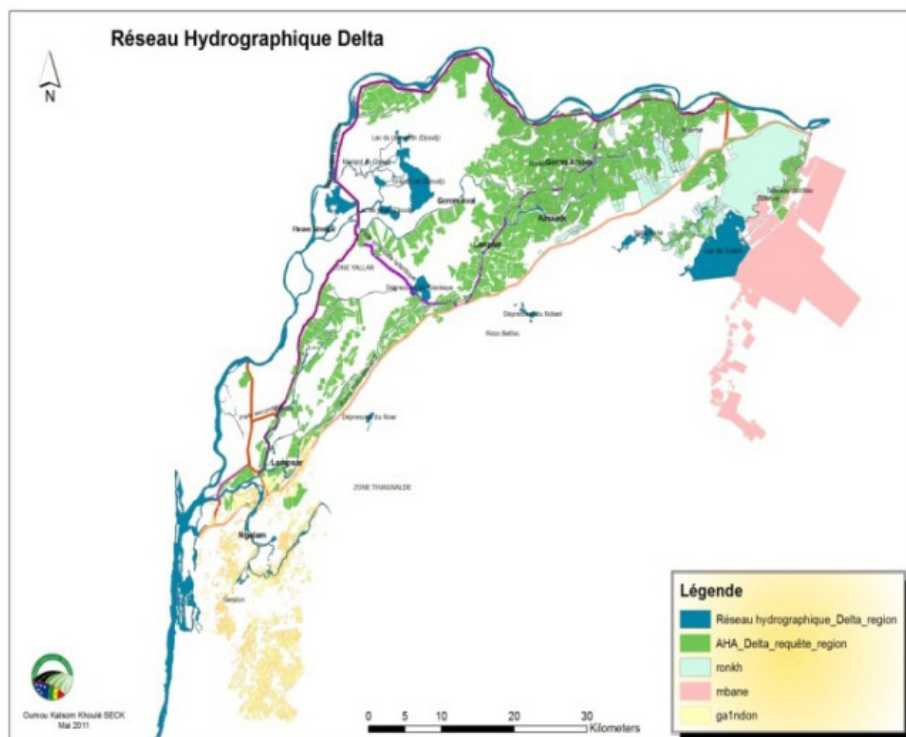


Figure 4: The “cuvettes” of Podor Department. The Ngalenka cuvette (southwestern blue shaded area) includes a 440 hectare irrigation perimeter under development by IWRM.

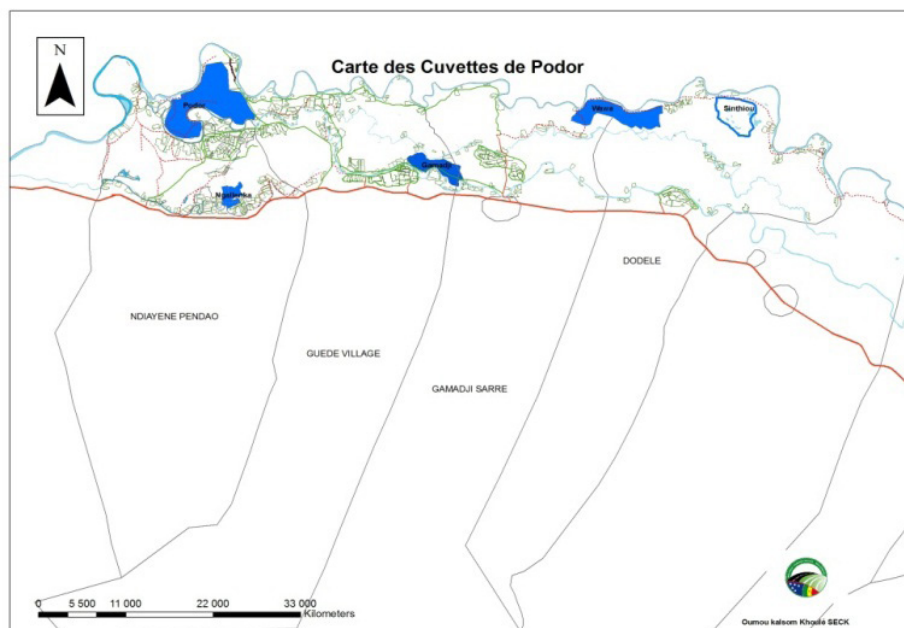
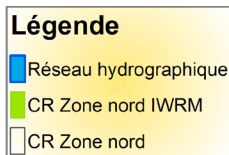
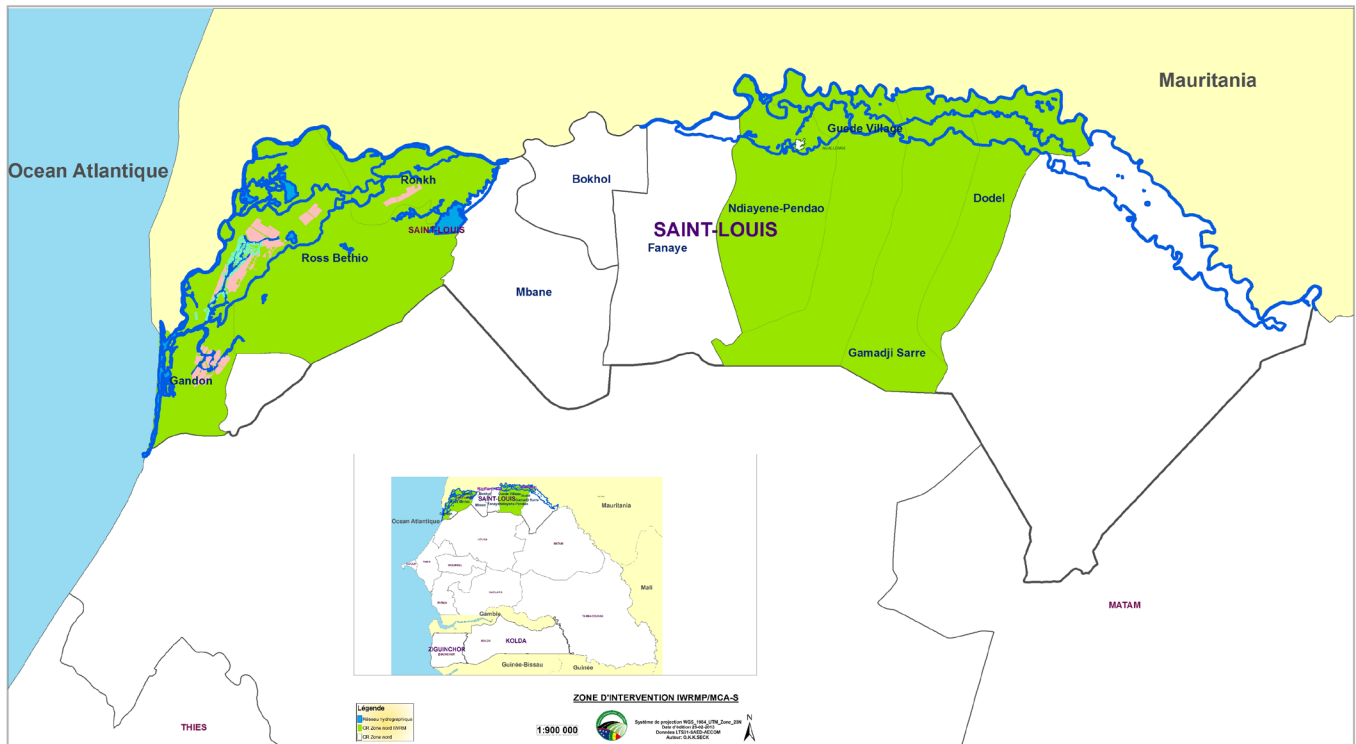


Figure 5: Participating communities can be found in the Delta (western green shaded area) and in Podor Department (eastern green shaded area).



ZONE D'INTERVENTION IWRMP/MCA-S

1:300 000



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Participating communities in the Delta include the rural communities of Diamas, Gandon and Ronkh and the urban commune of Ross Béthio. In Podor Department, participating rural communities include Ndiayène Pendao, Guédé Village, Dodel, and Gamadji Sarre and the urban commune of Podor.