



The development of a local land charter in the context of the peaceful conservation and use of natural resources.

A case study of a village land charter relating to the access to and use of the Bendogo pastureland in the commune of Arbollé, province of Passoré, northern region, Burkina Faso.

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Practice note

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Contents

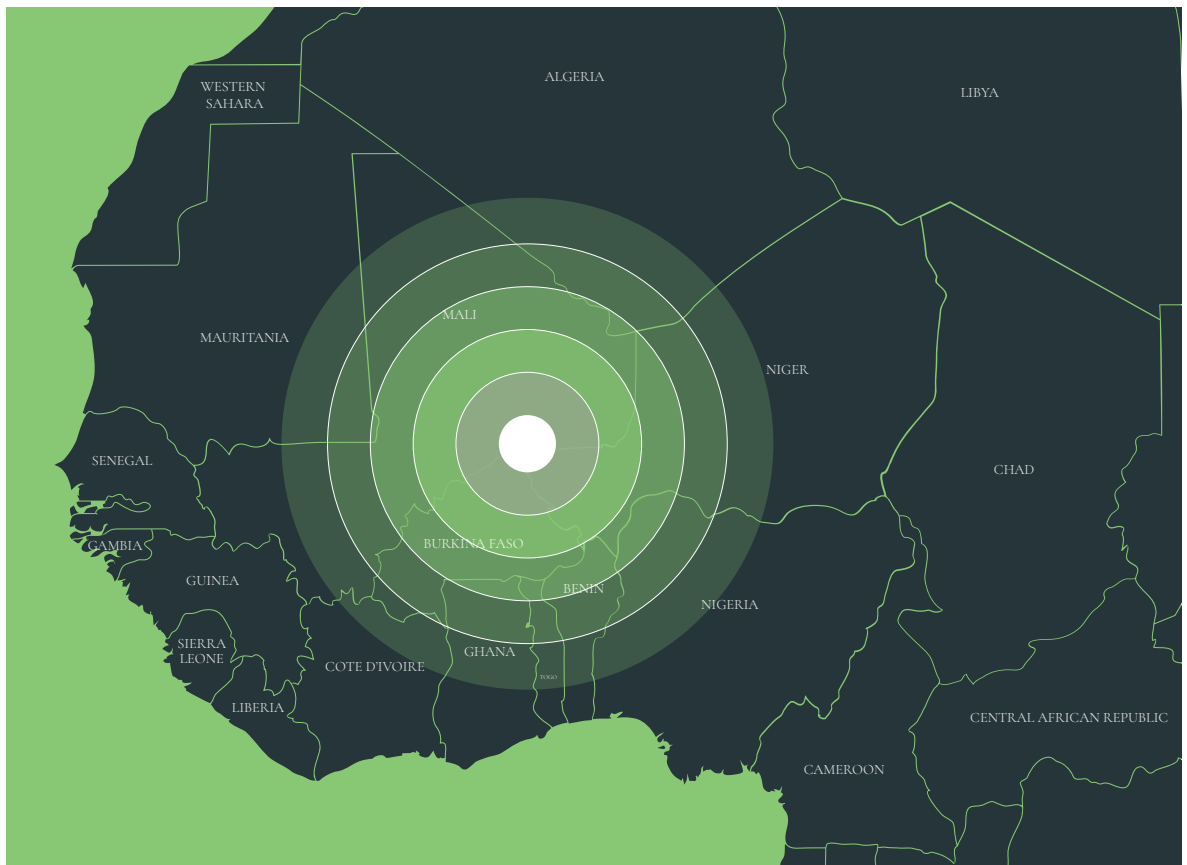
About the Liptako Gourma region	4
About the TWG-EIP project	5
About the National Land Observatory of Burkina Faso (ONF-BF)	6
<hr/>	
1. Introduction: a sustainable approach to resolving land conflicts in Burkina Faso	7
2. Background: the challenge of shared natural resources	8
2.1 A shared grazing area	
2.2 The establishment process of the Local Land Charter	
3. The different steps in developing a local land charter for a village	10
4. The actors involved	11
4.1 The actors involved	
4.2 Other actors involved in the development of an LLC	
5. Impact, results and lessons learned	12
5.1 Positive impact of the LLC	
5.2 Results of the LLC	
5.3 Lessons learned from the process of negotiating and adopting the LLC	

About the Liptako Gourma region

The Liptako Gourma border region straddles Burkina Faso, Mali and Niger and spans an area of around 370,000 km². Nearly 80 percent of the region's population lives in rural areas, and livestock farming is a key component of the area's rural economy, both in terms of economic weight and as a factor in structuring rural areas. What makes the Liptako Gourma region particularly interesting is the fact that it is made up of some of the most abandoned and deprived areas in the three countries, despite the area's agropastoral,

fishing, wildlife and mining potential.

This is due to a complex crisis that includes climate variability, fierce competition for scarce resources, poverty and demographic pressure, compounded by poor governance and political unrest. All of these factors contribute to increasing levels of violence which has since 2015, spread throughout the Liptako Gourma region.



About the TWG-EIP project

The stability and resilience of regions such as Liptako Gourma are seriously threatened by the combined effects of violence, poor governance and environmental vulnerabilities. Yet peace efforts rarely incorporate a deep understanding of the environmental factors that underpin conflict or peace. With the support of the Directorate of Defence of the Ministry of Foreign and European Affairs of the Grand Duchy of Luxembourg, the European Institute of Peace and TrustWorks Global have implemented the project “Tackling the Root Causes of Conflict: Environmental Peacemaking in Liptako Gourma”.

This project supports existing efforts to better manage and resolve conflicts in the Liptako Gourma region by applying an environmental approach to peace. Rather than setting up yet another peace initiative, it supports existing local, national, regional and international mediation and stabilisation actors, by contributing a particular angle of natural resource management that can enable peace processes to better address the root causes of conflict and deliver concrete peace dividends that promote the sustainability of agreements.

As part of the project, this practice note was prepared by Issifou Ganou, Executive Secretary of the ONF-BF and Specialist in governance and land management, with the support of the TWG-EIP project team: Arthur Boutellis, Oli Brown, Boubacar Ba, Albert Martinez and Amy Dallas. It is also informed by the workshop held in Niamey from 2 to 4 May 2023.



About the National Land Observatory of Burkina Faso (ONF-BF)



Created on 3 July 2014 by way of a constituent general assembly that set up this non-profit, apolitical, and non-denominational association, ONF-BF's mission is to contribute to the improvement of land governance through the production and dissemination of land information with a view to making land a factor in sustainable development.

Its main responsibilities include: producing, collecting, processing and capitalising on land information to assist decision-making at national and local levels, including current and future political reforms; coordinating, compiling, centralising and managing the various initiatives being implemented in the field of land information at both national and local levels; facilitating consensus-building on major land issues and the means to address them through appropriate forums for land consultation.

1. Introduction: a sustainable approach to resolving land conflicts in Burkina Faso

As in the other countries of Sudano-Sahelian West Africa, the sustainable management of natural resources in Burkina Faso has always encountered difficulties due to a lack of awareness. Nonetheless, another important factor is the inadequacy of the laws governing their conservation and exploitation.

The country is experiencing the accelerated degradation of its land and forests under the combined effects of several factors, including climate change, anthropogenic activities, demographic and land pressure, and mismanagement of natural resources. The impacts of climate change are creating multiple obstacles for the State and the people of the region, such as food security, mass displacement and the numerous conflicts linked to the region's security challenges.

Between 2002 and 2013, Burkina Faso saw the degradation of 5.16 million hectares of its land, which corresponds to an annual degradation of 470,000 hectares, according to the programme to define targets for land degradation neutrality, with the support of the 'UNCCD' (United Nations Convention to Combat Desertification) Secretariat and Global Mechanism and a host of partners.

In the north of Burkina Faso, the grazing area of the village of Bendogo, located in the rural commune of Arbollé, has strong environmental, economic, and social potential. It is home to important plant and wildlife species and contributes enormously to the promotion of livestock farming and the improvement of the quality of life of its inhabitants and those of the surrounding villages, Ouissiga, Tinma, Boulkon, Zérounda, Kossoghin, Nomboalem and Zoetgomdé.



2.

Background: the challenge of shared natural resources

2.1 A shared grazing area

In 2016, the Bendogo village grazing area was created by the village population in association with the neighbouring villages of Tinma and Ouissiga. In 2017, the population of the villages of Bendogo, Tinma and Ouissiga received technical and financial support from the Netherlands Development Organisation (SNV) through its programme to improve food and water security for rural economic development in the Sahel and the Horn of Africa (Drylands Development Programme or DRYDEV) for its consensual demarcation and the application of paint markers on trees. It was set up to

promote peaceful coexistence between farmers and herders on the subjects of grazing and the exploitation of non-timber forest products (NTFPs), i.e., wild fruits of all kinds such as *Butyrospermum parkii*, *Saba senegalensis*, *Pakia biglobosa*, *Tamarindus indica*, *Blانيتes aegyptiaca* and *Ziziphys mauritiana* for local consumption.

ONF-BF found that the Bendogo area had a development and management plan in place for grazing, however, there had been no administrative efforts to secure it, and the paint on the trees used to demarcate its boundaries was fading.



Map of the pastureland ▲

2.2 The establishment process of the Local Land Charter

The commune embarked on the process of drafting a Local Land Charter (LLC), a land agreement based on local customs, uses, or practices, developed at a village level and designed to take into account the diversity of ecological, economic, social and cultural contexts in rural areas. The Bendogo LLC covers an area of 114,317 hectares.

To begin drafting the charter, the commune established an initiative committee in accordance with Order 2022-10/RNRD/PPSR/CARBL¹ of 12 October 2022, and in compliance with Law 034/2009² of 16 June 2009 on rural land tenure and Decree No. 2010-400/PRES/PM/MAHRH/MRA/MECV/MEF/MATD³ of 29 July 2010 on the procedures for drawing up local land charters.

The process involved the support and participation of all the rural farmers in the grazing area, who proposed, discussed, and adopted the clauses by consensus at the village general meeting on 17 December 2022. The draft charter was sent to the President of the special delegation by the President of the Village Development Council, which brings together all the dynamic forces in the village. It was created by law No. 055-2004/AN⁴ of 21 December 2004, on the general code for local authorities in Burkina Faso, together with its amendments, and decree No. 2007-032/PRES/PM/MATD⁵ of 22 January 2007 on the organisation, composition, and operation of Village Development Councils, which is organised under the supervision of the Municipal Council, overseeing its establishment.

The Village Development Council has a general assembly and a twelve-member executive committee with adopting functions. It was during the extraordinary session of the Special Delegation Council on 31 January 2023 that the Bendogo LLC was adopted.

Finally, the drafting of the charter was based on Act No. 034-2009/AN of 16 June 2009 on rural land tenure, Act No. 003/2011/AN⁶ of 5 April 2011 on the Forestry Code in Burkina Faso, Act No. 034-2012/AN⁷ of 2 July 2012 on agrarian and land reorganisation in Burkina Faso, and Act No. 006-2013/AN⁸ of 2 April 2013 on the Environment Code in Burkina Faso.

1 www.scribd.com/document/581054121/Quotidien-n-3388

2 faolex.fao.org/docs/pdf/bkf95496.pdf

3 www.hubrural.org/IMG/pdf/TA_Chartes_Foncieres_Locales_No400.pdf

4 www.droit-afrique.com/uploads/Burkina-Code-2004-collectivites-territoriales-MAJ-2018.pdf

5 faolex.fao.org/docs/pdf/bkf148394.pdf

6 faolex.fao.org/docs/pdf/bkf106703.pdf

7 faolex.fao.org/docs/pdf/bkf139639.pzdf

8 faolex.fao.org/docs/pdf/bkf124369.pdf



3.

The different steps in developing a local land charter for a village



This process can be applied in a village, inter-village, communal or inter-communal context.

4. The actors involved

4.1 The actors involved

ONF-BF, in its capacity as a non-governmental organisation, supports communes in building their capacity for better governance of land and natural resources in their territories and alternative resolution of land conflicts. At its request, the commune of Arbolle benefited from support in developing its own LLC through the following actions.

- Training members of the special delegation in the process
- Training members of the initiative committee in the process
- Technical and financial support throughout the development process.

4.2 Other actors involved in the development of an LLC

The LLC aims to ensure the sustainable management and use of natural resources while preserving the peaceful coexistence of the various groups using them. The **key actors** involved in managing the land tenure charter are as follows:

- The **Management Committee** of the grazing area, which monitors the application of the clauses of the charter, the development and maintenance of the grazing area, and administrative and financial management.
- The **Supervisory Committee**, placed under the control of the Management Committee, is responsible for checking all access documents to the grazing area issued by the Management Committee and monitoring compliance with the provisions of the charter.
- The **customary authorities** are the custodians of customs and traditions; they ensure that these are upheld. They contribute to amicable settlements and the prevention of conflicts related to the application of the charter.
- Other relevant actors are the Decentralised Technical Services, the Rural Land Service, the Village Development Council, the Village Land Conciliation Commission and the Village Land Commission, who exercise their powers in accordance with the regulations in place to oversee the management of the grazing area.
- They provide the technical support required by the charter's management bodies.



Restitution of the preliminary draft charter to the local population. ONF, 2023 ▶

5. Impact, results and lessons learned

5.1 Positive impact of the LLC

Covering an area of 114,317 hectares, the LLC for the Bendogo grazing area had the following advantages:

- Regulating access to and use of non-timber forest products (NTFPs) and the Bendogo grazing area, regardless of ethnic origin, gender, religion or political affiliation, and with a view to preserving the interests of future generations.
- Promoting the well-being of plant and animal species (the feeding, recuperation and general health of livestock).
- Promoting peaceful coexistence between farmers and livestock breeders and between users of NTFPs. Preventing and managing conflicts relating to access to and use of the forest's natural resources.
- Strengthening the responsibilities and capacities of local communities in protecting and restoring the forest.

5.2 Results of the LLC:

The charter contributes to the participatory management of natural resources by the population for the benefit of present and future generations. It strengthens social cohesion, peace and cohabitation.

It contributes to the adoption and eventual improvement of practices, customs and legal frameworks relating to the conservation of biological diversity and environmental protection, with the establishment of a management committee and a monitoring committee to ensure proper management of the grazing area.

Site mapping session with GPS coordinates taken ▼



5.3 Lessons learned from the process of negotiating and adopting the LLC

- The ONF's integrated approach to helping communes bolster their capacity for governing their land and natural resources and the use of alternative methods to manage land disputes has helped to resolve conflicts and ensure the sustainable management of natural resources. This approach facilitates the equitable management of agropastoral land in a region with limited natural resources.
- The participatory nature of the process allowed the various groups of resource users to make the link between customary practices and the legal framework governing the conservation of biological diversity and environmental protection, by bringing together customary chiefs and the involved parties in the village.
- The communal administration has played a key role in facilitating the work of the initiative and supporting the Village Development Council. This support encourages active participation in meetings and Village General Meetings, which in turn leads to the improved spread of information and enables user groups to be identified, the area to be defined, diagnostics to be carried out through discussion groups and the diagnostic report to be submitted. The Village Development Council also helps to disseminate information about the initiative throughout various neighbourhoods.
- The communal administration helped to facilitate the committee's actions by issuing the appointment order, requesting that the Decentralised Technical Services carry out information and awareness-raising campaigns, demarcating the area, soliciting their opinion on compliance with the charter's provisions, adopting the charter by the special delegation council, requesting its approval and registering it in the Local Land Charter register.
- The involvement of the provincial administration, in particular the commissioner responsible for validating the process, was essential to the success of the charter. Meaning, the Secretary General of the Town Hall, the communal authority, had to seek approval from the administrative supervisory body, the High Commissioner of Passoré.
- The process of setting up land charters encourages research and innovation by building on endogenous knowledge and promoting learning based on the experience of building resilience at a community level and rendering public policies more coherent.



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