



Food and Agriculture
Organization of the
United Nations



THE VOLUNTARY GUIDELINES: SECURING OUR RIGHTS **SENEGAL**



Success stories



Required citation:

FAO. 2020. *The Voluntary Guidelines: securing our rights - Senegal River Basin*. Rome.

Dashed lines on maps represent approximate border lines for which there may not yet be full agreement.

The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Dashed lines on maps represent approximate border lines for which there may not yet be full agreement. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by FAO in preference to others of a similar nature that are not mentioned.

The views expressed in this information product are those of the author(s) and do not necessarily reflect the views or policies of FAO.

© FAO 2020



Some rights reserved. This work is made available under the Creative Commons Attribution-NonCommercial-ShareAlike 3.0 IGO licence (CC BY-NC-SA 3.0 IGO; <https://creativecommons.org/licenses/by-nc-sa/3.0/igo/legalcode>).

Under the terms of this licence, this work may be copied, redistributed and adapted for non-commercial purposes, provided that the work is appropriately cited. In any use of this work, there should be no suggestion that FAO endorses any specific organization, products or services. The use of the FAO logo is not permitted. If the work is adapted, then it must be licensed under the same or equivalent Creative Commons licence. If a translation of this work is created, it must include the following disclaimer along with the required citation: "This translation was not created by the Food and Agriculture Organization of the United Nations (FAO). FAO is not responsible for the content or accuracy of this translation. The original [Language] edition shall be the authoritative edition."

Disputes arising under the licence that cannot be settled amicably will be resolved by mediation and arbitration as described in Article 8 of the licence except as otherwise provided herein. The applicable mediation rules will be the mediation rules of the World Intellectual Property Organization <http://www.wipo.int/amc/en/mediation/rules> and any arbitration will be conducted in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL).

Third-party materials. Users wishing to reuse material from this work that is attributed to a third party, such as tables, figures or images, are responsible for determining whether permission is needed for that reuse and for obtaining permission from the copyright holder. The risk of claims resulting from infringement of any third-party-owned component in the work rests solely with the user.

Sales, rights and licensing. FAO information products are available on the FAO website (www.fao.org/publications) and can be purchased through publications-sales@fao.org. Requests for commercial use should be submitted via: www.fao.org/contact-us/licence-request. Queries regarding rights and licensing should be submitted to: copyright@fao.org.

Rural women receiving advice on sheep fattening, Fatick, Senegal.

CONTENTS

PAGE 2

1. INTRODUCTION

PAGE 4

2. TENURE CHALLENGES IN SENEGAL

PAGE 6

3. THE ROLE OF THE VOLUNTARY GUIDELINES IN SENEGAL

PAGE 12

4. CHANGES AND ACHIEVEMENTS

PAGE 20

5. CONCLUSIONS AND NEXT STEPS

SENEGAL CASE STUDY

Highlights



Land policy document drafted



Supported by the Global Donor Working Group on Land



Successful establishment of a national multi-stakeholder platform



Establishment of codes of conduct and good practices in land management



Building regional dialogue with Mali, Mauritania and Guinea around land



Capacity development and knowledge generation



Support to the participatory and consultative process for inland fishery law document



Monitoring and evaluation system for tenure governance

1. INTRODUCTION

8.9 Million hectares (Mha) is considered agriculturally viable land in Senegal (FAO estimate 2016)

INTERESTING FACTS

Senegal is one of the most stable democracies in sub-Saharan Africa (SSA) and among the fastest-growing economies in the region.

The Senegalese economy has been expanding by more than six percent annually since 2015. Agriculture and substantive investments in large infrastructure constitute key drivers of economic growth.

Senegal is aspiring to transform into an emerging economy by 2035.

Though there has been a 4.5 percent reduction in poverty since 2011, economic growth has not translated into the reduction of inequalities.

Growth remains fragile owing to political economy constraints, a still weak taxation system and demographic tensions.

Accelerating reforms in some key sub-sectors, such as modernizing the land tenure system envisioned by the country's national development policy, remains a priority.

The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT) were endorsed by the Committee on World Food Security (CFS) in May 2012. These Voluntary Guidelines have been described as a catalyst, leading to improvements in conditions under which land is held or occupied in agriculture sectors. They address problems of weak governance of tenure and the growing pressure on natural resources, assisting countries to achieve food security for all. The Food and Agriculture Organization (FAO) has been working in more than 58 countries providing technical assistance, training and capacity development, as well as support to the assessment, formulation and implementation of relevant national policies and laws. Between 2014 and 2021, the VGGT were introduced and used in Senegal, through national workshops and learning programmes, funded by France, Germany, Italy, the International Fund for Agricultural Development (IFAD) and the Flexible Multi-Partner Mechanism (FMM), including funds from Belgium, the Netherlands, Sweden and Switzerland.

Over seven years, several projects promoted and supported the mainstreaming and use of the VGGT in national and local land agendas. The main projects were: (i) “An improved governance of tenure for a shared prosperity in the Senegal River Basin”, which contributed to the dissemination and implementation of the Guidelines in the whole Basin area, and to capacity development of more than 400 actors; and (ii) “Dissemination and operationalization of the VGGT in Senegal”, phase 1 and 2, aiming to:

- support the preparation of reform processes, with special emphasis on women and vulnerable groups;
- support the activities of the national and local multi-stakeholder platforms;
- operationalize the VGGT at local level through innovative methods and approaches of land governance.



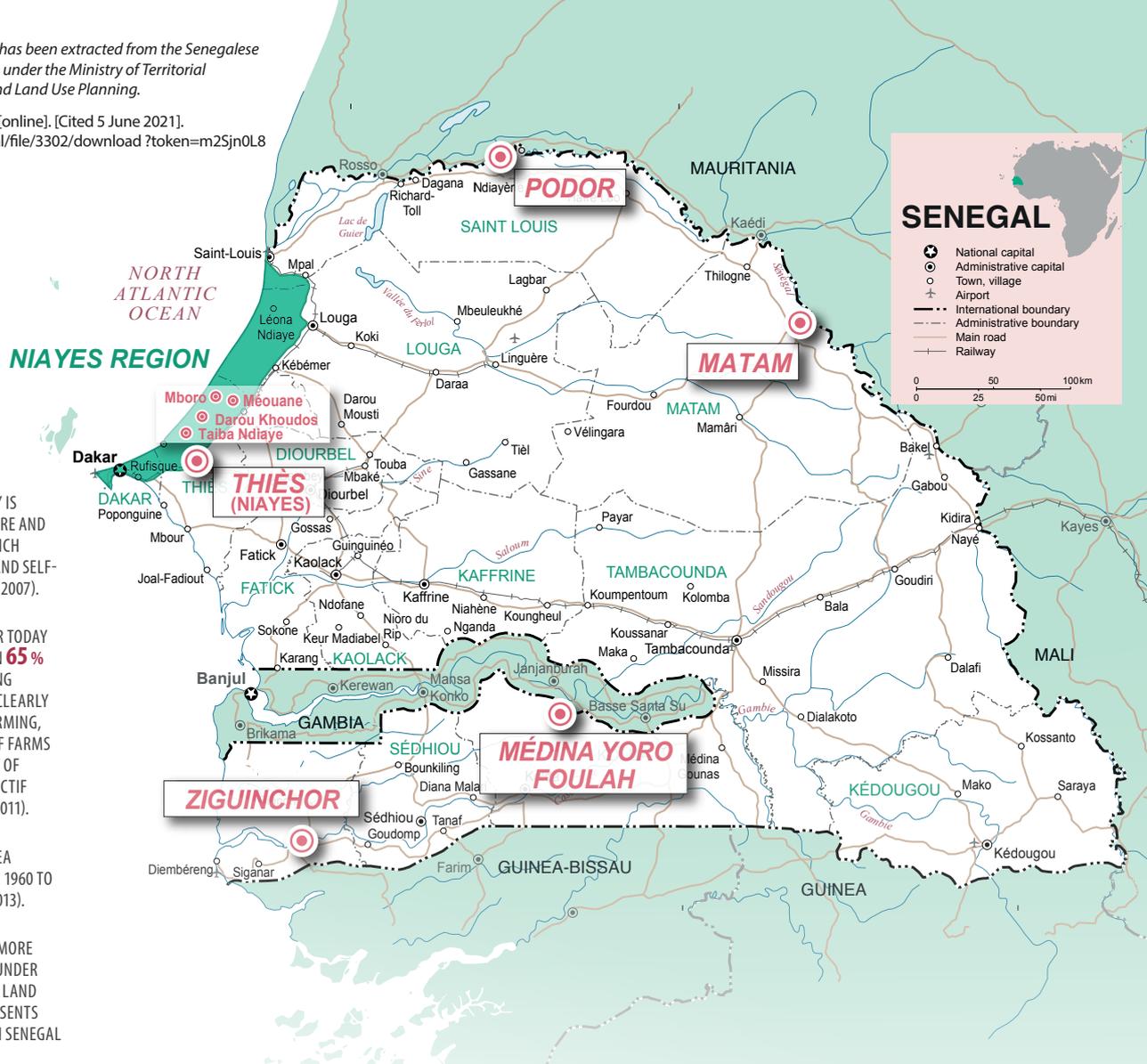
Rome, 2012
ISBN 978-92-5-107277-6
40 pp., 177 × 250 mm
Paperback

Available in:
[Albanian](#), [Arabic](#), [Chinese](#), [English](#), [French](#), [Hindi](#), [Lao](#),
[Nepali](#), [Russian](#), [Spanish](#)



The geographical information has been extracted from the Senegalese national planning programme under the Ministry of Territorial Communities, Development and Land Use Planning.

UN. 2020. Map of the Senegal [online]. [Cited 5 June 2021]. <https://www.un.org/geospatial/file/3302/download?token=m2Sjn0L8>



THE SENEGALESE ECONOMY IS DOMINATED BY AGRICULTURE AND INFORMAL ACTIVITIES, WHICH GENERATE **92 %** OF JOBS AND SELF-EMPLOYMENT (ASPRODEB, 2007).

THE AGRICULTURAL SECTOR TODAY ACCOUNTS FOR MORE THAN **65 %** OF THE COUNTRY'S WORKING POPULATION AND IS VERY CLEARLY DOMINATED BY FAMILY FARMING, WHICH CONCERNS **95 %** OF FARMS AND PROVIDES 69 PERCENT OF NATIONAL DEMAND (COLLECTIF STRATÉGIE ALIMENTAIRE, 2011).

THE TOTAL CULTIVATED AREA INCREASED BY **75 %** FROM 1960 TO 1998 (OUSSOUBY TOURÉ, 2013).

RURAL LAND REPRESENTS MORE THAN **80 %** OF THE LAND UNDER NATIONAL DOMAIN, WHILE LAND UNDER LAND TITLES REPRESENTS LESS THAN **3 %** OF LAND IN SENEGAL (OUSSOUBY TOURÉ, 2013).

THE COUNTRY'S POPULATION OF 15.8 MILLION HAS NEARLY DOUBLED SINCE 1992, WHEN IT TOTALED 8 MILLION; AND THE POPULATION IS EXPECTED TO DOUBLE AGAIN BY 2040 (AGENCE NATIONALE DE LA STATISTIQUE ET DE LA DÉMOGRAPHIE, 2016). THE URBAN POPULATION HAS GROWN STEADILY FROM **40.8 %** IN 2002 TO NEARLY **43 %** IN 2012 (OUSSOUBY TOURÉ, 2013).

ALTHOUGH IMPROVING OVER TIME AND VARYING THROUGHOUT THE YEAR, OVERALL FOOD SECURITY REMAINS A CHALLENGE FOR A CONSIDERABLE SHARE OF THE POPULATION, AS OVER 15 PERCENT OF RURAL HOUSEHOLDS, AND OVER **8 %** OF THE URBAN ONES ARE FOOD INSECURE (WFP, 2014).

“ The Senegalese population is increasing, and natural resources remain limited, which leads to increasing pressure on land. Competition is therefore generated for access to cultivation or pastoral areas together with housing needs, the extraction of mineral resources and the development of tourism. To be able to reconcile these new needs with the use of agricultural land, we need to create a dialogue and find solutions together. ”

CHEIKH OUMAR BA
executive director of IPAR

2. LAND TENURE AND GOVERNANCE CHALLENGES IN SENEGAL

AN ANTIQUATED LEGAL SYSTEM

Land in Senegal is essentially ruled by the National Domain Law, passed in 1964. This act aimed not only to encourage productive use of land and to create an economic environment conducive to agricultural exports, but also to loosen the grip of traditional ethnic and religious hierarchies over land access and control. This law classified about 97 percent of all land as state-owned, including several categories: urban, classified, agricultural, or pioneer zones. To a certain extent, this law also decentralized control over land to local governance bodies (rural communities and municipalities).

The Rural Community Law, passed in 1972, provided the structure for the elected rural councils and the extent of their authority regarding land governance. Thus, the rural council has the authority to allocate

land use rights under certain conditions. Rural councils also deal with land disputes in their jurisdictions.

In 1976 a modification of the law extended the State's public domain to include subsurface land, inland waters, ocean shores, and offshore waters. The law also identified different types of land tenure: **ownership, leasehold (possibly granted for terms up to 30 years and renewable), occupancy rights, and land-use allocations under customary practices.** The National Domain Law permits rural councils to allocate territorial land for use under customary principles so long as the land is used productively.

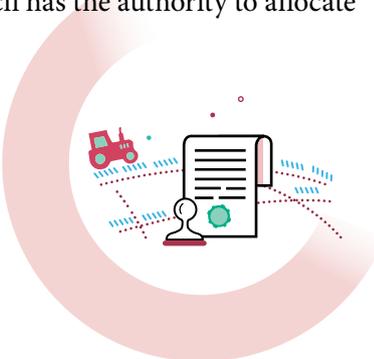
The Decentralization Law of 1996, clarified the subnational governance structure at the regional and municipality levels in both urban and rural areas. In rural areas, it confirmed the responsibility of the elected rural councils for the allocation of land rights and establishment of agricultural production standards (Faye, 2008; Monkam, 2009; Freudenberger, 2009; World Bank, 2002).

Despite the initial spirit of the 1964 Law, most of the land in Senegal largely continues to be governed by customary law. In rural areas, land

is held communally by families and lineages. Loans, leases, and gifts of land governed by local customary law are common in most parts of the country. However, even customary rules have evolved over time and traditional collective rights have become highly individualized in many places.

INCREASING COMPETITION FOR LAND AND OTHER NATURAL RESOURCES

In Senegal, the competition for land for housing, agriculture, mining and other activities and investments has been becoming an increasing issue for national and local authorities for several decades now, especially those in peri-urban area, along the *Petite Côte* and in the Niayes region, the largest horticultural production area. Informal settlements have flourished on the peripheries of cities, often in agricultural, protected, and flood-prone areas. The legal framework allows urban ownership of land, but heavy administrative procedures meant



that few urban property titles were issued (around 150 000 in 2014).

Although international investors have some interest in Senegal, issues of increasing competition over land are essentially domestic.

PERSISTENCE OF INEQUALITIES

Although the 2001 Constitution grants equal access to and ownership of land for women and men, the 1964 National Domain Law does not include specific articles on gender equality nor provide for the registration of use rights in the name of couples, several individuals, or other collective entities. These legal limitations, added to persistent traditional social norms, constitute permanent barriers to guaranteeing women equitable and secure land rights. On the whole, women own only 9 percent of agricultural land and 8 percent of houses.

Most women access land through their husbands and have difficulties to make their tenure rights recognized and effectively protected. In cases of inheritance, women have unequal rights, and

Although Senegalese women play a key role in agriculture, they own less than 10 % of agricultural land



in case of divorce or husband's death, they are at risk to lose access to land and family property (PRINDEX, 2019).

In practice, cultural and customary factors make it particularly difficult for women to access, manage and stay on land, regardless of their substantial contribution to agricultural production. Even when women succeed in acquiring the right to a piece of land, it is often very small, or in remote areas and farther from water supply points compared to the distance for land owned by men.

THE DIFFICULTIES TO REFORM

Given these increasing challenges and the deep social evolutions, including in rural areas, there is a consensus in Senegal on the need for reforming the legal framework on land. However, various attempts at modifying the land reform in the past two decades (reflected in multiple successive commissions established since 1996) have not yet been successful, including the work of the last Land Reform Commission, established in 2012 and dissolved in 2017 after having produced an important land policy document, following extensive and inclusive consultations (cf. section 3).

3. THE ROLE OF THE VOLUNTARY GUIDELINES IN SENEGAL

PROMOTION OF A POLICY DIALOGUE ON LAND TENURE THROUGH A MULTI-STAKEHOLDER PLATFORM

Senegal was the first country in the region to set up a national platform for multi-stakeholder dialogue, in 2014, as suggested in paragraph 26.2 of the VGGT. The platform, which includes actors from civil society organizations (CSOs), academia, the government, private sector, local authorities and producer organizations, established a representative steering committee (*Comité de Pilotage des Directives Volontaires pour une gouvernance responsable des régimes fonciers - COPIL DV/GF*), technical arm of the national platform. Created at the same time, the COPIL pursues an objective of facilitation and animation of the dialogue process on land governance.

The dialogue mechanism, created in 2014 and withstanding political changes, drives the country implementation of the VGGT.

“ COPIL has played an important role at the institutional level by creating dialogue and synergies between the Ministry of Agriculture, the Ministry of Finance – which is responsible for land management, in particular for the cadastre – and other main land tenure stakeholders. ”

SILVIA BERGAMASCO,
Italian Agency for Cooperation and Development.

The national platform and COPIL have since carried out activities for the dissemination and operationalization of the VGGT.

Moreover, the existence of a donor coordination mechanism involved in the land sector facilitates donor information exchange and collaboration, creating synergies and avoiding duplication of investments. FAO has co-chaired this group for several years and ensured communication and information exchange between it and COPIL.

IMPORTANT CAPACITY DEVELOPMENT EFFORT

The members of the national and local platforms have largely benefited from the VGGT capacity development trainings on several aspects of tenure governance of land, forests and fisheries. These trainings aimed not only to explain and promote the VGGT principles, but also put special emphasis on specific topics, such as conflict prevention and improving governance of pastoral lands, the new Forest Code, the requirements for obtaining land certificates, including special trainings for women. The trainees have, in turn,

“ There was a lack of a space for dialogue and consultation; local platforms made it possible to open up this space, to inform and train users on land tenure. ”

MAMADOU MBARE HANNE,
Coordinator of the Podor platform

empowered national stakeholders to become trainers and change agents themselves.

The members of the local platforms have developed concrete tools aiming to empower local actors to take concrete action to improve responsible governance of tenure in a local context. A concrete example is the members of the platforms in Podor developing their own guide on the concept of Free, Prior and Informed Consent (FPIC).

Capacity development played a key role in ensuring the platform's sustainability and in building synergies. Based on the trainings, COPIL has developed a 5-year



“Free, Prior and Informed Consent (FPIC) is a collective right that belongs to any member of a community. This means that communities have the right to make decisions through their own freely chosen representatives, and their customary or other institutions, such as local communities and local elected officials.”

Extract from FPIC field guide in Senegal.



Workshop of the Podor local platform in 2020.

strategic plan and diversified the support provided by financial and technical partners, in particular, with the International Land Coalition (ILC). Thanks to their good relationship, FAO and ILC coordinated their efforts to support the Senegalese multi-stakeholder platform (MSP), looking for synergies and complementarities (for example, exploring together the development of Monitoring and Evaluation (M&E) systems and the feasibility of a national land observatory).

“ Land tenure issues were primarily linked to a lack of knowledge of legislative and legal texts, and to the fact that the tools related to land were practically non-existent. The project has put in place concrete tools such as a computer system on land, the land register, and it has helped to develop the capacities of users by informing them about the procedures relating to land, by providing them with the tools necessary to secure their land rights. ”

MAMADOU MBARE HANNE,
coordinator of the Podor platform

After almost seven years of existence, it is safe to say that the Senegalese platform has regional influence. Its members regularly exchange experiences and participate in common trainings with sister-platforms in Mali, Mauritania and Guinea.

MAINSTREAMING THE VGGT INTO THE LAND TENURE REFORM PROCESS

As mentioned in section 2, a challenging land reform process was launched by the President of the Republic in 2012. To support the process, FAO collaborated with national authorities, especially with the Ministry of Agriculture and Rural Equipment (MAER, who also chairs the platform and COPIL) and with the National Land Reform Commission

(*Commission Nationale de Réforme Foncière - CNRF*). Senegal’s tenure reform efforts have also been enhanced by the national donor working group on land, chaired by FAO, and among the few selected national working groups supported by the Global Donor Working Group on Land (GDWGL).

In collaboration with the MAER, FAO organized a series of consultations with all concerned stakeholder groups for the development of the final draft of the land policy document. Several versions of the draft were also discussed during two national workshops of the multi-stakeholder platform, the second one co-chaired by the President of the CNRF. This document is the result of a participatory and transparent tenure reform process, unprecedented in the country and completely inspired by the VGGT. Meanwhile, COPIL has conducted a number of studies (i.e. on generalized land registration: feasibility and impacts on farmers;



Members of the Podor local platform.



and a pre-feasibility study of a national land observatory) and held permanent discussions to aid the land reform process.

Finally, CNRF submitted the final draft version of the land policy document, including a number of stipulations in line and/or inspired by the VGGT, to the President of the Republic in March 2017. However, the President dissolved CNRF without officially reacting to the document. Since then, no significant progress has been made regarding new steps in the land reform.

Despite not being conclusive to date, this reform initiative has generated consensus on several important aspects, among which, the need:

- to transform the current occupancy rights of rural dwellers in real rights, while protecting pastoral and forest areas;
- to grant farmers the inheritance of land. The main barriers concern the extension of real rights and the level of control of land management between central and local governments;
- for more investment in land management instruments, and better control mechanisms to address elite favoritism, tacit approval of land sales and leases by local authorities and corrupt practices.

However, there is no consensus on a certain number of questions, such as the legal recognition of customary rights (*de jure* and not only *de facto*).

“ The action of the national platform was carried out between 2015 and 2017, in close connection with the land reform policy agenda, that is to say that thanks to the project, the land reform document was inspired by the major principles of the VGGT, which is undoubtedly one of the most significant results. ”

SILVIA BERGAMASCO,
Italian Agency for Cooperation and Development

It is noteworthy that, even though the land policy document has not been officially endorsed, the reflections around land governance will not stop in Senegal in the near future. On the contrary, they will most likely be re-launched as a side-effect of the preparation and implementation of new important projects funded by the World Bank and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. Thanks to FAO's supports and advocacy activities, the Senegalese Ministry of Finance and the World Bank requested the national MSP and the COPIL DV/GF to participate in the various missions and in the discussions that aided the formulation of the new World Bank

Rural Cadaster and Land Security Project (PROCASEF). The MSP involvement ensured an inclusive and participatory approach, which would have been considerably more limited without it. It also gave the MSP the opportunity to gain recognition from international partners, especially the World Bank, of their experiences and lessons learned regarding the securing of land rights. As a result of this recognition, COPIL was entrusted with the drafting of the component on the establishment of a national Land Observatory by the World Bank in the PROCASEF project document. Moreover, the MSP is now expected to play a key role in the development and functioning of this observatory.

“ By disseminating the VGGT the project enabled us to strengthen our advocacy to carry out at national level a participatory, inclusive reform for all communities of farmers. The pastoralists, the fishermen, the farmers, everyone had their say. ”

MARIÈME SOW,
Deputy and Mayor of Ouarkhokh municipality.
Environnement Développement Action pour la Protection Naturelle des Terroirs (ENDA Pronat)

It is also noteworthy that, in the context of the VGGT programme, FAO supported several other reform processes and legal improvements. Thus, as a direct result of the VGGT buy-in, the Ministry of Fisheries and Maritime Economy (MPEM) drafted a new Inland Fisheries Law. The FAO project supported a consultative process, including local fishermen groups and other concerned parties. The results of these consultations were incorporated in the draft law document. The COFIL, with FAO's support, has also contributed to the dissemination and implementation of the new Forest Code through a participatory and consultative process; and has assessed forest governance with respect to the VGGT in the "Voluntary Guidelines informed forest tenure assessment framework".

“ The operationalization of the VGGT has had excellent results, in particular in setting up a unique framework for dialogue that brings together all the local land stakeholders: administrative authorities, local elected representatives, technical services and civil society. ”

YERO DIAW,
Head of the pastoralism department of Podor

“ The experiences of local governance and the local tools such as platforms have enriched the debates at national level. In the same way, the debates at national level allowed the establishment of a regional platform. We are even discussing the adoption of a land charter at the regional level, bringing together the countries of the Senegal River Basin, to finally achieve food security in the region. ”

IBRAHIMA DIALLO,
Coordinator of the SRB project

OPERATIONALIZATION OF THE VGGT AT LOCAL LEVEL

One of the main achievements of the VGGT programme in Senegal was the significant effort made for translating technical recommendations and principles of the VGGT into impact on the ground at village and community level.

Initiated under the Senegal River Basin (SRB) project titled "An improved governance of tenure for a shared prosperity in the Senegal River Basin", funded by Germany and with the aim to promote the mainstreaming of the VGGT in land policy in the Basin, the innovative approach consisting of setting up local MSPs to address concrete land issues through an inclusive multi-stakeholder dialogue was first tested in Podor, Senegal. The concept then spread to other regions of Senegal: Matam, Casamance and recently the Niayer region as well as to

other countries (Mali, Mauritania, Guinea, Colombia, etc.).

In collaboration with these local platforms or independently, some members of COFIL developed local governance initiatives, supported by FAO, such as:

- establishment of codes of conduct and good practices in land management validated by multi-stakeholder dialogue groups in five different areas of the country;
- increased awareness among local populations on the importance of ensuring access to land to women and youth, on the VGGT in general as a result of the dissemination of adapted and contextualized documentation, radio-broadcasts and video-broadcasts;
- better understanding of the impacts of investment projects and increased dialogue among local communities, the private sector and CSOs through the development of assessment frameworks and dialogue mechanisms;

- more inclusive local decision bodies through the expansion of Local Land Commissions including women and youth and the development of land charters;
- better knowledge about land tenure and soil quality through studies conducted by the National Institute of Agronomy

at national level and after, in the Niayes region by a group of COPIL members;

- direct support to communities and municipalities for large land registration operations (cf. figures in section 4).



@FAO

“ This project allowed us to produce tools and to really test the applicability of these key principles that are the Voluntary Guidelines at the local level. And that really allowed us to create a multi-actor dialogue, a space for debates, meetings, exchanges, where young people are involved, women are involved, all categories of actors are involved. ”

CHEIKH OUMAR BA,
Executive director of IPAR

@FAO

4. CHANGES AND ACHIEVEMENTS

IMPROVED GOVERNANCE THROUGH ESTABLISHMENT OF LOCAL LAND GOVERNANCE DIALOGUE PLATFORMS

The local MSP set up in Podor (Senegal River Valley) has built strategies and mechanisms to reduce conflicts among community members. The platform benefits from great legitimacy and operational strength, due to its multi-stakeholder composition (local administrations, municipalities,

“ There must be a framework, a space that guarantees tools for dialogue, common understanding, negotiation and learning, in order to help appropriate decision-making at the local level. ”

NADJIROU SALL,
CNCR

decentralized technical services, farmers’ organizations, women’s and youth associations, the private sector, etc.) and its good adequacy with the local land agenda in this part of the Valley. The platform provides a deeper analysis of land issues, including agribusiness developments, environmental issues, land degradation, land negotiation and conflict resolution. Very concretely, the local MSP supported the setup of a land conflict management committee composed of mayors willing to gather and advise community members on conflict solving. It brought these issues to the attention and consideration of national policy debates and decision-making bodies through the national platform.

Three other platforms have been established and facilitated thanks to FAO’s support: one in Médina Yoro Foulah (Casamance), dealing mainly with forest tenure governance and aiming to prepare an inter-municipality convention on forest management and a toolbox on forest tenure governance; another one in Matam (Senegal River Valley) dealing with land and natural resources governance in a context of challenging and potentially conflicting mining issues; the third and more recent

“ Pastoralism is the flagship activity of the Podor department, and it represents the bulk of economic development, insofar as nearly 80 percent of the territory is occupied by diéris (pastoral non-floodable land in the Senegal River Valley). The local Podor platform was the first set up in Senegal in 2017 and it was a opportunity for us to be able to defend pastoralists’ interests at the level of the department. But it also allowed discussions between pastoralists and farmers, via the conflict prevention and resolution committee, which helped resolve many land disputes. ”

YERO DIAW,
Head of the pastoralism department of Podor.

platform was created in the Niayes region and aims to support the integrated approach described in the next section.

STRENGTHENING KNOWLEDGE, DESIGNING INNOVATIVE TOOLS AND APPROACHES

In Senegal, the fruitful association in the MSP of think tanks, research institutes and experienced governmental and non-governmental institutions led to the production of an abundance of documentation, including studies, baselines, videos, adaptations and translations of VGGT tools into local languages, etc. COPIL members also joined their efforts to create innovative tools and approaches aiming to concretely improve local land governance. We will not give an exhaustive list of these products in this document, but rather focus on some of them to show their diversity and some interesting results and achievements.

The *Initiative prospective agricole et rurale* (IPAR) led a study on the feasibility and interest of a general land registration in Senegal and its possible impacts on farmers, as evoked during the land policy debates. The conclusions were that a generalized land registration system is difficult to implement due to the substantial need of human, technical and financial resources. In addition, such a system would not promote credit, quite the contrary. It appears that in Senegal, agricultural investments are not necessarily linked *ipso facto* to the quality of the land title. Another study conducted by the Senegalese Institute for Agronomic Research (ISRA) demonstrated that in order to evaluate links between tenure security and investments, it is essential to consider household strategies to improve soil quality. From this perspective, ISRA has observed that titling encourages practices to improve soil fertility and other land degradation mitigation measures. The results were disaggregated by eco-geographical zones to prove that the impact of titling is greater for parcels located in areas with agricultural and breeding potential, but also in zones where pressure

over land for mining and/or urbanization is even greater.

Other studies addressed the feasibility of a national land observatory or the preparation of a baseline of the land tenure situation in the Niayes (cf. next section).



The FAO project in the Niayes region promoted an integrated approach of natural resources management considering the nexus land-water-soils.

The National Council for the Concertation and Cooperation among Rural people (CNCR), supported by FAO, prepared an assessment framework for investment projects with land implications. Validated by the COPIL, this framework is an operational tool for monitoring and evaluating public or private investment projects and assess their land tenure impacts in light of the VGGT principles. It aims to assess the level of consideration given to the rights of local communities, in particular young people, women and vulnerable groups, as well as the different uses of natural resources within the framework of the projects with a view of fostering responsible investment and to give rural communities some

advocacy elements to negotiate fairly with investors. CNCR, with the collaboration of IPAR and the Innovation, Environment and Development in Africa (IED) tested this assessment framework towards projects promoted by several private companies: Asyla Gomme, *Société de Cultures Légumières* (SCL), Sabodala Gold Opération (SGO) and Rand Gold. Based on these experiences, the framework has demonstrated to be a relevant tool; and it should be institutionalized as a project assessment instrument.

Another tool developed and promoted under the aegis of the VGGT programme was the local land charter. Thanks to the facilitation provided by the Council of NGOs involved in support to development (*Conseil des Organisations Non*

Gouvernementales d'Appui au Développement CONGAD), six municipalities have prepared and endorsed this type of document and, among them, five have opened their land commissions to the participation of citizens.

The charter aims to put in writing and to promote practices of citizen's participation in land management, by establishing values, principles and rules in a consensual land governance approach. It is considered as a dashboard for all stakeholders in land management. The charter, in addition to the legal framework in force, meets the following objectives: (i) improve the involvement of citizens in the functioning of the municipal institution in conjunction with the existing participatory bodies and mechanisms at local level; and (ii) specify the modalities of procedures, as well as of citizen control in the land governance processes. Thus, the charter establishes concerted, transparent and peaceful land governance and in doing so, contributes to improving the quality of the local land tenure service. The document itself is divided into three parts: (i) a first group of articles on improving the functioning of the municipal council; (ii) a second group addressing the establishment of local rules of good land governance; and (iii) a third group dealing with the establishment of a system of citizen control and monitoring of the implementation of the charter.

Facilitating dialogue among the various stakeholders: a key aspect of the local MSP experience.



© FAO/ROPEN - Marouboé Niger

INNOVATIVE INCLUSIVE APPROACH OF LOCAL LAND GOVERNANCE IN NIAYES REGION

In the coastal region of Niayes, located not far from Dakar in the north of the Cap-Vert Peninsula (cf. map p.3), the COPIL members decided to join efforts and undertake combined activities, aiming to experiment new local governance integrated approaches, including not only land tenure, but also other aspects such as agro-ecology, sustainable agricultural development and land degradation mitigation. The idea was that the intervention area should cover a small number of contiguous municipalities (three to five at the most) likely to work together in improving land governance and natural resources management. The Niayes region was chosen due to the importance of the land issues in this almost peri-urban area (concerning agriculture, mining, forestry, housing, etc.), the sustained interest already shown by all COPIL members (whether state or civil society), and the motivation of the local populations.

Thus, this part of the FAO project supported by Italy focused on the Méouane district (Thiès region) and more specifically in the municipalities of Darou Khoudoss,

Méouane, Taiba Ndiaye and Mboro. It was also connected to the Gender & Land project implemented in Darou Khoudoss by IPAR and the CNCR and funded by CRDI (Canadian Research Center for International Development). The latter intended to promote the results of previous projects carried out by the NGO ENDA Pronat, an active member of the COPIL, and funded by the ROSA Luxembourg Foundation on women's access to decision-making bodies and to land. These projects had already set up the premises of a local platform on land governance covering these four municipalities.

The involved partners explored the issue of securing agricultural land through a participatory, inclusive and systemic approach combining the improvement of the local land governance framework (legal and economic) and the security of family farms' tenure. The objective of the research was to assess the complementarity of the tools, processes and instruments of land governance developed by the members of the COPIL for optimal management of local land governance issues.

In practice, the project followed an integrated model composed of four axis:

- **Axis 1:** research-action for an integrated model of local land governance;
- **Axis 2:** support for improving the local land governance framework;
- **Axis 3:** support for securing land tenure for family farms;
- **Axis 4:** coordination by the COPIL DV/GF secretariat of the capitalization and communication of results, as well as of advocacy to influence the land reform process.

Progress in land titling

The first task led under this activity was the sensitization of the different categories of actors through: i) the organization of community fora to raise awareness of these various categories of actors on protection of family farms' land rights, which mobilized around 200 beneficiaries (46 percent of women); ii) the organization in each municipality of a series of working meetings with the members of the land commissions, each having registered about 20 participants with the aim to discuss the terms of collaboration between the members of the land commissions and the land coordinators in the allocation and land titling procedures; iii) the organization of more than 50 village meetings and family talks, which mobilized around 2 000 people, including 345 women. The project also strengthened the capacities of 194 elected officials and municipal secretaries (including 76 women) of the four targeted municipalities. The training sessions addressed topics such as the legal framework on land, the Mining Code, Companies Social Responsibilities (RSE) and participatory mechanisms for

local land governance. In the same municipalities, the project provided 40 land registers, 40 receipt-of-orders booklets, 40 deposit registers and 500 copies of deliberation requests. As of 30 November 2020, out of the target of 400 requests, 310 land titling procedures had been completed, including plot maps. Moreover, since the start of project activities, an increasing interest of the populations in the regularization of their land has been noted. This materialized in 233 deliberations in 2020.

Support for land development

The project promotes an integrated approach of land tenure security and land development through the improvement of the economic security of family farms. A particular emphasis was put on capacity building on agroecological techniques and on the strengthening of production factors. Regarding capacity building, after a meticulous needs assessment, a strategy was adopted consisting in carrying out a first session on the training module entitled “Concept of Agroecology: definitions & dimensions”. This session has been followed by practical trainings in the form of farmer field schools (FFS). With regard to the improvement of production factors, each of the 16 targeted producers has

been provided with sprinkler irrigation kits covering an area of 0.25 hectares (ha).

Assessment of the land tenure situation

The project partners established the baseline situation of the local land governance in the Niayes, which shows that the main economic activities consist in market gardening, rain-fed agriculture and arboriculture (87.2 percent). Each family farm works on an average acreage of 5 hectares, 56 percent of which is reserved for rain-fed crops, 23 percent for market gardening and the remaining 21 percent for arboriculture. Land is essentially inherited (62 percent), bought (5.3 percent) or borrowed (4 percent), regardless of gender and/or age group, but with a real advantage for men. The areas exploited by family farms evolved negatively between 2005 and 2020 according to more than half of the respondents, mainly because of competition with industries (56.6 percent) or the combination of population increase and the presence of industries (15 percent). The assessment of the land use dynamics in the Arrondissement of Méouane from 1973 to 2019 is marked by an increase of the shrub steppe (18.88 percent), yellow dunes (0.51 percent), coastal dunes (0.003 percent), residential areas (2 percent), and quarries and mines (3.48 percent). It also indicates

“ The recognition of land rights is very important but it must be accompanied by land reclamation because land rights are meaningful only if communities manage to use it to achieve food and economic security. In this sense, the VGGT really serve the interests of the communities and support us in our field actions, which aim to inform the communities about the VGGT recommendations, support them in their deliberations, help them access funding to buy equipment, enhance their land use and even support them until the marketing of their agricultural production. ”

MARIÈME SOW,
ENDA Pronat

a decrease of land dedicated to rainfed crops (14.24 percent), wooded savannah (6.34 percent) and surface water (4 percent). This baseline situation led to the definition of local governance indicators for securing land tenure for family farms. These indicators were validated during the annual retreat of the COPIL held on 13 November, 2020.

WOMEN'S ACCESS TO LAND CONCRETELY IMPROVED

In Senegal, women's access to land varies according to eco-geographical zones. In Casamance, where rice cultivation is exclusively practiced by women, over 60 percent of women report having access to land; in eastern Senegal, it is almost 70 percent of women. In areas of the Ferlo, River Valley and Niayes, areas where production systems require more participation from all members of the family, the percentages are lower and vary between 20 and 30 percent.

However, instead of individually, women often have access to land through the family and women's associations. Primarily, women turn to their families for access to land. This reflects the fact that the land is considered a family asset, rather than an individual one. A single young man gets access to land through his father, brother or other male relatives, a woman through her husband. But the older the woman is, the easier it is for her to gain access through her family, her husband or her sons (source: Fatou Diop Sall, Coordinator of the *Groupe d'Etudes et de Recherches Genre et Sociétés* [GESTES], Gaston Berger University, Saint Louis, Senegal).

Therefore, the lack of access to land for women is less of a legal problem than a social or even cultural problem. Based on this observation, the VGGT programme has promoted approaches that brings the problem back to the community level, in order to find an approach to influence local practices in a way to strengthen women's land rights. Senegal paralegals, members of the Female Paralegal Association (Female Paralegal Association (Association des Juristes Sénégalaises, AJS) have been trained to apply their knowledge to make a concrete change on the ground by helping women and community members



A Niayes farmer trained in agroecological practices becomes a trainer trainer of farmers

Binta Ba, a woman in her fifties, lives in the commune of Mboro and is a member of the Association of the Niayes market gardeners. She worked extensively as a merchant prior to acquiring some land with her savings, turning her passion for market gardening into a new career. She used to cultivate her land with conventional methods with disappointing results: «With the practice of conventional cultivation, we assumed we could save money on agriculture, reducing production time and factoring in competitive prices. But if we take into account the elevated need for water and labour, the gradual loss of biodiversity around the fields and the rapid degradation of soils, we realize that intensive agriculture often costs more than the return on investment.»

With the arrival of this new project, she had the chance to be one of the 16 producers selected for the testing phase of agro-ecological practice in the Niayes area. With

ENDA Pronat support, Binta received modified seeds, irrigation equipment and fertilized trees. She was trained on agro-ecological practices, such as compost and bokashi, which have replaced chemical fertilizer in all her fields. Not only do these practices preserve biodiversity and prevent over-worked soils, but also the need for intensive labour has reduced, meaning less effort to work on the fields, giving her more time to engage in other activities.

Binta has already developed two hectares by growing organic potatoes, and this year she has built up a seed reserve for the next season. Binta has been contacted by other producers in her commune and beyond, to be trained and to integrate the project to reduce the use of chemicals and increase the value of their lands. She has thusly become trainer of farmers spreading knowledge of agro-ecological practice in the Niayes area.

to obtain land titles. This is a concrete example of how change agents can be trained on the ground to concretely support women's access to land and help them to reduce discrimination during the titling process.

“ The project helped empower women across the region. Women have more access to land, they contribute more to decisions about family farms. They know their rights and duties better, and now the heads of household consult with them for rural activities and to make decisions related to the household. Women also now have more access to decision-making bodies. For example, some have actively integrated municipal councils. Others have become Presidents of Producers' Organizations. ”

DIEYNABA DIALLO,
President of the Women Promotion Groupe
(Groupement Promotion Féminine - GPF)
Kawral Sinthiou Sambarou, which has gathered
over 30 women around farming and pastoralist
activities.

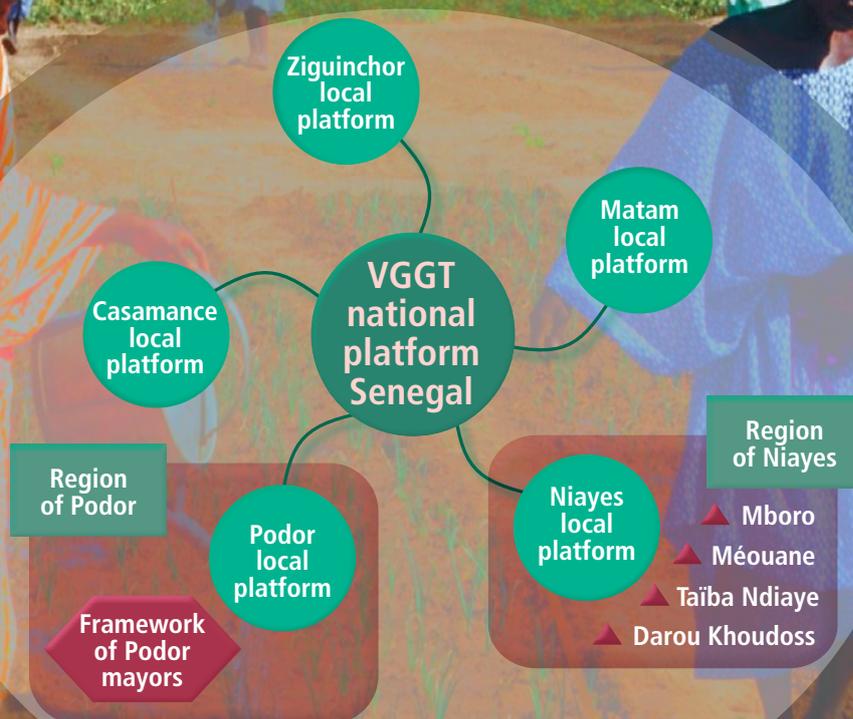


The COPIL Member ENDA Pronat and AJS collaborated in several municipalities to promote dialogue and consultation with the various local actors through an inclusive approach, while emphasizing capacity building of women to help them more efficiently claim their rights; the

objective is to socially negotiate land rights for women and have them legally validated through land titling. ENDA and AJS closely worked with mixed farmers organizations and women's groups to enable them to continue to support the women once their intervention is complete.

It is also noteworthy that in Senegal, the COPIL members participated in the evaluation of the country's progress on SDG indicator 5.a.2 "women's equal rights to land ownership and/or control of land."

Local MSPs in Senegal



BUILDING DIALOGUE AND PARTNERSHIPS KEY TO IMPROVE GOVERNANCE OF TENURE

Senegal was a pioneer country in setting up a national and several local multi-stakeholder platforms dedicated to land governance after the endorsement of the VGGT. COPIL, with FAO's support succeeded in positioning the national MSP as a pivotal actor at the heart of the land agenda. This played a key role in the series of consultations with all concerned stakeholder groups both for the development of the final draft of the land policy document and of major land tenure projects promoted by the World Bank or GIZ. The recent extension of the platform, now involving the Ministry of Finance and several other governmental entities, gave the opportunity to ensure that these new initiatives will be discussed in a multi-stakeholder arena.

The national MSP has also been at the core of ongoing plans to build a monitoring and evaluation system for tenure governance. This is a process involving several members

(such as IPAR and CNCR). As part of this process, FAO supported the preparation of a pre-feasibility study, with the objective to analyze the needs and viability of a land observatory in the country context. The study was based on participatory methodology with a consultation process to ensure that the points of view of the different categories of stakeholders were considered. The land observatory in Senegal is perceived as a tool to orient and monitor frameworks and policies in place to improve tenure governance. The indicators prepared for the global land index (LANDex), with financial and technical support from ILC, may contribute to the evaluation tasks of the planned land observatory and help monitor how the VGGT are implemented in Senegal.

The multi-stakeholder approach has also demonstrated its relevance at local level, in particular because it allows a holistic way of managing natural resources and not only land tenure as a standalone issue. A good illustration is the experiences led by COPIL in the Niayes and in Podor (where the local MSP now has a recognized role in preventing land conflicts). Although an inclusive and clearly defined multi-actor process requires more investment of time and resources at the beginning of the process, it is more likely to improve governance of tenure in the long run.

IMPORTANT CHALLENGES REMAIN

With the draft land policy document not adopted and the reform process temporarily halted, the main land tenure challenges remain in Senegal. While the participatory and inclusive reflection organized by the CNRF did not successfully lead to a land policy document accepted at the highest political level, the new important initiatives funded by major donors may prompt significant political and legal changes, not necessarily approved by public opinion. Therefore, it is particularly important in the long term for the system of the MSPs to maintain its multi-actor dynamic in discussing and planning strategies. The multi-actor approach in Senegal involves considering and consolidating a wide variety of interests and priorities that need to be integrated continuously into a coherent framework.

There is a need for a much stronger private sector engagement, which is crucial to avoid tenure conflicts and ensure sustainable and



“The project has led to a sustainable impact by producing studies that have inspired other ongoing projects, in particular on the land observatory, the project on land registration, as well as the project on the integration of issues related to agribusiness in responsible land governance.”

SILVIA BERGAMASCO,
Italian Agency for Cooperation and Development

© FAO/Benedicte Kurzen

responsible investments. There is scope for greater engagement of private sector representatives in the national processes of tenure governance, and specifically in the operationalization of the VGGT.

As explained in the previous sections, the MSP and COFIL have led a lot of valuable local land

governance experiences and created innovative tools, such as the land charters and assessment framework of the investment projects. There is now a need to scale up these initiatives, which means to convince other partners, projects and donors to adopt and promote them in other regions and at a larger scale.

Reference

Agence Nationale de la Statistique et de la Démographie 2016. Projection de la population du Sénégal. 2013-2063. Ministère de l’Economie, des Finances et du Plan. 168 p. (also available www.populationpyramid.net/senegal/2050).

Collectif Stratégie Alimentaire 2011. Sécurité alimentaire et organisations intermédiaires: évaluation et identification des besoins de renforcement des capacités des organisations de producteurs dans six pays de l’UEMOA et de la CEDEAO. Rapport Pays Sénégal, Projet WAF/6349, Bruxelles, April 2022

Faye J., Bâ C. O., Dièye P. N., Danso-Kho M. 2007, Implications structurelles de la libéralisation sur l’agriculture et le développement rural au Sénégal (1950-2006). Rapport de la première phase de RuralStruc, Banque mondiale, Asprodeb.

Oussouby Touré 2013. Fiche pays n°3: Amélioration de la gouvernance foncière au Sénégal – Enjeux actuels et défis pour l’avenir, Comité technique «Foncier et développement».

PRINDEX Comparative report 2019 (also available <https://www.prindex.net/reports/prindex-comparativereport-march-2019>).

Sall Fatou Diop 2010. Genre et accès au foncier au Sénégal, ict4d article, LEAD Afrique francophone.

THE VOLUNTARY GUIDELINES: SECURING OUR RIGHTS **SENEGAL**

“ Whether it is herders or farmers, everyone today is aware of the importance of the management of natural resources and especially of land tenure. All partners must help populations to preserve their land resources because their survival depends on it. ”

YERO SOW, Deputy and Mayor of the Commune of Ouarkhokh

Success stories

Cover photos: © FAO / Eran Raizman

Printed on ecological paper



Some rights reserved. This work is available under a CC BY-NC-SA 3.0 IGO licence

Working for  #ZeroHunger