

Local use agreements:

Contributing to decentralisation and democratisation

There is growing degradation in sylvo-pastoral lands that were originally under common property regimes, but over which the state now asserts ownership. User associations are being given the right to take charge of regulating how these areas are sustainably exploited by means of use agreements, and are proving an effective instrument in halting the degradation process.

In many developing countries, especially those of the West African Sahel region, degradation of natural resources has reached alarming proportions. The reasons include overexploitation due to population pressure, inappropriate management methods, excessive livestock numbers and increasing use of traditional fuels such as wood and charcoal by urban households.

Traditional land tenure systems no longer function, primarily because they have been overlaid with “modern” laws since countries gained independence. There is a widening gulf between legislation and legal reality. The state asserts ownership over sylvo-pastoral lands, but is unable to enforce this against the traditional use rights enjoyed by the local population, who use these areas as pasture for their livestock, for gathering wood, hunting and collecting a variety of natural products (e.g.

gum arabic). They depend on these lands for their livelihood. Although it asserts ownership over these areas, the government is not in a position to maintain them in a functioning state. Civil servants sometimes also contribute to the destruction of resources by granting too many licences (e.g. for harvesting wood or charcoal) or by tolerating clear instances of overexploitation.

The role of user associations

This dilemma can be overcome if traditional tenure relations for common land are revived or if new systems that fulfil the same function are set up in their place. Establishing user associations, for example, is one solution. Every person in a given region who has traditional claims relating to common land, in addition to the arable land allocated for his/her individual use, is involved in the group. Responsibility for the use of natural resources is assigned to the group, and the government takes a hands-off approach, no longer influencing matters directly. It retains a supervisory role, however, ensuring that the user associations comply with certain basic conditions in order to be viable. In addition, it provides support to enable



Mauritania is among the first countries that established local use agreements.

the groups to carry out their functions, especially regarding technical matters and enforcement of legal claims such as sanctions for violations of standards. Setting up user associations is thus an important part of a policy aimed at state disengagement, decentralisation and democratisation and at reinforcing individual responsibility. Development cooperation can provide effective support for a policy of this sort by initiating the process and actively monitoring the establishment and activities of such associations. It can act as a link with the state administration (ministries, subordinate regional authorities and local authorities) and encourage the transfer of responsibility to the newly established organisations.

This approach was first developed by the Deutsche Gesellschaft für Technische Zusammenarbeit (German Technical Cooperation – GTZ) in Burkina Faso in the mid-1990s. Since then, the path has been taken in eight countries including Benin, Cameroon, Mali, Mauritania, Niger, Senegal and

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Chad as well as Burkina Faso. The use agreements drawn up in this context have been documented and the experience gathered has been evaluated in several rounds of cross-sectional analysis. The present article reflects on this work and on the findings of a mid-term evaluation of the German-funded "Natural Resource Management Programme" in Mauritania.

In Mauritania, eight steps proved necessary for establishing user associations and the subsequent drafting and implementation of use agreements:

- 1 Identification of suitable spatial units and establishment of a user committee;
- 2 Legitimation of the user association by the state administration;
- 3 Setting the boundaries of the area covered by common resource management;
- 4 Ecological survey to establish baseline indicators;
- 5 Application to state administration for resource management mandate;
- 6 Formulation of a use agreement with involvement of all stakeholders;
- 7 Transfer of responsibility for resource management to the user association

by edict of the relevant organ of the state administration;

- 8 Implementation of the use agreement, including controls and sanctions.

This procedure involves a step-by-step process that takes place between the local population and the state administration, with development cooperation taking on the role of initiator and moderator. It is important to ensure that everyone concerned is involved from the outset. This includes all groups residing in the area (particularly important if there are different ethnic groups in an area), local leaders and people in authority, semi-nomadic herders that need opportunities to drive, graze and water their livestock, trade associations and interest groups and – if present – non-governmental organisations. The involvement of government administration includes formal acts such as recognition of the group, the relevant area administration (prefect, sub-prefect, etc.) and regional services of the sectoral ministries (agriculture, forestry, veterinary service). The sectoral ministries provide specialist advice and ensure the technical quality of the use agreements. The role played by decentralised local authorities depends on the level of responsibility for resource management assigned to them under the given decentralisation policy, and the degree to which they involve user associations in spatial development activities.

Most use agreements include rules for a variety of uses, provisions governing the relationship among the different kinds of resource management within the area covered by the user association (land-use planning or zoning) and rules governing sanctions for violating the agreement. Examples of rules for specific types of use and what they cover are given in the figure.

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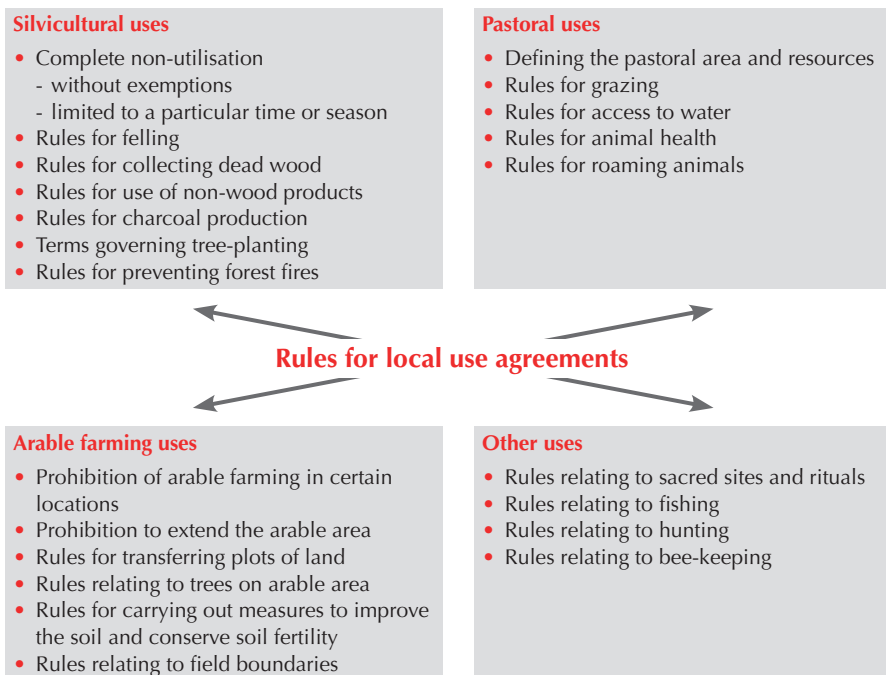
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Content of use agreements



Traditional use rights are taken into account by allowing the local population certain leeway. It is permitted to harvest grass, gather dead wood, cut twigs or collect plant products to meet the immediate needs of a household. For quantities exceeding this they must pay a fee laid down in the use agreement. Utilisation by persons not belonging to the area is subject to payment of a fee. Anyone – including transhumant

nomads – is permitted (under Islamic law) to keep animals at gathering places, generally connected to watering points, and graze them there for up to three days free of charge. After that, a fee is charged based on a sliding scale depending on livestock type and herd size. Income from these fees is at the disposal of the user association. In the event of non-payment for any utilisation of the land that normally incurs a fee, a fine is lev-

ied that is several times higher than the utilisation fee. Penalties are also payable in the event that the land is used in a way that is fundamentally prohibited. With this income, the user association is able to pay for a surveillance system operated by field wardens or rangers. The wardens or rangers monitor compliance with the various rules and collect fee payments.

Strengthening responsibility

Experience shows that participants identify strongly with use agreements that they have contributed to drafting, that reflect their traditional sense of justice and that they perceive to be effective. Restrictions on utilisation are accepted not least because they also offer protection from competing outside users. An important responsibility that falls to the government in this regard is to support the user associations when implementing sanctions, including sanctions against influential interests. Strengthening individual responsibility, combined with the establishment of appropriate institutions, are prerequisites for withdrawal of the state and lead to more sustainable use of natural resources.

Zusammenfassung

Die Degradierung ursprünglich gemeinschaftlich genutzter Wald-Weide-Flächen schreitet in vielen Entwicklungsländern voran. Die traditionellen Bodenverfassungen der Vergangenheit funktionieren nicht mehr. Meist beansprucht der Staat ein Eigentumsrecht an diesen Flächen, ohne es gegen traditionelle Nutzungsrechte der lokalen Bevölkerung – die auf die Nutzung dieser Flächen angewiesen ist – durchsetzen zu können. Ein Weg aus diesem Dilemma besteht darin, alle Inhaber traditioneller Nutzungsansprüche zu Nutzergemeinschaften zusammenzuschließen. Diesen wird das Recht übertragen, die Flächennutzung in eigener Verantwort-

tung durch Nutzungsvereinbarungen zu regeln. Die Erfahrungen der GTZ, die diesen Ansatz in acht Ländern Westafrikas praktiziert, sind positiv. Diese Maßnahme leistet einen Beitrag zur Dezentralisierung und Demokratisierung und führt zu einer nachhaltigeren Nutzung der natürlichen Ressourcen.

Resumen

La degradación de las áreas de bosques y pastizales que originalmente han sido de uso comunitario sigue agravándose en muchos países en desarrollo. El derecho consuetudinario tradicional de propiedad de tierras es un legado del pasado y ya no resulta eficaz. En la mayoría de los casos, el Estado sostiene su

derecho de propiedad sobre estas áreas, pero es incapaz de hacerlo valer frente a los derechos tradicionales de uso de la población local, la cual depende de la explotación de estas tierras. Una solución al dilema consiste en reunir a todos los titulares de derechos tradicionales de uso en asociaciones de usuarios, a las cuales se concede el derecho de regular la explotación de dichas áreas bajo responsabilidad propia, mediante acuerdos de uso. La GTZ viene aplicando este enfoque en ocho países de África Occidental, y sus experiencias han sido positivas. Esta medida contribuye a la descentralización y a la democratización, y conduce a un uso más sostenible de los recursos naturales.