**SECURING LAND RIGHTS AT SCALE THROUGH PARTICIPATORY ROLE-PLAY:
THE FOREST INVESTMENT PROGRAM IN BURKINA FASO**

Contents

I. INTRODUCTION AND CONTEXT

Questions over land access in Burkina Faso can be addressed through the classical lens of the Commons. In Burkina Faso, issues related to land tenure and the governance of natural resources have been explored in the past through different approaches -private ownership, centralized and decentralized State management, community management- with varying degrees of success.

Several initiatives to formalize individual property through land titling and registration resulted in mixed outcomes[1] (Platteau, 1996) and thus encouraged a shift from pure individual towards more participatory and collective approaches to land governance. Exemplifying this shift is the decentralized management of state-owned resources such as "classified" forests (*forêts classées*) where the state centrally establishes use plans but transfers the actual management to capable local entities. However, this approach cannot address tenure security and land use planning issues in the vast majority of rural areas in Burkina Faso, where land management is predominantly collective and custom-based.

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[1] Platteau, J.-P. 1996. "The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: A Critical Assessment." *Development and Change* 27 (1):29-86.

For most of these lands managed under customary law research in institutional economics[2] (Ostrom, 1992) and social sciences[3] (Delville, 2010) have long advocated for the need to implement rules (rights, duties, sanctions)[4] understood by all local actors in order to develop rural plans and land institutions that are reliable. To achieve this, rules must be incorporated in the local norms, mobilize existing authorities based on their capabilities, and rely on sanctions understood and enforceable locally.

In this context, the Forest Investment Program (FIP) was launched with the objective to reduce carbon emissions through deforestation and forest degradation (REDD+) in Burkina Faso by improving the use of its natural capital. This was to be achieved by strengthening the governance over communal lands in 32 communes (about 10% of the country), with the idea to replicate the initiative nationwide, if successful.

The FIP was established based on two principles: (i) follow the administrative jurisdictions in order to align its approach with the decentralization and land tenure legal frameworks; and (ii) cover a significant part of the territory to test a methodology that could eventually be applied at scale, and responded to the political necessity of deploying land governance solutions over the entire territory. Contrary to other projects, the FIP focused on a communal level. It corresponded to the smallest territorial entity, as defined by the decentralization process, and therefore made it the smallest legitimate level at which land tenure management could be applied.

The FIP implemented a series of decentralized activities to increase the capacity of regional and communal institutions with regards to natural resources governance and tenure. More specifically, the program supported the creation of land use schemes in all 32 communes, based on an innovative, inclusive and transformational methodology that puts local actors in the driver's seat to accurately identify local challenges and come up with consensual solutions.

To reach this objective the FIP used the TerriStories®[5] approach, developed by the CIRAD (UMR GREEN) and based on experiences from the MARP, the COMMOD, and other role playing-based methodologies. The participants gather around a board game representing their territory and discuss how to make use of the natural resources (fields, pastures, water, etc.) across several dry and wet seasons. By setting them in their own environment, the game enables participants to mobilize their practical knowledge and confront their views and interests. A diagnostic tool including specific suggestions to improve the resource governance is progressively developed as the game evolves, and the rules of access are proposed, debated and negotiated. The process takes 3 to 4 days, at the end of which all the suggestions are debated and agreed to by all the participants.

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[2] Ostrom, Elinor. 1992. *Crafting Institutions for Self-Governing Irrigation Systems*. San Fransisco: ICS Press
[3] Lavigne Delville, Ph. 2010 Tenure security, formalization of rights, land regulation institutions and investments. For a broader conceptual framework. Land tenure journal 1-10 : 5-34.
[4] Schlager, E., et Elinor Ostrom. 1992. "Property Rights and Natural Resources. A Conceptual Analysis." *Land Economics* 68 (3):249-262
[5] A game of Patrick D'Aquino, Cirad, UMR Green.

The main constraint associated with this methodology was to successfully end up with specific suggestions and rules on the governance and usage of natural resources on one hand, and ensure that these suggestions are implementable at the communal level -as opposed to the village level- on the other hand.

To increase the chances of success, four operational challenges were addressed prior, during, and after the TerriStories® workshops:

(i)   Ensuring a fair representation and the legitimacy of the participants in suggesting rules applicable to all the local actors in the Commune;
(ii)   Identifying and accounting for all major challenges related to land tenure
(iii)   Integrating all the proposition into a coherent development plan that is integrated and innovative;
(iv)   Developing instruments which can later be integrated into existing (PCD, POS) and future (SC-ADD) planning tools.

These four challenges were addressed during the process leading to the land use schemes (POAS).

II. METHODOLGY

To develop these schemes, the FIP developed a methodology around the TerriStories® workshop that includes several steps:

Selection of the representative actors/ Testing of the methodology ➔ Pre-diagnostic ➔ TerriStories® workshop ➔ Design of the Communal Notes ➔ Recap session ➔ Development of the Communal Plan for Integrated Development (PDIC) ➔ Integration into communal planning documents.

Two tests were performed before initiating the process: one at the beginning, to fine-tune the method and tailor it to the context of Burkina Faso and the FIP. And the other before launching the TerriStories® workshops. With the support from two CIRAD experts, both tests helped identify the challenges and the issues when implementing the methodology at scale.

1. The first step consisted in mobilizing participants who represented correctly the villages as well as the main groups of local actors. It was conducted by the project's field coordinators (APDL) in close collaboration with the municipal authorities.

2. The pre-diagnostic served as an important tool for facilitators to become aware and understand the social and tenure-related issues embedded in each commune. Each pre-diagnostic was developed after two days of reviewing the documentation available in each commune.

3. The TerriStories® workshop is the heart of the process. In the context of the TerriStories® methodology, both the diagnostic and the identification of solutions to improve the management of natural resources happen at the same time. Participants are placed in a "brainstorming" mindset where their knowledge and practical skills are mobilized to help them identify the challenges and

come up with concrete solutions. In the initial phase of the workshop, participants discover the game and "put in play" their territory and their practices, revealing progressively the structures and dynamics that define their tenure system, and the challenges they face to adapt to climate change. All this information is collected by the facilitators and feed into the diagnostic. Subsequently, the facilitator introduces specific events and scenarios to help participants come up with concrete solutions to overcome the challenges they previously identified. Potential solutions are tested against other participants with perhaps different points of view, and negotiated.

4. Based on the elements gathered, the Project Coordinating Unit develops two mapping tools and a note for each Commune. The first map details the land tenure landscape, diving into the predominant conflicts around land in the Commune, and the main use of the resource. The second explores the various land use plans and activities within the Commune. The note describes the structures and tenure challenges faced by the Commune, includes the major points of debate during the workshop regarding tree and resource management, and the details of all the main suggestions made by participants (land use plans, activities, rules, etc.)

5. The notes and the maps are then disseminated back to the participants and within the Commune to ensure alignment between the workshop's outputs and what participants requested.

6. Once validated by the local actors, the notes serve as the basis to develop each Communal Plan for Integrated Development (PDIC). These plans seek to make sense of all the solutions provided during the workshop and integrate them in the context of a REDD+ program, so that they can become eligible for financing under the FIP.

7. Furthermore, the project seeks to integrate these notes into the local development plans to ensure they are taken into consideration in the future development of the Communes.

III. CHALLENGES

1. Prior to the workshops

i. *Ensuring a fair representation and participant's legitimacy*

The legitimacy of participants increases as the game progresses. Indeed, workshop sessions are completely open and participants are free to move across the boards and integrate other games. Moreover, the dissemination of the results at the end of the workshop is an excellent opportunity for each participant to raise new issues as well.

The tests served as a good way to identify two main risks. First, that of biasness, where participants unfairly represent the diversity of actors. Given the myriad of actors, the project selected participants along four axes: people representing those making use of the woodlands (actors in the wood value-chain, farmers, herders, hunters, etc.), representatives of institutions (communes, technical services, management committees, etc.); traditional chiefs or religious figures; and people considered to have a particular point of view, position or dynamic attitude with regards to the management of resources and the preservation of forests and woodlands (representative of organizations, youth, etc.)

Given the limited number of participants, all village representatives couldn't necessarily participate in the process, which focused more on the diversity of socio-economic actors rather than insuring representation of all the villages. In addition, the tight social hierarchy in certain Communes could have easily diverted the process in favor of the local elite.

To account for both risks, the FIP developed the following strategy. First, an adaptation phase (part of the TerriStories® protocol)[6], and second, the identification of strategic natural resources user groups during the two tests. Then, the FIP conducted workshops to introduce the TerriStories® methodology. All communal and regional authorities were invited to these workshops, where a debate was launched to discuss which actors ought to participate in the TerriStories® sessions. Finally, based on these results, the project's APDL developed a list of key groups with their representatives, and collaborated with the mayor's office and with local professional organizations to designate representatives.

The project allowed to secure the representation of local actors, in particular with regards to politics. Mayors had a tendency to suggest actors which favored them politically. To overcome this, the APDL played an important role to ensure participants were designated by the villages or by professional organizations.

ii. *Identifying the hidden land tenure issues*

Given the large number of participants and conflict complexities in certain Communes, the FIP anticipated facilitator's struggle to identify the hidden land tenue issues.

To overcome this particular risk, the following strategy was implemented. First, a literature review of all the documentation available locally was conducted in each Commune. Second, during interviews with the traditional authorities, with members of the Village Committees, the technical services, the four TerriStories® facilitators had to achieve the following results:

- Collect the basic elements around the history of settlement and inter-village relations on the management of natural resources;
- Review the main uses of natural resources in the Commune;
- Obtain information on village land tenure, particularly villages that have tutorship relationships between them;
- Identify natural resources, production areas and structural tenure conflicts in the Commune;
- Obtain information on the procedures to secure land (customary, "small papers', administrative acts);

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[6] Given the TerriStories® is a role-playing game, the activities, the events and the scenarios must be adapted to the country and the objectives of the project, so as to place participants in a familiar context. In the case of Burkina Faso, the land tenure scenario was adapted to the existing legal tenure tool, for example. For the FIP, a specific event was created to bring participants to think about how they could improve their management of trees

- Identify the tenure dynamics in the Commune (tenure concentration, sale to the urban elite, management for personal gains, migration, youth and women marginalization, mining/gold mining, etc.)

Based on this information a communal map and a note were developed to support the facilitator in his work. This information allowed them to have participants think about structures and tenure dynamics when these weren't spontaneously suggested in their debates and during the game.

2. During the workshops

iii. Addressing the dichotomy between project and participant's scales

Before launching the process, the FIP first tested the methodology in one Commune. The workshop showed that particular attention was needed to maintain the debates at the communal level since participants constantly expressed their interests and needs at the village level.

Each board corresponded to the territory of several villages in which multiple participants played a role. Very quickly, facilitators understood that participants "zoomed in" on their village despite discussing at a supra-village scale. This contradiction can be fruitful when developing rules because their applicability can be tested at different scales. When planning land usage and activities however, it is more complicated. The boards, which show land use plans at the village level, cannot directly reflect land use plans at a higher level. To facilitate this back-and-forth between village and communal scale, a transparent sheet was set above large maps of the Communes that were displayed. Participants could then add information about their land use arrangements and the spatial layout of their territory as negotiations advanced among their group. This mechanism helped participants discuss their ideas and suggestions at a communal scale. At the end of the day, a recap session with all the participants was held and all had a chance to explain their suggestions presented on the maps. This was an opportunity to challenge the coherence of all the suggestions by the others. On the last recap session, on the third day, participants debated all the suggestions made on each board and reached agreement on a communal map showing all the tenure structures and conflicts, on the one hand, and a communal map encompassing the different development suggestions and activities on the other.

iv. Developing an integrated and innovative territorial plan

In general, participatory processes seek to generate activities and rules tailored to the local context as seen by its actors. The TerriStories® methodology, based on a role-playing game, puts participants with different points of view and interests in a context where they can mobilize their practical knowledge, test different solutions (land development, rules, activities) and negotiate. Thanks to this process, the FIP enabled the identification of activities, ideas for land development and rules adapted to the local conditions and aimed at preserving the natural resources and forests of the Communes.

In the context of the FIP, the TerriStories® workshops were carried out simultaneously in 6 Communes. Each communal territory was separated on 4 board games, each gathering 20 to 25 participants and a facilitator. The workshops lasted for 3 days and were structured as follows:

Days	Objectives	Activities
Day 1	Identification of the possible strategies for adaptation to climate change Identification of the customary rules underpinning the management of natural resources	Opening session: Presentation of the project and the team Discovery of the game Introduction of climate change related events (situation diagnostic and testing of adaptation practices) Introduction of the "traditional tenure law scenario" (identification of the tenure system) End-of-the-day recap session on each board
Day 2	Identification of the measures of woodlands conservation Identification of the rules of natural resource management	Game session- Presentation of the FIP Introduction of specific events Formulation of propositions End-of-the-day recap session on each board
Day 3	Identification of the rules and processes available to secure Communal land and natural resources	Introduction to the "Legal tenure management" process Recap on governance and tenure security End-of-the-day recap in a plenary session

During the workshops, it was important to manage participant's and facilitator's tendency to make suggestions based on what they assumed the FIP requested of them. In the context of Burkina Faso, this behavior was exacerbated by the Communal Development Plan process, which led to wish-lists of standardized land development activities, with broad consensus and without any prioritization. The TerriStories® methodology allowed to diminish this habit by relying on real-life scenarios (resource exploitation to feed one's family, facing random rainfall, take into account customary laws, etc.), debating them amongst actors with different or even diverging interests, to suggest complex solutions negotiated on a case by case. In the case of the FIP, despite these efforts, a gap remained between the challenges faced, which were concretely expressed, openly debated

and contextualized, and the solutions, which were very standardized. To overcome this issue, the following table was created and placed alongside the communal map.

Board									
Village	Day	Issues debated	Suggested alternatives						
			Spatial occupation and governance rules						Other alternatives
			Suggested activities	Rules of management	Actors of enforcement	Dissemination of the agreed measures	Proof of securization	Sanctions in case of non-compliance	
	1st								
	2nd								
	3rd								

This table indicates the kinds of issues raised and the solutions proposed by participants, with detailed information on the type of development envisioned, the rule of governance, the actors involved, how the rules will be disseminated, what documents to provide, and the repercussions. It allows participants and facilitators to come up with solutions tailored to tackle the issues raised.

3. **After the workshops**

i. *Institutionalizing the solutions*

A key step in this participatory process is to institutionalize the outputs (solutions and rules) so that the State and the local authorities recognize them as legally binding. In the context of the TerriStories® workshops, the solutions and the rules of governance were very detailed and could easily feed into the existing legal tools for territorial planning.

In Burkina Faso, several instruments can be developed based on these outputs, each one relying on different laws:

• law n°0055-2004/AN from 21 December 2004 on the General Code for Local Authorities made provisions for Communes to create their own local development planning tool (PCD);
• law n°034-2009/AN from 16 June 2009 on the Rural Land Tenure System established that the rural tenure services office (SFR) would be in charge of developing the land use plans (POS);
• law n°034-2012/AN on the Agrarian and Tenure Reorganization made provisions for the Communes to develop a Communal Development Scheme, an instrument for land use planning.

Currently, the FIP is interviewing several State agencies within various ministries to jointly identify which tool would be best to integrate and enforce the investment proposals from the project.

ii. *Securing land : Looking ahead*

Further to legalizing all investment proposals, the question of securing the land use plans is crucial. In that context, the FIP developed, in parallel to the TerriStories®, a road map for tenure security which provides a clear methodology as well as multiple tools to secure these plans. Currently, in Burkina Faso, depending on whether the Commune has a functional SFR, two channels are available: according to the RAF (law 034-2012) and according to the Rural Land Tenure System (law 034-2009).

The following table summarizes the propositions based on the type of investment. We can see that the key steps towards tenure security are identical across all investments. For each type of project and depending on whether the Commune has a functional SFR, the process leading to the formalization of rights changes.

Investments	Key tenure challenges	Key steps towards tenure security	Formalization (with an SFR)	Formalization (without an SFR)
Forests, corridors, area of pasture	- Questioning over the boundaries - Release of mining permits - Conflict over village boundaries	- Integration of the project into one of the Communal planning tools - Verification of formal tenure rights (land title, public domain) with the RDPF - Identification of the owners - Consultation on the limits and tenure regime of the land, as well as the rules of governance and access - Public dissemination of the agreements (AV, communal meetings, etc.)	- Tenure charter - Registration in the communal domain	- Registration in the communal domain
Allocation of rights to beneficiaries	-Illegitimate land allocation -Questioning over beneficiaries' rights of access -Precarious rights provided to beneficiaries	- Integration of the project into one of the Communal planning tools - Verification of formal tenure rights (land title, public domain) with the RDPF - Identification of the owners - Consultation on the limits and tenure regime of the land, as	-Land title with pre-emptive rights by the Commune or the project -Registration of rights to the land title of the Commune -Long-term lease -Exploitation permit	-Long-term lease -Land title with pre-emptive rights by the Commune or the project -Registration of rights to the land title

		well as the rules of governance and access - Public dissemination of the agreements (AV, communal meetings, etc.)		of the Commune
Activities of conservation (forestry, agroforestry, etc.) on individual or collective land	-Conflicts over who owns the land -Illicit sales -Release of mining permits	- Integration of the project into one of the Communal planning tools - Verification of formal tenure rights (land title, public domain) with the RDPF - Identification of the owners - Consultation on the limits and tenure regime of the land, as well as the rules of governance and access - Public dissemination of the agreements (AV, communal meetings, etc.)	-Individual Certificate of Rural Land Possession (APFR) -Collective APFR	-Ensure through consultations that beneficiaries' rights are locally recognized and legitimate -Explore the possibility of giving land titles on conflictive land

The FIP approach was pragmatic. It included:

- The use of the roadmap to achieve greater tenure security, developed by the FIP during the elaboration of the diagnostic;

-Meetings with all the actors to benefit from their contributions and identify the most appropriate tool to secure the tenure associated with each FIP investment;

-The integration of the FIP investments into the appropriate legal tools that will secure their tenure.

IV. CONCLUSION

Through a process that is innovative, inclusive and participatory, the government of Burkina Faso launched a promising exercise that could provide solutions implementable at scale to resolve tenure issues related to the sustainable governance of communal resources.

In addition, the FIP's participatory design process of the POAS enabled the identification of social and tenure related challenges at the communal level that will allow a better understanding of the rural situation in order to implement the 2009 land tenure legal framework.

This approach has also facilitated the development of a Commune-based vision on natural resource management, upon which the project will continue building to establish REDD+ related regulations.

However, the project is only in its first phase and multiple challenges remain to be solved to turn this participatory experience into enforceable land use plans and road maps to strengthen the security of tenure. One of these challenges is to turn this one-time experiment into a process owned by the Commune process that will be updated on a regular basis to include new actors with new interests as Communes develop.

The monitoring, update, and careful implementation of the POAS will require local authorities to mobilize resources that will have to be taken into account in the decentralization consolidation process.

Beyond this initiative, we hope Communes will remain attentive to the participatory process when developing future land development plans. Development partners, but also State authorities, could very well demand such an approach is always followed looking ahead.