

Catalyzing Impact: 20th Land and Poverty Conference

Practical Guide for the Creation and Management of Conservation Spaces

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Abstract

Burkina Faso's Ministry of Environment, Green Economy and Climate Change (MEEVCC) is developing solutions to secure rural commons used by multiple actors. MEEVCC received the support of the National Cooperative Business Association (NCBA CLUSA) to design a practical guide to help local governments to secure the sustainable use of forest reserves in Burkina Faso's effort to reduce emissions from deforestation and forest degradation (REDD+). NCBA CLUSA conducted a field assessment and consultation process in four communes to draw lessons from the resource use and practices at the village level. From this assessment and with local actors involved in NRM and land tenure, the study identified lessons, analyzed institutional constraints and the legal options offered for the securing of commons. 32 communes will use this practical guide to secure their commons, with the objective of reaching impact at scale in the reduction of carbon emissions related to land use change.

Key Words: community participation, commons, decentralized forest management, guidelines, tenure.

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Declaration of Interest

The authors have a contract relationship with the World Bank, and no other interests to declare.

Introduction

The rural inhabitants of Burkina Faso have traditionally practiced integrated land use systems, with intricate relationships between various groups – farmers, forest users, pastoralists – with large areas of commons, such as woodland buffer zones between villages, as well as managed land shared by multiple users, such as farmers in the rainy season and herders after the harvest. While these holistic land use practices were generally more sustainable from an agricultural and ecological perspective, the country now faces increasing demographic pressure (with farming encroaching on forests) and climate change (lower overall rainfall coming in torrents with long dry spells and increasing temperatures), impacting on the ecological dynamic. Along with the demographic pressure on these areas, the centralized management of natural resources competed with or undermined traditional land use practices without being more effective. In the absence of customary codes of conduct, the integrated management of rural landscapes is increasingly

leading to conflicts between the various users. There is now a lack of locally developed, community accepted, ecologically appropriate guidelines to manage commons. Recurrent obstacles include insufficient institutional coordination, land/tree tenure insecurity, and the weak capacity of local actors to secure shared rights and implement national or local regulations for the effective use of the commons.

Over the past 34 years the Government of Burkina Faso has responded to this call and demonstrated a long-term institutional commitment to national capacity building, harmonization of relevant policies, sustainable land-use planning and management approaches, rural land tenure reform, natural resource governance, and most recently, REDD+ strategies to combat forest loss and climate change. Since the pioneering Agrarian and Land Reform Act of 1984, Burkina Faso has weathered three decades of land use planning and land tenure policy shifts promoting a variety of different approaches (private ownership, centralized and decentralized management, community management), each with varying degrees of success.

In 2004, Burkina Faso adopted the current local governance code (General Code of Local Authority), which divided the country into 13 regions and 352 communes (49 urban, 302 rural). It clarified that the management of natural resources in the rural landscapes was delegated to the local elected authorities (regions and communes). The communes had to define within their administrative limits the vocation of each area: agriculture production, conservation (including timber and non-timber forest products) or urban. The code provided communes the authority to impose guidelines for use, with the power to enforce. Before decentralization, communities had no real right to control the natural resources in common or customary tenure. Even with decentralization it took years before communities could figure out their rights to manage their lands and broker land use management systems with the centralized authorities.

In 2009, the government of Burkina Faso drafted Law No. 034-2009/AN, which provides rural land tenure security for all stakeholders. The Agrarian and Land Tenure Reorganization of 2012 provided all rural stakeholders with equitable access to land, outlined different tenure rights according to local circumstances, and set the conditions for development in agricultural zones. It also provided a mechanism to secure customary rights to land in rural and peri-urban areas and to deliver at local level land certificates to rural families.

Driven by these policy changes, the government of Burkina Faso has shifted from private ownership and centralized management of land to a more decentralized approach which incorporates more community-led approaches to land use management. But despite the development of both public institutions and regulations to promote decentralized land use, the success of the public administration in promoting sustainable land management that incorporates secure land rights, especially for the commons, remains limited and ambiguous. There are several reasons for this: the local administrative institutions involved in realizing these rights and responsibilities are still developing capacity; while a disconnect between the

technicians' vision for overly technical management plans that do not draw sufficiently on local knowledge and customs have hindered bridging between central authorities and communities. These processes require, first and foremost a commitment to the policies, as well as considerable investments of time, expertise and money, and consequently often rely on project funding and outside assistance from NGOs, with all the risks that entails.

Policy changes have not led to the desired changes due to low participation by local populations, the complexity of the procedures and the lack of administrative capacity. To implement these laws, the government currently relies on ad hoc donor driven efforts to secure land rights across the rural communes. In some cases, the projects have ended before the process could be concluded, with no sustainable gains, and when documentation has been misplaced the process has had to begin all over again. Low levels of literacy at community level, very complex laws, technical services of the centralized government that want to maintain control, and a need for time and money to hold meetings and ensure communication all create practical barriers to shifting the ownership and management to the local level. The center has no incentive to invest in a process that will cede control and revenue streams.

A cost structure is needed to ensure equitable sharing of resources, for services and benefits. Local non-governmental expertise is needed, who could work as fee-based land use plan providers, operating at a relatively low cost to draft plans. It is a tenuous calculation, as the revenues generated from Sahelian natural resources are often modest and they might not support the cost of even local technical expertise, as well as the governance and monitoring systems to ensure that the resources are sustainably managed – a difficult challenge, but it is also the only way forward.

As part of its international commitments to reduce the greenhouse gas emissions, Burkina Faso launched a strong effort to reduce its net emissions related to land use, land use change and forest conservation. The effort on Reducing Emissions from Deforestation and Forest Degradation (REDD+) has been driving the country's strategy related to emissions and sequestration from the use and management of the landscape. A program funded by the World Bank and European Union for the decentralized management of forests and woodlands has adopted strategy reflected in the integrated commune development program (PDIC) that is targeting 32 communes in Burkina Faso. The PDIC aims to contribute to carbon sequestration, woodland preservation, and reduced deforestation, through a screening process of the social and environmental risks faced by communities and the development and implementation of mitigating measures, including investments in management, infrastructure and development.

Following multiple assessments related to forest loss and land degradation, the Ministry of Environment, Green Economy and Climate Change decided to target the local governance of natural resources and secure land rights and land vocation, as it appeared that these are significant underlying

factors causing carbon emissions from land use changes. Thus, there is a need for guidance on how undertake inclusive decentralized integrated management of land and natural resources.

Considering the complexity of the legislative and regulatory environment, the National Cooperative Business Association CLUSA International (NCBA CLUSA) is developing for the MEEVCC a Practical Guide for the Creation and Management of Conservation Spaces (CGEC Guide) to support communal actors to create and manage conservation areas in a context of REDD+. This initiative builds on NCBA CLUSA's body of work in other places around the Sahel, including the management for forest restoration and sustainable harvesting in Guesselbodi, Niger, and through the Wula Nafaa project in Senegal. More recently, NCBA CLUSA has undertaken a process of developing local conventions for negotiated land use between farmers and herders in Burkina Faso and Niger through the REGIS-ER project.

The CGEC Guide is the result of field assessments in four communes (Gassan, Sapouy, Siby and Zambo, see Figure 1) and outlines discussions with policy makers, administrators and communities, as well as lessons learned from the collective experience dating back to the 1980s. In particular, it addresses the challenges and opportunities related to maintaining Land Degradation Neutrality – a state in which local people control and harness the flows of ecosystem goods and services without impacting the health of the land – and promoting REDD+ practices, based on the recognition of land tenure rights.

Methods

From April to June 2018, a team of two national senior experts, who are co-authors of this paper, and four national junior experts undertook a process of assessment and consultation to prepare the Guide. The first step in the process was a literature review, which resulted in an annotated bibliography of local land and natural resources governance in Burkina Faso and other countries, local resilience strategies and action plans, legal and policy changes and national impacts, and the evolution and performance of institutions established to facilitate the governance process. The team then collaborated with the team of the Forest Investment Program, which is also leading the PDIC process, conducting interviews with commune leaders, administrative officials and members of civil society to collect data on best land use practices. Findings from the field assessments were summarized in an interim report that described the status of the forest resources in each of the four communes, identified stakeholders and issues in their access and control, and efforts to manage them. The interim report was presented to a technical advisory group consisting of government, civil society and donor representatives who are experts in natural resources management. The advisory group developed solutions and recommendations that have been incorporated in the CGEC guide. The draft guide was also presented to the advisory group, which provided specific feedback on certain issues and proposed solutions.

Findings

Each of the four research areas present unique characteristics as well as common patterns of use, experience in protecting their natural resources and challenges linked to effective management.

Sapouy

Sapouy is an urban commune of about 48 villages, located in center south along the border with Ghana. The area is under increasing land use pressure but still possesses some remaining space that has been traditionally protected but is being encroached upon. The commune administration has a land registry office and village land committees that have been serving the population in obtaining rural land possession certificates (APFR or *attestation de possession foncière rurale*). (See Box 1 for a summary of key laws and codes regulating land and natural resources in Burkina Faso.)

The commune possesses a *Chantier d'aménagement forestier* (CAF, commune forest conservation areas), Sapouy-Bieha, of around 10,000 hectares. The status of the CAF is ambiguous, neither classified as a state forest nor a commune forest, as the process of registering it was never completed. It was intended to be a managed forest for serving the capital, Ouagadougou, with fuelwood, and community forest management groups in 36 villages were contracted by the Ministry of Environment to exploit the resources. This CAF is currently managed by the commune under the purview of the administrative decentralization of the 1990s, but the CAF is regulated according to the national forestry code. The village management groups continue to operate as village organizations loosely affiliated at the commune level through an umbrella group representing forest management groups. The land in Sapouy-Bieha is also claimed by a number of individuals having customary land rights that have passed down through generations. These claims are not typically documented. Women's groups exploit non-timber products, particularly honey, and they also have a stake in the management of the CAF. The creation of the CAF was supported by a project that did not complete the process of classifying the area, and while the forest management groups seem to have the right to use and manage the forest, there is no documentation of this and the status remains ambiguous, complicated by the status of the forest that falls under commune and central authorities. In Sapouy, the land registry has a financial interest in issuing APFRs to individuals, as the process generates local government revenues. The process of documenting charters, known as *charte foncière locale*, for the CAF generates little revenue for the commune land registry office, so there is little incentive to develop charters. Consequently, rights remain unsecured for the users.

There are also many village woodlots of around 10 hectares dating back to reforestation initiatives in the 1970s and 1980s, supported by bi-lateral aid. These initiatives were further encouraged through national reforestation programs in the 1980s and 1990s, but the formal status of these woodlots remains ambiguous. The Agricultural Land Reorganization law, coming out of Burkina Faso's revolutionary movement, effectively attributed all land to the state. The more recent Law 034-2012 adopted to support

administrative decentralization attributes land to the state, communes and private individuals. In the meantime, the village woodlots have not caught up with the changing regulatory landscape, and their status remains undefined. To complicate the matter, “villages” are administrative units of the commune and they do not have the autonomous legal authority to secure rights.

Finally, many villages of Sapouy have sacred forests (*bois sacré*), woodlots of around one hectare in size that are traditionally used for initiation ceremonies and other ceremonial events. These sacred forests ostensibly serve to conserve woodlands species, including their various products, such as totem trees, wildlife and pharmacopeia. The rules for their use vary, but are generally limited to low impact activities, such as collecting dead wood or hunting without firearms. Their conservation is ensured through traditional rules.

Gassan

Gassan is the most northerly of the four communes surveyed. With a drier climate, it has experienced a reduction in rainfall over the years, assumed to be related to climate change. Previously situated south of the 800 mm isohyet boundary, that is in a more humid zone, this line has moved southward in recent decades, and Gassan now consistently receives less than 800mm in the short monsoon season.

Like Sapouy, Gassan has received development assistance from the Millennium Challenge Account of the United States government to carry out its forest management activities. It has active village land committees. There is also a land tenure service linked to the commune administration, which reports to the elected deputy mayor (raising concerns about conflict of interest). The land committees have been established under the 2009 law on rural land (Law No. 034-2009), but generally they only exist where external project funding has enabled their creation. Village committees are most effective where they co-exist with commune land commissions, which serve mainly to deliver title for private land held through traditional (family) lines. In Gassan, the commune office delivers APFRs, but has little incentive to develop charters, as seen in Sapouy. Land titling operates without any overall commune land management plan. The perception is often the charters are a matter for projects. The cost of elaborating charters is not reflected in user fees and land registry offices do not see any return on their services.

Hunting is an important activity in Gassan, and hunting associations are active in the commune and they take responsibility for the conservation of their natural resources. Women’s honey groups also work closely with hunter associations.

Various stakeholders in the commune have a desire to see improved natural resources management, but there is a divergence of opinion as to whether it should be through classified communal forests, village forests and woodlots or sacred forests. The rehabilitation and protection of forest resources (biomass and diversity) is seen as necessary by hunters to restore wildlife resources, as well as the local pharmacopeia.

There is a state forest of around 14,000 hectares, with concessions for hunter groups and firewood harvesting, with a mandated fee structure built into the revenue stream from selling timber products. The forest management groups are practically non-existent and have become user groups on paper only with no inclination to manage the forest resources. In addition, there are at least four informal hunting conservation areas ranging from 60 to 160 hectares. There have been some efforts to secure land rights, and stakeholders can recall steps taken to secure their rights, but they cannot produce any documentation to substantiate this. In one of these community hunting grounds, the community wants the land to be secured as a communal forest, but they consider the space to be essentially theirs (which could put them into the conflict with the commune). They are waiting for a project to support their effort.

The national program for integrated commune development (PDIC) which is developing plans throughout Burkina Faso, could support the development of a communal forest for hunting, but PDIC objectives are broader and would invest in infrastructure to support other activities on the land, such as controlled pasture and vaccination corrals, irrigated rice production or market gardens. The process would necessarily entail painstaking negotiation of charters, and would have to settle disputes over conflicting expectations, customary claims or those supported by APFRs.

Siby

Siby is a small commune with just eight villages populated by two ethnic groups (Ko and Bwa). Siby has been the site of several development projects, including the Millennium Challenge Account, and has a land registry office and village land committees. Hunting is a significant activity in the area, but there is also a large presence of farmers, herders – and artisanal gold mining. The mining of gold, a non-renewable resource, is destructive and hard to regulate; it also attracts migrants who are often not bound by the traditional rules and regulations that guide natural resource use or other social norms.

Siby is a patchwork of village and woodlands, with interlocking affiliations. Siby possesses a 12,300-hectare state forest, Sorobouly. A forest management plan drafted by the department of forestry has coopted surrounding villages to establish forest management groups who maintain fire breaks and protect trees – when these groups are motivated through project stipends to undertake the work. But unlike Sapouy-Bieha, there is no significant nearby market for fuelwood, and the demand and revenue from harvesting wood is insufficient to fund the forest management on its own.

The village of Secaco is located in the middle of the forest and arose in colonial times to exploit fuelwood: its name is an abbreviation of the French Colonial Fuel Exploitation Company. Secaco village depends administratively on another village, Boromissi. The residents of Secaco farm the land around their village, within the classified forest, but they do not have customary land allocation rights; this is controlled by Boromissi. Throughout Siby there are village woodlots, sacred forests and even neighborhood woodlots (belonging to a subset of the village residents), mostly under 10 hectares. There are also private orchards

and private woodlots. None of these seem to have formal documentation regarding their status or tenure, such as APFRs.

The program for integrated commune development would also invest in infrastructure improvements. Such interventions would raise questions about ownership interests, as well as recurrent costs for maintenance (e.g., of physical infrastructure) if developed on land that has ambiguous ownership. Often such investments are viewed by the communities as belonging to the government and thus maintenance is considered to be the responsibility of the government.

Zambo

Zambo has not received support from the Millennium Challenge Account, and so does not have land registry or village land committees as found elsewhere. Land and natural resource matters fall under the jurisdiction of the village development councils (CVD), which are mandated by Décret N° 2007/032/PRES/PM/MATD (see text box 1). There is little interest among the population of Zambo to create formal conservation spaces due to unsatisfactory experiences with previous forest resources management programs, which promised much more than they delivered. Lack of engagement with development projects has left the population of the commune less organized and less networked. Additionally, nearly three-quarters of the commune space is locked up in a state classified forest, Bontioli, that is under total or partial reserve. This space does not belong to the communities, but forest land is being encroached by farmers and herders. Efforts earlier this century to manage the forest were not achieved. There was also a plan to declassify an area that is now occupied by certain communities in Bontioli, but this too was not completed and any future management plans for the forest will have to tackle this ambiguous situation.

Several of the communities expressed a desire to create communal forests. One, Tampla V1, is a recent settlement in the Volta Valley management area, which became accessible with the eradication of river blindness (V1 is for Village 1). Tampla V1 is not a formal administrative unit and it depends on a neighboring traditional village, Djikologo. Tampla V1 does not have the right to create its own woodlots or even to access land for burial: approval for land use must be obtained from the customary authorities in Djikologo. Still, Tampla V1 has a village woodlot of nearly 100 ha, while other villages in the commune have woodlots or sacred woodlots ranging between 3 and 20 hectares. Formal control of Tampla V1's woodlot would necessarily involve Djikologo or even the commune administration.

Discussion

Broadly speaking, there are three categories of conservation, each with a set of rules and options for securing rights and ensuring sustainable management (see Figure 2). The privately held spaces, belonging to individuals, associations or enterprises include orchards, family woodlots and gardens. These can be secured through the APFR, and the use and benefits are determined by the private holders. This

option builds on customary land rights and has been supported in the last decade by the legal framework through Décret No. 2010-402 regarding the possession of rural land. Secondly there are state owned conservation spaces which include commune or regional forests, as well as the national classified forests and reserves. Within these spaces are designated *Chantiers d'aménagement forestier* (CAF), concessions that are ceded to community-based forest management groups with user rights and responsibilities. Forest management groups representing several riverain villages may have CAF concessions. Managed by the central level of government, the CAFs are a category of forest whose management is distinct from the management of commune or village forests that are gaining favor with the policy of decentralization. Access to forests controlled by communes is established through local charters.

State classified are managed mainly as conservation areas or for ligneous resources, such as fuelwood serving urban markets. Management plans need to be based on inventories and growth estimates, and the plans are rigorous and technical -- not merely user guidelines. The stock of inventory takes time and money to manage and needs to be monitored by a technical authority, such as the forest and water service. A commune could undertake these responsibilities, but they generally lack the technical capacity. A forest management plan could well be implemented by village forest groups, self-monitoring of compliance could lead to abusive or destructive harvesting techniques. It would be better for monitoring and enforcement by an authority independent of the user groups.

Less extractive harvesting of non-timber products (except hunting) tend to be less destructive and more sustainable and management plans can be simpler. For example, they do not need inventories, and it would suffice to establish user guidelines, such as rules for when fires can be allowed, limits on grazing, or the terms (fees) for access. These guidelines are easy to monitor and do not require technical experts to take inventories. Hunting, on the other hand, is similar to harvesting timber: inventories, replacement measurement, rules for hunting seasons and the allowable size or age classes of game, and means for monitoring and enforcement are as necessary (and technical) as timber management plans for sustainable use.

The trend to bring these state-owned spaces under the control of the regional or commune government provides opportunity for greater access and control by local populations, provided the mechanisms for managing and governing their use are in place, understood and enforced.

Finally, there are common spaces within a defined community, such as sacred woodlots, that can be secured by an association representing the users through the APFR. But for commons that are claimed by multiple stakeholders (either from several villages or different user groups such as herders and hunters), the process is more complicated and requires a legitimate legal entity to assume ownership and define the rights and responsibilities of the users. These spaces include larger sacred forests, hunting reserves, communal forests, pastures, livestock corridors, ponds and watering holes. The legal framework for

classifying these spaces is Arrêté No. 01 - 047/MEF/MATD/MEE, regarding the procedures for managing local forests (in the commune or region). Within this framework, users can gain access through a *charte foncière locale* (charter), which is enforced by the local government but contextualized to customary practices and local uses. As noted in the findings, however, the elaboration of charters for the use of community commons is impeded by the lack of incentives (i.e., lack of potential revenue) to the chartering authority at the commune or regional level.

This overarching framework is an evolving array of laws and regulations, presenting gaps and conflicts of interests, but there are promising options that would provide communities the benefit of their resources while ensuring the maintenance and protection of the resource base.

On the legal options securing the rights of users of common land for conservation spaces:

There is a patchwork of laws, codes and regulations that frame the rights and rules for land and natural resources management. The trend has been toward decentralization, but the implementation has been slow, with local authorities lacking the skills, knowledge and resources if not the authority. Legacies include often-conflicting customary use as well as centralized governance. Tensions arise with the center when the commune or regional administrations seek to exercise their newfound authority. But two important constraints limit progress: First, the authority of communities to manage their own resources is impeded by the (lack of) legal status of village communities. The lowest level of government that has the legal authority to engage in contracts is the commune, headed by a mayor and commune council. Villages are constituents of the commune, and they do not have legal authority.

A second constraint is that the technical nature of natural resources management often exceeds the financial and human resource capacities of communes (not to mention villages) to plan, manage and enforce.

Within a village community, there may be civil society organizations, such as hunters' or women's associations, and there are private individuals or private enterprises. Individuals, enterprises and associations have legal "personality" and can engage in contracts on their behalf. But common spaces are community resources, and the rights and management must be inclusive and to the benefit of everyone. There would need to be a painstaking process for ensuring consensus, protecting the rights and interests of everyone, including outsiders with traditional user rights, such as pastoralists. Even if these commons lie entirely within the territory of a single village, the process must not result in a few community members appropriating benefits belonging to everyone through a private association. And yet the village is not legally authorized to formally secure rights over its commons. It must either call on the commune government potentially shifting governance over its own resources to the commune, or it can work through more informal customary processes. The customary tenure may well work but the deteriorating natural resource base suggests that the traditional system is insufficient. It is increasingly also ambiguous and difficult to

defend in the event of competing claims on land, such as legacy tenure rights from family lineages. A more limited private ownership and management arrangement may be possible for very small commons, such as a small reserve for a hunter association. But for larger spaces, particularly spaces that are claimed by several villages, the clearest governing authority is the commune.

Outside the option for private groups, the current set of legal protections (through the land tenure laws) for the common spaces does not offer a guarantee for village communities to formally secure their rights and establish legitimate governance structures over their resources. At present, only the commune has the legal authority to make such commitments on this scale. Common lands, especially ones that are over-used, can only be secured through commune level mechanisms, and the process requires meticulous negotiation and compromise to resolve long-standing, often latent, conflicts. (Multi-village governance is complex and conflict prone, but inclusive decision making is essential to maintaining peace.) A critical piece is the legal framework for ceding rights and obligations back to the village. The charter is the best tool to secure rights over small areas contained within a single village territory, such as sacred forest, with more explicit rules and obligations to ensure effective and sustainable management than through customary rules. Without charters, the question is whether the formal legal framework is at all relevant at the village level for villages commons.

Hunting grounds pose a different problem, as the hunting stock is not sustainable if not carefully managed, as well as being commons with multiple uses and users. The rights over hunting reserves need to be secured at the commune level or by a private association. A charter to hunters would also have to comply with the technical management plan, and the means for governing and monitoring need to be established. This encourages a progressive transfer of the customary system of land governance from villages to the commune level government. Several conditions will need to be met for this to succeed in the long run, including clarity on the local user rights, legitimate governance, transparency and generation of financial resources. These investments are partly one-off costs to establish land rights and develop plans, so would not need to be sustained as recurrent costs, but some recurrent costs are inevitable for monitoring and enforcement.

While local charters for collective use are being promoted as a tool to foster an inclusive governance of common lands, they are not given a strong level of legal protection. The use of charters at the commune level is a viable option for safeguarding local village rights, while stipulating the responsibilities of the users. Charter holders may be given specific or layered rights (such as access to ponds for fish during one season and for watering livestock during another season). For stakeholders in the community a form of concessionary use (for hunting or harvesting wood) can ensure access to the benefits, while complying with commune's rules for sustainable conservation. A key aspect of a concession is user fees to cover the costs of the planning and monitoring. Without a little financial incentive (or outside financial and technical

assistance) a commune cannot afford to invest in the process to identify stakeholder concerns and negotiate the terms of a charter.

Other innovative options have been identified, but never tested, such as adapting urban tenure rules to rural commons. Borrowing mainly from urban land laws (e.g., co-ownership in buildings or compounds, *cf.* Law No. 023/2010/AN), these options may offer solutions to be tested in a near future to manage rural commons. These laws provide rules for use of individual spaces, access to resources underground or in the air above. The layered and multi-use approach may be transferable to rural commons. Alternatively, private associations can organize as cooperative enterprises. A cooperative is an enterprise like any other business, but one that is owned and governed by its members (the people who benefit from it), rather than stockholders. The benefits are accrued to members, profits are reinvested or distributed to its members. Cooperatives adhere to a set of cooperative principles that promote equity, transparency, democracy and concern for the community and environment. But none of these options is ready to take off the shelf and implement at scale.

On the operational options to secure the common land by local government:

Accepting, for the present at least, that securing the conservation spaces at the communal government level is the best option for large, multi-use commons that may involve more than one village, there are still several operational challenges to implementation. The process of creating conservation spaces, especially multi-stakeholder resources such as communal classified forests, requires time for reflection and dialogue, negotiation and the building of governance capacity. The appropriate framework needs to be tailored to the resource. Village woodlots, established in the 1980s under centrally management rules, can be devolved to villages. Sacred woodlots have always been meaningful to villages and can also be squarely placed under village management. Larger reserves and commune forests should remain under the purview of the commune. What cuts across all categories is the process of negotiating, planning and monitoring. Past efforts have short-cut the process and have left little that is sustainable in their wake. Whether there are legal protections or not, the lack of legitimacy (stakeholder buy-in at multiple levels) of any mechanism will undermine its effectiveness.

Much of the past efforts to create and manage commons has been through “projects” that have been time bound initiatives – and usually too brief to achieve the desired outcomes. As a result, there is a lack of knowledge retention due to poor or non-existent archives; weak monitoring; staff transition; limited evaluation and learning systems; and a weak practice of capitalizing knowledge. Yet, the cost and technical demands of natural resources planning, mapping resources and interests, negotiating rights and rules, and creating the governance structure exceed the capacity of most levels of government, and certainly on the scale needed. The project approach may be unavoidable, but there is a need for a new strategy. They must be truly bottom-up and community-driven. These programs need to operate over a longer horizon, with

more investment at developing commune level capacities, including developing a cadre of community-based technical service providers who can facilitate the management planning and administrative procedures at lower costs. The complexity of the planning process should be adapted to the need: management planning for a sacred wood does require the same level of technical investment as a large classified forest intended for harvesting ligneous products. And a critical calculation needs to be made of the financial viability of the long-term management through local resources and revenue streams.

A key element to securing rights and managing commons is governance. Whether a conservation space is held by a local private association or held by the commune with rights and responsibilities ceded to the community through a charter, the stakeholders need to establish inclusive, legitimate and transparent governance. The governing organization needs to be inclusive, which often requires representation from part-time residents such as herders or economic migrants, as well as women and youth. The sustainable management is a technical challenge that requires specialist advice to develop the rules of engagement. But these rules need to be fair and consensual. Information, including the technical aspects of the natural resource management plan, and decision making must be public. And the operation must be financially self-sustaining, without relying on volunteers or underpaid workers.

The complexity and cost of the process makes it a daunting endeavor for communities to engage in or for commune authorities to master (assuming they have the will to do so). Resource persons who could support the process (for a fee) are lacking, and ultimately the issue of sustainability will depend in part on the cost effectiveness of the process – on whether the local natural resources can provide economic benefits commensurate to the investment. The process is heavily linked to the decentralization process and the ability of communes to collect taxes on the productive land to generate resources to jump-start the planning process. At present, communes face real budget constraints. But the commune cannot be authoritarian – taxing at will – and revenue from the commons must in the long run sustain the commons-governing organization, be it the commune administration or a village organization. A fee structure is suggested by the forest code, with proceeds divided to cover costs for technical assistance, governing, investments in improvements, as well as a profit to the harvester. The fee scale has not kept up with inflation and probably does not reflect the real value of the resources, and the revenue-sharing principle has not been updated to devolve the fee management from the center to the commune. The fee sharing mechanism needs to be formalized and decentralized. Transparent management of funds is challenging, but equally, the mindset of paying for natural resources needs to be developed. The current environment, with demographic pressures and climate change, can no longer sustain free and unlimited mining of natural resources.

Conclusion

Despite these constraints, there are some positive examples of villages, local authorities, and public servants committed to developing and improving sustainable natural resources management interventions. There are a variety of commons, with engaged stakeholders who are concerned about the welfare of their natural resources. The current laws and regulations are evolving and offer some solutions that can work now, with innovative options that can be tested and developed for future implementation. Their suggestions have been incorporated into our Guide.

Our Guide consists of three phases: First we define a process for working with village communities and communes and all stakeholders to conceive and nurture the idea of their conservation space. The second phase is to develop the processes, mechanisms and organizations for managing their conservation space. And the third phase is to step back, reflect, learn and improve the management of their conservation spaces.

The first phase is essential and requires attention to inclusive dialogue, reflecting on what a conservation space is, why it exists, and who benefits. The process uses simple tools to encourage analysis, such as mapping out village resources on kraft paper and identifying who they belong to and who uses them. It is critical to ensure that everyone is seated at the table, and to generate a diversity of perspectives on the land use. Women, men, farmers, herders and hunters all have different perceptions of their environment, and sometimes these perceptions are in conflict. Identifying possible conflicts will help in negotiating solutions. This process of mapping and analysis also needs to be technical and legal – and indeed anthropological. The bottom-up process is crucial to understanding uses, users and expectations, but it is difficult step of the process, requiring time and logistics to engage a wide range of stakeholders.

Planning must be underpinned by a solid understanding of the resources, such as inventories and growth potential. And the community needs to probe the various options for securing rights, either through customary mechanisms, private holdings or commune ownership, and determine which is the best fit for the resources and community. Every step in the analysis and negotiation must be documented, using simple methods such as posters that are publicly displayed. New technologies, such as cell phone GPS can map resources accurately and at low cost (and engage young people in the process). At this stage, choices need to be made about the appropriate form of conservation space: a commune forest, customary space or privately held. Depending on the form, the roles and responsibilities of the stakeholders need to be defined. The rights and responsibilities should accommodate existing social and cultural uses, within the bounds of what is technically sustainable, and the code of conduct must be consensual. Finally, the conservation space needs to be demarcated – made publicly visible – and formally secured. The experience of NCBA CLUSA on creating local conventions for livestock corridors in Burkina Faso and Niger suggests that this process can take up to a year.

The second phase of the Guide to managing a conservation space must be technically rigorous, but above all it depends on legitimate, inclusive and transparent governance. The most sustainable governing organization will be one that already exists, rather than a new one, but a new body may be appropriate if the existing one does not have the bandwidth, is not inclusive or needs so much training to fulfill its role in the governance of natural resources management. It will, in any event require external technical assistance. In many instances (for village conservation spaces), this existing structure will be the village development council, or it may be a forum that brings together representatives from stakeholder groups, such as the hunters' association or women's food processing cooperative. To reach a larger scale of natural resources management, the focus will be on the commune administration. Governing organizations need meet regularly in public and communicate with the community. Above all, the governing organization will oversee the financial management. Revenue and expenses need to be recorded, and regular accounts need to be made to the stakeholders. A management plan that is not financially viable or based on a weak revenue base will not be sustainable.

The last ongoing phase described in the Guide is to learn. Stakeholders need to reflect periodically on the success and challenges of their endeavor. What has the community gained? How did they achieve the results? What should be carried on in the future (or discarded)? Reflection should consider the suitability of the legal framework, effectiveness of the governance, the technical plans, and financial accounts. Results and lessons learned should also be publicly displayed, related to all aspects – technical, governance, financial. Examples of successful management of conservation spaces will be of interest to audiences beyond the community. Commune governments, national leaders and development professionals will all take an interest in the success and lessons learned.

At a national policy level, examples from outside Burkina Faso, should also be disseminated. For example, lessons learned from USAID's natural resources management and governance programs in Senegal in 1999, suggest that both sectors need to broaden (USAID 2006): NRM programs need to address the enabling conditions through governance, while governance could be best improved through concrete and practical service delivery to solve natural resource management problems. Building on this experience, and following the release of the "Nature, Wealth and Power" framework around the same period (USAID 2002), the USAID Wula Nafaa natural resources project included an ambitious governance component, and governance remains a part of succeeding NRM programs in Senegal. The framework integrates nature (environmental management), wealth (economic development) and power (governance), and where these levers have been activated simultaneously, the framework has increased the productivity of the natural resource base, provided economic growth for the communities, and engaged people in a more democratic way in their governance.

The Wula Nafaa program explicitly moved away from the technical, sector-focused approach to a more integrated strategy. In Wula Nafaa, governance activities focused on creating, fostering and strengthening the capacities of new economic organizations such as producer groups, processing groups and producer networks, creating economic incentives for users to conserve their natural resource base. The program supported rural councils to develop forest management plans and local conventions, and successfully pushed for a legal recognition of the latter. The local conventions, for negotiating multi-user rules for access to commons has been replicated through USAID's resilience programs in Burkina Faso and Niger, particularly to reduce conflicts between farmers and herders. Toward the end of Wula Nafaa, project staff recognized the need for institutional strengthening of rural councils to enhance capacity for planning, budgeting and financial management. The program sought to increase fiscal revenue for rural councils, as well as develop accountability mechanisms through public scrutiny of the councils' financial management.

We have designed a guide that operates within the current legal framework, though many of the issues identified in our research lie beyond the scope of our influence. New approaches to land tenure should be tested, such as applying concepts for urban multi-use or co-ownership, but such models pose challenges in the urban context for which they were designed, and further research would be required prior to testing them in the rural environment. In many areas, conservation spaces that have ambiguous status – neither state nor commune – need to be settled before their sustained management can be implemented.

But the immediate constraint impeding large-scale implementation of improved natural resources management under the current legal frameworks are technical and financial. The management of ligneous resources and fauna must be based on sound technical assessments, inventories and plans. The development of these plans is beyond the means of most communes. While the planning and management for most village resources, such as sacred woodlots, do not require a high degree technical expertise, an independent opinion would ensure that the rules designed by the community will result in sustainable resource management. But the expertise, the time for dialogue across large spaces, the development of capacities at village or commune levels will all require considerable financial inputs.

Appropriate models for making sustainable conservation financially viable need to be developed and tested. Decentralizing ownership and management to resource poor communes and villages will not succeed without strategies for generating revenue from the resources while reducing the cost of their management. Care must be taken to avoid making a process overly complex where it is not needed. But to reach the scale of natural resources management to meet the challenge of climate change, considerably more financial resources than what are available will need to be dedicated to the effort.

The Guide is intended to be a user-friendly and step by step manual, adaptable to local contexts to achieve land use and natural resource plans, including secure tenure. The effort in the four communes will be scaled up for lasting impact on natural resources – and carbon emissions – in 32 communes currently

targeted by the government Forest Investment Program (FIP). The longer-term goal is to replicate the local governance process through all communes in Burkina Faso.

References

USAID. 2002. Nature, Wealth and Power. Prepared by the International Resources Group.

USAID. 2006. Evaluation of USAID/Agricultural and Natural Resources Management Program “Wula Nafaa.” Prepared by Weidemann Associates, Inc.

Box 1. Key Laws and Codes Regulating Land and Natural Resources in Burkina Faso

The space for equitable access to land and management of natural resources in Burkina Faso is defined by several laws and policies:

- Arrêté N° 01-047 / MEF/MATD/MEE du 08 novembre 2001, *Portant procédure d’approbation des plans d’aménagement des forêts de l’Etat et des Collectivités Territoriales.* (Regarding forest management plans for the State and Territorial Collectives.)
- Décret N° 2007/032/ PRES/PM/MATD du 22 janvier 2007 *Portant organisation, composition et fonctionnement des Conseils Villageois de Développement.* (Regarding the organization, composition and functioning of village development councils.)
- Décret N° 2008-312/PRES/PM/MECV/MATD/MEF du 09 juin 2008, *Portant conditions de création et de gestion des zones villageoises d’intérêt cynégétique (ZOVIC) au Burkina Faso.* (Regarding the creation and management of village hunting zones.)
- Loi N° 034-2009/AN *Portant Regime Foncier Rural* (2009 Law on Rural Land).
- Décret N° 2010-400/PRES/PM/MAHRH/MRA/MECV/MEF /MATD du 29 juillet 2010 *Portant modalités d’élaboration et de validation des chartes foncières locales.* (Regarding local land charters.)
- Décret N° 2010-402 *Portant Procédure de Constatation de possession foncière rurale des particuliers* (2010 Decree on Rural Land Possession).
- Loi N° 003-2011/AN *Portant Code Forestier au Burkina Faso* (Regarding the forest code in Burkina Faso).
- Loi N° 023/2010 AN *Portant du statut de la copropriété des immeubles bâtis au Burkina Faso* (Law regarding co-ownership of buildings.)
- Loi N° 034-2012/AN *Portant Regorganisation Agraire et Foncière au Burkina Faso* (2012 Law on Agrarian and Land Reorganization).

Collectively, these laws provide a body of regulations related to a range of land tenure, from title, use for habitation, public or private exploitation, including public facilities. They also bridge urban and rural contexts, as well as formal and customary rules, but altogether form an arcane and complex legal landscape. Specific rules define the degree of safeguard and ability to transfer, but generally the iron clad tenure is complicated and costly to secure tenure. However, a relatively simple mechanism has been established by the Décret No 2010-402, which creates a “rural land possession certificate” (*Attestation de Possession Foncière Rurale*, or APFR). The APFR can be bequeathed, given freely or used as collateral for credit or other forms of loan. This is suitable for private individuals or associations.

Figure 1. Map of Burkina Faso and research areas.

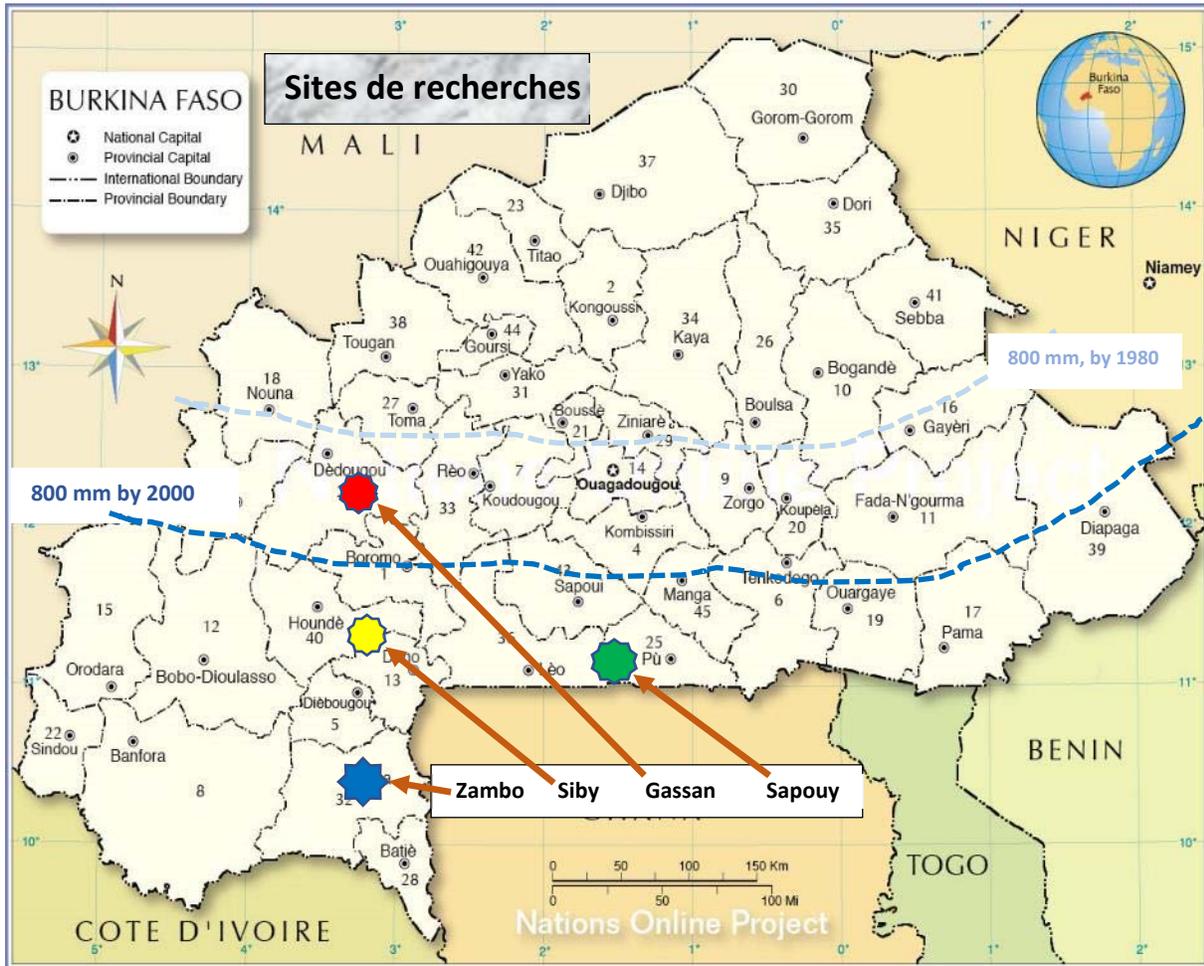


Figure 2. Categories of conservation spaces and forms of formal tenure

