



HOW TO ENSURE EFFECTIVE IMPLEMENTATION OF THE PASTORAL CODE TO PROTECT THE LAND RIGHTS OF PASTORAL AND AGRICULTURAL COMMUNITIES IN SENEGAL?

AMETH DIALLO, NOVEMBER 2024

KEY MESSAGES

Effective implementation of Senegal's Pastoral Code is essential to ensure pastoralists' and farmers' equitable land rights. Significant challenges in enforcing the Pastoral Code include limited capacity of local governance structures, insufficient funding, and a need for more clarity in policy coordination across agencies. Moreover, improved implementation of the Pastoral Code can lead to more sustainable land use, support biodiversity, and foster peaceful coexistence between pastoral and agricultural communities by protecting customary land rights. Some recommendations:

For the government of Senegal:



Strengthen coordination across national, regional and local authorities to ensure the consistent application of the pastoral code;



Provide adequate funding and training to local officials to increase capacity for effectively monitoring and enforcing land use policies.

For local governance bodies and civil society:



Establish inclusive local land councils representing pastoral and agricultural stakeholders to mediate and prevent land disputes.



Develop locally adapted guidelines that clarify how pastoral and agricultural lands are designated and managed.



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BACKGROUND AND CONTEXT

On Monday, December 18, 2023, Senegalese parliamentarians unanimously adopted draft law n°02/2023 on the Pastoral Code. The main aim of the draft code is to guarantee pastoralists and breeders access to pastoral resources with a view to their optimal exploitation. According to the explanatory memorandum, application of the Code is expected to reduce or even eradicate conflicts between stakeholders, particularly between farmers and herders. The effective implementation of Senegal's Pastoral Code is critical to safeguarding the land rights of pastoral and agricultural communities, who are central to the nation's rural economy and cultural heritage.

Pastoralists and farmers have coexisted for centuries in Senegal, but growing competition over land and resources has increased the frequency and intensity of conflicts. As land resources become scarcer due to population growth, climate change, and expanding agricultural activities, there is an urgent need for clear, enforceable policies that protect the traditional land-use rights of both communities. One of the major barriers to the Pastoral Code's effective implementation is limited coordination among the various government bodies responsible for land management.

Methodology

The methodology used is simple. It largely consisted of an analysis of the legal and institutional framework relating to land, agriculture and livestock. Specifically, this involved a cross-analysis of the following legal texts : the 1964 law on the national domain; the 2013 law on the general code of local authorities ; the 2004 agrosilvopastoral orientation law; the 2023 law on the pastoral code.

Despite the adoption of LOASP in 2004, its effective implementation remains limited due to a variety of factors, including lack of resources, limited institutional capacity and conflicts of interest between different stakeholders. According to an FAO report, only a fraction of LOASP's provisions have been fully implemented, leaving many pastoral and farming communities without adequate protection of their land rights.

This would allow for a comprehensive understanding of both the legal and sociocultural dimensions, as well as the practical challenges of implementing the Code : examine the Pastoral Code itself, related legal frameworks, and policy documents to assess how well they align with local practices and needs.

Findings

The findings on the challenges and opportunities for effective implementation of Senegal's Pastoral Code reveal a complex landscape involving governance gaps, resource limitations, and cultural tensions between pastoral and agricultural communities. While the Pastoral Code is designed to protect land rights for these groups, several barriers hinder its effectiveness. Firstly, there is a notable gap in policy awareness and understanding at the local level. Many community members, including pastoralists and farmers, have limited knowledge of the Pastoral Code's specific provisions, which results in inconsistencies in its application. Local governance bodies often lack the necessary resources and training to implement the Code effectively, leading to varying interpretations and, at times, exacerbating tensions rather than reducing them. This disconnect underscores the need for improved communication strategies and education campaigns that ensure



communities and local authorities alike understand their rights and responsibilities under the Code.

A second finding is the challenge of aligning the formal legal framework with traditional and customary land rights. For pastoral communities in particular, access to grazing lands often depends on long-established routes and agreements that are not formally recognized by the state. The Pastoral Code attempts to bridge this gap by incorporating these customary practices into official policy.

However, translating this principle into practice has proven difficult, especially where overlapping claims or disputes already exist. As a result, pastoralists and farmers continue to face conflicts over land, often exacerbated by population growth, climate stress, and expanding agricultural activities that increase competition for limited resources. Opportunities for effective implementation exist, particularly through strengthening local governance and promoting community-led solutions.

Recommendations

For effective implementation of the Pastoral Code, it is necessary to propose measures which are:



Creation of a monitoring and evaluation mechanism: Set up a monitoring and evaluation system to regularly monitor the implementation of the Pastoral Code and identify any challenges encountered, in order to quickly remedy them.



Training local players: Organise training sessions and workshops for civil servants, traditional chiefs, community leaders and civil society organizations on the provisions of the Pastoral Code and the land rights of pastoral and farming communities.



Strengthening mechanisms for resolving land disputes: Develop and promote effective mechanisms for resolving land disputes, incorporating participatory and inclusive approaches involving all stakeholders like mediation and conciliation methods.



Awareness-raising and communication: Conduct large-scale awareness-raising campaigns to inform pastoral and farming communities about their land rights and the provisions of the Pastoral Code, using various means of communication, including traditional media and ICT. Civil society can organise these campaigns in collaboration with Universities and local collectivities.

Conclusion and way forward

The effective application of the Pastoral Code is essential to guarantee the protection of the land rights of pastoral and farming communities in Senegal. By implementing the proposed measures and strengthening collaboration between the relevant stakeholders, we can create an environment conducive to the sustainable development and prosperity of local communities throughout the country.



REFERENCES AND APPENDICES

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