

# **AN ANALYSIS OF INTERNATIONAL LAW, NATIONAL LEGISLATION, JUDGEMENTS, AND INSTITUTIONS AS THEY INTERRELATE WITH TERRITORIES AND AREAS CONSERVED BY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**

**REPORT NO. 5**

**SENEGAL**



**Stockholm Resilience Centre**  
Research for Governance of Social-Ecological Systems



**Stockholm  
University**

**NATURAL JUSTICE**

**KALPAVRIKSH**



कल्पवृक्ष

*Environmental  
Action Group*

**The ICCA  
Consortium**

“Land is the foundation of the lives and cultures of Indigenous peoples all over the world... Without access to and respect for their rights over their lands, territories and natural resources, the survival of Indigenous peoples’ particular distinct cultures is threatened.”

*Permanent Forum on Indigenous Issues  
Report on the Sixth Session  
25 May 2007*

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**Cover Photo:** A centuries-old shell mound at *Petit Kassa*, Casamance, Senegal.

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## List of acronyms

Acronyms	French signification	English signification
AFD –	<i>Agence Française de Développement – Fonds Français pour l'Environnement Mondial</i>	French Development Agency – Global Environment French Facility
ANCAR	<i>Agence Nationale du Conseil Agricole et Rural</i>	National Agency for the Agriculture and Rural Council
ANSD	<i>Agence Nationale de la Statistique et de la Démographie au Sénégal</i>	National Agency for Statistics and Demography in Senegal
APCRM	<i>Association des Pêcheurs de la Communauté Rurale de Mangagoulack</i>	Fishermen Association of Mangagoulack Rural Community
CENESTA	/	Centre for Sustainable Development (Iran)
CITES	/	Convention on International Trade in Endangered Species
CSE	<i>Centre de Suivi Ecologique</i>	Centre for Ecological Monitoring
CVGD	<i>Comité Villageois de Gestion et de Développement</i>	Village Committee for Management and Development
DEFCCS	<i>Direction des Eaux et Forêts, de la Chasse et de la Conservation des Sols</i>	Department of Water, Forest, Hunting and Soil Preservation
DPN	<i>Direction de la Protection de la Nature</i>	Department for Nature Protection
DRSP	<i>Document de Stratégie de Réduction de la Pauvreté</i>	Poverty Reduction Strategy Document
EDF	/	European Development Fund
FIBA	<i>Fondation Internationale du Banc d'Arguin</i>	International Foundation for the Banc d'Arguin
ICCA	/	Indigenous Peoples' and Community Conserved Territories and Areas
IUCN	/	International Union for Conservation of Nature
NGO	/	Non Governmental Organization
PGIES	<i>Projet de Gestion Intégrée des Ecosystèmes</i>	Integrated Management of Ecosystems Project
PNAE	<i>Plan National d'Actions pour l'Environnement</i>	National Action Plan for the Environment

PRODAM	<i>Projet de Développement Agricole de Matam</i>	Agricultural Development of Matam Project
PROGEDE	<i>Programme de Gestion Durable des Energies Traditionnelles et de Substitution</i>	Sustainable Management of Conventional and Substitution Energy Programme
RNC	<i>Réserve Naturelle Communautaire</i>	Communal Natural Reserve
SNAPS	<i>Système National des Aires Protégées</i>	National System of Protected Areas
SRB	<i>Société de Réserve de Bandia</i>	Bandia Reserve Company
UNCED	/	United Nations Conference on Environment and Development
UNDP-GEF	/	United Nations Development Program – Global Environment Fund
UNESCO	/	United Nations Educational, Scientific and Cultural Organization
USAID	/	United State Agency for International Development
Wula Nafaa	<i>Projet de Gestion des Ressources Naturelles de l'USAID au Sénégal</i>	USAID Project for Sustainable Management of Natural Resources in Senegal

## INTRODUCTION

Across the world, areas with high or important biodiversity are often located within Indigenous peoples' and local communities' conserved territories and areas (ICCAs). Traditional and contemporary systems of stewardship embedded within cultural practices enable the conservation, restoration and connectivity of ecosystems, habitats, and specific species in accordance with indigenous and local worldviews. In spite of the benefits ICCAs have for maintaining the integrity of ecosystems, cultures and human wellbeing, they are under increasing threat. These threats are compounded because very few states adequately and appropriately value, support or recognize ICCAs and the crucial contribution of Indigenous peoples and local communities to their stewardship, governance and maintenance.

In this context, the ICCA Consortium conducted two studies from 2011-2012. The first (the *Legal Review*) analyses the interaction between ICCAs and international and national laws, judgements, and institutional frameworks. The second (the *Recognition Study*) considers various legal, administrative, social, and other ways of recognizing and supporting ICCAs. Both also explored the ways in which Indigenous peoples and local communities are working within international and national legal frameworks to secure their rights and maintain the resilience of their ICCAs. The box below sets out the full body of work.

### 1. Legal Review

- An analysis of international law and jurisprudence relevant to ICCAs
- Regional overviews and 15 country level reports:
  - *Africa*: Kenya, Namibia and Senegal
  - *Americas*: Bolivia, Canada, Chile, Panama, and Suriname
  - *Asia*: India, Iran, Malaysia, the Philippines, and Taiwan
  - *Pacific*: Australia and Fiji

### 2. Recognition Study

- An analysis of the legal and non-legal forms of recognizing and supporting ICCAs
- 19 country level reports:
  - *Africa*: Kenya, Namibia and Senegal
  - *Americas*: Bolivia, Canada, Chile, Costa Rica, Panama, and Suriname
  - *Asia*: India, Iran, the Philippines, and Russia
  - *Europe*: Croatia, Italy, Spain, and United Kingdom (England)
  - *Pacific*: Australia and Fiji

The *Legal Review* and *Recognition Study*, including research methodology, international analysis, and regional and country reports, are available at: [www.iccaconsortium.org](http://www.iccaconsortium.org).

This report is part of the legal review, adapted from the recognition study,<sup>1</sup> and focuses on Senegal. It is authored by Dieng Ndiawar<sup>2</sup> & Ndiaye Soulyè.<sup>3</sup>

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<sup>1</sup> Dieng, N. and S. Ndiaye. 2012. Recognition and Support of ICCAs in Senegal. In: Kothari, A. with C. Corrigan, H. Jonas, A. Neumann, and H. Shrumm (eds). *Recognising and Supporting Territories and Areas Conserved By Indigenous Peoples And Local Communities: Global Overview and National Case Studies*. Secretariat of the

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Convention on Biological Diversity, ICCA Consortium, Kalpavriksh, and Natural Justice, Montreal, Canada. Technical Series no. 64.

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<sup>3</sup> Soulèye NDIAYE is a 55 years old Senegalese officer. He has a 32-year professional experience in the field of nature conservation, for his country and various NGOs. He holds a master in Geography from the University of Dakar (1980), a diploma as wild fauna specialist (superior curriculum) from the Fauna School of Garoua (Cameroun), and a master in Forestry Sciences from the University of Laval (Quebec, Canada). He occupied several positions in the Senegalese administration, amongst which: *Conservateur* of the Niokolo-Koba National Park, Assistant to the Director of National Parks, Director of National Parks, Ministry Inspector, and Technical Adviser to the Minister of Environment. His university and technical background on the one hand, and his field expertise on the other hand, make him highly qualified on the following topics: biodiversity and protected areas management, forestry, transboundary biosphere reserves, ecotourism and protected areas tourism planning, rural economy and regional development, community, state and private fauna reserves creation, wildlife transfer for repopulation of protected areas, chimpanzee populations monitoring, environmental impact assessment for endangered fauna species and protected areas. After leaving it in 2000, Soulèye Ndiaye is currently back to his position of Director of National Parks and Reserves of Senegal. Contact: soulendiaye@gmail.com

## SUMMARY

Sustainable management of natural resources is crucial in Africa where – short of the lifestyle of ‘developed societies’ – local people kept a watchful eye on the resources on which they directly depend for their livelihoods. In Senegal, local people established through time rules for the management of natural resources that were generally respected by all. Transgressions of these rules could even be punished by death in view of the crucial importance of natural resources as sources of goods and services, and their role in local beliefs systems (sites for worship, etc.).



*Both a modern signalization and a fetish secure the ICCA of Kawawana in Casamance*  
© Christian Chatelain, 2010

The convergence of local concerns with economic and environmental considerations facilitated the adoption of a colonial Decree on 4<sup>th</sup> July 1935, which set the Forest Management Plan in French-speaking Africa. In this way, the State created its conservation services and most protected areas. Post-independence (1960), however, management has not always resulted in conservation of natural resources. The rural population got progressively separated from traditional practices and natural resources, which led to frustration, while illegal activities gained ground over the years. The National Propriety Law No. 64-46, dated 17 June 1964, and its implementing regulations (Decree No. 64-573 dated 30 July 1964 and Decree No. 72-1288 dated 27 October 1972) actually caused a revolution in the rural areas by removing landowners and transferring the land to its real users. Natural resources were, at the same time, nationalised.

It was not until 1996 that the Government decided to apply the following two texts, as part of the deepening of the Decentralisation Policy:

- Law 96-06 dated 22 March 1996 – i.e. the Local Government Code – which created, among others, three types of local authorities (Region, Municipality, Rural Municipality) on the principle of free administration; and
- Law 96-07 dated 22 March 1996 – dealing with the transfer (decentralisation) of authority regarding Environment and Natural Resources (implementing decree No. 1134 dated 27 December 1996).



The evolution of governance from systems favouring repression to participatory and co-management systems has even reached today the situation of direct governance by entities other than the State, in particular for the case of local communities such as the Bassari indigenous people in the southeast of Senegal, and for the case of local authorities. Secular mechanisms guided by ancient customs have evolved into formal procedures established by the villagers and sanctioned by a ruling of the Rural Municipality and to the establishment of ICCAs recognised by the State representatives.

Along with the possibility of establishing ICCAs (which was legalised by the texts of the Third Phase of Decentralisation), people have set up mechanisms to give responsibilities, individually or collectively, to different groups (the young, the old, women, professional associations). Despite this vision, however, there are still gaps in the recognition of ICCAs in the national system of protected areas. For instance, areas in the maritime domain – where thousands of people need to find the source of their livelihood – are still excluded from the possibility of being declared ICCAs, as they are excluded from the decentralisation legislation that transferred resource management authority to Regions, Municipalities and Rural Municipalities. Change may just be forthcoming however, as the success of some on-going pilot experience may influence a positive policy evolution.

In the experience of the authors, traditional patterns of conservation of biological resources are very efficient, especially with the system of sacred sites, where all community members respect the local conservation rules. This study, however, was not designed to offer a systematic demonstration of such effectiveness, which might be the subject of other analyses.

We believe it is time to recognise the vital role of ICCAs in the effective conservation of natural resources and of local communities in the governance of protected areas. The future of biodiversity conservation and natural resources in Senegal is intimately linked to such recognitions. The decision to create ICCAs by local communities in their local area should suffer neither legal nor regulatory obstacle. The legal value of community decisions for conservation should not be questioned, even in the case of ICCAs created to serve as places of worship or reserved for cultural activities.

## 1. COUNTRY DESCRIPTION AND CONTEXT

### 1.1. Key features of Senegal

Covering an area of 196,720 km<sup>2</sup> of which 75% is located at an altitude of less than 50 meters, Senegal is a Sahelian country bordered to the north by Mauritania, to the east by Mali, to the south by Guinea and Guinea Bissau, to the west by the Atlantic Ocean and Gambia sticking in its Atlantic Coast like a pin (see Map 1).



**Map 1: Location of Senegal in West Africa**

Its population of about 12 million (12,171,265 – ANSD, 2009) is relatively young, with 40% under 20 years of age. It consists of about twenty ethnic groups with the Wolof represented in all regions accounting for almost 40% of the population. The annual growth rate of the population is of 2.34% and nearly a quarter live in the city of Dakar. The average population density is of 61.21 persons per square kilometres. However, there is a large difference in population density between Dakar and the rest of the country.

State administrative units: there are in Senegal 14 administrative regions (Dakar, Diourbel, Fatick, Kafrine, Kaolack, Kédougou, Kolda, Luga, Matam, Saint Louis, Sédhiou, Tambacounda, Ziguinchor and Thies). The regions are divided into departments (often 3 per region) including an average three districts each. The village completes these administrative units. All administrative units are led by a designated representative of the State.

Local authorities: besides these administrative units – and only sometimes overlapping<sup>4</sup> – there are the *Collectivités Locales*: the organs elected by the local residents, such as the Region, the (Urban) Municipality (in French *Commune*) and the Rural Municipality (in French *Communauté Rurale*), with no relationship of subordination to the state administrative units noted before. The *Collectivités Locales* are run by local elected officials gathered in Councils. Each Council is led by a Board coordinated by a President. In average, we find three Rural Municipalities in a district. In some large cities, we find several urban municipalities.

<sup>4</sup> In Senegal, only the administrative region needs to correspond spatially to the Regional Council.

Senegal has a Sudano-Sahelian semi-arid tropical climate with one rainy season extending from July to October. Rainfall has decreased significantly in recent decades and has great spatial and temporal variability. It has decreased sharply in the past 40 years and actually it rains less than 300mm a year in the north and about 1000 mms a year in the south. In the same time, the rainfall has exhibited a swing of 100 to 200mm isohyets southwards from the normal range of 1931-1960.

Because of its geographical position, the country is exposed to a very particular wind regime modifying some climate parameters. Compared to the same latitude in the African continent, the decrease in rainfall is sharper traveling from South to North, but the saturation deficit and the maximum temperature during the dry season are lower, especially near the coast.

These characteristics significantly influence the wildlife species in the forests between northern latitudes 12° 30' and 16° 30' in the Guinean, Sudanese and Sahelian territories, all characterised by a marked species endemism (Gueye 2000).



*Protected areas in northern Senegal host large and diverse colonies of migratory birds (here in Djoudj National Park).*

© Grazia Borrini- Feyerabend, 2011

The Senegalese territory contains significant animal, plant and water resources (CSE 2002). However, the country has limited quality land resources. Against the five categories of existing soils, we find that almost half are poor or unsuitable for agriculture (47%), the percentage of poor soils is 36% (Gueye 2003).

Agriculture remains one of the most important sectors of economic activity. According to the Poverty Reduction Strategy Document of Senegal (DSRP – *Document de Stratégie de Réduction de la Pauvreté*) of the Ministry of Economy and Finances (MEF 2002), agriculture occupies more than half of the population, contributes 10% to gross domestic production and accounts for an average of about 10% of the public investment programme. The agricultural sector also plays a major role in the economy through its contribution to food security, by providing raw materials for agro-industry (e.g. groundnuts, cotton), by absorbing

a portion of industrial, semi-industrial and handcraft production (e.g. fertilisers, pesticides, agricultural equipment).

The majority of the poor live in rural areas and derive their livelihood mostly from agriculture and natural resources, which, for decades, have continued to deteriorate due to harsh weather conditions (drought) and pressure from human activities (poor agricultural practices, deforestation, overgrazing, misuse of pesticides, etc.).

This situation exacerbates the competition for these resources and land disputes, two factors that can be considered as causes of loss of biodiversity and latent desertification, but which were masked in the past by traditional practices promoting conservation.



*Fishery resources (here at Joal-Fadiouth) have attracted many impoverished rural people over the past 20 years.*

© Pablo Chavanche, 2010

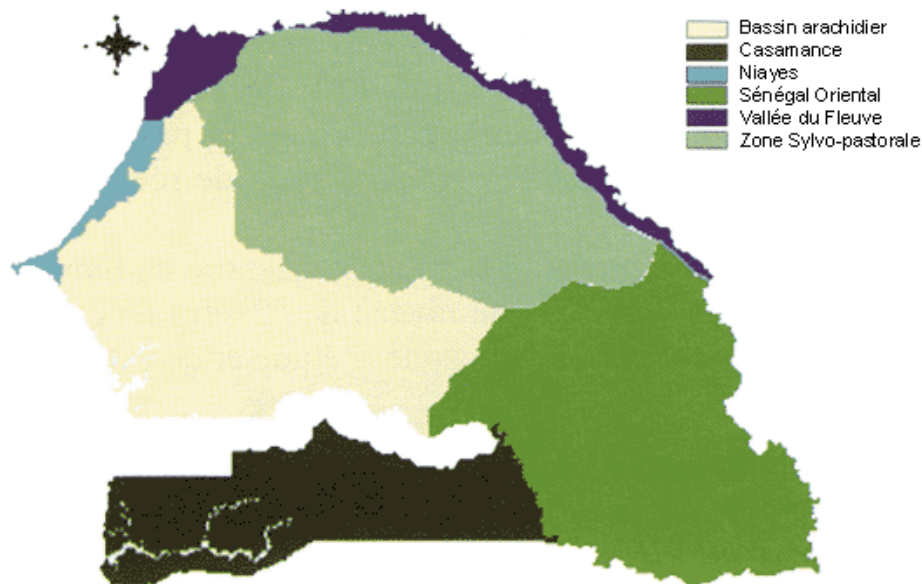
This has plunged the agricultural sector in a very deep crisis, especially since the mid-80s, because of the following:

- Decrease in rainfall;
- Steady decline in producer prices and the adoption of techniques with a low use of financial capital (e.g. fertilizers), but high use of land capital, due to a strong pressure on resources;
- Decline in yields and production, impoverishment and growing debt of the rural population; and,
- Land issue, in particular, access to land, tenure clarity and food security.

The National Seminar on Desertification (SEMINADES), organised in 1985 in Saint Louis was defined on the basis of local constraints and potential eco-geographical zones. There are six relatively homogeneous zones when taking into account the diversity of soils and their potential for agricultural use, combined with the climatic diversity and availability of water resources, they are as follows (see Map 2):

- The area of the Senegal River Valley, which covers the far north and east;

- The Silvopastoral zone located just south of the Senegal Valley and occupying part of the Sudano-Sahelian zone;
- The Niayes located to the west, along the northern coast;
- The area of the Groundnut Basin that occupies the centre and western centre of the country;
- Casamance in the south of the country where rainfall exceeds 800 mm;
- The area of Eastern Centre and the south-east of the country (Eastern Senegal).



**Map 2: Eco-geographical zones of Senegal**

(Source: <http://www.cse.sn/annuaire/ressnat/forestieres/cartezoneseco.htm>)

The land is becoming less and less suitable for agricultural use and the National Environmental Action Plan (PNAE 1997:38) also considers the reduced fertility as one of the major environmental problems.

Forests that were the last resort in times of scarcity have been heavily over-used. They have thus become less dense, less diverse and less productive.

Everyone is quick to agree that natural resources must be better used, outside but even within protected areas.

## **1.2 Brief history of conservation, state- and community-based**

The issue of sustainable management of natural resources is as old as the world. It is crucial in Africa where, in the absence of 'real' development that would have provided accessible products from biogenetic resources, local people have kept a watchful eye on these resources.

Examining the history of Senegal, we find out that local people have always established rules respected by all and transgressions could be punished by the death penalty, as was the case in the realms of Baol and Cayor for the cutting down of a Kadd tree (*Acacia albida*).



In addition to being a source of goods and services, the forest was also a central cultural element. One example is the importance of the sacred groves of Casamance for ceremonies such as the *Boukout* (or *Futampaf*) – male and female initiation to social life known since the 12<sup>th</sup> century.

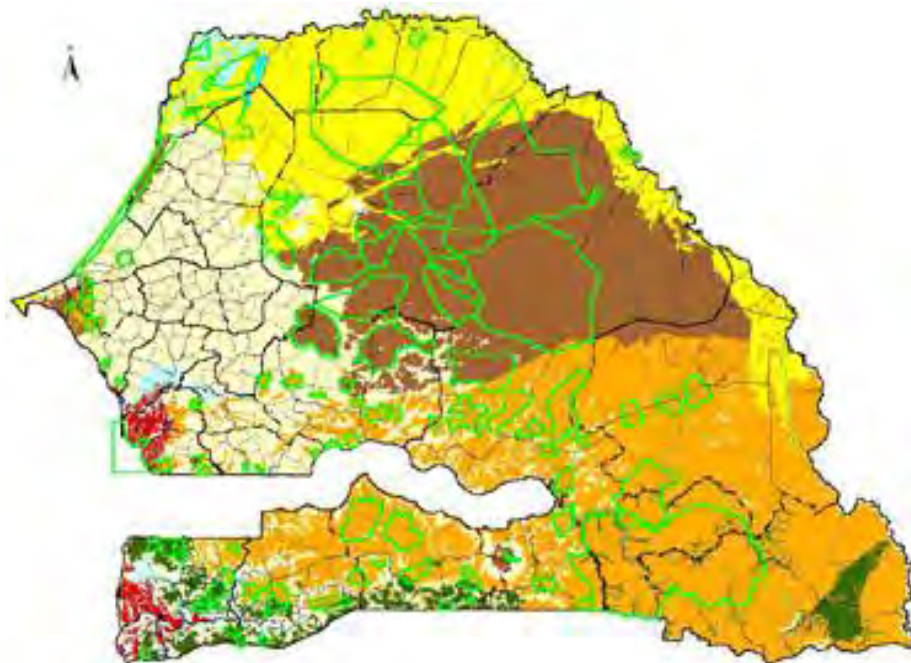
This concern along with economic and environmental considerations facilitated the adoption of the July 4<sup>th</sup> 1935 Decree, setting up a Forest Plan in French-speaking Africa through which the State conservation services and most protected areas were created.

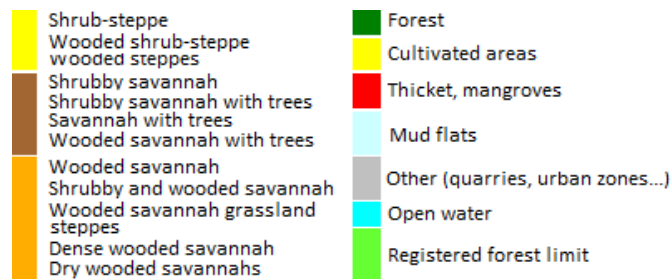
Since this Decree, the main response was to register, under various objectives and statutes, the maximum possible number of protected areas (to the benefit of the State) and to establish mechanism to repress violations of their rules.

The registering consists in the creation and enforcement by the State of a set of restrictive rules and regulations on the use of a forest whose influence is well defined. From an economic and environmental perspective, the goal was to limit human pressure on forests to the minimum use of the population.

Thus forests have been registered for the supply of fuel trains on the Dakar-Bamako, sylvo-pastoral reserves (especially in the Ferlo Region) for farming, the perimeters of restoration to counter wind erosion on the main coast, the Niokolo Koba National Park for the conservation of wildlife, the gonakié (*Acacia nilotica*) forests to protect the banks of the Senegal River and produce wood for boats, forests timber, and so on.

Procedures of gazetting (and de-gazetting) are defined in the Forest Law and supplemented, if necessary, in the Law of Hunting and are the subject, in the final stage, of a decree signed by the President of the Republic.





**Map 3: Map of land use in Senegal**

Boundaries of protected areas indicated in green (Source: CSE 2003)

The gazetting procedures from before the Independence of the country (1960) have also evolved and been adapted to the current realities, with the help of the impact of other relevant texts in the management of natural resources. For example, the Forest Law had been revised in 1993 (Act No. 93-06 dated 4 February 1993 and Decree No. 95-357 dated 11 April 1995) to adapt to Rural Forestry Development Policies (Participatory Agroforestry) and benefit-sharing and involvement of the population around the boundaries of parks in their management.

Thus, the initial situation saw the State considering natural resources as its exclusive property, which 'no one else should touch'. Punishments related to that included fines and even humiliating imprisonment sentences. The government paid people to carry out specific jobs to manage the ecosystems.

Subsequently, the first bridge was to create so-called community activities. All power still belonged to the state but the local people were asked to work gratuitously, or for the payment of subsidies (food, wells, shops, millet mills, fence material, etc.)

Then came the social/rural forestry approach, which assigned, but not on legal grounds, management responsibilities (under state supervision) to people from specific villages, groups of villages, or regions.

The legal issues have been solved with the texts of the Regionalization (see following section), which established a transfer of legal authority (Government of Senegal, 1996). Since then, and although confusion still exist on the side of some state officials and the side of some local politicians, people began to understand that they were working for themselves and to decide what they considered best for them.

### **1.3 Towards local governance**

Nowadays, after a long evolution, the situation constitutes a deliberate duality created to promote conservation with on the one hand communal and private forests and on the other the forests of the State.

This is drawn from the texts of Decentralisation with the Law 64-46 dated 17 June 1964 on the National Territories which is inspired by traditional Black African collective ownership/tenure system which acknowledges individuals' mere use rights over the land. It allows the State ownership rights over the land of the National Domain to ensure their

‘rational’ use and development, in conformity with development plans and programmes (*programmes d’aménagement*). The lands are then classified into four categories: urban areas, gazetted/registered areas (*domaine classé*), areas of land allocated to Rural Municipalities for their own development (*terroirs*), and pilot areas (for large projects and programmes).

In this process of decentralisation – which strongly influences land management – Senegal has opted for several elements of an irreversible policy. This includes:

- Law No. 72-25 dated 25 April 1972, which creates a new administrative level: the Rural Municipality;
- Law No. 90-37 dated 8 October 1990, which relieves the Deputy Prefects of their power of management over the Rural Municipalities, appointing the President of the Rural Council instead, and eliminates the Office of Municipal Administrator to the benefit of Mayors;
- Law 94-55 dated 13 June 1994, which formalises the free administration by local authorities;
- Laws 96-06 and 97-07 dated 22 March 1996, which includes a Local Government Code and Transfer of Powers to local authorities (Region, Municipality, Rural Municipality) as part of the deepening of the Decentralisation Policy. These aim to establish the general principle of free deliberations and local management by decentralised authorities and an appropriate judicial review of their work.



*Decentralisation: speech and governance back to the local communities. Here, women of the Popenquine Natural Reserve.*

© Christian Chatelain, 2010

From 1997 on, all relevant legal texts were to be adapted to the pre-eminence of the texts just mentioned above, called the Third phase of the Decentralisation or “Regionalisation”.

By 1996, the State had also adopted a Land Action Plan, a background paper for a reform of the Law on the National Domain (LND). According to this Plan, in order to end the status quo, land privatisation could be allowed to take place and thus encourage the emergence of economic actors, whether resident or not, and independent of local institutions.



But the Plan runs the risk of also encouraging all kinds of conflicts, between individuals and communities, communities and authorities, or between communities themselves.

#### 1.4 Forests and marine/coastal areas under the control of the State and areas under the control of local authorities

Senegal's forest cover comprises a Registered Domain (*Domaine Classé*), which is constituted by all the registered protected areas under the jurisdiction of the Directorate of Water and Forests and the National Park Service. This registered domain covers about 35.7% of the country.

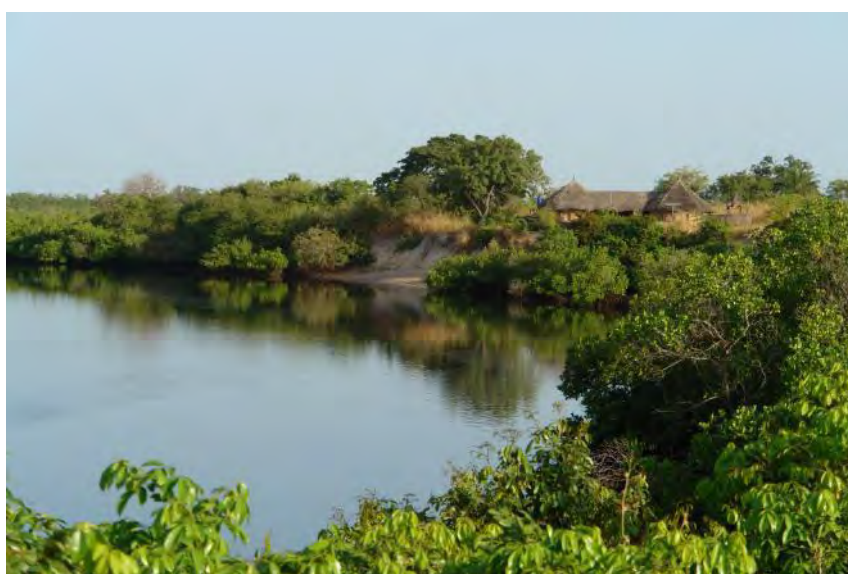
The 234 state protected areas cover a total area of 7,135,617 ha (3,62 % of the national territory), including 209 Forests, 10 Reserves, 8 Parks and 7 Game areas. We need to stress that even at the level of technical services, the figures shown in table 1 are somehow imprecise (some bring the total to 210 only) and different terminologies are used by different agencies. These inaccuracies are a sign of inadequate monitoring of protected areas managed by the State and of the existing problems of maintaining statistics faced by those services.

Category of Areas	Types of protected areas	No.	Surface (ha)	Observations
<b>Forests</b>	Registered Forest ( <i>Forêt Classée</i> )	183	2510155	No exploitation
	Sylvopastoral Reserve ( <i>Réserve Sylvopastorale considérée comme forêts</i> )	17	914580	Grazing area protection
	Managed Forest ( <i>Forêt Aménagée</i> )	9	9080	Organised exploitation
<b>Reserves</b>	Botanical Reserve ( <i>Réserve Botanique</i> )	1	16	Full protection
	Biosphere Reserve ( <i>Réserve de Biosphère</i> )	1	752	A mix of full protection in the core areas and sustainable production areas in their surroundings
	Integral Natural Reserve ( <i>Réserve Naturelle Intégrale</i> )	1	3	Full protection
	Wildlife Reserve ( <i>Réserve de Faune</i> )	7	1395536	Wildlife protection
<b>Parks</b>	National Park ( <i>Parc National</i> )	7	860300	Full protection
	Zoological Park ( <i>Parc Zoologique</i> )	1	80	Agreement for management
<b>Game</b>	Hunting Area ( <i>Zone d'Interêt Cynégétique</i> )	7	1445115	Organized hunting
	<b>TOTAL</b>	<b>234</b>	<b>7135617</b>	

Source: *Bureau d'Aménagement et de Cartographie (BAC)*, Directorate of Water and Forests, 2005.

The boundaries of most registered forests and reserves are regularly encroached upon and these protected areas are sometimes illegally occupied. This is due to the inadequacy of the monitoring, to illegal operations and to clearing the forests. These factors, combined with climatic deterioration, have led to severe degradation of some forests.

There are also 5 Marine Protected Areas created under the impetus of the department in charge of conservation (DPN). Their total area is 103,000 ha and they include Kayar (17,100 ha), Saint-Louis (49,600 ha), Joal (17,400 ha), Abéné (11,900 ha) and Bamboung (7,000 ha). Two Marine Community Reserves were also created by the decree n° 2004-1408 of 4 November 2004, Somone and Palmarin, adding up to 11,150 ha.



*The MPA of Bamboung developed ecotourism activities in order to reach self-financing.*

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Since the texts of the third phase of Decentralisation (Regionalisation), adopted in 1996, locally elected authorities – Region, (Urban) Municipality, Rural Municipality – have the opportunity, in the territories under their jurisdiction, to create their own protected areas. Under this new possibility, in addition to the areas protected by the state, we saw the creation of some 33 Communal Natural Reserves (*Reserves Naturelles Communautaires* – RNCs)<sup>5</sup>. Some RNCs are 'Community Heritage Areas' (*Aires du Patrimoine Autochtone et Communautaire* – APACs) existing in customary law from long before the approval of the legal text on the Decentralization.

These protected areas formally created by Rural Municipalities (i.e. the Communal Natural Reserves, including the pre-existing community heritage areas) cover an area of approximately 758,880.42 hectares. They are listed in Table 1 and Table 2 in Annex 1.

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<sup>5</sup> Please note that despite the similarity in name the governance of RNCs differ from that of the Marine Community Reserves mentioned above.

## 2. FEATURES OF ICCAS

At the 5<sup>th</sup> World Congress on National Parks held in Durban, South Africa, in September 2003, it was recognised that *“an important part of terrestrial biodiversity is found in territories belonging to indigenous and local communities (including mobile) or in territories controlled or managed by them.”*

It was also recognised that these sites called ‘community conserved areas’ are extremely diverse in terms of their institutions of governance, management objectives, their ecological and cultural impacts, and other characteristics.

In Senegal, as in some other countries, most of the areas conserved by communities are not recognised in the national and international conservation system and are largely set outside of the official protected area networks of different countries.

### 2.1 Range, diversity and extent of ICCAs

Senegal’s history teaches us that local people have always set natural resource management rules respected by all because nature provided all necessary goods and services, and forests had, in addition, major cultural values. There were sacred groves, sites reserved for spiritual retreats, land reserves or protected reserves that were not supported by the legal texts referring to conservation and to which technical bureaus paid little attention.

Nevertheless, the good state of conservation often present in such areas attracted the attention of the technical bodies in charge of conservation (because of their added conservation value) and this led to:

- Establishment of Marine Community Reserves by the Direction of National Parks<sup>6</sup>;
- Revision of the Forestry Code of 1993 that grants more rights and responsibilities to local communities.

However, although the texts of Decentralisation back the legal existence of Communal Natural Reserves (*Réserves Naturelles Communautaires* – RNCs) – which is a label that can be offered to ICCAs to officially recognise them – many agents of technical conservation bodies do not yet have a clear knowledge of their existence and do not consider them as part of protected areas. Thus, it is not uncommon to hear that the RNCs are not part of the national network of protected areas.

The establishment of areas conserved with or by the communities meets the following objectives:

- For Communal Natural Reserves (RNCs) the creation objectives are based on the conservation of biodiversity but also include supporting and improving the lifestyles of

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<sup>6</sup> These are Somone and Palmarin, established by deliberation of the Rural Council but under shared governance with the Direction of National Parks, with a *Conservateur* nominated by that Direction by request of the Rural Municipality.

people. These objectives are also common to the Marine Community Reserves co-managed with the technical organs of the State (Somone and Palmarin).

- Some RNCs have been created and are managed by Rural Municipalities, but with the active support of projects and programmes that have been funded by development (and conservation) partners – following also their specific objectives.
- Sacred natural sites and other sites created and managed by local communities not formally recognised by the State are generally motivated by cultural and/ or worship considerations.

In general Communal Natural Reserves – as other special entities such as the Pastoral Units – have several objectives and a wider sense of purpose in the life of rural communities than purely conservation-oriented ‘protected areas’.

Areas of worship as sacred groves appear, because of their rules that strictly exclude development destinations, to deviate slightly from the definition mentioned above, but they do respond deeply to the patrimonial destination.

Some of these ICCAs may only have local impact and value, including for the conservation of local resources. Others, however, also have national conservation value. An example is the Communal Natural Reserve of Dindefello, harbouring the only waterfall of national interest in the country.



*Manatee (Trichechus manatus) is among the most protected species in Senegal. The MPA Pointe Saint Georges in Casamance, looking for recognition as an ICCA, hosts manatees.*

© Gerard Soury.net

While we know that Communal Natural Reserves cover an area of almost 759,000 ha, it is difficult to estimate the area covered by sacred sites and other not yet recognised community heritage areas. The size of the latter varies greatly from one region to another. We must also recognise that the importance of the site cannot be measured in terms of area but of the importance given to it in the community beliefs, cultural practices or worship and of the effectiveness of their management.

Formerly, there were in many parts of Senegal small kingdoms created on ethnic grounds with a formal hierarchical division around a King (including vice-kings, councils of elders, spiritual guides responsible for mystical matters, individuals responsible for the management of land, forests and water, etc.). Today most of these kingdoms have disappeared but those remaining (Casamance, Dakar, etc.) are still trying to perpetuate the traditions, including for the management of natural resources.



*The King of Oussouye (Casamance) attempts to preserve the traditional rules for natural resources conservation.*

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In the three departments of Casamance Region alone, it is reported that there are 81 sacred sites (Government of Senegal and IUCN, 2005). The distribution of sacred sites is very uneven between departments. The following table issued from the Census for purposes of developing a strategy for managing protected areas of Senegal (the list can be non-exhaustive, see table in Annex 2) shows the distribution of these sacred sites by department in Casamance alone.

<b>Table 2: Sacred natural sites in Casamance</b>		
Department	Number of identified Sacred Sites	Surface of the sites
Ziguinchor	4	Approximately 1 ha
Bignona	According to government sources 15 in total; according to local sources 42 only in the Rural municipality of Mangagoulack <sup>7</sup> , which is only one of the municipalities of Bignona.	4 to 20 ha

<sup>7</sup> The number for Mangagoulack is provided by Salatou Sambou, from the Rural Municipality of Mangagoulack.

Oussouye	62	1 to 13 ha
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Tentative observations on the above table concern the diversity of these sacred sites registered in the category of ICCAs:

- The very high number of sacred sites in the department of Oussouye is due to the great ethnic diversity of the people on the one hand and to the ancestral practices of worship other than religions such as Islam and Christianity;
- The area of Oussouye has more forests than the other two departments;
- Several ancestral territories are conserved in the department of Oussouye.

The objectives of establishing a site as sacred include:

- Sacred forest for the circumcision and initiation of young people (boys or girls) of the villages around the sacred site;
- Residence of the king (mainly for sacred sites in the Department Oussouye);
- Place with fetishes for men or women of the community;
- Place of prayer for the community;
- Cemetery for a particular category of the population;
- Sites exclusively reserved for women (indicating that gender aspects are taken into account in the establishment and operation of several sacred sites).



*This sacred grove of Casamance is well known and highly protected by all the neighboring community.*

© Grazia Borrini-Feyerabend, 2008



In these sacred sites, all exploitation of biological resources is strictly prohibited.<sup>8</sup> In several of these sites, entry and passage are strictly regulated. Only the insiders or the conservation guards or the guardians of the tradition are authorised to enter or remain in them. Such sacred sites are also present in other regions, particularly Fatick (Kharwak, Back, and Laga in Foundiougne), Kaolack, Kolda, Tamba, Kédougou and Diourbel. Their creation and administration are no different from those found in Casamance. Differences are only in their numbers.

In other parts of the country, there are no kingdoms as in Casamance<sup>9</sup>. Sacred sites are located near the ethnic group like the Sérère in central and western Senegal, in the administrative Regions of Fatick, Thiès and Diourbel. In Tambacounda and Kédougou, where there are ethnic minorities such as the Bassari, the Cogniaguis, the Tenda, the Diallonkés and the Bédiks, sacred sites are still maintained for cultural or religious activities.

A census of the sacred sites is still to be made. A base is in place for the setting up of a database in order to develop a strategy for managing the protected areas of Senegal.

## **2.2 Key ecological, cultural, socio-economic and political values of ICCAs**

While no study yet exists regarding the actual biological value of ICCAs in Senegal, their socio-economic values and policies are defined by their goals of creation and their management. ICCAs are dedicated to resource valorisation by using natural resources in a sustainable way. In Senegal, several examples illustrate the socio-economic values of these areas:

- Use of eco-tourism circuits;
- Sustainable use of fisheries;
- Sustainable use of honey;
- Sustainable use of natural resources in general;
- Sustainable use of rangelands for livestock;
- Conflict-resolution between actors like herders and farmers;
- Creation of employment for the youth;
- Creation of tourist camps in villages;
- Participation in the fight against rural poverty.

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<sup>8</sup> No study exists on the biological value of these sites, and for the local populations the cultural and worship values are the most important.

<sup>9</sup> Some believe that kingdoms were actually imposed upon the Djola people of Casamance by the French colonial powers.



*The Kawawana ICCA (here the sacred bolon of Mitij) is a unique site for the reproduction of aquatic and terrestrial life.*

© Christian Chatelain, 2008

In addition, the very recognition of the existence of these areas by national legislation (by the local Law on the transfer of powers over environmental and natural resource management for Regions, Rural Municipalities and Rural Municipalities) can be seen as having social value in itself.

### **2.3. Main threats to ICCAs**

In Senegal, as in several other countries, the ICCAs in Rural Municipalities are faced with threats. The relative importance of threats to these areas is difficult to measure because of the diversity of their creation objectives and of their modes of governance.

Among the threats facing these areas are the following:

- The risks, seen from the government, of non-compliance by the local community and by migrants with the land legislation governing or securing these areas;
- The creation of unsustainable development projects, like large-scale tourism activities, productive activities, etc.;
- The interference of the national policy in the governance of the ICCAs for example by the imposition of a state appointed manager (*Conservateur*);
- Access to resources by people who do not share the same religious or cultural beliefs (for example at Joal-Fadiouth where Catholics and Muslims live in the same area, share the same resources but have different livelihoods, different needs and different visions of what is important to protect);
- Loss of legitimacy of the customary rights because of patterns of privatisation or superimposition of a modern way of life or/and the break of the intergenerational transmission;
- Loss of cultural values and beliefs of the youth due to globalisation.



### **3. GOVERNANCE AND MANAGEMENT OF ICCAs**

#### **3.1 How are ICCAs governed and managed?**

The governance of ICCAs depends on who and how established them. But it is important to attempt a clarification of terminology and move towards harmonization of designations. We can identify two main 'types' of ICCAs in Senegal, as follows:

*(i) ICCAs formally established by a resolution of the Regional Council or the Rural Municipality and governed directly by the relevant community or Municipality*

In this first category one finds the Communal Natural Reserves – RNCs formally recognised by a decision of the Rural Municipality or of the Regional Council, with governance assigned to the relevant community or Municipality. These may be established only recently or be Community Heritage Areas of more ancient origin.

The provisions of Law No. 96-07 dated 22 March 1996 on devolution of authority to Regions, Municipalities and Rural Municipalities in terms of environment and natural resource management (in particular Article 30), as well as the provisions of Decree No. 96-1134 dated 27 December 1996 on the implementation of devolution of authority to Regions, Municipalities and Rural Municipalities in terms of environment and natural resource management (in particular Articles 2, 48 and 50), give to Rural Municipalities the privilege to create reserves in their local community. These provisions do not apply to the maritime public domain that is not affected by devolution of authority, but this may just be forthcoming (the success of some on-going experiences may influence a positive evolution in this sense).

From the perspective of governance, there is a ruling by the Rural Municipality that assigns certain powers to an existing organisation of the concerned populations (Village Committees and/ or inter-village Development Committees, Environmental Commissions, committees or associations of fisherfolks, farmers, pastoralists, eco-guards, etc.), establishes good practices (*charte de bonne conduite*), some regulations or the equivalent of a Statutes, a collaborative management plan (*plan de gestion concerté*), a scientific Council (and/ or a Council of Elders), etc.

Besides this, stands the inevitable question of monitoring; as outsiders – or even some members of the community – may be tempted to not respect the rules because of the profits of illegal exploitation of resources. It is thus needed to have guards, maybe even full-time employed.

These guards should be compensated. There are examples in Senegal of eco-guards recruited either by government institutions (DPN, DEFCCS), programs and projects (PGIES, the Wula Nafaa), local structures (CVGD), or the Rural Municipality itself, for the task of surveillance. Private companies like the Bandia Reserve Company (SRB) also employ this kind of staff.



*The surveillance conducted by the community itself is very effective. Here, the President of the Kawawana ICCA in Casamance burns prohibited nets.*

© Grazia Borrini-Feyerabend, 2011

For instance, at the Niayes RNC, eco-guards were paid from resources from a contract engaged with the state – a sort of partnership agreement where an entity (a project, the State or an NGO) provides support to the Rural Municipality in exchange for a voluntary commitment to manage its natural resources with some agreed specific objectives. In that case, two eco-guards were paid 40,000 FCFA per month each.

To cope with the actual severity of the problem of surveillance, the Ministry of Environment and Protection of Nature has also, at one time, considered creating a statute to harmonise conditions of hiring such personnel, without financial support.

The will to take responsibility for the compensation of these eco-guards (e.g., compensation, at the CVGD level, included in the allocation of revenues from exploitation of resources) appears to be temporarily abandoned, probably because of the fact that it could bring excessive burdens to the State.

We believe that the governance of the Kawawana ICCA in Casamance (Box 1) is a typical example of community governance.

#### **Box 1: Kawawana ICCA, Casamance**

*Creation date:* March 20, 2010, approved by the Governor of the Region on 1 June 2010.

*Location:* Region of Ziguinchor, Rural Municipality of Mangagoulack (8 villages, 12,000 inhabitants).

*Ecosystems and wildlife:* Kawawana is in a tropical estuary embroidered with inlets and mangroves. It hosts an amazing biodiversity, with many fish (all local species), manatee, humpback dolphin, crocodile, birds, small mammals, shellfish, mangroves, wild plant species,

etc.

*Surface:* 9,665 ha.

*Design:* a system of zoning and management rules for conservation: long-term biological rest (regeneration and protection) and sustainable use of resources (production).

*Governance:* by bodies created by the local community.

*Benefits for local people:*

- Better fish yield: benefits for the whole community, reducing rural-urban migration, improved nutrition for families, especially for children.
- Local level of commitment, teamwork and organisation with: peace, solidarity, dialogue, sharing, better knowledge- and capacity-building on the subject of the environment.

*Decision-making bodies:* the Council of the Rural Municipality, the APCRM Assembly, the Office of the APCRM, the Council of Elders, the Scientific Committee, the State Representatives.

Source: Personal communication from Salatou Sambou, Kawawana ICCA and Mangagoulack Fishermen Association.

The example of the RNC of Boundou in the Tambacounda Region (Box 2) is also significant. This RNC was created by 4 Rural Municipalities and the participation of a community interest group from an Urban Municipality. It is an example of a Multi-Communal Natural Reserve.

## **Box 2: Cross-Community Natural Reserve of Boundou**

*Creation date:* 2009.

*Deliberation of 4 Rural Municipalities:* Dougué, Koussan, Sinthiou-Fissa, Toumbourou with the participation of the Bakel Community Interest Group.

*Ecosystems and wildlife:* a rich woodland (mainly combretacee, pterocarpus, Terminalia, bamboo, etc.) subject to violent bush fires due to their extended grass cover where wildlife lived in great abundance. Biodiversity there was impressive but it has almost disappeared because of hunting pressure (legal hunting and poaching in managed areas) and land acquisition pressure (villages, fields and more recently, coal mining). Relict fauna includes the red striped gazelles (*Gazelle rufifrons*). In the rainy season, one can also observe the passage of antelopes leaving the National Park of Niokolo-Koba. Other species encountered are the monkeys, common jackal and sedentary birds such as guinea fowl, francolin, doves and parrots.

*Surface:* 120,000 ha.

*Location:* Administrative Region of Tambacounda.

*Governance:* Local Bylaw.

*Monitoring:* 32 volunteer eco-guards from the local community.

*Partners:* Regional Council of Tambacounda, General Council of Isère (France), Niokolo-Koba National Park, Inspectorate (*Inspection d'Académie*) of the Academy of Tambacounda, French Committee of the IUCN, Regional Development Agency of Tambacounda, USAID Programme / Wula Nafaa; French Global Environment Fund, French Development Agency, National Programme for Local Development.

Source: The Boundou Letter Number 7, January to March 2011 (Newsletter of the

*(ii) ICCAs with no legal backing, such as sacred natural sites*

In Senegal, sacred natural sites have no legal backing but are recognised informally and usually well respected since their inception, because of the will of local communities combined with some generalised form of 'cultural respect' by the staff of governmental agencies. The creation of sacred sites, often called 'sacred groves', is generally motivated by cultural or worship aspects.

Their mode of governance can fall into one of the two following categories:

- Ruled by a family: governance by a family which acts as protector with matriarchal or patriarchal decision-making. Most often, the family is the very one that established the sacred site at the very origin.
- Ruled by a local informal Council: governance by a council of elders or of initiates, whose members are chosen by community rules following criteria defined by the community. Aspects of management of sacred sites are defined by internal rules often applicable to everyone, even foreigners. Exceptions are often made for guards or for initiates.

Prohibitions usually enforced in sacred sites include:

- Lighting fires;
- Cutting timber;
- Picking fruit;
- Entering the premises; and
- Dividing the land for other purposes.

Entry in the sacred natural sites is discouraged but exceptions are allowed for the celebration of cultural ceremonies and the meetings of the Council of Elders of the community for major decisions.

*(iii) The case of Communal Natural Reserves strongly influenced by the presence of a nationally-appointed Conservateur*

We need to mention here also the reserve areas related to a decision of the Rural Municipality but whose governance and management are strongly influenced by the presence of a Manager (*Conservateur*) appointed by the National Parks Management. This agent of National Parks and his staff are usually very active in managing the protected area. Their presence alters the community character of the reserve and strongly affects its governance. As a matter of fact, the governance type is here 'shared governance' between a government department and a Rural Municipality, with the main decision-making power usually left to the State.

Some such early 'Community Conserved Area' were designated in the 90s in Senegal to "*give responsibility to local people in managing their natural resources and make them aware of issues related to their conservation through effective ownership, recognised both by all socio-economic actors and administrative authorities.*" (Thiaw, Sylla and Lariviere 2003). They

were designated by Presidential decree under the encouragement of both local communities and some cooperation agencies, named *Aire du Patrimoine Communautaire* and noted to be aiming to “the conservation of ecosystems and biodiversity through sustainable use with the goal of poverty alleviation and a substantial contribution to solving the problems of the community and of the people.” This is the case of the Kër Cupaam, a community reserve created by women before the Decentralisation texts of 1996 (see Annex 3). It was created in 1987 by presidential decree – being the first of its kind – and was secured by an Agreement with the State through a regime of shared governance between the state and the local communities. The RNCs of Palmarin and of Somone have a similar history and are today under shared governance with an appointed *Conservateur*. This may actually be a sort of *ad hoc* situation, which arose to accommodate specific cases and may evolve with time.

#### 4. RECOGNITION AND SUPPORT TO ICCAs

##### 4.1. Government recognition and support to ICCAs

Since mentioned in the Law 96-07 dated 22 March 1996 and Decree 96-1134 dated 27 December 1996 (part of the ‘decentralisation laws’), Communal Natural Reserves and Pastoral Units – which can both be considered ICCAs – benefit from legal recognition. But so far they are not considered part of the state network of protected areas, established by national legislation through the provisions of the Forestry Law in particular. They are, however, legal when regularly constituted by a decision of the Rural Municipality, approved by the state representative.



*July 10, 2010 – the day of recognition for Kawawana, the first ICCA in Senegal created by a solidary community and officially recognized by the Mangagoulack Municipality and the Ziguinchor Region.*

© Christian Chatelain, 2010

Others, such as sacred sites, have not been the subject of ruling, and are more likely to be encroached upon or be subject to a change of function by the State or by local community councils. Their situation could be better secured by specific provisions to be included in relevant laws. However, there is in practice a *de facto* recognition by:

- The relevant departments to the conservation contributions of these sites;
- The population who is usually very attached to its customs, and the wealth of its land.

Therefore, when a bridge of dialogue is created, these stakeholders contribute to the management to the best of their abilities and resources.

The Constitution of 22 January 2001 laid the foundations for a land reform, in particular article 15 which states: *“The right to property is guaranteed by this Constitution. There cannot be violation unless in the case of public necessity legally ascertained, which should be subject to a just and prior indemnity. Men and women have equal right to the possession and ownership of land under conditions determined by law.”* The underlying principle of this law is that a good land tenure law would make up for, at least in part, the deficiencies in the development of agricultural land, while respecting the rights of traditional users.

The legal texts on the devolution of responsibility in natural resource governance also created a framework for ‘forests of regional interest’ – a sort of local protected forests (Forest Law 98-03 of 8 January 1998 and its Implementing Regulation No. 98/164 of 20 February 1998).

The Hunting and Wildlife Protection Law (Law No. 86-04 dated 24 January 1986 and Decree No. 86-844 dated 14 July 1986) – a reference tool for managing wildlife and its habitat – has also been the object of adaptive thinking, but not yet been adopted by the Government unfortunately.

Given the cross-sectorial aspect of natural resource management and other sectorial policies, texts like the following should be considered during the development of the Forest Law<sup>10</sup>:

- Law No. 64-46 dated 17 June 1964 on National Territories, as amended and its implementing regulations (Decree No. 64-573 dated 30 July 1964 and Decree No. 72-1288 dated 27 October 1972);
- Decree No. 80-268 DR / DSPA dated 10 March 1980 on the organisation of rangelands and conditions of use of pastures;
- The Water Law established by Law 81-13 dated 4 March 1981;
- Decree No. 86-320 dated 11 March 1986 initiated to resolve an overload caused by camels (especially foreign) in the north;
- Law of the Environment: Law No. 2001-01 dated 15 January 2001 and its implementing regulations, of which No. 2001-282 dated 12 April 2001;
- Mining Law: Law No. 88-06 dated 26 August 1988 and its implementing Decree No. 89-907 dated 5 August 1998, as amended by Law No. 2003-36 dated 24 November 2003;
- Agro-Sylvo-Pastoral Orientation Law No. 2004-16 dated 4 June 2004.

Important international environmental treaties ratified by Senegal should also be taken into account, such as:

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<sup>10</sup> The Law of 1986 does not take into consideration Communal Natural Reserves created long after that. These do not figure as well in the list of protected areas under the law of 1986. A revised law will include all existing categories of protected areas.

- Convention on International Trade of Endangered Species of Fauna and Flora (CITES or Washington Convention) adopted in March 1973; Senegal is a Party since November 1977;
- United Nations Convention on Biodiversity of June 1992, ratified by Senegal in June 1994;
- United Nations Convention to Combat Desertification, adopted on June 17, 1994; by Senegal since 1995;
- United Nations Framework Convention on Climate Change of June 1992, ratified by Senegal in June 1994;
- Convention on Wetlands of International Importance (for the habitat of the waterfowl), adopted on 2 February 1971 in Ramsar (Iran), effective since 21 December 1975 (11 November 1977 for Senegal);
- African Convention on the Conservation of Nature and Natural Resources (Algiers Convention OAU) of June 1969; adopted in Senegal in March 1972;
- Convention on World Cultural and Natural Heritage (UNESCO, Paris) of November 1972, ratified in February 1976;
- Convention on the Conservation of Migratory Species (Bonn Convention) in June 1979, ratified in March 1988;
- Convention on the Conservation of Wildlife and Natural Environment of Europe (Bern Convention);
- Convention on the marine and coastal areas in West Africa and Central Africa (Abidjan Convention) of March 1981; adopted in Senegal in August 1984;
- And of course the principles of UNCED of Rio in 1992, particularly principles 1, 3, 4, 9, 10, 11, 20, 21 and 22 of the Rio Declaration (Agenda 21) and articles 6, 7, 8, 10, 12 and 13 of the Convention on Biodiversity.

#### **4.2. Civil Society recognition and support to ICCAs**

The role of civil society in helping to recognise and support ICCAs has been very limited in Senegal so far. This can be explained by a variety of reasons, amongst which, despite the progress achieved through provisions of the Regionalisation Law, the different actors (technical bureaus, private sector, civil society and even the municipalities) not having fully come to terms with it:

- Incomplete transfers of authority pertaining only to certain areas of responsibility often create confusion; for example some Rural Councils have ruled on protected areas of the State.
- Insufficient preparation of local elected officials, who too often focus on party politics and finances, and away from their task of good management of local resources, which has consequences on land disputes between local and migrant populations.





*Whatever the status of the protected area, its strength comes from the mobilization of the entire community, as may be demonstrated by ICCAs. Here, the participants to one of the design meetings for the Kawawana ICCA, Casamance.*

© Philippe Tous, 2009

Another problem is the omnipotence of the State, especially on issues of economic interest as in the case of mining. For instance, in the region of Kedougou, the Mining Law allows to exploit riches such as gold, without any special formalities; it also allows tax exemption in the entire country except for the Registered Forests (*Forêts Classées*).

We can finally mention the lack of capacity for the development of the natural resources and for their sustainable management.

RNCs have also been supported by technical bureaus (DPN, DEFC) and special projects (PGIES, PROGEDE, Wula Nafaa, ANCAR, PRODAM), environmental and development organisations (EDF, UNDP-GEF, AFD-FFEM, CENESTA, FIBA, ICCA Consortium, IUCN, Nicolas Hulot Foundation, Wetlands International) and decentralised cooperation (e.g. Isère General Council).

#### **4.3. Key issues for the recognition and support to ICCAs**

Both RNCs and sacred natural sites are areas where, as per our observations, management can be as effective as, if not more effective, than the management performed under the law and regulations by technical bureaus. This is most likely due to the commitment of the people closely linked to their environment and often engaged in multiple activities. The technical service agents rarely travel to visit the areas, except for taking action on poaching, encroachment or illegal exploitation of timber and, in all such cases, with very inadequate means at their disposal.

The main issue for sacred natural sites and other community heritage areas not yet recognised locally or by the state is their formal recognition; as lack of formal recognition may mean their alienation or assignment to different purposes.



Many others questions relate to:

- Formal recognition of sacred sites as ICCAs in the list of protected areas of the country, recognised in the Forest Law and the Law of Hunting and Nature Conservation in accordance with the respective laws and regulations defined by the Forest Law in the Act No. 98/03 dated 8 January 1998 and its implementing Decree No. 98-164 dated 20 February 1998 and the Law of hunting and wildlife protection with Law No. 86-04 dated 24 January 1986 and the Implementing Decree No. 86-844 dated 14 July 1986.
- Globalisation and the loss of cultural values in Senegal may have negative consequences on ICCAs. These consequences can be seen through the non-respect for cultural practices, the cessation of cultural practices, the violation of the integrity of the lands formerly held as sacred sites.
- Conflicts of jurisdiction or the interference of government employees in the management of cases that could have been ICCAs – as Somone and Palmarin – but were instead transformed into shared governance through the addition of a *Conservateur*.
- The renewal of the decision-making organs in the management of ICCAs, especially with the interference of policies in the implementation of decisions of the governing bodies of ICCAs.
- The Rural Council's difficulties to have their deliberation decision for creating ICCAs respected by the administrative authority. The most illustrative example is the refusal of the Sub-Prefect to approve the resolution of the Rural Council of Dindefello for the creation of the Dindefello RNC in 2010. Fortunately, the provisions of several laws (Law No. 96-07 dated 22 March 1996 on transfer of powers to Regions, Municipalities and Rural Municipalities in terms of environment and natural resource management, in particular Article 30; Decree No. 96-1134 dated 27 December 1996, implementing the Law on the transfer of powers to Regions, Municipalities and Rural Municipalities in terms of environment and natural resource management, in particular Articles 2, 48 and 50) give Rural Municipalities the privilege to create reserves in their local community. The non-approval of ruling by the administrative authority does not undermine the community's ruling. After a period of fifteen days, the ruling becomes enforceable even without approval by the competent administrative authority and the Bassari people of Dindefello now have governance power over their RNC (see Annexes 4 and 5).

## **5. THE FUTURE**

### **5.1 Future activities planned by the communities, the government, and the civil society, especially in relation to issues of recognition and support**

We are not aware of any activities being undertaken / planned with a future perspective (e.g., laws that are under development or advocacy that is ongoing to obtain recognition in future).

## **5.2 Recommendations**

It is time to recognise the vital role of ICCAs in the effective conservation of natural resources and the vital role of local communities in the governance of protected areas. Indeed, several administrative regions of the country do not have protected areas registered in the so-called formal network of National Parks, forests, Wildlife Reserves, etc. However, in several regions of the country, taking into account the ICCAs created and managed by Rural Municipalities would make visible their contributions to conservation.

The future of ICCAs is intimately linked to their recognition as a legitimate and powerful modality of biodiversity conservation. The decision to create ICCAs by local communities in their local area should suffer neither legal nor regulatory obstacle. The legal value of community decisions for conservation should not be questioned, even in the case of ICCAs created to serve as places of worship or reserved for cultural activities.

The best way to make ICCAs sustainable is to include the process of creation and dissolution in the procedures guaranteed by national legislation through the Forest Law, the Law of Hunting and Wildlife Protection and the Law of local communities.

This recognition should also be made in the National Strategy for Protected Areas. A national awareness-raising must be made to place some ICCAs registered as 'informal' as the best form of sustaining cultural or worship values.

A collective awareness along with the support of the State is more than necessary to secure land and resources conserved by the ICCAs. No development plan, no administrative or legislative decision should question the existence of ICCAs, even for needs of public utility.

If necessary, the ICCAs could receive financial and technical support from the State and development partners, through support to local governments and decentralised cooperation and NGOs.

Outside the category of sacred sites, ICCAs could benefit from institutional support of the civil society and of NGOs for the establishment and operation of decision-making bodies such as boards, management committees, and other structures.

In addition, to avoid land use conflicts inherent to processes of privatization, some modifications in the current legislation (LND) could be introduced to ensure the maintenance of the principles of inalienability, gratuity and equity (in the use of land), while adapting those to current practices. Such modifications could organise the land access of non-residents and investors and ensure flexible land uses and even change in the control of land, following local needs and circumstances.

For all the mentioned reasons, the following recommendations are made for the recognition and support of ICCAs:

- ✓ Proceed to formal recognition in the National Legislation of all types of ICCAs - including formal ICCAs such as Communal Natural Reserves and informal ICCAs such as sacred natural sites;
- ✓ Consider that some ICCAs do not want any form of official support or interference, they only need assistance for their protection against external threats;
- ✓ Identify and map all ICCAs (formal and informal), but preserve the confidentiality of this information if the communities so desire;
- ✓ In the process of their creation, secure land and natural resources conserved in the ICCAs in the form of inalienable and indivisible collective property established in the name of local communities;
- ✓ Support, if necessary, the development and implementation of management plans by bodies legally recognised by all stakeholders (note that affected communities are the first to have to define the terms of management of their ICCAs and technical government or non-government organisms must only provide support upon request);
- ✓ Designate at least one person in each Regional Development Agency (a technical body of the Regional Council) dedicated to ICCAs and to support them in a respectful and appropriate way;
- ✓ Support the strengthening of financial, technical and organisational management capabilities of ICCAs, on the basis of their explicit demands, especially in cases of serious threats to ICCAs that communities cannot cope with;
- ✓ Encourage local authorities, particularly Regional Councils and the State to facilitate the creation of a National Network of ICCAs;
- ✓ Reach consensus on the possibilities of establishing a body of eco-guards.

*(i) What forms of recognition and support?*

*Legally*, ICCAs should be recognised as a legal form of conservation for cultural and/or other reasons by local communities in their own land. This recognition can be realised by the inclusion of this category of ICCAs in the country's legislation on the one hand and in the National Strategy for Protected Areas on the other. This recognition may require, among others, the revision of the Forest Law and that of Hunting and Wildlife.

*Administratively*, ICCAs should be supported by different administrations involved in natural resource management, land use, land registry, planning, culture and local communities, although it should be emphasised that these administrations are not supposed to take an active part in the governance and management of ICCAs.

*Technically*, some ICCAs can serve as live laboratories and genetic resources for endangered plant species in some villages, taking into account the precautionary principle and the acceptance of local people.

*(ii) Who should do what?*

*Non-governmental organisations* (especially those involved in the conservation of natural resources) can help local communities to create ICCAs on their territories; but it should be emphasised that the ICCAs should not be created by the initiative of NGOs, but really come from grassroots. Support that can be offered to Rural Municipalities in is technical, legal, financial and institutional for the operation of existing or future ICCAs.

*The Government* should facilitate the recognition of ICCAs by the approval of their deliberation of establishment. This recognition of ICCAs by the government can also foresee their inclusion in the national network of Protected Areas, according to different categories recognised by the international community. The institutions governing ICCAs that have a history of functioning well in the local communities should not be put at risk by the government for any reason whatsoever.



*ICCAs are today's hope for the 'good life' of tomorrow*

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## Annex 1: List of Senegalese RNCs & ICCAs

**Table 1: Communal Natural Reserves declared, governed and managed by Rural Municipalities and their local communities**

N°	Name	Region	Rural Municipality	Date of ruling	Surface in ha	Remarks
1	Loumbol Samba Abdoul	Matam	Houdalahi	6-11-2003	38,170	Supported by SEN-UNDP-GEF
2	Malandou	Matam	Wouro Sibi	29-11-2003	72,820	SEN- UNDP - GEF
3	Wendou Diohi	Matam	Wouro Sibi & Sinthiou Bam	29-11-2003 01-03-2004	86,760	SEN- UNDP - GEF
4	Moungyel	Matam	Wouro Sibi & Sinthiou Bam	10-03-2008	128,676	SEN- UNDP - GEF
5	Mansadala	Tamba	Dialakoto	24-06-2003	35,000	SEN- UNDP - GEF
6	Koar	Tamba	Missirah...	21-06-2003	6,107	SEN- UNDP-GEF
7	Linkering	Kolda	Linkering	30-10-2003	6,103.25	SEN- UNDP-GEF
8	Nyémeniké	Kédougou	Tomborokoto	13-11-2003	64,523.88	SEN- UNDP-GEF
9	Médina Gounas	Kolda	Médina Gounas	05-02-2004	14,962.25	SEN- UNDP-GEF
10	Dar Salam	Tamba	Dialakoto	09-06-2005	3,000	SEN- UNDP-GEF
11	Oubadji	Kédougou	Salémata & Dakatéli	06-07-2006	82,882	SEN- UNDP-GEF
12	Tiabédji	Kédougou	Bandafassi	30-01-2008	26,020	SEN- UNDP-GEF
13	Missirah	Fatick	Toubacouta	11-03-2004	800.59	SEN- UNDP-GEF
14	Néma Bah	Fatick	Toubacouta	04-07-2003	846.61	SEN- UNDP-GEF
15	Mansarinko	Fatick	Toubacouta	11-03-2004	775.22	SEN- UNDP-GEF
16	Ndinderleng	Fatick	Toubacouta & k. Samba Guèye	13-01-2004	860.62	SEN- UNDP-GEF
17	Samé Saroudia	Fatick	Toubacouta	04-07-2003	94.25	SEN- UNDP-GEF
18	Touba baria	Fatick	Keur Samba Guèye	18-02-2009	60.00	SEN- UNDP-GEF
19	Darou	Thiès	Darou	15-10-	1,500	SEN- UNDP-GEF

	Khoudoss		Khoudoss	2003		
20	Diokoul Ndiawrigne	Louga	Diokoul Ndiawrigne	01-07-2003	2,000	SEN- UNDP-GEF
21	Lac Tanma	Thiès	Notto Gouye Diama		4,152	
22	Notto Gouye Diama	Thiès	Notto Gouye Diama	03-07-2003	1,180	
23	Gandon	Saint Louis	Gandon	16-07-2003	2,000	
24	Dindéfelo	Kédougou	Dindifélo	January 2010	13,200	USAID
25	Kawawana	Ziguinchor	Mangagoulack	July 2010	9,665	GEF SGP/ CENESTA/ ICCA Consortium /FIBA
26	Boundou	Tambacounda	Tambacounda	2009	120,000	General Council of Isère
27	Sokone	Fatick	Sokone Municipality	NC	700	
28	Mbowène	Fatick		NC	100	
29	Malidino Dialimakan	Tamba	Dialokoto	1999	8,865	
30	Potou	Louga	Léona	NC	25	
31	Syer	Louga	Syer	NC	27,800	
32	Gamadji Saré	Saint Louis	Gamadji	NC	10,000	
33	Trois Marigots	Saint Louis	Saint Louis (Region)	NC	30,000	Details in annex 6
<b>TOTAL</b>					<b>758,880.42 ha</b>	

**Table 2: RNCs not yet officially declared by local communities or in progress**

N°	Name	Region	Rural Municipality	Creation	Surface in ha	Remarks
1	Teunguène	Dakar	Dakar Yoff		0.02	
2	Sessène	Thiès	Loul Séssène		NC	
3	Lac Youye	Dakar	Malicka		NC	
4	Lagune de Pinthior	Thiès	Yène		NC	
5	Tocc Tocc	Saint Louis	Ronkh	07-2011	270	
6	Mbawal	Saint Louis			2,000	Formalisation in progress
7	Kak	Matam	Oudalahi		5,000	Formalisation in progress
8	Gnargou Mbam	Fatick		2005	377	Formalisation in progress



9	Bafato	Kolda	Wassadou	Non-existing	110	
10	Dabo	Kolda	Dabo	Non-existing	1,542	
<u>11</u>	Pointe St Goerge	Ziguinchor	M'lomp Oussouye		?	Formalisation in progress

## Annex 2: Sacred sites in Casamance

(Source : Etude Stratégie Nationale de Gestion des Aires Protégées)

N°	Sacred site name	Village	Rural municipality	Region	Surface in ha
1	Agoungourow	Youtou	Santhiaba M	Ziguinchor-O	2
2	Agoutaw	Youtou	Santhiaba M	Zig-Oussouye	1
3	Badiounal		Niamone	Zig-Bignona	10
4	Bagnatine		Djinaki	Zig-B	10
5	Békine Manga	Simatite	Mlomp	Zig-O	6
6	Bougotin	Bignona	Bignona	Zig-B	1
7	Boulinding		Koubalan	Zig-B	20
8	Caringh Coutinpouk		Djinaki	Zig-B	10
9	Diaghonghe		Sindian	Zig-B	20
10	Diagobel		Niamone	Zig-B	10
11	Diandialatte		Niamone	Zig-B	10
12	Djalahogne 1		Niamone	Zig-B	12
13	Djihachoubang	Oussouye	Oussouye	Zig-O	1
14	Djilahogue		Niamone	Zig-B	12
15	Djileyte	Youtou	Santhiaba M	Zig O	1
16	Djimbanna	Djimbanna	Diouloulou	Zig-B	10
17	Djirame		Santhiaba M	Zig-O	1
18	Djircin	Djircin	Santhiaba M	Zig-O	1
19	Djireng		Santhiaba M	Zig-O	1
20	Eboune		Santhiaba M	Zig-O	150
21	Edak	Simantite	Mlomp	Zig-O	3
22	Egoukapogue 2		Santhiaba M	Zig O	150
23	Egoutey	Youtou	Santhiaba M	Zig O	1
24	Ehounia	Oussouye	Oussouye	Zig-O	2
25	Ehounia 2		Oukout	Zig-O	1
26	Ehounia 3	Ehounia 3	Santhiaba M	Zig-O	1
27	Eloung	Djivente	Oukout	Zig-O	2
28	Enak	Samatite	Mlomp	Zig-O	4
29	Evate		Oukout	Zig-O	12
30	Finthiock	Finthiock	Koubalan	Zig-B	15
31	Giaboutamma		Santhiaba M	Zig-O	1
32	Hathioune		Koubalan	Zig-B	10
33	Houniahou	Houniahou	Santhiaba M	Zig-Oussouye	1
34	Kaba	Kaba	Nyassia	Zig-Ziguinchor	1
35	Kabanga		Santhiaba M	Zig O	2
36	Kafarta	Thionk essyl	Thionk Essyl	Zig-	4
37	Kahague		Santhiaba M	Zig-O	2
38	Kahauss	Kahauss	Nyassia	Zig-Z	1
39	Kaihi	Bignona	Bignona	Zig-B	3
40	Kaihi	Essaout	Santhiaba M	Zig-O	3
41	Kaihi	Essoukoudiak	Santhiaba M	Zig-O	1

42	Kaihi		Santhiaba M	Zig-O	125
43	Kaihi	Youtou	Santhiaba M	Zig-O	1
44	Kaihi	Oussouye	Oussouye	Zig-O	2
45	Kalac 2	Effoc	Santhiaba M	Zig-O	1
46	Kalakhaye	Kalakhaye	Santhiaba M	Zig-O	2
47	Kalemelgoune		Oukout	Zib-O	2
48	Kalène	Kalène	Oukout	Zig-O	3
49	Kalimbachine	Boukitingho	Oukout	Zig-O	4
50	Kalimbachine	Senghalène	Oukout	Zig-O	1
51	Kalimbachine	Djivente	Oukout	Zig-O	3
52	Kalimbachine	Essaout	Santhiaba M	Zig-O	1
53	Kalimbachine	Carounate	Oukout	Zig-O	2
54	Kalimbachine	Siganor	Oukout	Zig-O	2
55	Kalimbachine	Oukout	Oukout	Zig-O	3
56	Kalimbachine	Emaye	Oukout	Zig-O	2
57	Kalimbachine	Diakène Diola	Oukout	Zig-O	1
58	Kalimbachine	Ediougou	Oukout	Zig-O	1
59	Kalimbachine	Diatène	Oukout	Zig-O	5
60	Kalimbachine	Kadjinole Kagnao	Mlomp	Zig-O	1
61	Kalimbachine	Kadjinole Kafone	Mlomp	Zig-O	2
62	Kalimboukout	Diembéring	Diembéring	Zig-O	1
63	Kalimboukout	Cagnout	Mlomp	Zig-O	2
64	Kalimboukout	Effoc	Santhiaba M	Zig-O	5
65	Kalimboukout	Elinting-Effoc	Santhiaba M	Zig-O	2
66	Kalimboukout	Youtou	Santhiaba M	Zig-O	4
67	Kalimboukout	Djivente	Oukout	Zig-O	2
68	Kalimboukout	Oukout	Oukout	Zig-O	2
69	Kalimboukout	Cajinol Kafone	Mlomp	Zig-O	4
70	Kalimboukout	Diakène Diola	Oukout	Zig-O	2
71	Kalimboukout	Boucott Diola	Diembéring	Zig O	1
72	Kalimboukout	Niambalang	Oukout	Zig-O	2
73	Kandiou		Niamone	Zig-B	10
74	Kandongue		Santhiaba Man	Zig-O	1
75	Karakoko	Karakoko	Santhiaba M	Zig-O	2
76	Katite Boughèghe	Loudia Diola	Mlomp	Zig-O	2
77	Mandouar		Tenghory	Zig-B	15
78	Ndiagne		Ouonck	Zig-B	10
79	Nianganane	Thionk Essyl	Thionk essyl	Zig-	3
80	Odinghe	Odinghe	Nyassia	Zig-Z	1
81	Okora	Okora	Nyassia	Zig-Z	1
82	Petite Koulaye 1		Tenghory	Zig-B	20
83	Saré nianthio	SN	Koukané	Kolda – Vélingara	10

84	Sidak	Simantite	Mlomp	Zig-O	6
85	Sidaque	Oussouye	Oussouye	Zig-O	3
86	Sindialong	Ouonck	Ouonck	Zig-B	13
87	Sindian		Sindian	Zig-B	15
88	...	Boukitingho	Oukout	Zig-O	2

### **Annex 3: The ‘mothers of nature’ of KĚR CUPAAM**

This project has developed around the Reserve Popenguine-Guéréo, located on the Petite Côte, 45 km south of Dakar. It began with the re-vegetation of highly degraded area on the area, originally fenced due to presence in coastal cliffs of some rare species of migratory birds.

The work was done voluntarily, for seven years by a group of women of a village nearby, the Coalition of Women of Popenguine for Nature Conservation (RFPPN), created at the initiative of one of them, Ms. Woulimata Thiaw. It was during this long period, during which the women received very little support from outside, that further ambitions came into being.

Their action was then recognized nationally under a regime of shared governance with the State, and the same spirit of RFPPN was aroused in villages adjacent to the reserve. But, rather than burdening the first association, it was preferred to create one in each community. Thus the movement which had, initially, only 119 women Popenguine, came to mobilize 1555 people into eight groups (GIE) which collaborated under the guidance of a coordinating committee composed of women representatives elected from each GIE.

Today, the project develops in three distinct areas that, while different, are complementary: the Reserve; a peripheral area of about 10,000 ha; and the economic development area in neighboring communities. In the Reserve, the priority is to halt the erosion, since the reliefs are rough and chalky. The lagoon Popenguine was consolidated, but significant work remains to be done at Guéréo and along the coastline. Moreover, the network of visiting trails remains largely to create, as are the learning paths, the information boards for schools and visitors, etc. The interventions in the protected area also led to other voluntary reserves. Sites are planned on the northern sector of the former forest reserve similarly to what happened in the mangroves of Somone, now largely restored and in origin destroyed.

Since its inception, no scientific study has been conducted in the reserve with the exception of an inventory of the avifauna that needs to be updated. The renewal of flora and fauna are neither quantified nor valued, despite their marked improvement. All these data are necessary for basic education in management and environmental education. And the village land management and economic development activities require such basic knowledge.

Thus, to combat deforestation, the women group established village woodlots and a network of firewood distribution. They shall ensure in this way control consumption of firewood, before and after timber harvesting villagers. Similarly, the removal and treatment of household waste solve a problem of public health while strengthening the nursery and vegetable production by composting them. Finally, the creation of food banks and credit

allows communities to escape the seasonal outbreaks of food prices, thus raising people out of poverty.

These endogenous initiatives need to be replicated in surrounding areas and then in other regions of Senegal, and finally, in some neighboring countries such Mali, Guinea and Burkina Faso, where similar movements have already occurred. Creating a training center for community management of protected areas would respond to questions asked by local residents of reserves or national parks, they do not always see the interest of getting involved in their management, even allowing certain forms of exploitation. The Centre could also welcome foreign students who are already an example of sustainable development. The fight against youth unemployment, school dropouts or graduates, is also a concern of the women groups.

Managing community activities and their operations, the Reserve Training Center, are all areas of potential jobs. Moreover, the Catholic congregation of Popenguine provides training in sewing, weaving and dyeing which have found little professional applications. Creating workshops, added to the valuation of traditional crafts, should provide significant resources to finance the overall project, as no aspect can be neglected.

From 1997 and for the next three years, the European Commission has provided funding that helped initiate the collection of household waste and composting, developing nurseries and village woods, set up a distribution network fuels. The second year (1998), previous achievements were developed with the creation of a savings bank and credit, and a cereal bank. The third and final year (1999-2000), a training center for community management of protected areas and land was opened, so that women's experience of Kër Cupaam benefit other women's groups in Senegal, like those of other countries of the Sahel where ecological constraints are identical.

**Annex 4: Deliberation Act for the creation of the Dindefello RNC**  
(in French)

REPUBLIQUE DU SENEGAL  
REGION DE KEDOUGOU  
DEPARTEMENT DE KEDOUGOU  
ARRONDISSEMENT DE BANDAFASSI  
COMMUNAUTE RURALE DE DINDEFELLO

EXTRAIT DE LA DELIBERATION  
N ...../CRD /DU CONSEIL RURAL  
DE DINDEFELLO RELATIVE A LAFFECTATION  
DES TERRES DU DOMAINE NATIONAL

**LE PRESIDENT DU CONSEIL RURAL DE DINDEFELLO**

Vu la constitution

Vu la loi n° 64.46 du 17 juin 1964 relative du domaine national

Vu le décret n° 72.1288 du 27 octobre 1972 relatif aux conditions d'affectation et de désaffectation des terres du domaine national comprises dans les communautés, modifié par les décrets

N° 80.1051 du 14 octobre 1980 et 86.445 du 10 avril 1985

Vu la loi n° 96.06 du 22 mars 1996 portant code des collectivités locales

Vu la loi n° 96-07 du 22 mars 1996 portant transfert de compétences aux régions, aux communes, et aux communautés rurales

Vu le décret n° 96-1130 du 27 décembre 1996 portant application la loi de transfert de compétences aux régions aux communes et aux communautés rurales ; en matière de gestion du domaine national, du domaine privé de l'Etat et du domaine public ;

Vu la délibération n° 5...../CRD/du conseil rural de dindefello en date du 14 janvier  
2010 /Approuvée par le sous-Préfet de Bandafassi le .....

**DELIBERE : OBJET DE L'ARTICLE**

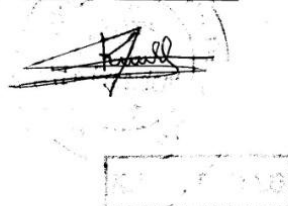
**Article 1<sup>er</sup>** : un terrain du domaine national sis a Dindefello /d'une superficie de 13000  
ha est affecté a M/Mme Comme héritière communale domicile a .....

**Article 2** : M/Mme ..... est informé qu'après deux an a compter de la date de notification, sans une mise en valeur, la communauté rurale pourra prononcer la désaffectation sans préavis.

**Article 3** : le président du conseil rural est chargé de l'exécution de la présente délibération.

Dindéfello le 16 / 01 / 2010

**Le Président du Conseil Rural**

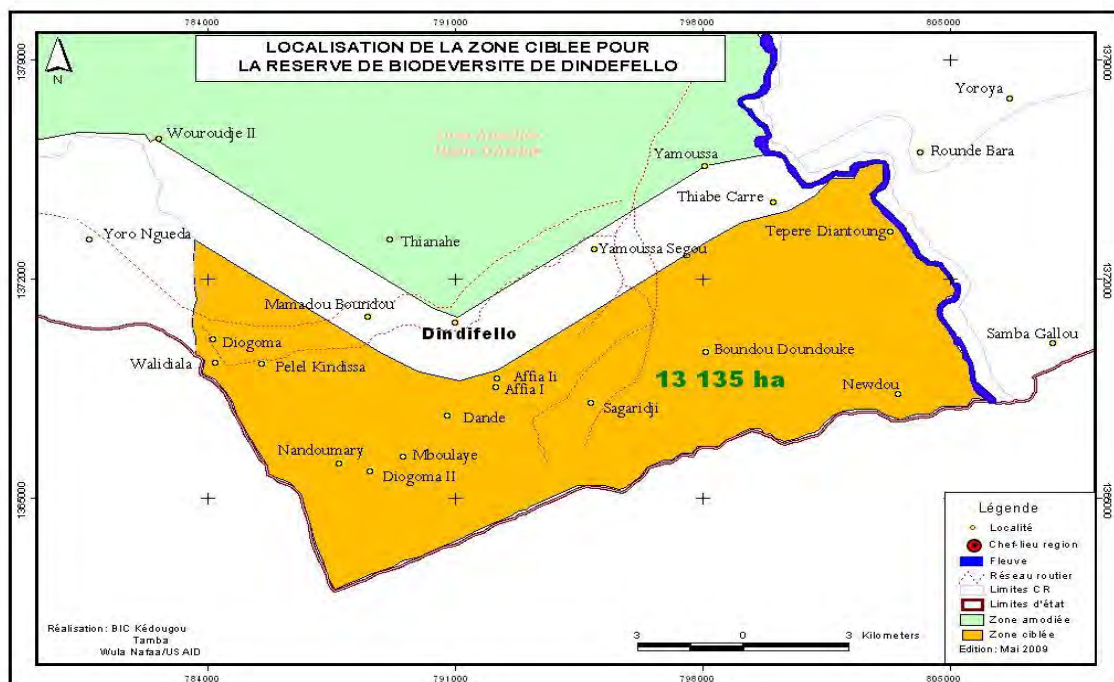




## Annex 5: Case study: Dindefello RNC (in French)

Nous présentons ci-dessous l'étude de cas de la création de la Réserve naturelle communautaire de Dindefello pour mettre en exergue :

- Les difficultés rencontrées lors de la création de cette APAC ;
- Les difficultés liées au fonctionnement ;
- Les interférences de l'administration ;
- Les conflits internes rencontrés ;
- L'appui technique et financier accordé par les partenaires au développement et ;
- Comment la RNC est profitable à la communauté locale.



### *Historique de la création de la Réserve naturelle communautaire (RNC) :*

La première tentative de création d'une réserve dans le terroir de Dindefello date de 1984. C'était une initiative de la Direction des Parcs nationaux du Sénégal. Celle-ci a été catégoriquement rejetée par les populations locales à cause l'approche de la création du Parc national du Niokolo-Koba ayant causé des déplacements de population et des relations d'hostilités longtemps entretenues entre l'aire protégée et les populations périphériques. La RNC a été créée par une délibération du Conseil rural de Dindéfello, qui auparavant a annulé une autre délibération portant sur la création d'une zone de chasse amodiée en lieu et place de la RNC.

### *Présentation de la réserve naturelle communautaire de Dindefello :*

La RNC se trouve dans le terroir de la communauté rurale de Dindefello qui abrite au Sénégal les derniers contreforts du Massif du Fouta Djallon. Elle porte sur une superficie de 13.200 ha de la communauté rurale de Dindefello.

La particularité de cette RNC est qu'elle abrite de petites cascades, mais surtout la cascade de Dindefello, unique dans son genre au Sénégal. La RNC abrite également des forêts galeries avec une végétation sempervirente. Une petite population de chimpanzés d'Afrique de l'ouest (*Pan troglodytes verus*) y est régulièrement observée avec les chercheurs de Jane Goodall Institute qui y effectuent des études de terrain sur l'espèce.

La présence de chimpanzé témoigne d'une biodiversité beaucoup plus élevée dans la réserve que dans le reste de la région. Cette biodiversité se manifeste notamment par :

- Dans les savanes au sens large (dont forêt claire): *Terminalia macroptera* et *Pterocarpus erinaceus* pour la strate arborée ; *Combretum glutinosum*, *C. nigricans*, *Piliostigma thonningii* et *Strychnos sp.* pour la strate arbustive.
- Dans la forêt dense : vèze et *Sterculia setigera* pour la strate arborée ; bambous (*Oxythenantera*) et *Anogeissus* pour la strate arbustive.
- Dans les forêts galeries : *Carapa procera*, *Syzigium guineense* et *Diospyros mespiliformis* pour la strate arborée ; des espèces rares telles *Pandanus spp.*, *Raphia sudanica*, *Pentaclethra macrophylla*, *Treculia africana*, *Anthocleista spp.*, *Fagara xanthoxyloides*.
- Des lianes en sous bois : *Saba senegalensis*, *Landolphia sp.* et *Strophanthus hispidus*.
- Pour la faune, en ce qui concerne les grands mammifères connus de la RNC elle-même, seulement quelques groupes semblent être toujours abondants, tout particulièrement les primates. Les ongulés (céphalophes, phacochères et peut-être d'autres espèces) présentent des densités extrêmement basses, tandis que les carnivores (chacals, hyènes, mangoustes, viverridés et éventuellement quelques félins et mustélidés) sont plus fréquemment rencontrés. Il faut également signaler la présence de damans dans les falaises rocheuses de Dindefello. Le chimpanzé, est l'espèce de mammifère la plus menacée parmi celles que l'on peut trouver dans la zone.

#### *Les difficultés rencontrées lors de la création de la RNC :*

Il a fallu l'organisation d'un forum par le Conseil rural rassemblant l'ensemble des acteurs et des partenaires pendant une journée pour convaincre les plus septiques à reconnaître l'utilité de la création de cette RNC pour leur terroir.

Pourtant, le Conseil rural – malgré les efforts déployés avec les tournées d'explication avant le forum – a essuyé le refus de deux villages de faire partie de la Communauté rurale et d'inclure leurs terroirs villageois dans la RNC. Cette situation a duré plus d'une année. Les deux villages ont finalement accepté d'être rattachés à la communauté rurale lorsqu'ils ont commencé à sentir les bienfaits de la réserve avec le plan de gestion et le début des activités touristiques.

La délibération du conseil rural n'a pas été approuvée par le Sous-Préfet de l'Arrondissement de Bandafassi. Mais heureusement la loi portant Code des Collectivités locales a prévu ce

genre de scénario et la délibération est exécutoire après 15 jours si l'autorité administrative ne donne pas de raisons valables pour son refus d'approbation.

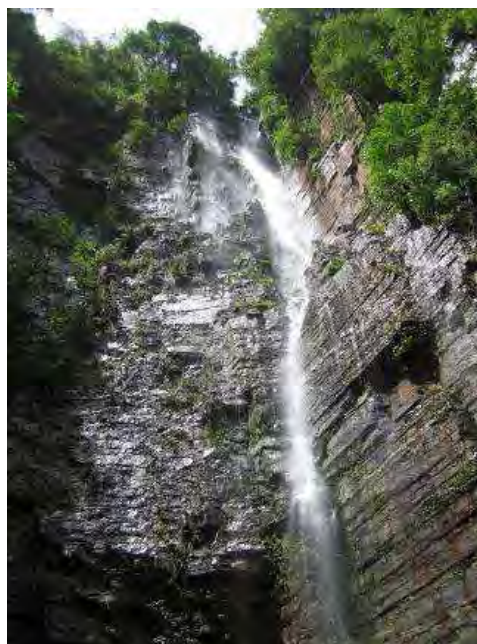
*Les appuis techniques de l'Etat et des partenaires à la RNC :*

La RNC de Dindefello a bénéficié d'un appui technique par le programme USAID/Wula Nafa pour les études relatives au plan d'aménagement et de gestion. Ce programme de développement a également soutenu les études et la réalisation de forage manuel au profit des populations de certains villages qui dépendaient exclusivement de l'eau des sources – avec toutes les maladies liées à la consommation de cette eau et surtout les conflits liés à l'accès de l'eau des sources entre les chimpanzés et les humains en saison sèche.

L'Etat du Sénégal a procédé à la réfection de la route menant au village de Dindefello pour permettre une nette amélioration des conditions de transport pour la relance des activités touristiques de la RNC. Cette route permet également le désenclavement de plusieurs villages de la Communauté rurale, améliorant du coup les évacuations sanitaires et l'accès à la ville centre de Kédougou.

Les recettes touristiques générées par le paiement d'une taxe pour visiter la réserve avec ses richesses biologiques et culturelles ont permis la création d'emploi chez les jeunes des villages, la création d'un deuxième campement touristique communautaire dans le village de Ségou, et la réfection du campement communautaire situé dans le village de Dindefello.

A ce stade de l'étude, il est difficile de donner le nombre de visiteurs enregistrés. Il faudra attendre probablement une année de fonctionnement pour avoir des statistiques fiables. Par contre, on peut observer que les principales attractions de la RNC sont : la visite de la cascade de Dindefello (l'unique de cette taille à travers le pays), l'observation des chimpanzés, la visite des sites sacrés se trouvant dans la réserve, l'organisation de danses culturelles et les randonnées écotouristiques.



Il nous est aussi difficile de mesurer pour le moment les impacts économiques et sociaux de la RNC dans son ensemble sur les populations locales, de même que les revenus tirés des activités écotouristiques. Mais on peut observer que la création de la route et sa réfection par l'Etat pour développer le tourisme permet déjà aux villages de bénéficier de retombées, avec un accès facilité de leur terroir à partir de la ville de Kédougou (chef lieu de la Région).

L'équipe de recherche du Jane Goodall Institute a entrepris des recherches sur les chimpanzés. Elle s'intéresse également aux conflits entre l'espèce et les humains concernant à l'accès pour la nourriture des ressources sauvages et l'identification des corridors de migration des chimpanzés dans la communauté rurale et entre le Sénégal et la Guinée.

**Annex 6: Creation Act of the Teunguène ICCA**  
(in French)

COMMUNE D'ARRONDISSEMENT DE YOFF DAKAR SENEGAL

COMMUNE D'ARRONDISSEMENT DE YOFF

ASSOCIATION POUR LA PROMOTION ECONOMIQUE CULTURELLE ET SOCIALE DE YOFF

PROGRAMME ECO-COMMUNAUTAIRE DE YOFF

CLUBS FONDATION NICOLAS HULOT

**DECLARATION DE TEUNGUÈNE**

5 JUIN 1998 - JOURNEE MONDIALE DE L'ENVIRONNEMENT

Nous, populations yoffoises, dépositaires d'une grande partie de l'histoire du Peuple lébou, sommes conscientes qu'en cette fin du XXe siècle, la gestion de notre patrimoine culturel et naturel est plus que capitale.

Sans cette Nature dont nous ne sommes pas maîtres et possesseurs mais de simples éléments, même si ceux-ci s'avèrent déterminant de par leur impact sur les milieux naturels et l'ensemble des êtres vivants, nous ne saurions obtenir de vie meilleure pour nous-mêmes, ni un avenir prometteur aux générations futures.

Nous déclarons Teunguène, l'île de Yoff, symbole de l'attachement du Peuple lébou à la nature terrestre et marine, ainsi qu'à son génie tutélaire Mame NDiaré,

**AIRE DU PATRIMOINE COMMUNAUTAIRE DE TEUNGUENE**

Teunguène, lieu de culte, étape pour les oiseaux migrateurs et refuge d'une diversité végétale et marine de plus en plus menacée, doit éveiller notre conscience à la nécessité de sauvegarder notre patrimoine naturel et culturel. Ce conservatoire de nos valeurs traditionnelles, ouvert sur la modernité, nous permettra de rester un peuple digne et responsable.

Nous invitons la Communauté lébou, le Peuple sénégalais et, au-delà, la Communauté internationale, à nous rejoindre et nous soutenir dans cette nouvelle approche des principes de gestion de l'environnement continental et marin à Yoff.

*L'infinie variété des milieux naturels, des cultures humaines, des espèces animales et végétales, procède de la même biodiversité. Protéger les uns sans également protéger les autres serait vain.*

**ASSEMBLÉE CONSTITUTIVE DE L'APAC DE TEUNGUÈNE**

*El Hadj ISSA MBENGUE, Grand Diaraf de Yoff, chef de village et conservateur de l'île*

SEYDINA MAME ALASSANE LAYE, *Khalif général des Layènes*  
SEYDINA ISSA NDIAYE, *Maire de Yoff*  
El Hadj ELIMANE LÉYE, *Imam Ratib de Yoff*  
El Hadj OUMAR NGALLA DIÈNE, *Grand Diaraf de Yoff, chef de village*  
El Hadj NDIAGA NDOYE, *Grand Diaraf de Yoff, chef de village*  
El Hadj ASSAN MBENGUE, *Ndiey-ji-rew*  
El Hadj IBRAHIMA TANOR DIOUF, *Ndiey-ji-rew*  
El Hadj YOUSSEUPHA NDIR, *Saltigué*  
El Hadj IBRAHIMA NDOYE, *Saltigué*  
El Hadj AMADOU LAMINE DIAGNE, *Saltigué*  
El Hadj SOULEYMAN DIAGNE, *Président des Maggi-Yoff*  
El Hadj BABACAR MBENGUE, *Président de l'Assemblée des Diambours*  
El Hadj OUSMANE NDOYE, *Président de l'Assemblée des Freys*  
Adjji THIOUME LÉYE, *Ndeupkat*  
BINETA NDIR, *Ndeupkat*  
PAPE FALL DIEYE, *Union locale des Pêcheurs de Yoff*  
MASS THIAW, *Collectif des Pêcheurs*  
IBRAHIMA DIENE, *Comité de Surveillance côtière*  
DIARRA SECK, *Présidente des Mareyeuses*  
FATIM DIOP, *Regroupement des Transformatrices*  
El Hadj ÉLIMANE MBENGUE, *Président de l'Association des Rameurs*  
MAMADOU SAMBA, *Club FNH - Foyer des Jeunes*  
SERIGNE MBAYE DIENE, *Président de l'Association pour la Promotion économique, culturelle, et sociale de Yoff*  
SEYDINA ISSA SYLLA, *Wetlands international*  
SIDY DIOUF, *Sous-Préfet des Almadies*

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COMMUNE D'ARRONDISSEMENT DE YOFF

ASSOCIATION POUR LA PROMOTION ECONOMIQUE CULTURELLE ET SOCIALE DE YOFF

PROGRAMME ECO-COMMUNAUTAIRE DE YOFF

CLUBS FONDATION NICOLAS HULOT

## **MANIFESTE POUR LA CONSERVATION DE L'AIRE DU PATRIMOINE COMMUNAUTAIRE DE TEUNGUÈNE**

*Conformément aux statuts des Aires du Patrimoine Communautaire, le règlement intérieur de l' A.P.C. de Teunguène se fonde sur les décisions consensuelles de son Assemblée constitutive.*

Par le présent manifeste, six points sont pris en considération :

1 – La salubrité de la plage, face à l' A.P.C. de Teunguène



- 2 – La conservation des espèces animales et végétales de l'A.P.C. de Teunguène
- 3 – La protection des oiseaux migrateurs et sédentaires de l'A.P.C. de Teunguène et à son voisinage
- 4 – Les visites de l'A.P.C. de Teunguène
- 5 – La restauration et le suivi des populations végétales et animales de l'A.P.C. de Teunguène
- 6 – La vulgarisation du concept des Aires du Patrimoine Communautaire

## 1 – LA SALUBRITÉ DE LA PLAGE

Avant d’être choisie pour devenir la première des Aires du Patrimoine Communautaire au monde, Teunguène était une île sacrée depuis des temps immémoriaux et le demeure.

Par respect pour le site, la plage doit être maintenue dans un état de propreté qui en soit digne. Sans supprimer, ni restreindre les activités qui s’y tiennent traditionnellement, les déchets peuvent en être rassemblés à certains points afin d’en faciliter la collecte. Leur ramassage quotidien pourrait servir à alimenter une unité de compostage, également destinataire des ordures ménagères et eaux usées des riverains.

## 2 – LA CONSERVATION DES ESPÈCES VÉGÉTALES ET ANIMALES

Une Aire du Patrimoine Communautaire doit être considérée comme une banque d’espèces vivantes, animales et végétales, dont il convient de respecter le capital afin de n’en utiliser que les intérêts.

Ainsi, en évitant de prélever des poissons, des coquillages et des crustacés sur les rivages de l’île Teunguène, leur nombre augmentera et des individus viendront peupler des sites qu’ils avaient désertés et où ils pourront être pêchés à nouveau. Pour certaines espèces abondantes, des prélèvements pourront être autorisés sur l’île par l’Assemblée qui en fixera les quantités et les périodes de collecte.

Il en est de même pour les végétaux, dont seules les semences ou des boutures pourront être emportées hors de l’A.P.C. pour d’éventuelles mises en culture à des fins utilitaires. Ces prélèvements seront soumis à l’autorisation de l’autorité gestionnaire désignée par l’Assemblée.

## 3 – LA PROTECTION DES OISEAUX MIGRATEURS ET SÉDENTAIRES

Les oiseaux marins ou terrestres qui fréquentent l’APAC de Teunguène doivent être respectés quelle que soit leur espèce. Les plus vulnérables sont les migrateurs, comme certaines sternes auxquelles la réglementation internationale accorde une protection intégrale. Une attention particulière sera apportée à ces oiseaux par l’ensemble de la Communauté lébou qui se déclare garante de leur sauvegarde sur son littoral.

## Annex 7: Area of the Three Marigots (patrimony of the Saint Louis region)

SAINT-LOUIS REGION – REGIONAL DEVELOPMENT AGENCY

### Coordinates of the ICCAs' extreme points (in meters)

Localité	Nom	Poin t	X_UT M	Y_UTM	Sup (Ha)	Position
<b>Bégaye/ Diabaye</b>	Forêt de Bégaye 1	P1	36254 3	1784772	200 & 100 adjacent	28 Q 362543 1784772
	Forêt de Bégaye 2	P2	36407 0	1782573		28 Q 364070 1782573
	Forêt de Bégaye 3	P3	36313 9	1781619		28 Q 363139 1781619
<b>Goback</b>	Diaraw 1	P4	36413 6	1779623	100	28 Q 364136 1779623
	Diaraw 2	P5	36289 8	1778320		
	Guentou Goback 1	P6	36257 3	1778336	30	
	Guentou Goback 2	P7	36196 0	1778618		
	Guentou Goback 3	P8	36296 2	1779987		28 Q 362962 1779987
	Xamoundimb 1	P9	36204 3	1778966	30	
	Xamoundimb 2	P10	36271 9	1780065		28 Q 362719 1780065
<b>Gueuti Tef</b>	Forêt de Gueuti tef 1	P11	36379 0	1769995	102	
	Forêt de Gueuti tef 2	P12	36327 3	1770699		28 Q 363273 1770699
	Forêt de Gueuti tef 3	P13	36234 9	1770400		28 Q 362349 1770400
	Guentou Ndiabaly	X	36274 7	1766681	3	
<b>Hawal</b>	Brousse de Hawal	P14	37117 8	1784444	5	28 Q 371178 1784444
	Ndiorbête	P15	37096 3	1785243	10	28 Q 370963 1785243
<b>Keur madiop Bassine</b>	Loumy 1	P16	35741 5	1773861	50	28 Q 357415 1773861
	Loumy 2	P17	35719 5	1773253		
	Loumy 3	P18	35791 5	1773217		
	Ndam ndam	P19	35837	1774627	10	28 Q 358372

			2			1774627
	Segou Farakh	P20	35978 5	1775531	6	28 Q 359785 1775531
<b>Lamsar Peulh</b>	Forêt de lamsar Peulh 1	P24	35738 3	1780896	100	28 Q 357383 1780896
	Forêt de lamsar peulh 2	P21	35606 7	1779782		28 Q 356067 1779782
	Forêt de lamsar peulh 3	P22	35718 2	1779741		28 Q 357182 1779741
	Forêt de lamsar peulh 4	P23	35774 2	1780128		28 Q 357742 1780128
<b>Minguegne Boye</b>	Dakhar 1	P25	35534 9	1771408	1	
	Dakhar 2	P26	35542 1	1771504		
	Ratakh 1	P27	35500 6	1771759	2	28 Q 355006 1771759
	Ratakh 2	P28	35498 4	1771721		28 Q 354984 1771721
	Forêt de Diemboye 1	P29	35279 0	1770628	10	28 Q 352790 1770628
	Forêt de Diemboye 2	P30	35303 0	1770232		28 Q 353030 1770232
	Forêt de Diemboye 3	P31	35294 7	1770100		28 Q 352947 1770100
<b>Ndialakhar peulh</b>	Forêt de Diassap 1	P32	35542 0	1767914	15	28 P 355420 1767914
	Forêt de Diassap 2	P33	35570 7	1767821		28 P 355707 1767821
	Forêt de Diassap 3	P34	35556 8	1767463		28 P 355568 1767463
	Forêt de Diassap 4	P35	35525 8	1767553		28 P 355258 1767553
	Puits de Diassap	P36	35594 1	1767402	2	28 P 355941 1767402
<b>Ndialakhar Wolof</b>	Forêt de Balacos	P37	35337 6	1767558	2	28 P 353376 1767558
	Forêt de Kourou tassé 1	P38	35353 4	1767296	20	28 P 353534 1767296
	Forêt de Kourou tassé 2	P39	35318 6	1766647		28 P 353186 1766647
	Forêt de Kourou tassé 3	P40	35298 6	1766955		28 P 352986 1766955
	Forêt de Kourou tassé 4	P41	35320 5	1767232		28 P 353205 1767232
<b>Ndiobène</b>	Tumuli de Boïti 1	P42	36280	1771313	100	

<b>takhmbeut</b>			6			
	Tumuli de Boïti 2	P43	36198 0	1770773		
	Tumuli de Boïti 3	P44	36129 7	1771491		
<b>Ngaye</b>	Guy Diokhor Niokhor	P45	35245 5	1769639	2	28 Q 352455 1769639
	Marais de Kheun 1	P46	35416 9	1775256	1001	28 Q 354169 1775256
	Marais de Kheun 2	P47	35350 6	1774612		28 Q 353506 1774612
	Marais de Kheun 3	P48	35386 1	1773967		28 Q 353861 1773967
<b>Nguinth</b>	Malingo	P49	37102 3	1781267	5	28 Q 371023 1781267
	R Forestière de Nguinth	P50	37098 8	1783249	80	28 Q 370988 1783249
	Thiddem	P51	37054 8	1781826	5	28 Q 370548 1781826
<b>Salguir</b>	Banda Khor	P52	36085 9	1776895	5	28 Q 360859 1776895
	Guentou salguir	P53	36071 5	1776741	10	28 Q 360715 1776741
<b>Takhmbeut peulh</b>	Forêt de Takhmbeut 1	P54	36260 5	1773815	10	28 Q 362605 1773815
	Forêt de Takhmbeut 2	P55	36232 7	1773606		28 Q 362327 1773606
<b>Takhmbeut wolof</b>	Forêt de Guelakh 1	P56	36479 9	1772182	100	
	Forêt de Guelakh 2	P57	36518 7	1772829		
	Forêt de Guelakh 3	P58	36413 0	1773304		
	Forêt de Guelakh 4	P59	36375 8	1772720		28 Q 363758 1772720
<b>Thierigne</b>	Dakhar Massaer DiPry	P60	36113 4	1781368	5	28 Q 361134 1781368
<b>Thila</b>	Mbörgel	P61	35932 5	1777541	3	28 Q 359325 1777541
	Ndiawta	P62	35870 0	1777084	10	28 Q 358700 1777084
<b>Toddé</b>	Forêt de Toddé 1	P63	35196 5	1774055	5	28 Q 351965 1774055
	Forêt de Toddé 2	P64	35183 7	1773929		28 Q 351837 1773929
	Forêt de Toddé 3	P65	35169	1774171		28 Q 351698

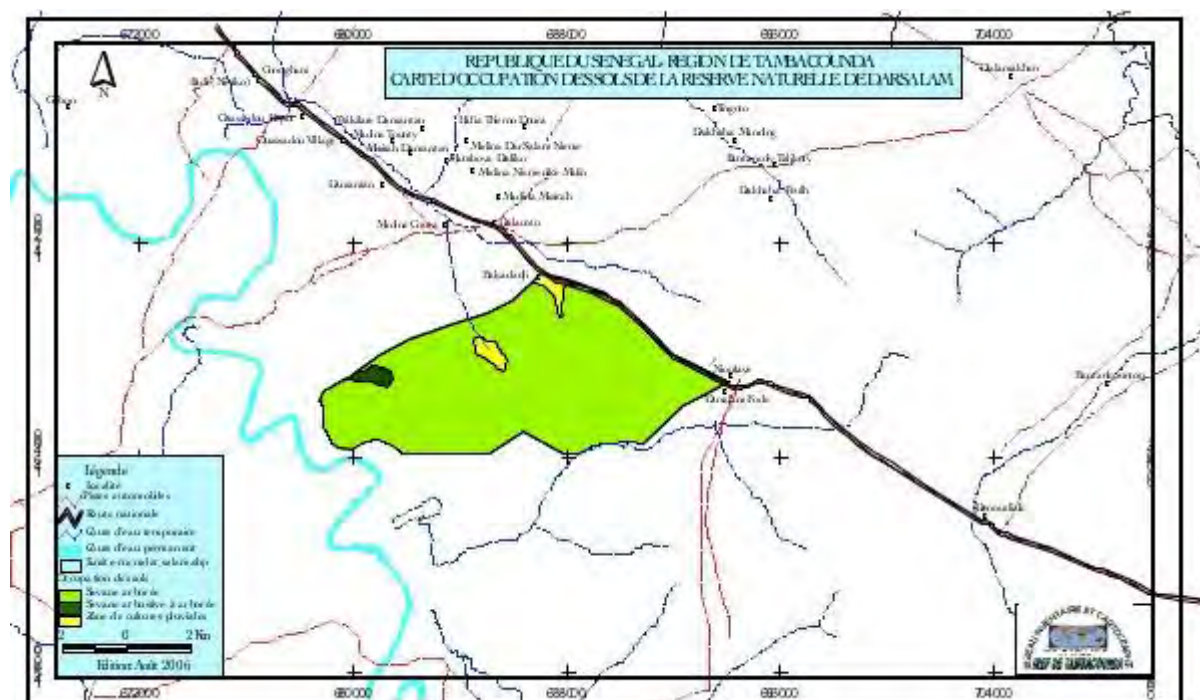
			8			1774171
	Forêt de Toddé 4	P66	35187 0	1774305		28 Q 351870 1774305

### 1) Map of the RNCs around the Niokolo Koba National Park



## 2) Map of the Dar Salam RNC

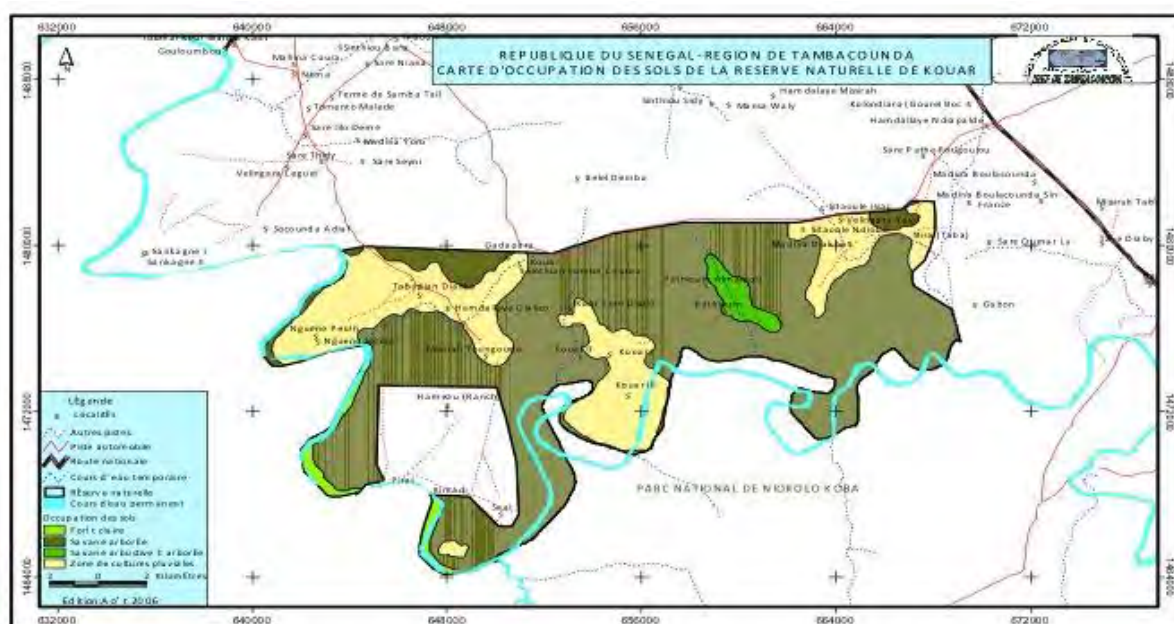
Creation by decision of the Rural Council: N° 004/CR D – 25/05/2005





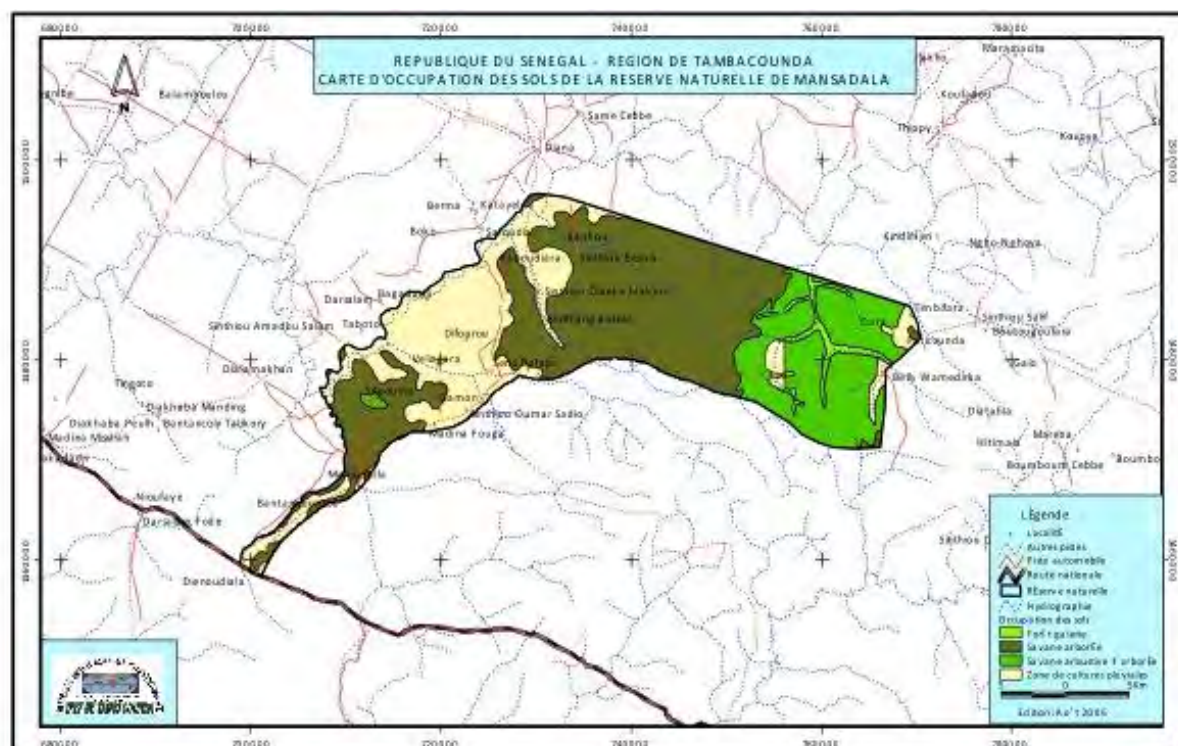
### 3) Map of the Kouar RNC

Creation by decision of the Rural Council: N° 0049/CR/M – 08/12/2003

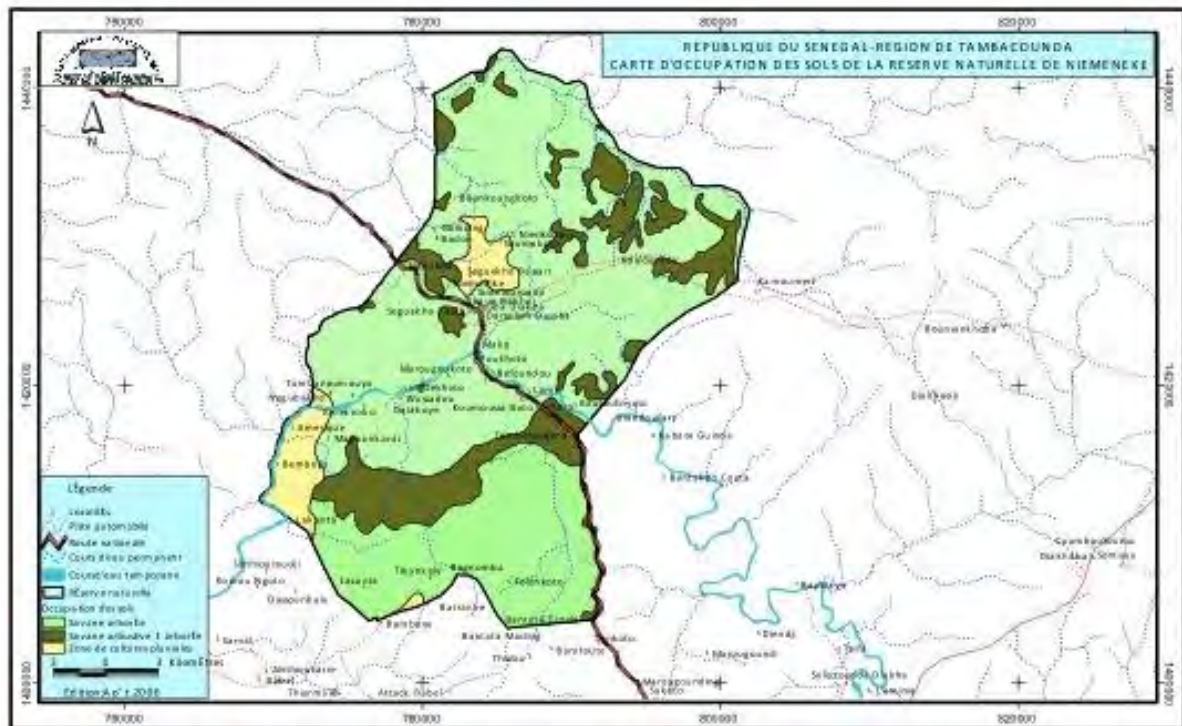


### 4) Map of the Mansadala RNC

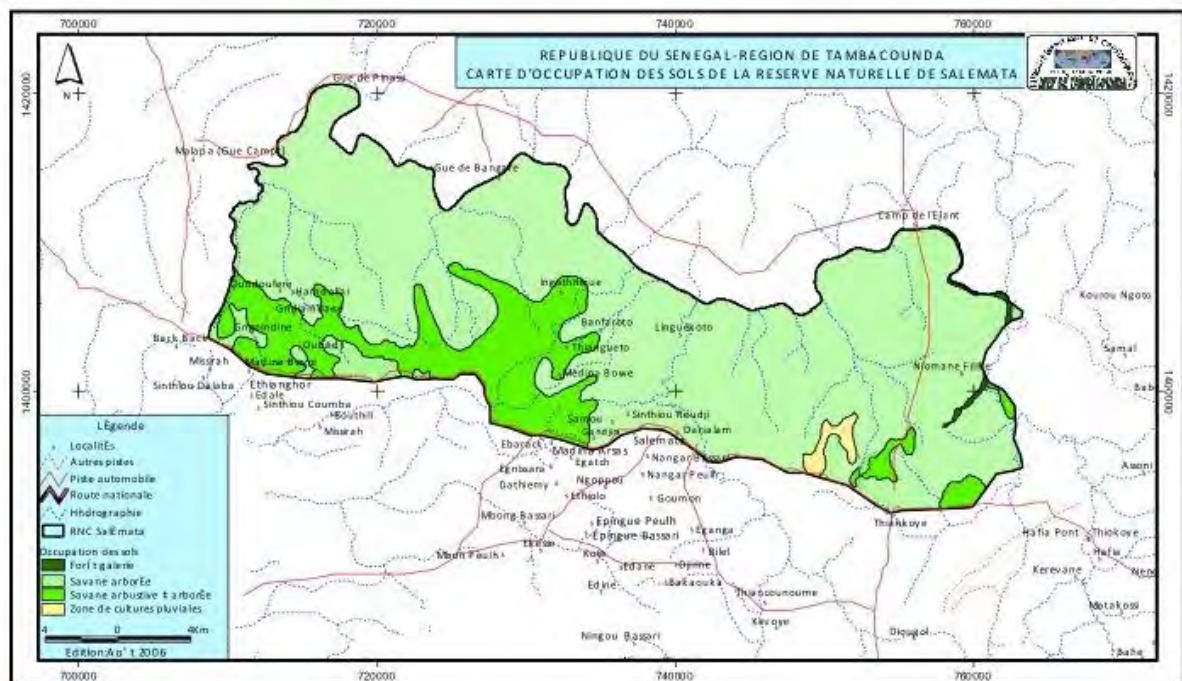
Creation by decision of the Rural Council: N° 004/CR/D – 15/10/2003



## 5) Map of the Niéméniké RNC



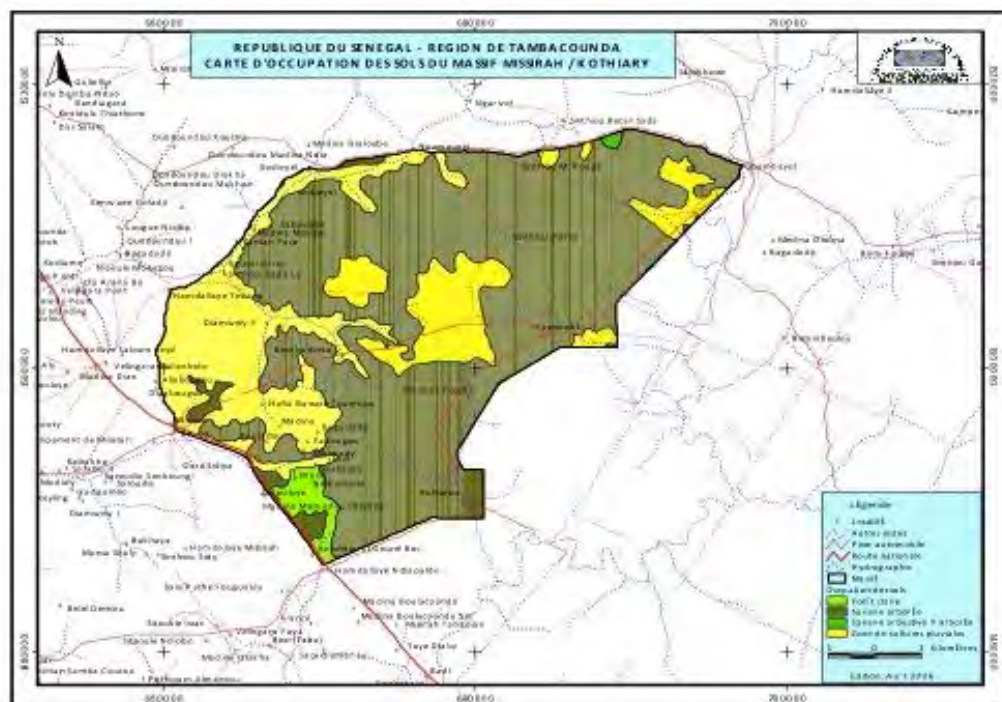
## 6) Map of the Salemata RNC





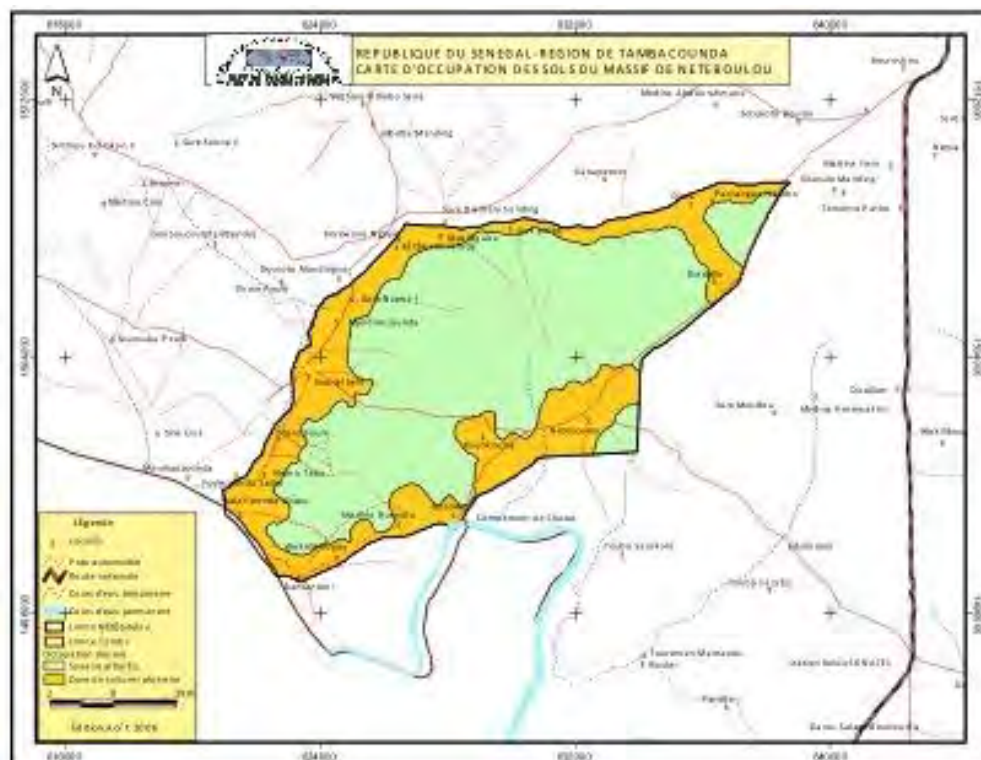
## 7) Map of the Missirah Community Forest

Creation/Registration: October 2004



## 8) Map of the Netteboulou Community Forest

Creation/Registration: 2002



## 9) Map of the Malidino Biodiversity Community Reserve

Creation/Registration: 1999

