



PUBLIC POLICY PARTICIPATION BY SENEGALESE PRODUCERS' ORGANIZATIONS

LESSONS LEARNED FROM CAPITALIZATION ON THE LAND
REFORM AND EPA NEGOTIATION PROCESSES

EDUCATIONAL BOOKLET

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References for quotation:

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This document is based on two capitalization studies conducted in Senegal on the participation of producers' organizations in land reform¹ and economic partnership agreement negotiations². Based on these two experiences, it attempts to provide a few elements of analysis and draw conclusions that can help organization leaders and facilitators in the context of training.

The papers are part of the capacity-building project for networks of agricultural organizations focusing on agricultural, food and rural policy (Réseau Paar). The project is financed by the French development agency (Agence française de développement – AFD) and entrusted to Inter-réseaux for its supervision. The project's aim is to finance research by northern and southern organizations linked to the concerns of southern producers' organizations (regional economic integration in West Africa, climate change, establishment of agricultural policy and legislation, land issues, etc.).

- The first part of this document attempts to lay out certain elements of definition for the terms used, before concentrating on the **general lessons** learned from an analysis of the participation of producers' organizations in the policy processes studied. Our chief interest is in how POs defined their intervention strategies and how they managed to immerse themselves in the research problem, strike alliances with other actors, reinforce their internal mobilization and reinforce their dialogue with the State.
- The second part of this document focuses on presenting the **Senegalese context**. It describes the different phases of PO participation in public policy formulation. The objective of this presentation is to analyse the participation processes from a historical perspective.
- Finally, the last part of this document is a **presentation of two experiences**, one of which took place at the national level (land reform) and the other at the international level (EPA negotiation). Each case study includes a brief review of the processes studied and analyses the issues for Senegalese POs and the different stages of their participation, using a chronological analysis. This approach makes it possible, on the one hand, to learn essential lessons that will help other leaders participating in negotiations, and on the other hand to draw their attention to the elements that positively or negatively affect PO participation in multiple-level negotiations.

¹ Benkahla A., Faye J., Touré O. Seck S.M., Ba C.O., 2010, Les organisations paysannes sénégalaises dans le processus de réforme foncière, Initiative Prospective Agricole et Rurale, 65 p.

² Hrabanski M., Pesche D., 2010, Les organisations paysannes sénégalaises dans la négociation des APE, 50 p.

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1 LIST OF ACRONYMS

| | |
|----------|--|
| ACP | Africa Caribbean Pacific |
| ADPL | Agricultural Development Policy Letter |
| AFD | Agence Française de Développement (French development agency) |
| APCR | Association des Présidents de Conseils Ruraux (Association of presidents of rural councils) |
| ASAP | Agricultural Sector Adjustment Programme |
| ASPRODEB | Association sénégalaise pour le développement par la base (Senegalese association for community-based development) |
| CAADP | Comprehensive Africa Agriculture Development Programme |
| CAP | Common Agricultural Policy |
| CET | Common External Tariff |
| CILSS | Permanent Interstate Committee for Drought Control in the Sahel |
| CIRAD | Centre International de Recherche Agricole pour le Développement (French Agricultural Research Centre for International Development) |
| CNCR | Conseil National de Concertation et de Coopération des Ruraux (Senegalese National Council for Rural Dialogue and Cooperation) |
| CNNI | Comité national de négociation internationale (Senegalese national committee on international negotiation) |
| DAPS | Direction de l'Analyse, de la Prévision et des Statistiques (Directorate of Analysis, Forecasting and Statistics) |
| ECOWAP | ECOWAS regional agricultural policy |
| ECOWAS | Economic Community of West African States |
| ENDA | Environnement et développement du Tiers Monde (NGO focusing on the environment and development) |
| EU | European Union |
| FAO | Food and Agriculture Organisation |
| FONGS | Fédération des ONG du Sénégal (Federation of NGOs of Senegal) |
| GOANA | Grande Offensive Agricole pour la Nourriture et l'Abondance (Agricultural offensive for food and abundance) |
| GRET | Groupe de Recherche et d'Echanges Technologiques (French Research and Technological Exchange Group) |
| IPAR | Initiative Prospective Agricole et Rurale (Senegalese think-tank and forum for dialogue on agricultural and rural issues) |

| | |
|--------|--|
| ISRA | Institut Sénégalais de Recherche Agronomique (Senegalese Agricultural Research Institute) |
| LDC | Least Developed Countries |
| LDN | Loi sur le Domaine National (Senegalese law on State land) |
| LOA | Loi d'orientation Agricole (Senegalese outline act on agriculture) |
| LOASP | Loi d'Orientation Agro-Sylvo-Pastorale (Senegalese outline act on agriculture, forestry and herding) |
| NAIP | National Agricultural Investment Plan |
| NEPAD | New Partnership for Africa's Development |
| NGO | Non-Governmental Organization |
| PACR | Programme d'Appui aux Communautés Rurales (French support project for rural communities) |
| PO | Producers' Organization |
| POAS | Plan d'Occupation et d'Aménagement des Sols (land occupation and use mapping) |
| POSCAO | West African Platform of Civil Society Organizations |
| PSAOP | Programme de Services et d'Appui aux Organisations de Producteurs (Senegalese services and support programme for producers' organizations) |
| REVA | Plan de Retour vers l'Agriculture (Senegal's "Return to agriculture" plan) |
| ROPFA | Réseau des Organisations Paysannes et des Producteurs Agricoles de l'Afrique de l'Ouest (Network of Farmers' and Agricultural Producers' Organisations of West Africa) |
| SAED | Société d'Aménagement et d'Exploitation des terres du Delta du fleuve Sénégal (Senegal River irrigation and extension authority) |
| SYNAEP | Syndicat National des Agriculteurs, des Eleveurs et des Pêcheurs (Senegalese national union of farmers, herders and fishermen) |
| WA | West Africa |
| WAEMU | West African Economic and Monetary Union |
| WTO | World Trade Organization |

1 ELEMENTS OF DEFINITION

For many decades, agriculture was largely overlooked by development programmes and international aid. In the 1980s and 1990s, most African countries were subjected to Structural Adjustment Plans (SAPs), which brought about drastic reductions in public spending, opened up their markets to international competition and entailed policies of privatization.

The rapid withdrawal of the State produced a veritable shock in many sectors, but did, however, allow new actors to emerge and take on new roles in the organization of the agricultural economy; these included producers' organizations first and foremost, but also other private sector actors. The new space opened up by the State compelled the peasant movement to organize and structure itself with a view to addressing the failures of the State and fulfilling the functions left vacant.

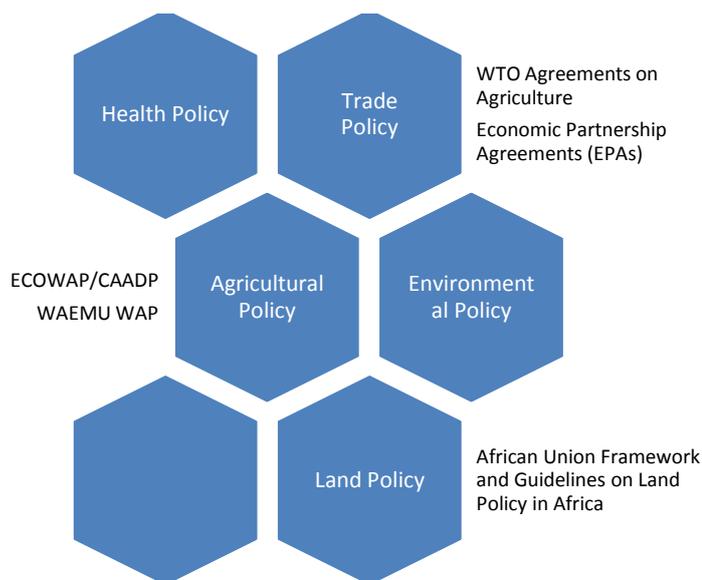
Today, producers' organizations are recognized as major actors in agricultural development and essential partners in dialogue aimed at public policy formulation and implementation. However, the new role assigned to producers' organizations is not easy to live up to, given the high stakes involved in public policy development and the sometimes complex procedures involved in producer participation in policy definition and implementation.

1.1 WHAT IS PUBLIC POLICY?

Public policy in the agricultural sector comprises a set of public measures focusing on national agricultural production or on imports and exports of agricultural produce. It is generally described as "a set of interdependent regulatory measures, structural mechanisms, and human and financial resources, implemented by the public authorities to help ensure the progress of the agricultural sector" (Ribier 2008). Public policy involves actions carried out directly by the State at the level of its centralized structures or decentralized agencies, but also actions aimed at orienting the behaviours of private actors.

Public policy in the agricultural sector pursues several goals, which are often complementary: stabilizing prices and regulating markets, developing agricultural production and marketing chains, modernizing farms and intensifying production, supporting producer income, making food affordable for the most vulnerable segments of the population, preserving sustainable use of land and other natural resources, etc. These goals are translated by policies strictly confined to the agricultural sector (in this case, we refer to "agricultural policy") or by inter-sectorial policies (trade policy, land policy) that are sometimes included in agricultural policy by extension.

Figure 1: Imbrication of public policies in the agricultural sector



1.2 WHAT IS MEANT BY “PARTICIPATION” OF PRODUCERS’ ORGANIZATIONS?

We often refer to the “participation” or “involvement” of producers’ organizations in public policy formulation. But what is really meant by that rather generic term?

In reality, we can identify four different policy processes that are generically referred to under the term “participation”:

- ➔ **Information and communication:** decision-makers inform partners about negotiations but decide on their contents; this is a one-way process, but it can still provide useful elements for the partners and stakeholders concerned. Communication focuses on one or more messages that decision-makers want to get across.
- ➔ **Consultation:** decision-makers gather the opinions of the partners and stakeholders concerned, but without sharing power. The decision-makers keep control of the process. The decision-makers do not necessarily seek to create a debate between the stakeholders concerned for fear of the emergence of positions backed up by coalitions. Consultation may also enable the development of arguments within a movement or coalition: in this case, movement leaders should gather ideas and proposals from members in order to build or enhance their positions.
- ➔ **Dialogue:** in this case, decision-makers enter into a dialogue with the partners and stakeholders concerned for the purpose of building a shared vision that can serve as a guide for action. Decision-making power still essentially resides with the decision-makers, although the latter seek to create dynamics of dialogue with their “partners” to define common objectives.
- ➔ **Negotiation:** the decision-makers and their partners seek to arrive at an agreement. To achieve this, they enter into a power struggle whose stakes include decision-making power, among others.

Table 1: The various possible levels of PO involvement

| Objective | Mode of participation |
|--------------------------------------|-----------------------|
| Provide information about a decision | Information |
| Ask an opinion before deciding | Consultation |
| Plan together | Dialogue |
| Decide together | Negotiation |

2 GENERAL LESSONS LEARNED FROM THE EXPERIENCE OF SENEGALESE POs

2.1 HOW DO THEY IMMERSE THEMSELVES IN THE RESEARCH PROBLEM?

2.1.1 DIFFERENT SITUATIONS LEADING TO DIALOGUE

When a dialogue or negotiation process is initiated with the State, it is important to examine the context in which it takes place. Several cases are possible:

- **Independent agenda and thought on the part of the peasant movement:** dialogue may give rise to an independent approach and thought process led by the peasant movement. Between 2002 and 2003, the CNCR repeatedly asked the government (memorandum addressed to the Head of State, assembly of 20 000 rural people in Dakar) to formulate an outline act on agriculture for Senegal.
- **Crisis to be resolved:** dialogue may also be sparked by a crisis situation that requires all of the actors to unite to come up with shared solutions. In Senegal, after the food crisis of 2008, the Ministry of Commerce set up a “framework for dialogue on the rice production and marketing chain” comprising importers, development structures (SAED), producers’ organizations, and other stakeholders to reflect on the structural reforms required so that another huge hike in the price of rice could be avoided.
- **Submission of a proposal by the government:** we note, however, that in the majority of cases, dialogue is initiated by the government, often in a phase of partner consultation on previously defined options and strategies. In such cases, the POs’ strategy often consists of turning the consultation into a phase of dialogue (to add certain issues that may be not be on the table under the initial proposal) and negotiation (to defend their positions).

2.1.2 VARIABLE SCHEDULES

In order to initiate a real process of dialogue and negotiation, it is often necessary to extend the original schedules. It is a common tendency for the State to submit proposals to its partners, and ask them to respond in a few days or—at best—in a few weeks.

In reality, the complexities of public policy call for much longer deadlines in order to arrive at a clear understanding and real ownership of the issues, and above all to make it possible to mobilize both internal and external resources. However, it should not be forgotten that it is above all the State that remains in control of the process and establishes schedules and deadlines, and that is why POs need to prepare in advance so that they are ready whenever they are called on.

Box 1: Anticipating deadlines and extending schedules, a fundamental issue for POs

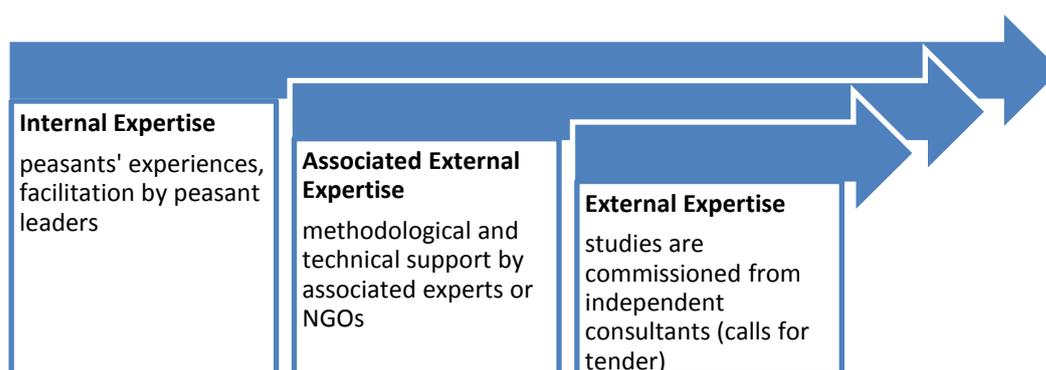
The experience of Senegalese producers’ organizations has shown that it was essential for them to have at least a few months at their disposal to organize a consultation at the grassroots level and take positions on strategic agricultural policy options (land reform, LOASP). It is therefore extremely important for POs to anticipate major issues affecting the rural world. They cannot wait for the government to submit the issues to them to begin their work; instead, they must be involved in a continuous process of strategic reflection. In the case of Senegal, it was the longstanding work on family farms initiated by FONGS that enabled the CNCR to affirm its vision of agriculture, to have proposals ready to bring to the table and to obtain, when necessary (land reform, LOASP) deadline extensions allowing it to consult its base.

2.1.3 WHAT EXPERTISE SHOULD BE MOBILIZED?

To prepare their proposals and arguments, producers' organizations take advantage of all of the resources at their disposal:

- **Internal Expertise:** PO members' experience and their capacity for innovation in seeking solutions to the problems they encounter are regularly called upon to facilitate elaboration of diagnoses and formulation of alternative agricultural policy proposals.
- **Associated External Expertise:** in addition to internal expertise capacities, alliances are sought with other organizations (civil society, research) with complementary expertise. Skills in facilitation and capacity building are also sought. In the case of highly technical subjects, such as trade negotiations, this approach is indispensable to gain a thorough understanding of the nature of the debates.
- **Delegation to External Expertise:** finally, in some cases, POs also use external consultants, whom they call in for assistance on specific matters. However, this solution is rarely preferred due to the "risks" associated with developing these new relationships; POs prefer to work with experts who have a longstanding association with the peasant movement.

Figure 1: The different levels of mobilization of expertise



Box 2: PO independence at issue: The need to forge their own positions based on a variety of expertise

In any process that involves external expertise, the question of the autonomy and independence of PO positions is raised. On highly technical topics, POs may sometimes find it difficult to fully understand the issues at stake and may have a tendency to follow the lead of other actors, even though they do not share the same interests. They must therefore constantly strike a balance between the need to garner support from their allies and the need to preserve their independence. During EPA negotiations, Senegalese POs initially followed the positions put forward by representatives of international and Senegalese civil society, which were largely hostile to EPAs. Subsequently, CNCR and ROPPA leaders asked several of their partners (consultancy firms and independent consultants) to conduct analyses of the EPAs. The positions supported by these partners were heterogeneous and, in light of the diversity of the findings, the peasant leaders were able to forge their own position on EPAs.

2.2 WHAT OVERALL INTERVENTION STRATEGY SHOULD BE CHOSEN?

Analyses conducted on the land reform and EPA negotiation processes show that producers' organizations develop different methodologies and strategic approaches according to their degree of involvement in the participation process and the phase they have reached.

2.2.1 DIFFERENT METHODOLOGICAL APPROACHES

A distinction can be made between two main types of methodologies:

- ➔ **Mobilization of a maximum number of actors** (peasant associations but also partners in agriculture, government departments and local elected officials) at different levels (local, regional and national). This approach is particularly useful during the information, consultation and dialogue phases;
- ➔ **Use of resource persons mandated by the organization:** this strategy, effective in the final phase of negotiation, relies on peasant leaders or experts associated with the peasant movement, who are placed in charge of conducting negotiations and ensuring their success.

Table 2: Methodologies adopted by POs depending on their participation phase (case of land and the LOASP)

| Phases of the process | Methodologies adopted by POs |
|-----------------------|--|
| Information | Multiple-level approach combining: <ul style="list-style-type: none">- community-based organizations at the local level- other partners in agriculture at the regional level (economic actors, local elected officials, decentralized government departments, etc.)- government departments and other organizations representing the rural world at the national level |
| Consultation | |
| Dialogue | |
| Negotiation | Delegation to one or more peasant movement leaders or associated experts |

2.2.2 VARYING IMPACT ON CAPACITY BUILDING FOR ORGANIZATIONS AND LEADERS

The internal ownership and capacity building achieved within the organization vary according to the types of expertise mobilized. When the process takes place from the bottom up, all levels of the peasant movement are mobilized, including producers themselves. Setting up this sort of mechanism involves intermediary stages such as training of peasant facilitators to ensure that they have a strong understanding of the issues and objectives at stake in the consultation. On the other hand, when external expertise is mobilized, a major issue resides in the way the peasant movement takes ownership of the study findings and how it reuses them.

Box 3: A far-reaching process of consultation and dialogue on land reform

Between 2000 and 2003, the CNCR conducted a sweeping thought process on land reform that included nearly 200 rural communities through the organization of 50 local workshops and 6 inter-regional workshops. The meetings, which took advantage of the experience of the participants and locally-used methods of conflict resolution, were aimed at producing elements that could contribute to the formulation of land reform proposals.

Throughout the process, a group of 3 experts was mobilized thanks to donor support, and the experts were backed up by 13 peasant leaders specially identified and trained for the purpose, who were in charge of local facilitation in the different regions of Senegal.

Box 4: Negotiations on economic partnership agreements conducted by 4 leaders

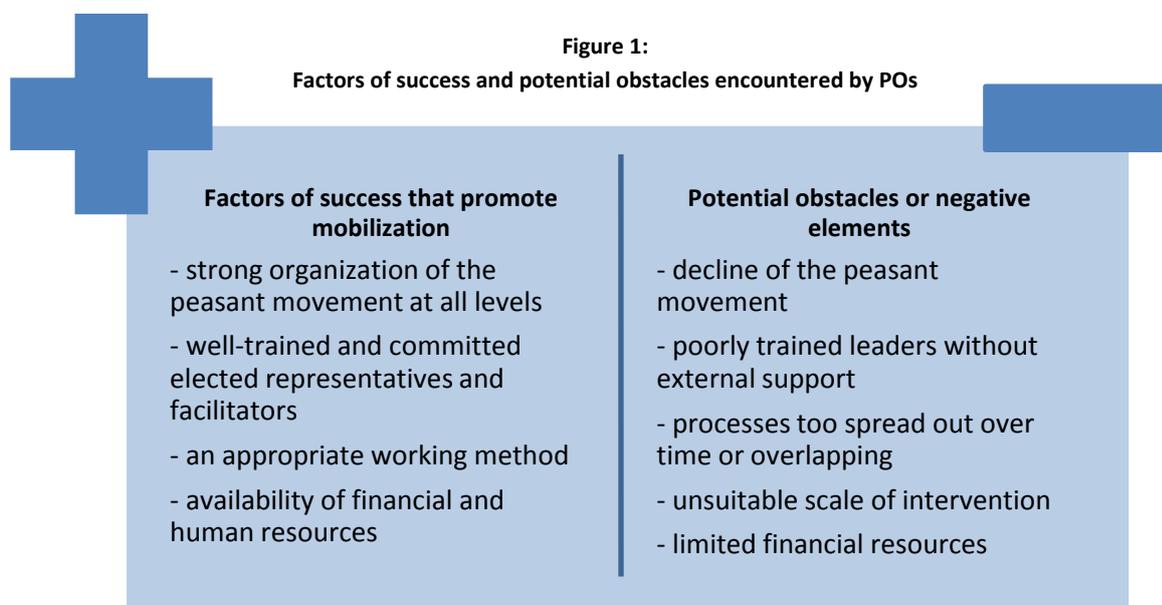
In the case of economic partnership agreements, due to the highly technical nature of the talks, producers' organizations were not really able to mobilize at the grass roots level or rely on their members in the negotiations. Thus, producers' organizations were obliged to undertake negotiations directly with the State, without going through an internal dialogue phase beforehand.

The negotiations were conducted by only a handful of leaders, trained on the stakes and issues of international trade, but even they were sometimes overwhelmed by the multiple negotiation subjects and forums, as well as by the complexity of the issues involved.

2.2.3 OBSTACLES AND FACTORS OF SUCCESS

Whatever strategy is adopted and whatever context underlies the participation of producers' organizations, certain general elements can be identified that can help promote an understanding of the success of the approaches used or the potential obstacles to strong participation by producers' organizations.

However, it should not be forgotten that the participation of POs and their leaders in dialogue and negotiation processes also helps to train them directly in action and mobilize at all different levels of their organizations, thereby reinforcing the peasant movement overall.



2.3 HOW CAN OTHER ACTORS BE INVOLVED AND ALLIANCES STRUCK?

2.3.1 WHAT OTHER ACTORS ARE CONCERNED?

It is important for POs engaged in a process with the State to identify the other actors involved. In most cases, POs are only one actor among others and therefore need to develop strategic alliances to strengthen their positions.

Identifying the other actors is not necessarily easy, as there are several different categories of actors:

- **Actors “involved” in the dialogue:** these are the other actors called upon by the State to participate in policy dialogue. For instance, when the State wanted to undertake a land reform, it submitted the findings of the study it had commissioned to producers’ organizations (CNCR) and also to local elected officials (APCR) and the private sector.
- **“Excluded” actors:** in every process, there are also categories of actors who are not directly involved in the process even though they would like to be and they have a legitimate right to participate. These actors are often excluded because they represent a potential counterbalance in the eyes of the State (civil society, producers’ organizations, etc.). They are all the easier to exclude since these actors are often not very highly organized and therefore not particularly mobilized to assert their place in the discussions (herders), or may be seen as incapable of dealing with the issues raised (women, youths).
- **“Absent” actors:** their dominant position on certain issues makes them indispensable (e.g.: Ministry of the Economy and Finance on land issues, religious authorities, etc.), and yet they are not always involved in the process or may participate from the side-lines. These actors generally use strategies other than dialogue to get their positions across, and for that reason, they are often more difficult to identify and may sometimes appear to be “absent”.

This rapid analysis can enable POs to identify the other actors involved, but also more generally to question the legitimacy of the dialogue framework in which they participate, its actual power to influence negotiations and the possible influences of other actors, who may not be present or directly called upon (“absent” actors).

Box 5: The importance of analysing the dialogue framework and the actors involved

In Senegal, the Ministry of Agriculture, through the Directorate of Analysis, Forecasting and Statistics (DAPS), was placed in charge of preparing a land reform. This situation may appear surprising to the extent that jurisdiction over rural land had been transferred to local government and State land was managed by the Ministry of the Economy and Finance.

This situation was inherited from the days of the Structural Adjustment Plans, when the Ministry of Agriculture was asked to prepare a land reform as an extension of the Agricultural Sector Structural Adjustment Plan (ASAP). Since then, the Ministry of Agriculture has continued to steer the issue, notably after the passing of the outline act on agriculture, forestry and herding, which provided for the implementation of a land policy within a deadline of two years following its enactment.

The situation created a bias from the outset, since the issue was steered from the beginning by a Ministry that was not in charge of land and therefore did not necessarily possess the legitimacy required to carry out such a reform. In the case of Senegal, we therefore observe that after several years of operation of the working group within the Ministry of Agriculture, the land issue was finally transferred to the Ministry of the Economy and Finance. Thus, the Ministry of the Economy and Finance went from being virtually “absent” from the discussions to holding a central position in the land reform issue.

2.3.2 WHAT POSITION IS HELD BY EACH ACTOR?

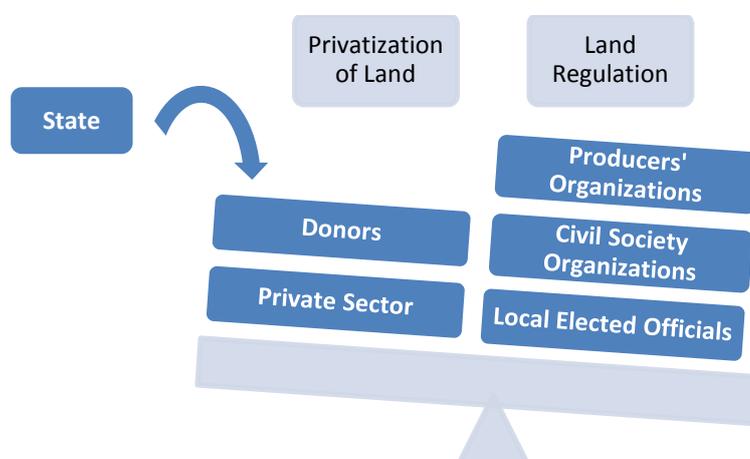
After having identified the actors involved, producers' organizations can more easily analyse the positions of each actor and the tactics they use to ensure a strategic foothold. This analysis of the situation will enable the POs, on the one hand (i) to identify the actors that hold the same positions (or partly the same) and who are likely to become allies, and on the other hand (ii) to analyse the arguments of actors who hold opposing positions.

This strategic analysis of the environment is not always completed and producers' organizations sometimes deprive themselves of strategic allies who could weigh in in their favour. However, they should always take care to avoid being "overrun" by their allies, so that they remain independent in their thought processes and positions, while calling on partners at critical stages of mobilization and negotiations.

Box 6: Seeking alliances, a step to be explored in greater detail

Producers' organizations are less likely than NGOs and civil society organizations to seek out strategic alliances to support their positions. Thus, certain opportunities are neglected when they could bear fruit. In the land reform process in Senegal, producers' organizations failed to develop real relations with the legislative authorities. On the other hand, in other countries such as Mali, producers' organizations conducted a major lobbying campaign aimed at their deputies, which allowed them to achieve considerable progress.

Figure 2: Diagram of the position of the different actors in relation to land management in Senegal



Box 7: The position of the State, a neutral role or an actor like the others?

In the case of land reform in Senegal, a distinction can be made between two main types of positions: (i) one in favour of land privatization, notably in order to secure private sector investments, and (ii) the other in favour of the establishment of a land securing and regulation mechanism aimed at recognizing the rights of local people, avoiding concentration of land ownership and better managing natural resources. Each of the actors, according to their own individual interests, upholds one or the other of these positions as a priority, although priorities are not always homogeneous within a group of actors. The position of the State is not always neutral. Far from seeking a balance between the positions of the different actors, the State sometimes opts—as in the case of the government formed following the democratic transition—in favour of one of the positions, a stance which complicates dialogue and negotiations.

2.3.3 HOW TO CREATE NEW ALLIANCES OR FRIENDSHIPS?

An analysis of the actors involved paves the way for the identification of potential allies for producers' organizations. These allies may be found at different levels:

- **Political:** deputies, local elected representatives, etc.
- **Administrative:** local administration, ministry technicians, local government technicians, etc.
- **Economic:** partners of production and marketing chains (processors, exporters, etc.), of the environment and agriculture (banking sector, agro supplies, etc.), employees' unions, employers' associations, etc.
- **Associations and research:** Senegalese NGOs, foreign NGOs, research institutions, etc.

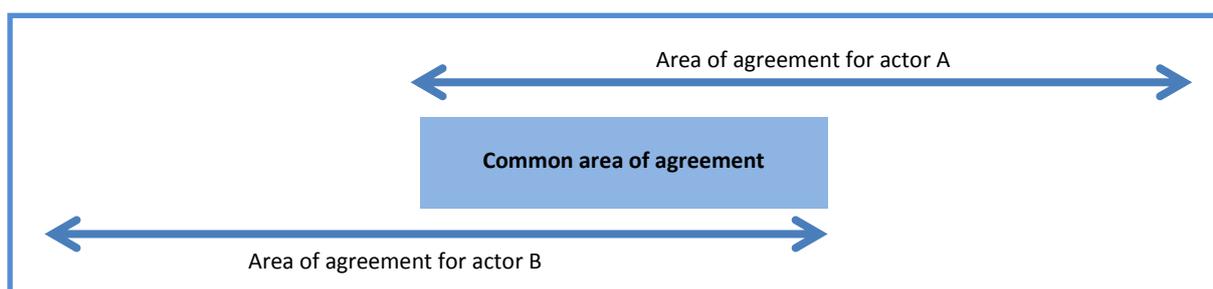
Once potential allies have been identified, it is necessary to develop spaces for exchanges and dialogue with these actors in order to find areas of agreement, which will reinforce both parties.

Table 3: Actors involved by the CNCR at different levels in its internal consultation process

| Level of intervention | Actors involved in reflection on land management |
|-----------------------|--|
| Local | Rural producers, herders, women, youths, local elected officials, village chiefs, imams |
| Regional | Peasant delegates, representatives of local elected officials, representatives of the administrative authorities and regional land departments, representatives of development authorities and regional NGOs |
| National | Peasant delegates and elected officials, national association of rural councillors (ANCR), representatives of the administration, development authorities, NGOs and professional organizations |

Seeking out areas of agreement between the actors enables each of the actors to reinforce their own positions and also helps them refine the proposals they put forward.

Figure 3: Looking for areas of agreement to build alliances



In the case of land reforms, the positions of the CNCR and the ANCR were analysed jointly. This collaboration made it possible to supplement the proposals of the CNCR in the sense of reinforcing the powers, capacities and resources of local elected officials (by creating a rural cadastre, establishing land tax, etc.). Participation by State land office and Cadastre employees in regional workshops also helped the CNCR refine its proposals by taking account of technical aspects and problems that could arise from the implementation of certain measures. Dialogue with State departments at local and regional levels is often precious since it is easier to initiate than dialogue at the national level.

Box 9: Alliances of Senegalese POs during EPA negotiations

For the most part, Senegalese POs struck alliances with national NGOs such as ENDA and CONGAD, international NGOs such as OXFAM, CCFD, CSA, Europafrika, and with consultancy firms, mostly international (Issala, GRET, etc.). These ties enabled them to develop their cognitive, financial and organizational resources and their capacities in terms of expertise. However, any alliances between the CNCR and Senegal's "political and administrative scene" in terms of EPA negotiations have remained quite confidential.

2.4 HOW TO INITIATE AND MAINTAIN ACTOR MOBILIZATION

2.4.1 MARSHALLING THE NECESSARY HUMAN AND FINANCIAL RESOURCES

In order to successfully complete a dialogue and negotiation process, POs need to marshal the necessary resources. These resources include both human and financial resources, and may prove difficult to mobilize, especially when the process is spread out over several years, as was the case with land reform and EPAs. In such cases, POs require a clear method of action that allows them to anticipate needs and precisely plan the different steps in order to apply for support from their partners.

In the case of land reform, although the process was only completed in 2004, the CNCR had already programmed the different steps and assessed the additional resources it needed to mobilize in early 2001. Sometimes, when deadlines are tight, POs only have a few months to conduct their analysis and in that case, they must rely on their capital of legitimacy and the relationships of confidence they have established with certain technical and financial partners to gain rapid access to funding.

The existence of relationships of confidence with certain donors or NGOs can help POs mobilize the resources they need within a short turnaround time and when needed.

2.4.2 TAKING ACCOUNT OF THE CONCERNS OF PRODUCERS AND HERDERS

In order to ensure optimum producer mobilization, POs need to adopt a method of intervention that enables grassroots producers to understand the objectives of the approach and that includes their concerns as priorities. Using local languages, preferring approaches based on participants experience, dividing up discussion time and making sure that there are spaces reserved for women and young people: these different elements can help ensure that everyone has a chance to express their views.

Box 10: A consultative approach focusing on the experiences of producers and herders

In the case of land reform, the CNCR was initially supposed to take a stand in favour of one of the three scenarios proposed by the Land Action Plan. Rather than settle for a ready-made solution, it opted for a very different approach, based on the problems encountered in the field and the conflicts in which producers were involved. This methodology, using the participants' experience as a starting point, had a twofold advantage: it allowed them to take ownership of the issues more easily and also helped to find solutions tailored to local practices and specificities.

2.4.4 MARKING STAGES WITH VALIDATION

When processes are long and complex, it is necessary to plan stages and reviews that enable the actors to have a concrete picture of the progress they have made. Otherwise, it is difficult for POs to ensure grassroots awareness of the results achieved. This can lead to a falling off of interest in national and international policy issues, supplanted by more concrete and immediate issues that directly affect their farms.

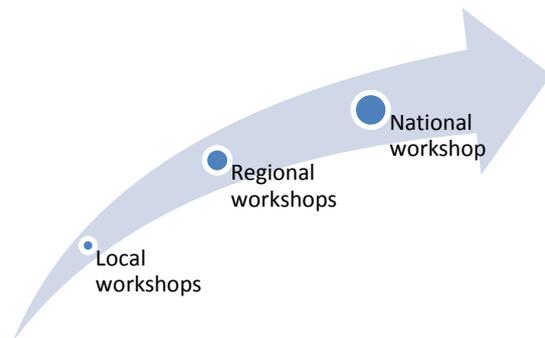
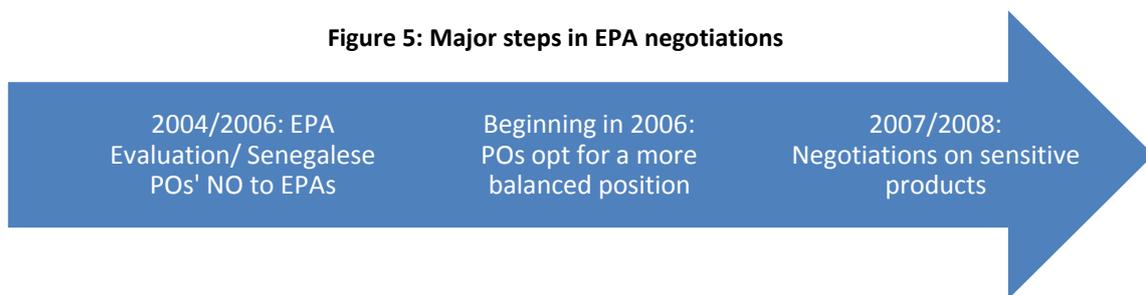


Figure 4: The different steps in the land reform dialogue process

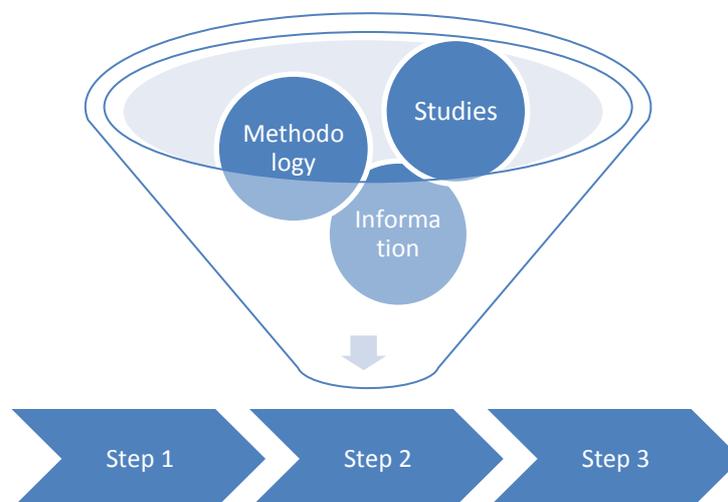
Figure 5: Major steps in EPA negotiations



2.4.5 UNDERPINNING REFLECTION

These intermediary steps are also stages when the reflection undertaken can be confronted with the ideas of other actors and reinforced with new arguments. They also make it possible to underpin reflection through outside contributions: methodological support from experts associated with the movement, additional studies that supplement the analyses produced on the basis of internal expertise, information provided by regional partners, etc.

Figure 6: Planning intermediary review stages makes it possible to underpin and test analyses using contributions from other partners



2.5 HOW TO REINFORCE DIALOGUE WITH THE STATE

In order to reinforce their dialogue with the State, producers' organizations mobilize several tools, which allow them to marshal public opinion in their favour (popular mobilization, using the media) and also to have a direct impact on decision-makers (lobbying and negotiation).

2.5.1 FOSTERING PUBLIC DEBATES

Initiating broad public debates can be an interesting strategy for POs aiming to develop advocacy and back up their positions. At this stage, the aim is not to directly address decision-makers, but rather to garner wide public support, which can in turn have the power to influence decision-makers.

In order to get public opinion on their side, producers' organizations generally draw support from their base and also increasingly use other means, such as the media, to get their positions across:

- **Popular mobilization:** the very broad social base of POs is an asset that can directly influence and reorient decision-making processes. The majority of African citizens are still peasants, and the group therefore wields considerable power. Popular mobilization can also constitute a serious argument for decision-makers when they are negotiating at the international level on their behalf.
- **Using the media:** to extend this mobilization even farther, the media can provide precious assistance. They can heighten the visibility of actions and reinforce messages disseminated by POs on the national or even the international scale. In order to facilitate this type of collaboration, POs can use several different tools: regular training/meetings with journalists, regular production of well-documented information and analyses, etc.

Box 11: Popular mobilization, a strategic tool for POs

In 2003, the CNCR gathered 30,000 rural people in Dakar to present a peasant manifesto to the authorities. This show of strength enabled the CNCR to take its place as a weighty contender in the talks and helped it obtain several months to carry out dialogue with its grassroots constituency on the agricultural outline bill. This process allowed it to formulate precise alternative proposals and, thanks to the support of the whole peasant movement, to have its proposals included in the legislation.

2.5.2 FORUMS FOR DIALOGUE

Spaces for negotiation are not always open to producers' organizations. Sometimes there is no framework for POs to defend their points of view, and in such cases, they need to develop different strategies, which consist of reaching decision-makers through the back door.

- **Lobbying:** lobbying is defined as a set of actions aimed at influencing the people or institutions that formulate, validate, or have the power to change or implement agricultural policy. Lobbying strategies involve the creation of direct relationships with decision-makers. Through exchanges, provision of information and arguments, POs can influence decision-makers so that they truly represent producers' interests.
- **Negotiation:** in certain cases, there are official frameworks that allow negotiations to be conducted with the State. In such cases, peasant leaders or experts mandated to negotiate on their behalf have a real opportunity to present the positions of the organizations they represent and to argue their

proposals. The issue at stake is to be able to make credible proposals that are acceptable to the other parties. These moments of actual negotiation are generally very brief and very intense.

Box 12: Between mobilization and negotiation, the fundamental choice of messages

In the case of highly technical subjects, such as economic partnership agreement negotiations, it is sometimes difficult for POs to convey the potential issues and consequences of the negotiations in clear terms, as their impact on actual farms is diffuse in nature and combines with other institutional, economic and political factors (State withdrawal, liberalization of production and marketing chains, etc.). POs tend to simplify their messages in such cases (often a message of opposition) in order to make them more audible and visible. However, care should be taken to avoid the pitfalls of oversimplification: although it may be indispensable to get the message across and achieve broad popular mobilization, on the other hand, it hardly appears credible in the forum with the various negotiators.

2.5.3 CONDUCTING AND SHARING AN INDEPENDENT REFLECTION PROCESS

It is therefore in the interest of producers' organizations to prepare thoroughly for moments of negotiation by anticipating them. They cannot merely react when they are called on by the government and must continually construct strategic reflection.

During key moments in agricultural policy elaboration, the experience of FONGS and the CNCR clearly shows that it is because they anticipated questions on the future of the rural world and family farms that they were able to make relevant contributions and obtain the progress they sought to achieve.

Box 13: FONGS/CNCR peasant forum on family farms

In order to re-enter agricultural policy debates and overcome a situation of blocked dialogue with the State, producers' organizations launched a major process of strategic reflection on family farms. Initiated by FONGS in 2008, with support from IPAR and experts close to the peasant movement, the work involved monitoring 700 family farms belonging to FONGS members in order to analyse their productivity. The findings of this analysis were then shared with peasant leaders and departments that act as partners of agriculture (decentralized departments, development authorities, and local government) at the level of each agro-ecological zone, then consolidated at the national level.

This analysis was then shared during an international forum that allowed the independent peasant movement to debate on three messages and corresponding proposals: (i) family farms already make a significant contribution to the diet of the Senegalese population; (ii) family farms will have the capacity to better feed Senegal if space and natural resources are better managed; (iii) the contribution of family farms to the economic and social development of Senegal's regions will be stimulated if the evolution of rural economies and societies is better oriented.

3 ELABORATION OF PUBLIC POLICY IN SENEGAL: A TUMULTUOUS HISTORY

3.1 POLICIES STEERED BY THE STATE AND DONORS (1979-1993)

In the 1970s, major droughts, the oil crunch and the drop in global prices of agricultural produce caused a major economic crisis in Senegal. The model administered by the State since Independence had reached its limits and no longer made it possible to improve farm productivity. Sweeping measures were undertaken in the early 1980s, notably under the influence of the IMF: elimination of the agricultural programme (1979), State withdrawal and a policy of privatization promoted by the New Agricultural Policy (1984). These mechanisms were later complemented by the devaluation of the CFA Franc (1994) and the agriculture sector adjustment programme (1995).

Brief timeline



3.2 THE EMERGENCE OF DIALOGUE BETWEEN POs AND THE STATE (1993-2004)

Adjustment policies promoted the emergence of a national peasant movement, enhancing ties between the old organizations called upon by the State (agricultural cooperatives, women's advancement groups, etc.) and independent peasants' associations, united under the umbrella of the federation of NGOs of Senegal (FONGS), which was founded in 1976.

The movement increasingly took its place as an interlocutor of the State and gathered together under a single banner in 1993 with the founding of the National Council for Rural Dialogue and Cooperation (CNCR). In 1997, the movement was officially recognized by the State and obtained the establishment of regular dialogue with the government. It had become one of the major actors in the sector (public service delegation between the State and POs for the management of donor projects, management of the PO component of the PSAOP) and managed to make considerable gains for producers and the rural world (lowering of taxes on agricultural inputs and equipment, reduction of interest rates on agricultural loans to 7%, etc.).

This constructive framework for dialogue between the State, producers' organizations and donors enabled the peasant movement to take part in reflection on agricultural policy through: the joint FONGS/FAO project on agricultural policy (1998-99), participation in reflection on agricultural and rural training (1998-99), internal reflection on land reform (2000-2003), dialogue and negotiations on the LOASP (2003), etc. The movement also organized at the sub-regional level, with the founding of ROPPA in 2000.

Brief timeline



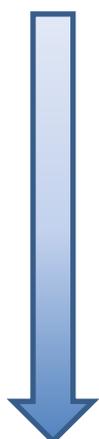
- 1997: Project to boost the groundnut production and marketing chain
- 1995: 1999: Elaboration of the PSAOP
- 1997: Resumption of the agricultural programme
- 1999: Founding of the National Agricultural and Rural Advisory Agency (ANCAR)
- 2000: Election of Abdoulaye Wade to the Office of President of the Republic
- 2000: Cotonou Agreement (EU/ACP)
- 2001: Application of WAEMU's Common External Tariff (CET)
- 2004: Enactment of the LOASP

3.3 THE CONDITIONS OF DIALOGUE BECOME MORE DIFFICULT (2004-2010)

After the enactment of the LOASP in June 2004, hopes run high among producers' organizations. They had achieved several major gains: the withdrawal of the section on land (deferred for another two years), limitation of the role of the State in regulation of production and marketing chains, recognition of the coexistence of two types of agriculture, etc.

At the same time, special programmes were set up with ambitious objectives aimed at food crop production (maize, manioc, sesame, red sorrel or *bissap*), but with little success. The accelerated growth strategy (with its agro-industrial cluster essentially based on exports of horticultural products) and the Reva Plan (aimed at setting up farmers on irrigated land), were designed at a later date to respond to issues identified in the National Poverty Reduction Strategy (PRSP II), but they were largely based on a vision of agriculture promoting agribusiness without prior dialogue with POs. Over the same period, several competing national organizations were set up, thereby complicating the national role that the CNCR intended to play and its dialogue with the State. The programmes that followed (GOANA, Senegalese national agricultural investment plan - ECOWAP/CAADP) were also elaborated without dialogue with representatives of producers' organizations at the national level.

Brief timeline



- 2000 – 2005: Creation of competing peasant organizations
- 2003 – 2007: Special programmes: maize, manioc, sesame, *bissap*
- 2004 – 2006: Elaboration of the Accelerated Growth Strategy
- 2005: Privatization of SONACOS
- 2006: Launching of the REVA Plan
- 2007: Presidential and legislative elections
- 2007: Adoption of the CET by ECOWAS
- 2007: Deferral of the signing of an EU/ECOWAS partnership agreement
- 2008: Launching of GOANA
- 2010: Validation of the NAIP (ECOWAP/CAADP)

4 EXPERIENCE REPORT ON ECONOMIC PARTNERSHIP AGREEMENT NEGOTIATION BY SENEGALESE POs

4.1 ECONOMIC PARTNERSHIP AGREEMENTS (EPAs) AND SENEGAL

Since 2002, the European Union (EU) and the West African region (WA - 16 countries) have been negotiating an Economic Partnership Agreement (EPA), a free trade agreement intended to replace the non-reciprocal preferential trade regime enjoyed by all African, Caribbean and Pacific (ACP) countries since the Yaoundé Conventions (1967-1974) and the Lomé Conventions (1975-2000) beginning on 1 January 2008. The Cotonou Agreement defined a new strategy aimed at turning non-reciprocal ACP agreements into reciprocal free-trade agreements between the EU and the ACP countries. ECOWAS, which comprises both LDC and non-LDC countries, was mandated to negotiate the regional agreements on behalf of the 16 countries in the zone. The date of signing of the EPAs was initially scheduled for 31 December 2007; however, at the end of 2010, an agreement had yet to be signed.

A free trade agreement without a common external tariff?

In the early stages of negotiations, in 2003, ECOWAS did not have a Common External Tariff (CET), which made the signing of an EPA problematical. Despite that fact, ECOWAS was chosen to negotiate the contents of the EPA, implying that economic integration under ECOWAS would be more precisely defined. In January 2006, WAEMU's CET was extended to ECOWAS, and was to be applied as of 1 January 2008, following a two-year transition period. It was to include 4 tariff bands. As early as 2007, ROPPA members called on ECOWAS to establish a 5th tariff band at 35%. The creation of this additional band was officially approved at the latest Summit of Heads of State of ECOWAS in June 2009.

Senegal is a beneficiary of the ACP agreements (Lomé Convention of 1975) which were replaced by the Cotonou Agreement in 2000 and, as an LDC, it also benefits from the "Everything But Arms" initiative (2001) which grants imports of all products from some fifty countries duty-free access to the European market for an unlimited period. Senegalese POs therefore tried to represent their interests in a multiple-level political forum in which ECOWAS and the Senegalese government constituted their two main targets.

4.2 ARCHITECTURE OF THE NEGOTIATIONS: MULTIPLE-LEVEL MOBILIZATION OF SENEGALESE POs

ECOWAS was placed in charge of negotiating the EPAs. After the launching of the regional phase of negotiations in Cotonou in 2003, it took the parties nearly a year to agree on a roadmap in August 2004, which established a provisional schedule divided into three phases from 2004 to December 2007. Above and beyond the contents of the EPA negotiations, the schedule was the subject of considerable discontent. West African representatives criticized the pre-planned nature of the negotiations and their speed, reproaching the European Union (EU) for having precipitated negotiations so vital to the economies of the ECOWAS countries, at a time when the negotiation of the ECOWAS Common External Tariff (CET) had not yet come to fruition and various agricultural policies had just been launched. Indeed, in the end it was not possible to adhere to the deadlines of the three phases.

The architecture of the EPA negotiations required Senegalese POs to mobilize on several levels of negotiation. On the one hand, there were arenas of negotiation that enabled EU and ECOWAS representatives to meet. On the other hand, within ECOWAS itself, a multiple-level negotiation process was set up that allowed the

emergence of national and sub-regional positions. The positions upheld by ECOWAS were the result of complex negotiations between the different States. Senegalese POs tried to influence the positions of the Senegalese government. This strategy of influence was a complement to more direct mobilization aimed at ECOWAS. Senegalese POs represented their interests within ECOWAS through ROPPA in an alliance with peasant leaders from the whole sub-region.

While EPA negotiations officially began in 2004, reflection processes had already been undertaken before EPAs. Unlike the other ECOWAS countries, the Senegalese government set up committees with a mandate to examine international trade issues early on. In the lead up to the WTO negotiations in Seattle, a committee comprising representatives of Senegalese employers, Senegalese peasants and representatives of the Ministries of Commerce and Agriculture met several times a year. Participation in the committee meetings was open; the only condition was to register. Representatives of Senegalese POs relayed each other at the meetings. In 2001, the committees were replaced by CNNIs (national committees on international negotiations), which were mandated, during multilateral, regional and/or bilateral trade talks, with ensuring the emergence and harmonization of positions on the national scale. The CNNIs were steered by the Ministry of Commerce and included 6 committees, including a committee on trade in agricultural products, steered by Magate Ndoye of the Ministry of Commerce. Until 2004, the CNNIs focused only on WTO negotiations. Afterwards, EPAs gradually became a recurring topic of committee meetings.

Negotiations that explicitly stipulated civil society participation

Under the Cotonou Agreement, an article stipulated that negotiations were to include civil society. Thanks to that legal argument, the NGO ENDA, via the West African Platform of Civil Society Organizations (POSCAO-AO), became the official representative of civil society during the EPA negotiations, and could therefore regularly interact with decision-makers. ENDA representative Cheikh Tidiane Dieye was invited to all of the negotiations between the EU and ECOWAS. The platform, created in the early 2000s, played an important supervisory and mediatisation role, interacting regularly and informally with decision-makers. Furthermore, the ECOWAS commission conducted dialogue with specialized organizations on more specific subjects on a non-institutional basis. Thus, it held regular hearings with ROPPA representatives during negotiations on sensitive products, even though POs were not officially among the negotiators.

4.3 PEASANT LEADER PARTICIPATION FROM 2004 TO 2009: FROM DEPENDENCE TO AUTONOMY

Senegalese peasant leader participation in the EPA negotiation process can be broken down into two distinct periods. There was a rise in discussions and mobilizations on the EPA issue beginning in 2004. During the first period (December 2004/October 2006), CNCR leaders viewed the EPA issue as an extension of their commitment regarding international trade issues (WTO, etc.) and did not direct their energies specifically at the EPA issue. They lacked specific expertise on the subject and relied on the general knowledge they had gathered on international trade. Thus, although they did not ignore international trade issues, they failed to measure the unique nature of the EPAs. Senegalese leaders and ROPPA were absorbed by the dynamics launched by powerful northern NGOs (OXFAM, CCFD, etc.) and militant southern networks and organizations (Africa trade network, ENDA, POSCAO, etc.), which were radically opposed to EPAs.

During the second period, beginning in November 2006, mobilization accelerated. Numerous demonstrations were organized in Senegal and throughout West Africa. In addition, the networks and NGOs mobilized during the previous period conducted multiple awareness campaigns aimed at the populations of West Africa and Europe. For their part, the participating CNCR leaders seemed to focus more on international peasant networks (Via Campesina, Confédération paysanne européenne, etc.). During this period, Senegalese PO leaders took

their distance from the NGOs and sought to balance their hostility to the EPAs. At the same time, they took a more specific interest in the contents of the negotiations, particularly where sensitive products were concerned.

EPA negotiations: identification of the two phases of negotiation



Between 2001 and 2004, Senegalese leaders did not have a specific focus on EPA issues. They were still in the learning stage and were training themselves on the more general issues of international trade negotiations. When, in 2004, the EPAs appeared more formally on the political agenda, the members of ROPPA’s international trade group viewed the EPA issue as an extension of their commitment on international trade issues (WTO, etc.), and did not take a more specific interest in the matter.

They globally adopted the position of the NGOs, most of which were hostile to the economic partnership agreements. In 2004, the peasant leaders met and the position rejecting the EPAs was validated by ROPPA³, then by the CNCR to the extent that the Senegalese members of the “international trade” group within ROPPA were also in charge of the issue within the CNCR. Interviews stressed the informality of these mandates and position statements. The people interviewed justified the lack of a participatory approach by pointing out the complexity of the negotiations and the limited time available to them. The position of the CNCR and ROPPA was not submitted to the base. Similarly, according to the interviews, the low number of people involved was due to the both complexity of the debates and the limited human resources at the disposal of the organizations. ROPPA and the CNCR, and representatives of West African civil society (POSCAO via ENDA) and international civil society (OXFAM, CCFD, etc.) radically rejected EPAs in 2004. Civil society representatives were particularly active in their anti-EPA campaign, and undertook numerous initiatives to develop relevant expertise on the issue, whereas the majority of Senegalese PO leaders were still absorbed by international trade issues (Cancun negotiations in 2003, Dakar Appeal in 2003, etc.) and seemed to passively follow the mobilization of POSCAO.

The important role of NGOs

As coordinator of the West African Platform of Civil Society Organizations (POSCAO-AO), the ENDA-SYSPRO NGO was particularly active in the negotiations. Many other NGOs were also involved, including OXFAM, CCFD, GRET, the Europafrica platform, CSA, etc.

In October 2006, the Ministerial Monitoring Committee (MMC) meeting in Niamey officially marked the second phase of EPA negotiations. The objective was to establish the overall architecture of the EPAs and prepare a draft agreement on all areas linked to trade. This phase marked an acceleration in PO involvement in EPA negotiations. Senegalese leaders managed to become involved in specific subjects even though, due to a shortage of human and organizational resources, it was not possible to cover all of the issues. During this second phase, a chronological analysis of anti-EPA mobilization reveals complex relationships between the CNCR and ROPPA and the various civil society organizations.

**Resource mobilization:
the thorny issue of
dependence on
external actors!**

³ For an analysis of ROPPA’s participation in the EPA negotiations, see upcoming Issala study.

The risk was that the radical message advocated by the “NO to EPAs” NGOs could be imposed on POs whereas they were seeking to strike a more balanced position. At the same time, Senegalese leaders, although they did not adhere to the position of radical rejection of EPAs, were pleased with the mobilization to the extent that, from their point of view, it helped defer the process deadlines. The alliances they struck with NGOs allowed POs to develop their cognitive and financial capacities and build their political capital, while also highlighting the dependency they could cause in terms of knowledge of the issues, participation and formulation of positions.

4.4 EVALUATION OF EPAs: TOWARDS A BALANCED POSITION AMONG SENEGALESE AND WEST AFRICAN PEASANTS (2005-2006)

Between 2004 and December 2005, the EPAs in West Africa were the focus of nearly a dozen midterm evaluations launched by NGOs, think tanks, decision-makers and consultancy firms. A series of expert studies commissioned by ROPPA enabled the CNCR and ROPPA to benefit from additional expertise and more specific arguments against the EPAs proposed by the EU, but also to achieve a more balanced position. J. Gallezot, the Issala firm and NGOs such as Europafrica participated in research studies on the impact of the EPAs. In the case of EPAs, the leadership called on several external experts. Distinct political sensibilities emerged from these collaborations, and these different sources of inspiration contributed to the emergence of an independent position within the CNCR.

4.5 ACTIVE INVOLVEMENT OF THE CNCR AND ROPPA IN NEGOTIATIONS ON SENSITIVE PRODUCTS (2007-2008)

Analysis confirms that Senegalese leaders were late in entering the EPA negotiations. Between 2001 and 2007, they were caught up in the dynamics launched by civil society, despite their efforts to bring more balance to their position. They became more independent in January 2007, with the beginning of negotiations on sensitive products. First of all, CNCR leaders participated in meetings on the choice of a methodology for the identification of sensitive products (January to November 2007). Then, lists of sensitive products were made on the national scale based on the proposed methodology. According to the interviews, the fact that Côte d’Ivoire and Ghana signed interim EPAs with the EU in December 2007 provided additional incentive for peasant organizations in the sub-region and in Senegal to become involved in the negotiations in order to secure room to manoeuvre. However, Senegalese leaders seemed to focus almost exclusively on negotiations on sensitive products.

Sensitive products in EPA negotiations

Imports of agricultural and food products make up 14% of total imports from the EU to West Africa, and continue to experience a strong upward trend. Thus, the opening up of West African markets represents a serious risk for local production, since European exports are highly competitive and benefit from the single farm payment scheme, hence the importance of defining sensitive products to be excluded from the agreements. An offer of access to the WA market was in preparation up until early 2009, following a lengthy process. The offer was prepared based on the identification of sensitive products in the open trade context. Each country produced its own individual offer on the basis of a similar methodology (sensitivity criteria, indicators, scoring and weighting), then the offers were consolidated at the regional level.

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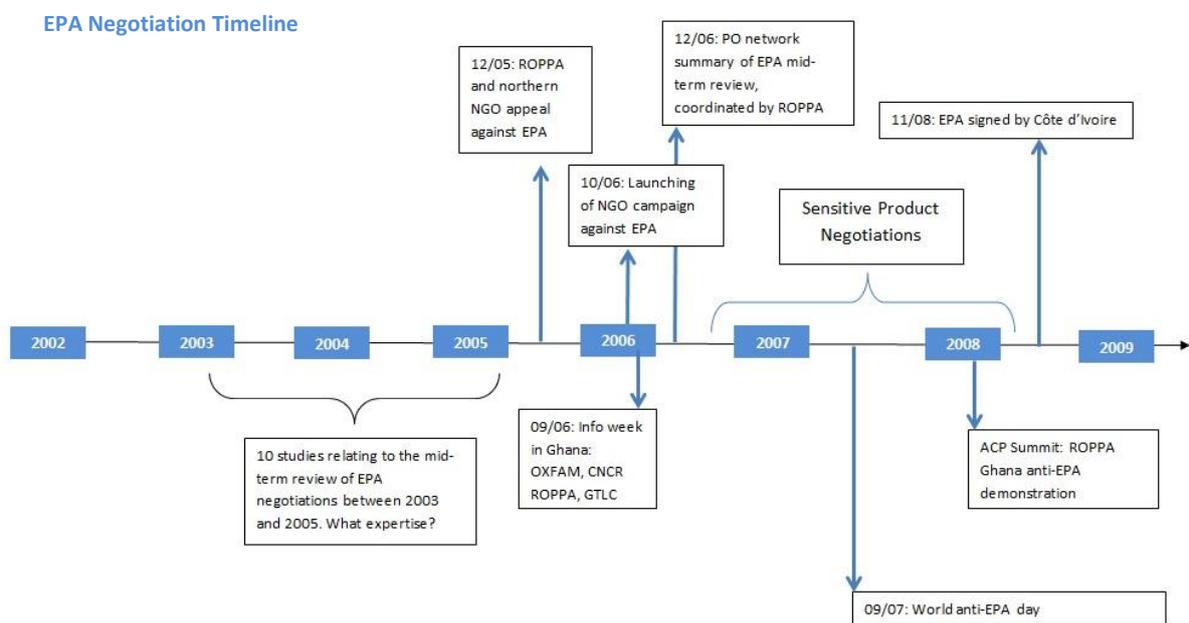
However, the talks on sensitive products took place at the same time as those on "Rules of Origin"⁴ and the ECOWAS Common External Tariff. For organizations with very limited qualified human resources at their disposal, the multiple number of issues to be dealt with over a relatively short period of time soon proved to be a considerable handicap. Over the course of EPA negotiations, there were not only moments of heightened activity that required intense efforts on the part of peasant leaders, but also times when the negotiations were fragmented, i.e. when they needed to be active on several fronts at once. The splitting up of negotiations on different subjects and in different places led to a partial disconnection of POs from the process.

Fragmented negotiations and limited human and organizational capacities...

⁴ For a presentation (in French) on issues linked to "Rules of Origin", see Cadot-Djiofack-de-Melo_FR_0608_AFD_preferences-commerciales-et-regles-d-origine.pdf

4.6 POs... PARTNERS OF THE SENEGALESE GOVERNMENT? AN ADVERSARY BUT ALSO AN ALLY

During EPA negotiations, CNCR representatives took part in certain think tanks, notably the national committees on international negotiation (CNNIs) set up by the government as early as 1999, which allowed peasant leaders to become trained on the issues and technicalities of international trade negotiations. Other POs in the sub-region had to wait until 2004 before information workshops on EPAs timidly began to be set up. ROPPA and CNCR representatives not only participated in negotiations on the national scale and within ECOWAS committees, but also engaged in protests on the heels of international civil society. These positions were not contradictory, but rather complementary to the extent that the Senegalese government itself was engaged in negotiations with other West African States to build a joint ECOWAS position in relation to the EU.



5 EXPERIENCE REPORT ON THE LAND REFORM PROCESS

5.1 LAND REFORM IN SENEGAL: BACKGROUND AND ISSUES

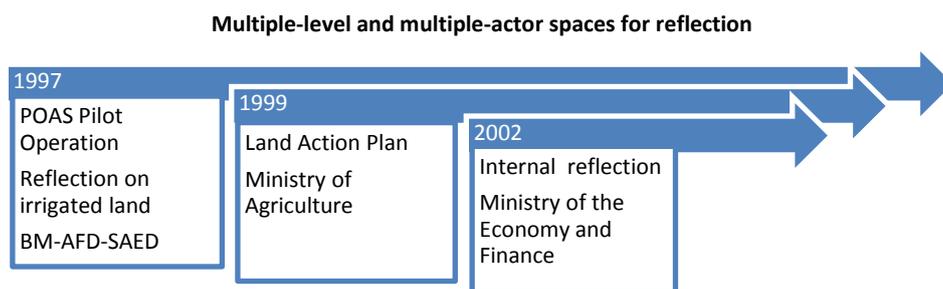
In 1964, Senegal adopted a land reform law known as the law on State land (Loi sur le Domaine National - LDN). In rural areas, this law replaced customary laws and placed all land under the control of the State, according to which it could be given one of the following two types of status: (i) assigned State land, which had been farmed by families to whom the law no longer granted a real right, but rather a right of use on condition that they make use of the land; (ii) unassigned State land, which was used collectively (uncleared land, range areas, food gathering areas, woodcutting areas, etc.) and where peasants had free access to resources. The law was later supplemented with various instruments: rural communities were created with the 1972 administrative and territorial reform law, powers were transferred to local government with the laws on decentralization of 1996, etc.

The intention of the law on State land of 1964 was to help promote land development, put an end to certain situations in which peasants were exploited by major landholders and enable the State and local governments to invest in productive improvements. However, as soon as it was adopted, the law gave rise to numerous debates. Certain key notions for its implementation were never defined (definition of the concept of “land development”, framework of the powers of rural councils to assign land) and no resources were provided at the local government level to ensure proper land management (no rural cadastre, land registers not kept, etc.).

There ensued a situation of considerable uncertainty for beneficiaries of land assignments, a situation that was not conducive to investment, combined with increased pressure on deteriorating natural resources, the multiplication of sometimes violent land conflicts, and anarchic urban encroachment on rural spaces.

5.2 THE EMERGENCE OF MULTIPLE-LEVEL REFLECTIONS ON LAND REFORM

In the mid-1990s, under pressure from donors, the government of Senegal renewed its focus on the land issue and launched several parallel reflection processes, on the Senegal River Valley, where most of the country’s irrigation schemes are located, as well as on the national level.



In the Senegal River Valley, the World Bank and the French development agency (Agence Française de Développement - AFD) which had both provided considerable financing for irrigation schemes in the region, wanted the government of Senegal to set in place a specific reform on irrigated land in order to secure those investments. The aim was, on the one hand, to transfer management and maintenance to producers’ organizations, and also to set up a legislative framework that would provide security for producers and maximize the productive capacities of the irrigation developments. With this in mind, several projects were focused on land issues, leading to the setting in place of management tools adapted to local issues, such as land occupation and use mapping (Plans d’Occupation et d’Affectation des Sols - POAS), designed to reduce conflicts between farmers and herders through local dialogue and the definition of different spaces, and the

irrigated land charter (Charte du Domaine irrigué - CDI), set in place on the initiative of the SAED to give all assignees incentive to use and develop all of the land assigned to them.

At the national level, the need for land reform appeared in the debate at the same time, in the late 1990s, also under the impetus of donors (and particularly the World Bank). In follow-up to the structural adjustment plans, donors wanted Senegal to equip itself with new legislation that would promote the development of private sector investment. A French consultancy firm was therefore mandated to propose land reform scenarios: the result was Senegal’s Land Action Plan, which was submitted to the partners in 1999.

Finally, although we cannot say exactly when it began, certain elements seem to indicate that as early as 2002, the Ministry of the Economy and Finance, which is in charge of the management of the Cadastre and State lands, also initiated internal reflection on land reform preparation in direct collaboration with the Office of the President.

5.3 THE MAJOR STAGES OF PO PARTICIPATION

Three distinct phases can be distinguished in PO participation in the national process:



Phase 1: 1996-2000: POs did not participate in the Land Action Plan elaboration process. Although it was invited to join the steering committee, the CNCR participated little in the meetings that were held.

Phase 2: 2001-2004: POs participate fully in the reform project and take leadership. Following consultation of the actors by the Government, the CNCR asked to be given the necessary time to organize an internal dialogue. Reflection was conducted at different levels and enabled the CNCR to make proposals that were subsequently used in negotiations on the LOASP.

Phase 3: 2005-2010: The President set up a National Land Law Reform Commission that was supposed to include all of the actors, but which excluded POs. Indeed, although the decree naming the organizations with ex-officio membership in the commission provided for 6 PO representatives, the Prime Ministerial decree appointing the individual members of the commission did not mention a single PO representative. Despite their protests, the POs were therefore excluded from the commission, and were not informed about the reports and papers drafted thereby.

Principal stages of land reform

1996-2000: POs have little involvement in national reflection on land reform
 1996: Land Action Plan (PAF)
 1999: Consultation of partners on the PAF

2001-2004: POs take leadership
 2001-2003: Internal concertation within the CNCR
 2004: Presentation of CNCR proposals
 2004: Enactment of the LOASP

2005-2010: POs are excluded from negotiation forums
 2005: Creation of a technical working group on land within the DAPS
 2005: Appointment of the National Land Law Reform Commission

5.4 LIMITED PO PARTICIPATION IN THE LAND ACTION PLAN (1996-2000)

During the first phase of the process, PO participation was very limited, although they were invited to the dialogue forums set up by the government. They watched the steering committee in charge of monitoring the elaboration of the Land Action Plan from a distance and did not identify with the different scenarios it proposed. Indeed, the options put up for debate focused largely on how to privatize land and did not take account of certain issues that were fundamental for family farms such as securing land or managing natural resources.

It should be taken into consideration that, at the time when this work took place, producers' organizations had only been united at the national level for a few years (creation of the CNCR in 1993) and lacked sufficient human resources. Thanks to support from an expert, placed at the disposal of the CNCR by a donor, the CNCR was nevertheless able to take the lead in the debate. Although it was initially only consulted, like the other partners (local elected officials, private sector) to speak in favour of one of the three scenarios proposed by the Land Action Plan, it was able to obtain time to carry out a broad dialogue process with its base.

On the issue of land reform, the CNCR managed to move from the consultation phase to the dialogue phase!

The need for independent reflection while building alliances

At a time when the different partners were being consulted on the three options of the Land Action Plan, the chairperson of the APCR (Association of presidents of rural councils) suggested the idea of a joint reflection to the President of the CNCR. Mamadou Cissokho, then president of the CNCR, refused the proposal so that the peasants could conduct an independent reflection on their own. Nevertheless, the local elected officials and the APCR were subsequently included in the CNCR's reflections and local, regional and national workshops, in order to share their experience, build alliances and uphold joint proposals.

5.5 EXEMPLARY INTERNAL DIALOGUE WITHIN POs (2001-2004)

Beginning in 2001, POs undertook a dialogue process at the base, which included the whole peasant movement, from the rural community level to the national level. The overall mechanism was designed with the support of an associated expert and two consultants specializing in land issues, who accompanied the CNCR throughout the process. The stages scheduled were the following:

- 1 Preparation of a guidance document** and validation by the Board of Directors of the CNCR: this document posed the issues of land reform in Senegal, presented the state of the art of reflections and proposals and proposed methodological options as well as the budget required and a provisional agenda;
- 2 Appointment and training of peasant facilitators:** the POs appointed peasant facilitators, who were placed in charge of facilitating reflection at the local level and presenting and discussing the results at the regional level. The facilitators were trained during a test workshop, where they were able to hone their skills and use the analytical grids provided by the associated consultants, which focused on local land dynamics and practices.
- 3 Facilitation of local workshops to reflect on land issues:** each facilitator subsequently facilitated at least 4 workshops for participants from neighbouring rural communities. In terms of participation, each workshop was made up of one third of producers, one third of women and one third of youths, and also ensured representation of local elected officials, village chiefs and imams. In all, 50 such workshops were organized, covering more than 2/3 of the country's rural communities.

4 **Facilitation of inter-regional workshops:** these workshops were organized in two parts and their aim was: (i) to discuss the results of the local workshops between peasants and elected officials, to summarize the debates and improve certain recommendations, and then, in the second phase (ii) to discuss the results with technicians from the administration, development authorities, NGOs and professional organizations.

The roles were reversed: peasants designed proposals and then discussed them with government departments!

5 **Organization of a national seminar:** the analyses and proposals of the local and regional workshops were submitted publicly during a national seminar. The experts drafted a final land reform proposal paper, which was validated by the CNCR, then submitted to the authorities.

A simple analytical grid for the facilitation of local workshops

The facilitation grid prepared by consultants for the local facilitators was relatively simple, so that it could be easily used by the land reform facilitators. Discussions were divided into several sequences:

1. Description of the agricultural situation in the regions
2. Analysis of modes of access to land (conquest by war, right of axe or right of fire, customary transactions, assignment by rural councils, etc.)
3. Identification of obstacles to the enforcement of the law on State land
4. Formulation of land reform proposals

This analytical grid also considerably facilitated the drafting and summarizing of local reports with a view to preparing for inter-regional workshops. The fact that they were all drafted according to the same template made it easier to compare and summarize the constraints identified and the proposed solution.

5.6 POs EXCLUDED FROM THE PROCESS (2005-2008)

The considerable work undertaken by the CNCR made it possible to achieve several gains: the withdrawal of the section on land that was originally meant to be included in the Agricultural Outline Act (which was to facilitate granting of land to private investors including through land deeds) and the inclusion in the LOASP of the principle of land reform within a two-year deadline following the enactment of the law. The LOASP also recalled certain fundamental principles, to wit: (i) protecting the rights of use of rural actors; (ii) allowing controlled land transfers; (iii) allowing land to be inherited; (iv) making it possible to use land as collateral for credit; and (v) recognizing herding as a fully-fledged mode of land use.

Despite this considerable progress, the CNCR was unable to obtain the acceptance of its land reform proposals and had difficulty maintaining its presence in land reform dialogue and negotiation forums. Indeed, after the enactment of the LOASP, the Ministry of Agriculture invited the CNCR to join the thematic working group on land reform it was setting up (7 groups in all were formed to prepare for the implementation of the LOASP). However, at virtually the same time, the President of the Republic appointed a National Land Law Reform Commission, which was also mandated to prepare a land reform document. Despite their insistence, various letters and meetings with the authorities, CNCR officials were unable to secure an invitation to participate in the discussion table and found themselves excluded from the commission.

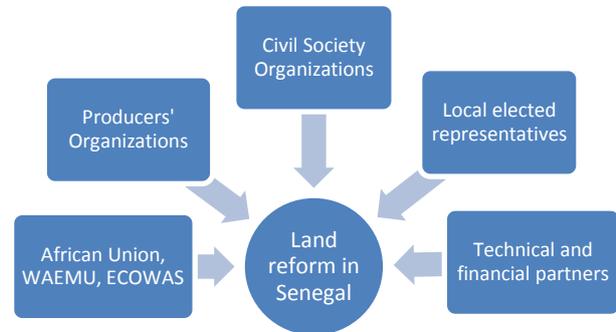
The representativeness of the CNCR is challenged

During this period, the dialogue between the State and the CNCR deteriorated. Other national platforms were created, and relations with the Ministry of Agriculture grew tense after several compromises, going as far as a refusal to engage in dialogue with the CNCR, which was no longer recognized as representative of the peasant movement.

5.7 PRODUCERS' ORGANIZATIONS AND CIVIL SOCIETY RETURN TO THE TABLE? (2008-2010)

With the development of wide-scale land purchases, civil society organizations and sub-regional institutions (WAEMU, ECOWAS) as well as continental bodies (African Union) heightened their mobilization around land issues.

The involvement of these new actors changed the configuration of the dialogue between the State and producers' organizations on land issues. They were no longer the only actors involved alongside the local elected officials, and their own positions were reinforced by those advocated by civil society and the sub-regional institutions, which sought to promote the elaboration of harmonized frameworks and the development of participatory approaches to land reform.



Despite this international context which promoted broad awareness of land issues, participation of producers' organizations in dialogue on land reform at the national level was still at issue.

5.8 OTHER FORUMS FOR NEGOTIATION?

Recent events taking place in late 2010 and the planned transfer of the responsibility for land from the Ministry of Agriculture to the Ministry of the Economy and Finance have spurred reflection on the real actors involved in the negotiation. Indeed, several elements indicate that for the past several years, internal reflection has been taking place within the Ministry of the Economy and Finance not only on a reform of legislation on registered land, but also to a certain extent on State land, which concerns the rural world.

However, this reflection has always remained internal and has only been made public on the submission of certain draft bills to the National Assembly, thanks to a few highly-publicized statements by opposition leaders in the press.

What will be the place of POs in these new forums? What new strategies of alliance need to be implemented to take part in the negotiations? What new forms of coordination should actors in agriculture deploy in the face of the industrial and housing sectors? Whatever the answers, POs will need a strong grasp of these new configurations to be able to consolidate their gains and strengthen their position in the negotiations.

Despite their apparent absence (or minor role) in forums for dialogue, certain actors may reappear and come to the fore when least expected.

FOR MORE INFORMATION

Capitalization studies:

Benkahla A., Faye J., Touré O. Seck S.M., Ba C.O., 2010, Les organisations paysannes sénégalaises dans le processus de réforme foncière, Initiative Prospective Agricole et Rurale, 65 p.

Hrabanski M., Pesche D., 2010, Les organisations paysannes sénégalaises dans la négociation des APE, 50 p.

Policy briefs:

Benkahla A., Ba C.O., 2010, Dialogue at issue: Towards new forms of public policy development in Senegal?, Initiative Prospective Agricole et Rurale, 4 p.

Diagne D. 2010, Les organisations paysannes dans la négociation des politiques agricoles en Afrique de l'Ouest et au Sénégal : agir dans les négociations, 18 p.

Hrabanski M., Pesche D., Senegalese peasant organizations in trade negotiations: The case of EPAs, 4 p

Hrabanski M., Benkahla A., Pesche D., Ba C.O., 2010, Renforcer les capacités des organisations de producteurs pour peser sur les politiques agricoles et rurales, CIRAD-IPAR, 10 p.

USEFUL SITES ON AGRICULTURAL POLICY AND TRADE NEGOTIATIONS

On agricultural policy:



Inter-réseaux: www.inter-reseaux.org (French only)



Initiative Prospective Agricole et Rurale: www.ipar.sn (French only)



Rural Hub: http://www.hubrural.org/?page=sommaire&id_rubrique=2

On international trade negotiations:



GRET - Agriculture and the WTO: Understand to Act:
http://www.gret.org/publications/ouvrages/infoomc/index_en.html



OXFAM International: <http://www.oxfam.org/en/campaigns/trade>



CTA – Agritrade: agritrade.cta.int/en

On Senegalese and sub-regional producers' organizations (French only):



FONGS-Action Paysanne: www.fongs.sn



CNCR: www.cncr.org



ROPPA: www.roppa.info