

# **THE END OF THE COERCIVE PROTECTED AREA POLICY IN NORTHERN TOGO: CAN A LOCAL MANAGEMENT SCHEME BE AN ALTERNATIVE IN SUSTAINING COMMON WILD RESOURCES?**

By

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## **INTRODUCTION**

Up until the 1970s, land tenure proposals were based on a model promoting exclusive individual title to land, which would be recognized under modern law. From this stemmed confusion regarding the legal status of the great majority of resources in Togo which did nothing to promote investment in sound land husbandry. This brings us back to the need to identify the interplay of different actors in the control natural resources (state, communities, individuals, and private sector...)

A community-based approach recognizes and reinforces the stakeholders role of people living in, on and around vulnerable natural resources, both for these people's sake and for that future generations, for people living in the immediate area but also in the rest of the country and the rest of the world. Yet there are real concerns about the way, resources (both vegetable and faunic) are exploited in the re-occupied areas of northern reserves of Togo. The reasons are sociological (reaction against what appeared governmental or public goods) and economical (poverty and demography interactions).

The purpose of this paper is to argue that the current configuration of the re-occupied protected areas in the northern Togo falls into the community-based natural resources management (CBNRM) scope. On this basis, there is a real need to understand what has been observed as a negative behaviour of populations in the zone vis-à-vis the floristic and wildlife resources. An alternative management system could then be thought and suggested to decision-makers and stakeholders in order to sustain those resources.

## **1 - THE OVERALL PUBLIC POLICY OVER LAND AND RESOURCES IN THE ZONE: LEGAL CONFUSION AND FLEXIBLE LOCAL REGULATIONS**

There are two major ethnic groups in the area: the Moba/Gourma, whose centre is Dapaong, and the Anufom gathered around Mango. According to Cornevin, the former took up residence in the distant past, whereas the latter, originating from the Agni kingdom (present days Ivory Coast) took over their current location around 1760 (Cornevin, 1963). Tenure relations are based on the rights of the first occupancy and given concrete expression in all kinds of ritual ceremonies, whose purpose is not only to honour the connection with Tigban (the god of land) but also to publicise and demonstrate the claim. Another form of tenure is the "right to clear". This is granted to new arrivals who ask for plots to cultivate or build their compounds. These outsiders have usage rights over the plots allocated to them on a more or less permanent basis depending on the kinship of the owners, the stock of available land and how good have been the harvests recently. However, according to Frobenius, land granted in this way was and remains the property of the first occupant and his descendants (Frobenius, 1913).

We may mention that, in addition, access to water, fishing resources and rangeland was regulated under a joint community management system through flexible arrangements which enable systems of activities to adapt to changes in economic conditions. Access to natural resources in the zone is thus governed by various forms of tenure, from common resource property, usage or cultivation rights and gifts to derived rights (for focus to this type of right, see Lavigne Delville, Toulmin, Colin and Chauveau, 2001). On this institutional arrangement, colonization added a new stage.

Alongside customary tenure rights, colonial legislative provisions introduced the notion of ownership title, which had not been at all widespread in rural areas (Alinon, 2000, 6). The independent state attempted an agrarian reform instituted by the law dated February 6<sup>th</sup> which recognized both customary access patterns and acquisitions according to modern law. The secret hope of the togolese legislator was however to let at last individual property schemes prevail - through the effective land use prescription in the article 2 of the law (see Alinon, 2000, 7, Foli 1982).

So what is the position today as regards enforcement of the reform and establishment of the state-administered land? The togolese land and property reform has obviously reached a dead end and seems to have been defeated by the actual situation on the ground. Traditional access modes are mostly prevailing. Indeed, while some provisions of the reform regarding recognition of tenure rights (customary access pattern) have been accepted, technically oriented measures to implement the reform have been rejected. Farmland has expanded

considerably, as a result of demographic growth and economic difficulties. The land currently under cultivation encompasses a significant part of state-administrated land (domaine foncier national) as clearly evidenced by the occupation of wildlife reserves and national parks in the area.

## **2 - THE CONSERVATION POLICY: RIGOROUS, POLITICALLY ORIENTED AND NON-PARTICIPATIVE**

There was a certain idea of nature conservation in the attitude of ancestors who forbade collecting firewood and picking wild produce in places with obviously religious significance (Tchamie, 1993). The famous African history specialist Ki-Zerbo has shown that the places where cultivation or human activities were forbidden were in fact ecologically sensitive spots and these measures reflect the beginnings of concern for sustainable environmental management amongst African societies (Ki-Zerbo, 1997). However, we must notice that those protected places were quite small.

German colonisation brought in 1905 the first attempts to save some forests from human devastation due to extensive traditional cultivation. The French during their stay in Togo reinforced this policy by creating in 1933 a wide public domain of forests. But we can consider that the regulating mode of those spaces were somehow fair because, the provisions of a decree dated May 20<sup>th</sup> 1955 recognized customary uses rights to populations within the protected areas (e.g. the collect of fruits, small wood and medicinal leafs).

After independence and particularly after 1975, the one-party togolese regime denied those small concessions to populations. Moreover, protected areas were enlarged and the army was used to control the strict respect of the limits of the areas by neighbouring dwellers (Tchamie, 1993, 68). Some observers even noticed that the so-called conservation policy was turned in an artifice which finally hidden political clientelism and repression practices. (Merlet, 1987). So, by the end of 1980s, the savannah region comprised the following parks and reserves:

- the Keran reserve with some 179550 ha,
- the Galangashie fauna reserve which got 7500 ha
- the Oti/Mandouri fauna reserve with about 147840 ha
- the Barkoissi forest, 2000 ha
- the reserve of "Fosse aux Lions", 1650

Tchamie, (1993, 63) estimated the whole surface of protected areas at 2632 km<sup>2</sup> which represented 31 % of the Savannah region's territory and some 40 % of all togolese protected

areas' surface. The region also supports a population with the national highest annual growth rate which is 2,7 % (World Bank, 1995), a feature that brings into light issues of anthropic pressure over resources. A study of the IRD (ex-ORSTOM) confirmed this problem as actual when stating: "Pressure on land in this area is already heavy, as population density exceeds 250 per km<sup>2</sup> in some sectors. Measures to protect the land must therefore be taken in the short term if genuine desertification of this part of the country is to be avoided" (Brabant and al., 1996).

This explosive atmosphere made of severe public control of parks, non-involvement of populations into the conservation policy, continuing depletion of natural resources, high population growth, turned worse as the democratic openness of 1990s offered people, occasions to vindicate their long-time threatened rights.

### **3 - CURRENT SITUATION**

Following the 1992 political crisis, people originating from areas that had been turned into nature reserves in the Savannah region (about 47500 of them) returned to settle there, as the power of the authorities responsible for conservation had been greatly weakened. The Oti-Mandouri and the "Fosse aux lions" for example were said to have been 100% occupied and Keran 70% occupied (World Bank, 1995, 61). These figures do not agree with Brabant's observations from which it was estimated that only 73 km<sup>2</sup> (or 2,7%) of these reserves were under cultivation (Brabant and al, 1996, 30).

This re-occupation has complicated tenure relations in that, while conservation rules were being strictly enforced, some people were apparently able to use their political connections to acquire land within the reserves. Furthermore, the social ties underlying patterns of access have undergone changes during the "exile" of the true owners and it is likely that some people have been able to turn this confused situation to their own advantage.

The consequences are also negative for the resources management regarding the bad use of wildlife and other rare biological species in the zone as reported in a togolese official document (Ministère de l'Environnement, 1997). This must lead us to conduct reflections on the approaches for curbing this tendency and to bring about a genuine local management scheme for the common wild resources.

### **4 - THE WAY OUT: TOTAL TRANSFER TO POPULATIONS OR CO-MANAGEMENT ?**

First, no controversial approach must surround the status of the area we are talking about: they are indeed common property because they are "accessible to the whole community and to which no individual has exclusive property rights" (cf. Chaud, 1996). Although they are subjects to individual use (collecting firewood, cropping, hunting, etc), they cannot be owned individually, they are used by number of users, each of whom has independent right of use.

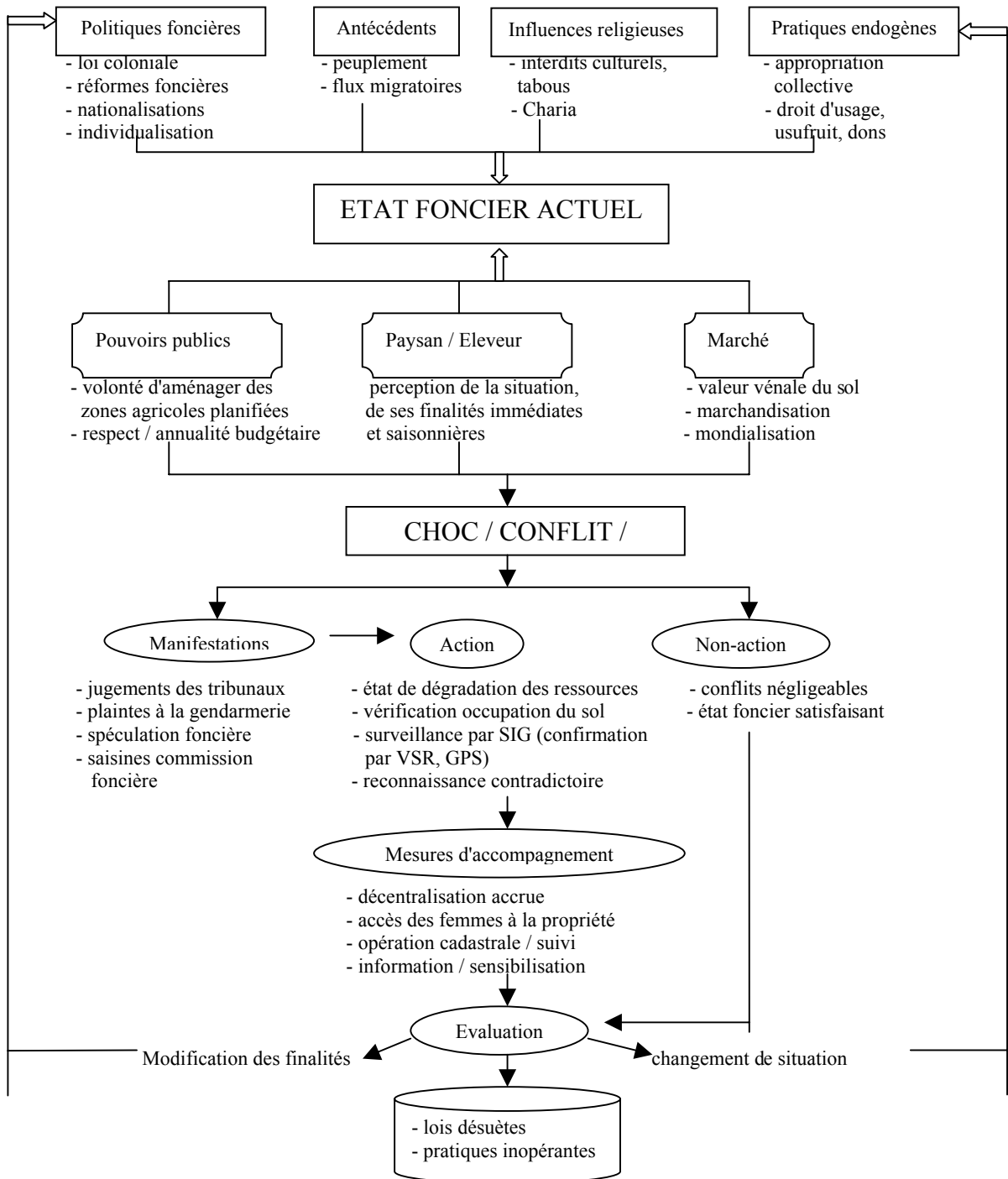
Second, the particular negative economical conditions of the zone conduct populations to a "mining" exploitation of ex-reserves. Since 1993, as a paradox of SAP application, observer noticed that the region's GDP is lower than the one of the country as whole (\$336 per capita) plus a higher population growth rate that reached in the same while 5% per year in urban zones of the Savannah region (World Bank, 1995, 67).

Poor people with limited alternative means of income likely grip more on the low pay off option offered by the wild resources. This constraint must be lower for people with extra-rural activities because their "private" occupation (pastoralism, seasonal immigration) can provide "same goods and services" that can provide farming in the newly occupied protected area.

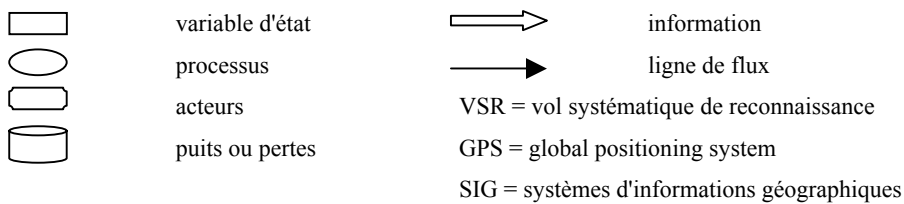
Finally, as the public regulation upon this resource has been collapsed, an alternative management system could reside in the introduction of a progressive degree of coordination among users, that could surely create a sort of rules of use, exclusion and enforcement. So, the paper will suggest an organizational / institutional approach to the issue. Unless stakeholders constitute a group that operate a set of institutional arrangements regulating the access and the use of the common wild resource, its depletion will be not easy to curb.

We sum up our propositions in the following systemic canevas.

## SCHEMA DE SYSTEMIQUE FONCIERE



### Légende



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