



Institutional and legal aspects of urban agriculture in French-speaking West Africa: from marginalization to legitimization

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SUMMARY: *Although urban agriculture has long been marginalized or ignored on the assumption that it is not an appropriate urban activity, it is attracting increasing interest among public authorities, civil society and researchers. This paper reports on research and city consultations in seven West African cities, which examined the institutional aspects of urban agriculture, including the constraints it faces. The paper discusses the growing interest by public authorities in urban agriculture, and the fact that this has failed to lead to its effective consideration in the institutional and legal provisions of most West African countries. Moreover, decentralization processes in the region have not led to a commitment by city governments to support urban agriculture. The uncertain legal status of urban agriculture contrasts with the multiplicity of actors who intervene directly or indirectly in its promotion and development. Despite problems of coordination between various sectors and levels of government, and a failure to achieve the necessary functional complementarity (for instance, between land management, agriculture and water, and waste management) the multiplicity and diversity of actors involved in urban agriculture are the expressions of its added value in both social and economic terms.*

I. CONTEXT

THE ECONOMIES OF sub-Saharan African countries, which remain predominantly rural, are based on agricultural production systems. Declining economic development indicators as a result of poor performance in agriculture also have social effects, namely rural-urban migration, under-nourishment and malnutrition. Food security, a major objective in the development programmes of African countries, has been put at risk by poor performance in the field of agriculture.

Urban agriculture can help address this, or even contribute to a sustainable solution, if its status is enhanced. It involves mainly vegetable and fruit farming, and the raising of livestock in peri-urban and urban zones, where it is connected to cereal farming. Its proximity to a major consumer market has the advantage of reducing transport, storage and food preservation costs. The important agricultural production potential presented by the urban zones on the one hand, and the important stakes – social, economic and environmental – borne by urban agriculture on the other, constitute an argument for the need to take these activities into account. Conscious of these factors, the governments of sub-Saharan African countries have set

themselves the goals of achieving growth in the horticultural sector, increasing the availability of local products and ensuring growth in export levels.

The conditions required to fulfil this ambition are demanding, and several factors peculiar to cities in transition, such as those of West Africa, have made it difficult to achieve them. In this regard, there is a need to consider demographic growth and its subsequent effects. The urban population in West Africa was 6.6 million in 1950; it had tripled to 19 million by 1970, and by 2000 there were 90.6 million urban inhabitants. The urban population is expected to reach 253 million by 2030.⁽¹⁾ Many African cities have exploded under the weight of a demographic growth that is disproportionate to their economic growth, with a resulting limitation of the public authorities' capacity to satisfy growing demands for food, housing, employment and security. This situation, which results in ever-increasing competition for available resources, increases urban poverty and encourages social exclusion. Thus, problems emerge relating to the rational management of the local environment and access to basic social services such as drinking water, sanitation, health and education. Moreover, public authorities are striving to implement policies that are in keeping with a sustainable development perspective, i.e. respectful of the intrinsic relations between the economy and the environment. African cities, which are characterized by urgent social needs and limited resources, are seen as the appropriate place to experiment with the necessary link between the economy and environmental issues.

The establishment of the French-speaking Réseau Francophone pour l'Agriculture Urbaine en Afrique de l'Ouest et du Centre (RFAU/AOC)(Network for Urban Agriculture in West and Central Africa), is in keeping with this process of establishing the improved co-existence of urbanization and agriculture. This network grew out of a workshop organized in 1998 in Ouagadougou, Burkina Faso and supported by the International Department Research Centre (IDRC). The topic of the workshop was the contribution of urban agriculture to food security and sanitation in Africa. The network currently covers seven West African cities: Abidjan (Côte d'Ivoire), Bamako (Mali), Cotonou (Benin), Dakar (Senegal), Niamey (Niger), Nouakchott (Mauritania) and Ouagadougou (Burkina Faso). The Institut Africain de Gestion Urbaine (IAGU)(African Institute for Urban Management) – an international NGO based in Dakar (Senegal) – was mandated by the IDRC to coordinate the process of setting up the network and ensuring its regional coordination. Each of the network's member states undertakes national coordination of the technical supervision of activities at the local level. The programme's activities were launched in 2001, with a project relating to "...research/consultation for the sustainable development of urban agriculture in West and Central Africa." It was characterized by:

- a diagnosis (profile/case study) of urban agriculture in the seven cities, highlighting issues relating to land and wastewater re-use; and
- the organization of seven city consultations (Cotonou, Ouagadougou, Nouakchott, Bamako, Niamey, Dakar and Abidjan), which made it possible to identify the priority issues relating to urban agriculture, and the major constraints, as well as proposing municipal action plans for the sustainable development of urban agriculture.

On the basis of the profiles and case studies, several areas of discussion relating to urban agriculture were analyzed in depth. Attention was focused on the institutional aspects of urban agriculture, by identifying the various actors involved and by reviewing the institutional position on urban agriculture in the laws and regulations of the seven countries. The purpose of

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1. United Nations (2004), *World Urbanization Prospects: the 2003 Revision*, United Nations Population Division, Department of Economic and Social Affairs, ST/ESA/SER.A/237, New York, 323 pages.

this paper is to analyze these institutional aspects in the cities covered by the project, and to distinguish between those that are constant and those that have changed.

After analyzing the issues that influence or limit urban agriculture, the paper will discuss the sector's place of activity in urban planning and development policies, and will review the key actors in urban agriculture and their roles in defining the degree of functional complementarity between them.

II. URBAN AGRICULTURE: GROWING BUT GRAPPLING WITH NUMEROUS CONSTRAINTS

THE URBAN AGRICULTURE sector has grown in vitality over the past few years, and the issues that it generates explain why it is of such keen interest to the public authorities, civil society, professionals in the sector and researchers. Urban agriculture activities have a significant impact on the economic development of African cities. For instance, in Nouakchott (Mauritania), urban agriculture, which covers 150 hectares, is the only source of income for 6,000 people and provides over 100 full-time jobs. In Dakar (Senegal), 80 per cent of the demand for fruit and vegetables is supplied by the Niayes zone,⁽²⁾ which illustrates the important contribution of urban agriculture to satisfying these needs. In Cotonou (Benin), producers make more than 300 million CFAF of gross profit per annum from market gardening, excluding their own consumption, which is estimated to account for between 30 and 40 per cent of production. This profit could reach 16.395 million CFAF/hectare, i.e. 4.31 billion CFAF for the 263 hectares cultivated in 2000.⁽³⁾ Figures relating to fisheries production for Cotonou show an average of 1,599 tonnes, 1.3 billion CFAF and the creation of 5,000 jobs.

Despite the different operating conditions and modes of interaction between the actors involved, urban agriculture has a significant capacity to contribute to the economy, through both job creation and revenue generation. It also contributes indirectly to the fight against poverty through the supply of food products to the low-income populations who have no access to imported products. It can also help to curb social exclusion through the integration of under-privileged categories – women, youth, the unemployed, rural populations – into the labour market.⁽⁴⁾

At the environmental level, urban agriculture has various impacts, the most visible of which is the absorption of wastes, particularly through recycling solid wastes and wastewater. For instance, in Ouagadougou (Burkina Faso), the Boulmiougou and Tanghin sites alone use up 52.3 per cent of the 21,000 cubic metres of wastewater discharged in the city. The annual quantity of wastewater produced in Ouagadougou represents only 4.2 per cent of the projected annual wastewater demand for urban agriculture.⁽⁵⁾

Urban agriculture also contributes significantly to preserving open land in cities, which also means a contribution to the filtering and cooling of air. It further contributes to the fight against drought and desertification by promoting tree cultivation. For example, about 3,670 palm trees and 1,464 fruit trees were listed in the Nouakchott agricultural area. Furthermore, shrub cover contributes to the maintenance of soils, including their protection against rainfall, wind and human-induced erosion.

Thus, urban agriculture makes many contributions to development – it is, as noted by Müller “...a source of employment, a guarantee of food security for farmers and the population, an opportunity to maintain parklands in the centre.”⁽⁶⁾ However, urban agriculture still faces various constraints, which

2. The Niayes zone is a coastal strip that runs along the Atlantic Ocean from Dakar to Saint-Louis. It is 180 kilometres long and between 5 and 30 kilometres wide.

3. CAB-IAGU (2002), “Interactions entre la problématique foncière et le développement durable de l’agriculture urbaine. Profil de la ville de Cotonou”, Final Report, page 29. In 2000, there were CFAF 647 to US\$ 1.

4. Ouedraogo, Boureïma (2002), “Avantages sociaux et économiques du recyclage des eaux usées dans l’agriculture urbaine des villes ouest-africaines”, paper presented at the regional workshop on the re-use of urban agriculture wastewater, organized by RUAF and CREPA in Ouagadougou, Burkina Faso, 3–7 June 2002.

5. EIER-IAGU (2002), “Le recyclage des eaux usées dans l’agriculture urbaine en Afrique de l’ouest. Profil de la ville de Ouagadougou”, Final Report.

6. Müller, F (1999), “Une vue exploratoire de la production maraîchère et de l’économie au niveau des ménages – cas du maraîchage à Ouagadougou”, thesis work, Public Health and Epidemiology Department, Swiss Tropical Institute, Basel.

make it difficult to achieve the expected advantages. The most important are:

- **Land insecurity**, the result of population growth in cities and, subsequently, of the use of agricultural land for urban development. This leads to a drastic reduction in market gardening areas, and precarious occupancy rights. For instance, in Bamako, between 1980 and 1999, the available area for market gardening fell from 27.3 square kilometres to 1.4 square kilometres "...which highlights the problem of the future of market gardening areas more clearly."⁽⁷⁾
- **Access to water resources**. In a general context marked by a shortage of drinking water, it is easy to see why the structures in charge of distributing water are reluctant to place any importance on urban agriculture, and to market gardening in particular. Provision for watering also remains undeveloped, and the watering can is still the most commonly used means by which farmers water their farms.
- **Marketing and selling urban agriculture products**. The poor state of the means of communication, police harassment and multiple taxes are among the constraints confronting producers and impeding the sale of produce. This is aggravated by competition from produce imported from other countries.
- **The lack of organization among producers** with regard to advocacy and lobbying for the effective consideration of urban agriculture.
- The fact that **the integration of urban agriculture is not included in urban development policies**, which translates into coercive measures detrimental to its promotion.

III. URBAN AGRICULTURE: A VICTIM OF THE EXCESSIVE DICHOTOMY BETWEEN THE CITY AND THE COUNTRYSIDE

DESPITE THE FACT that urban agriculture is an old practice in African cities, it is still appropriate to discuss its legalization in Africa. Such discussions are to be encouraged and are made more urgent because of the persistence of views regarding identities specific to the city and the countryside. Moreover, in any reflection on the place of urban agriculture in the laws and regulations on urban management, it is often difficult to analyze the complementary and non-complementary relationships between the city and the countryside. Much effort was put into this analysis, which involved several sectors. This attests to the interest generated by the issue, which essentially aims to identify the distinctive factors of the city and of the countryside, with the prospect of building barriers between the two.

These discussions have mainly examined the spatial distribution of human activities and the role of the city, "...sometimes mythicized, often demonized, always controversial."⁽⁸⁾ This statement summarizes the complexity of perceptions of the city, the analysis of which requires us to take into account demographic, economic and sociological circumstances.

Overall, the primary concept underpinning the discussion of urbanization is the social division of labour and, particularly, the separation of agriculture and industry. This concept led to identifying some kinds of activity as urban, while others were seen as limited to the countryside. In this regard, Bonello posits that to achieve urban status, there is a need to have "...in a given territory, groups that are engaged in different activities, services which are no longer carried out by farmers but by people provided for, as a result

7. CAHBA-IAGU (2002), "Le foncier dans l'agriculture urbaine en Afrique de l'ouest. Etude de cas de la ville de Bamako", Final Report, page 25.

8. Bagre, Alain (2002), "Aspects réglementaires, institutionnels et financiers de l'utilisation des eaux usées en agriculture urbaine en Afrique de l'ouest", paper presented at the regional workshop on the re-use of urban agriculture wastewater, organized by RUAF and CREPA in Ouagadougou, Burkina Faso, 3-7 June 2002, page 4.

9. Bonello, Yves-Henri (1996), *La ville*, Editions Que sais-je?, PUF, Paris.

10. Polèse, Mario (1994), *Economie urbaine et régionale*, Economica, Paris.

11. Smit, Jac, Annu Ratta and Joe Nasr (1996), *Urban Agriculture: Food, Jobs and Sustainable Cities*, Publication Series for Habitat II, Volume One, UNDP, New York, 302 pages.

of surplus production."⁽⁹⁾ Polèse refers to urbanization as the "...passage from a rural society to an increasingly urbanized society."⁽¹⁰⁾ These few references are far from providing an exhaustive analysis of relations of autonomy and/or complementarity between the city and the countryside, but they suggest that the city is perceived as the place where exclusively non-agricultural activities are carried out.

This frame of reference implies that a geographical entity cannot effectively attain city status unless agricultural activities are abandoned in favour of industrial and service activities. Agriculture, then, cannot be an urban activity. But these assumptions contrast with the reality of cities, where the practice of agriculture still persists. Any review of African cities shows that agriculture is a component of urban activities. The UNDP study entitled *Urban Agriculture, Food, Jobs and Sustainable Cities*, published in 1996, indicates that urban agriculture is not only present but has beneficial effects in the fight against malnutrition and underemployment, as well as in the improvement of the living environment.⁽¹¹⁾ Is this contribution by urban agriculture proportional to the attention it is given in the tools of urban management? Is agriculture not marginalized in urban policies, despite the fact that it is practised in cities? What are the consequences of this marginalization in the development of agriculture in cities? These questions, which aim to promote an understanding of the extent to which agriculture is integrated into town planning programmes, require the prior identification of actors who intervene in the practice and management of urban agriculture. The issue goes beyond simple identification, however, and involves the analysis of the interaction between these key actors and the study of real and potential elements of dysfunction or conflict. The research/consultation approach was developed on the basis of these various questions.

IV. RESEARCH/CONSULTATION: A METHODOLOGICAL DIALOGUE TO APPRECIATE THE COMPLEXITY OF URBAN AGRICULTURE

"RESEARCH/CONSULTATION" IS a methodological approach that combines aspects of conventional research with the "city consultation" approach conceived, developed and popularized by the United Nations Human Settlements Programme (Habitat). It is based on a participatory, intersectoral, interdisciplinary and consultative approach, involving negotiations and readjustments during the entire process.

The process was conducted in various phases:

- The first phase consisted of the organization, in December 2000, of a methodological workshop to agree on the research tools and analytical instruments of the field study phase. This workshop served as an opportunity to prepare terms of reference for the research phase.
- The research phase involved profiles and case studies on urban agriculture in relation to wastewater re-use and the issue of access to land. The research was carried out in all the cities by multidisciplinary teams that included agriculturists, sociologists, land lawyers, health specialists, engineers and town planners. The research teams used several tools, including documentary reviews, sociological investigation (including observations, interviews, surveys and focus groups), and physical-chemical and microbiological tests of samples of irrigation water and market gardening products for the wastewater aspects. This phase was marked

by the participation of all actors directly or indirectly concerned with urban agriculture, namely producers, technicians, policy makers, civil society, consumers and donors.

- At the end of the research phase, the results were presented during local consultations, which were held to develop a synthesis of the findings of the diagnosis, to identify the sector's chief constraints and to prepare a municipal action plan in a participatory and consensual manner. The local consultations served as a tool to bring together actors with different profiles and interests around the same theme and within an egalitarian framework. Among those present were representatives of NGOs, public services (town planning, public estates, health), farmers' organizations, decentralized communities and consumer associations. The consultations served as an opportunity to give full weight to one of the basic characteristics of the research/consultation project, namely its municipal anchorage. They were organized under the aegis of the local authorities, with the significant participation of beneficiary communities.
- Community fora were then held to develop action plans. During these fora, the action plans prepared during the local consultations were shared and discussed with most of the producers. These fora provided an opportunity for the responsible participation of all actors in the urban agriculture sector, particularly producers.
- Finally, demonstration projects will be conducted to show the feasibility of the planned activities.

V. THE SOCIOLOGY OF URBAN AGRICULTURE ACTORS

BY VIRTUE OF its different components, urban agriculture mobilizes various actors with very different, if not antagonistic, profiles, interests and schedules. This can be seen by dividing urban agriculture actors into three groups: state actors, non-state actors and "informal" actors.

State actors include:

- **technical ministries** (in charge of agriculture, the environment, water, urban planning, health, etc.). They are entrusted with defining policies, and with planning, decision-making and control;
- **local authorities**, which (depending on the country) have responsibility for managing water, land and health – all sectors closely related to urban agriculture; and
- **parastatal companies**, comprising state-owned industrial or commercial enterprises, which have been given the responsibility of producing and distributing drinking water, and of treating wastewater and rainwater, as well as undertaking environmental management. Parastatal companies also include national research institutions, which are under the purview of technical ministries.

Non-state actors include:

- **international bodies** (for instance United Nations agencies such as the Food and Agriculture Organization and the United Nations Development Programme) or **regional organizations and associations** with proven activity and experience in the field of urban agriculture. It is worth noting that national and international NGOs that contribute significantly to the advocacy and lobbying efforts in favour of urban agriculture are also classified under this component.

The "informal" actors are divided into four groups:

- **producers**, including market gardeners, flower growers, livestock breeders and those engaged in fishing. In view of their level of involvement in the daily practice of urban agriculture, producers constitute an important category. Producers sometimes form associations or other types of organizations such as economic interest groupings, which can be either permanent or temporary as it is possible to set them up only when the producers wish to confront coercive action by public authorities. This is the case, for example, with some producers in Pikine (Senegal), who revive their structures only when the authorities seek to evict them from the land they are currently farming;
- **retailers**;
- **restaurants and households**, which form the consumer group; and
- **customary landowners**, who influence farmers' access to land. An analysis of how urban farmers acquired land in Abidjan showed that 46 per cent of producers acquired their land from Ebrie customary landowners, a group that contributes significantly to ways of accessing land resources. In this regard, Olawale noted that: *"Saying that the African bush belongs to no one is contrary to tradition. The most remote part of the bush is under the jurisdiction of a chief. Natives cannot admit that a given land has no connection with a human group."*⁽¹²⁾

12. Olawale, E-T (1961), *La nature du Droit coutumier africain*, Présence Africaine, Paris, page 193.

Thus, there are many actors at various levels in the urban agriculture sector, although their numbers are not proportional to the benefits that they render urban agriculture. On the contrary, insufficient consultative structures and poorly coordinated activities contribute to dysfunction. The poor functional complementarity in the assignment of responsibilities among so-called "state" actors does not help to prevent conflict, confusion and duplication of efforts.

This is the case in Senegal, where the different actors in the urban agriculture sector work virtually in isolation, with no formal relations among them. Agriculture and water management and distribution are administered separately by state structures: la Société Nationale des Eaux du Sénégal (SONES); la Sénégalaise des Eaux (SDE); l'Office National de l'Assainissement du Sénégal (ONAS); the Horticulture Department, etc. There is no formal framework for consultation.

In addition to the lack of consultation among "state" actors, the sector is also faced with a lack of coordination between the state and other actors such as NGOs, grassroots community organizations and real estate developers. So far, no coordinating structure has been set up to organize the sector. Each structure limits its action to aspects that relate to its activity, and this limits the potential impact of the many initiatives undertaken in the urban agriculture sector. However, with proper coordination, these initiatives could contribute significantly to the development of urban agriculture.

Beyond this, it should also be emphasized that conflicts between actors are sometimes the result of their different interests and agendas. The urban agriculture sector involves different concerns – influenced by the role of the public authorities in the case of state actors, or simply survival in the case of the producers. The most obvious expression of the different, if not antagonistic, concerns of urban agriculture actors is the persistence of land conflicts.

The public authorities' obligation to satisfy the high demand of urban populations for housing and other social spaces (for instance, schools and recreational areas) often discourages them from showing interest in the practice of agriculture. The eviction of producers occupying farmland is

common, an expression of the conflict between producers and public authorities (central and local). Moreover, land conflicts between individuals (spaces claimed by several users, problems of proximity and joint ownership, retrieving farmland lent to someone else, etc.) and between individuals and real estate agencies (problems of compensation, contesting the use of reserved land, etc.) are also frequent.

VI. POSITIONING URBAN AGRICULTURE IN STATUTORY AND LEGAL TEXTS

THE EXCESSIVE DICHOTOMY between the city and the countryside has resulted in a marginalization of urban agriculture in the planning and development strategies of cities. The most concrete expression of such marginalization is a ban on urban agriculture in statutory and legal texts. The declared political will to give attention to urban agriculture, in view of the stakes involved, has not yet been translated into its integration into the institutional framework of urban management.

For example, in Abidjan (Côte d'Ivoire), urban agriculture is given a secondary place in urban planning policies, with the result that its development needs are not taken into account. The planning department in charge of integrating agriculture into the Abidjan urban development plan gave priority to housing, roads, bridges and other infrastructure. This position is still marked by the absence of objectively verifiable indicators of the economic impact of urban agriculture on the one hand, and the priority needs of the populations – housing, local facilities and primary infrastructure – on the other. Thus, the full meaning of the statement made by the former housing director at a meeting is easily understood: *"When my minister presents his progress report to the prime minister, the essential question that he will be asked is as follows: 'how many houses have you built?'"*⁽¹³⁾

The case of Abidjan is not unusual with regard to the marginalization of urban agriculture. Thus, while there is consensus in Ouagadougou about the importance of urban agriculture, its future is still an issue because of the lack of any management instruments. The overall urban development plan prepared in 1997 mentions market gardening, *"...but the recommendations are still vague and leave room for ambiguities at several levels (status of some sites, appropriation of dam waters for the activity, etc.)"*⁽¹⁴⁾

Along the same lines, the overall urban development plan for the city of Nouakchott, prepared in 1983 and amended in 1987, gives little importance to the development of urban agriculture. Only the Sebkhia sites and the green belt are taken into account in the plan. Also, an overall urban development plan covering the period 2002–2005 is being prepared, which lists the current use of market gardening sites but does not mention their development.⁽¹⁵⁾

Overall, urban agriculture is marginalized in the statutory and legal codes of most West African countries. This marginalization translates into a lack of visibility, and sometimes into a total neglect of this activity, despite its proven contribution to the development of cities. It appears that public authorities have not yet understood the pertinence of William Rees's appeal to pay more attention to urban agriculture: *"It seems that urban agriculture is meaningful at the environmental, social and economic levels almost everywhere on earth. Governments should consider it as an idea whose time has come."*⁽¹⁶⁾

However, there are some cases where urban agriculture is explicitly dealt with in statutory provisions, even though these are not always effectively

13. BNETD-IAGU (2002), "Interactions entre la problématique foncière et le développement durable de l'agriculture urbaine. Profil de la ville d'Abidjan", Final Report, page 50.

14. EIER-IAGU, "Le recyclage des eaux usées dans l'agriculture urbaine en Afrique de l'ouest. Profil de la ville de Ouagadougou", Final Report, page 68.

15. Tenmiya-IAGU (2002), "Le recyclage des eaux usées dans l'agriculture urbaine en Afrique de l'ouest. Profil de la ville de Nouakchott", Final Report, page 49.

16. Rees, William E (1997), "Why urban agriculture?", notes for the IDRC Development Forum on Cities Feeding People: A Growth Industry, Vancouver, Canada.

17. ADRI-IAGU (2002), "Interactions entre la problématique foncière et le développement durable de l'agriculture urbaine. Profil de la ville de Niamey", Final Report.

18. See reference 17, page 24.

implemented. This is the case in Niger, where the overall urban development plan of the city of Niamey, prepared in 1984, includes the intensification of agricultural activities, particularly along the river. This plan provides for extensive rainfed farming on the high terraces, and the development of rice farming, market gardening and fruit growing along the Gounti-yéna valley.⁽¹⁷⁾ The plan seems effectively to have taken urban agriculture into account in the development of Niger's capital, but it was not implemented as rigorously as it should have been. The municipal authorities, interested in the tax revenue opportunities provided by the plan, had the land divided into many plots, with a resulting overuse of outlying spaces and a decrease in agro-pastoral production zones.⁽¹⁸⁾

In summary, the issue of urban agriculture is not evident in statutory texts, and whatever provisions there are for the preservation and development of urban agriculture are inadequately implemented. The most concrete expression of the urban agriculture situation is found in relation to land issues, which, if unresolved, will marginalize it. It should be noted how frequently land-dispute cases end to the disadvantage of producers who, in most instances, have no title deeds to justify the use of their farmland. Thus, producers engaged in agricultural activities are often victims of repression. There can be official repercussions when they re-use untreated wastewater, for example in Dakar, where producers live in constant fear of inspections by the health services, who are in charge of hygiene in Senegal.

Finally, urban farmers are in a permanent state of insecurity because of the precariousness of the right to occupy public lands. This discourages them from investing in their farms. Producers live with the permanent fear of being evicted, and yet most West African countries have an array of policies and regulations on the land tenure system which recognize that farm owners have real rights.

However, because the registration procedures are complex, burdensome and costly, they discourage the producer who is not used to administrative transactions. Besides, there is the overlap of responsibilities among the various land administrations and, in particular, the persistence of customary land law, the interactions of which with the formal land laws have still not been clarified. This has given rise to the perpetuation of certain practices that are out of line with the laws and regulations in force. The discrepancies between customary law and formal law discourage producers from undertaking the necessary procedures for registering their land plots.

VII. DECENTRALIZATION POLICY: AN OPPORTUNITY FOR URBAN AGRICULTURE?

THE INSTITUTIONAL ASPECTS of urban agriculture cannot be considered outside the general context of the transfer of responsibilities from central to local level. In question is the level of agreement between central and local authorities on urban agriculture management in general, as well as on related sectors (including water, land, homes, health and environment).

In the case of Côte d'Ivoire, even though initial attempts to transfer responsibilities to local communities date as far back as the 1970s, it was only in the 1980s that decentralization was actually implemented through Law No 80-1180 of 17 October 1980, by virtue of which municipal councilors, the mayors of the ten communes and the mayor of Abidjan were elected. However, it was Law No 85-582 of 29 July 1985 that actually speci-

fied the scope of the transfer from the Ivorian state to the communes and the city of Abidjan, indicating that the management of agricultural activities remained with the state, through the Ministry of Agriculture and Animal Resources: *"However, the management autonomy assigned to communes does not concern the agricultural sector."*⁽¹⁹⁾

Nevertheless, communes collect public property occupation taxes from the activities of producers in urban areas. Moreover, the municipality of Bingerville is trying to establish a list of producers based on the outskirts of the commune, with a view to creating a new tax base on agricultural activities.

Thus, in Côte d'Ivoire, there is a huge gap between the areas where responsibilities were actually transferred and the practices that often aimed at extending the tax base in order to increase the communes' revenues. Moreover, there is a strong tendency for communes to assume tasks that go beyond the scope of their responsibility.

This situation can be seen in Senegal, particularly in Dakar, where the management of reserves by mayors and rural community chairmen is not transparent. There are even cases where district communes (*communes d'arrondissement*) issue building and demolition orders without referring the matter to the state representative or the commune. This is contrary to the statutory provisions, which provide that the prior approval of the state representative should be sought before such orders are issued.⁽²⁰⁾ Locally elected representatives flout the law despite the sanctions that may be imposed on them. In fact, Article 146 No 96-06 clearly states that abuses regarding land issues and, more specifically, *"...speculation and the allocation of public lands, authorization to build or divide land into plots"* may lead to the suspension or dismissal of mayors and their staff.

This example from Senegal shows that the lack of clarity regarding the responsibilities of the central authorities and the central level creates spaces for conflict that are prejudicial to the advantages that decentralization could create for urban agriculture. However, in other nations, the dysfunction in the implementation of the decentralization policy has led to corrective measures being taken for the effective management of this activity. This explains why Niger issued Decree 99-035, dated 5 March 1999, to assign several areas of responsibility to communes, particularly those relating to natural resource management. These include:

- environmental restoration and protection;
- participatory preparation of local plans and schedules relating to the development of natural resources; and
- the municipal council's opinion on any facility considered dangerous, unhealthy and inconvenient in the commune's territory.

An analysis of these areas of responsibility shows that the major concerns relating to the planning and management of urban agriculture are taken into account. The best illustration is the technical and political responsibility to participate in the preparation of local plans and schedules relating to the development of natural resources. On the basis of this, Niamey was able to *"...define the limits of urbanization more firmly and, as a result, to better protect the peripheral agricultural areas as well as market gardening sites located within the urban fabric."*⁽²¹⁾

Hopes for an increased recognition of urban agriculture have been observed in Benin with Law 97-028, which effectively decentralizes the administration by turning communes into decentralized local communities. Moreover, Law 97-029 of 15 January 1999 endows the communes with several areas of competence that should enable them to *"...take initiatives at*

19. See reference 13, page 56.

20. Ly, El Housseynou (2000), "Habitat, développement humain durable et bonne gouvernance", National Report on sustainable human development and good governance, PNUD, Ministère du Plan, Dakar, 2000.

21. See reference 17, page 36.

22. See reference 3, page 63.

the political, administrative and technical levels in terms of building the capacities of urban farmers."⁽²²⁾

Finally, in relation to the issue of decentralization, urban agriculture is perceived in terms of opportunities for agricultural activities in urban areas. In attempts at effective implementation, this perception of relations between urban agriculture and decentralization comes up against the lack of clarity about transferred responsibilities, and allows for conflict between implementing bodies (communes) and controlling bodies (the state or its representatives). This situation is aggravated by the lack of functional complementarity between the key actors involved. It strengthens the feeling that there is a legislative gap, and encourages behaviour that is outside the law.

VIII. CONCLUSIONS AND PROSPECTS

URBAN AGRICULTURE IS a high value-added sector of tremendous interest to public authorities, civil society and researchers. Despite the fact that urban agriculture has the proven capacity to contribute to job creation and income generation, and to food security and environmental conservation, it faces a large number of constraints that impede the achievement of these goals.

The recognition of urban agriculture's current or potential importance has not yet been translated into an effective inclusion in the legal and statutory provisions of African countries. As an urban activity sector, urban agriculture still suffers from being considered irrelevant in urban management instruments. One of the most obvious expressions of the marginalization of urban agriculture is the lack of land security in market gardening areas. The near-permanent conflict between the search for spaces suitable for construction and agricultural areas is generally decided in favour of meeting construction and town planning concerns.

Decentralized communities, particularly municipalities, are not yet in a position to pay more attention to urban agriculture. The transfer of responsibilities relating to urban agriculture, where it exists, is hindered in its implementation by practices that focus more on enlarging the tax base than on promoting the development of urban agriculture. In most instances, they emphasize the assessment of cultivated spaces in order to increase tax revenues.

Observations made in the course of local consultations in seven West African cities, regarding the position of urban agriculture in legal and statutory texts, led to the formulation of pertinent recommendations that became an important component of the municipal action plans that were prepared. These recommendations had the objective of removing the constraints imposed on urban agriculture at the institutional and legal levels. They included sensitizing public authorities, particularly local communities, to increase their involvement in the promotion and development of urban agriculture. From the same standpoint, the municipal action plan drafted in Cotonou seeks to build the capacities of 500 locally elected representatives and their assistants on land development and management. The municipal action plans further underscore the urgent need to promote a constant exchange and institute the appropriate spaces for consultations between the various urban agriculture actors, the end result being to develop synergies and coordinate interventions based on shared interests. From the standpoint of more security for agricultural operators, it is hoped that in some

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cities, such as Nouakchott, a contractual framework will be set up between producers and structures involved in wastewater and land management. The recommended activities are underpinned by the development of advocacy; first, for the promotion of political will, and second, for the implementation by public authorities of various initiatives in favour of urban agriculture.