

## **Annex 6.2**

### **“Institutional and legal aspects of urban agriculture in French-speaking West Africa: from marginalisation to legitimization” by O. Cisse, N.F. Gueye & M. Sy**

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# INSTITUTIONAL AND LEGAL ASPECTS OF URBAN AGRICULTURE IN FRENCH-SPEAKING WEST AFRICA : FROM MARGINALISATION TO LEGITIMIZATION

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## **Summary**

Urban agriculture which has, for a long time, been marginalised and even ignored on the alter of an excessive dichotomy between the city and the countryside, attracts a certain interest among public authorities, the civil society, researchers, etc . The public authorities' interest in urban farming is inversely proportional to its effective consideration in the institutional and legal provisions of most West African countries. Moreover, the process of competence transfer to local governments afoot in the West African zone was not translated by the city councils' commitment to cope with the hypothetical future of urban agriculture, particularly because of the prominence of urbanistic concerns. The legal status of urban agriculture contrasts with the multiplicity of actors who intervene directly or indirectly in the promotion and development of urban farming.

However, despite the problems of coordination and functional complementarity, the multiplicity and diversity of actors are the expression of a recognition of the added value, at the social and economic levels, of farming activities in urban areas.

**Keywords** : urban agriculture, legal and institutional, Decentralisation

## **Context**

The economies of sub-Saharan African countries which are predominantly rural, are based on agricultural production systems. Thus, beyond the simple decline of the economic development indicators they generate, the non performance of the agricultural sector has social effects, namely rural-urban migration, under-nourishment and malnutrition. Food security which is a major objective of the development programmes of African countries, has been put at risk because of the disorder in the field of agriculture. If its status is enhanced, urban agriculture which takes pride of place in the agricultural production systems, can constitute a palliative or even a sustainable solution. It involves vegetable farming, fruit farming and livestock, located in the peri-urban and urban zone where it is connected to cereal farming. It is characterised by its closeness to a major consumption market. Such closeness has the advantage of reducing transportation, storage and conservation costs. The important agricultural production potential represented by the urban zones, on the one hand, and the important stakes –at the social, economic and environmental levels – borne by urban agriculture, on the other, constitute an argument for the need to really take this sector of activities into account. Conscious of these factors, the governments of sub-Saharan African countries have set themselves the goals of achieving the growth of the horticultural sector, increasing the availability of local products and ensuring the growth of the export level.

The conditions required to fulfil this ambition are difficult and several factors peculiar to cities in transition, like those of West Africa, have made them hypothetical. In this

regard, there is need to emphasise demographic growth with its later round effects. The West African population which numbered 6,194,000 inhabitants in 1950 tripled within 20 years, reaching 19,219,000 inhabitants in 1970. In 2000, the population was estimated at 88,210,000 inhabitants. It is expected to reach 241,665,000 inhabitants in 2030 (United Nations, 1999). The urban population increased six-fold during the 1960-1990 period.

This shows a macrocephaly phenomenon which is one of the distinguishing features of urbanisation in Africa. African cities explode under the weight of their demographic growth which is not proportional to their economic growth, with the resulting limitation of the public authorities' capacity to satisfy the populations' numerous demands for food, housing, employment and security. This situation which results in enhanced competition for access to available resources, increases urban poverty and encourages social exclusion. Thus, problems relative to the rational management of the local environment and access to basic social services (drinking water, sanitation, health, education, etc) emerge. Moreover, public authorities are striving to implement policies in keeping with a sustainable development perspective, i.e. respectful of the intrinsic relations between the economy and the environment. The context of African cities characterised by urgent social needs and limited resources are seen as the appropriate place to experiment the necessary link between the economy and environmental issues.

The establishment of the French-speaking Network for Urban Farming in West and Central Africa (RFAU/AOC), at the initiative of the International Development Research Centre (IDRC), is in keeping with this process of better establishing the coexistence between urbanisation and agriculture. The network currently covers seven (7) West African cities : Abidjan, (Côte d'Ivoire), Bamako (Mali), Cotonou (Benin), Dakar (Senegal), Niamey (Niger), Nouakchott (Mauritania) and Ouagadougou (Burkina Faso). The African Institute for Urban Management (IAGU) - 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 has a National Coordination in charge of the technical supervision of the activities at the local level. The programme's activities were launched in 2001 with the project relative to « *research/consultation for the sustainable development of urban farming in West and Central Africa* ». It was essentially marked by :

- The conduct of a diagnosis (Profile/Case study) on urban agriculture in the seven (7) cities highlighting issues relative to land and waste water reuse ;
- The organisation of seven (7) city consultations (Cotonou, Ouagadougou, Nouakchott, Bamako, Niamey, Dakar and Abidjan) which made it possible to identify the priority issues of urban agriculture, the major constraints as well as propose Municipal Action Plans (MAP) for the sustainable development of urban agriculture.

Several areas of reflection relative to urban agriculture were analysed in-depth on the basis of the profiles and case studies. To that end, attention was focused on the institutional aspects of urban agriculture by identifying the various actors involved in urban agriculture, on the one hand, and reviewing the institutional positioning of urban agriculture in the laws and regulations of countries concerned by the research/consultation project. The purpose of this article is to analyse the institutional aspects of urban farming in the different cities covered by the project, and differentiate between those that are constant and those that have changed.

After analysing the issues that structure urban agriculture, the article will focus on the place of this activity sector in urban planning and development policies and review the key urban agriculture actors and their roles in the determination of the degree of functional complementarity between them.

### **1. Urban agriculture : an area of activity in full bloom but grappling with numerous constraints**

The urban agriculture sector has grown in vitality over the past few years. The issues that it generates explain why the public authorities, civil society, professionals of the sector and researchers have such a keen interest in it. Urban agriculture activities impact significantly on the economic development of African cities. Several examples attest to this. Actually, in the case of Nouakchott (Mauritania), urban farming which covers a surface area of 150 ha is the unique source of income for 6,000 people and provides over 100 full time jobs. In Dakar (Senegal), 80% of demands in fruits and vegetables are supplied by the Niayes zone<sup>1</sup>. This indicates the importance of the contribution of urban agriculture in satisfying the fruit and vegetable needs. Urban agriculture in Cotonou (Benin) eloquently attests to the economic contribution of this activity. Producers make more than 300 million CFA F of gross profit per annum from market gardening, excluding their own consumption, estimated at between 30 and 40%. This profit could reach 16.395 million CFAF/ha, i.e. 4.31 billion CFAF for 263 ha cultivated in 2000 (CAB, IAGU, 2001 : 29). Figures relative to fisheries production show an average of 1598.98 tons and the creation of jobs for 5,000 people.

Despite the differential conditions of operation and modes of interaction between the actors involved, urban agriculture is an activity area with a substantial contributory capacity at the economic level; it is a job creating and revenue generating sector. Besides, urban agriculture is a secondary activity in the fight against poverty through the supply of food products to the poor populations without access to imported products. Its can also help efforts to curb social exclusion through the professional reintegration of the underprivileged categories : women, youths, unemployed, rural population etc. (Ouedraogo, 2002 : 9).

At the environmental level, urban agriculture has various impacts, the most visible of which is the absorption of the physical environment nuisance, particularly by recycling solid waste and used water. In this regard, the example of Ouagadougou (Burkina Faso) is edifying. The Boulmiougou and Tanghin sites alone use up 52.3% of the waste water discharged in the city of Ouagadougou where 21.000 m<sup>3</sup> of waste water is produced. The annual quantity of waste water produced in Ouagadougou represents only 4.2% of the projected annual waste water demand for urban farming. (EIER - IAGU, 2001 : 42).

Urban farming also contributes significantly in the preservation of parklands in cities ; which is not irrelevant to the filtering and cooling of air. Besides, it contributes in the fight against drought and desertification by developing arboriculture. About 3,670 palm trees and 1,464 fruit trees were listed in the Nouakchott farming area. Furthermore, by ensuring the physical, and chemical protection against rainfall, wind and man-induced erosions, the shrub cover plays a crucial role in the maintenance of soils.

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<sup>1</sup> The Niayes zone is a coastal strip which runs along the Atlantic Ocean, from Dakar to Saint-Louis. It is 180 km long and between 5 to 30 km wide.

Finally, it appears clearly that the contribution of urban agriculture is manifold and fits perfectly into the functions of this activity sector identified by Müller. These functions are said to be « **a source of employment, a guarantee of food security for farmers and the population, an opportunity to maintain parklands in the centre** » (Müller : 1999). However, urban agriculture is still confronted with several constraints which make it difficult to achieve the expected advantages. The most important are :

- Land insecurity which results from demographic growth in cities and subsequently, in the use of farming land for urbanistic purposes. This leads to a drastic reduction in market gardening spaces and the precariousness of occupancy rights. Thus, in the case of Bamako, market gardening spaces dropped between 1980 and 1999 from 27,329,136 m<sup>2</sup> to 1,365,996 m<sup>2</sup> ; «**which brings up the problem of the future of market gardening spaces more clearly.** » (CAHBA - IAGU, 2002 : 25).
- Access to water resources which is a major impediment to the development of urban farming. In a general context, marked by a shortage in drinking water supply, it is easy to see that the structure in charge of distributing water is reluctant to grant interest to urban agriculture, and to market gardening, in particular. Besides, the undeveloped nature of the watering tools makes watering a tiring exercise. The watering can is still the most used tool by farmers to irrigate their farms.
- Marketing and selling urban agriculture products. Actually, the poor state of the means of communication, police harassment, multiple taxes are among the constraints confronting producers and impeding the sale of the production. This situation is aggravated by the competition of products imported from other countries.
  - The producers' poor organisational dynamics in terms of 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 entail coercive measures detrimental to the promotion of this activity area.

## **2. Urban farming : A victim of the excessive dichotomy between the city and the countryside**

Despite the fact that urban agriculture practice is an old practice in African cities, its is still fitting to discuss its legalisation in Africa. These discussions are encouraged and sustained by the persistence of a vision based on the existence of identities specific to the city and the countryside. Moreover, the reflection on the place of urban agriculture in the laws and regulations on urban management often have difficulty analysing the relations of complementarity or if distinction between the city and the countryside. A lot of effort was put into this analysis which concerns several sectors and attests to the interest aroused by this issue, which essentially aims to identify the distinctive factors of the city and of the countryside in the prospect of building impervious barriers between the two.

But, these reflections were mainly meant to examine the spatial distribution of human activities and the role of the city « *sometimes mythicised, often demonised, always controversial* » (BAGRE, 2002 : 4). The above statement summarises the complexity of the city the analysis of which requires us to take into account the demographic, economic and sociological referents.

All in all, the main idea that underpins urbanisation is, among others, the social division of labour and, particularly, the separation between agriculture and industry. This main idea led to a confinement of some lines of activities in the city while others were limited to the countryside. In this regard, Yves-Henri Bonello posits that to accede to urban status, there is 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 thanks to the surplus production* » (JONES, 1973 : 11). For his part, Mario Polèse refers to urbanisation as the « *passage from a rural society to an increasingly urbanised society* » (1994). These few references mentioned here above are far from being exhaustive for the analysis of relations of autonomy and /or complementarity between the city and the countryside. In the light of the preceding, it appears that the city is perceived as the place where non agricultural activities are exclusively carried out. This means that a geographical entity cannot be effectively emancipated into the city status unless farming activities are abandoned in favour of industrial and service activities.

In plain language, according to these approaches, agriculture cannot be an urban activity but rather a rural one. But don't these approaches contrast with the reality of cities where the practice of agriculture still subsists? Actually, the observation 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 it has beneficial effects on the fight against malnutrition, under-employment, as well as on the improvement of the living environment. Is this contribution by urban agriculture proportional to its being taken into account in the urban management instruments? Is agriculture not marginalized in urban policies, despite the fact that it is practised in cities,? What are the consequences of this marginalisation in the development of agriculture in cities? These questions which aim to provide the opportunity to appreciate the level of integration of agriculture in town planning programmes require the prior identification of actors intervening in the practice and management of urban agriculture. The issue goes beyond a simple identification, and involves the analysis of the operating procedures of the interaction between these key actors and the study of real and potential elements of dysfunction and /or conflicts. The research/consultation approach was developed on the basis of these various interrogations.

### **3. Research/consultation : a methodological dialogue to appreciate the complexity of urban agriculture**

« Research/consultation » is a methodological approach which, as the very title of the project indicates, postulates a combination of the intrinsic aspects of classical research and the « City Consultation » approach conceived, developed and popularised by the United Nations Centre for Human Settlements (CNUEH). It is based on a participatory, intersectoral, interdisciplinary and consultative approach, based on negotiations and readjustments during the entire process.

- ***The different phases***

The process was conducted in various phases :

- The first phase consisted in the organisation, in December 2000, of a methodological workshop to agree on the research tools and analytical instruments of the "Field Study" phase of the research/consultation process. This workshop served as an opportunity to prepare Terms of Reference (TOR) for the research phase.
- Then came the research phase in the form of case and profile studies on urban agriculture in relation to wastewater reuse and the land issue. The research was carried out in all the cities by multidisciplinary teams : agriculturist, sociologist, land lawyer, health engineer, town planner, etc. The research teams used several tools which include : documentary review, methods of sociological investigation (observations, interviews, surveys, focus group, etc.), physico-chemical and microbiological tests of samples of irrigation water and market gardening products for the waste water theme.

This phase was marked by the effective participation of all actors directly or indirectly concerned by urban agriculture : producers, technicians, policy makers, civil society, consumers donors, etc.

- At the end of the research phase, the results were presented during local consultations held to synthesise the findings of the diagnosis and have them adopted, identify the sector's priority constraints and prepare a Municipal Action Plan (MAP) in a participatory and consensual manner. The local consultations served as a tool meant to bring actors with different profiles and interest around a same theme and within an egalitarian framework. The presence of NGOs, public services (Town Planning, Public Estates Department, Health), farmers' organisations, decentralised communities, consumer associations etc. was noted. 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 organised under the aegis of the local authorities with the significant participation of beneficiary communities.
- Local consultations forums were then held to synthesise action plans. During these forums, the action plans prepared during the local consultations were shared and discussed with the bulk of producers. The holding of synthesis forums confirms the option of an integration and the responsible participation by all actors of the urban agriculture sector, particularly producers.

Finally, from the standpoint of a social experimentation of action plans, demonstrative projects will be conducted to demonstrate the feasibility of the actions prepared.

#### **4. The sociology of urban agriculture actors**

By virtue of its components, urban agriculture mobilises several actors with extremely different, if not antagonistic profiles, interests and schedules. For reasons of legibility, urban agriculture actors can be divided into three groups

- State actors ;
- Non-State actors ;
- «Informal» actors.

- ❖ State actors are composed of :
  - Technical Ministries (in charge of agriculture, the environment, water, urban planning, health, etc.). They are entrusted with defining policies, planning, decision-making and control.
  - Local communities which, depending on the countries, have competence to manage water, land and health, which are all sectors closely related to urban agriculture .
  - Parastatal companies comprising State-owned industrial or commercial enterprises entrusted with the mission of producing and distributing drinking water, purifying waste and rain water as well as environmental management. Parastatal companies also include national research institutions which are under the purview of technical ministries.
- ❖ Non-State actors include international bodies (FAO, UNDP) or regional organisations and associative structures whose actions and experiences in the field of urban agriculture have been put to the test. It is worth noting that national and international NGOs contributing significantly in the advocacy and lobbying efforts in favour of urban agriculture are also classified under this component.

The « Informal » actors are divided into four (4) groups :

- Producers comprising market gardeners, flower growers, livestock breeders, fishermen, etc. In view of their level of involvement in the daily practice of urban agriculture, they constitute an important category. Producers sometimes form associations or other types of organisations like economic interest groupings (GIE/IEG) which are either permanent or limited in time, since they can be set up only because of the producers' desire to face up to coercive actions by public authorities. It is the case of some producers in Pikine (Senegal) who revive their structures only when the authorities envisage to evict them from the land they are currently farming.
- Retailers,
- Restaurants and households which form the group of consumers ;
- Customary land owners who influence farmers' access to land. The analysis of the method of acquisition shows that in Abidjan, for example, 46 % of producers have acquired their land from Ebie customary land owners, a group of actors who contribute significantly to the modes of access to land resources. In this regard, OLAWALE E wrote 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.* » (OLAWALE, 1961 :193).

The above shows that there are many actors at various levels of the urban agriculture sector. Their plurality is far from being proportional to the advantages derived by urban agriculture. On the contrary, it causes dysfunctioning because consultation structures



are insufficient and their activities are not properly coordinated. The poor functional complementarity in the assignment of responsibilities among so-called “State” actors do not contribute in dissipating the slightest signs of conflict and avoid confusion and duplication.

This is the case in Senegal where the different actors operating in the urban agriculture sector virtually work in isolation, with no formal relations among them. Farming and water management and distribution are administered separately by State structures ( 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 consultation framework.

In addition to the lack of consultations among « State » actors, the sector is also confronted with lack of coordination, often observed between them and other actors like NGO, grassroots community organisations and real estate developers. So far, no coordination structure has been set up to organise the sector. Each structure limits its action to aspects relative to its activity, and this restricts the impact of the multifarious initiatives taken in the urban agriculture sector. However, with proper coordination, these initiatives could contribute significantly in the development of urban farming.

There is also need to underscore that conflicts between actors are sometimes due to their different interests and agendas. Actually, the urban agriculture sector is an area occupied by various actors with different profiles but also different concerns, depending on the mission assigned by the public authorities. 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 urban populations’ high demand in housing and other socialisation spaces (schools, recreational areas, etc.) often push them to show little interest in the practice of agriculture by some people either out of necessity or simply out of passion. The eviction of producers occupying farmland is frequent and is an expression of conflict between producers and public authorities (central and local authorities). Moreover, land conflicts between individuals (spaces claimed by several users, problems of vicinity and joint ownership, retrieving farmland lent to someone else, etc) and between individuals and real state agencies (problems of compensation, contesting the use of reserved land, etc) are also frequent.

##### **5. Positioning of urban agriculture in statutory and legal texts**

The excessive dichotomy between the city and the countryside results, among others, in the marginalisation of urban agriculture in the planning and development strategies of cities. Such marginalisation is the most concrete expression of the evidence of prohibition against urban agriculture in statutory and legal texts. The declared political will to effectively take urban agriculture into account, in view of the stakes that it entails, has not yet translated into its integration into the institutional framework of urban management.

In this regard and considering the case of Abidjan (Côte d’Ivoire), for example, urban agriculture is given a secondary place in urban planning policies with the result that the development needs of urban agriculture are not taken into account. Actually, the urban planning department in charge of integrating urban agriculture in the Abidjan Urban

development plan, gave priority to urbanisation needs expressed in terms of housing, roads, bridges and backup equipment. This position is still marked by the absence of objectively verifiable indicators on the economic impact of urban agriculture, on the one hand, and on the other, by the priority needs of the populations : housing, local facilities and primary infrastructure. 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 ?* » (BNETD-IAGU, 2002 : 50).

The case of Abidjan is far from being an epiphenomenon in terms of the marginalisation of urban agriculture. Thus, while there is a consensus in Ouagadougou (Burkina Faso) about the maintenance of urban agriculture, the future of this activity sector is still an issue because of the non existence of management instruments in that regard. Of course, the overall urban development plan (SDAU) 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)* » (EIER - IAGU, 2002 ;68).

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 this plan. An overall urban development plan covering the 2002-2005 period is being prepared. It lists the current occupations of market gardening sites but does not mention their development. (Tenmiya, IAGU, 2002 : 49).

All in all, urban agriculture is subject to marginalisation in statutory and legal texts in force in most West African countries. Such marginalisation often translates into lack of legibility and visibility and sometimes into a complete ignorance of an activity whose contribution to the development of cities has been proven. It appears that public authorities have not yet understood the pertinence of REES William'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*» Rees William stated.

However, there are cases in which urban agriculture is explicitly dealt with in statutory provisions even though these are not always effectively implemented. It 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 provided for extensive rain-fed farming on the high terraces, the development of rice farming, market gardening and fruit growing along the Gounti-yéna valley (ADRI-IAGU, 2002 :23). The 1984 plan seems to have effectively taken urban agriculture into account in the development of the Niger capital but it was not implemented as rigorously as it should have been. Thus, the municipal authorities, interested in the opportunities provided by the plan in terms of tax revenue, had the land divided into many plots, with the resulting abusive use of outlying spaces and the dwindling of agro-pastoral production zones (ADRI- IAGU : 2002 ;24) ;

In short, the issue of urban agriculture in relation to the institutional aspects comes up in terms of lack of legibility in statutory texts and the inadequate implementation of

provisions in favour of the preservation and development of urban agriculture. The most concrete expression of the situation of urban agriculture is found in land issues whose ineffective solution will hold urban agriculture to public ridicule. There is need to note the frequency of cases in which land disputes often end to the disadvantage of producers who, in most instances, have no title deeds to justify the conservation of their farms. Thus, producers exercising their agricultural activities are often victims of repression. Coercive practices are inflicted on producers when they reuse untreated wastewater. It is the case in Dakar (Senegal) where producers live under the permanent fear of inspections by health services in charge of hygienic policy in Senegal.

Finally, there is need to observe that urban farmers are in a permanent situation of insecurity because of the precariousness of the right to occupy public lands. This does not encourage them to invest significantly to develop their farms. Producers permanently live with the obsessive fear of being evicted. And yet, most West African countries have prepared an array of texts on the land tenure system which recognises that the farm owners have a real right.

However, because the registration procedures are complex, burdensome, and costly, they are disheartening to the producer who is not used to administrative transactions. Besides, there is the overlapping of competences among the various land administrations and, in particular, the persistence of customary land law whose interactions with positive law have still not been clarified. This gave rise to the perpetuation of practices which, though out of plumb with the statutory texts in force, are legitimised by the collective consciousness. The discrepancy between customary law and positive law on land management aggravates the precariousness of the situation of farmers since it discourages producers from discharging the necessary procedures for the registration of their plots of land.

## **6. Decentralisation policy: an opportunity for urban agriculture ?**

The institutional aspects of urban agriculture cannot be pertinently and exhaustively analysed outside the general context of competence transfer from the central level to decentralised communities. This reflection is all the more appropriate since it should entail questioning the degree of complementarity between central and local authorities on urban agriculture management, in general, as well as on related sectors (water, land, homes, health, environment, etc.).

In the case of Côte d'Ivoire, even though initial attempts to transfer competence to local communities date as far back as the 1970s, it was only in the 1980s that decentralisation was practically implemented. This was done through law n° 80-1180 of 17 October 1980 by virtue of which Municipal councillors, the mayors of the 10 communes and the Mayor of Abidjan were elected. But, it was law n° 85- 582 of 29 July 1985 which specified the system of competence transfer from the Ivorian State to the communes and the city of Abidjan. « *However, the management autonomy assigned to communes does not concern the agricultural sector.* » (BNETD-IAGU ; 2002 : 56). The management of agricultural activities falls under the purview of the State through the Ministry of Agriculture and Animal Resources.

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

It is observed, in the light of what obtains in Côte d'Ivoire, that there is a huge gap between the transferred competence areas and the practices which very often falls within a strategy aimed at extending the tax base in order to increase the communes' financial capacities. Moreover, there is a strong tendency to see communes assume prerogatives that exceed their field of competence.

This situation is observed in Senegal, particularly in Dakar, where land reserves are managed in an impenetrable manner by Mayors and Rural Community Chairmen. There are even cases in which district communes (communes d'arrondissement) issue building and demolition acts without referring the matter to the State representative or the commune; which is contrary to the statutory provisions which provide that the prior approval of the State representative should be sought before these acts are issued (LY 2000). This means that locally elected representatives flout the provisions despite the sanctions that may be inflicted on them. Actually, article 146 n° 96-06 clearly states that abuses as regards land issues and more specifically *«speculation and the allocation of public lands, authorisation to build or divide land into plots»* may lead to the suspension or dismissal of the Mayor and his assistants.

The above-mentioned Senegalese example shows that the lack of visibility of the respective competences of the central authorities and of the central level creates conflict spaces prejudicial to the advantages that urban agriculture could draw from decentralisation. Far from destroying the existing signs of hope in the future of urban agriculture, the dysfunctioning noted in the implementation of the decentralisation policy has helped other countries to take the appropriate corrective measures for the effective management of this activity sector. This explains why Niger issued decree 99-035 dated 5 March 1999 to assign several areas of competence to communes, particularly those relative to natural resource management. The competence areas include :

- Environmental restoration and protection ;
- Participatory preparation of local plans and schedules relative to the development of natural resources ;

The municipal council's opinion on any facility considered dangerous, unhealthy and inconvenient in communal territory.

The analysis of these competence areas shows that the major concerns related to the planning and management of urban agriculture are taken into account. The most perfect illustration is the technical and political competence to participate in the preparation of local plans and schedules relative to the development of natural resources. On the basis of this competence, Niamey was able to *«define the limits of urbanisation more firmly and, as a result, to better protect the peripheral agricultural areas as well as market gardening sites located within the urban fabric.»* (ADRI-IAGU, 2002 : 36).

Hopes for an increased recognition of urban agriculture have been observed in Benin through law 97- 028 which effectively decentralises the administration by turning

communes into decentralised local communities. Moreover, law 97- 029 of 15 January 1999 endows the communes with several competence areas which should enable them to *«take initiatives at the political, administrative and technical levels in terms of building the capacities of urban farmers »* (CAB-IAGU, 2002 : 63).

Finally, in relation to the decentralisation issue, urban agriculture is perceived in terms of opportunities for agricultural activities in urban areas. In attempts to effectively implement it, this almost generalised perception of relations between urban agriculture and decentralisation, stumbles across the lack of legibility of transferred competence areas, and ushers in potential conflicts between organs of execution (communes) and control 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 the adoption of deviant behaviour.

### **Conclusion and prospects**

1. Urban agriculture is a high value added sector of tremendous interest to public authorities, the civil society and researchers. Inasmuch as urban agriculture has proven capacities to contribute in ensuring job creation and income-generation, food security and the environmental conservation, it is confronted with a deluge of constraints which impede the accomplishment of the set goals.
2. The recognition of the urban agriculture issues has not yet been translated into its effective inclusion in the legal and statutory provisions of African countries. As an urban activity sector, urban agriculture still suffers from lack of legibility in urban management instruments. One of the most obvious expressions of the marginalisation of urban agriculture is the insecurity of the land on which the market gardening farms are implanted. The near-permanent conflict between the search for spaces suitable for construction and farming areas are generally decided in favour of satisfying urbanistic concerns.
3. Decentralised communities, particularly Municipalities, are not yet in line with a dynamics of getting urban agriculture out of the pathways of "inconsideration". The transfer of competence relative to urban agriculture, in cases where it exists, is hindered in its implementation, by practices which aim more to enlarge the tax base than to promote the development of urban agriculture. In most instances, they take the form of an emphasis to take stock of cultivated spaces in order to increase tax revenues.
4. The significance of the observations made in relation to the position of urban agriculture in legal and statutory texts led to the formulation of pertinent recommendations. These constitute an important component of municipal action plans (MAP) prepared during local consultations. In this regard, the implementation of a certain number of actions was recommended with the aim of removing the constraints imposed on urban agriculture at the institutional and legal levels. These actions include sensitising public authorities, particularly local communities, to increase their involvement in the promotion and development of urban agriculture. From the same standpoint, the MAP drafted in Cotonou seeks to build the capacities of 500 locally elected representatives and their assistants on land development and management. The MAP further underscore the urgent need to promote an exchange dynamics 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 the securement of agricultural operators, it is hoped that in some cities, like Nouakchott, a contractual framework will be set up between producers and structures involved in wastewater and land management. The diverse actions identified are still underpinned by the development of an advocacy for the expression of a political will, first, and then for the implementation by public authorities, of developing initiatives (prepare the appropriate texts and circulate them, coordinate the actions of various stakeholders, etc.) in favour of urban agriculture.

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