

USING THE NEXUS BETWEEN PUBLIC PARTICIPATION AND INSTITUTIONAL ARRANGEMENTS FOR CONFLICTS PREVENTION IN THE SENEGAL RIVER BASIN

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Abstract Water management forms the most critical process in such semi-arid land, as it impacts livelihood, food security, land tenure, productivity and social stability. Though generally quoted as a successful case of regional cooperation, the nature of the Senegal River Basin (SRB) cooperative management is being strained by the impacts on the most vulnerable groups of its community. The scarcity of resources, unilateral short term gains, recent transformation of social networks, and lack of public participation had raise old and new types of disputes and social unrest in recent years. This paper, a step in what is hoped to be a continued exploration of disputes and cooperation over the SRB, offers the opportunity for institutional and administrative reform to acquaint local stakeholders in the decision making process to cope with social and environmental conflicts and, the discontinuities, such as extreme climatic events or sudden institutional changes. Even if some tremendous progress have been achieved in some sectors, several indicators point out that, to date, the majority of the stakeholders have not yet benefited from the output since the entire management approach has been sectoral without serious options for dialogue, consensus building, public participation or recognition of the local knowledge in the decision making process. The priority is no longer to make development projects profitable at all costs according to the narrow economic criteria of connected state bureaucracy and donors, integrated water management should be based on the awareness and constructive communication, responsibility sharing and consider the basin and its people as an inextricable part of the ecosystem.

Key words: Senegal River, Conflict Prevention, Institutional Arrangements, Public Participation

1. Introduction

The rush to food sufficiency and economic development in the early independence days had

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brought many African nations to turn to cooperative basin management on their international river courses (Fall *et al.* 2004). In the Senegal River Basin (SRB) (Fig. 1), the high variation in flow of the River in the late 1960s provided to its riparian nations the impetus to implement a multi-purpose water management project based on dam construction. Guinea (withdrew later) Mali, Mauritania and Senegal, recognized the imperative need for inter-state cooperation and proceeded to the establishment of one of the first river basin organizations in Africa (Fall and Cassar 2005).

Since it is stressed that most of the African water resources are contained within transboundary river basins, a wider examination of management options, the role of public participation, practices and governance of these cooperative mechanisms is more than acute. However, in most of these basins, people have often little or no opportunity to participate in watershed management decisions that affect their livelihood, particularly when they live along international watercourses (Bruch 2005). Even if recent years a significant number of agreements on international watercourses management have been enacted, little had been done regarding participatory law enforcement, consensus building or measures on decision-making arrangements.

However, an integrated management system of the transboundary watercourses such as the SRB on the basis of a win-win principle would be an important component of the untapped potential of its water resources to alleviate poverty and prevent social and political unrest. So far, most of the attempts to help settle the conflicting atmosphere in the region had ignored the historical components, gender, and power sharing issues which are part of a long-running conflict, more complex, more deep-rooted than most of the disputes arising for the first time. Thus, it is important to be aware of the background of the conflicts to assess the impact they have on the current situation within stakeholders in one hand and between them and the local administration in the other hand. Understanding who was involved, what the old issues were, and how the conflict was handled in the past is key to effective prevention measures. The specific objectives would be then to (i) assess institutional implications of water

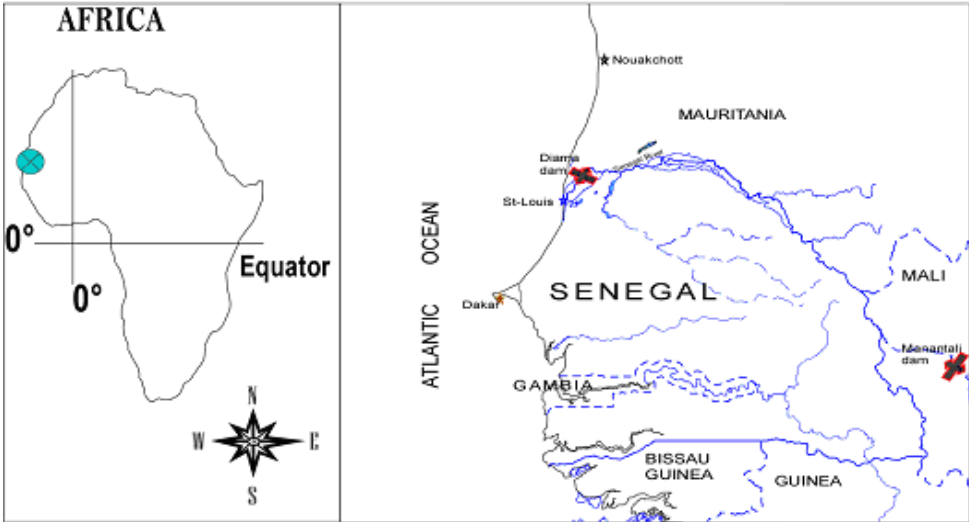


Fig. 1 Location map of the Senegal River Basin.

management in the regional scale since the SRB which is no longer under the Senegalese jurisdictions alone, (ii) identify an optimal decision-making process that would be inclusive of all uses of the river responding to the changing conditions, priorities, and institutional arrangement frameworks.

Context and scope of the Study Area

Multinational development plans for the SRB date back to the early 1970s when the newly independent countries Guinea, Mali, Mauritania and Senegal, backed by Foreign Aid Agencies, created the Organization for the Development of the Senegal River (OMVS, *Organisation pour la Mise en Valeur du Fleuve Sénégal*) following the Sahelian drought of the seventies. Original in its concept and popular among development agencies, large-scale multipurpose dams on the Senegal River were designed to provide irrigation, power supply and improved navigation to boost food production and bring prosperity to the three million and half valley's inhabitants. With a length of 1800 km, the Senegal River is West Africa's second longest river. For centuries, the riparian people in the SRB basin had developed complex and rich social systems along the watercourses and were bound by spiritual and cultural ties with these floodplains and wetlands on which they depend for their livelihood (fuel craft, medicinal resources, food staple, construction material, habitat, water for domestic use and waterways for transport etc.). Without these ecosystems, their daily needs would have not been met, poverty level would further increase and their very survival means would be put at stake. Despite these essential ties with their areas, these communities have now very limited, if not no say in the decision making process concerning the stake of these resources. The negation of the basics of their rights until recent years had triggered various survival strategies, which sometime had turned to opportunistic behaviors. In most of the cases, and particularly in these structured societies, conflicts are not really identified as serious problems until they "emerge" from a latent state to a manifest state by the local administration. Understanding how this occurs is a major determinant of the constructiveness or destructiveness of a conflict in most of the transboundary basins as it plays out. Latent conflict may exist for long periods before it is visible or the conflict actors become conscious and behave accordingly (Deutsch 1969). One of the factors that contribute to such confusion in such context may be found in bureaucracy labyrinth and the changes of goals and objectives over time as political and regimes changes in these riparian countries.

2. Method and materials

Earlier studies, Adrian (2000), Diagne and Fall (2003) have already attempted to assess the impacts of large dams in the SRB, but were limited due to many reasons, including insufficient data. Recently Fall and Cassar (2005) tried to evaluate the institutional arrangements in the SRB but were focused to the limits of the on going policies in integrating the stakeholders in the decision making process. With regards to the above limitations, the present study will focus on an assessment of the current institutional framework based on information collected through a wider cross-cutting view of

public participation status in the current decision making process. In attempting to produce the required broad span of relevant baseline data, from the above procedural stream, a participative evaluation of the current institutional framework was deemed the most suitable tool. As a method, it would permit a review of the post and pre-assessment, approaching local communities with questions relating to the current water management policies and, their influences upon their livelihoods. Since it would be quite impossible to integrate complex issues believed to trigger most of the disputes and conflicts into a purely quantitative assessment exercise, the chief concern of the present study would be to find the most suitable way to incorporate the forgotten groups in each level of the decision making process as a mean to ease social tensions.

3. Water Management practices in the Senegal River Basin

Dam planning and the forgotten groups

The SRB is particularly disrupted by the implementation of several programs and policies over a very short period of time without consequential precautionary measures (Diagne and Fall 2003). The modernization and the extension of agriculture were done at the price of an almost irreversible environmental and social degradation of the valley. The consequences are not only economic, but also social (serious changes within social groups, erosion of social cohesion and dispersal of the family networks) preventing these communities to access to productive lands has triggered various disputes in recent years. The very limited alternative livelihood options had made them particularly vulnerable to changes of the condition of the natural resources on which they depended resulting into losses of kinship ties and social networks –fundaments of the Senegalese social structure– and fierce competition for the remaining resources.

Limits of the water management system

For decades OMVS and its local offices had pledged and justified local people's lack of involvement in the ground with a simple argument calling each state member and their local administration to handle on their own the public participatory issue via their respective institutional framework. However, the bureaucracy within the OMVS, as well as in the respective governments of its member nations, has sometime deliberately ignored their genuine responsibilities towards these communities who kept claiming equity and better representation in the decision making bodies. For years, they have served to most of the critics to the illiteracy rate among local users instead of adopting innovative communicational channels to reach the grass-root level and groups that were little if not at all involved in the management process. So far the slight opening of the OMVS managerial process to local communities had been restricted to the National Coordination Committee (CNC) in each state member. These CNCs are composed by the Regional Coordination Committees (CRC) formed by Local Coordination Committees (CLC) with limited autonomies (OMVS 2002). Though officially constituted by decrees, these committees do not have autonomous status. Their discretion and

authority lies in the hands of the local administrative authority that can replace any of its members at any moment without the approval of the local communities. The choices of its members are arbitrary and do not respond to any equity, gender balance or legitimate criteria in the eyes of these communities and thus far from being representative of the different categories of stakeholders. This type of governance is really misleading and creates great confusion since they do not give any power or autonomy to these communities to handle the activities in their own.

Therefore, the problems between OMVS and local stakeholders had been worsened by the differences in views and approaches. The two parties defined justice in water management and benefits sharing in a very different way according to their perceptions and interests. While OMVS considered "property and water rights" in terms of productivity- everyone should get what he can afford, regardless of how hard he works, or "what he puts in"; most of the stakeholders define "these rights" in terms of traditional and customary rights, equity and believe that people should get benefits in proportion to what they contributed to producing those benefits through a temporal access basis. This happens very often in domination conflicts, in which the most powerful group (administration, majorities) defines "justice" in terms of the status quo while, dominated group (local communities, minorities) are seeking greater changes and fairness in their favor (Boulding 1989). Often the administration of the regional bodies (OMVS, SOGED, and SOGEM) had assumed that the other side (local communities) is unreasonable and people unwilling to listen to any persuasive argument or to comply with the law and regulatory measures. Consequently, the use of force or coercion is often assumed to be the only way to prevail. Therefore, most of the local communities, with sometime very different cultural values and customs, tend to turn to violent or coercive strategies in retaliation more quickly and more frequently than they need to in the past. They close the doors to positive strategies -such as persuasion or negotiation with the administration- assuming also that any such effort will be a waste of time or resources, and may suggest one's own willingness to fight for one's rights is weak. This outcome is especially likely when one's opponent refuses to listen to persuasive arguments or accept requests to negotiate mainly when the persuasive appeals are not viewed as legitimate (Boulding 1989).

4. Toward public participation in the Senegal River Basin management system

Enabling public participation as preventive measure to social unrests

Indeed, in developing and implementing mechanisms and norms for public involvement in the management of international watercourses, it is more than relevant to look closely at the cultural and geopolitical contexts. The OMVS and its member states had missed to address historical and social challenges but also the traditional legal systems constraints in their own sovereignty that is most likely to affect the public involvement when traditional means of economic livelihood are at stake. So far, they had ignored that public participation should neither be limited to the first degree stakeholders or local elites nor it should be apprehended in the form of handouts or doles to international donors, but

presuppose active local participation of all levels of the community. Local involvement is not simply a way of responding to pressure from stakeholders or donors, but of recognizing that local communities have their “know-how” and may have much more to offer in the understanding and proper calibration of local stresses. In this context, public participation may help readjust the balance of power and reassert the so-called “local indigenous knowledge”, their views against those of the developers. Indeed, control over resources is difficult if ownership resides in the hands of “non-residents” who do not have a long-term interest in the future of the region or with local elites who wish to maximize short-term profitability. In the SRB, participatory process should start over strengthening the stake-in of the stakeholders through capacity building with the aim to establish an institutional framework that integrate all users in the decision making process (Fig. 2).

Development projects should ensure that local communities have shares in the planning process and in the benefits gained through increased development. Therefore, consultation should qualify as the first step in creating public debate and encouraging local involvement, a platform where local residents can articulate views and exchange ideas and timely access to information on planned activities.

Public participation through the legitimate local networks

Trust is an important element in any social system. For this reason, it can be very hard to start -or finish- a dispute resolution process when the level of distrust between the parties is high. In old days, most of these societies, institutions or social networks were used (and accepted) in the SRB as

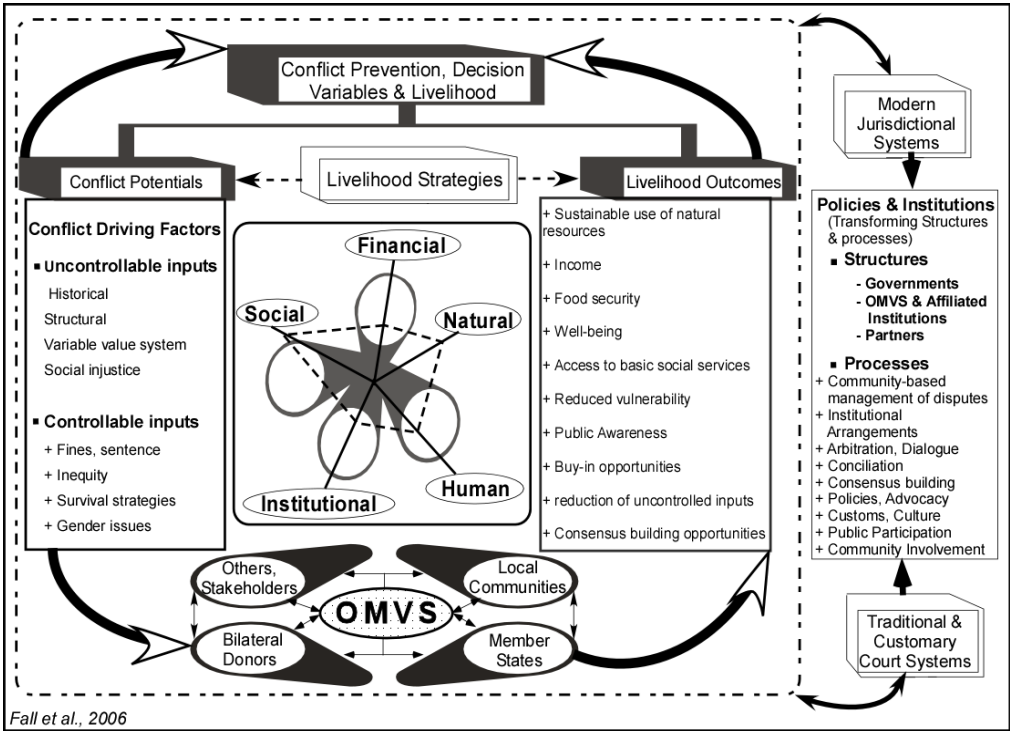


Fig. 2 Rethinking the framework of conflict prevention and livelihood strategies.

legitimate means of conflicts resolution whether informal or formal. Respected elders within a family, clan, religious group, or community helped the people in conflict solve the problem themselves, or may impose a solution which is seen to be legitimate because of the elder's wisdom and/or position. Alternatively, formal jurisdictional systems and customary courts may be established as complementary systems to hear and decide a variety of cases. Unfortunately because of the overlapping problem between the traditional and the current juridical systems, these structures or processes disrupted the ability of the society to manage its conflicts successfully, opening at the same time the doors to more violent disputes and mutual distrust. It is urgent to turn the medial approach in which public participation is just limited to a once-off consultation process regarding a specific and punctual decision to comply with international donors' requests. Public participation to decision making needs to be enacted from the beginning and during the implementation and monitoring phases of water management policies to ensure the most lasting results to prevent social unrest.

A bottom-up approach and devolution of decision making power to local users have to be increasingly advocated to help these communities built up their capacities to be better represented for the defense of their interests. So far, the participatory approach had been under the discretionary power of each country and even within the OMVS system. Worst, most of these administrative bodies do not apprehend yet the fact that increasing public participation is not only legitimate, but also insurance for a stakeholder buy-in on which rely heavily the efficiency of these projects.

5. Conclusion

The growing acceptance of sustainable development as an over-arching policy goal has stimulated interest in public participation and involvement of local communities as principles and indicators of good governance. If the priority is no longer to make development project profitable at all costs according to the narrow economic criteria of connected state bureaucracy and donors, integrated water management should be based on the awareness and constructive communication, responsibility sharing and consider the basin and its people as an inextricable part of the ecosystem. Improving the involvement of these communities through capacity building is an efficient way to mitigate the burden on the social structures and its disruption ignored by most of the attempts to settle the conflicting atmosphere in the region. The disputes are part of a long- complex running conflict, and much more deep-rooted than most of the disputes which broke out from time to time. Policy-makers and planners have to become increasingly aware of the need to broaden their purview, taking the social and cultural impacts of proposed new development projects as well as the needs, aspirations and rights of these communities into account. For several decades, decision makers backing the OMVS had put priorities on mobilizing financial resources over integrated governance principles and public participation institutional arrangements. The slight positive shift in recent years did not so far meet the challenges ahead since OMVS and its member nations had emphasized on consultation over collaboration, shared decision-making, empowerment, and effective public participation. The hard reality is showing

much more concerns in complying with international funding institutions binding measures than a real innovative approach taken in their own to develop public awareness, consensus building, broad participation and gender mainstreamed in water resources management.

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