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# **AGRICULTURAL POLICY ANALYSIS PROJECT, PHASE II**

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## **THE CONTROL OF LAND ON THE UPPER GAMBIA RIVER: A DESCRIPTION WITH POLICY IMPLICATIONS**

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## EXECUTIVE SUMMARY

Recent studies on Sahelian agriculture, herding, and environmental matters have frequently decried the lately increased role of central governments in land management and control. Various citing what they perceive as inefficiency, incompetence, apathy, or corruption, many of their authors have suggested that the functions of regulating landholding and land use ought to be handed back to local leaders and "institutions" in a decentralization of authority. Usually missing from these studies, however, is specific information about what these institutions are, and of how their workings may have changed in partial involvement with wider politics, laws, and economies.

Based on participant-observation, intensive interviewing and mapping with local assistance, and published and archival records, this study explores some of the main principles underlying land access and control in a limited Gambian setting. In an effort to complement some other recent writings based on multi-village surveys down-river, the report concentrates on the case study of a particular sedentary agropastoral village at the eastern, up-river end of the country, in Fulladu East District, and on the Fula people (also called Fulbe or Peuls) who predominate there. This and other groups in eastern Gambia are also found in neighboring parts of Senegal to both north and south of the curved border, and many of the local practices and ideas reported here figure importantly there too, despite the different colonial heritage and the different contemporary government and laws.

The Gambia is, by most standard measures, one of the world's and Africa's poorest countries. Its soils are thin and light, its rainfall unreliable and for two decades diminished. Rural Gambians no longer perceive landholding, farming, or herding to be their main hopes for economic advancement. Instead, accustomed for centuries to participation in wider markets and international cultural traditions, they focus increasingly on finding ways for particular members of their families, usually able-bodied young men, to migrate abroad to find work and to trade, and on remittances and earnings brought home. Farming and herding continue, however, to be the mainstay of the rural economy and the fall-back occupations.

An indigenous system of land allocation is adapting largely independently of national attempts at intervention, though markedly influenced by Islamic law. The state is locally perceived as remote, its land laws not widely known or heeded in rural villages, and its chiefs and junior divisional functionaries turned to only at times of unusual need. Landholding policy, here as anywhere, should have social, political, economic, and technological goals, but most importantly it should be designed to fit into what already functions. As most of the available literature suggests, the Gambia's political problems surrounding landholding are generally less acute than several of Senegal's. How, then, is land really allocated and distributed?

Landholding in The Gambia, as in most of West Africa, has never been clearly individualistic or communal. Instead, rights of different social units overlap and interlock

hierarchically, and individuals as such gain and lose particular rights seasonally. Translations of "land," "property," "tenure," and related terms alter much in meaning between West African and European languages. Fula, like other Gambian peoples, importantly differentiate village from bush, upland from lowland or swamp land, inner from outer fields, and individual fields from those common to a work group in a compound; and these distinctions loosely align in some ways with genders, statuses, and crops grown.

Moreover conventional analytical units like "household" do not translate well into Gambians' languages or accurately reflect their residential patterns (rendering the results of some formal surveys meaningless). Cooking and eating groups, groups sleeping under one roof, work groups, and herd-owning groups all overlap, but they all usually differ.

Gambians, like people everywhere, organize rights and duties to land by membership in social groups, networks, and categories. Most Gambians, including Fula, gain their main access to arable fields by virtue of patrilineal kinship (relatedness through males) and inheritance, and by a marriage pattern in which women move to their husbands' homes (virilocality) and receive fields from their mothers-in-law as well as their own mothers. An old pattern of inheritance by male primogeniture (preference to the firstborn), a local ideal for men, is frequently broken in contemporary practice and parental fields are divided.

Clearing new land has always given one firm rights in it, and a "principle of primacy" tends to give leadership to the eldest or genealogically senior male descendant of the first pioneer to have settled a village or district. The seniority and authority attaching to first settlement are among the firmest assumptions in Gambian landholding. Oral histories reach deep on this issue, though they are somewhat malleable and contestable. The offices of divisional commissioner, district chief, and village headman always carry formal but limited powers and duties of land administration. These include allocation, confiscation and reallocation; dispute settlement; and reversionary rights, among others. The position of the compound head within a village is considered analogous to those of the higher offices in the nature of its rights and duties. The nature of local male leadership in Gambian (and Senegalese) villages is such that the key man is expected to be at least symbolically involved in every major decision, but holds very little absolute power and relies heavily on consensus building.

In all but the smallest villages, associations based on age, gender, special interests, or combinations of these mobilize the extrafamilial labor that helps give land its value. Involving intravillage age and gender associations and their leaders, male and female, is crucial for the success of almost any development, relief, or reconstruction project. Men's and women's rights and obligations over land are strongly tied to topography and the crop concerned, and among Fula and probably all upper Gambia River peoples at least, women's claims to swamp or flood-recession rice land are much stronger and more durable than their claims to other land.

One who looks for interethnic tensions over rural land in The Gambia will find them. But they are not (yet) as sharp as in central Senegal, where disputes between Wolof-speaking Mourides and Halpulaar (Fulbe, Peul) herders have become intense and violent in many localities. Parts of The Gambia have known farmer-herder violence as more isolated incidents.

Caste (a term some deem inaccurate), referring to a set of in-marrying and hereditary social categories nominally associated with specific occupations, subtly structures landholding and land transmission. It does so partly by restricting rural women's choices of marriage partners and thus helping determine their potential land claims. Slavery having been long abolished, caste is not a subject on which further legislative or administrative action is likely to have much effect.

Maraboutism and Qur'anic education (an unofficial but pervasive and enduring institution) play key roles in Gambian and Senegalese agriculture and land matters. Masters of Islamic holy scripture mobilize their resident and nonresident pupils (taalibes) at their homes as resident or day laborer-apprentices. They may thus keep larger than usual landholdings under cultivation, while the pupils' families willingly do without their labor, sometimes calling them back at peak labor seasons. Networks of former co-taalibes often become powerful forces in national economy and politics, but more visibly so in Senegal (notably among Mourides) than in The Gambia.

Many of these varied principles of land allocation have proved beyond the reach of state control, but a number of them in combination appear well adjusted for Sene-Gambian agropastoral settings, and flexible in their day-to-day workings under changing conditions.

Having covered the main groups, networks and categories bearing on rural land matters, we look next at the kinds of rights and responsibilities rural Gambians consider important. Rights rest on membership and also on labor put in, and far less (though not negligibly) on capital investment. This is one of the reasons why, as discussed later, a mortgage system is unlikely to work in rural Gambia or Senegal. Claims and duties concerning land sort out otherwise into those of use, transfer, and administration. Annex 1 gives a classified list of these as seen in Sare Samba village and environs, partly to prompt questions for future studies.

While Gambian land matters remain fairly calm on the whole, they heat up most often in the relations between farmers and herders (as they have heated up even more in central Senegal). In these matters governmental officials have tended to side with farmers, as in other Sahelian countries too. More attention to protecting grazing access routes is likely to help keep peace. Legal devices like classifying land as "vacant" or "ownerless" can discriminate against occasional users, whether grazers or growers on long fallow cycles.

Foreigners have liked to tell Sahelian herders they are overgrazing, and to abet moves to thin the animals. In some ways they may be right, but in others certainly not. Livestock

are, among many other things, a form of savings and an investment better than those available to Gambians in banks. While herd numbers may indeed be growing secularly, it is worth remembering that herds do not grow steadily, and that the minimum numbers mean more to the herders than the maximum numbers. Across the Sahel and the Sudanic region of Africa, the history of herd sizes tends to have followed a slanted sawtooth pattern: herds grow gradually over a number of years, then suffer sudden and catastrophic losses in droughts or epizootics, after which they begin regrowing gradually again. A principle concern of herding peoples is to keep large enough herds that when one of the calamities hits, herders will still be left with enough animals to reproduce the herds successfully, and to exchange for grain if needed, and if possible not to lose all milk, manure, or draught power at any time. Average herd sizes and densities matter little in local eyes, just as average rainfall does not mean much there where most seasons seem to be deviations. It is unrealistic to pass judgment on herd sizes at a given moment without taking time and contingency into account.

The best ways for governmental and foreign agencies to help alleviate "overstocking" at the aggregate level—to the extent this is a problem—are likely to be indirect. They are many. In addition to possibilities of human family planning services where locally desired, they include assisting people to conserve their wealth in other ways: further improving tree health, augmenting intravillage crop storage for both women's and men's crops, and making cash saving more attractive by higher-interest savings banking. If more opportunities open up for travel, trade, and wage and salary work for Gambians abroad, the pressure of humans on animals, and of animals in turn on land, is likely to ease up.

Seasonal migrations of farm laborers seeking temporary land rights are an extremely important part of livelihoods throughout the Sene-Gambian region and beyond, and the freedom to move is critical. Share contracting agreements, including sharecropping, are flexible and are not necessarily exploitative in a one-sided way, though they can be. The Gambian state's stance on seasonal labor immigrants has been fairly acquiescent; Senegal's has been intermittently prohibitive but the regulations have failed in implementation when tried. More controls on farm labor migration seem unwarranted at present, and hard to justify at any time.

While the many kinds of land exchanges and transfers as now practiced do not fit the description of a "land market,"—outright buying and selling remain rare and disapproved in the countryside—the indigenous exchanges appear to serve similar positive functions in distributing people and their labor over land, with less risk. While some marked inequalities are evident, Gambians, with their own landholding systems, have so far avoided extreme class polarization and averted widespread famine despite the country's general poverty.

The yearly boom-and-bust cycle of the region's rainfed agricultural economy, and the likelihood that droughts will continue come sometimes several years in a row, make it probable that an "individualization" of tenure, whether by gradual adaptations or an artificially imposed tenure reform, would quicken land concentration into fewer hands. In

such a setting it could hardly happen otherwise. Histories of individual tiling attempts in other countries south of the Sahara offer no encouragement for such a move, though group titling (e.g. with the village as the basic unit) might one day make more sense if competition for land continues to rise.

Land disputes are settled both in and out of the courts. Court cases involving land have become more frequent since the 1970s, but the absolute numbers are still relatively small, and farmers interviewed do not (at least yet) consider land disputes to be among the bigger social problems. Among the land disputes that do arise, disputes over long borrowed land and over inheritance (and its usurpation by custodians) are quite common. Increasingly common, too, are disputes between farmers and herders over trampled crops. (Table 2 gives frequencies of land cases in the Fulladu East District chief's tribunal, and Annex 2 offers a case of a dispute in Sare Samba village.)

Most rural Gambians appear unaware or only dimly aware of the specifics of national land ordinances, having no easy way other than the radio (and seeing who gets punished for what) to learn of them directly. One law potentially open to abuse is the 1990 Land Act, containing a provision enabling the Minister of Local Government and Lands to take away lands for ostensibly public purposes. Another potential threat to rural people, if it is to be applied to their land, is the Mortgage Act drafted in 1992, empowering institutional lenders to seize and dispose of collateral from loan defaulters.

The area under cultivation nationwide appears to have grown more slowly in recent years than the population or the gross domestic product. Pressure on arable land tends to be highest at the eastern end of the country, but competition for holdings is not extreme even there. Cattle-keepers manure their fields by careful nocturnal and seasonal tethering, and they conserve grazing and browsing by herd movements, selective offtake of males, and other means. A rise in animal traction in recent decades has served mainly to release human labor for non-agricultural pursuits rather than to extend cultivated hectareage, adding evidence that agriculture has become less and less central in Gambian aspirations.

Illegal forest cutting and bush burning have proved almost completely impossible for national authorities to police, in The Gambia as elsewhere. Important experiments to devolve authority for forest conservation to local communities have begun in the Foni Districts down-river from the area studied. Some early results, according to project staffers and villagers, appear promising for the forest. Illegal woodcutters, for instance, have disappeared from the scene. Still to be determined is whether these have simply moved a distance away and kept on hacking and sawing. (There may be ways to incorporate them into the project's benefits on condition they stop cutting live trees.) Also unknown is whether villagers elsewhere might respond as well to legal reforms as the Foni villagers have done without such intensive attention from expatriate and government project staffers and visitors. The project's replicability is thus still uncertain.

But individual land titling and mortgage systems, having widely failed elsewhere south of the Sahara, would probably prove inappropriate and perhaps counterproductive in the upper Gambia River too. More credit, which can only mean more debt, is not the answer to rural Gambia's economic problems. Better and more sensitive answers, including more diverse and appealing ways of saving, will be needed.

Seeing what works is already a start. Gambians and Senegalese are increasingly concerned not just to use and protect their countries' dwindling natural resources, but to send labor migrants overseas for more realistic, if imperfect, economic opportunities. This is where other kinds of policy makers come into play.

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## 1. INTRODUCTION

The Gambia is generally acknowledged to be one of the world's poorest countries in terms of incomes and natural resource endowments, but unlike other Sahelian countries, it has had no severe famines in recent memory.<sup>1</sup> Certainly malnutrition and related illnesses have been omnipresent among some underprivileged categories of people, and there is evidence that the country's agricultural production is not keeping pace with its population growth, but in recent decades the country's population has been remarkably successful in keeping itself fed despite its broader economic problems.

Gambians' success in avoiding rural starvation can be attributed to many factors. These include experienced and price-sensitive farming and herding, a lively legal and illegal entrepot trade along an economically porous border, a tradition of seasonal and longer-term international migration, a relatively open and democratic political system tolerant of dissent, kinship and religious systems with active welfare functions, and a substantial amount of food aid and other foreign aid, among other things.

Underlying the country's agricultural production and its political stability is a complex and flexible pattern of landholding that has up to now provided access to productive resources for a wide variety of persons and groups. The country is an ethnic crossroads for the western end of Africa, and within its rich mixture of ethnic groups it also contains deeply rooted differences of caste, class, and status. Ironically, a society built around hierarchy and differences has somehow not only provided a minimum access to its scarce goods for its poor, but also fairly well spread around the means to produce them.

This report describes principles that determine access to rural land and its resources in a specific Gambian setting, showing how these principles tie into other elements of culture and economy.<sup>2</sup> Focussing on the Fulladu East District of Upper River Division of The Gambia, it explores the case of a single village in particular, concentrating on features shared with other Gambian villages studied on previous occasions, and with others across the border in parts of eastern Senegal. Both similarities and differences can be observed between the diverse ethnic groups living near the upper and middle river in the interaction of farming and herding on a shrinking resource base, and in the ways people, plants, and animals are interacting.

The Gambia is a mainly rural country, some 80 percent of its people living outside Banjul and Serekunda. While its population grows at about three percent per year, its modest land resource base is deteriorating under the combined effects of drought and erosion, expansion of animal-drawn ploughing, forest burning and cutting, and other more debated factors that in places include overgrazing. Rainfall measures and satellite photos of vegetation and soils show a progressive southward desiccation of southern Mauritania, Senegal, and The Gambia since about 1940. The trend is broken by only minor, occasional, and temporary northward advances of subhumid vegetation zones. Whether or how long the broad trend of desiccation will continue is unknown. It may reverse in cycles lasting several

decades or longer, and biotechnology might also offer some new hope of drought-resistant cultigens. For the present, however, the ecological outlook is bleak.

The country's macroeconomic future too is full of unknowns. Gambians have lately enjoyed some temporary good fortune economically. International discrepancies in pricing policies have enriched some Gambians who have had access to transport and ways to handle or evade border controls. Agricultural price subsidies in Senegal, politically important there and resilient to international agency pressure, have given Gambian groundnut farmers access to prices well above world market levels. But these discrepancies and supports could collapse at the stroke of a pen in Dakar—something over which Gambians have little control. So landholding and natural resource use may become even more important as sources of livelihood than they are now.

The Gambian Government (like the Senegalese) and foreign funders face important questions about decentralizing authority over land use and tenure. Much recent official literature on the Sahel discusses the aim of devolving some kinds of control from the state to local leaders and "institutions" that might be better adapted to local conditions than have been superimposed laws and bureaucracies, and that might exercise such control more effectively and sensitively.<sup>3</sup> But seldom are the institutions specified. So several basic questions arise. **What are those institutions?** Who holds what kinds of rights and obligations over land and its resources, with whose formal or informal backing, and with what kinds of incentives and sanctions for their care? How secure are land claims? In what ways might population growth, ethnic intermixture, land exhaustion, or a changing political order render "customary" rights and duties obsolete, or in what ways might these remain adaptable and flexible? What are the likely effects of governmental attempts to preserve, alter, build upon, or legislate away these institutions?

Answering questions like these over the coming years, as this report only begins to do, should help guide several specific policy issues beyond decentralization of authority. One is the prevention and resolution of disputes between farmers and herders, a kind of clash growing increasingly frequent across the Sahel, particularly in droughts. A second is the issue of titling: whether a country should adopt any policy of trying officially to register rural lands, or forests, in the names of individuals or of groups, or not at all. Related is a question of credit and debt: specifically, whether a land mortgage system and the risks it entails can be healthy for small-scale farmers in a country where weather is unpredictable and rain-fed farming risky to begin with.

### **1.1. Landholding from a Gambian Perspective: Not the Main Chance**

The most important point about Gambian landholding and land use is that most Gambians no longer consider their own nation's land as the main opportunity for their future. Farming, herding, and other land-based productive activities have increasingly taken a back seat to international and urban labor migration and trade, and the remittances that flow back from them, as the ways to get ahead. Rural as well as urban Gambians are well aware of the

long-term processes of drought and desertification that have already, and especially since the early 1970s, rendered large parts of Mauritania, Mali, and Senegal uncultivable or suitable for only sparse transhumant or nomadic settlement. Nearly every Gambian village in our experience has at least several male members living abroad, others queueing up to leave with the help of those who have already made it out, and still many others who rely on shared remittances for investments in farming, building, or local business.

That said, rural Gambians do continue to rely heavily upon farming, herding, and some gathering of forest and bush resources for most of their livelihoods, and to consider these the main safety nets on which even the families of successful international migrants must fall back at some times in their lives. And the tensions among all these three are gradually rising. Animals are competing with crops and with forest; crops are threatening forest as farmers (and professional woodcutters) ring and burn trees at the forest edges; and the Gambian authorities have tried to protect forest against these incursions by passing laws, designating forest parks, and experimenting with an innovative community forestry program.

If anything, international labor outmigration and trade are probably providing a net relief on pressure on land by providing alternative incomes through remittances and wealth brought home. So one option that policy makers from richer countries ought to bear constantly in mind for rural Gambians is the exit option: the one that these people tend to choose and to imagine for themselves.

## **1.2. Multiple Aims of Landholding and Land-Use Management**

The management of landholding and land use should have several goals. Among essential social goals is the fair distribution of resources to make land rights commensurate with labor inputs and needs for livelihood. Others include respecting and maintaining the integrity and diversity of local and national cultures in so far as they affect vital resources. Local cultural ideals include a sense of place and connectedness with kin, ancestors, and descendants. Economic goals include growth, efficiency, and equity—in production, distribution, and consumption. It is important to recognize, preserve, or promote security of tenure for labor and capital investment, as security is locally conceived (often quite different from how outsiders perceive it). Political goals can include peace, stability, democracy, or quality of popular participation in decision making. Technical aims include biological diversity between and within species, and the conservation of soil nutrients and structure, the maintenance of water tables, the sustainability of yields, and optimum efficiency of energy flow.

## **1.3. About the Available Literature**

The available writings on former French and English West African colonies remain quite discrete, mainly for the simple reason of language. The vast majority of sources on land matters in the Gambia River basin are about the Senegalese side, and the most thorough of these is now dated.<sup>4</sup> Only in recent years have analysts begun paying serious attention to

the important phenomenon of seasonal labor migration within and between the countries of the region, in which The Gambia plays a major part as a destination for Senegalese, and Guineans, and some Malians.<sup>5</sup> The standard works analyzing Senegalese landholding from juristic and political perspectives are not yet paralleled for The Gambia.<sup>6</sup> Several recent studies on both sides, however, have shown the potential of team survey approaches as an adaptation for coping with unrealistic time constraints in studying clusters of villages simultaneously.<sup>7</sup> These last sources add to a quickly growing literature, much of it by Paris-based authors, on variously subtle processes of land dispossession and concentration occurring in francophone West Africa.<sup>8</sup>

Broadly speaking, the literature suggests the social problems surrounding landholding to have become rather more severe, and hotter politically, in rural Senegal than in rural Gambia. Some of the problems emphasized, however, are semi-specific to particular regions of the former country, especially the central "groundnut basin" and Ferlo, where expansion of groundnut farming by particular categories of farmers (notably Wolof-speaking Mourides, members of a Muslim brotherhood once encouraged and protected by French colonial government) has in some localities, and increasingly, met violent resistance. The only comparable problems of rural Gambians have heretofore been milder. Other conflicts are peculiar to the perimeters of large-scale irrigation projects, and thus more characteristic of the Senegal River Basin than of the Gambia River and Casamance basins, which are generally better watered by rainfall and much less extensively irrigated to begin with. A third and very different kind of struggle over land more particular to Senegal is that involved in the secession movements of Casamance.

Most of the literature on landholding in The Gambia takes Mandinka terms and concepts as basic; the Senegalese literature likewise tends to use Wolof. Fula-focussed literature from these countries is still scarce. Terminology can not only influence thought, but also affect cooperation: it helps a people decide whether a structure or process was really set up by or for them. Since this study focuses on the upper Gambia River, where Fula (Fulbe, Feul) peoples together constitute the numerically dominant ethnic group, West African terms are from Pulaar (the Fula tongue) unless otherwise noted.<sup>9</sup>

#### **1.4. Some Truisms about West African Landholding**

Like other parts of West Africa—and unlike some foreign stereotypes of it—The Gambia is neither communalistic nor individualistic in the origins of its landholding system, and never has been.<sup>10</sup> Instead it has always embodied a complex and balanced mixture of the two principles with shades in between. Strong individual rights in a cultivated field yield, for instance, to common-access rights after harvest, in a seasonal oscillation. European and American concepts of "ownership" and "property" apply only poorly: it is better to conceive of land rights as interlocking, overlapping claims and duties that come in "bundles" or baskets with sometimes shifting contents. A right in land might mean not so much a right in a specific demarcated plot as a right to cultivate land near where others in one's kin group happen to be cultivating at any particular time. Junior rights nest within

senior ones in what Max Gluckman (writing on southern Africa) called "hierarchies of estates," such that neither a junior nor a senior rightholder might be allowed to alienate a piece of land without the consent of the other. Rights imply obligations to dependents who may hold ancillary, intermittent, or conditional rights. Locals also perceive obligations of trust or custodianship on behalf of groups of persons that include the living, dead, and unborn (something especially characteristic of societies with unilineal kinship tendencies).

### 1.5 Dynamic Processes

Human and animal population pressure on land's resources, and competition for these, can help stimulate agricultural innovation, though not necessarily enough to stay even with the population rise.<sup>11</sup> Conversely, labor-saving technology (e.g. ox ploughs) can heighten competition for land by increasing cultivable area. Crop and animal husbandry can be symbiotic (crops provide stubble for animals, animals provide manure and traction for ensuing cultivation). Population pressure and competition can sharpen rules and boundaries, though not necessarily in the direction of individualism, and the role of kinship is at least as likely to rise as it is to decline in such transitions. Ethnic identifications, too, are unlikely to disappear or become homogenized but on the contrary are likely to intensify as competition for scarce land resource rises.

It is not clear, in the Gambian case overall, that cultivated hectareage is in fact expanding, though it is clear that the forest hectareage is shrinking.<sup>12</sup> Field rotations may be shortening and thus more hectareage kept in recent though not necessarily current use. In some parts, however, including Upper River Division, currently cultivated hectareage does appear to be expanding. Labor migrations would appear to be taking some of the steam off its expanding further and faster.

In Senegal and The Gambia, the nature and trends of control over land vary from one village to the next. In this respect the cultural differences between villages may be at least as great as the differences between ethnic groups as seen at a broader level of comparison. This variability seems most true of formerly Jola-speaking villages of the lower Casamance, where Islam has caught hold in only a patchwork distribution of villages and some have been much more "Mandingized" than others.<sup>13</sup> Anywhere, however, the intervillage differences can stem from idiosyncratic factors like the personalities of headmen and women's group heads, whose influence can be great, or the uneven distribution of exogenous projects like market gardens or fruit orchards. In some important marabouts' villages, particularly on the northern Senegalese side of the border, landholding and farming have been more communalistic than elsewhere, some of these marabouts being land and crop managers as well as spiritual leaders.

## **1.6 The Upper Gambia River and the Specific Area Studied**

The village on which this report focusses, to be called Sare Samba, is located in Fulladu East District, on the southern bank of the Upper River Division of the Gambia.<sup>14</sup> Sare Samba is of about average size for a Gambian village, having between 250 and 300 occupants at any given time. Its only nonagricultural industries are home-based craft industries like weaving, baking, or blacksmithing. The district contains a mix of ethnic groups, mainly Fula (a subset of Fulani or Peul), Mandinko (Manding), Serahuli (or Serakhole—sometimes known as Soninke in other West African countries), and a small minority of immigrant traders, many of them Mauritanian. The same ethnic groups are found on both sides of the Senegal-Gambia border, though their demographic proportions differ substantially.

Settlement patterns of all the Gambian and Senegalese ethnic groups represented are comparable in the particular area studied. Farther east and north in drier parts of Senegal and Mali (and all the way to Chad and Cameroon), many but not all Fula/Peul settlements are more mobile, some subgroups depending more heavily on pastoralism and trade and less regularly on agriculture. But in Upper River Division, as in The Gambia as a whole and immediately adjacent parts of Senegal, rural Fula-speakers have for well over a century been sedentary farmers and herders, living in nucleated villages like other groups in the region. Down-river, in southern Casamance and some adjacent parts of southwestern Gambia, some Jola-speaking communities have scattered houses individually surrounded by farmland and palm orchards. These major variations in settlement patterns, however, are beyond the geographic scope of this study. Most of what this report says about indigenous institutions in The Gambia also holds for parts of eastern Senegal adjacent to the Upper River Division of the Gambia, though the national administrative and legal systems are quite different.

## 2. KINDS OF LAND AND THEIR MEANINGS

In this and the following sections we approach our topic from several angles in sequence: the kinds of land, the kinds of people (groups, categories, and networks), and the kinds of rights and duties in question.

### 2.1. Definitions and Translations

"Land" (leydi, pl. leyde in Pulaar) might seem simple on the surface to define and translate between European and Senegambian languages, but it is not. Three main ways in which understandings of the concept vary between one culture and another are dimensionality, inclusiveness, and relativity.

1. Dimensionality. Land can be construed in terms of one, two, or three dimensions, and not all societies tend to think of it the same way. Transhumant pastoralists and traders pay more attention to access routes than do farmers or civil servants from agrarian societies (as most in Senegal and The Gambia are). Farmers involved in open seasonal cropping prefer to think of land more in terms of two-dimensional area. (Forest farmers or alley croppers, like fishers or prospectors, must pay more attention to three-dimensional space, i.e. in the farmers' case to shade and cover.) While no one thinks in only one of these three ways, the choices of convention are crucial in administrative procedure and the politics of property.

Indigenous West African understandings of access routes are commonly based on ideas of fairness that remain sensitive to shifts in vegetation and wetness—changes that can be striking in this relatively flat and desiccating eastern Gambian and Senegalese landscape. This sensitivity and flexibility would be hard to build into laws and zoning, or into contracts as "easements," if such a tenure "reform" as a national titling program were attempted.

Whereas much of The Gambia and adjacent parts of Senegal appear flat to visitors, those who farm and herd there are highly sensitive to minute gradations of topography. For even less than a meter of slope over a wide tract—relief often imperceptible to outsiders—makes enormous differences to water catchment and drainage, and thus to soils and the potential for livelihood.

2. Inclusiveness. What "land" includes turns out quite debatable in the application of statutes and in dispute settlement. The following, in addition to its routes, area, and space, are things it may be defined to include or exclude: minerals (water, sand, etc.), vegetation (surface crops, trees) animals (wild, domesticated), living or buried persons, movable human products (e.g. crops, firewood, hay), and immovable edifices (buildings, earthworks). It may also include or exclude spirits or divinity, or other "supernatural" entities or forces perceived as inherent or resident, and words and actions inextricably tied up with it (e.g. hatchet curses, blood sacrifices). Debatable, too, is the extent to which paper representations

of land, as on paper titles, maps, or aerial photos, may be taken to symbolize it. These become central political issues when resources grow scarce or when minerals are discovered.

In The Gambia as in much of West Africa, land and the trees on it are frequently claimed by different persons—and sometimes the fruit on the trees is claimed by yet another. None the less, planting a tree on land helps solidify one's rights to that land. We return to this topic later.

3. Relativity. Some rights and duties over land exist only in relation to others' rights and duties, or to other lands. In some ways, being a member of a kin group or village implies a right to cultivate in the general area where kin or villagemates are cultivating, provided no serious norms are broken.

The translations of "land," landholding, and related terms between Senegalese and Gambian languages and European ones are full of subtle snags and pitfalls.<sup>15</sup> The English concept of a "farm" (or the French *ferme*), as a spatial, residential, and managerial entity all together, is not to be assumed. Houses are generally separated from fields, and Gambian anglophones and Senegalese francophones often use "farm" or "ferme" to mean a plot or garden that is no one's entire cultivated area.

## 2.2. Important Local Distinctions

Everyone distinguishes a village (*saare*, [pl. *chahe*, *cha'e*, *chehe*] or *wuro* [pl. *gure*]) and its surrounding cultivated land from bush land (*ladde*, pl. *laddeji*), but both may be used for grazing in the dry season, and fields cleared in the forest form their own category (*ngesa do*, pl. *gese do*). Like many other herding peoples, Fula distinguish by name several overlapping kinds of permanent settlements and temporary encampments (more important in eastern Senegal and Mali than in the Gambia), and they distinguish many kinds of bush land by vegetation, wetness, and history of burning, among other criteria.<sup>16</sup>

"Upland" cultivated fields (sing. *ngesa*, pl. *ngese*) used for growing a variety of grains and groundnuts (and upland rice) are locally distinguished from "lowland" or swamp fields (*faro*) used for women's wet rice, though there may be less than a few meters of elevation between them.<sup>17</sup> Among the *ngese*, inner, well-manured fields are seen as different from outer, less well-manured ones. Among either of these, among Fula as among Mandinka and other Gambians, individually cultivated plots (*kamanyan* or *kamanang'*) are differentiated from ones cultivated collectively by males of a compound (*maru*). Formerly this distinction corresponded clearly with that between crops for home consumption and crops for the market (Pelissier 1966: 532), but no longer. Indigenous land taxonomies also differentiate stages of soil exhaustion and set crop rotation and fallow cycles accordingly.<sup>18</sup>

The Peul settlement has, in the end, a selective and repetitive topography. There is a functional division of space between humans, animals, fields, and "perivillage"

pastures; between men and women; between the generations; between lineages; between animals (by species, age, sex, and economic function); between masters and slaves; between Peul and other ethnic groups (Cheikh Ba 1986: 83).

On top of these indigenous distinctions the Gambian and Senegalese national authorities have added other administrative zoning classes, such as national forest reserves (*forêts classées*). Many rural people have no way of being sure what these official distinctions are or where they apply, except where some of the forests have been marked or fenced off.

### 2.3. Private and Public Space

Every village and its surroundings divide into public and private spaces, but the distinction and definitions blur. These ideas are gendered and also pegged to ages or stages in the life cycle. They are also temporally conditioned: public spaces may become private ones and vice versa, for instance as cropland opens up for common grazing after harvest.

Public spaces within a village include roads, shops, and major paths and clearings (sing. bambey, pl. bambeyji—the term also means back yard within a compound). Outside a village they include roads and tracks, fallow fields (soinde), and nearly all clearings (sing. kene, pl. keneli) bush (ladde, pl. laddeji), forests (also ladde, pl. laddeji), and streams. Since upper river Gambians usually settle on flat land, hill or mountain land (ferlo, pl. ferle) connotes bush.

Semi-public or conditionally public spaces include the raised platform(s) (Pulaar, banta, pl. banta; Mand., bantaba, pl. bantaba) used for resting, conversing, and light crafts; the village crop store(s); the mosque(s) (Pulaar, misida, pl. misideji. Mand., jameng'o, pl. jameng'olu); and the graveyard(s) (Pulaar: baamule, pl. baamule. Mandinka, baadeedula).<sup>19</sup> They also include other sacred places (Pulaar, jalang', pl. jalang'ji or galanji; Mandinka, jalang'o, pl. jalang'olu) including groves or shrines. While usually open to the public, these last may be considered dangerous places and are usually left unfarmed. Most are quite localized, many taking up less than a hectare or so (though some spirits deemed to dwell there are perceived as mobile).

Strictly private spaces are few. They include house interiors (where sometimes only a locked box or trunk is exclusive individual space), kitchen buildings or rooms, family crop stores, and the enclosed areas behind houses, within compounds. Local understandings of "trespassing" tend to be specific to particular persons and relationships.

### 3. GROUPS

The most striking feature of Gambian (and Senegalese) landholding is the number and complexity of the social principles that undergird it. Landholding in The Gambia depends on belonging to social groups, categories, and networks—and every Gambian belongs to many. We look now at how some of these bear upon land holding and use.

A group is a finite set of persons with a common sense of membership. We start with the small ones.

The first thing to understand about Gambian families is that they do not take the form of simple or readily definable "households" or "farms," and inaccurate translations for terms like these bedevil attempts to quantify landholding and land use by formal questionnaire surveys. Instead, different overlapping groups serve different purposes. Likewise, "village" has often been used in the past for a compound of houses but is now used more conventionally for an entire nucleated community of such compounds surrounded by its fields. The Fula groupings listed here, approximately translated, have counterparts in other ethnicities represented in the upper Gambia River basin.

Cooking group: hatande (pl. kaatane). This may refer to a very small group (as few as a mother and child) sharing three meals and snacks in between, or to an aggregation of more than one of these, sharing three meals daily. The common pot: faiande.

House: sudu (pl. chudi). People who sleep under one roof are frequently not the same as those who eat or work together.

Compound of several houses or rooms: maru (pl. maru or maruji), people of one compound; also galle, (pl. galleji), the compound itself. Compound head: jom galle (pl. jom galleji). Other compound elder: mawdo galle (pl. mawbe galleji).

Work group: dawol (pl. dawi) or dawirdu (pl. dawiri). For the work group of a hatande, name of the hatande head is added. Work group of compound: dawol maru. Occasionally a dawol may include members of more than one compound.

Kin related through maies, and/or through a common male ancestor: dufol (pl. dufol).

Kin related through marriage or matrilineal ties: lenyol (pl. lenyol). Lenyol can also refer to an ethnic group (in this case, pl. is leji).

Ward or neighborhood: lujol (pl. luji). Includes more than one compound but less than a village. Inborn members may or may not trace descent from a common ancestor.

Village: saare (pl. cha'e). "Village" to Gambians is an elastic unit. It can refer to an isolated family compound or it can stretch, in some usages, as large as Serekunda, the country's largest city. Manding-speaking villages tend to be somewhat larger than Wolof-speaking, Fula-speaking, or most other Gambian villages. But many villages, probably most, are mixed in ethnic composition. Village headman: jom saare, jom cha'e, or jarga.

District (Gambia): tundu or lamu (also means domain, kingdom). The district chief is lamdo (pl. lambe)—can also mean king, president, member of parliament, commissioner.

Division (Gambia): This unit is known by its English term, not being an indigenous entity.

Corresponding Mandinka units (only approximate in some cases) are as follow (see Seibert 1992: 28-42):

Cooking group: sinkiro. Head of cooking group: dabada-tiyo. The sinkiro group may also do some kinds of work together, for instance child care or housekeeping. The cooking group may be as small as a mother and child.

Work group: dabada. Head of work group: dabada-tiyo.

Compound of several houses or rooms: (based on smaller extended patrilineal family): kundaa (part of kabiila) or koridaa. Compound head: koridaa-tiyo.

Extended patrilineal family: kaabiila. Family head: kaabila-tiyo.

Patrilineal kinship: faala, faa-la-karoo, faadingo. Kinship with mother's side of the family: baadingyaa.

Village: saateewoo, pl. saateewoolu, shortened to saatee (pl. saateelu). Village headman: alikaalo (pl. alikaalo).

District, kingdom, domain: tundo (pl. tundo). Chief or (formerly) king: seefoo (pl. seefoolu).

Village headmen and district chiefs are elected, and in these elections a mixture of dynastic and democratic principles gives the most senior descendant of the earliest settler the

inside track, but not automatic succession. The offices of headman, chief, and divisional commissioner always carry formal but limited powers and duties of land administration. These include allocation, confiscation and reallocation; dispute settlement; and reversionary rights, among others. The position of the compound head within a village is considered analogous to those of the higher offices in the nature of its rights and duties.

The nature of local male leadership in Gambian (and Senegalese) villages is such that the key man is expected to be at least symbolically involved in every major decision, but holds very little absolute power and relies heavily on consensus building and persuasion.

### **3.1. Kinship and the Principle of Primacy**

Landholding and resource control in rural Gambian and Senegalese settings are part and parcel of kinship, and practically inextricable from it. Boys and men's rights and duties in land depend largely on their real or putative descent; women's depend on both their descent and their marriage. Family size, birth order, marriage order, and age are all important determinants, though exchange and contracts also play a part in family and community land allocation. Sene-Gambian kinship systems differ sharply from North American and European kinship systems, and the differences are reflected in Gambian English usage as it emerges in land disputes (and gets taken down in court records).<sup>20</sup>

As in some other parts of the world where descent is traced mainly through only one sex, and where each individual or group of siblings focusses special attention on a single line of ancestors (unilineality), personalized oral history reaches many generations deep. Among all the major Gambian and southern Senegalese ethnic groups, patrilineal descent (that is, descent through males) from the first person or family to have cleared land in a locality gives a family special privileges over farmland. These privileges can accompany the position of village headman (jom galle, Mandinka alikaalo) and thus tie into many other kinds of rights and duties.<sup>21</sup> They effect both the amount and quality of the land the group may and its members may claim. The seniority and authority attaching to first settlement are among the deepest and firmest assumptions in Gambian landholding, and they are principles that pervade social, political, and economic life.<sup>22</sup> The principles of hierarchy and seniority based on sequence of settlement, as found in the smallest rural villages, also obtain in the large towns and the Gambia's largest city, Serekunda.

While the preponderance of rights—and actual land hectareage—accruing to the descendants of first settlers (as seen on the village map of Sare Samba) may seem unfair to the analyst from outside, there are some kinds of equity in it. Given population growth, the families of the oldest settlers in a village tend to be the largest families; they may have many times more members than newcomer families to feed with those large-looking tracts. They are also likely to be the ones most intermarried with the others, not just because they have been around longest but also because their superior status may give them the widest choice of partners.<sup>23</sup> Oral history is malleable to a degree, and who settled first is often open to debate and reinterpretation. The shifting currents of interpretation may sometimes reflect

contemporary relations of power and wealth (for instance in the procurement of favorable witnesses) as well as recollections of factual sequences.

Hosting as land patronage and clienthood occurs at individual, familial, and village levels. In at least some areas of The Gambia a village can grant land to another for use in perpetuity, subject to the villages' remaining on good terms and to other conditions, which might include tithes. Not all of the granting village's members may agree to grant their own lands.<sup>24</sup> The issue of "prescriptive rights," i.e. rights accruing over time, is discussed later.

### 3.2. Intra-village Age and Gender Associations

Land is useless without labor, and much farm labor, especially at peak periods, is mobilized by intercompound work groups. These groups or assemblies, known to Fula by the term dental or the now more common kompin (from English, "company"), and to Mandinko and others by the term "kafo" or "kafoo" (pl. kafolu or kafoolu), sort into many kinds, which can, however, overlap. They include village-wide groups, and age, gender, special-purpose or interest groups. The seniormost of them serve as unofficial village-level courts and policy advising bodies on land matters.

Most common are these:<sup>25</sup>

Fula:

Elder men's assembly: kompin mawbe  
Elder women's assembly: kompin rewbe  
Junior men's or boys' assembly: kompin sukabe worbe (suka = junior)  
Junior women's or girls' assembly: kompin sukabe rewbe

Mandinka<sup>26</sup>

Assembly or club: kafo or kafoo (pl. kafoolu).  
Assembly of all village adults: saate kafoo.  
Elder men's assembly: kebba kafoo.  
Younger men's assembly: fondinkee kafoo.  
Women's assembly: musu kafoo.  
Boys' assembly: kaambani kafoo.  
Girls' assembly: sunkutu kafoo.  
Age set: kuru (to group, to gather into a circle), a group of co-initiates; can be a stratum of the fondinkee kafoo.

Most kinds of groups listed above are not landholding groups in themselves. Exceptions are married women's groups, which may exert some collective control over rice land or especially market garden land that involves collective effort (for instance in fencing). For the most part, these intravillage associations serve to mobilize labor. Without being on good terms with other villagers, one may not succeed in getting the important benefits of this labor at critical points like planting time, and thus one's land rights may become useless. The associations are thus instruments of social control.

Involving intravillage age and gender associations and their leaders, male and female, is crucial for the success of almost any development, relief, or reconstruction project. A breakdown of larger compounds into autonomous smaller residential and cooking groups in recent decades appear to have been accompanied by a diminished role of collective labor in large kin groups (see Seibert 1991: 47-8). But kompin or kafo labor continues strong and constantly adapts to new tasks.

Muslim mosque worship groups' (uma) collective action as such does not appear on the surface to be of great direct importance in landholding matters in Gambian villages where we have stayed, but Islam is extremely important in family matters such as inheritance and in the religious, political, and economic followings of particular marabouts, as discussed briefly later.

## 4. CATEGORIES

A set of persons with a common characteristic or interest but no necessary sense of common membership in a group constitutes a category. Membership in a category influences rights and duties over land.

### 4.1. Ethnicity (distinctions of language and culture):

The Gambia and most of southern and eastern Senegal have much ethnic diversity intermixture, not only in the borrowings of languages and cultures (Mandinka being widespread as a second language among other groups in The Gambia, and Wolof likewise in Senegal), but also village co-residence and in some intermarriage and cross-fertilization. Ethnicity has corresponded very roughly with modes of livelihood and with landholding, but its implications have changed and continue to do so. Gambian Fula, descendants of pastoralists, are now fully sedentarized and make their livings largely by cultivation, though they still tend to keep larger cattle herds than others of the region (and some hire out as herdsmen for others of their own or other ethnic groups).<sup>27</sup> Ethnic groups may differ in the age and gender division of labor in firewood collection (Freudenberger 1992 draft, p. 45). In the western and central districts, some of the Guinean Fula immigrants have been variously hosted, licensed, and chased away in the recent years as forest woodcutters for fuelwood.

One who looks for interethnic tensions over rural land in The Gambia will find them. But they are not (yet) as sharp as in central Senegal, where disputes between Wolof mourides and Peul herders have become intense and violent, or between (for instance) Kenyan farmers, among whom several very densely settled ethnic groups occupy large blocks of territory fiercely disputed at the boundaries.

### 4.2. Gender and Marital Status

While nearly all formal authority over land allocation is vested in men, in Gambian and Senegalese societies, some women can and do influence it in subtler ways. Men's and women's rights and obligations over land are strongly tied to topography and the crop concerned, and among Fula and probably all upper Gambia River peoples at least, women's rights in swamp or flood-recession rice land are much stronger and more durable than their rights in other land.

Virilocality, the practice of women's moving to their husbands' homes upon marriage, can abruptly change women's land claims, while it helps men keep their family and lineage lands intact. Women who move out of walking distance from their natal villages upon marriage usually, though not always, lose claim to lands, including rice lands, that they held there, while they usually gain new allocations in their conjugal villages. They may not sell

their old land upon marriage (men may not sell land either). Allocations from mothers to unmarried daughters, and from mothers-in-law to daughters-in-law, are an important but little-acknowledged flipside that comes with the patrilineal inheritance pattern.

Men seem often to allocate lands to themselves and their wives in such ways as to keep the more fertile lands to themselves. Discernible too is a pattern where men lend out upland fields to other men, take them back once they are nearing exhaustion, and then allocate them to their wives. In these ways women may end up with poorish soils. Women risk losing land when they become divorced, though if they move back to their natal compounds or villages they are likely to be given some back there. Otherwise, women's land rights do not seem particularly insecure. What rights married women do hold in land may indeed be firmer, *de facto*, than men's, since men may be under more pressure to give or lend away parts of their holdings.<sup>28</sup>

Women usually store their own harvested rice and other grains in their houses, and their groundnuts there or in village seed stores. Men store millet and other grains in compound granaries and groundnuts at home or in village seed stores. How women and men divide control over harvested crops in other Gambian and Senegalese societies is the subject of a quickly growing literature. In general the sources so far available portray women's rights in crops, as in land, as tightly circumscribed, and the discriminations appear quite resistant to change in large-scale irrigation programs and other development initiatives.<sup>29</sup>

### 4.3. Caste

"Castes" in Gambia and Senegal, and in several other West African countries, are a way of thinking that appears to have been gradually adapting for over 500 years in about 14 of the major ethnic groups in the western end of Africa (Tamari 1991).<sup>30</sup> They are ranked and endogamous (in-marrying) categories of persons nominally identified with particular occupations, but their members frequently do not practice the occupations ascribed to themselves and their lineages. Castes figure importantly in all major societies of Gambia and southern Senegal except the Jola societies, and even here, caste plays a role in Mandingized villages. Some castes are divided into subcategories. Some are conceived of locally as quasi-ethnic groups (for instance *lawbe*, woodworkers). Some castes are associated with particular geographic areas where their numbers are strong. Not all castes are found in all villages, nor are the rankings consistent from setting to setting.

The main way caste affects landholding and resource control is by structuring and limiting marriage possibilities. Since the great majority of rural marriages occur within rather than between castes, and since married women derive their rights in farmland from their husbands and in-laws, the restriction of marriage eligibility to members of a woman's own caste conditions her chances to be part of a family rich or poor in land. Increasingly, as firewood becomes much scarcer around some villages than others, caste will similarly affect a married woman's access to this too.

A simplified list of some castes:

### FULA<sup>31</sup>

Freeborn (dimo, pl. rimbe): includes chief, jarga, farmer, merchant, marabout, and imam

Artisan (various caste names identifying particular trades): woodworker, metalworker, leatherworker, weaver, and others

Griot (jaliyo, pl. jalibe): oral historian, praise singer, musician

Messenger (jiado, pl. jiabe) or conciliator; this may be the same as

"Slave" (machudo, pl. machube), dependent, or person attached to another's family

### MANDINKA<sup>32</sup>

Foroo (pl. foroolu) free-born: includes chief, alkalo, farmer, merchant, and marabout or imam

Nyamaloo (pl. nyamaloolu) artisan: includes craftsperson (woodworker, metalworker, leatherworker) and griot (oral historian, praise singer, musician)

Jong'o or njong'o (pl. Jong'olu or njong'olu) (dependent): includes person attached to foroo family; captive; and slave.

The categories can overlap in terminology. Caste in-marriage has become optative in towns, where young people feel less constrained by possible opprobrium; but the rule continues to obtain and to be followed fairly strictly in many rural villages.

Caste influences land rights in other ways than by structuring marriages. Patron-client ties between high and low caste members have commonly involved temporary grants of arable land to the latter in return for labor and loyalty. Slavery, for centuries practiced among and between many African groups of the region as well as contributing to the transatlantic trade, obtains only in the vestigial form of known caste origins, with the limitations on marriage possibilities and the general stigmas these carry. The term "slave" is often recorded (as strong language) in court records of Gambian land disputes, in reference to past or present patron-client ties, but its applicability in recent decades has been debatable. The correspondence between woodworking caste and the actual woodworking occupation is imperfect.

At present there seems to be little that foreign intervention or government policy can do to influence the role of caste in natural resource management, except perhaps through forest management programs that affect woodcutting. Whether policymakers like it or not, caste is a permanent and deeply embedded feature of Gambian and Senegalese society.

#### **4.4. Class**

Rural landholding does not necessarily correspond closely with individual or family wealth, though it tends to do so. Smuggling, other trade, urban wage work, and remittances from overseas are major sources of cash income independent of landholding.

## 5. NETWORKS

A network is a series of linkages between persons who may not all be aware of their mutual involvement in it. A network may, for instance, include friends of friends who are not mutually acquainted, or a series of patron-client relations where no common group membership is involved.

### 5.1. Marabouts, Taalibes, and other Patrons and Clients

Economic patronage and clienthood (asymmetrical partnership or friendships) affecting landholding and land use sometimes characterize the relations between marabouts (Muslim or indigenous holy men) and their disciples. Notable are local Qur'anic teachers (referred to by other terms including marabouts, (Pulaar) *chern* [pl. *chernabe*] or serignes, among others) whose pupils may come from other villages (more common for boys) or their own (more common for girls) to attend their schools (*daara* in several Sene-Gambian languages). These schools, an ancient and widespread custom in the Muslim world, can range in size from one to over fifty members. Common is the practice where the pupils of an "informal" local school (*daara* in several Sene-Gambian languages) spend part of each day working on the teacher's fields or animals, partly to repay his tutelage and the part of their room and board his family may provide (they sometimes beg the rest from other villagers), and partly to learn how to farm, herd, and perform domestic work. Having a ready labor force of *taalibe*, Qur'anic students, helps a learned man and his family to clear or cultivate a larger holding than he would otherwise be able to hold down. The students may be of all ages from about six to adult, and they may come and go seasonally as their labor is needed at home at times of peak demand.

Marabout-taalibe bonds frequently endure lifelong, as do the "old boy" (or girl) networks created by past study together. These ties can have great importance in landholding—since these religious educational ties are also political and economic—or none at all. But they tend to be more important in this respect in central Senegal, where the Murid (Mouride) brotherhood continues to advance over new lands for groundnut farming, frequently at Peul agropastoralists' expense. The Mouride brotherhood is also extremely powerful in Senegalese national politics and can affect land policy in more ways than can be mentioned here.<sup>33</sup>

Trading diasporas of minority middlemen from other continents do not play as big a part in upper-river landholding matters as they have played, for instance, down-river in fruit plantations in the Gambian Kombos. The land has not caught their commercial interest. An increasingly important kind of group or network for land control is the kind created by development projects themselves. Women's associations control specially designated land for market gardens, usually with wells. These are often located near the river.

Having outlined the main kinds of land locally distinguished in the region, and the main kinds of persons and associations that hold rights in it, we now look at the rights and obligations by which landholding and land use are governed.

## 6. RIGHTS AND DUTIES

### 6.1. Premises Underlying Rights and Duties

What attaches people to land in the first place, and what thus determines a right or duty over it? Until now, two main things. The first is membership in a social group, network, or category, as discussed above. This may entail residence, gifts or other transfers (e.g. "kola money"), and generally good behavior. Ostracism from a village, and loss of land rights there, remains an extreme sanction for a wide variety of serious misdeeds. It seems to happen only rarely. The second basis of rights and duties is labor. The kinds of work that confer rights can include not just clearing and cultivation but activities as diverse as tree planting, well-digging, or bee management. Capital investment is a third major way of acquiring or maintaining a right, but this principle is not as well established as the other two. Putting in seeds, manure, fertilizer, or building materials gives a fairly clear right, but putting in money may not.<sup>34</sup> This is one of the several reasons why a mortgage system based on land as collateral for loans is unlikely to work in rural Gambia and Senegal. We shall see others.

In Annex 1 appear the most important rights and duties as noted by villagers in Sare Samba. Note that these can be prescriptive or proscriptive. In Gambian and Senegalese landholding, rights outnumber duties, though the two are often linked. Land rights and duties divide broadly into three further types: use, transfer, and administration. As noted earlier, many of these rights and duties are not exclusive to individuals, but individuals hold them or are bound by them by virtue of membership in groups, networks, or categories; or they hold them as individuals only conditionally. The list was compiled among Fula- and Serahuli-speakers in Sare Samba, with other input from knowledgeable Gambians from elsewhere in the Upper River Division, and much of it applies to other ethnic groups of the upper Gambia River basin on both sides of the Gambia-Senegal border. The privileges and responsibilities among these that are sometimes called "customary" or "traditional" are none the less current and not necessarily timeless or uncontested.

Just about all rights and duties concerning land seem, at least in theory, to involve at some level the formal hierarchy of compound head, village head, and district chief. In this sense Gambian and Senegalese landholding and resource management seem very centralized (and also very male-dominated).

But in another sense they are not. These authorities have very little coercive power and are better understood as primi inter pares or as coordinators of public opinion and action. These men are always involved but never fully in control. They depend not only on the advice of (other) elders, but also on the labor of intravillage male and female voluntary associations, the cooperation of messengers, and not least, on the religious and mystical sanction and guidance of men and women marabouts whose reputations and opinions

themselves are conditioned by wider public sentiment. Real control in the landholding system, then, is both centralized and decentralized; both top-down and grass-rooted. It is simple on the surface but more complex, sensitive, and interactive underneath.

## 7. ANIMALS, GRAZING, AND FARMLAND

As a way of sustaining human populations, cattle, sheep, and especially goats gain advantages over most cultivated plants as land becomes drier or rainfall more erratic. What makes the drier upper river basin different from the wetter lower basin, and the rural Fula who predominate there somewhat unlike the other ethnic groups in The Gambia and adjacent parts of Senegal, is their larger and more numerous herds of animals, particularly cattle. This is no hard and fast rule (there are Fula-speaking villages with few head of cattle, and many Fula in towns with none) but a general drift.

One who sought excitement in the unlikely-seeming topic of land tenure would most likely find it in relations between farmers and herders, as in the classic Westerns. The difference is that on the Gambia River the same people tend to be something of both. (Nor are the good guys and bad guys so clear.)

Both farming and herding in the upper Gambia River basin depend to some degree on exploiting lands in rotation. Herding, in particular, relies on shifting movements, both between grazing lands and between routes of access (sing. *eggilgol*) to them. What safeguards the rights of animal keepers to move their herds through and onto lands long left unused is a matter of crucial importance to their livelihoods. As in most West African countries, including Senegal, the Government of The Gambia is staffed mainly by people from long-sedentary farming societies. The tendency of a number of West African governments since independence to legislate themselves greater powers of appropriating lands that appear "vacant" or "unused" poses a direct threat not only to farmers in long-term rotation systems, but also, and especially, to agropastoralists and transhumant or nomadic pastoralists. Rural Gambians and Senegalese of the upper Gambia River are now almost entirely settled farmers, but they must still move their herds around, both to find the best pasture at any time and to minimize overgrazing.

Phrases like "*mise en valeur*" (implying that lands not "developed" are somehow valueless), and "*terres vacantes et sans maitre*" (implying a timeless idleness or uselessness), are the devices by which the francophone Senegalese Government has legitimized land appropriations, and by which powerful individuals are able to justify land grabs at the expense of some disenfranchised section of the public. Although these legal and semantic devices have been more characteristic of francophone than anglophone countries in sub-Saharan Africa, a similar trend is visible in Gambian land matters. Long-term fallow rotations, seasonal or occasional grazing, and passage routes are paid scant attention in new land laws.

The grazing pattern of Sare Samba illustrates the importance of recognizing multiple layers of access to land and shared control over it. Grazing appears far from being a free-for-all scramble for access to diminishing resources, but instead it is governed by a patterned

system of management whose rules may not always be evident to the casual observer. It also demonstrates the need to take seasonality and longer-term cycles into account in any future land policies.

### **7.1. Animal Ownership and Control**

First, to whom do animals belong, and how are they controlled? The most important livestock of Sare Samba, as of most Fula-speaking villages in the region, are its cattle. Of the roughly 288 cattle grouped into five herds at Sare Samba in mid-1992, one herd of 61 cattle was being kept in trust for an owner from a larger village nearby, leaving 219 animals that the village could call its own in one way or another. As throughout the region, the herds were structured (partly by selection in ceremonial slaughtering) such that females outnumbered males, and old and unproductive animals tended to be removed: seen one way, an adapting form of grazing conservation. Each herd was identified with compound (galle) and compound head (jom galle) responsible for its care and management, but a herd usually contained animals belonging to members of other compounds too, hence the smaller number of herds than compounds—again the usual pattern in the region. Aggregating the herds this way saves work, not only in the daytime herding but also in the nocturnal herd checking.

Rights and responsibilities in animals are more highly individuated than those in land—one could more aptly call them individual ownership—but they are still by no means absolute. Families and lineages maintain strong interests in herd management and maintenance, and one member may be responsible for another's misdeeds.

### **7.2. Gender, Age, and Herd Management**

Men and boys do most herding work and know most about it, though women and girls can and do own cows and may collect milk from the boys at the herd. Males own more cows than females. This happens largely through inheritance. By a system of "pre-inheritance" or devolution inter vivos, boys may gradually gain rights in the animals they've herded.<sup>35</sup> But the Fula ideal is that a herd will remain undivided. Upon a man's death, his eldest brother is expected to inherit his herd and other wealth before the dead man's sons. If the herd passes to the next generation, the eldest son is expected to take nominal control over the entire herd, provided he and his brothers and unmarried sisters get along. If they do not, the herd may be divided. Each should get something, according to the local ideal: at the outset, each child may receive one animal, and it is the rest that would be divided.

By Islamic inheritance law now commonly followed, sons receive larger fractions of inherited wealth, including animal wealth, than daughters. And elder offspring receive larger shares than junior ones, in descending order. The Imam of Sare Samba noted that the dead man's wife might receive some of his wealth, but as a privilege, not a right. By contrast, when a woman dies, he said, her husband is entitled to two thirds of her property; her natal kin receive the remaining third.<sup>36</sup> Gifts of animals to women on marriage (usually just one each) only partially offset the systematic inheritance funnel toward males.

Two kinds of justifications may help explain the male bias in cattle inheritance and ownership, though outside observers are likely to challenge them. One is that they help keep herds intact as women move residence to their husbands' homes upon marrying (the usual Fula pattern of virilocality). Another is that the gradual accretion of rights in animals by the boys who herd them day to day gives them extra incentives to work. (Toure and Arpaillage 1986: 34-5.)

The male compound head (jom galle) enjoys singular rights but carries heavy responsibilities in the cattle herd. He is the only member who may sell an animal without anyone else's permission. During my stay in Sare Samba, the village headman (jarga) sold a bull belonging to his nephew, who was away in Nigeria. He made 2,000 dalasis by the sale, and with 1,700 of this he bought a horse. Villagers then considered the horse to belong to the absent nephew, but the headman was free to do what he wished with the remaining 300 dalasis.

By contrast, anyone other than the jom galle who wishes to sell his or her animal from within the herd must obtain his consent. (The same applies with sheep and goats.) Even a woman who buys an animal with her own money and seeks to resell it must inform him. Moreover, women who buy and sell animals usually let their husbands or fathers conduct the actual transactions on their behalf.

Senior men's control over cattle herds relates directly to the animals' function in savings. Large animals are indivisible without slaughtering them. As decisions are made about how to keep family and individual wealth, men prefer to keep it in a form that women can't easily demand away and dispose of; and elders press to keep it in a form that juniors likewise cannot claim. Thus elder men have a strong interest in keeping wealth in cattle, while junior women may have an interest in seeing it converted to other, more liquid forms. (A woman sage whom I questioned on the subject in Sare Samba commented that while women may feel this way they would never dare to say so.)

While the jom galle and other men of the compound claim the right to make the big decisions about herd management and disposition, and keep tabs on their herds daily, it is young boys who do most of the actual work of tending the animals all day long during the wet season when these are not left to roam free. It is they who make the "micro-management" decisions about where to graze, and who are expected to keep the cattle away from growing crops and young planted trees, though the compound head may have to pay compensation if these stray.

Sheep and goats seem more likely than cattle to be owned by women or girls, and these actively participate in their herding and care. Again, however, a compound head bears responsibility when animals stray and cause crop damage. This and other kinds of conflicts are discussed in the section on disputes and their settlement.

### 7.3. Local Perspectives on the "Overgrazing" Issue

While foreigners often accuse the Fula and other herding Sahelian peoples of keeping excessively large herds and of overgrazing, and while herd numbers may indeed be growing secularly, it is worth remembering that herds do not grow steadily, and that the minimum numbers mean more to the herders than the maximum numbers. Across the Sahel and the Sudanic region of Africa, the history of herd sizes tends to have followed a slanted sawtooth pattern: herds grow gradually over a number of years, then suffer sudden and catastrophic losses in droughts or epizootics, after which they begin regrowing gradually again. A principle concern of herding peoples is to keep large enough herds that when one of the calamities hits, herders will still be left with enough animals to reproduce the herds successfully, and to exchange for grain if needed, and if possible not to lose all milk, manure, or draught power at any time.<sup>37</sup> Average herd sizes and densities matter little in local eyes, just as average rainfall does not mean much there where most seasons seem to be deviations. It is unrealistic to pass judgment on herd sizes at a given moment without taking time and contingency into account.

More basically, as anyone who has lived among Fula can testify, these people do not think of their animals simply in economic or ecological terms. Their importance in child upbringing and marriage, in ceremonies like the periodic monde cattle fertility ritual, in prayer and sacrifice, and in a rich local mythology all testify that calculations of costs and benefits, or of carrying capacities and surpluses, will never really capture more than a small slice of their essence in Fula eyes.

But that case too could be overstated. While some observers have commented that the cattle are all Fula ever dream of, or claimed that the people and their animals are inextricable, this too is patently false now. Fula compound heads in Sare Samba and surrounding villages have sold substantial parts of their family herds to gain money to send one of their promising young men abroad to find work; and a few young men have been known to steal cattle from their fathers' herds to go by themselves. Labor migration has challenged or even supplanted cattle as a main dream of the younger men and even many of their elders. To men of the region now, the only thing better than having herds is finding a way to spend time far away from them.

All of this has a direct but complex bearing on land use. As labor migration increases, it both draws animals into the market to fund the travels, and conversely provides the means, through remittances and money brought home, for particular people back home to buy animals back, sometimes from their neighbors. But cash wages and remittances diminish reliance on animals for a living. If more opportunities open up for travel, trade, and wage and salary work for Gambians abroad, the pressure of humans on animals, and of animals on land, is likely to ease up.

#### 7.4. Animals, Land, and the Seasons

Livestock movements vary by season. Herding on the upper Gambia River, as elsewhere, involves three simultaneous balancing acts. One is to find the animals water and watered pasture, but not to overexploit it or to let them stand for long in open water (which exposes them to disease). The second is to keep them out of the crops, but close enough to a village's farmed area to manure the fallow fields (and in the case of cattle, to be milked in the morning and evening when lactating). The third is to defend them from stock theft, but without devoting constant adult attention to them when labor is needed elsewhere. To these one might add the trick of accumulating a substantial herd without seeming selfish to relatives and neighbors: contributing enough to ceremonies and marriage payments to keep one's social networks and reciprocities alive. Fula (Peul) recognize five named seasons; foreigners perceive these as a single wet season, from about June to October, and a single long dry season.<sup>38</sup>

The seasonal changes in cattle herd movements are most simply understood by picturing concentric rings around a village: its inner fields, outer fields, and the bush, forest, or settlements of other villages beyond. In the wet season, the animals are kept away from a village but never very far away either. In the dry season, they are allowed closer in to the village but also allowed to roam farther away into the bush or the fields at other villages.

Here are the reasons why. In the wet season, when crops are grown in the inner and outer fields, the cattle must be kept out of the inner fields at all times; these are where the staple coarse grains (millet, sorghum, maize) are mainly grown. They must also be kept out of upland and lowland rice fields at all times. Less important, in local eyes, are the groundnut crops that predominate in the outer fields. But cattle (and sheep and goats) do threaten to eat and trample all these crops. They cannot be allowed to roam unguarded, because they might stray into their own or other villages' crops. So young and adolescent boys, or hired adult herders, watch and move with the cattle all day long.

The wet season is when cows produce most milk, which is fortunate, since this is when grain supplies run low, farm labor demands are heaviest, and malaria most prevalent. So the animals are kept within a few miles' walking distance of the village to allow milking at daybreak and nightfall. The wet season is also the time when stock theft is easiest and most tempting, since it is when the bush is thickest and best for hiding: another reason for keeping the cows fairly close to home.

Herdsmen, herdboys, and compound heads monitor their animals' consumption by the milk output, and by the look of the animals' stomachs. As among herding peoples most anywhere, many informal understandings within and between communities govern the coordination of herd movements to limit competition and overgrazing. In Sare Saraba in the 1992 wet season, for instance, the village headman's sons took his herds to the riparian swamps and upland bush on alternate days, interdigitating the schedule with other herds.

At nightfall, in the wet season, the herdboys or herdsman tether the cattle to stakes grouped in clusters on fallowing outer fields near the edge of the bush—one post per head, and one cluster per herd. The manure is the main concern in their placement. Now and then, perhaps every few weeks, the compound head may instruct the herdboys to shift the posts to a different fallow field. It may be one of the compound's own, or the field of an outsider to whom he wishes to do a favor or who buys the privilege. Each animal is tied to the same stake night after night (and even in large herds, animals often find their individual places unaided at tethering time).

Since night surveillance is important in the wet season, either the young men and boys of a compound may sleep out on platforms by the cows, or an outsider hired for the job. Alternatively, a compound head may walk out at intervals during the night. The spread of formal schooling in recent years has made the last two practices more common, boys and men of a compound being less often available.

In the dry season, once crops are harvested, the cattle have more space and more freedom. Once individual farmers have given their own animals first crack at their own crop stubble after harvest—a stage of semi-territoriality governed by etiquette more than rule—they let them roam into the inner fields, into the deep bush, and even onto the harvested fields of other villages, usually though not always with a herdsman or boys looking after them. Cattle firebranding and distinctive ear-clipping help the owners keep tabs and sort out their herds seasonally. Very young and very old cattle, kept closer by than others, may be brought hay.

Bringing the cattle onto the inner fields in the dry season, and tethering them there at night, is largely what makes these fields special in the growing season. The heavy manuring makes the soil there visibly, palpably different when tilled. It makes the inner fields the place for the more privileged people as well as the more indispensable crops. As shown on the village landholding map, new immigrants and land borrowers from outside are relegated to the outer, less fertile fields (where, as it happens, wild animals from the forest are also more likely to cause trouble).

Cattle help humans adapt to the poor soils of the upper Gambia River Basin. By eating away from a village and dropping manure close by at night, they concentrate organic matter centripetally as fertilizer in an accessible place. They make it less necessary to clear or burn new land, or possible to do so less often. Perhaps they thus allow a higher population to sustain itself by farming on a given area. Their potential damage to soil structure in ploughing, and to forest regrowth in their consumption of young plants in the uncultivated areas, should be carefully weighed against this benefit.

The village headman (jarga in Fulakunda Pulaar; alkalo in Mandinka) synchronizes the tethering season, announcing its start (around mid-May) and its end (as late as November or December) to all his village's compound heads, perhaps by messenger.

Where cattle are driven on long journeys for water and grazing, as the larger herds of the Gambia Upper River Division sometimes are to adjacent areas of Senegal, a compound head commonly hires a herder for the job. A few cows may be left home for daily milk, or a rider dispatched by bicycle or motor transport to bring back milk daily when in reach. The compound head commonly travels to the herd every fortnight or more often to check on it. Sare Samba had no long-distance cattle trekkers in 1992; the farthest the village's herds roamed was about six to ten miles. None crossed the border into Senegal, though others from the Fulladu East district and other districts nearby did.

Up to now, the customs governing cattle tracks have been such that no one may prevent a stranger's herd's passage through a village's surroundings, provided that the cattle do not stray onto crops or damage planted trees. Gambians in the Upper River Division can be heard proclaiming that they could drive their cows all the way to Banjul unstopped. More to the point, given the ease of road and water transport up and down river, is whether they can reach the river. As a lowering water table dries up waterholes, river access matters more and more. In the upper Gambia River population does not depend on long-distance transhumance to and away from the river as some Peul and Toucouleur groups do in the Senegal River Valley, but similar issues can and do arise on a smaller scale. Also quite important is the ease with which herders can cross the national border without fearing confiscations, raids, or unusual taxes.

### 7.5. Longer-term Cycles

When seasonal herd movements become regular year after year, they sometimes lead to temporary settlement and then permanent migration to the greener or more open area. Cattle treks, like seasonal "strange farmer" journeys, seem thus to play a part in the long term development cycle of villages, and in the redistribution of human as well as animal populations.

Foreigners' oft-heard accusations that rural Sahelians do not plan ahead, save, or conserve are usually based on ignorance or one-sided thinking. To understand Fula and Gambian thought about time and rural economy—and to understand how these people do plan ahead, it is useful to think of time as cyclical rather than (or as well as) linear. Agropastoralists making decisions about production strategies bear several kinds of cycles in mind. From short to long, they include these: the annual seasonal cycle and the migration and taxation cycles that come with it, the crop rotation and fallow cycles, the reproduction cycle of the herd, the apparent cycles of epizootic disease and drought, and the developmental cycles of the human individual, compound and village.

Unfortunately, planning that makes sense for an individual, compound, or village does not always make sense for a larger aggregation. So in debates about whether Fula (or other Gambians) overstock their herds, both sides may be right.

The best ways for governmental and foreign agencies to help alleviate "overstocking" at the aggregate level—to the extent this is a problem—are likely to be indirect. They are many. In addition to possibilities of human family planning services where locally desired, they include assisting people to conserve their wealth in other ways: further improving tree health, augmenting intravillage crop storage for crops including women's, and making cash saving more attractive by higher-interest savings banking. And again, helping to open up foreign labor markets is what Gambians feel expatriates could do best to ease the pressure on animals and land.

## 8. LAND TRANSACTIONS

Of all the kinds of land dealing that eastern Gambians engage in—a fuller list appears in Annex I—one kind sticks out as especially characteristic of the western end of Africa.

### 8.1. "Strange Farming" (Migrant Share Contracting)

Seasonal migrations of farm laborers seeking temporary land rights are an extremely important part of livelihoods throughout the Sene-Gambian region and beyond, and the freedom to move is critical. The literature on "strange farmers" (Pulaar, ndumowo, pi. rumomeh; Wolof and now Fr., navetanes) noted earlier, is rich enough to obviate extended description of the phenomenon here, but a few points are worth indicating.

The seasonal international migrations of "stranger farmers" or share contractors (Fr., navetanes) play an important part in connecting supplies and demands of land, labor, capital, and even livestock throughout the region. "Strange farming" can indicate a relative land shortage in the migrant's home community, a relative labor shortage in the host community, or both. Some communities that issue "strange farmers" to other communities take on their own simultaneously from elsewhere. Seasonal agreements between hosts and migrants are individually negotiated, and where migrants return to the same host (as they frequently do), the terms can change from one season to the next. Most migrant share contractors grow mainly groundnuts, for cash. Conventionally a host offers the visitor land, seeds, food, housing, and the use of tools in return for a certain number of days' labor each week on his or her own fields and perhaps a share of his eventual groundnut harvest.

Share contracting agreements, including sharecropping, are not necessarily exploitative in a one-sided way, though they can be. Nor is it uncommon, in The Gambia, for "strange farmers," having returning year after year to the same village for the groundnut season, to be allowed to stay permanently. Many of Sare Samò'a's first settlers, for instance, had arrived this way in the late 19th and early 20th centuries; and in 1992, at least one Guinean-born farmer was in the process of "naturalizing" partly by clearing new land in the village. But land scarcity may make it harder to obtain the host compounds' and village heads' permission to stay on. The nature of rights that share contractors enjoy depends partly on kinship identities; being related to one's host helps a lot.<sup>39</sup> They also depend, importantly, on what other land a borrower has access to (see Annex 1): some concern for fairness is implicit in this way in the structure of local property relations.

The Gambian Government has a record of acquiescence toward immigrant "strange farmers." Instead of prohibiting them, it taxes farmers (lately 25 dalasis per head) for having them using their fields; but some farmers may pass this tax along to the "strange farmers" themselves. The Senegalese Government, by contrast, has sometimes tried ineffectually to restrict or stop the seasonal inflow of share contractors.<sup>40</sup> The region's

borders are too porous and official transport too expensive for such control. More controls on farm labor migration seem unwarranted at present, and hard to justify at any time. As a policy matter, agencies and governments telling Gambians and Senegalese that free markets are good things should be willing to countenance free labor migrations—between these countries and elsewhere—as part of those markets.

## 8.2. A Market in Rural Land?

The European or American economist's concept of a land market does not accurately fit current practice in most of the rural villages of the Upper River, since most transfers are not made, nor will they likely ever be made, on the basis of price and of supply and demand by buyers and sellers. Certainly there are gifts, counter-gifts, and share contracts that merge into covert rentals; and in still uncommon rural instances, outright rentals occur. But pledging and mortgaging of land are not countenanced outside the cities—the ideas are deemed unethical and dangerous to society, and outright sale is likewise strongly disapproved and remains very rare.

Gambians have, as seen already, many other ways of allocating and reallocating land. Together these serve many of the same positive functions that a land market would serve, and probably with less risk. Inheritance inter vivos and post mortem, marriage, familial redistributions, neighborly swaps, tacitly approved territory shifts, "strange farming" migrations, and other share contracts are only a few of the conventional methods of transfer. Land rights are variously ascribed and achieved; allocation occurs by both "status" (i.e. birthright) and "contract" (i.e. unwritten or, more rarely here, written agreement).

Whether the landholding system is heading gradually toward an individualist or market system, and whether it should, are two questions that cannot be fully answered here. (They are, in any case, the two great and eternally debated issues in the political economy and philosophy of property.) Population growth, land scarcity, migration, among other possible causes, appear to have contributed to changes in allocation methods, diversifying somewhat the types of transfer and exchange that involve land. The entry of money and unrestricted exchange between individuals are associated elsewhere with an increasing concentration of holdings into fewer hands, and not necessarily rising with efficiency of production (and arguably with a fall). No one has accurately measured such processes in the Gambia River Basin.

The yearly boom-and-bust cycle of the region's rainfed agricultural economy, and the likelihood that droughts will continue to come sometimes several years in a row, make it probable that an "individualization" of tenure, whether by gradual adaptations or an artificially imposed tenure reform, would quicken land concentration into fewer hands. In such a setting it could hardly happen otherwise.

In any case, attempts to force or quicken change by registering individual land titles as alienable private property have consistently failed in many countries south of the Sahara

over nearly a century. Among many reasons, overlapping claims have proved hard and time consuming to segregate even where titling has been popularly supported (which more often it has not). Titling has a way of opening old wounds and raising tensions between land lenders and borrowers. For another reason, land registers have quickly obsolesced and become fictitious as farmers and herders (often quite sensibly) refused or neglected to keep the governments informed of their land transfers and subdivisions after titling.<sup>41</sup>

## 9. DISPUTES AND THEIR SETTLEMENT

### 9.1. Main Actors in Dispute Settlement

The Gambian formal legal system constitutes a ladder for appeals. Beginning in the village with the headman and his elders; disputes progress to the district chief's tribunals; also called the native tribunal; the group (i.e. multi-chief, multi-district) tribunals; the (travelling) magistrate's tribunals (for criminal cases); and the Supreme Court, housed in Banjul. These are not, however, the only ways of getting a dispute settled. The heads of kompin (or dental; Mand. kaɔo) groups are frequently referred to as mediators in disputes within villages, particularly the heads of women's groups for women's rice land disputes. Imams and various kinds of marabouts (including Qur'anic teacher-sages and diviners) and sometimes persons perceived to be witches may also be called in.<sup>42</sup>

### 9.2. The Incidence of Disputes

While the incidence of disputes is hard to measure, since many never get taken to court and some that do go unrecorded, available evidence suggests that land disputes have become increasingly common in the courts, in Fulladu East District and probably nationwide, over the past decade. Land disputes recorded in the logbooks of the Fulladu East Native Tribunal (excluding forest offenses), numbering only three in the five-year period from 1978 to 1982, rose to thirty-three in the five years from 1987 to 1991.

Forest offence cases recorded have also increased in frequency. Numbering fifteen over the five years from 1978 to 1982, they doubled to thirty for the five years from 1987-91. While the rate of increase has been noteworthy, however, the absolute numbers of land cases recorded still seem relatively small, given that Fulladu East is the largest and most populous rural district in the country (59,475 in the 1983 population census), and that its population has almost certainly grown over the period in question.

There are several possible ways to explain the apparent rises. Real rises could be due to denser human and/or animal populations, increasing litigiousness (perhaps because of falling incomes, or locally more extensive cultivation due in turn to more animal traction), or closer involvement of government in rural affairs (perhaps due to new bus transport), or other factors. Illusory rises could be attributed to closer court recording (maybe due in turn to better transport again, or higher literacy). The rises may have been partly real and partly just apparent.<sup>43</sup>

In any event, in Sare Samba and environs, farmers interviewed in depth did not generally seem to consider land disputing to be one of their bigger social problems or to be getting out of hand. Nor did they consider their available channels of dispute resolution inadequate. (Sare Samba itself was calm when studied, the last serious land dispute having

ended several years earlier.) From Fulladu East and other Upper River Division court records, one could detect some variation between villages, and (perhaps not coincidentally) between ethnic groups, in the incidence of land disputes.<sup>44</sup>

### 9.3. Farmers versus Herders

What Cheikh Ba has written of the Peul in Senegal could be said as well of the closely related Fula and their neighbors in eastern Gambia:

"Land conflicts are generally due either to the occupation of traditional passage routes by peasants, or to the infringement of cultivated ground by herders. Whatever the case, the conflicts are repeated in all regions of Senegal and worsen during the rainy season (Ba 1986: 162).

In Senegal's groundnut basin, conflicts between Murids (Mourides) and pastoral Peul intensified during colonial times as the French aided the Wolof Murids to expand into "new" lands to boost crop exports. Argues Ba,

Nothing was neglected: calculated administrative lapses, concessions of tracts of hundreds of hectares, "subsidies," "aid," extensive propaganda, grants of machinery to religious cadres, funds... for setting up infrastructure, declassification of forest zones, massive seed distributions by Provident Societies... (Ba 1986: 163).

Pastoral or semipastoral Peul have been progressively edged out of the groundnut basin, and there and beyond they have generally been the losers in the advance of cash cropping (K. Schoonmaker Freudenberg 1991).

In The Gambia, the disputes between farmers and herders have not become quite as bitter or violent as in parts of Senegal where Wolof-speaking Mouride cultivators and Peul agropastoralists have clashed, but farmers and herders do compete for land, and here too the pressure on the herders is increasing. Most of the herders who clash with farmers over land are also farmers themselves; and vice versa; but often they fall on different points of the spectrum. Hence Peul/Fula-speakers with relatively large herds have frequently found themselves at loggerheads with Wolof- or Mandinka-speakers who also keep some herds but rely more heavily on farming.

Some of these controversies hinge on two different understandings of land rights, one emphasizing locations and the other emphasizing access routes. The essence of Sahelian herding is movement, whether it be daily movement from a village to grazing lands and back, or seasonal movement over longer distances between dry-season and wet-season pastures. Seasonal herd movements in eastern Gambia are generally shorter than in the Senegal River basin, where some Peul and Toucouleur speakers have evolved a pattern of seasonal transhumance toward and away from the river.<sup>45</sup>

District chiefs and elders have sometimes resolved intervillage disputes by ordering that a strip of no-man's-land be left between the cultivated areas between them, and that this be open for free grazing by herds of both villages. Sare Samba, for instance, had its two biggest disputes with its neighboring villages in the past two decades settled this way by the district chief.

#### **9.4. Farmers versus Farmers: Disputes over Land Loans**

Whether a land borrower gradually gains stronger claims to the land is a matter of frequent debate, within villages and in chiefs' tribunals. Lenders say no, unsurprisingly, and borrowers yes. Disinterested elders like to say that a loan is a loan forever, but in reality it is perfectly clear that something like "prescriptive rights" (in the legal sense) do accrue to a borrower over time. Lenders' claims weaken in the courts as a generation or two pass. A case of a land dispute arising from a loan appears in Annex 2.

Some borrowers in recent years have tried to solidify their claims by planting trees, digging wells, or relending their borrowed land to gain supporters. On the other hand, as good land in The Gambia becomes scarcer, lenders appear by some reports to be getting tighter and insisting on only seasonal rather than longer-term lending—and perhaps borrowers are also getting quicker to call borrowed land their own.<sup>46</sup> A few lenders deliberately turn borrowers off their land after a year and relend it rather than giving the first borrowers the chance to wedge their way into permanency.

#### **9.5. Inheritance Disputes**

Disputes frequently have inheritance at their core. The old ideal of impartible inheritance and male primogeniture (inheritance by the firstborn) is challenged not only by what Fula perceive as modern individualism, but also by the Islamic Shar'ia law, which prescribes precise formulas for dividing up property among heirs. Marabouts, imams, and village elders become involved. Some cultural conservatives speak nostalgically about past times when more lands and herds were kept together; but some, at least among the men, welcome the Islamic formula for helping make division more predictable and systematic in view of the disjunctions between older and newer ways.

Women and girls get smaller shares than men and boys in any case; Islamic law systematically gives them only half the shares their brothers receive in most kinds of wealth. In land their chances are limited, since men like to insist that women not normally inherit land unless a man has only daughters. Transmission of rice fields from mothers to daughters and daughters-in-law can proceed fully and directly, provided the explicit or tacit approval of a compound head. Rice land has, however, been drying up into disuse in the past two decades in the upper river basin.

Among the most common disputes arising from inheritance that appear in the court records are those where a collateral relative of the deceased has taken over property as

custodian for an underaged heir but then keeps it or tries to pass it to his own lineal heirs, and the original intended heir grows up and sues.

Inheritance practices would be practically impossible for the state or its foreign sponsors to alter by legal or administrative intervention—or at least with controlled consequences. In Gambian as in other West African cultures, it is too deeply rooted to respond to legal or administrative action.

#### **9.6. Other Cultural Considerations in Land Disputes and Settlements**

Gambians generally value structural position (in kinship or office) and seniority in choosing who should settle disputes, but they also value consensus highly in this and other familial and public decision making. The hierarchies of gender, age, and precedence of settlement are ever pronounced, at least on the surface, but the most respected leaders and arbitrators are those who achieve general agreement or compromise. The process can take time, of course; and as in some other parts of Africa south of the Sahara, this dimension can be a source of cross-cultural misunderstanding where Europeans or North Americans are involved.

Mandinko sometimes forge a special alliance or treaty (Mandinka, dankutoo, also a curse) for mutual support between two villages or larger territorial political entities. They seal them with oaths or curses against others who may try to break them (Seibert 1991: 50). The treaties or alliances are expected to hold for generations. I know of no close Fula equivalent, although there is a Fula tradition of livestock-lending partnerships that binds villages together, and a concept of a curse or oath (kutgol or kuddi).

## 10. INCENTIVES AND SANCTIONS, LEGAL AND ADMINISTRATIVE

### 10.1. National Land Laws and their Local Reception

The relatively small number of land ordinances in The Gambia in colonial times reflects rural land's relative abundance throughout that period, and the uncommonness of disputes over it. The "Crown Law" applied to the colony of Bathurst (now Banjul) and Kombo St. Mary; the "Protectorate Public Lands Ordinance" covered the rest of The Gambia. The Governor's power of districting the Protectorate included the power to install or remove a district chief for each. Colonial land ordinances and zonings included these:<sup>47</sup>

Protectorate Ordinance of 1933: Empowered district chiefs to regulate pollution, deforestation, and migration, and to coerce some kinds of agriculture deemed necessary for subsistence.

Protectorate Lands Ordinance of 1948: Placed all lands under the "Native Authorities," and it put the rights to allocate land to visitors under them and the Divisional Commissioners.

Land ordinances and zonings since Independence have been these:

Local Government Act, 1966

Lands (Provinces) Act, 1966

Banjul Declaration of February 18, 1977. This committed the Government to conserving the most diverse possible flora and fauna.

Forest Act, 1977

Wildlife Conservation Act, 1977

Wildlife Regulations of 1978

Land (Provinces) Act, 1990.

Senegalese land laws are described and analyzed at length elsewhere (Caverivière and Debène 1988).

Most Gambians are unaware of the specifics of the national land laws and have little access to objective information about them. The Gambian Government and public still continue, quite sensibly, to recognize what they understand as "customary law" to be the

main basis of land rights and obligations in the rural areas. But this is subject to constant reinterpretation, and in some ways it is being challenged.

One potential threat to "customary law" resides in the Lands Act of 1990, which empowers the Minister of Local Government and Lands to appropriate land for "public purposes" on the state's behalf. Laws similar to this one have been abused in a number of francophone and anglophone West African countries as powerful individuals have taken advantage of their positions to arrogate land for personal use under guise of public purposes.<sup>48</sup>

Another potential threat is the Mortgages Act, drafted in 1992 and pending passage in Parliament at the time of research. Copied after British law with minor modifications, it is designed to protect institutional lenders taking alienable property as security for loans, empowering them to seize the property in the event of default. The statute, at least as initially drafted, did not mention farmland or grazing land but only vaguely specified "alienable property." If the statute were widely applied in setting up a mortgage system in rural land nationwide—and its application would be difficult and politically hazardous—it could prove ruinous for vulnerable smallholding farmers, given the riskiness of rainfed farming in the region's unpredictable and desiccating climate.

## 10.2. Other Incentives and Sanctions

Public officials and other local power holders have both direct and indirect means available to encourage what they deem better land use management, but very limited real power and resources to implement them. Tree cutting, for instance, one of the most pressing issues, is addressable at the production, distribution, and consumption points, and by legal and administrative means. The measure in practice include pursuing, punishing, or (re)educating cutters and charcoal makers, controlling firewood trucking by police roadblocks, and encouraging use of fuel-efficient stoves (clay-lined or solar cookers, for instance), among many other means. Most of these have proved challenging for authorities, especially the method of pursuing cutters, which has proved almost totally ineffectual. A further measure being experimented with now is devolving the legal authority over forest control to villagers themselves, a topic to which we return momentarily.

Rewards for "good" resource management can include, among others, price subsidies, development project siting, tools and inputs (seedlings, fertilizers, etc.), licenses, introductions, awards and prizes, and naming in publicity (best by radio, less likely to be effective by newspaper or poster), and in rare cases job offers. Punishments, to name only a few kinds, include fines in cash or kind, imprisonment, other physical punishment, and the withdrawal of the rewards above. District court records indicate that cash fining with a provision for imprisonment in case of failure to pay is the usual judicial punishment, and it is the standard sanction applied in cases of bush burning and tree cutting.

Unofficial rewards and sanctions among villagers themselves are harder to list, being infinitely more varied. They include fines in cash and kind, public ostracism (which often takes the form of rejection from kompin (i.e. Mand. kaïoo) groups, and accusations of witchcraft, drunkenness, or other anti-social acts seemingly unrelated to the misdeed. But it appears very rare for villagers actively to punish each other for abuse of land except where holdings are disputed or where one's animals damage another's crops or planted trees.

## 11. LAND USE AND CONSERVATION: SOME TRENDS AND COMPARISONS

The findings in this section, condensed from formal surveys and statistical studies undertaken by several organizations and individuals, suggest some aggregate trends in land use and conservation. Allowing some limited comparison between localities and between socio-cultural groups, they help put our case study of a village in Fulladu East in perspective; and, together with appropriate qualitative information, they can assist in framing conclusions for policies affecting this and broader areas.

### 11.1. Population Growth and Cultivated Hectarage

The Gambian population, still mostly rural, has been growing relatively fast. Comparing the 1973 and 1983 census figures gives a growth rate of 3.4 percent over the period. Animal populations and farming technology have been changing too. How do these changes affect the area of land cultivated, and what bearing does this have on the country's agricultural future? Recent research by Philip DeCosse (1992), conducted in association with the Department of Planning, Ministry of Agriculture and USAID, and incorporating figures of the annual National Agricultural Sample Census, offers new data and an analysis of the trends.

We must note, before summarizing them and a few related findings, that any aggregate figures on cultivated hectares in a Sahelian country must of course be taken with great caution. Among the many things that makes accurate enumeration hard are intercropping, holding fragmentation, and irregular field shapes—all of which can be quite sensible ways for cultivators to use their land and labor. Added, of course, are political and social complications of government agents' measuring fields of farmers who may not wish it measured.

Nationwide, the figures show that cropped hectare rose by about one percent per year, or about 1,700 hectares annually, between 1974 and 1991. Over the period it fluctuated substantially: whereas it began at about 170,000 and finished at about 195,000 hectares, it reached a high of just over 200,000 hectares (1982) and a low of about 160,000 hectares (1980). Nor was the growth in cultivated hectare evenly spread across the country. The North Bank and MacCarthy Island Divisions showed growth, Western and Lower River Divisions showed stasis or perhaps slight decline. Upper River Division showed an upward trend from about 29,000 to 42,000 hectares, but this concealed notable spikes and troughs as far as 20,000 hectares apart from year to year (DeCosse 1992: 4-5).

A breakdown by crop type shows that farmers nationwide devoted increasing hectare to coarse grains (mainly sorghum, millet, and maize) over the 1974-1991 period (from about 40,000 to about 95,000 hectares) and decreasing hectare to groundnuts (from about 105,000 to 80,000 hectares), as groundnut prices slackened overall and input costs rose. Rice hectare, steadier than groundnut or coarse grain hectare from year to year,

declined slightly from about 22,000 to about 18,000 hectares over the period, despite major government and foreign investments in irrigated rice projects (DeCosse 1992: 4-5). In none of these categories of crops was there consistent growth in yields per hectare over the period (groundnut yields indeed gradually declined somewhat).<sup>49</sup>

The Gambia's expansion in cultivated hectare, at one percent per year, kept pace with neither the population growth rate of 3.4 percent nor the GDP growth rate of over three percent, as DeCosse notes. That population growth outstrips land clearing had been noted at more local level (Dunsmore et al. 1976: 296).<sup>50</sup> Has the growth in cultivated hectare been constrained by lack of suitable land? This question is harder still to answer than questions about mere cultivated hectares, we may note, since it implies judgments about what kinds of land uncultivated might be arable—which one can seldom know without trying it—and subjective, context-free evaluation about what "suitable" means anyway. For what such figures are worth (and these seem as reliable as any now available), the figures from Dunsmore et al. (1976), and from DeCosse (1988: 5-6) building upon them, suggest scarcity of arable land not to be as yet a major bottleneck. The picture changes west to east. In the western divisions (Western and North Bank Divisions), lands deemed agronomically "suitable" for upland cultivation exceeded those cultivated and actually under crops by some 40 percent; in the Lower River Division in the middle of the country, "suitable" upland exceeds land tilled or under crops by a smaller margin. As one moves up-river to MacCarthy Island Division North and South, and finally to Upper River Division, pressure on land seems to rise; in MID South and URD, DeCosse finds, the area under farming just slightly exceeds the area judged agronomically "suitable."

Consistent with this picture of changes in pressure on land is the finding that fallow rates also decline toward the eastern end of the country. Whereas most of the country took 30 to 40 percent of its 1990 cultivated upland out of fallow from the previous year, the Upper River Division took only 17 percent out (DeCosse 1992:7). This suggests that there was a smaller proportion in fallow there than elsewhere to begin with, and perhaps that fallow cycles tend to be longer there than elsewhere. There is evidence of a secular shortening of fallow periods in The Gambia (Dunsmore et al. 1976: 294-5). This trend may be a function both of population pressure (as caused by population growth and animal traction, and perhaps other things) and of the use of chemical fertilizer to substitute for fallow as a way of maintaining fertility. While fertilizer can enrich the soil's chemical composition, however, it may not restore its physical structure as fallow does.

Crop diversification and intercropping can help offset a rising pressure on good land and spread cash incomes through the year. DeCosse notes (1992: 13) that 48 percent of what he calls agricultural households were involved by 1992 in vegetable gardening or maraichage (cf. Schroeder 1991c), mainly a female practice; and that 70 percent of "households" owned fruit trees by then. Both these figures seem to have represented steep rises. Short duration varieties of early millet rose by 13 percent per year between 1974 and 1991, DeCosse reports, and comparable varieties have also caught on in groundnuts and swamp rice. Sesame has risen and fallen sharply in hectare over the past decade. In a

sense, however, Gambian agriculture has always been diversified. As we have noted, nearly all compounds in areas I have studied grow at least several crops. Dunsmore et al. (1976) identified about fifty species of cultigens in their sampled Gambian villages, and a closer look would surely find more.

Rural-urban and international labor migration, and a related movement out of agriculture into services (a sector of the economy closely tied into the lately burgeoning cross-border trade), helped account for the slow growth of cultivated hectareage in the late 1970s and 1980s, particularly in the western part of the country, nearest Serrekunda and Banjul.

### **11.2. Animal Populations**

Herds, like landholdings, are hard to enumerate in The Gambia, because of the great social sensitivities involved. The best available estimates, from the Gambian Department of Animal Health and Production (Sumberg 1988, Sumberg and Gilbert 1988), suggest that The Gambia's cattle population grew rather steadily nationwide from the 1930s, when systematic rinderpest control began, to the late 1970s. In mid-1980s, as a consequence of drought, slaughters increased, and the population appears to have stabilized at least temporarily at between 250,000 and 300,000 head. Upper River Division and MacCarthy Island North and South, with about 50 percent of the country's land mass, had about 60 percent of the cattle in the late 1980s. Nationwide, about 40 percent of domestic work groups (Mandinka, dabadalu) owned cattle (Sumberg 1988: 2) by 1986-7. Estimates of cattle ownership per "dabada" varied between 11 and 17, and it was highly skewed: "the 60 percent of dabadas owning fewer than 10 head accounted for less than 20 percent of the total cattle population" (p. 3). Among adult cattle nationwide, then and a decade earlier, females outnumbered males by about three to one (Sumberg, table 6), indicating systematic offtake of males for slaughter—a conservation measure, among other things.

Sheep and goat populations have also grown, having been estimated at about 50,000 and 75,000 respectively in 1958 and 175,000 and 193,000 respectively in 1987-8. Nearly 80 percent of "dabada" groups had at least one small ruminant, these flocks averaging about ten. (Sumberg 1988: 3). Adult females were estimated to outnumber adult males by about four to one (p. 4)—again a way of conserving grazing and browsing while ensuring flock reproduction.

### **11.3. Animal Traction Substituting for Human Labor**

Since the 1960s and especially since the 1970s, The Gambia has seen a substantial increase in the use of animal traction. The plough having been introduced to The Gambia in about 1919, the British colonial government promoted it from 1952 on in "ox ploughing schools" (called "mixed farming centers" from 1964 on) up and down the river (Weil 1970). Ploughs were associated mainly with groundnut farming from the start. The extensive

studies of the Land Resources Division of the British Ministry of Overseas Development 1972-4 found that

those families in the [mainly Mandinka-speaking] survey villages ploughing with oxen have increased their land under groundnut cultivation by 18% over those who have not used oxen. The land used for food crops seems to have been fairly constant regardless of equipment (Dunsmore et al. 1976: 298).

While oxen and other cattle may still be the most important draft animals, the population of donkeys and horses, also used to power ploughing and other mechanized farming tasks, has burgeoned since the 1970s. Many of these equines appear to have been purchased from Senegal or beyond, and the growth has occurred in spite of annual death rates of about 30 percent for these animals (Sumberg and Gilbert 1988: 5). Between 1974 and 1987, the donkey population rose by 320 percent (from 10,500 to 37,000), and the horse population by 352 percent from 5,000 to 16,000 while the populations of bulls and oxen appears to have declined (Sumberg and Gilbert 1988: 5, DeCosse 1992). If equines are supplanting bulls and oxen, however, they are not supplanting cattle as a whole, at least not in Upper River Division, where they do not serve the same wide range of functions that cattle do. While the equine population has grown, the cooperatives have distributed ploughs, sine hoes, seeders, and other implements for mechanized farming, on credit, and farmers have also been able to buy some of these from Senegal, often second-hand.<sup>51</sup> Mechanization may have contributed to a decline in intercropping, which is, among other things, a conservation measure.

Animal traction can allow farmers to multiply severalfold the hectareage they can cultivate per unit of labor. This makes more striking still the slow expansion of cultivated area actually observed since the mid-1970s. Farmers are evidently using the higher labor productivity they gain from their animals not so much to expand cropping as to cut down the human labor involved in it, freeing more of their time for other, off-farm activities if they choose while staying about even in agricultural output (Filon Gilbert, pers. comm., cf. Weil 1970: 253). As DeCosse notes (1992: 13), the rise in animal traction over the past two decades has coincided with, and perhaps helped bring about, a decline in the population of "strange farmers" from outside The Gambia working in the country.<sup>52</sup>

Animal traction may have other ramifications in rural life. Weil associated an increase in ox-ploughing up to the 1960s with these changes among central Gambian Mandinko and others living among them:

(1) a tendency for each farmer to use more land for cash-crop production [particularly groundnuts—a trend since peaked], with resulting land pressures, (2) a tendency for plow owners to consolidate their groundnut land, (3) a trend toward a calling back of land on long-term loan, and (4) a tendency of plow-owning farmers to reverse the general trend toward a decrease in food production (Weil 1970: 252-33).

The rise of the plough and the relief of human farm labor may also be related to the weakening of extended families and fragmentation of larger compounds into smaller ones, since cooperative farm labor in land preparation and weeding was one of the main reasons for these to hold together. Richer farmers, who had access to the plough or tractor before others, appear to have strengthened their class position by it; but as Weil notes (1970: 257), this may not necessarily or directly impoverish poorer rural people in absolute terms. In terms of caste (different from class, as seen earlier), the ox-plough may give some lower-status individuals new ways to rise economically and perhaps, eventually, socially. With the plough, Weil found that what he called "slave"-caste individuals attached to higher-caste patrons became less likely to have to do farm work for them. Animal traction can lighten the human labor burden of light clearing and of tilling and weeding, but where it expands cropping it can add to the tasks of bird scaring, often children's work, and of harvesting.

Over the long run, deep ploughing of light soils, associated mainly with groundnut cultivation, may be among the major forces responsible for The Gambia's (and Senegal's) dramatic and dangerous soil erosion. This surely must remain among the biggest concerns for policy makers. Incipient trends toward minimum tillage techniques are worth continued study. But ploughs or no ploughs, farming remains a fallback activity for Gambians in their most productive years, a way to earn a basic living when one has nothing more rewarding to do but not a way to advance. Whatever long-term damage animal traction may do to the soils will only push agriculture lower still among their priorities and aspirations.

#### **11.4. Cattle-Keeping and Soil Fertility Maintenance: Fulladu East in a Comparative Context**

What about the agronomic effects of cattle keeping, the activity for which the Fula people and the Upper River Division are best known? Given the sometimes great variations between villages in the Gambia River basin, it helps to disaggregate data geographically where possible. Field surveys by the Gambian Ministry of Agriculture, Department of Agricultural Research, reported in Miles et al. (1988), have provided comparative data on land use in 22 villages and a subsample of three villages, including one Fulladu East village very similar to Sare Samba in its location, ethnic composition, and general pattern of farming and forest use.

The three villages the government team surveyed more intensively were these, east to west: (1) Koli Kunda, the Fula- and Serahuli-speaking village in Fulladu East District, on the south bank part of Upper River Division, and some three kilometers from the Gambia River. (2) Pallol, a Wolof-speaking village near Dingirie in Niani District, in the north bank part of MacCarthy Island Division, and near the Senegalese border. (3) Doke Alla, a Mandinka-speaking village near Dingirie, also in Niani District in the north bank part of MacCarthy Island Division, but near the Gambia River rather than the Senegalese border.

Since not only the settings but also the ethnic compositions of the three villages differed, it is somewhat difficult to isolate either location or ethnicity to associate with the

findings on herding, agronomy, and soil conservation. But Koli Kunda in Fulladu East was distinguished from the other two in having far more cattle per person (16.7 head per person as opposed to 0.7 in Pallol and 0 in Doke--in smaller stock the villages were all closely comparable). In this sense it fitted the conventional image of a mainly Fula-speaking village in the Upper River Division.

What differences in land use and conservation, then, may accompany the big differences in the extent of cattle keeping? First, a few important distinctions. Soil conservation strategies quantified in the Mills et al. studies were basically these: crop rotation, intercropping, fallowing, manure, and artificial fertilizer. The studies covered only lands that had been cultivated. "Inner fields" were everywhere found to be treated differently from "outer" ones, and there were also differences between kamanyan and maru fields (kamanyango and maruo in Mandinka).

As the village with the most cattle, Koli Kunda unsurprisingly manured much more of its fields than the other villages did. By careful tethering practice, it manured some 60 percent of its inner fields in groundnut-cereal rotation; and alone among the villages, it manured outer fields too, roughly 50 percent of these being manured over two years. In Pallol, by contrast, only 2 percent of the cropped area got manured in a year; and in Doke Alla, 12 percent in one year (Mills et al. 1988: 24, 35-6).

Whose fields got the manure in Koli Kunda? The study distinguished "dabada" heads who managed herds, others who did not but claimed control over where they got tethered, and a third group who claimed no such control. The team found,

The distribution of tethered manure is highly biased towards the access group "herd manager" on a per dabada basis. However, when examining the distribution of manure between dabadas, weighted by the number of animals owned, the distribution appears roughly equal across access groups. This suggests that a dabada receives manure benefits roughly proportional to cattle owned whether or not they control the tethering of a herd. Both cattle ownership and benefits, however, are highly concentrated in the herd manager category (Mills et al. 1988: 34).<sup>53</sup>

Koli Kunda's use of artificial fertilizer was lower (in kilograms per hectare) than the other villages,' indicating that manure is the preferred additive.<sup>54</sup> Farmers seemed to use synthetic fertilizer mainly on fields they perceived as losing fertility, as either a poor substitute for or a supplement to manure. Nor did artificial fertilizer seem to improve fertility very substantially (p. 46). Koli Kunda owned more ox ploughs per capita than the other two villages; in this respect the villages were representative of others in their districts (p. 15).<sup>55</sup> The village practiced far more intercropping than the other two villages (p. 21); it was unclear how or whether this was related to the use or disuse of soil additives. Koli Kunda fallowed a higher proportion of its fields than Pallol did but lower than Doke Alla. It fallowed a higher proportion of outer fields than inner ones, though they fallowed them for comparable periods (usually one year in a rotation cycle). As the inner ones were more

continuously manured, farmers would appear to have been treating manuring as a substitute for fallow. The more land a work group in Koli Kunda had available for cultivation, the more it fallowed; land shortage meant cutting out the fallow periods.

While Koli Kunda villagers perceive two thirds of their village's farmland as losing fertility, they are not alone in this: farmers in Pallol too perceive fertility declining on two thirds of their arable fields, and in Doke Alla one third (Mills et al. 1988: 50). Nor is there clear reason (one might add) to suppose any such decline comes from their keeping too many cattle, since cattle do most of their eating beyond the arable fields that surround the village, then are brought back to deposit their manure in those fields at night. If indeed "overgrazing" is causing damaging soil fertility—an issue one cannot resolve here—then it must be happening mainly out beyond the cultivated perimeter, where the animals eat grasses, young shrubs, and trees that ultimately protect and reconstitute the soil. But this does not happen in all the forest or wooded savannah "bush" at once. The issues for future research on this topic are whether, where, and why animals are led to graze in particular spaces in such concentrated numbers that the forest there cannot regenerate.<sup>56</sup>

So tightly are livestock integrated into farming on the upper river, and so strong are the cultural values attaching to them as seen earlier, that development and conservation strategies based on animal confinement or forced destocking are likely to fail. A better approach is to provide alternatives for some of the important economic functions they serve, particularly in savings, and to let farmers make their own decisions about whether to reduce their herds themselves. Returning more authority over forest conservation to local levels is also likely to help, since it is unlikely that grazing's and browsing's contribution to deforestation will ever be successfully controlled by tightening state legislation or policing.

While Koli Kunda was by far the richest village in animals among the three villages Mills et al. compared, it had invested the least per capita in farm implements (seeders, tool bars, etc.) and in fertilizer (Mills et al. 1988: 49). This suggests any of three things: that the implements and fertilizer do not repay investment there, that they are harder to get, and that villagers are comparatively uninterested in farming as an investment. Informal interviews of our own point to the first and last explanations. Certainly the desiccation and soil erosion of the past two decades and the active circulatory labor migration to the cities and overseas would fit the explanation that these upper-river villagers are not looking to cultivation as the main answer for their futures.

## 12. SPECIAL ISSUES OF TREE AND FOREST CONSERVATION

Gambian and Senegalese forests are quickly disappearing, and both governments have proved unable to protect them effectively by legislation, licensing, or patrolling. Nor have reforestation programs proved particularly easy to implement. These approaches require much transport and intensive labor, and the transport at least is particularly expensive for government ministry budgets in these countries.<sup>57</sup>

Gambian national law prohibits burning and tree cutting nationwide except by permission. Cutters require licenses from the divisional office of the Forestry Department of the Ministry of Natural Resources and Environment; a license may be obtained with the aid of a district chief and divisional commissioner. The Ministry works through the chiefs' and magistrates' courts to fine or (in case of default on fine payments) imprison offenders. Allegations of corruption in forestry offices are sometimes heard in The Gambia, as they are in the corresponding offices in Senegal, but it has not been possible for us to ascertain the actual incidence.<sup>58</sup> Whether the regulation of burning and cutting, now quite spottily and rather ineffectively applied—indeed now perhaps almost inapplicable—ought to be devolved to local authority is a matter of keen policy interest in both The Gambia and Senegal, and current experimentation, discussed below, is likely to do more good than harm.

### 12.1. Tree Planting by Land Borrowers

In eastern as well as western Gambia, land borrowers have only uncertain and variable rights over trees they plant. As a policy issue, too, tree planting on borrowed land is delicate. Any rule that effectively guaranteed perpetual rights to planters would discourage the land lending. Since this lending helps even out the distribution of population over the land at micro and macro levels, the rule could produce adverse side effects. One possible compromise might be that borrowers allow themselves perpetual rights to the fruit of the trees they planted, but to consider the lenders the senior claimants to the trees themselves. Central government attempts at regulation are unlikely to have much effect on local practice in tree planting. However, if ever taken seriously, a simple rule that whoever had planted a tree owned it would be likely to discourage land lending in the future, not a favorable outcome. Such rules have been observed to bring about this effect in some other West African countries. One solution might be a requirement that for every tree the borrower planted for himself (or herself), he would plant and protect a specified number for the lender.<sup>59</sup> Who would make and implement the requirement, however, is an open question.

### 12.2. Community Forestry and the Displacement of Woodcutters

A set of forestry experiments now taking place down-river in the Foni districts, and particularly around the villages of Beréfet, Bessi, and Ndemban, has a direct bearing on the forests and trees of the upper river, because if they continue showing signs of success then

an effort will likely be made to expand or replicate them up-river. The Gambia-German Forest Project, begun slowly and after careful planning and research, includes pilot projects to devolve the control of important aspects of forest management to the villagers living nearest the forests in question. In one case, Berefet Village (Brefet on government and project maps) has been granted exclusive rights over disposal of all legal forest products the duties of safeguarding the forest. In another, Berefet, Ndemban, and Bessi, three adjacent villages, have been granted joint rights and duties over a single forest. These arrangements are formalized in forest management agreements between the villagers and the Ministry of Natural Resources and Environment. Much technical assistance has been provided, a sawmill has been set up for processing dead wood removed from forests of the area, and arrangements have been carried out for allowing the villagers a share of the proceeds from wood sold.

Interestingly, villagers interviewed in one of the three villages supposed to be sharing control of a forest on an equal footing spoke as if they in fact would have senior rights in the case of any disagreements, because their village was said to have settled first and to have invited the others into its area to begin with. They were invoking the same "principle of primacy" that occurs within villages, on a larger scale: an old pattern of understanding applied to a project only a few years old. Agreement among the villagers of the others was not evident. If indeed these were the seeds of discord later, they would parallel the experience of multi-village cereal banks—NGO officers report single-village seed and grain stores have worked better because of clearer authority structures. In 1992 it was too early to tell for sure.

The project appears to have succeeded so far in sharply reducing the incidence of uncontrolled woodcutting in the selected forests. For whatever reason connected with it—the pressure from villagers themselves, or the constant surveillance by government officials and expatriates—the woodcutting minoritarians (Fula-speaking Guinean immigrants in this case) have left Berefet, Ndemban, and Bessi.

By some reports, however, the Foni Berefet woodcutters and perhaps others have moved to other Gambian villages up river and kept on ringing, burning, and cutting to make firewood for sale. A crucial question arising from the innovative community forestry experiment is whether protecting a particular forest from cutters simply displaces cutters to other outlying localities to quicken deforestation there instead. An implication is that project monitoring should not concentrate only on the demarcated project forest but also on other forest areas potentially affected indirectly by a cutter exodus. It may be that community forestry must be conducted nationally, covering all forests and villages, to be effective overall. Is the real problem deforestation per se or deforestation near villages? And if

woodcutters are moving away from villages altogether, are their effects less likely to inhibit forest regrowth? A second implication is that a wide and sensitive network of grass-roots social contacts—including some among the semi-legal or illegal cutters themselves—is necessary to find out where these end up, and whether they keep on plying their trade there. These brief remarks are meant not as a comment on the current project's staffers, but rather as a positive suggestion for future extensions or emulations likely to follow from it.

If indeed the project's main effect on woodcutting is simply to displace it, several further questions follow. Is there some way the woodcutters might be persuaded to remain in place and brought into the project? Should they not be given a "cut" of the project's rewards, either as jobs (for instance as part-time patrollers, fence menders, or processors of dead wood removed, etc.) or as cash taken from dead wood sales? The answer is not obvious, because providing payments, jobs, or other benefits to these persons might have the adverse effect of drawing others into the unwanted activity in the hope of getting in on the same chance. There is much room for both research and experimentation here.

The other major question ensuing, further ahead, is just how far a program like the one in progress can spread out in its forest protection. An important factor, hard to measure and still not well understood, is the mere effect of constant attention and visits by government officials and expatriates upon villagers' enthusiasm and their conservation behavior. The issue is crucial because the present level of training, technical assistance, and surveillance from outside would not be replicable over a broader area and technical expertise would be diluted, even with a broad set of NGOs participating. Probably a further trial area with a legal reform comparable to the one being tried, but accompanied by a much reduced level of attention, would provide useful indications. A legal reform itself in a small pilot area may not, however, help predict the effect of a legal reform nationwide.

Even if community forestry caught on nationwide, might the cutters simply move to nearby areas of Guinea and Senegal and keep on hacking and sawing? A nationwide community forestry program would need somehow to coordinate with programs in the adjacent countries, and here there is a potential role for third-party international agencies as coordinators and mediators.

## 13. SOME LONG-TERM LAND POLICY ISSUES

### 13.1. The Titling Issue

A suggestion sometimes heard from foreigners not well acquainted with African tenure systems is to try to transform them into private, individual property on a European or American model. Proponents of this kind of "reform" usually offer several reasons for it. The most often heard is the theory that individual titles would make credit more accessible to farmers by making land usable as collateral for loans. Because this argument looks attractive on the surface, it is worth spelling out some of the reasons why it has tended to misfit African settings, and why it is likely to fail in The Gambia or Senegal.

- Security of tenure in farmland is already adequate for most agricultural purposes. Unlike some parts of Asia with tenancy systems, The Gambia and Senegal do not have a large rural landless class of nationals in constant fear of losing their access to productive resources.
- "Customary" tenure cannot simply be legislated away. The imposition of a new system of "freehold" title usually only adds another set of legal options alongside it in a way likely to cause misunderstandings and confusion, and in so doing, to reduce security of tenure.
- Knowledge about a new set of rules about landholding, and how to use the official system, is likely to be poorly spread. In individual titling programs, persons already advantaged in wealth or education stand to gain rights at the expense of their less fortunate neighbors.
- Individual title programs tend to give all the official rights in land to men de facto, leaving women out.
- Government registers of rural landholding tend to obsolesce within a few years. Farmers whose lands have been officially titled tend not to report to officials their subdivisions, inheritances, gifts, loans, swaps, or other transfers—they have little incentive to do so. Real and official landholding soon have little relation to each other.

### 13.2. Further Considerations on the Mortgage Issue

The idea of trying to establish a mortgage system in rural land is inappropriate to the Gambian or Senegalese context for several further reasons:

- More credit means more debt. The Gambia and Senegal are already among the world's most heavily indebted countries in relation to their per capita incomes.
- Loan funds that farmers invest in livestock, marriage payments, or foreign travel (three favorite uses of institutional loans, despite the instructions of the lenders) are unlikely to be shifted back out to repay the loans. Nor are "education" campaigns about how to use loans likely to alter the patterns of use. These are matters of cultural value and economic preference more than of education.
- Rainfed farming in the Sahel is too risky, and yields too unpredictable, to allow reliable repayments to institutional agricultural lenders.
- In communities where neighbors tend also to be relatives—as in most Gambian (and Senegalese) villages—it is hard for creditors to seize land from loan defaulters. Potential buyers are likely to be intimidated by the kin and neighbors of the dispossessed all around. The threat of confiscation from a defaulter would be recognized as hollow, and the collateral system baseless.
- Institutional financiers and government authorities are locally perceived as too distant, both socially and geographically, for meaningful contracts involving a resource as vital as land.
- If a functioning mortgage system or land market were set up, rural people's very uneven access to urban and foreign capital, and the pattern of recurring droughts lasting several years or more, would probably lead to a concentration of landholdings in fewer hands.

The experiences of other countries south of the Sahara where titling programs have been tried, and mortgage systems experimented with, are sobering (Shipton 1989, chs. 8-12; 1992).

### **13.3. Better Alternatives to Land Mortgages in Institutional Finance**

While a European-style system of land collateral and mortgages appears ill-suited to rural Gambian and Senegalese conditions, many more appropriate alternatives have evolved and continue being developed. Financial mechanisms based on indigenously mobilized savings linked with credit are well rooted in indigenous financial practice; and institutional finance with group guarantees (particularly the peer-pressure principle), cosignatures, cash crop liens, and chattel (movable good) collateral are all found in the region, though none is of course a panacea.

Notable among existing programs is an innovative experiment in McCarthy Island Division with locally managed village saving and credit associations. It is suggesting several

ways The Gambia's (and Senegal's) financial systems might be made more accessible and useful to rural people, particularly in areas with access to relatively reliable cash incomes (in this case largely from irrigated rice farming supplementing rainfed agriculture). Finely branched for village access, and indigenously managed or co-managed, these associations provide term deposit facilities and credit services funded from the local deposits, both at positive real interest rates, for groups as well as individuals. They scale their loans to what villagers can afford to repay (a mechanism inherent in mobilizing loan funds from local savings) and issue their loans without trying to control how borrowers use them. (These are among the methods that are proving effective in improving institutional finance in numerous countries in tropical Africa and overseas.) The various indigenous practices and exogenous institutions for saving and credit, the rationales behind them, and their successes and failures are discussed in some detail elsewhere.<sup>60</sup>

While financial institutions can supplement other ways of saving, they will not soon replace livestock as the main way of saving and investing wealth in the upper Gambia River basin.<sup>61</sup> The aim should be instead to add options for those who wish.

## 14. SUMMARY OF POLICY SUGGESTIONS

### Recommended:

- Reviewing international migration restrictions with a view to making foreign travel, work, and remittances easier.
- Bearing in mind multiple aims of landholding policy: social, economic, political, and technological.
- Reviewing terminology used in translations, particularly for land, property, ownership. Remembering that individuals hold land as members of groups, networks, and categories, and that internationally conventional units like "household" and "farm" may not apply at all. No multilingual glossary exists yet with Gambian and Senegalese terms relating to land matters.
- Examining land appropriations by government officials for ostensibly public purposes. Existing law on this, particularly the 1990 Land Act, is open to potential abuse, and it is indeed likely to be abused with serious consequences for the rural public if nation's legislators allow it to stand as it is. Gambian law provides for the compensation of landholders who lose their lands, but it seldom happens to their satisfaction. Studies ought to see how often the compensation really occurs, and how. There is much disagreement about whether lump-sum cash payments are adequate.
- Remembering that legal classifications like "vacant and ownerless" are frequently misused in Sahelian countries to appropriate land personally under the guise of public purposes, and that such classifications discriminate against occasional users like herders or long-term fallowing cultivators.
- Involving not just chiefs and headmen, but also village associations based on age, gender, and interests (Pulaar kompin, Mand. kafoo) in all projects requiring cooperation at village level.
- Paying close attention to needs for animal access routes in training administrators for settling land disputes. In development projects taking large amounts of space, providing special provisions to safeguard cattle tracks, and allowing the flexibility for these to be moved as conditions change seasonally and over the longer term.
- Calculating "overgrazing" not just by average animal/land ratios, but also by minimum animal/human ratios likely after droughts or epizootics. Including longer as well as shorter term human and animal development cycles into consideration. Herders have valuable views on these subjects.

- Approaching any perceived problems of "overgrazing" indirectly, not by attempting directly to limit herds. Alternate forms of saving in cash (at higher interest than banks have heretofore offered) and kind (crop and seed storage, tree health) may ultimately serve the same end better.
- Further researching issues of tree planting on borrowed land.
- Cautiously experimenting with extending the German-Gambian "community forestry" program model, or others comparable, over new forests. Careful monitoring of where professional woodcutters end up, and what they end up doing. Experimentation with sharing them into project benefits on condition that they stop or slow down felling.
- Assisting rural savings banking as an alternative to herd accumulation. Raising interest rates on both deposits and loans. Experimenting with capillary branch banks and mobile banks. Experimenting further with confidence-enhancing measures ("collateral substitutes") in rural finance, including savings deposit requirements before loans are issued, peer group guarantees, and employer and neighbor cosignatures. Also trying various kinds of chattel pledging.

Not recommended:

- Attempting destocking programs.
- Passing legislation about land inheritance or marriage transfers (such efforts have tended to go unheeded wherever tried in Africa south of the Sahara). Also likely to be futile are laws about caste and about marabout-talibe relations.
- Trying legally to restrict the flow of share contracting ("strange farming" or the navetanat) across borders, or to regulate the terms of agreement between share contractors and hosts.
- Resettling populations by compulsory measures (one of the riskiest kinds of development intervention). Fortunately this does not appear to be among the current threats to the upper river region.
- Titling farmland or rangeland of individuals. Group titling (probably with the village as unit) might make more sense eventually but probably not soon, except perhaps over forests.
- Attempting to extend a mortgage system over farmland and rangeland.

Landholding on the upper Gambia River will surely need to keep adapting, as it has in the past, as the three-way competition between farming, herding, and forestry is likely to keep intensifying on both sides of the border. This brief report has suggested some background information for deciding the easier and harder ways, the safer and riskier ways, to influence rural landholding by policy—and to suggest what probably cannot or should not be changed by outsiders. It is hoped that as land and resource management policies evolve, the principles outlined here will be acted upon with long term continuity as well as change in mind, and with the basic livelihoods of the more vulnerable people at heart.

## ANNEX 1

### SPECIFIC RIGHTS AND DUTIES OF LAND USE, TRANSFER, AND ADMINISTRATION

These principles were noted by inhabitants of Sare Samba Village and environs in Fulladu East District.

#### LAND USE (and Disuse):

Human passage. Virtually all lands are open for public passage, except where crops are growing. Persons known or believed to be sorcerers may be impeded from passing through lands of particular villages, and some deem it a breach of etiquette to wear shoes when crossing others' fields.

Collecting minerals. The right to collect minerals (excepting water) on cultivated inner and outer fields, and in rice swamps, is restricted to the individual who has cultivated them, or to that person's compound head jom galle. Outside cultivated areas, mineral collection rights are open; but an investment of labor, as in digging a mine shaft (of which the area studied has none), would create more exclusive rights.

Collecting water. The right to collect water from a natural source is normally open to members of a village, and to others with permission. Wells too are open for villagers to use, but an individual wishing to use another compound's privately dug well would be likely to ask permission.

Collecting vegetable matter. Firewood (collected by women) and thatch (collected by men) are open for all. Medicinal plants growing on cultivated fields would belong to a cultivator or his or her compound head; those elsewhere are open. Planted fruits belong to their planters, though these often do not exercise their rights of exclusive use, and children often pick fruit from other compounds' trees. Wild fruits are open for all.

Hunting and trapping are open outside of a village and its cultivated lands; and hunters may use others' cultivated fields too. River fishing rights are generally nonexclusive.

#### Animal Access

Animal passage, grazing, and browsing. Cultivated fields may be visited by animals only after harvest, and then it is customary to graze herds on another's land only after a suitable interval to allow the cultivator's own animals first use of the stubble and other residue. Then any villager may graze stock there, and normally outsiders are not kept out. Animal owners must, however, keep animals away from planted trees. Lawsuits in chiefs' tribunals

## ANNEX 1 (continued)

frequently involve animals' having eaten or trampled crops; the usual order is cash compensation.

Uncultivated lands (ladde in Pulaar), including forests unreserved by government, are open to anyone's tended animals for passage. Grazing on uncultivated land is common to a village and others nearby, if not open to all; but herders expect each other not to overexploit particular areas or consistently to crowd others out of popular spots.

When village representatives or district chiefs resolve intervillage land disputes by ordering strips of no-man's-land left uncultivated between the villages' farmed territories, these bush strips are usually open for common grazing.

Animal watering. Waterholes on cultivated lands are accessible to all villagers after surrounding lands are harvested, and also open to others in emergencies. Waterholes in uncultivated lands are open to all. Compounds of a village commonly share access to wells for animal watering.

Manuring. Beyond casual animal use and passage, manuring is a right of the individual landholder or his or her compound head, or of others by special arrangement. The larger a herd a compound has, and the more manure it has for its fields, the less often it needs to rotate fields or clear new land. More is said about this topic in the section on animals, grazing, and farmland.

### Clearing to Cultivate, and Felling for Firewood

Burning. By local understanding, burning trees or brush in the cultivated area around a village is the prerogative of the individual landholder or compound head. To burn trees and bush at the edge of a village's cultivated area, a farmer is expected to ask permission of the village headman. In unprotected forests, no permission is required of anyone locally.

Burning is prohibited by law, and most rural people appear aware of the law, though few appear to be stopped by it.

Tree felling. Clearing new land for farming has been the surest way to secure permanent rights in it for oneself and one's heirs, and these rights are considered more or less inviolable. This assumption obviously militates against forest conservation, but it is not one likely to be changed by legislation or administrative fiat.

## ANNEX 1 (continued)

Tree felling without government approval is illegal. As with burning, above, local restrictions are minimal and government restrictions ineffectively enforced and practically unheeded. In felling, as in burning, the devolution of protective authority to local levels is a key policy issue (discussed in text.)

### Tilling and Planting

Tilling. By hand, by animal, or by power machine, tilling on kamanyang' lands is the right of an individual landholder, often shared with members of a dawirdu (work group, usually intra-compound), a kompin (voluntary association—kafo in Mandinka), a "strange farmer" (share contractor, usually a migrant), or sometimes hired workers. But a compound head's consent is expected and needed for the allocation to begin with, and this in turn depends on the village headman's allocation and approval—usually not retracted once initially granted. Maruo fields are commonly tilled by male members of a hatande (cooking group) or galle (compound), though sometimes with female help.

Planting seasonal crops. Together with the right to till, planting rights for annual crops belong to individual landholders and those they choose to assist them, or in the case of millet or other coarse grains in pure stands, the rights may belong to groups of men representing their compounds. Planting rights are contingent on the explicit or tacit approval of the compound head (jom galle) and implicitly, at a higher remove, on that of the village headman. Both men and women have rights to plant all annual crops, though the choice of which crops on which land is usually made in consultation with the compound head and may depend on his approval—and thus to some degree on the general acceptability to senior members of a compound. These decisions are expected to balance out a compound's supply of foods and of cash crops.

A "strange farmer," usually male, makes his own decision about which crop(s) to plant on the land allocated to him by a compound head, though he too is likely to make this decision with the latter's knowledge.

Individual landholders control their own harvested crops, though others who have invested labor voluntarily hold informal ancillary claims. The produce of a compound's "collective" coarse grain field(s) remains under the control of the compound head, but he is expected to ration it wisely and to distribute it fairly if there are more than one cooking group (hatande) in the compound.

Planting trees. Any member of a compound may plant a tree on his or her allocated share of the compound's land, provided the compound head does not object, which he (or she) is unlikely to do in the case of a family member.

## ANNEX 1 (continued)

The complications come when land is borrowed. The usual understanding is that a borrower should ask permission before planting a tree, and that he or she risks losing it when the land is taken back. But some borrowers have been known to plant fruit trees in the hope of solidifying their rights in the land. This is an area of much uncertainty, and a matter that sometimes arises in chiefs' tribunals.

Fallowing. Nominally, at least, it is a compound head (jom galle) who decides which of the compound's upland lands will be left to rest for a year's growing season. Elder women of a compound may also have a voice in the matter. The village headman or chief may also get involved where there is keen competition for land. The longer-term the fallow, the more likely the village headman, other village elders, the district chief, or other government officials are to have been involved. Fallow land is often marked off by placing branches around its corners, but it is not fenced off. Fallow land (soinde) becomes bush land (ladde, pl. laddeji) when large trees have grown on it. A common way of resolving intervillage disputes is to leave a strip of no-man's-land perpetually uncultivated between their territories. Like other fallow land and bush land, however, that land is open to all for passage, grazing, and browsing.

If a woman leaves a rice field uncultivated for a season, she may find another using it temporarily. If she leaves it for several years, however, she is considered to have abandoned it for good.

Where upland hectareage has become scarce, crop rotation on the same field appears to have become more important while field rotation has become less. Absence of fallow land is a good indication of land scarcity.

### Building and Tearing Down Constructions

Constructing or Destroying Earthworks. A compound head bears at least nominally the right and duty of deciding about ridging, gullying, etc. on the compound's own lands; a village headman and elders decide about larger earthworks, including dikes or dams, affecting more than one compound's lands. A district chief (and very likely his council of village headmen and elders) becomes involved if the change affects the area of more than one village. Since the labor for these usually comes from a wider populace, however, and since the headman's and chief's command over labor is limited, these decisions cannot usually be made autocratically.

Building. Houses are not normally built without the say-so of compound heads, nor compounds without the knowledge and at least tacit approval of village headmen. Both are involved if a new place of business is built in a compound's enclosure or on its land; and the

## ANNEX 1 (continued)

village headman is expected to be consulted in any case before a new business establishment is erected in the village. Building a mosque or other place of worship takes the consensus of about all potential users in the village, if not also their labor; and the district chief and divisional commissioner tend to be involved too. This is not something one may normally do on one's own. Field fencing is expected not to be undertaken without a compound head's having been informed. Vegetable garden lands may be fenced, as anywhere in the Gambia. But fallow lands and swamp or flood recession rice lands are not normally fenced off.

Well digging is not normally undertaken without a village headman's knowledge or consent. One who has borrowed land may not begin to dig a well in it without the lender's permission, for doing so is tantamount to asserting permanent claim.

Main roads are definitely considered government responsibility, in construction and repair. It is uncommon for private individuals, families, or villages to mobilize labor for maintaining them. Within a village like Sare Samba, however, a young men's kompin (kafo in Mandinka) does take charge of organizing periodic collective weeding parties (sometimes with hired griot music) for clearing roads and small squares or plazas or other public spaces between compounds.

Underground pipe and cable laying and aerial cable stringing are untried ideas in Sare Samba and other rural villages where I have carried out research. However, informants in my limited conversations on the subject considered these to be matters potentially open to governmental involvement and did not speak as if individual, family, or village rights in land should preclude others' possible claims above or below.

Body burial. Human corpses are buried in collective graveyards located just outside the confines of a village; formerly it was common to bury within houses.<sup>62</sup> The rural Gambian and Senegalese pattern of burial contrasts with burials in some other parts of Africa (for instance, western Kenya) where graves placed in homes or fields serve as lasting markers to validate land claims of their descendants. In the upper Gambia River, although it may matter that one's ancestors are buried in a village graveyard, graves do not mark individual landholdings. Collective attachment to a graveyard may, however, discourage moving away from a village to set up a new one, and thus keep people on lands that they have exhausted by cultivation.

### LAND TRANSFER

Gifts and grants. A compound head decides, preferably after consulting with other members, whether to give a piece of land to an outsider for good. The village headman may also make such a decision. In the local understanding, a male Gambian may freely give land to a Senegalese, Guinean, or other foreigner. Women are expected to obtain their husbands' or

## ANNEX 1 (continued)

compound heads' permission before giving away rice land. In land swaps, the compound heads of both parties must be involved.

Loans. Men usually borrow land only from other men, but women borrow land from other women as well as occasionally from men. Women who lend land are expected to give priority to other women in their compounds who may need it.

Loans of land with gifts given in return can blur into rentals. Sare Samba residents in 1992 spoke of cash transfers of between 30 and 300 dalasis, as well as occasional gifts in kind, in return for fields borrowed. But they insisted that the transfers are gifts: they follow rather than precede the land loan, they are made voluntarily rather as part of a contractual agreement, and their amounts are not determined by a market. Some deemed these transfers more characteristic of Mandinka-speaking than Pulaar-speaking villages. How far the real and ideal may diverge here, and whether there is any trend, are still matters of conjecture. Lenders know that by accepting gifts or payments for land lent, one allows the borrower a way to claim later that the loan was a sale.

The extent to which rights in arable land firm up in borrower's hands over time is locally debated, but it clearly does happen. Borrowers bent on solidifying their claims sometimes try to plant trees or dig wells on the lands, or to relend parts of the lands to other borrowers (who might support their claims as real "owners" or senior rightholders). None of these, in local Fula ideals at least, should be done without permission of the initial lender. But if an individual borrows land and then clears more adjacent to it, what he or she clears becomes his or hers for good.

Pledges against loans of land are not seen, though animal pledges for some other kinds of loan are known.

Share contracting or "strange farming." Common are arrangements whereby landholders allow labor migrants seasonal rights to cultivate a cash crop and give them inputs, in return for their labor in part of every week.

In a fairly typical share contracting arrangement, as observed in Sare Samba in 1992, the hosts (several brothers) provided a sister's son with land, seed, clearing labor, housing, food, taxes, and money for clothes—all in return for labor on the hosts' land in the mornings, and a gift of groundnuts (10 percent of his harvest—which he liked to call zakat, Islamic charity, though his hosts were richer than he) or kola nuts (ten to twenty for each of for or five elders in the host compound) upon the harvest. In the afternoons he tended the field they lent him, growing groundnuts. His field was located near the forest—a low priority, low status setting—and he would be moved after one year if, as he expected, his hosts allowed him to stay a second.

## ANNEX 1 (continued)

Could he settle down and plant trees? How secure did he consider his rights to be, and what hope did he have of making them more so? He observed that being the sister's son of his hosts (i.e. a member of their lenyol) he was not allowed to plant a tree on their land, but that if he were their brother's son instead (i.e. a member of the same patriline and dufol), he could. If he were given a compound of his own, he hypothesized, he could dig a well and plant a tree in it, but if he then left, he expected the hosts would claim the tree and its fruits. If he married into the host family, they would give him fields to call his own with his wife, and he could plant trees freely. If, however, having married into the host compound, he then left it to return to his natal village—where his old land rights continued to obtain—his erstwhile hosts in Sare Samba would repossess his fields there.

Note two things. First, one's land rights can depend on one's structural position within a genealogy, as much as they do on a host's needs or good will. Second, land rights in one community are weakened by one's having fields in another—a point that applies equally to married women's land rights. A key underlying concern is fairness of distribution.

Inheritance and devolution inter vivos. Much of the transfer of land and property from one generation to another occurs before the seniors' death, and they thus have much say in how the wealth is distributed among their heirs.

Fula speakers like to suppose that the same inheritance principles should govern land, animals, and household wealth. Important among their ideals is a rule of male primogeniture in family headship and control over allocation of family lands (both upland and lowland). Then brothers come in descending order of seniority, followed by sons likewise. An individual may be skipped over in case of illness or incompetence, though he may retain some respect as an elder.

In practice, animals and household wealth may be more likely to be divided than land as these things pass from one generation to another. Whether to keep family property intact or divvy it up in inheritance is a major issue, and one in which the Fula see their culture and their personalities strongly reflected. The old Fula ideal is that land and herds of the dead remain intact in a pattern of primogeniture: the eldest son (or in a polygynous family, the eldest son of the senior wife) takes all, and he governs its shared use by his junior kin.

A simple but telling example illustrates the old ideal. The head of the young men's kompin in Sare Samba recounted a story of a man who died leaving three sons but only two cows. Who should inherit the cows? The correct Fula solution, he said, was that the youngest two brothers would inherit the two cows, one each; and that the eldest brother would inherit the two younger brothers and the two cows.

## ANNEX 1 (continued)

Inheritance, as in most societies and most countries, is a frequent issue in disputes over land and other things. Fula hold an old ideal of impartible inheritance by primogeniture, but it is challenged by Shari'a (Islamic law) and by what some Fula perceive to be modern individualism. Like indigenous law, Shari'a law gives women smaller shares of inheritance than men in most kinds of wealth.

Rice fields can devolve from mothers to daughters (a transfer that may require the mother's husband's or the compound head's consent) in the case of daughters who have married within their own villages, and from mothers-in-law to daughters-in-law. Unlike wetter areas down-river, the part of the Upper River Division around Sare Samba did not take to swamp rice growing in substantial way until the early 1970s when the present period of drought began, and it did so in response to declining yields. Rice field exchanges are thus not governed as strictly by perceived old traditions as upland fields are. But even swamp rice land has been quickly drying up there and in the Division as a whole.

Renting and leasing. Land is not overtly rented for money in Sare Samba or other villages immediately surrounding, but it is reported to have begun happening in some other villages of the Upper River Division. Rural people of the division have long deemed the practice anti-social.

In smaller villages like Sare Samba, where land rentals are a forbidden or irrelevant practice, there are gifts in kind and sometimes in cash given in return for land loans, as seen earlier, and this practice may merge with rentals or perhaps disguise them. Kola nuts are a traditional gift to a land lender, and money is now sometimes substituted for it.<sup>63</sup> "Kola money," chogu goro, is the Pulaar phrase still used.

Rentals and leases are common in the large towns and cities, however, where the divisional commissioner and divisional planning officer organize property leasing on the government's behalf. Whether the practice will take over the countryside as good land becomes scarcer is unclear.

Pledging and mortgaging. Pledges of property against land loans are not practiced in Sare Samba or other villages around it. The idea is disapproved of. Animals are sometimes pledged against cash loans, and cash against animal loans. But land stays out of it.<sup>64</sup>

Likewise mortgages. Some upper river Gambians have heard of the land mortgage system that the commercial banks have tried to implement in Banjul and the Kombos, but the practice is not well understood, nor do the reports of its workings or effects seem auspicious for rural people.

Buying and selling. Farmland sales, like mortgages, are an idea strange or abhorrent to most rural Gambians in the Upper River Division. The practice is deemed tantamount to selling

## ANNEX 1 (continued)

one's descendants. Many have, of course, heard of selling land and house compounds in cities and large towns. In fact some infrequent cases are known to have occurred in some of the smaller villages too, for instance in a village with extraordinarily scarce land, and in another where the seller, the village headman, was an alcoholic in distress and junior relatives were powerless to prevent his action.

Although Islamic law as interpreted in many other countries does not forbid buying and selling land, some upper river Gambians nonetheless hold the notion to be unethical and repugnant to divinity.

### LAND ALLOCATION AND ADMINISTRATION

While some say a divisional Commissioner and district chief (lamdo, Mand. seefoo) must be involved in any decision to found a new village, it is unlikely in practice that either blocks settlement. It would be most likely near a large town, or where tree cutting were involved (in which case the forestry officials might attempt arrests if aware).

Once land is cleared, rights and duties to allocate it locally are vested in the clearer, who in the case of a new village becomes the headman, and to his successors. Within the village's outlying lands the same principle applies to compounds. At both levels, however, both imams (worship leaders) and marabouts of different sorts (men learned in holy texts or diviners or magicians) may get involved in particular allocations—as the former do in inheritance, where Islamic law plays a part.

The assignment of arable upland plots to members of a compound, formally the privilege and responsibility of the compound head, is expected to proceed by formula according to seniority. In one version noted, he allocates land first to the collectivity for coarse grains (often two plots), then to himself and his wife or wives, then to his younger brothers if any, and their wives, then his own children and his brothers' children (the last two sets sometimes share, two or three to a plot). Conventionally, however, where a compound includes more than one cooking group, each cooking group's senior male allocates land to its members in turn, and it is at this level of organization that crops are likely to be rotated. Lowland rice lands, also allocated by males at the compound level or within, are not subject to crop rotation.

Chiefs and headmen hold reversionary rights to disputed lands, as do compound heads within villages. Land appropriated by state authorities for public purposes, or ostensibly public ones, is expected to be compensated, but major problems surround this issue. Where compensation has been offered at all, for instance for land appropriated for schools, it has usually ended up far less than the value of what the land might produce within a few years,

**ANNEX 1 (continued)**

and most often it has failed to arrive at all. Seldom do the losing farmers seem to be compensated at all, and then seldom on anything but a lump-sum basis.

## ANNEX 2

### A FARMERS' LAND DISPUTE AND HOW IT GOT RESOLVED

The following dispute, between two Fula-speaking farmers of a village in Fulladu East District, was the most recent to have taken place in the village when visited in 1992. Never having quite reached court, and having led to no violence, the case shows informal processes of dispute resolution at work, but it shows them operating in the shadow of a court system. It exemplifies the disagreements that arise from land loans, one of the more common kinds. Finally, it illustrates how land dealings and disputes can be hard to unravel from kinship and from noneconomic matters (in this case a romantic rivalry) in the fabric of village life.

X's family had lent Y's family, a poorer and more recently settled one, some upland fields near the village years ago. X, villagers said, was romantically involved with Y's real mother's younger co-wife, Z, and wanted to marry her. (The two co-wives had been widowed.) For reasons unclear, in 1988 ties between the families soured. X decided he wished to withdraw the loaned fields from Y and his family, though X (in others' opinion) did not really need the field back to farm. He explained his intention to the village headman and male elders. (Eight heard him, excluding the immediately interested parties). They ordered Y to let go of the land, but Y refused. X appealed to the higher power of the district chief, reportedly giving him a bull, and then a ram when the chief came to adjudicate. By this time six months had elapsed since the rift, during which Y had gone to the district chief twice but had not been able to persuade the chief to come visit on his behalf. He recruited W, from a third compound, to serve as his witness. X's younger brothers wanted to fight, but the chief appealed to all to be peaceful.

After being shown the fields, the chief divided them, awarding sixty percent to Y and his family (the original borrowers) and 40 percent to X and his. X's close kin disapproved of the decision. But the chief asked X to be content with the 40 percent, and X, happy enough to have been established beyond doubt as the original rightholder to the land, agreed. W, who had witnessed for Y, advised Y to do nothing until the latter's younger and better schooled half-brother Q, son of Z, returned from abroad. When Q arrived, learned all about the case, and complained to the village headman and to the district chief who had adjudicated, the chief advised Q to back down or risk his family's losing all.

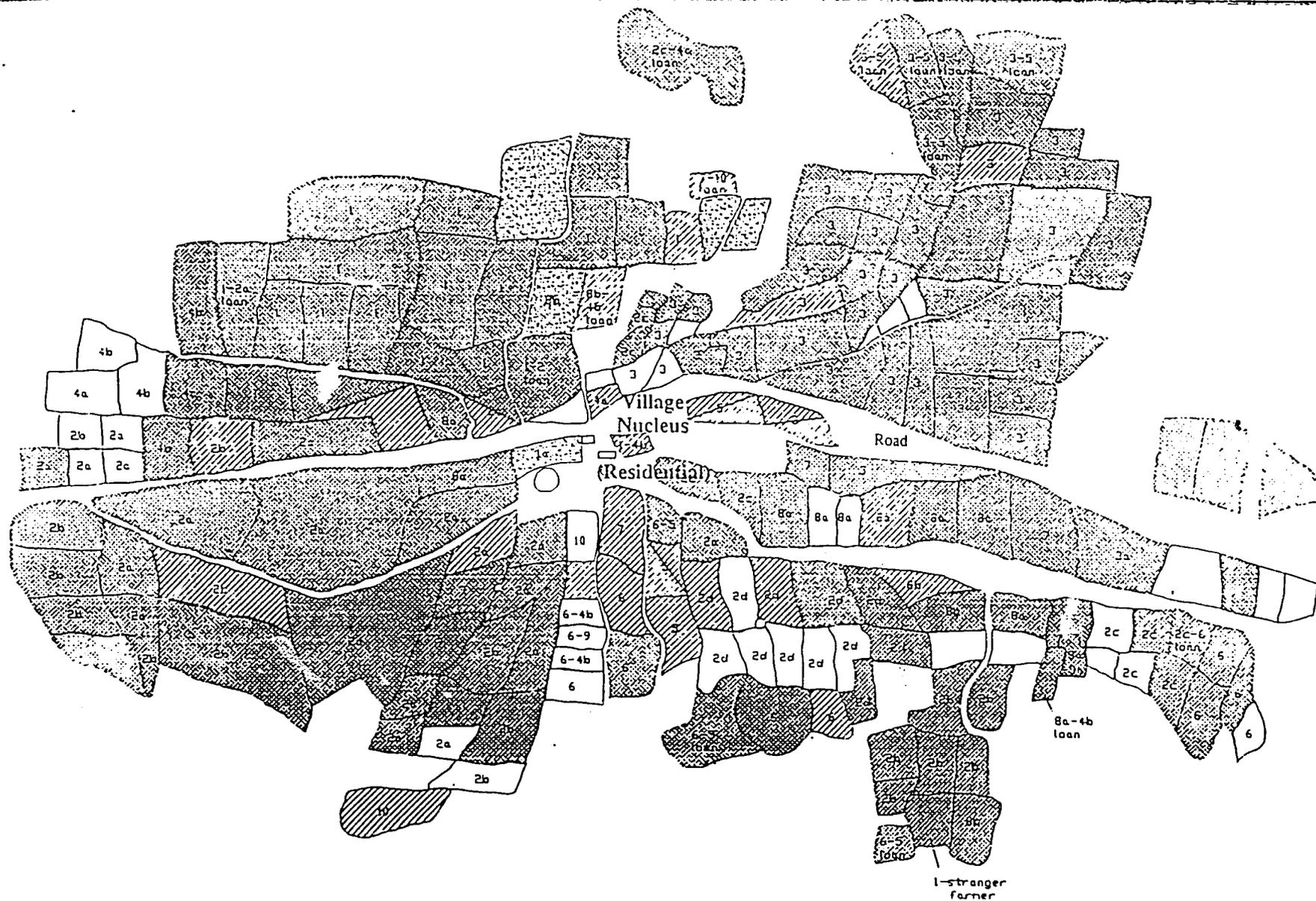
W, it became clear, had rekindled the dispute through Q. Why? Villagers perceived that W himself was sexually interested in Z, the mother's co-wife of Y with whom X was known to want to marry, and they speculated that he wished to prove himself influential to her and humiliate his rival X at the same time. Q returned from the chief and said, against the chief's instructions, that X should leave the land. The village elders told Q to desist, since, whatever the merits of his case, X had been quite cooperative. W, it was said, approached Q again to incite him to act. Under this influence, the educated Q threatened to fetch a lawyer from Banjul—a strong threat, lawyers being scarce and their ways being

## ANNEX 2 (continued)

perceived as exotic and mysterious. But the village elders held fast, and Q finally gave up about a year after the first dispute arose.

No woman had a direct voice in any of the village elders' proceedings. Two (in addition to Z herself) became involved in the dispute, overtly but obliquely, in the following way. One fairly close kinswoman of X had overheard Z's daughter backbiting X's family and insulted her back directly with a provocation to fight, but other women present separated them.

By 1992, both X and Y had cooled off and appeared to have almost forgiven the whole affair. They behaved not as friends, but no longer as enemies. Y no longer used X's well to water his animals, as he had habitually done before the dispute began. Z no longer paid visits to X for any reason. The children of the disputants were popularly supposed never to have learned about the dispute.



■ -GROUNDNUTS

■ -SORGHUM

■ -MILLET

■ -FALLOW

■ -COTTON

■ -CASSAVA

■ -MAIZE

□ --NONE

## Explanation of Map

Numbers on fields refer to seniority of the families holding rights to them by virtue of when they or their ancestors settled in the village. Compound (galle) 1, the one whose occupants claim descent from the first settler of the village, is (as is common in Gambian and Senegalese villages) the compound of the present-day village headman. Compounds whose lands are indicated by both numbers and letters are ones that share descent from a single ancestor; thus compounds 2a and 2b both claim descent from the second male who settled in the village. Although the village's fields are now upland fields, the village's faro (swamp or flood recession rice land) much smaller in area, having been gradually abandoned over the past decade because of drought and animal damage.

Note the high proportion of the village's cultivated area held by the descendants of the first settlers.

ZONE	VILLAGE	INNER FIELDS (UPLAND)	OUTER FIELDS (UPLAND)	RICE FIELD (LOWLAND)	FOREST	HILL	BUSH	CATTLE TRACK
LAND USE	houses, mosque, store, milling machine, wells, bantaba, maize, okra	maize, late millet, sorghum intercropped with maize, maize intercropped w/late millet, tethering, fruit collection, pump wells (old)	groundnuts, late millet, maize, groundnut intercropped w/late millet, fallow groundnut rotated w/late millet, sorghum, grazing, fruit collection (wild fruit)	rice growing, fishing	yam collection, grazing, medicine	firewood collection, medicine, grazing, fruit collection, tethering	grazing, firewood, yam collection, medicine	cattle, goat, sheep track, grazing
SOILS	laidi balairi (loam), Ndata (clay)	laidi balairi, ndaneri (white sand)	laidi raneri (white sand) njanderi (red sand) mboderi	loppay (mud)	ndata	rocks (sing.) haire mawnde (pl.) caya mawde	ndata	laidi ndaneri
TREES	lime trees, mangoes, taba, kasiyael, mananayel, chekeyee, lali	mangoes, baobab, palm trees	kahi, chekeyee dukey, bohe, bodi	ganjange, koiley, gayloday, barrkayji	kahi, chekeyee dukey, bohe, bodi	bodi, kahi hete, bani, doki	bodi, kahi hete, bani, doki	nete, bodi, dogi, samba sinji, chekeyee, baransanye
ANIMALS	chickens, goats, sheep, donkeys, horses	sheep, goats, cattle, donkey, horses, chickens	bush fowl, horses, donkeys, bush pigs	cattle, bushpig, antelope	bush pigs, snakes, monkeys, antelopes	cattle, bush pigs, snakes monkeys, goats, sheep	cattle, bush pigs, snakes monkeys, goats, sheep	cattle, sheep, goats, donkeys, horses,
PROBLEMS	erosion	striga weed, soil fertility	striga, soil fertility	no more rice cultivation because rainfall declined in recent years.	animal pests	unarable	unarable, muddy	

TABLE 1

Transect of land surrounding Sare Samba, as perceived by villagers

TABLE 2

## FULLADU EAST NATIVE TRIBUNAL - COURT CASES 1978-91

	1978	1979	1980	1981	1982	1983	1984	1985	1986 (no data)	1987	1988	1989	1990	1991	TOTAL 1978-91
<b>LAND</b>															
disputes over landholding							1	3		5	6	5	6	2	28
animal damage to crops	1		2									3			6
trespassing										2		2	1	1	6
<b>FORESTRY</b>															
forest/ tree cutting	2	1	1		2	5					2	2	3	3	21
bush fire			3		4	11	3				5		2		28
palm wine tapping											1	2		1	4
other or unidentified				1	1		1	3			4	2	3		15
<b>ANIMAL OWNERSHIP</b>							1	1		3	1	2	4	1	13
<b>DEBTS (of crops, money, etc.)</b>							1	3		2	3	8	5	1	23
<b>DIS- ORDERLY CONDUCT</b> (fighting, contempt of court, etc.)	9	5	5	4	1	4	8	5		4	7	3	2	5	62
<b>FAMILY</b>															
marriage, divorce, adultery	6	3		4	3	3	21	31		19	43 <sup>1</sup>	40	37	34	248
rights over children; custody										4	11	6		4	25
dowry							3	2		5	6	4		1	21
other								4		1		2		1	8
<b>THEFT/ OWNERSHIP OF THINGS</b>							1			1		2			4
<b>RATES AND TAXES</b>				1	2		1	2				6			12
<b>UN- IDENTIFIED CASES</b>								1		1	2	6	4	5	19
<b>TOTAL</b>	18	9	11	10	13	23	41	55		47	91	95	67	59	539

## END NOTES

1. In 1991 the U.N. Development Programme listed The Gambia as the second country from the bottom (159th out of 160), ahead of only Sierra Leone, in the Human Development Index (a combined measure of life expectancy at birth, adult literacy, mean years of schooling, educational attainment, real GDP per capita, and adjusted real GDP (UNDP 1991: 121). The World Bank's World Development Report as of 1992 did not list this small country.

2. The main research for this report was undertaken in The Gambia and (briefly) Senegal between July and September, 1993, with four assistants recruited from the Upper River Division, and one Gambian consulting researcher, Musa Suso, all well known already in "Sara Samba." I had stayed in that village and Foni Berefet on previous research visits to the two countries in 1987 and 1988.

3. An institution here means an established custom, convention, rule, or way of organizing people.

4. The classic work on Senegalese landholding, unsurpassed in scope and volume, is Pelissier's Les Paysans du Senegal (1966). Other key sources on both countries include Cheikh Ba (1986) on Peul; Gastellu (1981) on Serer, Cruise O'Brien (1971, 1975) and Copan (1980), and K. Schoonmaker Freudenberger (1991) on the Mourides of Senegal and others; Le Roy and Niang (n.d.) Diop (1981) on Wolof in general; Linares (1992), Snyder (1981), and Schloss (1988) on Jola; Gamble (1955), Haswell (1963, 1975), Weil (1970), on Mandinko.

5. David (1980), Swindell (1981, 1985), Colvin et al. (1981), and Robertson (1987) are the main sources exploring the regionally important phenomenon of seasonal migrant share contractors or "stranger farmers".

6. Caverivière and Debène (1988) analyze Senegalese land law from a rather strictly European juristic approach; and Hesseling's (1986) work on Ziguinchor and her and Mathieu's (1986) on Senegal in general combine wider legal, political, and sociological perspectives.

7. An interdisciplinary team led by Seibert (1991) concentrated on the social and cultural opportunities and constraints for community forestry in a cluster of central South Bank villages, and another led by M. Schoonmaker Freudenberger (1992) has recently produced a useful general description of Gambian landholding and land law, with a case study on the mainly Mandinka- and Jola-speaking Foni Jarrol District, again with an emphasis on trees. Others from the University of Wisconsin Land Tenure Center (including Bloch 1989, Golan 1990) have made valuable contributions in Senegal, as have study teams from the Institute for Development Anthropology, concentrating on irrigated areas and down-river dam studies. The University of Michigan Center for Research on Economic Development evaluated the Eastern Senegal Livestock Development project (Josserand 1985). Benoit-Cattin (1986) reports the findings of an interdisciplinary agronomic implementation and research team in

the Region du Sine-Saloum; and Busacker et al. (1990) reports the findings of a student team from the Technische Universitaet Berlin in Bas-Saloum. Several annual teams of anthropology and development students connected to the Afrika-Studiecentrum at the University of Leiden, doing work directed by Gerti Hesseling and Hans Van den Breemer, and others have been preparing a set of thesis-based village studies of Upper River Division of The Gambia and the adjacent parts of Eastern Senegal around Tambacounda; several of these concentrate on women's land rights and land use.

8. For broader comparisons and case studies on landholding elsewhere in Francophone West Africa, the key sources are the important volumes of the Laboratoire d'Anthropologie Juridique (APREFA) group in Paris (Crousse et al. 1986, Le Bris et al. 1982, and Le Bris and Le Roy et al. 1991; the collections of the Organization de Recherche Scientifique et Technique Outre-Mer (ORSTOM) there (especially 1979); and the first volume of African Perspectives (1979) from Leiden.

9. The Fula (as they are known to anglophones in The Gambia), Fulbe (as known in the Pulaar plural), or Peuls (as known to francophones in Senegal) belong to the major Fulani group stretching, in varying mixtures with other peoples, from Mauritania to Guinea and Sierra Leone, and from these coastal countries all the way to Chad and Cameroon. They include many semi-localized subgroups, and Pulaar many dialects. Most of the region's dialects having no single standard lexicons, orthography and the use of diacritical marks vary widely. In this report most Fula terms are Fulakunda variants.

10. The points in this brief section are discussed in more detail in Biebuyck 1966 and Shipton and Goheen 1992 (see sources in the introduction's extended bibliography).

11. Points made in this brief section are amplified and documented in Shipton 1989.

12. Philip DeCosse and Elon Gilbert, personal communication (report in progress).

13. Linares (1992) provides the best description of intervillage variations among Jola in agricultural and related practices.

14. The name of the village has been changed to protect anonymity.

15. A term like the Pulaar leydi, rather like "land", can mean many things, including landscape, soil, terrain, personal or family space, country, region, or continent. Le Roy and Niang (n.d.) offers comprehensive Wolof-French translations of landholding terms. No comparable study exists yet for Pulaar or Mandinka, but Cheikh Ba (1986) offers a useful glossary.

16. Cheikh Ba 1986: 353-79 offers a glossary of Senegalese Peul (Fulani) terms used for lands, vegetation, and natural phenomena.

17. An unfenced upland garden is ngesa; a fenced one is nako.

18. In Senegal, Pelissier reported Peul rainfed fields to be classified by stage of exhaustion within the fallow cycle; the stages of segueli or segeli (pl. segeliji), mondo (a borrowed Maudinka term?), and soyende (pl. choile) characterized by a succession of crops having different tolerances for levels of soil nutrients -- first the most delicate millets, then the smaller late millets, and finally an alternation between millets and groundnuts for four or five years (Pelissier 1966: 532).

19. Grave, in Pulaar: yenaande, pl. jaanaale; In Mandinka: baade. Fula once buried the dead in their houses and abandoned the compounds or even entire villages. Like other Gambians and neighboring Senegalese, they now bury their dead just outside a village in a common graveyard (though original settlers and "strangers" who died in the village are commonly buried in separate sections of the graveyard). Graves are marked by rather impermanent sticks, stones, or small trees above heads. Graveyards may be farmed, but animals are sometimes allowed to roam through them to graze. Being fairly tightly circumscribed, graveyards have less immediate economic significance than in some other parts of Africa, but their presence can affect local decisions to move whole villages.

20. The main differences in usage that affect landholding discourse (using a bilingual Fula s English as an example) are these: (1) Gambian use of classificatory terminology (the grouping of collaterals into generic classes, e.g. father's brother called "father"; mother's sister called "mother", father's brother's son called "brother", mother's sister's daughter called "sister", etc.) (2) Vertical "telescoping": father's father's father sometimes called "second grandfather". (3) Sharp distinction between kinds of siblings of parents: father's brother usually called "father", whereas mother's brother usually called "uncle". (4) Sharp distinction between father's sister's child and mother's brother's child (male preferentially marries mother's brother's daughter, known to anthropologists as a "cross cousin").

Terms that francophone Senegalese conventionally use in French differ in analogous ways from those used by francophone Europeans.

21. Relevant Mandinka terms: founder family: bonsungu (also means common male ancestor). Other families or in-laws: baading' koteng'olu or baading'olu (lu is pl. suffix). Townspeople, residents, villagers: saatecmochu. Host (family): jaatiyoo. Strangers: lutangolu.

22. Village naming can buttress the authority of the founders and their known lineal descendants, serving as a reminder. Among sedentary Senegalese and Gambians, settlements are commonly named after lineage founders. The Peul terms saare, village or house, or sinchaang' or the shortened sinchu, foundation, are followed by personal names in place names. The Wolof term Ker, followed by a name, and the Manding suffix kunda serve the same purpose: they all mean "the home of" or "\_\_\_'s place" (see Ba 1986: 80).

23. The relation between caste and earliness of settlement has not been well studied and is hard to specify. Some who have founded new villages have ascended to a higher caste there than those of their birth, though not all agree this ought to be so.

24. The point is discussed in M. Freudenberger (1992).

25. In Sene-Gambian languages including Pulaar and Mandinka, words translating as "youth" or "junior men" may refer to men as old as their late thirties or early forties. Also, some village associations or women's associations include a few women who have married out to live in other villages nearby.
26. Mandinka-English translations from Seibert's discussion of kafoolu (1991: 28-42).
27. Some Serahuli and Ako (descendants of slaves), the latter having benefited recently from certain new kinds of economic independence, now number among the larger urban real estate holders in Banjul and Serekunda.
28. This is the case among many Jola communities in the lower Casamance—Linares 1992: 56—and probably in the Fonyi Districts of the Jambia too.
29. Among the Mandinko and some other Gambian peoples, land assigned to a woman, for instance for rice growing, can "move" with her as she marries out of one compound or even village and into another. (Among Mandinko, at least, her social identity remains largely pegged to her natal family and lineage, and she does not change her family name—Seibert 1991: 49.) A woman who has already married out of a compound may also be assigned some of its land. Her husband's family and patrilineage thus acquire some claim in it, though not an exclusive one. The woman may in turn assign the land, or part of it, to a daughter (Seibert 1991: 45). As that daughter in turn marries, a third patrilineage, her husband's, acquires its own claims. The original settling lineage still claims the senior rights, but the passage of time and the new holders' labor investments might weaken the old pioneer lineage's claims, particularly if the women in question should expand their gardens onto new land. Dey (1981) offers a more detailed discussion of Mandinko women's and men's control over rice and other harvested crops; see also Von Braun and Webb 1989, also on Mandinko, and Linares (1992) on Jola in the Casamance.
30. Some scholars dispute the use of the term "caste" for West African occupational categories, perceiving some differences between these and South Asian castes.
31. Some castes represented in Fulladu East District. For other more detailed lists of Fulani castes, see Dupire 1970: 427-37 (on Fula) and Oumar Ba 1977: 17 (on Peul of the Fouta Toro of Senegal).
32. Simplified list of Mandinka castes taken from Seibert 1991: 48n.
33. See K. Schoonmaker Freudenberger (1991) on Wolof Mouride farmland encroachments into land grazed and traversed by Peul (Fulani) herders in central and eastern Senegal. While The Gambia has Muslim brotherhoods, none has hitherto controlled much of the country's wealth and power in an organized fashion comparable to the way Mourides have done in Senegal.
34. A fourth basis underlying rightholding, consecration, for instance by burying medicines or human bodies, or perhaps sacrificing animals, plays a key role in establishing

claims to particular places—particularly in and around villages or in special sacred groves in the bush—but not to all farmland.

35. In central northern Senegal, Toure and Arpaillage have reported that this pattern of devolution inter vivos helps give the ablest herders the biggest herds (Toure and Arpaillage 1986: 35).

36. By Islamic law, debts are inherited just as wealth is; though ... informants professed knowledge of no local tradition on the matter.

37. The principles involved have been well laid out in works by Gudrun Dahl and Anders Hjort, and among those who have worked among Hal Pulaar peoples, by Jeremy Swift and Cynthia White.

38. By Cheikh Ba's translations (into French in his text) the seasons Fula (Peuls) recognize are Dabbunde, the cool season from mid-November to February; Ceedu, the hottest, driest season in March and April; Demminaare, the transition to the rainy season, Ndunngu, the rainy season proper, and Kawle, the transition to the dry season, from September to November (Cheikh Ba 1986: 353).

39. The major study led by Benoit-Cattin in Sine-Saloum, Senegal, in three mainly Wolof-speaking villages in 1976, produced striking figures (1986: 345-6). "The [order of] appearance of the hamlet [Fr., hameau] appears to be the most important factor in landholding inequalities. The farms [exploitations] in which the heads are direct lineal descendants of the founding families of the hamlet have on average three times as much land as those in which the head is related to these families through his mother, and five times as much as the families in which the head has no kinship link with the founders of the village [village]" (p. 345). The average hectares of the three sorts, respectively, were 14.17, 5.58, and 2.7.

40. See the writings of P. David (1980), K. Swindell (1978, 1981, 1985), and A.F. Robertson (1987) for fairly comprehensive treatment of Senegalese and Gambia migrant share contracting.

41. See Downs and Reyna 1988; Shipton 1988, 1992; Shipton and Goheen 1992, and the many available sources cited there. The closest example of an unsuccessful titling program is of course Senegal's; Golan (1990) examines some of its effects.

42. The Gambian formal court system and its alternatives in land disputes are also briefly discussed in Freudemberger 1992. He perceived marabout involvement to be especially important on the North Bank. In the Foni Jarrol District, he noted that women who organize female circumcision celebrations are sometimes called in for settling women's rice land disputes. Linares (1992), writing on Jola in Casamance, found what she called spirit shrines extremely important in land disputes and their resolution.

43. To isolate the effect of frequency of recording, a noneconomic index like the incidence of disorderly conduct cases (including fighting, beatings, contempt of court, etc.) may help

11

for comparison: this remained fairly constant from twenty-four in 1978-82 to twenty-one in 1987-91. Family cases (divorce, adultery, etc.) rose sharply from 23 in 1978-82 to 218 in 1987-91, but this is probably explicable by a rising incidence of male migration away from home, a usual cause of disputes evident in texts of the cases. Cases over animal ownership and debts increased from none to several annually, but their numbers remained too scanty for guidance.

44. Striking was the proportion of cases that came from a single village heavily involved in dry-season market gardening, in this case a village of Jakhanke (a minority subgroup of Mandinko).

45. The seasonal migrations toward and away from the Senegal River are described in Toure and Arpaillange 1986. Some of the population has moved out of the drier areas of central and eastern Senegal since then as a result of drought.

46. See Dey 1981: 114, on Mandinka-speakers.

47. The land ordinances are also listed in Seibert (1991—see especially pages 46-7) and Freudenberger (1992).

48. This observation is not intended as a comment on the current Minister or other specific individuals, but only as a general comment on the potential for future abuse.

49. Use of packaged fertilizers in The Gambia as a whole rose from 3,573 tons yearly in the period 1973-75 to 11,057 tons in 1979-81, then declined to 7,189 tons in 1987-89 as fertilizer prices rose (DeCosse 1988:8).

50. In Genieri village, between 1949 and 1973, population increased 46 percent but active cultivation only 32 percent.

51. Moldboard ploughs predominate in Upper River Division and Western Division; sine hoes (multi-purpose tool bars) in North Bank Division (Sumberg and Gilbert 1988: 7).

52. DeCosse's analysis of the National Agricultural Sample Census indicates that in 1990, only four percent of Gambian groundnut area was cultivated by "strange farmers," far less than in earlier decades.

53. The sample size, however, was very small in that study, with only nine "dabadas" represented in this village.

54. Fertilizer was obtained almost entirely on credit (the other villages bought it mainly for cash), and the more land a work group cultivated, the more likely it was to use artificial fertilizer.

55. In each village Mills et al. studied, some work groups (called dabada in the study) had their own ploughs, others none.

56. It is hoped that current research being undertaken jointly by the German Forestry Service and the Gambian Forestry Department will provide answers to the important question of thresholds in the ability of forests to regenerate growth under pressure of grazing and browsing.

57. In Senegal as in The Gambia, woodfuel is the main source of energy used for cooking and other domestic purposes. For Senegal, Ribot (1992: 3) cites fuelwood (defined as including both firewood and charcoal) as providing 89 percent of primary household energy used in the cities, and 99 percent in the rural areas; the aggregate figure is 93 percent nationwide. Senegal's forests were estimated in the early 1980s to be declining at about 1.2 percent (about 165,000 ha.) per year. Charcoal production, a process that loses two thirds to four fifths of the wood's energy according to Ribot, has not been as tightly regulated in Senegal as in The Gambia. See also Tibesar (1991).

58. See Ribot (1990a: ch. 9) for an analysis of "rent-seeking" corruption or prebendalism among Senegalese forestry officials.

59. The idea was suggested by an informant of the M. Freudenberger team in Foni Jarrol District.

60. Shipton (1990, 1991, and forthcoming) describes indigenous rural Gambian financial mechanisms and their relation to "formal" systems like those of the cooperatives and banks. Graham et al. (1993) describe Gambian banking and state financial institutions in more detail, also including some information on indigenous finance. Tuck (1985) surveys informal finance in Senegal.

61. Nor are financial institutions likely soon to replace jewelry, stored crops, and other indigenous means as women's preferred ways of saving.

62. Muslims, Christians, and others sometimes keep separate graveyards around larger towns. Even in small villages, autochthons and immigrants are sometimes buried in different parts of a graveyard. Villagers digging graves sometimes displace old bones; and some villagers interviewed seemed relatively unconcerned about this. A Banjul graveyard's being eroded by the sea, however, caused some stir in the newspapers when remains became exposed.

63. See also Dey (1981: 114), on Mandinko of Saruja, and Freudenberger (1992: 23) on Mandinko and Jola of Foni Jarrol. Dey notes that irrigated land is considered open to rentals since it is "new" and not subject to "customary" rules.

64. See Snyder (1981) for a full-length study of land and tree pledging among Jola of the lower Casamance. Linares (1992: 123-4) found, among other Jola in Jipalom there, that bulls are sometimes pledged against loans of parcels of land, and that such cases sometimes become permanent by default. Elders, she writes, have lost spiritual power to control such pledges by losing command over important shrines.

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