

**TENURE AND RESOURCE MANAGEMENT  
IN THE GAMBIA:**

**A CASE STUDY OF THE  
KIANG WEST DISTRICT**

by

**Mark Schoonmaker Freudenberger  
and  
Nancy Ann Sheehan**

Research Team Members:

Fasainy Dumbuya  
Saul Secka  
Gumbo A. Touray  
Yamoundow Diallo

USAID/The Gambia  
Contract Number DHR-5453-A-00-9048-20

All views, interpretations, recommendations, and conclusions expressed in this document are those of the authors and not necessarily those of the supporting or cooperating organizations.

**Prepared for the Land Tenure Center  
University of Wisconsin-Madison**

**August 1994**

## **PREFACE**

This report presents the findings of field work and analysis conducted from June 3-June 28, 1993 by an interministerial team of the Government of The Gambia held in collaboration with the Land Tenure Center of the University of Wisconsin-Madison. The research was sponsored by the Working Group on Resource Tenure and Land Use Planning, coordinated by the Ministry of Natural Resources and Environment, and financed by the USAID/The Gambia under the "Tenure and Resource Management in The Gambia" project.

The findings from this case study contribute to a national policy dialogue on resource tenure in The Gambia, an integral element of the Government of The Gambia and the USAID/The Gambia Agricultural and Natural Resources (ANR) program. This study, conducted in the Kiang West District, took place concurrently with a study in the Upper Baddibu District which was also led by an interministerial team sponsored by the Working Group on Resource Tenure and Land Use Planning. These two case studies represent an initial phase of field research to be supplemented by additional case studies in different parts of the country.

Section I of this study describes the case study objectives, research methodology, and limitations. Section II presents a general overview of the history and ecology of the Kiang West District. Section III describes the settlement history, social structure, and villages institutions of the case study village, Dumbutu. The overall structure of the tenure systems of the village are discussed in this chapter. Section IV describes resource use practices and tenure arrangements around particular resources found in different micro-ecological zones. Section V investigates the incidence and causes of resource disputes in both the village of Dumbutu and the Kiang West District. Section VI summaries in the first section policy recommendations of key resource user groups and finishes with an analysis of tenure constraints and opportunities in the Kiang West District.

The central conclusion of this report is that customary tenure arrangements in the case study village site of Dumbutu respond to the needs of the community to regulate access to and use of natural resources. As with other villages in the Kiang West District, Dumbutu does not face a severe agricultural land shortage at this time because many able bodied people have migrated to urban centers in The Gambia and abroad. This has reduced the demand for land for upland field crop production. Women, however, face a shortage of arable land for rice cultivation due to salt water intrusion on lowland fields and lack of sufficient rainfed plots in upper valleys.

Livestock production is an integral element of the farming system. Livestock owners and herders complain of a lack of adequate grazing lands because of restrictions enforced against entry into the Kiang West National Park and three nearby Forest Parks. Manure contracts do not exist in the community because available manure is monopolized in the hands of the cattle owners and applied primarily to their own fields. The shortage of manure is severe and this reduces possibilities for improving soil fertility on cropped lands.

Resource tenure conflicts exist in the community, but these are generally resolved at the household, village, and district tribunal level. Customary tenure precepts are used to resolve conflicts associated with crop damage caused by livestock, borrowing arrangements, inheritance, boundaries, and bush fires. The district tribunal plays a central role in the dispute resolution process by seeking informal reconciliation between contesting parties rather than resolution of disputes through formal court adjudication.

The research team questions the applicability of the 1990 Lands Act. It speculates that the law could provoke severe tenure conflicts between land owners and land borrowers and reduce the flexibility of existing borrowing arrangements. The team cautions government against the implementation of the law at this particular moment in the Kiang West District.

A significant proportion of the land in the Kiang West District is placed under the management control of the state. The Kiang West National Park and three Forest Parks account for 12,800 hectares of diverse forests, pastures, and water resources. National park managers and forest park agents enforce restrictions on the use of these state reserves by local populations. This case study investigated the impact of state reserves on the population of Dumbutu. It concludes that many use rights to the natural resources of the national park and forest parks have been reduced significantly and that this has generated fears and tensions among the populations of the Kiang West District. The community is concerned that use rights will be further restricted and that this will compromise the livelihoods of various resource user groups. The research team recommends strongly that measures be taken to mitigate the effects of the park on the local populations. This consists primarily of improving the institutional capacity of the Kiang West National Park's Technical Advisory Committee to advise adequately park service authorities of ways to build better public relations between the community and park managers. At this time the advisory committee plays a largely perfunctory role and fails to build the public support needed to maintain the ecological integrity of the national park and nearby forest parks. The team recommends that the Gambian-German Forestry Project consider ways to devolve resource management authority over the three forest parks to the communities of Kiang West National Park. Unless better co-management relations are constructed in the near future, expressions of popular resistance to the state reserves will become increasingly frequent.

The members of the team wish to thank all the people who made this study possible. We especially acknowledge and appreciate the unqualified support and participation of the villagers of Dumbutu and thank them greatly for the generous hospitality provided to our team.

## TABLE OF CONTENTS

	<u>Page</u>
Preface . . . . .	iii
Table of Contents . . . . .	v
List of Figures . . . . .	vii
List of Boxes . . . . .	vii
I. Introduction . . . . .	1
A. Research purpose and objectives . . . . .	1
B. Research methodology . . . . .	2
C. Research team . . . . .	2
D. Limitations of study . . . . .	3
II. The Kiang West District case study . . . . .	6
A. Introduction to the Kiang West District . . . . .	6
B. History of the Kiang West District . . . . .	8
1. Settlement history . . . . .	8
2. The "Soninke Wars" and the Kiang West District . . . . .	10
III. The village of Dumbutu . . . . .	11
A. Settlement history . . . . .	11
B. Present-day Dumbutu . . . . .	16
C. Social structure . . . . .	21
1. Social position and household settlement histories . . . . .	21
2. Social groupings and access to land . . . . .	23
3. Land and wealth . . . . .	32
D. Village institutions . . . . .	35
1. District and village-governing institutions . . . . .	35
2. Religious organizations . . . . .	37
3. Age-group organizations . . . . .	37
4. Community-development organizations . . . . .	37
5. Rural development projects . . . . .	38
6. Resource-management institutions . . . . .	38
IV. Resource use, management practices, and tenure arrangements in the village of Dumbutu by microecological zone and socioeconomic group . . . . .	42
A. The <i>bolong</i> (mangrove and salt marsh) . . . . .	42
1. Oyster gatherers . . . . .	42
2. Fishermen . . . . .	43
3. Grass and forest product collectors: . . . . .	44

B. The salt flats . . . . .	44
C. The lower valley . . . . .	44
1. Cattle owners and herders . . . . .	45
2. Women rice farmers . . . . .	47
3. Hunters and collectors of forest products . . . . .	50
D. Upper valley and Plateau . . . . .	51
1. Herders and grazing . . . . .	51
2. Sand extractors . . . . .	51
3. Women rice farmers . . . . .	52
4. Legume and grain crop farmers . . . . .	52
5. Sacred areas and the general population of Dumbutu . . . . .	52
E. Settlement area . . . . .	55
V. Resource-use disputes and conflict resolution in the Kiang West District . . . . .	57
A. Categorization of resource-use disputes in Dumbutu and Kiang West District . . . . .	57
B. Conflict resolution mechanisms in Dumbutu and Kiang West District . . . . .	57
1. Interviews with the acting <i>alkalo</i> and imam of Dumbutu . . . . .	62
2. Interviews with the <i>seyfo</i> and the district tribunal members of Kiang West . . . . .	68
VI. Policy reflections and recommendations . . . . .	74
A. Overview . . . . .	74
B. Policy recommendations of resource user groups . . . . .	74
1. Men farmers . . . . .	74
2. Women farmers . . . . .	75
3. Livestock owners and herders . . . . .	76
C. Policy reflections of team members: Tenure, decentralization, and community-based resource management . . . . .	76
1. Tenure constraints in the holdings . . . . .	77
2. Tenure constraints and state reserves . . . . .	79
3. Tenure constraints and the forest commons . . . . .	82
D. Policy recommendations of team members . . . . .	83
1. Agricultural productivity . . . . .	83
2. Integrated pest management . . . . .	83
3. Rural employment generation . . . . .	84
4. Kiang West National Park . . . . .	84
5. 1990 Lands Act . . . . .	86
Bibliography . . . . .	88
Appendix: Calendar of activities . . . . .	90

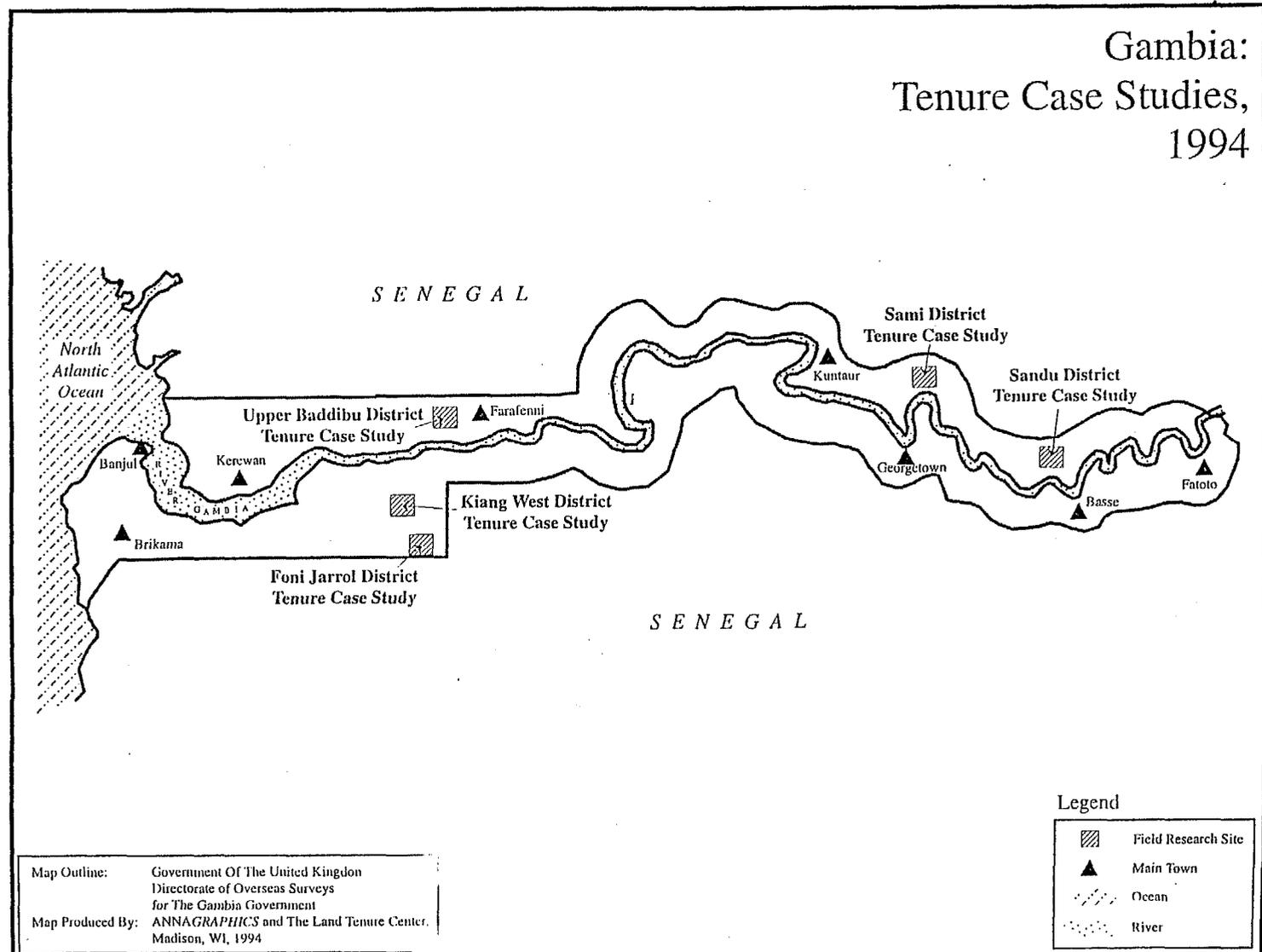
## LIST OF FIGURES

	<u>Page</u>
Figure 1: Map of The Gambia . . . . .	viii
Figure 2: Research Objectives . . . . .	4
Figure 3: Map of Kiang West District . . . . .	5
Figure 4: Map of Dumbutu and environs . . . . .	12
Figure 5: Ecological transect of Dumbutu . . . . .	13
Figure 6: Map of Dumbutu . . . . .	17
Figure 7: Fruit picking by children of Dumbutu . . . . .	19
Figure 8: Animal species hunted by children of Dumbutu . . . . .	20
Figure 9: Labor migration of Dumbutu youth . . . . .	22
Figure 10: Landholdings among <i>kundas</i> . . . . .	29
Figure 11: Land lending within a land-surplus <i>kabilo</i> . . . . .	30
Figure 12: Women's revenue and labor matrix . . . . .	31
Figure 13: Wealth ranking by <i>kabilo</i> . . . . .	33
Figure 14: Land distribution by <i>kabilo</i> . . . . .	34
Figure 15: State reserves in Kiang West District . . . . .	41
Figure 16: Loss of faro rice fields to forest parks . . . . .	54
Figure 17: Dispute resolution schema . . . . .	59
Figure 18: Categories of village disputes . . . . .	65
Figure 19: Disputes among Dumbutu residents . . . . .	66
Figure 20: Dispute matrix by Kiang West District Tribunal members . . . . .	70

## LIST OF BOXES

	<u>Page</u>
Box 1: Interview with Mrs. X . . . . .	53
Box 2. Sacred groves and other consecrated areas . . . . .	56
Box 3: A case of competing claims of ownership over one piece of land . . . . .	63

FIGURE 1: MAP OF THE GAMBIA



## I. INTRODUCTION

### A. RESEARCH PURPOSE AND OBJECTIVES

One component of the Agricultural and Natural Resources program of the Ministry of Natural Resources and the Environment, financed by the USAID/The Gambia, is to promote a public policy dialogue on tenure and natural resource management in The Gambia. The overall intention of the policy dialogue process, conducted in collaboration with the Land Tenure Center of the University of Wisconsin-Madison, is to assess 1) whether current statutory and customary tenure arrangements serve as incentives or disincentives to the conservation and regeneration of natural resources and 2) whether public policy reforms are merited.

To initiate this dialogue, a Working Group on Resource Tenure and Land Use Planning was created by the Ministry of Natural Resources and Environment (Planning Unit). Several members of the Working Group conducted case studies to describe the tenure and natural resources situations found in various locations around The Gambia. The information provided by these case studies will be incorporated into an analytical paper assessing the tenure situation in the entire country and spelling out various policy options to the government and donors (Freudenberger 1994). This analytical paper is to serve as one contribution to a future national seminar on resource tenure in which members of government and the public are invited.

The objectives of the study were originally defined by a case study conducted in the Foni Jarrol District in January 1992. This study, sponsored jointly by the Ministry of Local Government and Lands and the Agricultural Research Service of the Ministry of Agriculture, developed not only the broad objectives but also the research methodology.<sup>1</sup> The objectives were subsequently modified by the Working Group on Resource Tenure and Land Use Planning (see figure 2).

The central intention of the Kiang West District case study is to identify the range of resource-management practices diverse rural communities employ and to describe the tenure arrangements around the various resources. This description serves as the foundation for assessing whether the tenure arrangements in the case study area are either incentives or disincentives to the conservation and regeneration of natural resources. This report notes the policy recommendations of the villagers interviewed. In addition, the recommendations incorporate the policy perspectives of the team members.

The preliminary findings presented in this study will be complemented by more in-depth research by Land Tenure Center researcher Nancy Sheehan leading to the preparation of her doctoral dissertation from the University of Wisconsin.

---

<sup>1</sup>Edited by Mark Freudenberger with contributions from Tor Claussen, Susan Gannon, and Demba Komma, "Institutions and Natural Resource Management in The Gambia: A Case Study of the Foni Jarrol District." February 4, 1993.

## B. RESEARCH METHODOLOGY

Several members of the Working Group on Resource Tenure and Land Use Planning met in Madison, Wisconsin, in April 1993 to discuss the research objectives of this study and to select case study sites. Following an extensive review of the literature and discussions on natural resource management and tenure arrangements in The Gambia, the research team selected the Kiang West District village of Dumbutu because it is a small, though predominately Mandinka, village, far from major urban centers. It seemed to represent a situation where resources were plentiful, but labor was in short supply. Major project interventions have taken place in the district, primarily the establishment of the Kiang West National Park.

This case study was based on the use of Rapid Rural Appraisal (RRA), a qualitative research methodology that puts particular emphasis on incorporating the perspectives and concerns of local populations into the research process.<sup>2</sup> It relies on a multidisciplinary research team that spends a limited but intensive time at the study site, using a range of techniques designed to promote the active involvement of the local population in the collection of information.

A five-person team lived in Dumbutu for a total of twelve days during the month of June 1993. The team used the first nine-day period to focus on the village of Dumbutu through the use of various RRA techniques like participatory mapping, transects, institutional diagramming, matrices, wealth ranking, semi-structured interviewing, and focus-group interviews. The second three-day period was devoted to interviews with government officials, extension agents, and nongovernmental staff and, through a final visit to Dumbutu, filling in the gaps identified during the interim period with well-focused interviews with villagers. The detailed daily schedule of research activities is listed in the appendices (see appendix). Following the field research phase, the team presented initial findings to a meeting of the Working Group on Resource Tenure and Land Use Planning on June 29, 1993. Drafts of this report were reviewed and modified on several occasions by the research team.

## C. RESEARCH TEAM

The interministerial team consisted of the following members:

Fasainy Dumbuya	Ministry of Natural Resources and The Environment, Planning Unit; Economist
Mark S. Freudenberger	Land Tenure Center, University of Wisconsin-Madison; Regional Planner, Natural Resource Management

---

<sup>2</sup>The following documents were used to guide field research activities: Karen Schoonmaker Freudenberger and Bara Gueye, "PRA Notes to Accompany Introductory Training Manual." October, 1990, and Food and Agricultural Organization, "Guidelines for Using Rapid Rural Appraisal to Study Natural Resource Management, Land and Tree Tenure Issues." Draft. May 10, 1993.

Yamoundow Diallo	Ministry of Local Government and Lands, Department of Community Development; Translator, Community Development Specialist
Saul Secka	Soil and Water Management Unit; Agronomist
Nancy Ann Sheehan	Land Tenure Center, University of Wisconsin-Madison; Research Associate, Natural Resource Management
Gumbo A. Touray	Ministry of Local Government and Lands, Department of Physical Planning and Housing; Urban and Physical Planner

#### **D. LIMITATIONS OF STUDY**

As in most rural villages in West Africa, the period just before the arrival of the rainy season is a very busy time. Since women and men farmers are busy clearing fields, the team tried not to impinge on their time. Dumbutu residents were also preoccupied with the selection of a new village *alkalo*. They were thus somewhat reticent to impart a full range of information on sensitive issues such as village settlement histories.

Translation posed some difficulties due to the lack of experience of the community development agent. For this reason the non-Mandinka speakers were not completely assured that detailed nuances were translated accurately. Notable quotes, an important part of a report using the RRA methodology, are lacking as a result.

## **FIGURE 2: RESEARCH OBJECTIVES**

### **Objective I: Identification of resource-management practices**

- A. Describe the uses of the natural resources - Who uses what resources where?
- B. Identify the tenure arrangements to natural resources in microecological zones by resource user group and social category
- C. Describe the evolution of natural resource tenure regimes in microecological zones by resource-user group and social category
- D. Interpret the influence of social and ecological factors on the evolution of tenure systems

### **Objective II: Identification of resource-management institutions**

- A. Describe the settlement history of the case study sites
- B. Identify social structures and the role of local institutions in natural resource management
- C. Assess the adequacy of tenure regimes for meeting resource needs of resource-user groups and social categories
- D. Determine the knowledge of current laws on land and other natural resources by case study community
- E. Assess the influence of development projects on resource tenure arrangements

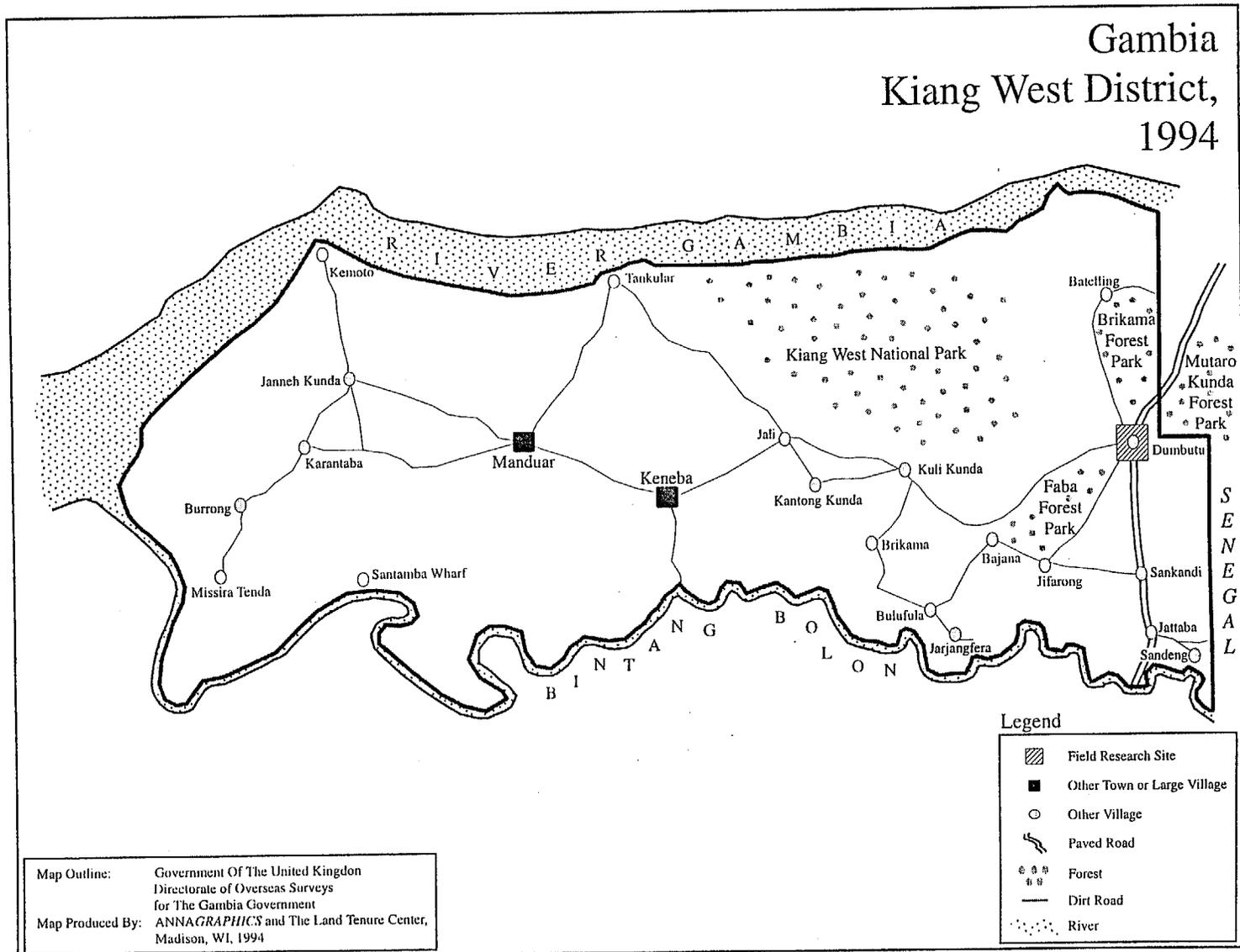
### **Objective III: Identification of resource disputes and conflict resolution mechanisms**

- A. Categorize resource-use conflicts at village and district level
- B. Identify informal and formal conflict-resolution mechanisms
- C. Identify the types of natural-resource disputes that are considered by the district tribunal
- D. Interpret how conflict-resolution practices may be leading to new resource tenure arrangements

### **Objective IV. Policy recommendations**

- A. List tenure and natural resource policy recommendations of rural resource user groups
- B. Identify tenure issues that affect the use and management of natural resources in case study site
- C. Consider how village-level policy recommendations can be incorporated into national policy and legislative reforms and improved administrative practices

**FIGURE 3: MAP OF KIANG WEST DISTRICT**



## II. THE KIANG WEST DISTRICT CASE STUDY

### A. INTRODUCTION TO THE KIANG WEST DISTRICT

The Kiang West District is located in the Lower River Division of west-central The Gambia. The divisional capital is Mansakonko. The Kiang West District capital is Manduar, about 24 km directly west of the case study village of Dumbutu. The population of the district consists primarily of Mandinka, Jola, and some Fula (Fulbe) who live in or near the principal villages.

The topography of the Kiang West District is characterized by a gradual incline from the banks of the River Gambia to a low plateau in the interior. The elevation on the river is about 3 meters above sea level while the plateau rises to about 48 meters near Jifarang and Bajana (see figure 3). From this high point the topography then slopes back down to the Bintang Bolong stream, an inland tidal tributary of the River Gambia separating the Kiang West District from the Foni districts. The levels of salinity vary according to the ebb and flow of Atlantic ocean tides as well as to the amount of fresh water run-off that arrives from The Gambia's upland areas during the rainy season. Because of their unique water regimes, the *bolongs*, or swampy areas, support an array of non-euryhaline and euryhaline aquatic and vegetative species both of which migrate in and out of the system depending on the season and salinity levels.

Over the centuries the Bintang Bolong has been a major trade and communication route linking the populations of the Kiangs to the broader trade networks. During the colonial period small wharfs were located along the Bintang Bolong to facilitate the evacuation of groundnut harvests. Fishing villages and trading ports were found along the River Gambia (for example, the ancient Portuguese settlement at Tubakollon) yet these have been abandoned as villages have been resettled closer to the national highway and a laterite road leading from Dumbutu to Manduar.

The ecology of the Kiang West District is diverse, comprising many distinct microecologies. Two forested areas make up a large portion of the district. These forests border the River Gambia and Jarin Bolong to the north and the Bintang Bolong to the south. A series of small villages are located along the southern fringes of these large forested areas, examples of the few remaining forests of their kind in The Gambia.<sup>3</sup> The forest is used by the surrounding populations for hunting and forest product gathering, a subject discussed in considerable detail below.

The forested areas of the plateau are defined in land use maps as "fair to good grazing" areas during the rainy season. In the dry season they are classified as poor to fair grazing areas

---

<sup>3</sup>Ordinance Survey base maps. "Salikene," Sheet 13, 25 (Part of), Series G724 (D.O.S. 415P). 1975 edition.

because of the poor nutritive value of the grasses. The forest is infested with trypanosomiasis-bearing flies which limit its use for grazing and human occupation.

About one half of the forested area of the Kiang West District consists of the Kiang West National Park (KWNP), an 11,000 hectare state reserve gazetted in 1987. The principal villages, located around the national park in a semicircle, are: Batelling, Dumbutu, Sankandi, Jattaba, Jifarong, Bajana, Kuli Kunda, Kantong Kunda, and Jali. On the other side of the Kiang West National Park another forested area stretches past the district capital of Manduar to the limits of the Lower River Division at the mouth of the Bintang Bolong. Small villages are carved out of these forested areas, nearly all possessing upland and lowland cultivated areas. The district also consists of three forest parks intensively managed by the Gambia-German Forestry Project. These are the Faba Forest Park (530 hectares), the Brikama Forest Park (500 hectares), and the Mutaro Kunda Forest Park (803 hectares). These three forest parks were gazetted in 1952, but intensive management only began in 1990 when the Gambia-German Forestry Project fenced off the perimeters of the park, opened a sawmill in Dumbutu to process logs into timber, and began to implement a forest-management plan.

The village settlements and associated cultivated areas are generally located along the borders of slight valleys which slope down towards the principal *bolongs*. Over the centuries Mandinka and Jola women have cleared the valleys of dense forests and converted the land into rice fields. These rice fields have become especially prized cultivation areas. The fringes of these valleys, classified on land use maps as "riparian fringing savanna woodlands."

Lower down in the valleys next to the *bolongs* are barren salt flats, herbaceous steppes, and mangrove (*Rhizophora spp.*) swamps. Rice farming is practiced by women in some of these lowlands. Sophisticated water control techniques have been developed by Mandinka and Jola women farmers to deal with the intrusion of saltwater into the fields bordering tidal swamps (Carney 1988). In many villages like Dumbutu, women rice farmers have abandoned these lowlands because of insufficient rainfall. There has not been enough run-off to flush out saltwater. While the floodplain herbaceous steppes are classified as "excellent to good" grazing lands during the dry season, during the rainy season good quality fodder is only available in patches.

The *bolongs* have been used not only as transport routes but also as important fishing and oyster collecting areas. Fishermen along the *bolongs* generally take their catches directly to the fish-packing plants in Kerewan rather than drying and smoking them on the banks of the *bolong* as they did in the past. Women of Dumbutu and surrounding villages as well as women from the Kombo come down to the mangrove swamps to collect oysters on a seasonal basis.

The upland plateaux surrounding villages like Dumbutu have been cleared of dense forest vegetation and converted to field crop cultivation. Upland field crops like groundnuts and millet are cultivated on these fields. Fields close to the villages are generally better manured, especially by those who are fortunate enough to have sufficient access to cattle. Pockets of lowland depressions are found scattered throughout the uplands and these are used for upland rice cultivation by women during abundant rainfall years. On the cultivated and fallow uplands one

finds economically useful trees such as *Parkia biglobosa*, *Pterocarpus erinaceus*, *Ficus ssp.*, and *Adansonia digitata*. These species are used by rural populations for fruit, nuts, firewood, forage for animals, cords, and medicines. During the rainy season the "agricultural tree savannas" (fallow fields), as classified on land use maps, are also "excellent to good" grazing areas. For this reason one often finds that livestock are taken to these areas for grazing. In the dry season, the agricultural residue only yields "fair to poor" forage.

## B. HISTORY OF THE KIANG WEST DISTRICT

### 1. SETTLEMENT HISTORY

The first Mandinka to settle in the Senegambia region were originally from Kangaba or Manding, a state of the ancient empire of Mali. Mandinka expansion into what is now Senegambia probably began much earlier than the Mali Empire. Several waves of migrations drew new settlers into what is now modern-day The Gambia (Sonko-Godwin 1988). While the complete social history of Dumbutu has not yet been written, initial research indicates that Dumbutu is part of a cluster of villages settled long ago, these being Kunung, Kwinella, Batelling, Sankandi, Jifarong, Manduar, and Jammaaru. Oral historians suggest that a group of people fled the oppressive rule of Sumanguru Kanteh, the "Susu King." The first group settled in Kunung, but spread out to found the present-day villages of Kwinella, Batelling, and Manduar.<sup>4</sup> Political power in the Kiang has long been concentrated in these early-founding villages. The *mansa* of the Kiang West area generally came from either Batelling or Kwinella. New villages in the Kiang were generally founded by settlers linked politically to the ruling families of these two villages.

By the early nineteenth century the Mandinka ruled over most of the Gambia river valley from the Barrakunda Falls to the coast. There were fifteen kingdoms at this time (including the Wolof-Serer Salum), including from West to East (North Bank) Niumi, Baddibu, Salum, Lower Niani, Upper Niani, Wuli (South Bank) Kombo, Fogny, Kiang, Jarra Niamina, Eropina, Jimara, Tomani, Kantora (Quinn 1972, p.23).

The Kiang Mandinka state played an important part in the struggle to maintain the traditional forms of Mandinka political supremacy along the River Gambia during the nineteenth century. The Kiang had a measure of prosperity in the nineteenth century due to its export in groundnuts and palm products to the European market. This wealth was used to maintain military power and political dominance, a constant source of concern to European merchant interests operating along the River Gambia.

The pre-colonial social organization of the Mandinka during the nineteenth century was hierarchical and stratified. At the top of the Mandinka sociopolitical ladder were members of the royal-commoner group. In the past, these people did not farm but had slaves to work for them

---

<sup>4</sup>The team is indebted to Mommodu Jammeh, a school teacher in Dumbutu, for his extensive work in recording the oral history of Dumbutu.

(Weil 1970; 1984). Craftsmen, such as blacksmiths, leather-workers, and griots were constituted into castes and did not cultivate either. During the early twentieth century, however, "nobles" began to farm, slaves became independent farmers, and many of the specialist castes became traders and merchants.

The Kiang was ruled by rotating heads of key lineages until the advent of British colonial administration. The *mansa* held certain proprietary rights to land within the state. In return for the use of the land, the borrowers had to pay goods and services to the *mansa*. Travelers and traders had to pay taxes and tributes to the *mansa*. The *mansa* and their councils served as courts of appeal and collected fines on punishments. Additionally, the *mansa* collected taxes on the land from the *alkalolu* (chiefs) of the various villages. A tax on cattle was also levied. The Fula paid an in-kind poultry and cattle tax, including the skins of all the cattle they killed. When wars broke out special taxes were also collected.

The *mansa* were not uniformly powerful. In matters of declarations of war and peace they were required to meet with leaders of the principal towns and villages in a council, or *beng*. The Mandinka kingdoms did not have strong hierarchical systems of administration. Commissions were entrusted to wealthy and respected individuals by the *mansa* and the council.

By the middle of the nineteenth century the power of the *mansas* was severely eroded. Many of the ruling aristocracy had become highly corrupt. They were ineffectual at controlling their armies, and unable to prohibit the territorial ambitions of villages within the areas. By the late 1890s the British colonial authorities had destroyed the power of the *mansas* but vestiges remain today in the administrative structure of The Gambia. Some traditional village level authorities are descendants of the former power elite.

Two rather distinct communities were found throughout the Kiang in the middle of the nineteenth century, the "soninke" or animist villages and "maraboutic" or Islamized villages. Communities operated under their own laws and customs, and they generally lived peacefully next to each other until the 1860s. Maraboutic villages were found generally along the banks of the river. Muslim villages often controlled trading activities along the River Gambia. Scholars suggest that Islam was spread by traders from the inland Niger delta. Religious clerics had also long been part of the courts of the *mansa* and, in return for their services, often received land that was used to set up villages of the marabouts' followers. The influence of Islam was relatively shallow among the aristocracy. The *mansa* tended to resist Islamic precepts, practices, and conversions. Kwinella was one of the capitals of the Kiang and thus marabouts tended to settle in or near the village to advise the *mansa*. Batelling, however, has long resisted the full intrusion of Islam.

Each Maraboutic village had its own *alkalo* and *almami*. Villages such as Dumbutu attach great importance to the fact that Islam was established at an early date in their village. However, like many villages in Senegambia, Dumbutu still attaches considerable importance to sacred trees and other respected locations throughout the area. Five sacred trees, for instance, are found around Dumbutu. Some areas are used for prayers, while others are the location of ceremonies organized by women to call for rain.

## 2. THE "SONINKE WARS" AND THE KIANG WEST DISTRICT

The power of Muslim villages progressively grew as they expanded trade with European interests. Islamized "strange farmers" from the Niger and Senegal river valleys migrated into the Kiang and began to produce a large part of the peanut crop. For decades the Mandinka royalty had entered into a progressive period of decline characterized by excessive exploitation of subjects. Infighting between the major noble families of Mandinka society further weakened the leadership of the *mansa*. The gradual decline in the power and legitimacy of the Mandinka kingdoms and the parallel growth of the Islamic revivalist movement led to the outbreak of sweeping transformations of society from the mid-nineteenth century to the early twentieth century (Quinn 1972, p,68; Sonko-Godwin 1988).

For several decades the Kiangs and many other areas of The Gambia were torn apart by war between supporters of Islamic marabouts and adherents to the old order of the Mandinka kingdoms. Islamic reformists such as Foday Kabba and Foday Silla controlled large armies that swept through the area seeking to place "pagan" villages under their control. The British were progressively drawn into the conflict because of their concern not only to protect trading posts along the River Gambia but also to maintain a sustained export of groundnuts and other export commodities (Gray 1940 463-465).

The area that is now Kiang West District was placed under British protection in October 14, 1888. Mansa Koto, the independent chief of Batelling, signed a treaty with the British and accepted the central provisions of the Central Kiang agreement. On August 10, 1889, the boundaries of The Gambia were delineated by an Anglo-French convention. The boundary commission walking the entire length of the colony encountered so much opposition to British colonization from Foday Kabba and Foday Silla of Gunjur that gunboats had to be stationed along the river to protect the commission. By 1893 the British expanded administrative powers considerably over the interior through the appointment of J.H. Ozanne as the first Traveling Commissioner of the North Bank and F.C. Sitwell of the South Bank.

### III. THE VILLAGE OF DUMBUTU

The case study site of Dumbutu typifies to a large extent the villages of the Kiang West District. The present day village is located on the eastern slopes of a valley that leads down to the Nganinkong Bolong which eventually feeds into the Jarin Bolong and the River Gambia (see figure 4). The territory of the village is characterized by a wide range of microecologies similar to those described in the previous section (see figure 5). As with most villages in The Gambia, its settlement history has yet to be written. This section records in quite a detailed fashion the history of the community for the population attaches considerable importance to key events. Dumbutu has an exceptionally colorful history because of the central position it played during the early days of British colonial rule.

#### A. SETTLEMENT HISTORY

Although no one in Dumbutu could give exact dates when their village was founded, extrapolation from the list of *alkalolu* indicates that Dumbutu was founded perhaps around the 1850s. Dumbutu was founded by Mandinka tracing their ancestry to a certain Dayo Bah Camara. Among this group of arrivals in the Kiang was a certain Sirimang Darbo and Karfa Darbo. These people settled initially in Batelling under the tutelage of the Sankuley Koring, a *kabilo* from which the famous Mansa Koto originated. These arrivals were hunters and warriors and thus they circulated throughout the Kiang in search of game. Sirimang Darbo and Karfa Darbo went on a hunting expedition. This is the story that oral historians recount regarding the founding of Dumbutu.

Stories say that one day Sirimang was hunting and he came up to this part of the forest of Dumbutu and decided to take a rest. He slept under a tree with his hunting dogs next to him. As soon as he fell asleep, the dogs started to exchange words and began to describe how progressive and important a village might be in this area. So God being so good, when Sirimeng heard the dogs speaking in this way he woke up and listened more carefully to what they said. After listening to the conversation he headed straight home to speak with his uncle Sanjo Bah Camara and brother Karfa Darbo. He explained that this place where he had slept would be a good place for a settlement and that he wanted to go there to set up a village. Sirimeng's uncle was pleased with this intent, but asked him a few questions. 'Where is the place that is not too far in the west next to a stream that even when you whisper from here you shall hear us?' Whisper in Mandinka is 'Dumbu' and thus Dumbutu is now the name of the village. The uncle then asked, 'where is a place that if I should you shall hear me?' This is 'Wuurukang' and hence the name of the village next to Dumbutu of Worokung. (Recounted in Jammeh 1993.)

FIGURE 4: MAP OF DUMBUTU AND ENVIRONS

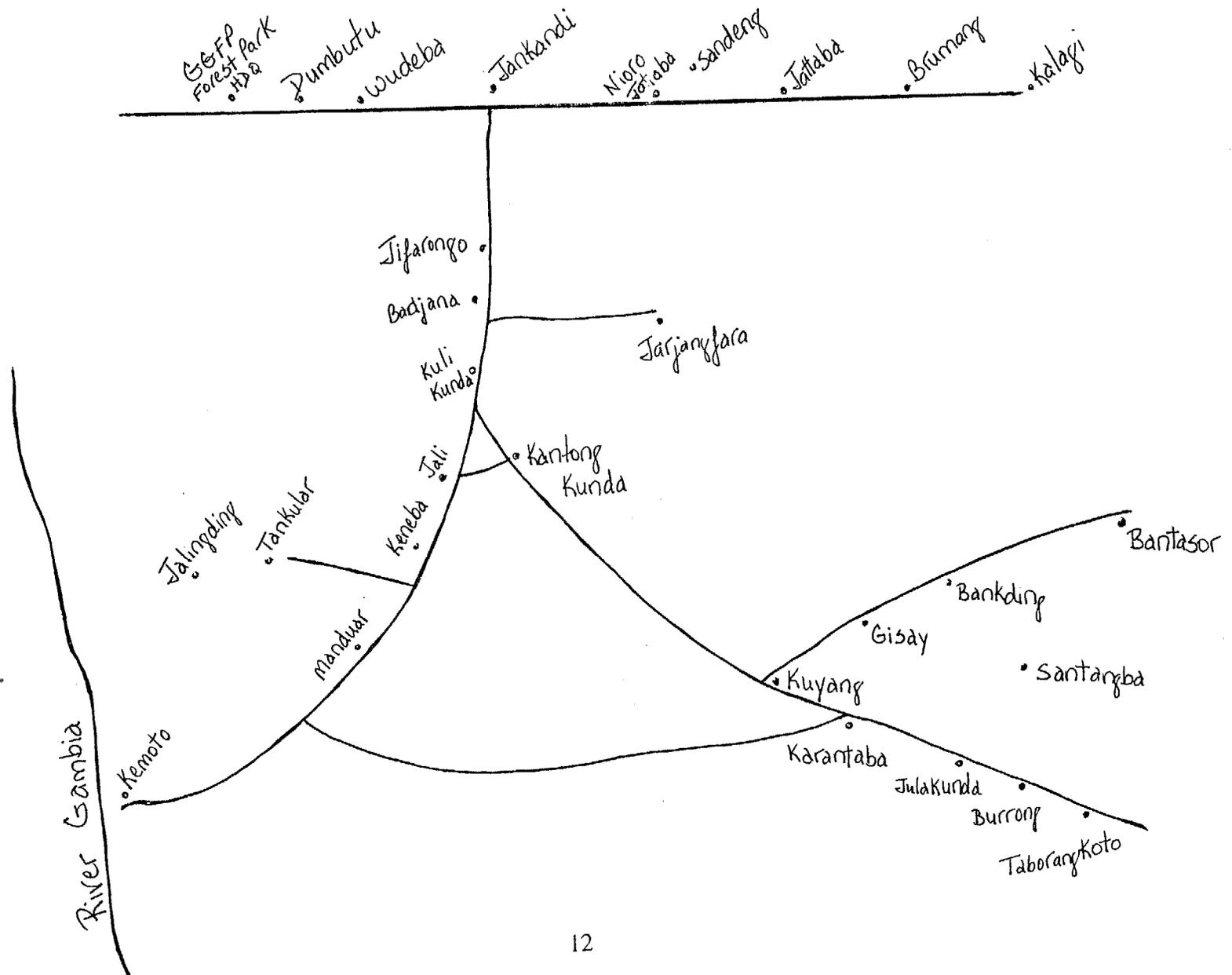


FIGURE 5: ECOLOGICAL TRANSECT OF DUMBUTU

Zone/ Characteristics	<i>Bolong</i>	Salt Flats	Lower Valley	Upper Valley	Settlement
Soil	<ul style="list-style-type: none"> <li>●clay</li> </ul>	<ul style="list-style-type: none"> <li>●clayey - hydromorphic soils</li> </ul>	<ul style="list-style-type: none"> <li>●clayey loam</li> </ul>	<ul style="list-style-type: none"> <li>●clayey loam</li> <li>●FFHC dikes for water retention</li> </ul>	<ul style="list-style-type: none"> <li>●sandy loam</li> </ul>
Trees	<ul style="list-style-type: none"> <li>●tall and short mangroves</li> <li>●<i>nganenkoyo</i> (<i>Acacia spp.</i>)</li> </ul>	<ul style="list-style-type: none"> <li>●<i>kuroso</i>, a date-like palm</li> <li>●short mangroves</li> <li>●<i>jungo</i></li> </ul>	<ul style="list-style-type: none"> <li>●<i>kurlo-nho</i></li> <li>●<i>sama netto</i></li> <li>●<i>bembo</i></li> <li>●<i>bunkongo</i></li> <li>●<i>bato bembo</i></li> <li>●<i>tambaa</i></li> <li>●<i>mampato</i></li> <li>●<i>kabaa</i></li> <li>●<i>keno</i></li> </ul>	<ul style="list-style-type: none"> <li>●<i>jaffo</i></li> <li>●<i>kabaa</i></li> <li>●<i>jungo</i></li> </ul>	<ul style="list-style-type: none"> <li>●mangos</li> <li>●baobab</li> <li>●papaya</li> <li>●prosopis</li> <li>●neem</li> <li>●<i>netto</i></li> <li>●<i>bantango</i></li> <li>●<i>neberdyio</i></li> <li>●<i>tabo</i></li> <li>●<i>jaffo</i></li> <li>●<i>soto</i></li> </ul>
Wildlife	<ul style="list-style-type: none"> <li>●fish</li> <li>●oysters</li> <li>●crocodiles</li> <li>●crabs</li> <li>●<i>patamo</i> shark</li> <li>●<i>timitengo</i> birds</li> </ul>	<ul style="list-style-type: none"> <li>●bush pigs</li> <li>●rabbits</li> <li>●grass cutters</li> <li>●<i>gitowolo</i></li> </ul>	<ul style="list-style-type: none"> <li>●grass cutters</li> <li>●bush pigs</li> <li>●monkeys</li> <li>●guinea fowl</li> <li>●hyenas</li> <li>●<i>kunko wulo</i></li> <li>●<i>totoneh</i></li> <li>●<i>jatang kana</i></li> <li>●<i>wato</i></li> </ul>	<ul style="list-style-type: none"> <li>●monkeys</li> <li>●<i>totomeh</i></li> </ul>	<ul style="list-style-type: none"> <li>●birds</li> <li>●domestic birds</li> </ul>
Water	<ul style="list-style-type: none"> <li>●saltwater</li> </ul>	<ul style="list-style-type: none"> <li>●no water during dry season</li> <li>●saline dry season</li> </ul>	<ul style="list-style-type: none"> <li>●seasonal flooding of fresh water</li> </ul>	<ul style="list-style-type: none"> <li>●seasonal runoff</li> <li>●fresh water wells 8-10 meters</li> </ul>	<ul style="list-style-type: none"> <li>●wells, pumps, and boreholes</li> </ul>
Grasses	<ul style="list-style-type: none"> <li>●<i>solingo</i></li> <li>●<i>banyamo</i></li> <li>●<i>tien-ningo</i></li> </ul>	<ul style="list-style-type: none"> <li>●<i>wanto kado</i></li> </ul>	<ul style="list-style-type: none"> <li>●<i>nyantang faro wa</i> (<i>Andropogon gyanus</i>)</li> </ul>	<ul style="list-style-type: none"> <li>●<i>andropogon</i></li> </ul>	
User Groups		<ul style="list-style-type: none"> <li>●formerly salt collection</li> </ul>	<ul style="list-style-type: none"> <li>●rice growing (late maturing varieties)</li> <li>●honey gathering</li> <li>●fruit collection</li> <li>●hunting</li> <li>●firewood</li> </ul>	<ul style="list-style-type: none"> <li>●rice growing</li> <li>●grazing</li> <li>●sand extraction</li> </ul>	<ul style="list-style-type: none"> <li>●diverse - retail shops, etc.</li> </ul>

Wurokung was founded before Dumbutu by Darbo Bah Camara. Later, the village of Sankandi, just south of Dumbutu was founded by Sirimang's brother Karfa Darbo. Sirimang Darbo was not content to rest in one place. It is said that after founding Dumbutu he went on to found the village of Jula Kunda. To this day the people of Dumbutu have close affiliations with Jula Kunda to the extent of sharing kola nuts for marriage and wedding ceremonies. Sirimang Darbo is still highly venerated, for it is said that if any member of the Darbo family happens to knowingly come across the grave of Sirimang's blessed mother, this person will forever be rewarded by God. This is why even those who know where it is keep it secret from the public.

Sirameng Darbo was initially a "pagan," but converted to Islam by Foday Ebrahim Hawa Drammeh. He came from the Baddibu and settled in Dumbutu to teach the principles of Islam and to lead the daily prayers. The conversion of Sirimang to Islam created a certain amount of tensions with the surrounding non-Islamic villages like Batelling and Manduarnding. Warfare broke out between Dumbutu and Manduarnding that led eventually to a massacre of the people of Manduarnding and the fleeing of the remaining populations to what is now the location of the village of Manduar, the seat of the present-day *seyfo*.

There had been ongoing disputes between followers of Foday Kabba (Marabouts), and the Jola and animist Mandinka supporters of the British (soninke). After the destruction of Toniataba and the eventual capture of Foday Silla, Foday Kabba fled to the Casamance part of Senegal. According to Gray, Foday Kabba carried on a furtive, but well-organized traffic in slaves from the Foni. There were no actual raids, but Jola and Mandinka women were captured from rice fields and conveyed secretly to the River Gambia where they were ferried over to the Baddibu and bartered for cattle, guns, and ammunition. Tensions were thus very high between animist and Muslim villages. The Travelling Commissioner of the South Bank, F.C. Sitwell, had managed to keep these tensions from erupting into full-scale wars between the two communities. Matters nevertheless came to a head in 1900.

In 1899 Sitwell had been informed of a potentially explosive rice land dispute.<sup>5</sup> According to the oral historians of Dumbutu, the affair started because a woman from Sankandi was married to a man in Jattaba. The woman's parents gave a rice field to their daughter, which she shared with her new in-laws. Eventually she decided that she wanted to call back the loans of land to the in-laws. Her Jattaba relatives refused to give back the land. Fighting broke out among the women. This quickly led to interventions from the woman's family in Sankandi. Fighting broke out between the compounds and this led to severe conflicts between the two villages of Jattaba and Sankandi. Foday Kabba entered into the fray by supporting the villages of Sankandi, an Islamic village. By this time the British-supported Mansa Koto was forced to intervene in the issue in order to keep the peace.

Mansa Koto and Commissioner Sitwell went to Sankandi to try to resolve the issue. Sitting under the big silk cotton tree on the outskirts of the village on the road to Jifarong, the

---

<sup>5</sup>This account is based upon the works of Jammeh 1993; Archer 1967, p.92; and Gray 1940.

conflict was discussed. Mansa Koto recommended that the villagers of Sankandi forego their demand that the Jattaba people return the rice fields to their original owners. The Sankandi people refused, arguing that the rice field was rightly theirs and it should never be ceded. The meeting was adjourned without resolution. A date was set for another hearing but tempers were frayed. The Sankandi people are reported to have warned the commissioner and Mansa Koto that if they returned and decided in favor of the Jattaba people, the commissioner would be killed.

In September 1900 Sitwell, accompanied by a certain Mr. Silva, returned to Sankandi with a small police escort and a group of retainers under Mansa Koto, the chief of Batelling. Sitwell commanded the people to come outside the town to discuss the matter under the silk cottonwood tree. The Sankandi people refused, saying that they would only discuss the matter under the *bantaba* tree in the center of the village. Sitwell and Silva entered the village, but neither the chief, Dari Bana Darboe, nor his followers came to the meeting place. According to the British version of the story, Sitwell saw the chief in the distance and tried to arrest him. Oral historians say that Darbo refused to be taken up to Batelling to meet again with the people of Jattaba over the matter. Darbo called for help and a fusillade of fire was aimed at the British. Sitwell and Silva were killed on the spot. Mansa Koto died three days later of gunshot wounds after fleeing Sankandi for Batelling. Six constables were also killed. At least four Sankandi people died in the battle.

Foday Kabba, by now a supporter of the interests of both Dumbutu and Sankandi, quickly took advantage of the killing of the commissioner and Mansa Koto by spreading the word that resistance should be organized against the British. Meanwhile the Dumbutu-Sankandi alliance maintained their vow to never return the rice lands to Jattaba. The explosive situation launched by the massacre at Sankandi resulted in considerable instability throughout the protectorate. Village chiefs supported by the British found great difficulty controlling their populations. It became unsafe for traveling commissioners to make their rounds through the provinces.

Not until early 1901 could the British send any reinforcements to the protectorate to quell the disturbances. The British, coordinating the efforts with the French to locate and destroy Foday Kabba, sent half a battalion of the Third West India Regiment from Sierra Leone, half a battalion of the Second Central African Regiment which was returning from Somaliland, and three sailing ships. The whole force secretly met off the coast and sailed directly up the River Gambia.

The main body went to Tendaba. Two companies of the West Indian Regiment proceeded up the Bintang Bolong Creek so as to keep the population of Sankandi from retreating. Musa Molloh, with assistance from the people of Batelling, cooperated with the British by sending a force to Jarra to keep the Sankandi people from retreating.<sup>6</sup> On January 11, 1901, the troops disembarking at Tendaba marched straight to Sankandi and surrounded the village in the early morning hours. But by this time, a large number of the forewarned population had fled to the

---

<sup>6</sup>Musa Molloh was the head of the Fuladu District and had overthrown Bakari Dembel in 1892. The half-brother of Musa Molloh was allied with Foday Kabba.

Foni to seek refuge with Foday Kabba. Heavy fire was opened on the Sankandi by the British as the troops advanced. Sankandi was taken and destroyed entirely.

The British historians do not recount the final episodes of the sad day. Darri Bana Darbo and Sankandi Burang were captured by the British, tied up, and taken to Dumbutu to be hung in front of the population there. The British found the population of Dumbutu at Friday prayers. They opened fire and at least seventy people were killed. The majority were Darbos and members of the Camara Kunda, Jala Kunda, and Cisaay Kunda. Some Dumbutu residents were captured and sent to exile in Sierra Leone. Others fled and sought refuge in Wurokung, Kabada, and the majority, in the distant forests of Sampama. Here a group lived in trees and caves until the situation settled down.

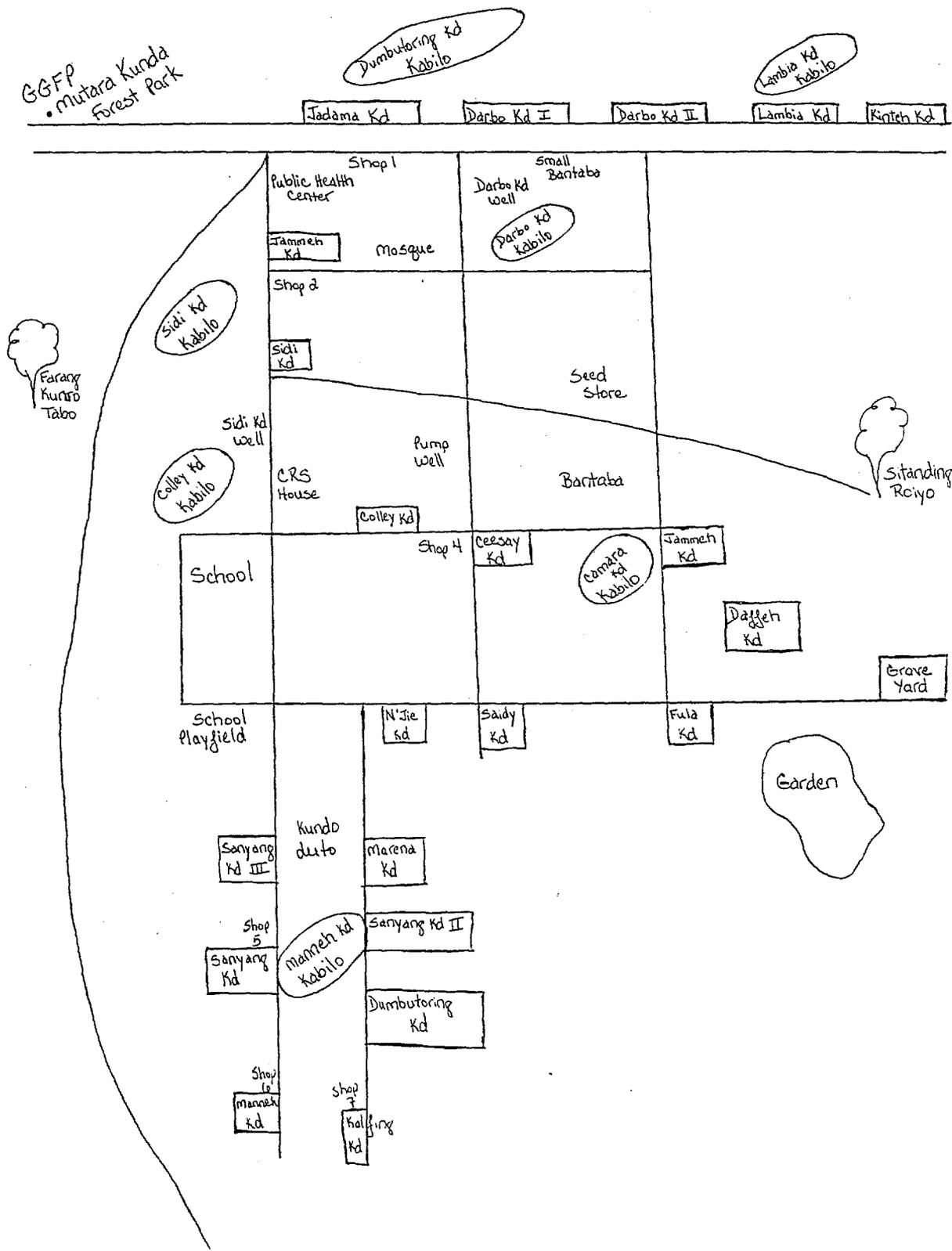
The Jattaba-Sankandi rice land disputes lead eventually to the military pacification of The Gambia and for this reason the story is an important part of the annals of Gambian colonial history. The British continued to quell disputes throughout the protectorate in order to reestablish military and political control and thus foster the rejuvenation of the colonial export economy. A similar tenure dispute occurred in the Foni Jarrol District and it too resulted in the massacre of villagers (Freudenberger et al. 1993). As in the Jattaba-Sankandi rice disputes, the pattern was repeated in many parts of the protectorate whereby the colonial forces intervened directly in internal affairs, often over natural resources, that were inextricably linked to broader political and religious alliances between different factions of Gambian society. Thus, the Jattaba-Sankandi rice land disputes exemplify how a seemingly small dispute over rights to land may erupt into a major crisis following the intervention of the state. These historical events are still vivid remembrances among the villages concerned and explain to a considerable degree the rivalries and tensions that still exist between communities.

## **B. PRESENT-DAY DUMBUTU**

The present-day location of Dumbutu reflects a successive shifting of the village from locations somewhat to the west to its present site next to the tarmac road. The village has been relocated three times and vestiges of the former villages still exist today. Towering baobabs indicate one place where the village was found in the past, mounds of soils indicate the location of the former mosque and home of one of the leaders of the village. The village has moved for several reasons: unusual increases in the mortality of villagers, burning of the village, and the construction of the new road after World War II.

The spatial layout of Dumbutu is well-organized (see figure 6). The village has a wide array of infrastructures: wells with pumps, several small stores, a seed bank, millet machines, a public school, a mosque, a dispensary, and a multipurpose community center. As discussed in section III.D. below, much of this public investment results from a very functional relation with numerous donor agencies as well as support from government.

FIGURE 6: MAP OF DUMBUTU



Dumbutu is surrounded on nearly all sides by state forest parks and a national park (see figure 3). As will be recounted further below, these state reserves have generated a considerable amount of unease in the village as rights of access to the forest have been progressively restricted through the construction of a fence around the forest park and the enforcement of various rules barring certain uses of both the forest parks and the new Kiang West National Park. To the west of Dumbutu lies the new park, established in 1987. Park headquarters lie just on the outskirts of the village across the valley used for rice cultivation. To the northeast of Dumbutu is found the Mutaro Kunda Forest Park and the headquarters and sawmill of the Gambia-German Forestry Project. To the northwest lies the Brikama Forest Park and to the southwest the Faba Forest Park. The Senegal border is about 3 kilometers immediately east of Dumbutu.

For most segments of the population, the forest is an important source of revenue and a wide assortment of tree crop products. Women enter into the forests to collect tree crop products for home consumption as well as sale. Children circulate throughout the forest eating fruit and hunting small animals (see figure 7 and figure 8). Men have long depended on the forest for hunting as well as collecting firewood and other tree products for sale to the urban markets of the Kombo. For this reason, restrictions, both actual and envisaged, lead to considerable anxieties on the part of the community.

The rice cultivation valley is divided into various place names. Swamp rice is cultivated in normal rainfall years at the bottom of the valley nearest to the *bolong*. However, as noted, during the past two seasons harvests have failed because of saltwater intrusion. Other more distant rice fields, known as the "sampana" area, were abandoned about ten years ago due to high soil acidity, the poor road leading from Dumbutu to the fields, and excessive depredations by wild animals. Women now place a priority on cultivating rice in the upland valley area, but here they suffer from a lack of sufficient water from rainfall run-off. Attempts have been made to build small dikes across the valley floor with assistance from the Freedom from Hunger Campaign, but these dikes have been breached by the heavy flow of water down the valley after rains. Women from Dumbutu and the Kombo collect oysters during the dry season in the *bolong* and fish are caught and sold by resident fishermen. Detailed descriptions of the various uses of these ecologies are described in greater detail below in section III.C.

The striking feature of Dumbutu is the impact of migration of youth to urban centers both in The Gambia and overseas. Village informants estimate that roughly half of the youth have migrated out of the village in search of employment in the Greater Banjul area and abroad (see figure 9). The village not only has a substantial segment of the population in the Kombo St. Mary area, but there are also many in Libya, Germany, Sweden, Spain, Nigeria, and elsewhere. Youth send back remittances to the village and this is an important source of income for the households. The migration of labor has severe repercussions on the local economy.

FIGURE 7: FRUIT PICKING BY CHILDREN OF DUMBUTU

Mandinka Names	English Names	Latin Names	Collect in Dumbutu	Collect in Forested Areas	Collect during Rainy Season	Collect during Dry Season
<i>sito</i>	baobab	<i>Adansonia digitata</i>	X			X
<i>duto</i>	mango	<i>Mangifera indica</i>	X			X
<i>kaba</i>	Guinea peach	<i>Nauclea latifolia</i>	X	X	X	X
<i>tumborang</i>	jujube	<i>Ziziphus mauritania</i>	X	X		X
<i>tamba</i>	gingerbread plum	<i>Parinaria macrophylla</i>	X	X	X	X
<i>taba</i>	Mandinka kola	<i>Cola cordifolia</i>	X	X		X
<i>kukowo</i>	West African Ebony	<i>Diospyros mespiloformis</i>	X	X		X
<i>patakule</i>	Kaffir orange	<i>Strychnos spinosa</i>	X	X		X
<i>netto</i>	locust bean	<i>Parkia biglobosa</i>	X	X		X
<i>duto kubo</i>	bush mango	<i>Cordyla pinnata</i>	X	X	X	
<i>timbungo</i>	tamarind	<i>Tanarindus indica</i>	X	X	X	
<i>cashewo</i>	cashew	<i>Anacardium occidentale</i>		X		X
<i>lemuno</i>	orange	<i>Citrus ssp.</i>	X		X	X
<i>pakaya</i>	papaya	<i>Carica papaya</i>	X	X	X	
<i>nebediyo</i>	horseradish	<i>Moringa oleifera</i>	X			X

**FIGURE 8: ANIMAL SPECIES HUNTED BY CHILDREN OF DUMBUTU**

Mandinka Name	English Name	Found in Forested Areas	Found near the <i>Bolongs</i> and Rivers
<i>sulo</i>	red monkey	X	
<i>cherango</i>	ground squirrel	X	
<i>sango</i>	rabbit	X	
<i>toteney</i>	small skunk-like rodent	X	
<i>kunkulo</i>	fox	X	
<i>pataparey</i>	bush baby, monkey	X	
<i>wuluf</i>		X	X
<i>tiyeo</i>		X	
<i>minaango</i>	antelope	X	
<i>bambongo</i>	black crocodile	X	
<i>ndamo</i>	monkey	X	
<i>camo</i>	bird	X	
<i>woloo</i>	bush fowl	X	X
<i>buro</i>	duck	X	X
<i>kuntango</i>	diker	X	X
<i>watodingo</i>		X	
<i>kongo</i>		X	X
<i>balo</i>	porcupine	X	
<i>kuto</i>	turtle	X	
<i>jata kana</i>		X	X
<i>kantoo</i>		X	

The migration of labor has resulted in the reduction of land placed under cultivation. The upland areas placed under cultivation have reportedly declined because of a lack of young people to cultivate while there has been a corresponding increase in the amount of land placed in fallow. Rice fields in the valley reaching up past Dumbutu are plentiful enough to allow women to place a portion in fallow, a situation that is probably quite rare in The Gambia. Labor is so scarce that women have resorted to hiring, on occasion, tractors at 40D per hectare to cultivate the rice fields in the valley. The village has just received a tractor from the Woodbury Linkage, a English community that sends considerable assistance to the village. Male farmers have mechanized cultivation, seeding, and weeding activities through the use of animal traction. As some suggested to the research team, use of animal traction is a consequence of the general shortage of labor.

The shortage of labor has other unanticipated consequences. Bush pigs and other pests such as monkeys invade rice and upland fields causing considerable damage to crops. These pests wreak havoc on harvests because there are not enough young men in the village to protect crops and kill these noxious pests.

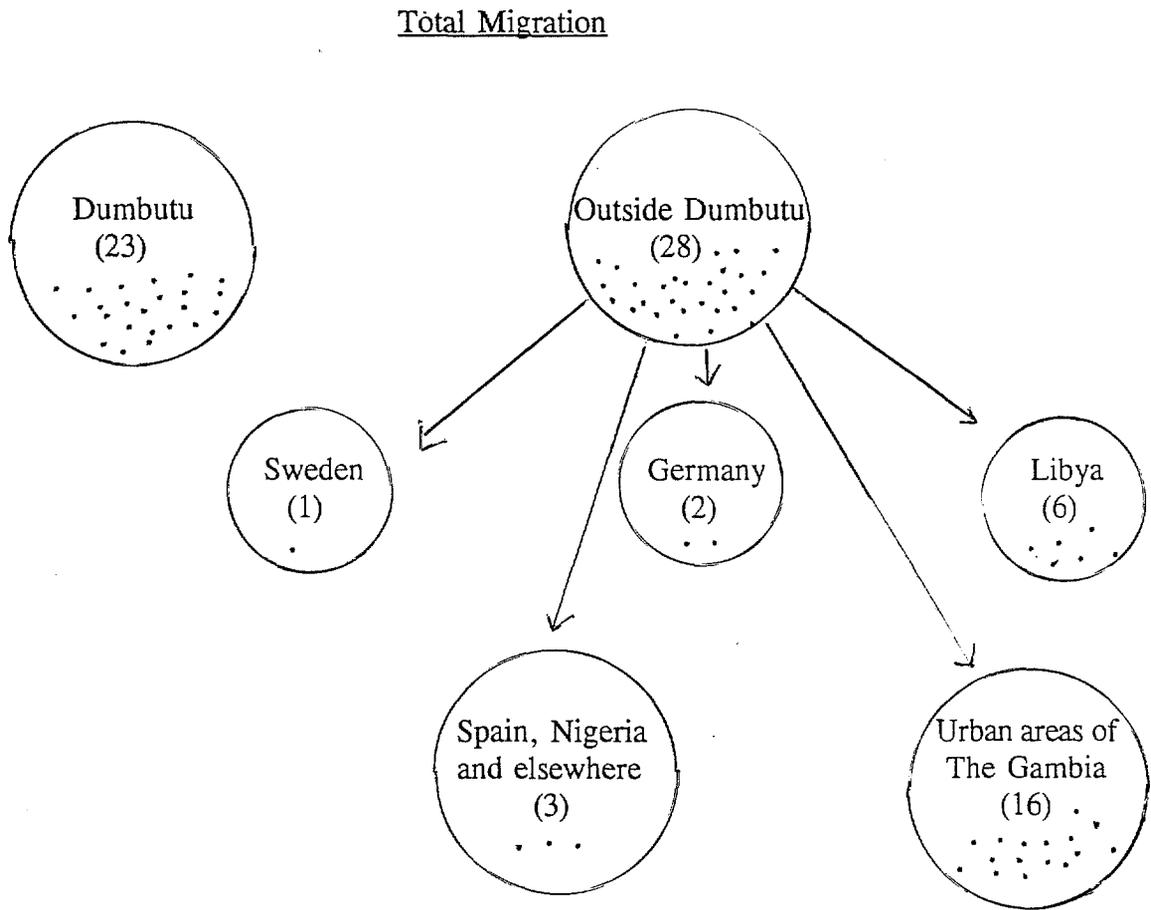
### C. SOCIAL STRUCTURE

The Mandinka cultural system is marked by social and sexual divisions of labor that create distinctions between men and women, founders and immigrants, older and younger people, marabouts and commoners (Linares 1992, p.186). In many Mandinka villages there is almost a complete gender separation of cropping tasks. Men generally grow field crops on the plateau—millet, sorghum, maize, and groundnuts. Women grow primarily rice in permanent fields, but they are also engaged in a wide variety of other revenue-generating activities such as forest product gathering, gardening, sale of cooked items, and fabrication and marketing of crafts. In order to understand tenure arrangements to natural resources, it is important to delve into settlement histories of the community. Descendants of founding families play a predominant role in controlling access, use, and distribution of natural resources.

#### 1. SOCIAL POSITION AND HOUSEHOLD SETTLEMENT HISTORIES

The Mandinka draw clear-cut divisions between "owners of land" and more recent immigrants. This is a pervasive and underlying feature of Mandinka society and it is sanctioned by Islam. Mandinka villages are thus divided into two very distinct groups: the founders and the newcomers or "strangers." Members of the founders groups often share the same patrinyim but in villages like Dumbutu this is not always the case. Founders are responsible for initiating all political processes. Founders are patrons while the newcomers are more often regarded as dependents (Linares 1992, p.153; Weil 1971, p.259). The oldest lineages generally possess the strongest rights to land. They also lend land to subsequent newcomers.

**FIGURE 9: LABOR MIGRATION OF DUMBUTU YOUTH**



Total Migration by Gender



The first arrivals to an uncleared or unclaimed area play an important role in land distribution. A founding family may clear more land than they need, but encourage the settlement of later arrivals. Dependent relations are then built up around the founding family (Linares 1992, p.167). The newcomers who borrow land from the founders may gradually strengthen rights to the land through several ways. Households that remain for a long period in the community have firmer rights than those that are more transient. Individuals and households who provide services to the community, such as Fula who guard the village herds, are more assured of acquiring borrowed land than those who simply stop in the village for a season or two. One can also solidify rights by marrying into the community. A woman from a borrowing family can acquire more secure rights to rice lands by marrying the son of a major land-owning family.

Later arrivals can acquire permanent possession of land by clearing any uncleared and unclaimed land. In situations where land has become more scarce and completely claimed, a compound may be obliged to remain in a borrowing status.

## 2. SOCIAL GROUPINGS AND ACCESS TO LAND

The social groupings of Mandinka villages are hierarchical and may be classified into the following categories. Seven extended families, or clans (*kabilo*), control the use and distribution of much of the land surrounding Dumbutu.

### *Kabilo*

The Mandinka village of Dumbutu consists of two basic subdivisions. The *kabilo*, translated roughly into the clan, consists of a grouping of compounds or families (*kunda*). The *kabilo* is generally a patrilineal grouping of various heads of *kunda* of the same lineage, though *kabilo* incorporate newcomer lineages and individuals into its structure. The *kabilo* of the founding families play a central position in the governance of the community.

In Dumbutu, each *kabilo* head acts as steward of the land, but land is "owned" by the respective *kunda* heads. In effect, the *kabilo* devolves much management authority to the *kunda* sub-unit even though the land constitutes a possession of the entire clan. Over the past century, the stewardship role played by the *kabilo* heads has changed. The foundation of their stewardship role arises from the concept of "original clearer." The seven *kabilo* heads of Dumbutu can trace their present stewardship role over the land under their care back to this act of land clearing. The land claimed by each *kabilo* was originally cleared by each the forefathers of the village. Discussing the concept of "landownership," Dumbutu elders conveyed to the research team a strong sense that rights to use and, indeed, own land originate from this investment of labor by their forefathers to tame a wild nature. They conveyed a sense that the right to "own" land arises because of the labor invested in clearing the bush.

As one *kabilo* head explained to the research team, the seven *kabilo* heads used to act as stewards of their land by:

- (1) allocating land which could be cultivated individually by all the members of each family (*kunda*) within their *kabilo*;
- (2) allocating any excess land to members of *kundas* in other *kabilos*;
- (3) allocating land to stranger farmers (seasonal migrants to the area); and
- (4) organizing work days on communal land cultivated jointly by all *kunda* members in one *kabilo*.

In addition to these land-administration tasks, the seven *kabilo* heads were responsible for maintaining the peace and arbitrating various disputes both within and among *kabilos*. The *kabilo* heads also represented the various *kundas* within their respective *kabilos* during community meetings.

Today, *kabilo* heads appear to have less of a role to play in land administration. Their past responsibilities have shifted to the heads of *kundas*. This shift in roles and responsibilities was evidenced time and again during the case study. In response to questions concerning who has allocation rights over certain pieces of land, Dumbutu residents would reply that the power to allocate land was vested in the heads of their respective *kundas*.

### *Kunda*

The compound, or *kunda* is the basic residential unit among the Mandinka. The core membership is a patrilineal kin group and consists of a man and his wives, his married sons and their wives and children, his unmarried daughters, elderly widowed mothers and mothers-in-law, and younger brothers with their wives and children (Day 1982, p.382). Other relatives and "strangers" may also live within the *kunda* for varying lengths of time. For instance, a group of oyster collectors, known as "karoninkas" from the Kombo live in a *kunda* and until recently paid rent for lodging and food by leaving piles of oyster shells to the head of the household.

In the idealized Mandinka setup described in Dumbutu, land is inherited patrilineally from father to son at the time of marriage. One would expect land to be divided up into extremely small plots after a couple of generations. In reality, land holdings of various brothers rest under the control of the *kunda*. Out-migration encourages control of land to revert to those members of the family remaining in the village. The son keeps upland fields to work himself but extends complete usufructuary rights over rice fields to his wife. If a new wife arrives in the household, the father gives new rice parcels to the son who in turn will allocate this to the new arrival. Often one finds that sons work for fathers, and when the father passes away, the sons will continue to share labor among each other. This provides flexibility to organize fallow rotations of upland fields among themselves. Cooperative groups may also work together, usually age groups. Land is not sold in Dumbutu for this would alienate permanently land from the holdings of the *kunda* and *kabilo*.

Interviews held by the RRA team with several individuals indicated that while patrilineal inheritance is the general rule, there are important exceptions. For example, women can inherit rice land from their mothers and fathers. Thus, individuals, especially women, can and do acquire land external to patrilineal inheritance.

Marriage relations play a profound part in resource allocation patterns in Mandinka communities. Marriage determines not only changes in social status but also access to resources. In Dumbutu the importance of marriage is reflected in land borrowing. Some *kundas* within *kabilos* in Dumbutu may not possess permanent rights to land and thus must borrow land on a regular basis. This occurs due to the fact that *kundas* from outside of Dumbutu may be adopted by the founding families. As such, they have no permanent rights to landholdings. Several *kunda* have unequal holdings of upland and lowland fields, yet because of marriage affiliations they can borrow easily from close relatives. Some *kundas* possess sufficient land for all cultivation purposes and loan land to other *kundas* in need (see figure 10). Some *kundas* possess land but must also borrow land on a seasonal basis. Other *kundas* have no land and must borrow each year both upland and lowland fields. Fula herders in Dumbutu, for example, borrow land on an annual basis.

Dumbutu residents have a clear sense that land is owned (*konko tio*) by individual *kundas* and even individual members within these *kundas*. While not all *kundas* have access to land, there is no landlessness because of the prevalence of borrowing arrangements. Dumbutu residents share a common principle that all residents of Dumbutu should have access to land if they have the means either to cultivate or to build compounds. This principle is accentuated by the fact that many of the land-rich *kundas* do not have enough labor to use all the land under their tutelage. Because of the considerable urban migration of Dumbutu's youth, *kunda* heads gladly loan out what they can not use. Even after lending land, many of these land rich *kundas* have, as they put it, "unused" land remaining in their possession.

While these ethics and principles exist in Dumbutu, not all land is of equal value due to topography, soil fertility, and location. Social status determines to a large degree preferential access to land. Several land borrowers indicated to one of the RRA team members the problems associated with borrowing land. One Fula male farmer, who migrated with his father and mother from Upper Baddibu,<sup>7</sup> complained that the pieces of land given to him were of poor quality, required considerable labor to clear, and were often located far from the village and thus were susceptible to encroachment by wild pigs. The Fula farmer also mentioned that there is some insecurity accompanying land borrowing. From year to year, he never knows which piece of land he will be given. Even when the *kunda* head from which he borrows land finally delineates a piece for his use, he still can not be sure that it will be the one he ends up cultivating. As he described, last year he was given a piece of land in May. He proceeded to prepare the land for cultivation by tethering cattle there. Once the land was sufficiently manured, the *kunda* head took back the land and reallocated another piece. As this point in the conversation with this Fula

---

<sup>7</sup> This Fula male farmer stated that his family immigrated from Upper Baddibu because of a lack of sufficient grazing land and the subsequent death of their cattle herds.

farmer, his father interjected that even the land on which they built their homes was insecure. The *kunda* head constantly reminded them that they were living on borrowed land and were thus not allowed to plant trees there. The Fula man's mother, however, quickly steered the conversation away from this topic. She reprimanded her son and husband for complaining.

The Fula farmer's comments were corroborated during the transect exercise. One of the transects cut a swath through the upland fields. The team noted that the fields allocated to the Fula farmers were located the farthest from the center of town. One Fula farmer was even constructing a fence of dried, thorny branches to ward off bush pigs. As this farmer mentioned, his field was not bordered by other fields and, thus, it was susceptible to damage by bush pigs.

Another male land borrower who was married to a Dumbutu resident echoed similar problems with land borrowing. On the issue of tree planting on borrowed land, however, he stated that he is allowed to plant trees with the permission of the *kunda* head. But he is not interested in doing so because he intends to move back to his village of birth.

Borrowing arrangements with seasonal migrants in Dumbutu is somewhat more formal. Traditionally, the stranger farmer will stay with a host family. It is the head of the host family who is responsible for allocating land to the stranger farmer. To fulfill this responsibility, the host will either allocate a piece of land within his *kunda* or will request land from other *kundas* on his strangers behalf. In addition to obtaining access to agricultural land, the wife (and/or wives and daughters) of the *kunda* heads will provide food and water and clean clothes for the stranger farmer. In return, the stranger farmer will work part time on his<sup>8</sup> host family's farm. The stranger farmer will share also some of his harvest with his host's wife (or wives) in thanks for her cooking, water collection, and cleaning.

Land borrowing thus occurs on a continuous basis between *kundas* within the same *kabilo* and between *kundas* within different *kabilos*. In one land-surplus *kabilo*, the majority of both upland and rice fields are loaned out while even a substantial amount remains in fallow (see figure 11). Payments of rent or tithes on land borrowed does not seem to be practiced in Dumbutu. As one interviewee stated to the team, it is considered to be usurious to take payments on land and this is against Islamic principles. However, kola nuts are exchanged if a stranger comes to the community to request land. This symbolizes the temporary borrowing status of the individual.

Land borrowing does bring certain restrictions. Land-lending families generally prohibit tree planting on borrowed land, though there are important exceptions to the rule. The lenders might advise passers-by (*luntango*) to refrain from planting, say fruit trees. If the *luntango* did plant trees, the *luntango* should sell the trees to the landlord upon his/her departure from the village. If the trees were not sold to someone within the *kabilo* of the *luntango*'s landlord but rather to a neighbor, this marketing situation could cause conflicts. The land lender would not be able to exercise free and complete control over the land if a neighbor's tree was planted on

---

<sup>8</sup> The majority of stranger farmers are men.

it. However, if a long-term borrowing member of the *kabilo* wanted to plant an orchard then arrangements could be negotiated within the *kabilo*.

### *Dabada*

The term *dabada* refers to the production units of a compound. Usually, each *dabada* is headed by the eldest male member of each household within a compound, i.e., the patriarch and married brothers. There are several activities undertaken within the *dabadas* such as the allocation of compound land among household members and the coordination of agricultural work days.

The *dabada* is considered to be the primary production unit of the compound. Traditionally, the *dabada* is the production unit of the men involved in upland field crop production and the term may simply refer to the households heads' personal fields. The Mandinka refer to a field on which a crop is grown by both men and women for consumption by the household as *maruo* fields. The personal fields of women and junior men are called *kamanyango*. Wives are often assisted in the cultivation of these fields by unmarried daughters. A cultivator who remains a member of the household, controls the plot's use and rights to the crop produced. The cultivator cannot make claims to family labor although sometimes reciprocal assistance is arranged between family members.

In Dumbutu, the male members of the *kunda* cultivate primarily the upland fields of cereal crops. Yet women also cultivate and control the revenue from the sale of groundnuts on *kamanyango* lands. In a revenue matrix conducted among a group of women in Dumbutu, it was estimated that groundnut cultivation in the village generates the greatest source of personal revenue for women followed by the sale of tie-dye clothe, baobab fruit, and cooked cassava with sauce (see figure 11). As the chart shows, the cultivation of groundnuts and gardening takes a disproportionate amount of labor relative to the income earned. But women are also involved in a wide variety of other income-generating activities such as sesame cultivation, oyster harvesting, gum collecting, locust bean collecting, and soap making.

### *Sinkiro*

The term *sinkiro* refers to the consumption units within each compound. The eldest woman of each family unit usually heads the *sinkiro* for that particular family. The *sinkiro* heads are "responsible," among other things, for rice cultivation (the main subsistence crop), for the storage of the rice, and the allocation of the stored rice over the dry season. Day refers to the *sinkiro* as "a group of women who rotate duties for cooking as well as all the people who are regularly served from the same pot" (Day 1982, p.382). Large compounds may have several *sinkiros* in them. These are usually headed by the eldest man in each unit though there are exceptions to this rule because of male migration out of rural areas. The use of the term as a consumption unit is often confusing for the *sinkiro* group may often be engaged in the production of staple food crops such as rice and vegetables.

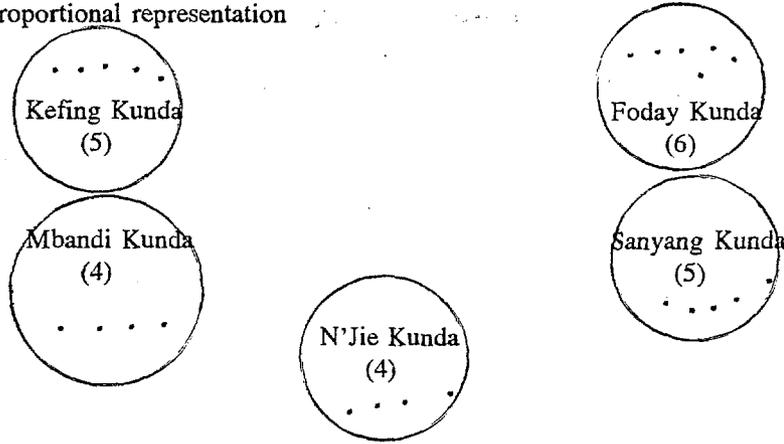
Women may often rely on other age-mates for assistance in cultivation. Work-groups may also be formed which circulate around the village rice fields providing labor for pay. These "committees" of women often have strong rules governing absence or lateness of participation in the work-party.

The traditional specialization along gender lines is changing, however, due to the influence of labor migration of young men. The severe shortage of labor and of rainfall in villages like Dumbutu is forcing women of the *sinkiro* to cultivate not only rice but also groundnuts.

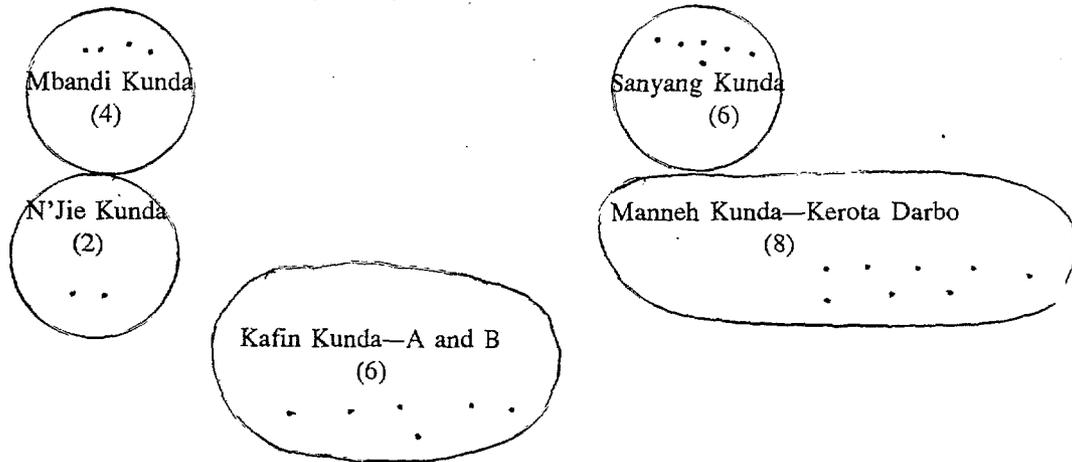
**FIGURE 10: LANDHOLDINGS AMONG KUNDAS**

1. Manneh Kunda Kabilo

1.1. Proportional representation



1.2. Proportional representation by acting *alkalo*



2. Dumbutoring Kabilo

Proportional representation

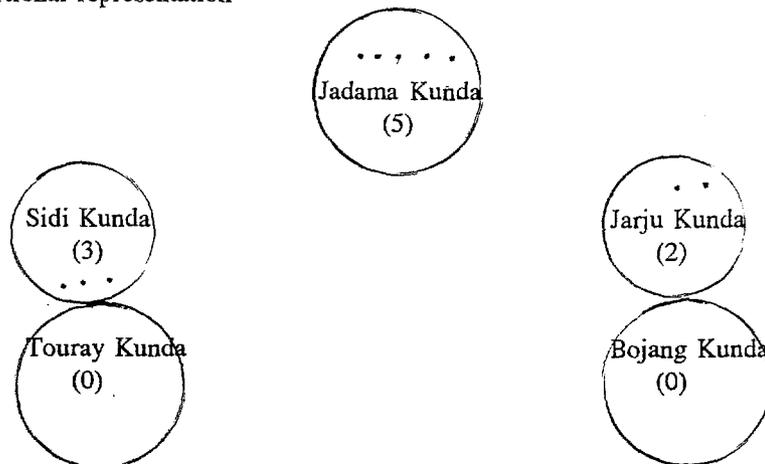


FIGURE 11: LAND LENDING WITHIN A LAND-SURPLUS *KABILO*

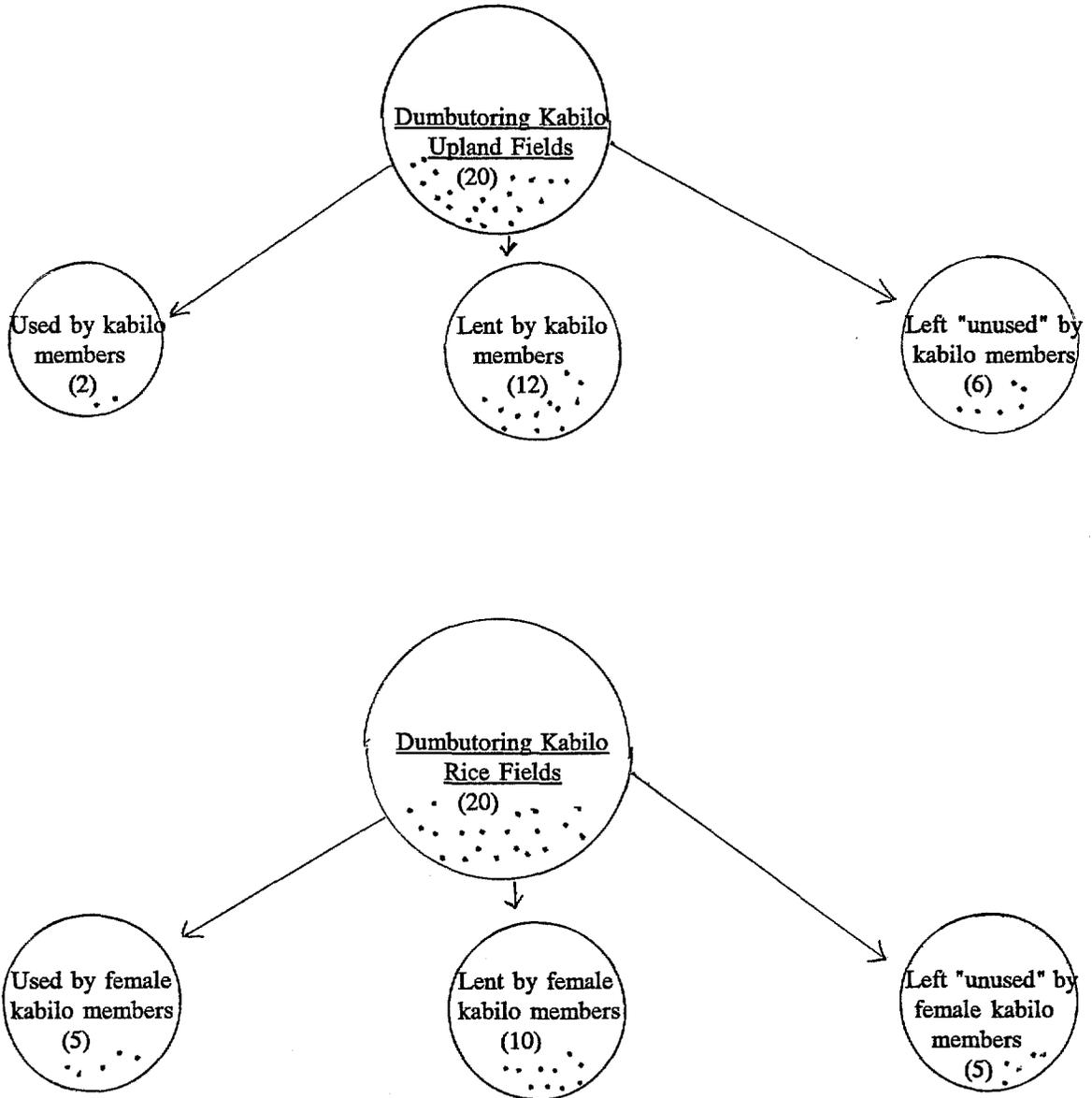
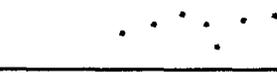
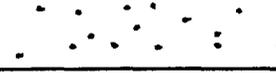
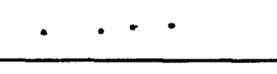
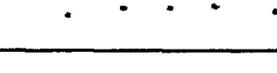
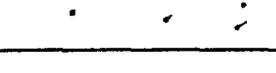
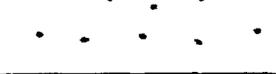
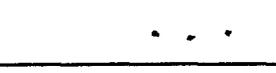
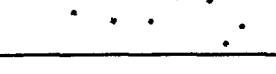
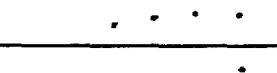
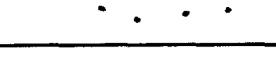
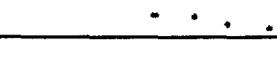
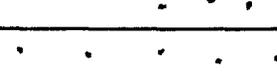
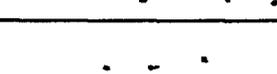
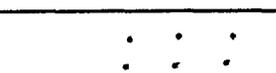
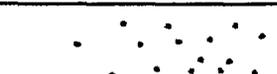
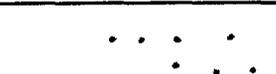


FIGURE 12: WOMEN'S REVENUE AND LABOR MATRIX

Source of Revenue	Relative Proportion of Revenue generated by each activity	Relative Proportion of Labor Allocated to each activity
Sale of groundnuts	 29	 14
Sale of garden products	 7	 17
Sale of sesame oil	 4	 2
Sale of oysters	 5	 9
Sale of gum from <i>jalo</i> ( <i>Khaya senegalensis</i> ), <i>keno</i> ( <i>Pterocarpus erinaceus</i> ), and other species	 5	 10
Sale of <i>netto</i> ( <i>Parkia biglobosa</i> ), raw and processed	 3	 4
Sale of fruit from baobab ( <i>Adansonia digitata</i> )	 14	 7
Sale of fruit from <i>wonko</i> ( <i>Hannoa undulata</i> )	 4	 5
Sale of <i>pancakos</i>	 11	 2
Sale of <i>beletos</i> (fish balls)	 3	 2
Sale of cooked cassava with sauce	 12	 2
Sale of potatoes, raw and cooked	 3	 2
Sale of homemade soup	 8	 7
Sale of tie-dye cloth	 15	 7
Sale of <i>tio futo</i> (chopped groundnuts with millet)	 2	 1

### 3. LAND AND WEALTH

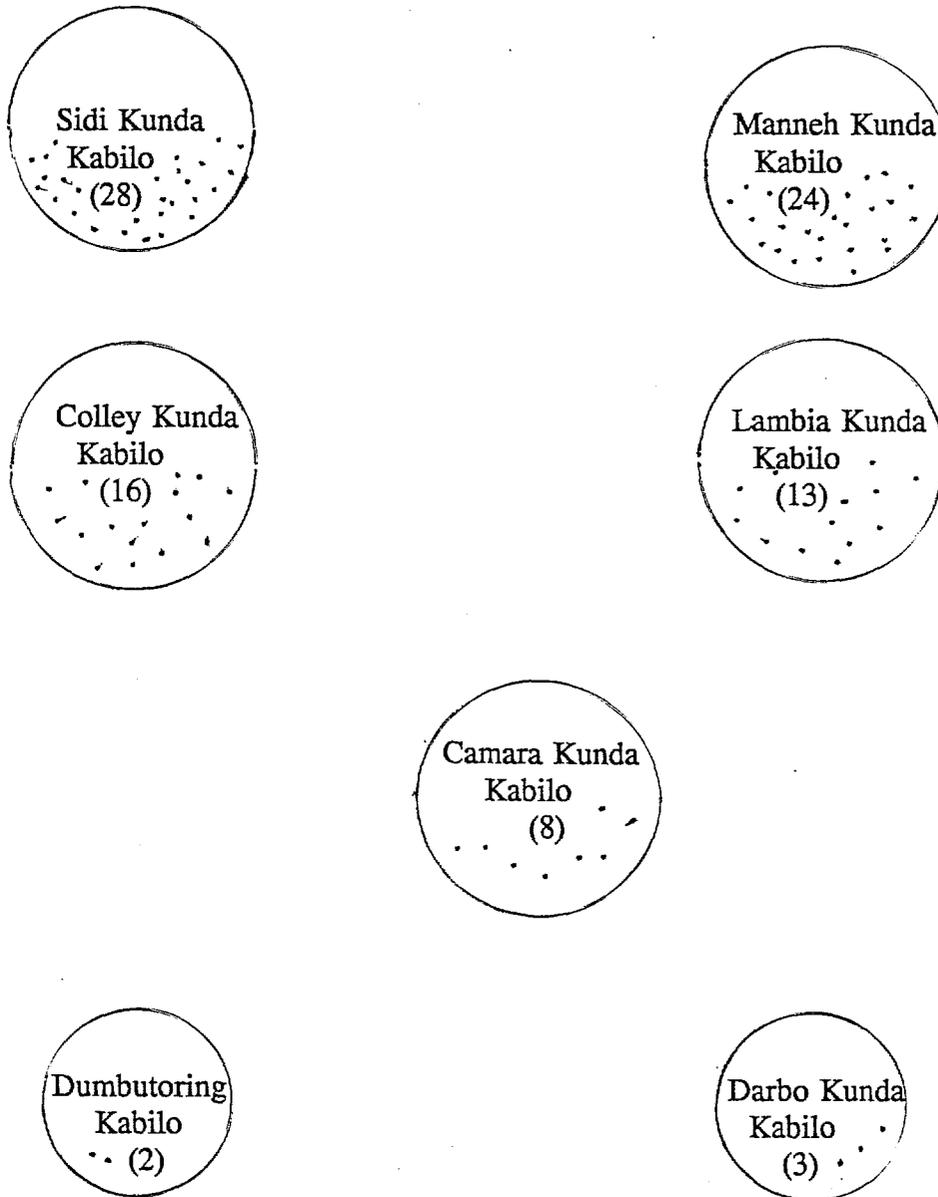
Some of the *kabilos* are considered "better off" than others because a preponderant number of members within the extended family tend to be wealthier, are better educated, more politically and economically well placed, and have greater access to employment overseas (see figure 13). This social grouping is chosen as a measurement unit because *kundas* tend to borrow land within the *kabilo*. Informants also felt that it was easier to consider the importance of land as a source of wealth using this social grouping as a unit of analysis. From the basis of discussions associated with a wealth ranking exercise, there appears to be no relation between size of land ownings and wealth. The *kabilo* possessing the best lands everywhere in the community happens to be considered among the least well off *kabilos* in the community (see figure 14).

It is often assumed that investment of labor and inputs into productive agricultural activities generates wealth in rural communities. Larger landowners should generate a greater surplus product than smaller landowners. However, investigations in Dumbutu tend to suggest that the amount of land owned by an individual, *kunda*, or *kabilo*, is not a factor in the creation of wealth. Rather, individuals and households gain greater income and security through a variety of nonagricultural activities.

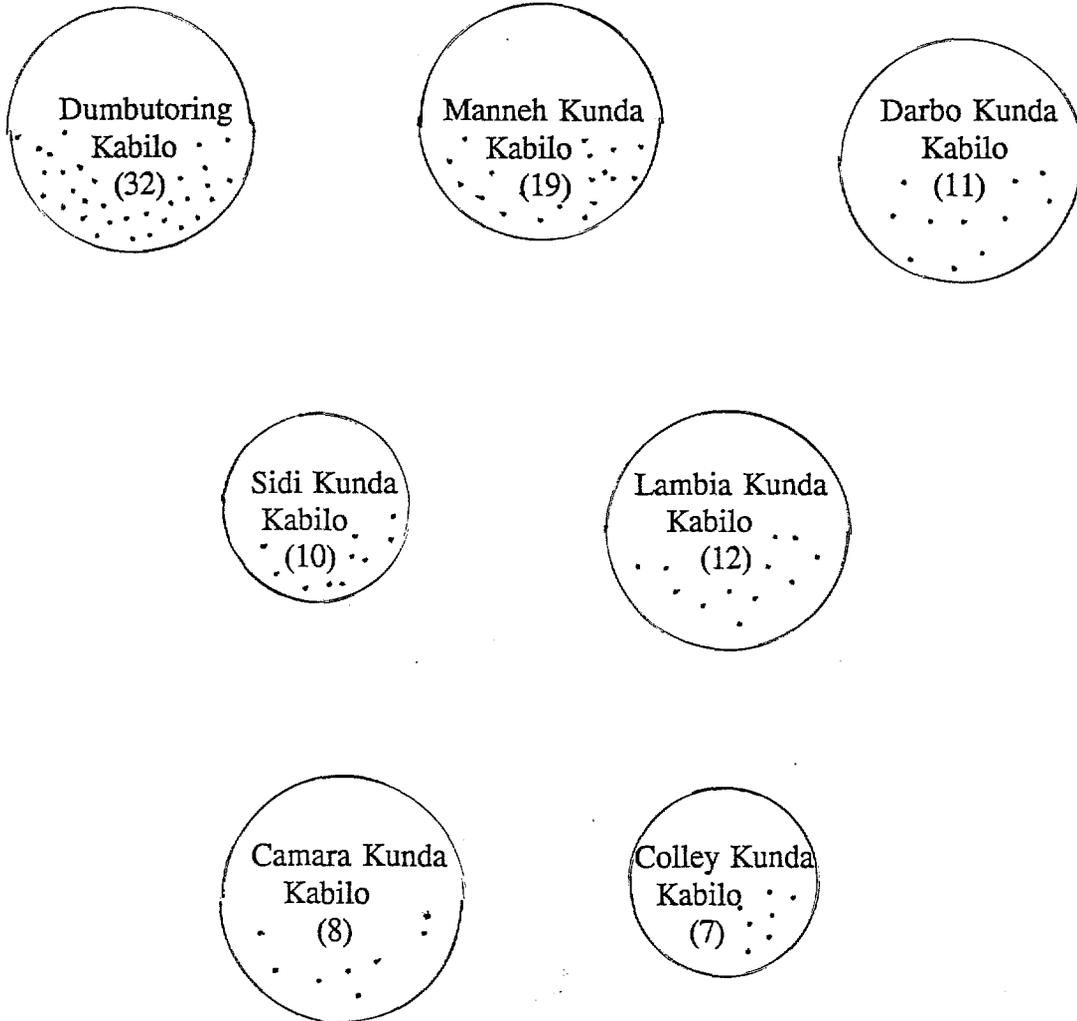
Interviews in Dumbutu suggested that wealth is more a function of education and out-migration than ownership of land. The wealthiest two *kabilos* in the village are those that have succeeded in educating their youth and placing them in prominent business and government positions. They are financially well off (see figure 14). Remittances sent by people who have migrated abroad are also important sources of revenue and security for these two *kabilos*. The second tier of *kabilos* contain educated individuals and those who own cattle. A third tier are simply very hard working and able bodied, but not especially well off. The less well off are those who lack access to sufficient labor, possess physical handicaps, and are discouraged by their plight.

A comparison of the figures 13 and 14 shows that there is a limited correlation between the "wealthiest" *kabilos* and landholdings. The largest land holding *kabilo* in Dumbutu is considered by one interviewee to be the poorest *kabilo* because it lacks sufficient labor to cultivate all of its land. However, one of the wealthiest *kabilos* is one that not only contains people who are well off financially and who have employment abroad, but it also has access to prime upland fields. In the current agricultural context of low prices for agricultural products and high costs of inputs, the way to get ahead in Dumbutu is not through agriculture. Rather, wealth and security are generated by the opportunities that education provides to the individual as well as the possibilities opened by employment outside of the village. Yet, for those remaining in the village, security and well-being can be obtained through cattle raising.

**FIGURE 13: WEALTH RANKING BY *KABILO***



Note: The informant was requested to indicate through proportional placement of piles of beans the relative wealth of various *kabilos* based on that person's criteria of wealth and poverty.

**FIGURE 14: LAND DISTRIBUTION BY *KABILO***

Note: The informant was asked to estimate proportional land holdings by *kabilo* based on a best guess represented through piles of beans.

## D. VILLAGE INSTITUTIONS

The functions of village institutions in rural communities like the case study site of Dumbutu are highly varied due to the historical origins of each organization. The functions of village institutions have evolved considerably over time. As indicated in the introduction to this section, pre-colonial institutional structures have been largely abolished. However, power is still concentrated in the hands of village leaders who in turn rely strongly on the assistance of *seyfo* or provincial chiefs. In contrast to many neighboring West African countries, these provincial chiefs retain considerable power to influence village level political and social relations.

### 1. DISTRICT AND VILLAGE-GOVERNING INSTITUTIONS

#### *Alkalo*

The *alkalo* is the traditional head of the village and the principle contact with the outside world. *Alkalolu* exist in every village. They are selected by a group of elders of the village and they symbolize village unity. Their main functions can be seen as the propagation of village values and the resolution of conflict.

The *alkalo* is often advised in his tasks by a group of elders, often the elderly representatives of the various *kabilo* and *kunda* heads in the community. Opinion leaders surrounding the *alkalo* play an important part in maintaining the harmony of the community and insuring the position of the *alkalo*. These people come together on a regular basis at the *bantaba*, a covered platform placed under a tree next to the mosque in the center of the village. Community debate and decision-making is often fostered among the representatives of the various *kabilo* heads meeting after the afternoon prayers.

The selection of *alkalo* has changed somewhat since colonial times. Initially the village community selected an *alkalo* through its own means and submitted the candidacy to the authorities. Today three options now govern the selection of an *alkalo*. The village may meet to select through consensus a new leader. This is the preferred option. Alternatively, village elections with secret ballots may be held. Sometimes the election of an *alkalo* can result in divisions within the community. For this reason, villagers avoid as much as possible secret elections. A third alternative is for the village elders to select a group of candidates and propose them to a well-respected spiritual advisor. The names of the *alkalo* selected by the village must be confirmed by the *seyfo* and the district commissioner.

The role of the *alkalo* in land allocation is somewhat ambiguous. Colonial observers noted that the *alkalo* "allots to those, who need it, unoccupied land, which belongs to the village as a community" (Gray 1940, p.492). In villages like Dumbutu, there is apparently no reserve community land for the *alkalo* to distribute. Rather, it is the heads of *kunda* who determine which lands are to be borrowed or given to those in need. The *alkalo* may happen to be a major landholder in the community and thus be able to allocate his own *kunda's* land. But sometimes the *alkalo* may possess little land and even borrow it on occasion.

The *alkaloshi* in Dumbutu has historically played an important part in the decision-making surrounding bush-fallow rotations and the location of grazing lands. In the past there was a fallow system in which the areas of cultivation of the entire community would be rotated on a regular basis from one side of Dumbutu to another. The *alkalo* continues to be involved in any decisions that affect the village as a whole—including decisions regulating the location of livestock corridors through cultivated fields.

### *Seyfo*

Following the conquest, the British colonial administrators adopted the indirect rule policies so widely applied in other parts of the empire. The British chose to modify some of the pre-existing governance structures they found in their newly acquired territories. The British scholar Gray notes that "the administration of the Protectorate hinges largely upon the chiefs" (Gray 1940, p.493). Indirect rule in The Gambia, the author noted, consisted of the "development of local self-government under the advice and supervision of the commissioners" (ibid., p.490). The Native Authority Ordinance of 1933, the Native Tribunals Ordinance of 1933, and the Protectorate Ordinance of 1935 clarified the colonial approach to indirect rule. The Gambia was to be administered through government approved district level *seyfo*, village *alkalolu*, and the badge messengers.

During the colonial period the administration of the provincial territories of the protectorate hinged largely upon these three authorities. Like many of his colonial contemporaries, Gray believes that these "administrative grades are not the creation of the protecting power but existed long before the advent of British rule. All that has been done is to define and develop their respective powers and authorities" (p.491). The title of *seyfo* originates in the colonial period but "it is largely the heritage of the Mansa or 'king' of former times." Oftentimes it is noted that the *seyfo* come from old ruling families, and "it is still the policy of government as far as possible to appoint a *seyfo* from one of the families of hereditary rulers, as it is recognized that a great deal of a chief's utility and prestige depends upon the authority inherent in the post." The commissioners judged who would be the best *seyfo* and proposed a candidate to the governor who made the final decision. As Gray lauds, "this is not an innovation but an adaptation of an old custom to modern requirements" (p.492).

### The district tribunal

The authority of the *seyfo* and the *alkalo* have historically been enforced by the district tribunal and the commissioner. According to the legal statutes of The Gambia, the district tribunal shall administer:<sup>9</sup>

- (1) Customary Law prevailing in the area of jurisdiction of the tribunal insofar that "it is not repugnant to justice and morality or inconsistent with the provisions of any Act or other law in force in the Provinces";

---

<sup>9</sup> Chapter 6:03 of the "Law of The Gambia." 1990.

- (2) Islamic law relating to civil status, marriage, succession, divorce, dowry, the rights and authorities of parents and guardianship whenever the parties are Muslim;
- (3) The by-laws and orders made by a council, minor council, district authority, or the commissioner; and
- (4) Provisions of any act including any regulation, rule, or order made there under which the tribunal is authorized to administer.

For offenses against customary law, a district tribunal may impose a fine or order imprisonment with hard labor, impose both a fine and imprisonment, or inflict punishment authorized by customary law. This punishment must be tempered in that it "shall not be repugnant to natural justice and humanity and the fine or other punishment shall in no case be excessive but shall always be proportioned to the nature and circumstances of the offence" (Cap. 6:02, 13). No sentence imposing corporal punishment or imprisonment of more than 14 days is allowed unless it is reported first to the commissioner. No sentence of corporal punishment shall be executed unless it has been confirmed by the commissioner and Supreme Court and it shall be executed in accordance with section 30 of the Criminal Code.

## 2. RELIGIOUS ORGANIZATIONS

Religious figures such as the imams and marabouts of Mandinka villages play an important part in both the religious and temporal life of a community. Religious figures contribute to a variety of community functions such as resolving disputes between people over any number of issues, including those of natural resources (see below section E.). Disputes often go first through the *alkalo* before they reach the imam. People come to the imam to seek not only spiritual advice but also to arrange marriage celebrations and to try to settle divorces.

Marabouts and imams possess land in Mandinka villages, though they often receive contributions of labor from the community.

## 3. AGE-GROUP ORGANIZATIONS

A *kafo* is any group of people that comes together to participate in a common cause. Traditionally *kafo* were age groups but now they often meet to work on development issues facing the community. The Catholic Relief Services *Kafo* is a group that meets to run the seed store. The Primary Health Care *Kafo* is a group of women that run the health care center. The Woodbury *Kafo* is the group that organizes the activities of the Woodbury-Dumbutu linkage.

## 4. COMMUNITY-DEVELOPMENT ORGANIZATIONS

The distinction between the *kafo* and more formal community development organizations is often blurred. The village development committee (VDC) is an organization strongly supported by the Department of Community Development of the Ministry of Local Government and Lands with the supposed authority to coordinate all community-development initiatives. The VDC chair of Dumbutu is an active intervener in community discussions.

Various government services work in the community at one time or another. Community development officers pass through the village. Governmental and nongovernmental development projects are found throughout the Kiang West District. Social services are provided to villagers by both governmental and nongovernmental organizations. Government and nongovernment sponsored projects provide formal primary school education and adult literacy classes. Koranic schools are similarly active. Health care is available at primary health care clinics in many of the district's villages as well as through the Medical Research Center. The International Trypanosomiasis Center conducts research on tsetse fly resistance in cattle. Donor organizations, such as the Freedom from Hunger Foundation, work with government extension agents to implement village infrastructural activities.

### 5. RURAL DEVELOPMENT PROJECTS

A surprisingly large number of governmental and nongovernmental organizations are present in Dumbutu. Villagers gathered under the *bantaba* reported on the functions of a wide range of organizations associated with specific community development activities.

Various governmental and nongovernmental projects have worked with the village to set up a primary school, a seed bank, a primary health care center, a family planning clinic, a trained midwife, a milling machine, capped wells with pumps, and a women's garden. Sponsors have included Action Aid, Catholic Relief Services, Freedom from Hunger Committee, IOGT, and most of the main-line governmental departments. The Dumbutu community placed a special emphasis on the Woodbury-Dumbutu Link. Over the years the town of Woodbury, England, has sponsored a wide variety of projects. The linkage program is currently sponsoring the construction of a multipurpose community center and it has just recently purchased a tractor for the village. The gift of the tractor is especially appreciated by women as it will reduce the necessity to rent tractors from the Agricultural Services Department to cultivate rice fields. Two American Peace Corps volunteers have lived in the village as part of the ongoing development of the Kiang West National Park.

#### Schools

Dumbutu is blessed with a well maintained primary school that has provided solid educations for many of its well placed citizens. The complaint is nevertheless raised by elders in Dumbutu that primary and secondary schools contribute to labor migration, one of the central constraints to agricultural development in the area. While most recognized that educated youth are a source of wealth for the family, the full-time attendance of young people in school deprives the household of much needed labor for agricultural and livestock-raising activities.

### 6. RESOURCE-MANAGEMENT INSTITUTIONS

Several different layers of resource-management institutions are found in the Kiang West District and villages such as Dumbutu. The Kiang West District is rather unique in The Gambia in that a large percentage of the district is placed under the direct management of the state. The state controls and administers land through the management of the forest parks and the Kiang

West National Park (see figure 15). Through various legal mechanisms, the government determines the use rights of populations to state lands. Government has introduced new institutions designed to facilitate the management of state resources with varying degrees of success. The influence of the state reserves is thus directly felt by the populations surrounding these restricted areas for these rights of access are conditioned upon the approval of state agents.

At the same time, "customary" institutions continue to regulate resource allocation on the land not subject to direct state control. As discussed above, a variety of interwoven institutions from the *kabilo* to the district tribunal determine many of the rights and responsibilities to land and other natural resources. The institutional jurisdictions of these two entities clash from time to time in the Kiang West District. Conflicts and disputes are one consequence of the confluence of the state tenure regimes with the local-level regimes.

#### Forest park managers

The village of Dumbutu is surrounded by three forest parks: Mutaro Kunda Forest Park, Faba Forest Park, and Brikama Forest Park. Management powers are vested in the agents of the Department of Forestry. In contrast to many forest parks in The Gambia, these three parks are intensively managed by the forestry service through assistance from the Gambia-German Forestry Project. The Gambia-German Forest Project has invested considerable resources in fencing off and culling lumber from the relatively dense forest cover. A sawmill has been established in Dumbutu in the Mutaro Kunda Forest Park. The forestry service is presently planting cashew and malina trees around the periphery of the park as a firebreak. A nursery has been set up by the project in order to plant indigenous species of trees within the forest park to replace those removed through logging and fires. Natural regeneration of forest species is also being promoted through the ban on forest fires and selective transplanting of seedlings growing in the wild. Bamboo is being reintroduced to the park, a valuable species extensively exploited in the past from the Kiangs.

Labor has been contracted from the surrounding communities to fell deadwood, operate the saw mill, plant trees, clear fire lanes around the park, maintain fences, and patrol the park. Three forest scouts are engaged by the project, one each from Velingara, Batelling, and Dumbutu. Contractors engaged to collect dead firewood are permitted to resell the wood outside of the park. Scrap wood from the sawmill is given away free to the village. Revenue from the sale of firewood and lumber goes to the national treasury and a special line account for park maintenance. In this sense, the government managed forest generates benefits to the community.

As will be discussed further in this case study, the establishment and maintenance of the forest reserves generates considerable ambivalence on the part of the people of Dumbutu. The enforcement of park limits and restrictions removes a substantial area of land from use by the local populations. Within the forest parks are found excellent grazing lands, especially suitable for rainy season pastures. Small ponds seasonally provided important sources of fresh water for livestock, especially in the early dry season. Prior to the construction of chain link fences around all three parks, people had unencumbered access to firewood, fruits, construction timber, and medicinal plants. Portions of the forest park now impinge upon some of the rice fields of

cultivated by the women of Dumbutu. Access is now severely limited due to the presence of forest guards. For these reasons, some hostility is expressed against the park. Forestry agents recognize this fact in noting that the wire fencing is periodically cut and that considerable time and expense is spent in repairing the damage.

#### Kiang West National Park Managers

The Kiang West National Park was established through the 1987 Kiang West National Park Order. The 11,000 hectare park is one of the last unsettled spaces in The Gambia and as a diverse flora and fauna is found within its boundaries. Feasibility studies, a park management plan, and delineation of the park boundaries did not occur until 1990. Donor assistance facilitated the placement of boundary markers and the construction of firebreaks around the entire park. Local labor, primarily women, was engaged to clear the path around the park and plant fire resistant trees within the buffer zone. Park headquarters have been constructed and plans are being implemented to facilitate the use of the park by tour groups from Banjul (i.e., Audio-Visual Center, bird watching blinds, concessioner stands). Professional park managers now enforce provisions of the Wildlife Conservation Act and the Kiang West National Park Order that restrict uses by rural populations of this considerable territory. The park service is advised by a Technical Advisory Committee (TAC) consisting of three members each selected from Batelling, Kuli Kundi, Bajana, and Dumbutu. No women are represented on the committee since as one forest park member noted, "women are not officially involved in decision-making."

The Kiang West National Park has introduced a degree of tenure insecurity among the populations surrounding the zone. Within the park all felling of trees and burning is prohibited. Hunting and trapping of wildlife is similarly banned. These regulations fall under the purview of the 1977 Wildlife Conservation Act and the Kiang West National Park Order. Even though the creation of the park has not resulted in the prohibition of all uses of the park by the community, the threat of permanent exclusion is ever-present. The "Kiang West National Park Integrated Conservation and Development Planning Report" currently recommends that "subsistence level natural resource use by local people continue at its current level during a five-year assessment, unless changes in management strategies become warranted as quantitative information becomes available."<sup>10</sup> Commercial woodgathering and sale is thus no longer allowed, though villagers can go into the forest to collect deadwood for household use. Women oyster collectors fear that the park service could restrict rights of collection. For these reasons, the Kiang West National Park represents the entry into the community of a new institutional actor.

---

<sup>10</sup>Ministry of Natural Resources and the Environment. "Kiang West National Park Integrated Conservation and Development Project: Planning Report." September 30, 1992, p. 15.

**FIGURE 15: STATE RESERVES IN KIANG WEST DISTRICT**

Total Land Surface in State Reserves	
Mutaro Kunda Forest Park	803 Hectares
Faba Forest Park	530 Hectares
Brikama Forest Park	500 Hectares
Kiang West National Park	11,000 Hectares

Kiang West National Park administrators seek ways to encourage public participation in park management and a sense of community ownership of the park. Promises have been made by park planners to share with villagers economic benefits generated by the park. Villagers have high hopes that the park will spark economic growth, employment, and donor assistance. However, the creation of the national park has added a new dimension of uncertainty to the lives of the people of Dumbutu.

#### IV. RESOURCE USE, MANAGEMENT PRACTICES, AND TENURE ARRANGEMENTS IN THE VILLAGE OF DUMBUTU BY MICROECOLOGICAL ZONE AND SOCIOECONOMIC GROUP

The territory of Dumbutu can be divided into five different ecological zones: 1) the *bolong* and salt marsh, 2) salt flats, 3) the lower valley, 4) the upper valley, and 5) the settlement area (see figure 5). Each of these zones supports a variety of land-use practices and represents unique habitats for wildlife and vegetation. This land-use diversity is matched by a diversity of tenure relations.

##### A. THE *BOLONG* (MANGROVE AND SALT MARSH)

A thick mangrove forest lines the waters of the River Gambia and the Jarin and Nganingkoi Bolongs. Tall and short mangroves (*Rhizophora harrisonii* and *Avicennia spp.*) and the salinity of the *bolong* and salt marsh estuaries provide a unique habitat for a variety of fish and crustacea, including oysters. Seasonal changes in salinity are reported to be from 13.7% in June to 0.2% in October.<sup>11</sup> Clay soils underlie these mangrove swamp areas. Various groups of Dumbutu residents use the Jarin and Nganingkoi Bolongs for fishing, hunting, collecting and processing oysters, and gathering of forest products.

##### 1. OYSTER GATHERERS

The RRA team interviewed two Dumbutu women who are part-time oyster gatherers to learn about the ecology, processing system, and marketing of oysters. During this interview the research team also learned of the relationship between Dumbutu residents and Karoninka women oyster gatherers. Since the early 1980s, women originally from Karoninka (Casamance, Senegal) have journeyed to Dumbutu to spend the dry season collecting, processing, and selling oysters. The Karoninka women, as Dumbutu residents referred to them, lodge with various Dumbutu families. Instead of a cash payment, these women exchange oyster shells for their room and board. As the two Dumbutu women explained, the Karoninka women collect and process all their oysters at a few central locations. These central processing points make it easy for the Dumbutu hosts to collect the disposed shells. These shells are an important source of lime, an ingredient in whitewash, cement, and plaster.<sup>12</sup>

The arrival of the Karoninka women has resulted in the transfer of oyster collection and processing technology to the women of Dumbutu. Whereas in the past, no one from Dumbutu

---

<sup>11</sup> "Biodiversity Support Program and the Ministry of Water Resources, Forestry and Fisheries." 1990. Kiang West National Park. Prepared by an international team under the joint direction of V.C. Gilbert and A. Camara. p. 31.

<sup>12</sup> In Soma and Brikama, two major towns in The Gambia, one sack of white lime (approximately 50 kgs) can be sold for 25.00 dalasis.

collected oysters, now many Dumbutu women have learned this trade from the Karoninka women. As the Dumbutu women explained, the Karoninka women have shown the Dumbutu women the technique of boiling the shells in order to extract the oyster meat.

There are important differences between the Karoninka and Dumbutu women, however. One difference is that the Dumbutu women do not process their oysters in central locations. Instead, they process the oysters as they move along the *bolong*, leaving behind scattered shells. Thus, the Dumbutu women neither trade nor sell these remaining shells. As they stated, anyone with "enough resources" can go and collect the shells they discard. In contrast, the Karoninka women carefully collect and pile up the shells for eventual use as rent to pay for lodging in the village.

The Karoninka women dry and then transport the oyster meat to the Western Division where it fetches a better price. The Dumbutu oyster gatherers sell their daily harvests in Soma.<sup>13</sup>

## 2. FISHERMEN

It is the men of Dumbutu who fish the *bolong* for *talapia*, *chaalo*, *jotto*, *kujalo*, *wankango*, *fetta*, *baba furo*, and *battoto*. The RRA team interviewed one of these local fishermen to gather information on the tenure arrangements surrounding fishing points. It appears from this interview that the *bolongs* are a commons area. Fishermen do not need permission to fish anywhere in these estuarine areas. Nor have the different fishermen from Dumbutu and other neighboring villages established rights to favorite fishing points. There is, however, one area called "Luperi" which is off-limits to fishing. No reasons were given as to why a taboo was placed on this area. According to the one fisherman interviewed, there have never been disputes over fishing points in his lifetime.

Fishing equipment is regulated by the state under the Fisheries Act. Fishing codes stipulate allowable size of nets. Also, to construct boats from trees, a fisherman would need to secure a cutting permit from the Forestry Department. In the past, fishermen would cut trees like *jalo* (*Khaya senegalensis*) to carve out canoes.<sup>14</sup> In the past, nets were made from the bark of baobab trees (*Adansonia digitata*) and floats were made from *bukango* trees.<sup>15</sup> Today, fishing equipment is imported from abroad.

---

<sup>13</sup> One cup of oyster meat can be sold for approximately 2.50 dalasis.

<sup>14</sup> In the past, the area councils were responsible for issuing permits and collecting fees from the cutting of live trees. Therefore, fishermen who carved dugout canoes would have had to purchase a permit from the area councils for 2.50 dalasis. In the 1960s, the Forestry Department took over the responsibility of issuing timber cutting and collecting permits.

<sup>15</sup> *Bombax buonopozense* or red silk cotton wood

Usually, the daily catch is divided into thirds—one third goes to the owner of the fishing equipment and the remaining thirds are divided between the two co-fishermen. The catch is sold in Dumbutu and neighboring villages or in Soma and Mansakonko. The fisherman interviewed reported that there has been little change in the level of fish caught over the years since he has been fishing.

### 3. GRASS AND FOREST PRODUCT COLLECTORS:

During the transect, a Dumbutu professional hunter identified several different types of grasses and sedges: *solingo*, *banyamo*, *tien-ningo*, *wanto kado*. The *banyamo* provide an excellent source of thatch for Dumbutu gatherers. While grasses and sedges predominate in this area, small trees and shrubs also dot the landscape. These trees and shrubs include *Naning-koyo* (*Acacia seyal*), *Donkoro* (*Acacia senegal*), *Jongo* (*Mitragyna inermis*), *Kuruso* (*Phoenix reclinata*), *Korosso* (*Rhaphia spp.*), and *Sibo* (*Borassus aethiopum*). The vegetation supports such vertebrates as rabbits, *gito wolo*, bush pigs, grass cutters, and antelope. As illustrated in figures 7 and 8, this ecological zone is actively used by children as well as by professional hunters. Wild fruits and animals provide important supplemental foods for both the children of Dumbutu and their families.

#### B. THE SALT FLATS

Salt flats occur between the mangrove forests and the lower valley ecological zones. While this zone is above tidal influences characteristic of the *bolong*, the salt flats are flooded by the *bolong's* saline waters during the rainy season. During the dry season, salt minerals remain when these flooded waters evaporate.

During interviews with the Dumbutu women's *kafo*, the team learned that this ecological zone was once the site for salt extraction by several Dumbutu women. While the women said that the amount they extracted was never much due to the distance of the salt flats from Dumbutu, the women did collect salt minerals for domestic purposes during the dry season. As they reported, salt from these flats was an open-access resource. Permission to extract this resource was not required for either the Dumbutu women or non-Dumbutu residents.

Over the past two decades, the women have observed the gradual disappearance of this economic resource. Without enough rains, there has been insufficient flooding and, thus, no economically viable deposits of salt. Dumbutu women now purchase their salt from neighboring villages such as Jifarong, Sankandi, and Bajana.

#### C. THE LOWER VALLEY

Clay loam soils underlie this lower valley ecological zone. A wide variety of tree species is found in this zone, including: *kurlonho*, *sama netto* (*Entada africana*), *netto* (*Parkia biglobosa*), *tallo* (*Detarium spp.*), *kutufingo* (*Vitex doniana*), *bembo* (*Lannea velutina*), *bukango* (*Bombax buonopozense*), *bato bembo* (*Lannea spp.*), *tamba* (*Parinaria macrophylla*), *mampato*

(*Parinaria excelsa*), *kaba* (*Nauclea latifolia*) and *keno* (*Pterocarpus erinaceus*). Numerous wildlife species such as grass cutters, bush pigs, various species of monkeys, guinea fowl, hyenas, *konko wulo*, *totonah*, *atang-kana*, and *wato* also flourish in this zone. *Nyantang faro wa* (*Andropogon gyanus*) can form a dense ground cover. The diversity of vegetation and animal life supports a comparable diversity of socioeconomic activities.

## 1. CATTLE OWNERS AND HERDERS

*Andropogon spp.* grass are an important source of standing fodder for cattle and small ruminants. To gather greater information on the management of livestock and small ruminants, the RRA team interviewed several *kabilo* heads and herders. As these individuals explained, "many" Dumbutu residents own cattle but every cattle owner does not graze his/her<sup>16</sup> own cattle. To manage efficiently the grazing of the total population of cattle, individuals who own a few cattle have turned over the management of their cattle to the three largest cattle owners (who are also *kunda* heads) in Dumbutu. As managers, the three largest herd owners are responsible for:

- (1) collecting fees from all the owners of the cattle in their herd;
- (2) hiring and paying, from the collected fees, Fula herders to care for all the cattle in their respective herds; and
- (3) organizing the tethering of the cattle in their respective herds in preparation for the agricultural season.

During the dry season, the upland and lowland fields surrounding Dumbutu are open to the free grazing of these three herds. Herds from outside Dumbutu also frequent these fields. For example, having grazed their lands earlier in the dry season, Fula herders from Nioro Jattaba bring their cattle to Dumbutu to graze. In some cases, cattle owners from other villages may give their cattle to Fula herders in Dumbutu to care for their cattle. The Fula herders stated, however, that the best grazing land was in the forest parks but they were forbidden to graze the animals there.

As a Dumbutu Fula herdsman explained, during the morning, cattle are grazed in the upland areas surrounding Dumbutu. During the afternoon, the cattle are brought down to the lowland areas where several watering points are located. These watering points consist of five hand-dug wells located in the area called the *wulong bango*. The wells are owned by cattle owners in Dumbutu.

Four other wells are located nearer to the *bolong* in an area called *bato feroto*. Each of these wells has been dug and therefore is owned, respectively, by one of the three major cattle owners of Dumbutu for the exclusive use of the cattle in his herd. Herders of the cattle from the two other herds must obtain permission to water their herds at a different well. To construct

---

<sup>16</sup> Interviews reported that women also own cattle in Dumbutu.

additional wells, herd owners must first secure permission from the traditional owners of the land on which they hope to sink the well.

Tethering of the cattle herds occurs on a request-only basis. Farmers negotiate with cattle owners for the opportunity to tether. No payment is made for the tethering and manuring services. However, the farmers on whose field the cattle are tethered are to supply the stakes to which the cattle are tied. As several Fula herders explained, the various herd owners have first rights to tethering and thus manuring. While women rice farmers have never formally requested that cattle be tethered on their rice fields, they do collect the manure around the various watering holes to use on their adjacent rice fields. They do not need permission to gather this manure.

The RRA team received conflicting responses to questions concerning the tethering of livestock. The Fula herders stated that, other than the herd owners, only one person had requested tethering this year. As a result, the Fula herders and their families obtained relatively unlimited access to tethering of livestock and thus to cattle manure. During a separate interview, a non-cattle owner stated that he has been requesting permission to tether cattle in his field for five years. That permission has never been granted. During yet another interview, another non-cattle owner said he did not tether cattle in his field to improve fertility because the demand for manuring is greater than the cattle can supply. In addition, this male farmer stated that the herd owners have first access to tethering and thus manure.

It thus appears to the RRA team that manure is a scarce resource. A few cattle owners possess the distributive powers to allocate manure through the act of tethering. For reasons that remain obscure to the team, the cattle owners have not fulfilled requests for manuring by non-cattle owners. Instead they have tethered the animals in their own fields or let their Fula herders tether the cattle on the agricultural fields the Fula have borrowed. On the surface, access to tethering appears to be free and available upon request. In reality, cattle owners are exerting monopolistic control over the allocation of manure. This could contribute to a widening of the gap between the wealthy owners of cattle who can manure their fields and the poorer elements of the community lacking both cattle and manured fields.

During the rainy season, cattle and small ruminants are closely guarded. Small ruminants are placed in enclosures and cattle are tethered and grazed in areas left uncultivated. Crop damage by livestock can be a source of serious conflict. The *alkalo* and even the *seyfo* and the district tribunal can fine the cattle owner for crop damage. The fine compensates the farmer for his/her losses. Even though livestock damage is a constant problem, local level conflict resolution mechanisms succeed largely in providing adequate compensation. The existence of cattle damage is nevertheless symptomatic of the contentious interface between livestock raising and field crop cultivation in mixed farming systems. One of the reasons suggested by Fulbe herders for the extensive crop damage in Dumbutu is the lack of grazing lands caused by the construction of fences around the Faba, Brikama, and Mutaro Kunda Forest Parks. Herders can no longer find sufficient space to graze livestock far removed from fields. As a consequence, it is inevitable that crop damage will occur from time to time as livestock escape the control of the herder.

In addition, establishment of the Kiang West National Park has resulted in loss of grazing land. Ostensibly, grazing is allowed in the national park. However, because *Gmelina* seedlings have been planted around the perimeter of the park, park officials have rescinded this rule by placing a "temporary" moratorium on grazing in 1992 and 1993. In separate discussions with park officials, it was their hope that a series of community development projects would be implemented to meet the forage needs of the local cattle and small ruminants.

The Fula herders mentioned another problem—this one concerns their access to wells located in the *wulong bango*. As they described, these wells are located inside the rice-growing areas. During the rainy season, the herders are able to take their herds into the uplands where natural water pools occur. However, towards the end of the rainy season, as these pools become dry, the Fula herders must move their herds back down to the wells located in the *wulong bango*. However, this movement usually occurs before women farmers have harvested their rice. Thus the Fula herders risk damaging rice fields in order to obtain access to water. The herders suggested that more wells be dug in the upland areas to prevent problems. During a group interview in the rice fields, women farmers corroborated the information presented by the Fula.

## 2. WOMEN RICE FARMERS

During the rainy season, the lowland valley becomes flooded with fresh water. Women rice farmers refer to this zone as the *wulong bango*. These farmers have given names also to distinct areas within the *wulong bango*. In these areas, rice farmers have cultivated both early and late varieties of rice. Closer to the *bolongs*, women have two additional rice-growing areas. However, in the past two years, they have abandoned these areas because of:

- (1) saltwater intrusion,
- (2) long distance from Dumbutu,
- (3) crop damage by monkeys and bush pigs, and
- (4) gradual deposition of iron leachate from upland water run-off (iron toxicity).

Women *kafo* members indicated that they have enough rice land and enough labor to farm these lands. However, the seemingly ideal situation is marred by a problem voiced repeatedly by the women farmers—there is not enough rain. As one women stated, "During our childhood, we used to have enough rains in this valley. Now it all runs off." As a result of drought conditions, women now have more rice land in cultivation but reap smaller harvests. Whereas in the past one rice field could supply the needs of a *sinkiro*, now two or three fields are needed. The women rice farmers also noted that they used to have several early varieties of rice which they placed in the upper fringes of the *wulong bango*. However, because they shifted to other varieties supplied by the various government departments and non-governmental organizations, they have "lost" these seeds. The following rice varieties have become extinct: *tungkungo*, *caramuso*, *hapsaruso*, *mamma mano*, *fula mano*, and *seido*. Given the drought conditions, the women *kafo* members expressed the need for technical assistance concerning water-retention dikes and early-maturing rice varieties.

When asked questions pertaining to the distribution of harvests, women *kafo* members responded that "rice harvests are for the men." Upon further discussion, however, women noted that the men of Dumbutu are entirely dependent on the rice cultivated and harvested by the women. All of the rice the women produce is for household consumption; none of the harvest is sold. Thus, saying that the harvests belong to the men does not fully describe the situation where all rice is needed to meet subsistence needs.

The women *kafo* members mentioned several alternative crops to rice. These were: sesame, groundnuts, products from their village garden, *findo*, and corn. As individual farmers, the women grow these crops both for subsistence and commercial use. Several women mentioned that they intended to grow sesame this rainy season in order to produce sesame oil. They stated that they would then sell the sesame oil in Soma. Likewise for groundnuts, they said that they were growing groundnuts as an income-generating activity (see figure 12).

To understand the tenure arrangements in the rice-growing zone of Dumbutu, the RRA team conducted both focus-group and individual interviews with women rice farmers. During the focus-group interview with a group of about 10 women *kafo* representatives, the RRA team asked such questions as: "Who 'owns' the rice fields in the *wulong bango*?" The woman president responded by stating that land belongs to the male residents of Dumbutu. However, her statement was quickly qualified by the one male representative of the *kafo*. This representative said that men's ownership of land is in name only—women farmers possess absolute user rights to the rice land.

After holding this focus-group meeting, RRA team members held individual semi-structured interviews with several women farmers. These interviews provided a more in-depth picture of women's "ownership" of, and access to, land. From these interviews, the RRA team discerned three mechanisms through which women can obtain access to land:

- (1) through marriage;
- (2) through parents, extended family members and/or friends; and
- (3) through citizens of the neighboring village of Batelling.

#### Allocation through marriage

The primary mechanism through which women obtain access to land, especially rice land, is through their husbands. As stated by both male and female Dumbutu residents, it is the obligation of husbands to provide their wives with rice land (and, to a lesser degree, upland fields for legume and grain crops). It appears that women's control over these land is quite strong; they make most of the management decisions, retain control over the harvests from these fields, and they also have the right to lend these lands to other women. Some insecurity accompanies land acquired by this mechanism. As one woman stated, if her husband married a second wife then she might have to share her fields with her new co-wife. Thus, she would have an insufficient amount of land and would need to borrow more from other people.

### Allocation through parents, extended family members, or friends

In many cases, women farmers have access to their fathers and mothers' land. A woman may have access to rice fields (and to some extent, upland fields) either directly through inheritance or, more likely, indirectly through more complex borrowing arrangements. Land borrowing can be arranged between a woman and her parents or between a woman's parents and her in-laws, but on her behalf. Examples of the latter are those land-borrowing arrangements created between mothers and mothers-in-law.

When a woman marries, her husband, acting through his mother (the woman's mother-in-law), is obliged to provide his wife enough land to farm rice. Usually, her mother-in-law, and thus the woman's husband, can fulfill this obligation by allotting the woman land which she has access to via her husband (or father-in-law). The mother-in-law's obligation to provide for the woman may be stronger when the woman is not a citizen of her husband's village because, by leaving her place of birth, the woman can no longer call upon her parents or extended family members to gain access to land. However, frequently, the mother-in-law will not have enough land to allocate to the woman. In these cases, the mother of the woman may lend land to the mother-in-law. Thus, mothers create borrowing arrangements as a means for ensuring that their daughters have sufficient land to cultivate. These types of borrowing arrangements seem especially important for women whose husbands have either not inherited or have inherited an insufficient amount of rice land.

In the case of deceased parents, a woman can borrow land from her brothers who have inherited her parents' land. In such cases, it would appear that brothers have some obligation to provide their sisters with land if their sisters' husbands can not.

The RRA team also found that there is considerable land borrowing among women who are unrelated. Again, this is based on the principle that if a landowner is not using a piece of land then someone in need of it should be able to borrow the land.

### Allocation of rice lands from citizens of neighboring villages

According to several women, about half the women in Dumbutu borrow land from families in Batelling. Batelling and Dumbutu share a common valley suitable to rice growing. Part of the valley belongs to families of Dumbutu and part belongs to families of Batelling. However, because Batelling women have access to swamp rice land (which does not suffer from saltwater intrusion) these Batelling women do not need their share of the valley rice fields. Dumbutu women are thus able to borrow these fields on year-to-year borrowing arrangements.

Women's ability to exercise their usufructuary rights over land varies according to:

- (1) through which mechanism she obtained the land;
- (2) the type of land, i.e., *suba* or *patchico*;
- (3) the crop rotation for that season; and

- (4) the social position of the women themselves, their husbands, their parents in terms of the key distinguishing feature of Dumbutu's social structure, i.e., settlement history.

There are two categories of rice fields, i.e., *suba* and *patchico*. The term *suba* means "group cultivation of a rice field." Usually, the "group" includes a mother, her unmarried daughters, and her daughters-in-law. In many cases, each co-wife will manage her own *suba* field with her unmarried daughters and daughters-in-law. Women farmers manage *patchico* fields individually. The harvested rice from these *patchico* fields is to be used by the individual woman farmer at her own discretion. However, as with other activities in the village, the distinction between individual and shared use of resources is blurred. Often daughters-in-law may use the rice harvested from *patchico* fields when their husbands come to visit (as in the case of a husband/son who has migrated to an urban town). Women may also use their *patchico* harvests during local village celebrations and festivals.

Yet another interesting caveat to the allocation of rice land among women is that a woman may borrow rice land even when (as it would appear to an outsider) she has sufficient land in her possession already. Women rotate rice areas in the *wulong bango* from one year to the next. The women have developed this rotation system to avoid soil exhaustion. Thus, if a woman does not have rice land in the area under cultivation during a particular year, she will also need to borrow. Also, women sometimes borrow land in order to be closer to the fields of other women. Women group their rice fields together as a protection strategy. Bush pigs frequently enter the women's rice fields in the *wulong bango*. By grouping the fields, women are able to watch each others' fields.

To illustrate the complexity of the tenure system in terms of women's access to agricultural fields, the conversation with one woman farmer of Dumbutu is described below in box 1.

### 3. HUNTERS AND COLLECTORS OF FOREST PRODUCTS

The woodland fringes of the women's lowland rice fields possess a store of forest products. An open-access tenure regime governs the collection of these forest products. Men collect honey from naturally occurring beehives in these woodland fringes. Women and children of Dumbutu collect various fruits, leaves for sauces, and medicinal herbs in these fringe areas. Children also hunt small animals and birds (see figures 7 and 8).

In the past, there were at least ten professional hunters in Dumbutu. At present, there is only one. As this one hunter explained, the increasingly strict regulations placed on hunting (through the establishment of the forest parks and the Kiang West National Park) have made hunting as a profession difficult if not illegal. Other reasons cited were: the cost of bullets and guns and lack of interest by the youth. According to Dumbutu's resident hunter, the scarcity of hunters in Dumbutu and neighboring villages has serious ramifications on the herd size of wild bush pigs. Every farmer with whom the RRA team spoke stressed the seriousness of the crop damage caused by bush pigs. In the past, hunting parties would be organized with neighboring

villages. At least 100 bush pigs would be culled per day during these hunting periods. Now, very few people can be amassed and the bush pigs flourish.

#### D. UPPER VALLEY AND PLATEAU

The upper valley and plateau ecological zone is located closer to the settlement areas of Dumbutu. This zone is typified by thin, clayey loam soils. Laterite rock escarpments dot the zone. Trees such as *jaffo* (*Antiaris africana*), *kaba* (*Nauclea latifolia*), *jambakato* (*Combretum spp.*), *wolo* (*Terminalia macroptera*), *keno* (*Pterocarpus erinaceus*), *santango* (*Daniella olivera*), *wolo-kono dutu* (*Cordyla spp.*), *netto* (*Parkia biglobosa*), *bantango* (*Ceiba pentadra*), *taba* (*Cola cordifolia*), and *soto* (*Ficus exasperata*) can be found in this zone as well as other species found in the lower valley zone. Fruit collection from these trees is not regulated in any way except when *tongo*<sup>17</sup> exists. At present, the *alkalo* only applies *tongo* to mango and baobab trees because of their economic importance. Infractions against the *tongo* are imposed by the *alkalo*. Economically valuable trees are not cut down or trimmed unless expressed permission has been obtained from the heads of *kundas* controlling the particular plot of land.

##### 1. HERDERS AND GRAZING

As in the lower valley zone, grazing of cattle and small ruminants is an integral part of the landscape. See section IV.C.1. for a description of the system of management for livestock and small ruminants.

##### 2. SAND EXTRACTORS

Another activity prevalent in this upland zone is the extraction of sand. Individuals stated that Dumbutu residents do not need permission to collect sand for community building purposes, e.g., schools, mosques, multi-purpose centers, and the Gambia-German Forestry Project and Kiang West National Park facilities. Dumbutu residents usually use handheld shovels to dig up the sand. On average, only about 10 tractor loads are taken per year. Sand extraction is not an income-generating activity for any resident of Dumbutu.

Dumbutu residents, however, do appear to be developing rules to govern the sand-extraction activities of non-Dumbutu residents. Permission must be obtained by outsiders to extract sand. One interviewee described a case where workers from Tendaba Camp (a tourist hotel located nearby on the River Gambia) came in with a large truck to extract sand. Dumbutu residents requested that the workers tell them how much sand they expected to take. When they learned that the Tendaba workers were not intending on take much sand, Dumbutu residents granted the workers permission. The community is developing a precept that no external

---

<sup>17</sup> *Tongo* is a Mandinka term which refers to the temporary moratorium place on the collection of fruit. Usually, the *alkalo* of a village calls these moratoriums to ensure that fruits, such as mangos, reach maturity before they are picked.

economic agent can extract resources on a commercial basis without expressed permission from the Dumbutu *alkalo*.

Unfortunately, Dumbutu residents do not request sand extractors to undertake any land-reclamation activities. This fact is evidenced by the numerous craters located in this ecological zone.

### 3. WOMEN RICE FARMERS

Women farmers are the primary cultivators of upland rice. The similar tenurial arrangements as described in section IV.C.2. apply to rice fields in the uplands.

### 4. LEGUME AND GRAIN CROP FARMERS

Both men and women grow a variety of grain crops in addition to cultivating groundnuts. The majority of Dumbutu male farmers grow early millet, *sunoo*, as their main subsistence crop. The tenure arrangements governing the use of these upland or plateau lands are described extensively in section III C. Most of the land in this ecological zone is allocated to the various *kabilos* and *kundas* of Dumbutu. Everyone recognizes clearly the boundaries of each other's fields. Lines of trees have been planted along some boundaries to clarify ownership. These trees were often planted following a dispute. Extensive borrowing takes place in these upland fields.

The fields of the wealthiest cattle owners are well manured and these tend to be situated closest to the village. The more distant fields are farmed by newcomers and temporary visitors to Dumbutu. The farmers complain that these fields are quite infertile because it is difficult to obtain access to manure. The outer fringes of Dumbutu's fields are fenced off with piles of thorns against bush pigs. These fences are only somewhat effective for evidence is widespread of bush pig wallowing areas located directly in farmer's fields. Yet they still serve to protect the fields of those farming closest to the village. In effect, the newcomers and non-residents bear a disproportionate cost of bush pig intrusions.

### 5. SACRED AREAS AND THE GENERAL POPULATION OF DUMBUTU

Within the village of Dumbutu there are a number of sacred groves and consecrated areas (see figure 6). Each of these sacred groves and areas have place names, usually the name of important trees in Mandinka folklore (e.g., baobab and silk cotton wood). Restrictions are severely enforced by the community against use of these trees. Particular *kabilos* are responsible for certain trees and sacred areas. The unique taboos placed on these sacred areas are listed below in box 2.

## BOX 1: INTERVIEW WITH MRS. X<sup>18</sup>

A woman in her late forties, Mrs. X lives with her husband in *Y kunda*. The *Y kunda* is within the ward of the *Z kunda's kabilo*. The *Y kunda* has a structure similar to other Mandinka compounds in that agricultural and cooking activities of the various compound members are undertaken within *dabadas* and *sinkiros*. Mrs. X is the 'head' of one of the two *sinkiros* in *Y kunda*. There is one other *sinkiro* which Mrs. X's sister-in-law manages. There are also two *dabadas* in *X kunda*—one managed by Mrs. X's husband and the other by Mrs. X's husband's brother.

This rainy season, Mrs. X plans to grow swamp and upland rice, maize and sesame. Mrs. X drew a map in the sand to illustrate where she will cultivate these three crops. As this map shows, Mrs. X plans to cultivate five rice fields: one in the area called "Daloto," two in the *wulong bango*, and two in the area called "Manneh Koito." In further discussion, however, Mrs. X noted that the management of these rice fields is not carried out in the same manner—four are *suba* fields and one is a *patchico* field. For Mrs. X, her husband gave her the two *suba* rice fields located in the "Tabatokolung" area. Mrs. X will cultivate rice on these fields with the assistance of her unmarried daughters and her one daughter-in-law.

Mrs. X's husband inherited the Tabatokolung rice fields. Since she transferred to her husband's compound, Mrs. X has used these fields. Because he came from a large family, Mrs. X's husband inherited only a small amount of rice land. As a result, the Tabatokolung rice fields are not large enough to support the requirements of Mrs. X's family; every year Mrs. X must borrow land for rice cultivation.

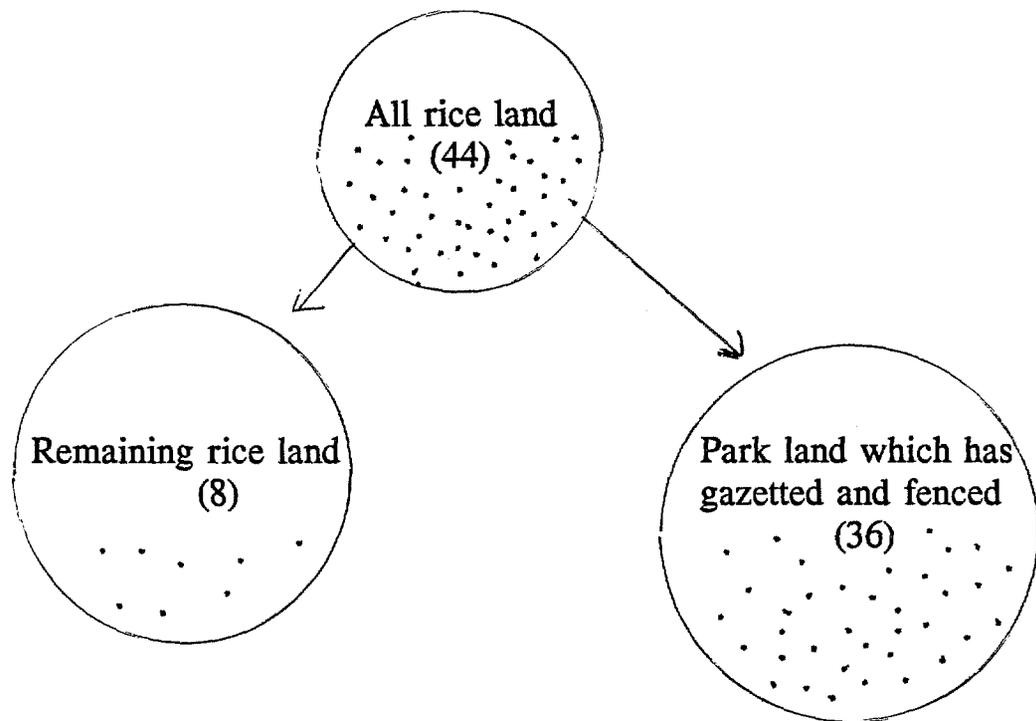
This illustrates how important a woman's natal family connections are in meeting subsistence needs and family obligations. As Mrs. X explained, it is her duty to provide a *patchico* rice field to her son's wife. To fulfill this obligation, Mrs. X borrowed land from her brothers (residing in *Z kunda*). Even though her brothers inherited the rice fields from Dobally's parents, Mrs. X does have borrowing privileges to this inherited land. Every year, however, Mrs. X must return these borrowed rice fields to her brothers.

Mrs. X has borrowed three pieces of land from her brothers. In turn, she has lent one of the borrowed rice fields to her daughter-in-law as a *patchico* field. Mrs. X's daughter-in-law can use the rice harvested from the *patchico* field in any way she sees fit. From her brothers, Mrs. X also borrowed one *suba* rice field located in "Daloto". As Mrs. X commented, at the present time, she can borrow these fields with ease. However, she stated quite clearly that if her brothers were to marry more wives, then the availability of the fields might be constricted.

Mrs. X's husband does have a sufficient amount of land located in the upper valley ecological zone. It is from this supply that Mrs. X's husband lends them land to cultivate sesame and maize. As Mrs. X explained, she intends to process sesame seeds into oil to sell in Dumbutu or Soma.

When asked if she could plant trees on land borrowed from her brothers, Mrs. X responded that she could if she obtains permission from them. This permission would be granted because, as she put it, "my brothers know that I know the land belongs to them." However, Mrs. X has never planted, nor plans to plant, trees in the rice fields she uses. However, her husband did give her permission to plant a mango tree in their compound. She expressed interest in planting more.

<sup>18</sup>To preserve the confidentiality of those with whom we spoke, no real names have been used in this document.

**FIGURE 16: LOSS OF FARO RICE FIELDS TO FOREST PARKS**

Note: Piles of beans were used to estimate the amount of rice lands lost to the forest parks. Dumbutu women explained that they once grew early maturing rice on the lands gazetted by the Forestry Department.

### E. SETTLEMENT AREA

The settlement of Dumbutu is located on an upland plateau of sandy loam soils. Various trees are found within the boundaries of compounds such as mangos (*Mangifera indica*), papaya (*Carica papaya*), *Prosopis spp.*, *neberdiyo* (*Moringa oleifera*), neem (*Azadirachta indica*), and *bantango* (*Ceiba pentadra*).

This is the primary zone of habitation. The map drawn by several residents of Dumbutu shows twenty-one *kundas*. Dumbutu is also well endowed with small shops; approximately seven are found within the village. Various *kunda* heads have given land for development projects (e.g., the maternal-child health clinic, the primary school, and the seed store) at the request of the *alkalo* and without compensation by either village residents or the government. Various *kundas*, with the sanction of the *kabilo* heads, have given land to new arrivals to settle and build compounds. In most cases, land gift-giving for settlement is a permanent arrangement. The *kunda* head does not expect the borrower to return the land every year. However, it is an implicit assumption that if the borrower of the settlement land were to leave, then the land would revert to the original *kunda*. There has never been a case in which a *kunda* head has taken back land given for a compound. Permanent settlers can and do plant trees on these compound lands.

An important exception to this implicit rule are the Fula families who have migrated to Dumbutu over the past decade. As was mentioned earlier in section III.C.2., the *kunda* heads who have lent settlement land to the most recently migrating Fula families have placed strict rules on the land (i.e., no planting of trees) and have made it clear that the Fula are only temporarily borrowing the land.

Generally, however, trees found within a compound are "owned" by the person who planted the tree. Others are not allowed to cut ripe fruit from such trees without the permission of the tree planter. Several women expressed an interest in planting fruit trees but reported that they have never received any extension information on establishing tree nurseries or transplanting seedlings.

## BOX 2. SACRED GROVES AND OTHER CONSECRATED AREAS

### TABO FRANQKUNKO

A large *taba* (*Cola cordifolia*) to the south of the village is held in trust for community use by the Colley Kunda Kabilo. With the permission of the head of the Colley Kunda Kabilo, this tree can be used for prayers for rain.

### SANTANDING KUO

This majestic tree (*Santanding (M)*, *African balsam*, *Daniella olivera*) marks one of the previous locations of Dumbutu. This sacred tree, and the land on which it grows, is held in trust for community use by the Darbo Kunda Kabilo, however, only members of the Darbo Kunda Kabilo can pray under this tree.

### SOTO JUMBAWULANG

Sacred tree

### TABA KUNJURA

Sacred tree

### SITA WULINGO

Sacred tree

### WIRING DINGATOU

Sacred tree

### TABAJELI BALI

This area is a sacred field. According to folklore, any one who cultivates or grazes his/her animals in this field will run into trouble. If the person laughs while working in this area they will never be able to stop laughing again. Aerial photographs of the area evidence the fact that this myth acts as a strong deterrent. The area shows up as a wooded area in a sea of cleared fields.

### CEMETERY

The cemetery for the village is sacrosanct. The area is reserved for funerals and an occasional honey collector.

### ORIGINAL MOSQUE

Only a few marker sticks and a rise in the ground are evidence of the location of the original mosque of Dumbutu. No one can use this land for cultivation or sand extraction.

### SHRINES

Various shrines are reported to be located in Faba Forest Park. The team did not see these firsthand.

### BANTABAS

There are a number of *bantabas* in Dumbutu. The main *bantaba* (meeting place usually located under a large shade tree) is located in the center of the village. Anyone can use this area as a resting and/or meeting place. Because the location of Dumbutu has changed three times over the course of history, the present day *bantaba* is located on land given to the community by Colley Kunda Kabilo. Usually, *bantabas* are placed on land not previously owned by any one *kabilo*. Smaller *bantabas* are interspersed throughout the village. Again, these areas are reserved for rest and discussion.

## V. RESOURCE-USE DISPUTES AND CONFLICT RESOLUTION IN THE KIANG WEST DISTRICT

In the previous section the diversity of resource tenure arrangements was presented. Different tenure arrangements were shown to be tailored to the particular characteristics of different ecological zones and resource users. The impact of drought, youth migration to urban areas, and changing environmental and agricultural policies and laws were discussed. Various tenure pressure points were described. This section describes how Dumbutu residents and various other resource-management institutions in the Kiang West District overcome these pressures. In particular, this section describes both the nature of resource-use disputes and the dispute-resolution mechanisms.

### A. CATEGORIZATION OF RESOURCE-USE DISPUTES IN DUMBUTU AND KIANG WEST DISTRICT

The team used the Rapid Rural Appraisal research technique of dispute matrices to gather information on the types of resource-use disputes and the disputants involved for Dumbutu, in particular, and Kiang West District, in general. Constructing dispute matrices with Dumbutu's acting *alkalo* and imam and the district tribunal for Kiang West provided unique insights into the types and causes of disputes. From these dispute matrices, the RRA team developed a preliminary categorization of resource-use disputes as follows:

- (1) competing claims to a single parcel of land;
- (2) boundary disputes for fields located at the borders of two neighboring villages;
- (3) disputes over the inheritance of rights to land and trees;
- (4) disputes over the right to plant trees on borrowed land;
- (5) disputes concerning crop damage by livestock; and
- (6) violations of various state regulations.

A myriad of individuals and groups are involved in these five categories of disputes. For example, disputes over field boundaries can involve individuals from either the same *kabilo* or different *kabilos*, either the same *kunda* or different *kundas*, and either men or women. The majority of resource-use disputes recounted to the case study team involved an individual's claim over borrowed land—thus, cases where the "right of original clearer" was being challenged by both short and long-term borrowers.

### B. CONFLICT RESOLUTION MECHANISMS IN DUMBUTU AND KIANG WEST DISTRICT

Resource-use disputes are often indicators of tenure "pressure points" that can indicate breakdowns in customary tenure systems or represent clashes between state laws and customary tenure norms. The study of disputes around natural resources is thus a means for identifying the causes and consequences of change in tenure systems and the success or difficulties communities have in constructing responses to tenure problems.

From interviews with farmers, *kunda* and *kabilo* heads, village elders, the *seyfo* and district tribunal of Kiang West District, and the registrar of the commissioner's office for the Lower River Division, the case study team developed a dispute-resolution schema (see figure 17). This schema depicts what the team has discerned to be the process followed by disputants seeking arbitration for their disputes.

The steps in this schema share several characteristics. These shared characteristics are compromise, negotiation, compensation, use of witnesses, and use of "standing laws" and also "moral laws." As one district tribunal member explained, moral laws help govern interactions among people. The resolution of disputes entails careful weighing of several factors, e.g., who the disputants are, their moral character, the moral intent of their actions, and the severity of harm caused by their actions.

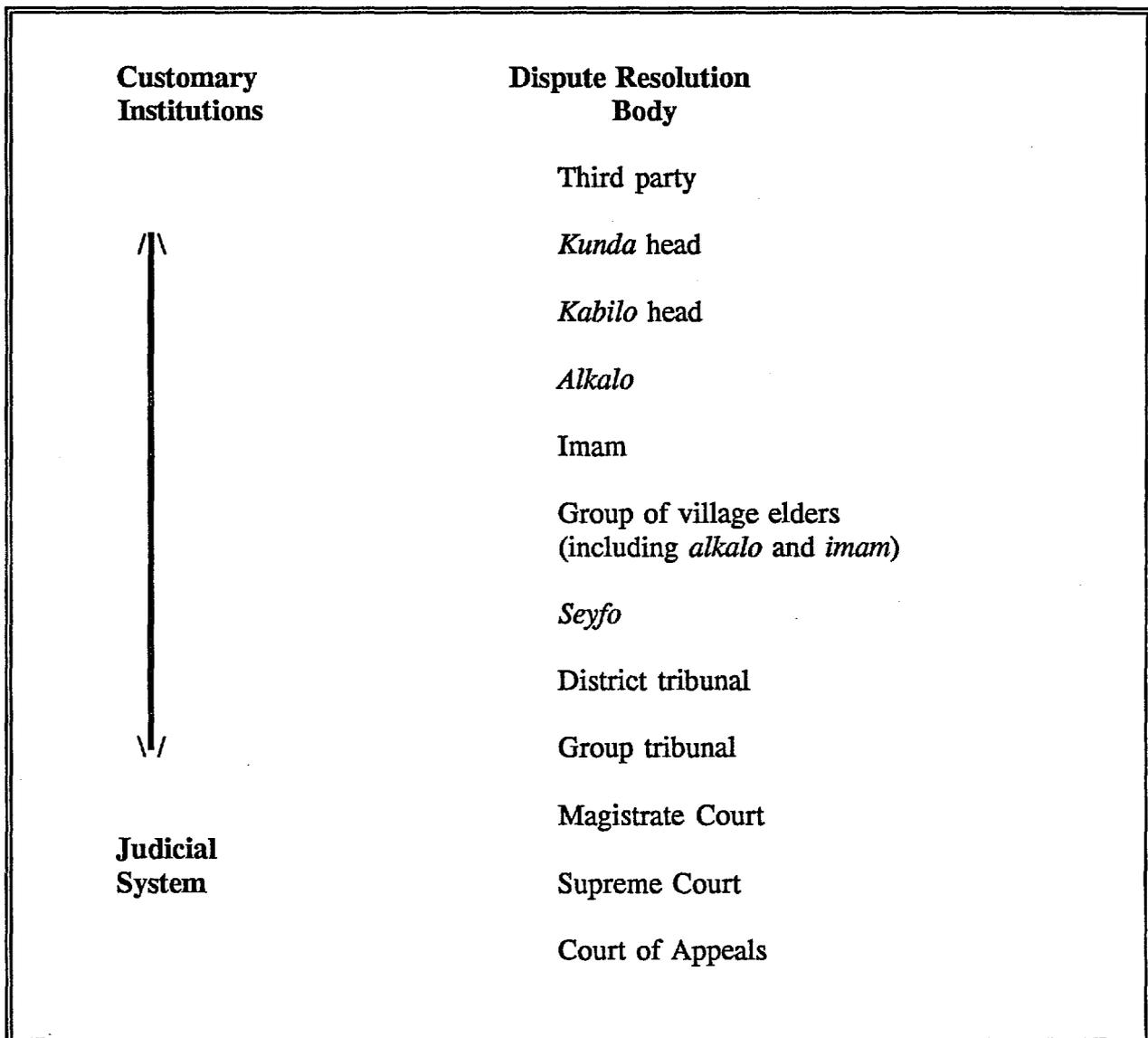
For all six of the categories of disputes mentioned above, the residents of Dumbutu try to solve the dispute at the local level. Resolution is first sought by the individuals themselves. If this is impossible, various third parties may intercede. These third parties can be mutual friends and neighbors who make appeals to the disputants to strike a compromise. If a compromise is not found at this level, *kabilo* and *kunda* heads of the disputing parties intercede.

If the dispute still cannot be solved then the *alkalo* may become involved. Colonial observers such as Gray noted that although the *alkalo* does not have judicial powers, "his aid is frequently invoked as an arbiter of disputes" (Gray 1940, p.492). To this day the *alkalo* plays a key role in dispute resolution. Usually the *alkalo* will bring together the elders and the imam to decide appropriate courses of action. (Sometimes the *alkalo* will request that the village elders remain in the mosque to discuss an important matter after the afternoon prayer.) This group of elders may request that the disputing parties meet with them to choose a course of action. The imam may intercede in his capacity as a religious advisor. The imam may advise a course of action using the teachings of the Koran to guide his advice. This type of action usually occurs in a dispute over the inheritance of property. (The Koran lays out clear rules of inheritance.)

The *alkalo*, the imam, and the group of elders all rely on "expert witnesses" to settle disputes. For example, in a dispute over boundaries between fields, these local leaders will call in people who witnessed the first clearing of the area or who heard firsthand about who cleared the area in question. Certain individuals in the district are well-known historians on land matters.

On occasion, disputes remain unresolved at the village level. At this point, the *alkalo* or the disputants themselves can go to the district *seyfo* to ask for his assistance. Like the *alkalo*, the imam, and the other village elders before him, the *seyfo* will strive to settle disputes through informal arbitration. Unfortunately, the case study team did not have time to obtain a clear picture of this informal arbitration process. During the construction of the dispute matrix (see figure 18) the *seyfo* mentioned that he, along with his court of district tribunal members, will meet with the disputants several times to try to resolve a dispute amicably. The *seyfo* may call the disputing parties to the court in Manduar or he may send out one or two of his district tribunal members as emissaries to investigate and try to solve disputes.

FIGURE 17: DISPUTE RESOLUTION SCHEMA



Only when these informal arbitration strategies do not succeed does the *seyfo* call a district tribunal hearing. The tribunal possesses the legal mandate to administer the customary law prevailing in the area of jurisdiction of the tribunal insofar that "it is not repugnant to justice and morality or inconsistent with the provisions of any Act or other law in force in the Provinces."<sup>19</sup>

The *seyfo* will set a date for the hearing and notify his district tribunal members. The *seyfo* will also send a letter to the commissioner of the Lower River Division with a cover copy to the executive chairman of the area council. In this letter, he will request that the area council pay the district tribunal members for their travel expenses to and from the hearing and for their sitting allowance. These expenses are paid from the taxes and rates collected by the area council within the Kiang West District.<sup>20</sup>

In an effort to provide greater legal backing to the district tribunals, the Ministry of Justice has recently assigned five court scribes, trained in legal note taking, to the five divisions in The Gambia. These court scribes are to travel to all the district tribunal and group tribunal hearings that take place in their division. Their salaries and time are paid by the Ministry of Justice. The case study team was able neither to meet with the court scribe for the Lower River Division nor to look at the court records of the Kiang West District Tribunal. Subsequent follow-up yielded few results as the scribe was often traveling or difficult to locate.

District tribunal members are chosen by the *seyfo* of each district. The *seyfos* selections must be approved by both the commissioner of each division and by the Minister of Local Government and Lands. Once approved, each member can serve until he dies, becomes too old to perform his responsibilities, or the *seyfo* requests his removal by the commissioner. A short survey of correspondences to the commissioner from the various *seyfos* of the districts in the Lower River Division indicates that such requests for removals are rare—there were only three such cases since the 1960s. None were from the Kiang West District.

In the past several years, the *seyfo* and the district tribunal members have been increasingly called upon to arbitrate cases involving Forestry Department Officials and either individual villagers or the *alkalolu* of particular villages. Most of the cases Forest Department officials bring to the district tribunal involve a supplication to punish those who have set forest/bush fires or those who have illegally entered forest parks to cut timber or clear land for agriculture or a new settlement.

On occasion, the decision of a district tribunal may be appealed by one or both of the litigating parties. There are two avenues for those seeking appeals. The appealing party can write

---

<sup>19</sup> Chapter 6:03 of the "Law of The Gambia." 1990.

<sup>20</sup> The *alkalolu* also receive a certain percentage of the revenue the area councils generate from their tax- and rate-collection activities. Since their collection activities are never complete, this resulting percentage never amounts to very much money.

to the commissioner of the division in which the district tribunal operates. If the party makes a strong case, then the commissioner can call together the group tribunal. Group tribunals are composed of approximately six to seven members. The members are chosen by the divisional commissioners and approved by the Minister of Local Government and Lands. The members are usually well-respected *seyfos* who have served on district tribunals. Their terms are similar to those of the district tribunal members.

Until recently, the group tribunal for the Lower River Division (LRD) has been an anomaly. For administrative reasons, the LRD and the North Bank Division (NBD) have shared one group tribunal. Because travelling time became so onerous, this situation was changed in 1991. Now LRD and NBD have their own group tribunals. The *seyfo* for Jarre West District is the president of the group tribunal for the Lower River Division. He deliberates with five other *seyfos*, one of whom is the *seyfo* of Kiang West District. The *seyfo* for Kiang West District was chosen because of his knowledge of Islamic precepts as well as his long-standing position on the district tribunal for Kiang West.

In practice, the group tribunal acts as an appellate court to the district tribunal. A review of the commissioner's correspondences relating to the group tribunal for the LRD indicates that the appellate jurisdiction of the group tribunal over the district tribunal has been a debated issue. On the one hand, the Ministry of Justice does not recognize group tribunals as court of appeals to the district tribunals. On the other hand, the Ministry of Local Government and Lands along with their commissioners act as though group tribunals are appellate courts. These officials see group tribunals (as well as district tribunals) as the institution responsible for deciding cases pertaining to customary and, to some extent, Islamic laws in their jurisdiction.

The RRA team was able to look at the court records for the LRD group tribunal. These records showed that in 1992 the group tribunal deliberated upon:

- (1) one land dispute;
- (2) one case of using insulting language to a woman's mother; and
- (3) three cases of divorce—one because of insufficient maintenance by the husband for the wife and two because of dislike by one of the spouses for the other spouse.

Although not from the case study district, the land dispute case heard by the group tribunal illustrates some of the common elements of the land tenure system of Kiang West District. For this reason, the particulars of this case are highlighted in box 3.

If one or both of the disputants in a case brought before the district tribunal do not concur with the decision, they can bring their case into the "formal" judicial system. In this case

the disputants would need to hire lawyers who could bring their case before the Magistrate Court, the Supreme Court, and the Court of Appeals.<sup>21</sup>

### 1. INTERVIEWS WITH THE ACTING *ALKALO* AND IMAM OF DUMBUTU

The case study team interviewed both the acting *alkalo* and imam of Dumbutu to gather information on the types of resource-use disputes that they assist in resolving. The acting *alkalo* was very reluctant to discuss disputes or even to admit that they exist. The team attributed his reticence to his advanced age and to the fact that he was very conscious of his status as acting *alkalo*. He appeared not to want to create any waves which might cause problems for his successor. (In many villages in The Gambia village leadership tries to portray a picture of serenity and harmony to outsiders.)

The interviews with the imam of Dumbutu proved to be more fruitful. From this interview and subsequent discussions, it became apparent that the imam is Dumbutu's main arbitrator. The team asked the imam to rank the frequency with which he intercedes in resource-use disputes. Instead of asking the Imam to give us a list of these disputes, the team presented a pre-designed matrix with six categories of resource-use disputes and three categories of disputants (see figure 18).

The team went back to the imam to ask him to rank the frequency of the disputes which only involved Dumbutu residents. The results of this second interview are given in figure 19. While constructing the dispute matrix, the imam provided many scenarios to illustrate the types of disputes he arbitrates. These scenarios are described below and closely follow figure 19.

(1) Upland disputes: Upland disputes generally revolve around questions of who owns what piece of land. One scenario given by the imam was a case in which two men from Dumbutu claimed ownership over one piece of upland farmland. Both claimed that their respective forefathers had cleared the land, thus vesting each of them with inherited usufruct rights over land. In this particular type of land dispute, the imam told us that he would call in witnesses who could testify to the original clearers of the land. After the witnesses' testimonies, the imam would request the disputant at fault to give up his claim.

The imam noted that similar cases have surfaced between Dumbutu and other villages. In one instance a farmer preparing his fields for rainy season planting encroached onto the field of a farmer from a neighboring village. In such a case, both the imam from Dumbutu and the imam and *alkalo* of the other village would need to intercede. A visit to the area in question would take place and the border would be reaffirmed by witnesses knowledgeable about the history of the particular land parcel.

---

<sup>21</sup> A current research project has been embarked upon by the Land Tenure Center and the Law Reform Commission (the Ministry of Justice) to analyze land disputes occurring within the judicial systems of The Gambia. This research project is funded by USAID/The Gambia and is expected to be completed in June 1994.

### BOX 3: A CASE OF COMPETING CLAIMS OF OWNERSHIP OVER ONE PIECE OF LAND

#### Yabou vs Jawara

This case involves competing claims over one plot of land—two male farmers have claimed "ownership" of one plot of land. Numo Yabou, the plaintiff, is a farmer from Kunong. Sorry Jawara, the defendant, is a farmer from Kunong Mansasansany (present-day Nema). In claiming ownership over the disputed plot of land, Yabou requested that Jawara "return" the disputed plot to him. Yabou argued that Jawara was only a "borrower" of the land. In his defense, Jawara claimed that he was not a land borrower but, instead, the rightful owner of the land in question. Thus, Jawara denied that Yabou had any customary standing from which to request the return of the plot of land.

In order to prove their claims of ownership, both the plaintiff and the defendant relied on expert witnesses. These witnesses were to provide evidence of ownership by telling the history of the clearing of the disputed land. Yabou's claim of ownership rested on the evidence that he inherited the land in question from his forefathers who were the original clearers of the land. Jawara's claim of ownership rested on the evidence that the land was virgin land when he started cultivating it.

Yabou and his witnesses argued that Yabou's great-great-grandfather, who was among the first settlers in the area, cleared the plot of land in question. They also argued that Kunong was the first village to settle in the area. Since Kunong was a "founding village," it was the responsibility of Kunong elders to give land for settlement and cultivation to the newer village of Kunong Mansasansany. Yabou and his witnesses stated clearly that the gift of the agricultural land was only a loan; the residents of Kunong reserved the right to recall the loan.

Jawara and his witnesses argued that the land was "bush with lots of trees." Jawara and his witnesses argued that Jawara himself cleared the disputed plot thirty (30) years ago. He felt that if the land was not being used, it was his prerogative to clear and cultivate it.<sup>22</sup>

(continued on next page)

<sup>22</sup> In fact, Jawara seemed to indicate that it was a god-given right to develop "unused" land. When this case was heard first by the district tribunal, Jawara refused to swear upon the Koran before giving testimony because, as he stated, "all land belongs to God."

### Yabou vs Jawara (cont'd)

Ultimately, after a full day of deliberation, the group tribunal members decided in favor of the plaintiff, Yabou (which concurred with the decision of the district tribunal). Their decision was based on the principle of first settlement. Since Kunong was the original founding village, Kunong was the "landlord" of Kunong Mansasansany. Thus, the farmers of Kunong Mansasansany were indeed land borrowers and had to return land at the request of their "landlords." However, in issuing their judgement, the group tribunal members stated a concomitant principle—if a person is in need of land to grow crops for his/her survival then it is the obligation of the "landlords" to provide him/her with land. The following quote from the court records illustrate these aspects of the judgement:

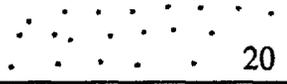
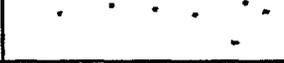
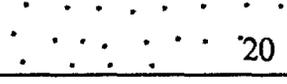
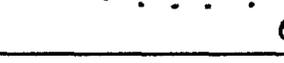
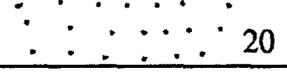
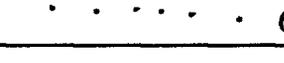
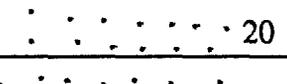
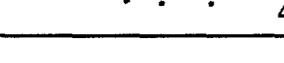
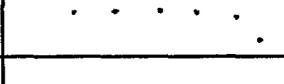
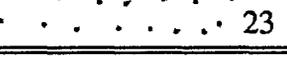
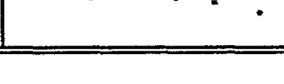
Any land you see belongs to somebody. If you are using somebody's land and he or she needs it back please return it to avoid conflict. The defendant and his witnesses did not give any good evidence here. If at all the defendant is [looking] to farm so as to feed himself, one could understand. In reality the land belongs to Yabou...Villages settle one after another. You, the defendant, stated here that the plaintiff is your landlord because he settled before you. It is obvious that the said land is his. Everybody has land but if you leave your place and go to another place, then your landlord owns the land. He, the landlord, has the right to give you where to work and feed your self. It does not necessarily mean that you should own it. Anybody who allow someone to settle in his place, should give the individual a place to farm. You should return this said land.<sup>23</sup>

---

<sup>23</sup> Numo Yabou vs Sorry Jawara, a case heard before the LRD Group Tribunal, Saturday 22 February 1992 at Kwinella, J. Darboe, Court Scribe.

**FIGURE 18: CATEGORIES OF VILLAGE DISPUTES**

Proportional representations by the imam of Dumbutu

Resource type/ Disputant <sup>1</sup>	Dispute within Dumbutu	Dispute between Dumbutu and other villages	Dispute with stranger farmers in Dumbutu
General Disputes <sup>2</sup>	 20	 4	 6
Upland fields	 20	 3	 7
Rice land	 20	 6	 4
Trees	 20	 6	 4
Animals	 20	 4	 6
Water	 23	 0	 7

1\ The six (6) categories of disputes are proportionally ranked within each row. The imam was given thirty (30) rocks which he was asked to divide among the three different categories of disputants. The water disputes which the imam dealt with more frequently involved Dumbutu residents—thus, the twenty-three (23) rocks. He had never dealt with a "water dispute" between a Dumbutu resident and a resident of another village. Water disputes between Dumbutu residents and strangers visiting Dumbutu do occur but less frequently than water disputes between Dumbutu residents—thus, seven (7) rocks compared to twenty-three (23).

2\ Includes disputes over resources as well as disputes concerning social issues, e.g., marriage, divorce, custody of children.

**FIGURE 19: DISPUTES AMONG DUMBUTU RESIDENTS**

Proportional representations by the imam of Dumbutu

Type of dispute/ Time	Present day <sup>1</sup>	Past before the drought of 1970s <sup>2</sup>
Upland dispute	. . . . 4	. . . 3
Rice land dispute	. . . . 4	. . . 3
Quarrels originating at the <i>bantaba</i>	. . . . . 6	. . . . 4
Quarrels concerning que for pumping water	. . . . 3	. . . 2
Quarrels originating in compounds	. . . . 4	. . . . . 5
Disputes over fruit trees	. . . 2	. . . 1
Disputes arising over crop damage by livestock	. . . . 3	. . . 2
Disputes over livestock husbandry	. . . . 4	. . . 2
Disputes over the custody of children	. . . . 4	. . . 2
Marital disputes	. . . 3	. . . 2

1\ Disputes are proportionally ranked within the first column, "Present Day." Three of the team members asked the imam to name the different types of disputes that require his intercession. After writing this list on a piece of poster board, the team members gave the imam 34 beans and was asked to distribute the beans—the most frequent type of dispute receiving the most beans and the least frequent type of dispute receiving the fewest beans. The team decided to limit the total amount of beans given to the imam so as to achieve greater precision in proportions presented

2\ Disputes are proportionally ranked within each row. After ranking the types of disputes occurring in the present, the team asked the imam to reflect for a moment. The imam was then asked to compare the present level of frequency of each particular type of dispute with its past level of frequency.

Upland farmland disputes also occur between Dumbutu residents and stranger farmers. Stranger farmers who have been long-term borrowers of land may try to claim possession of land given to them for their use by a Dumbutu compound head. Resolution of these types of cases would be clear-cut—possession of land remains with the Dumbutu compound head.

(2) Rice land disputes: Disputes over rice land follow a similar pattern to disputes over upland fields. The imam noted that two women farmers may claim ownership over one piece of land. In order to resolve such a dispute the imam would call in witnesses. In most instances these witnesses would be men, who could attest to the original clearing of the land.

The imam also described a scenario of an intervillage dispute over rice fields involving a woman farmer from Dumbutu as a borrower of a Batelling rice field. Because of the longevity of the borrowing term (five to six years), the Dumbutu farmer began to claim ownership over the piece of land. To resolve the dispute, witnesses had to be called in to identify the original clearers of the land in question. The imam noted that similar disputes have arisen between Dumbutu and Wurokang.

Disputes over rice land involving Dumbutu residents and stranger farmers also have occurred. These disputes arise during the time of harvesting rice. Sometimes the stranger farmer is required to pay a rent for the use of rice land and lodging. This payment can be in cash or in kind. Disputes arise when the stranger farmer refuses to pay or contests the amount of payment. The imam noted that stranger farmers have been known to come from Senegal, the Casamance, and the Foni Districts in The Gambia.

(3) Trees: The scenarios the imam described for the team's category of "trees" mainly involved disputes over planted trees. It is important to note that the team members did not ask any questions concerning disputes over forested lands or disputes over naturally regenerating trees. Likewise the imam did not mention any such disputes.

The imam provided the following scenario to illustrate a dispute over trees involving Dumbutu residents. It has happened that when a man who has planted a tree subsequently dies, another person (possibly the owner of the land) can assume the responsibility of watering and caring for the tree. If, after some time passes, the son of the man who planted the tree claims ownership of the tree, a dispute may arise in which the caretaker claims ownership over the tree. The imam stated that resolution of such disputes is clear-cut—the act of watering and caring for the tree does not confer rights of ownership over the tree. The son of the tree planter inherits ownership rights to the tree.

(4) Animals: The imam presented two scenarios of disputes concerning animals. One type of dispute involves crop damage by livestock and small ruminants. Resolution of these types of disputes obliges the livestock herder to compensate the farmer for the crop loss. If the herder (or owner acting on behalf of the herder) argues with this resolution, the imam can fine either the owner or the herder five to fifteen dalasis.

The imam described a different type of intervillage dispute concerning animals. Herders from Dumbutu often herd cattle for owners from Sankandi, and on occasion, disputes arise when the cattle owners state that they gave more cattle to the herder than what was returned to them. Resolution of such disputes again rests on the testimonies presented from eyewitnesses.

(5) Water: Disputes over water have increased over the past decade as more borehole pumps have been introduced into the village of Dumbutu. Our interview with the imam corroborated the comments of others who reported an increase in disputes over the filling of buckets at these pumps. These disputes can take two forms. Women may argue that another woman is being greedy if she fills more than one bucket at a time while others are waiting to fill their single buckets. Another type of dispute may arise when a Dumbutu host cuts into the water line to fill the bucket of his/her stranger/guest.

The research team asked the imam two questions at the close of the interview: "Can women inherit land and have there been disputes concerning women's inheritance of land?" The imam answered our first question in the affirmative—women can inherit land from either their mothers or their fathers. Because of time constraints, the imam was only able to give us one example of a dispute involving women and land inheritance. As the imam described, disputes can arise when a father fights with his son-in-law over the use of a piece of property. The father has the right to "take back his daughter."

#### Conclusion of dispute matrix with imam and *alkalo*

The discussions with the acting *alkalo* and the imam of Dumbutu about disputes suggest that in the past there were more disputes over upland fields as compared to today. One reason for this trend may be that, as stated earlier, there has been a reduction in pressure on land. There are fewer people demanding access to land either to cultivate or to settle.

## 2. INTERVIEWS WITH THE *SEYFO* AND THE DISTRICT TRIBUNAL MEMBERS OF KIANG WEST

District tribunal members identified twenty-one different types of disputes which they are called upon to arbitrate. A list of these disputes and their accompanying ranking of frequency is found in figure 20. The district tribunal members narrated each of these dispute types with hypothetical dispute scenarios. These scenarios gave the RRA team insights into the uniqueness of the cases falling within each dispute-type category as well as how some of these disputes have been resolved.

(1) Divorce: All of the district tribunal members noted that the number of divorce disputes brought to their attention have increased considerably over the past few years. In fact, they stated that divorce cases form the majority of all their cases. When asked why this is so, the *seyfo* responded that divorces are more frequent because "young people do not obey their elders."

The district tribunal presented two scenarios to illustrate possible grounds for divorce. The grounds for divorce could occur if either a man asks his wife either to cook and clean and the wife refuses or a wife cooks something the husband does not like. Divorces may occur if a wife goes somewhere without informing her husband first. As the district tribunal members told the team, in the case of divorce, a woman can not claim possession of any of the land she may have been farming extensively but that "belonged" to her husband's family. As a rule, women obtain land from their husbands. However, there have been isolated instances when a husband may grant his ex-wife use rights to land so long as she is responsible for the care of their children.

(2) Disputes over upland fields: Two scenarios were presented by the district tribunal members for disputes over upland fields. One scenario involved disputes over the inheritance of parcel ownership between the descendants of land borrowers and the descendants of land "owners." This type of dispute occurs when land has been lent "for a long time." To resolve such disputes, district tribunal members usually call in witnesses who are knowledgeable about the history of the disputed parcel, i.e., who witnessed or heard firsthand about the clearing of the parcel.

Disputes over upland fields also can occur between two villages. As the imam of Dumbutu also reported, these disputes arise when a farmer encroaches onto farmland falling within the territory of another village. To resolve these types of disputes, the district tribunal members rely on witnesses who can testify as to the correct boundaries between villages. The tribunal members affirmed that each village has distinct territorial boundaries known by the *alkalolu*. Thus, in many cases, these witnesses are the village *alkalolu*. The farmer who encroached is then asked to cease his/her cultivation activities.

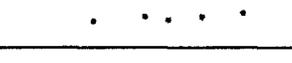
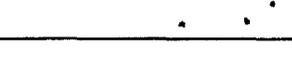
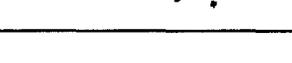
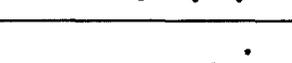
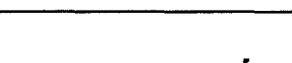
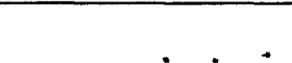
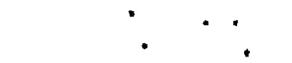
(3) Disputes over rice fields: The district tribunal members described scenarios of disputes over rice fields which were similar in nature to the scenarios given for disputes over upland fields. Both categories of dispute revolve around competing claims of ownership and boundary disputes. Likewise, resolution mechanisms involved the calling in of witnesses who could attest to the original clearers of land. The district tribunal members noted that the frequency of disputes over rice fields has increased dramatically over the past decade.

(4) Personal debt: These disputes arise when individuals default on personal money loans. Because of time constraints the RRA team did not delve further into resolution mechanisms of this category of dispute.

(5) Fighting: Because of time constraints the RRA team did not request a description of this category of dispute.

(6) Spacing for new houses within compounds: These disputes arise when an individual or family wishes to build a house within his/her family compound and others in the compound refuse to allow construction. Because of time constraints the RRA team did not delve further into resolution mechanisms of this category of dispute.

**FIGURE 20: DISPUTE MATRIX BY KIANG WEST DISTRICT TRIBUNAL MEMBERS**

Type of dispute	Present proportion of dispute heard by district tribunal	Past proportion of disputes heard by district tribunal members <sup>1</sup>
Divorce	 10	 4
Upland fields ( <i>konko</i> )	 3	 1
Rice fields	 4	 1
Personal debt collection	 5	 2
Fighting	 7	 0
Spacing of houses within compounds	 3	 0
Theft	 3	 1
Using insulting language	 5	 1
Custody of children	 5	 1
Bush fires	 3	 0
Inheritance of property	 4	 2
Adultery	 2	 1
Crop damage by livestock and small ruminants	 5	 2
Trees	 3	 1

Forests	6	0
Breaking of <i>tongo</i>	4	0
Neglecting <i>kafo</i> service	3	2
Animal injuries	2	0
Jealousy between co-wives	4	1
Motorcycle, bicycle, and cart accidents	3	0
Breaking of <i>seyfo</i> edicts concerning new settlements	5	0
Defaulting on loan payments	7	1
Nonpayment of compound government taxes	6	1

1\ The proportions given to represent past occurrences of particular types of disputes are based predominantly on the observations of the *seyfo* for Kiang West District. During the interview, the five other district tribunal members clearly deferred to the *seyfo* on questions concerning the past. This deference could have been a result of the *seyfo*'s age, his length of service as *seyfo* (and thus tenure on the district tribunal), and/or his present-day authority.

N.B. The case study team was unable to discern which of the disputes listed were actually formal cases, i.e., cases that were recorded by the court scribe, as opposed to cases that the *seyfo* and his district tribunal members settled through informal arbitration. In addition, some of the disputes listed might include cases the *seyfo* arbitrated in his other official capacities as imam and *alkalo* of Manduar.

(7) Theft: Because of time constraints the RRA team did not request a description of this category of dispute.

(8) Insulting language: Because of time constraints the RRA team did not request a description of this category of dispute.

(9) Dispute over the custody of children: Because of time constraints the RRA team did not request a description of this category of dispute.

(10) Fire: As the tribunal members described, disputes can arise if the identities of individuals who started a bush fire are contested. Resolution of such cases rests on the evidence presented by the litigants. In some instances, the district tribunal members must also visit the site of the bush fire in order to investigate the damage. The district tribunal can impose a penalty of three hundred to five hundred dalasis and/or sentence the guilty party to a period of imprisonment. If no guilty party can be found, the tribunal members can fine the *alkalo* of the village where the fire started. Many of these cases involve Forestry Department officials as litigants.

(11) Adultery: Because of time constraints the RRA team did not request a description of this category of dispute.

(12) Crop damage by livestock and small ruminants: These disputes arise when livestock damage a farmer's crop. In some cases, the farmer takes matters into his/her own hands and may beat the animals to death before trying to obtain compensation from the herd owner. Because of time constraints the RRA team did not delve further into resolution mechanisms of this category of dispute.

(13) Planted trees: The tribunal members presented the scenario of the rights of trees planted on borrowed land. As they described, land is often lent on the condition that no tree planting take place. If the land borrower goes against this condition, the landowner has the right either to destroy or take possession of the tree at the end of the borrowing period. However, the district tribunal members noted that in some cases in which the land borrower did not intend to cause the landowner an "inconvenience" by planting the tree, the district tribunal members may decide in favor of the land borrower. In these instances, the case is not brought before the court and the land borrower may retain his/her rights to the planted tree.

(14) Forests: Within this category, several different types of disputes can arise. As the district tribunal members explained, cases can involve farmers who clear land within designated forest parks. Other types of cases involve violations against regulations stipulated in the Forest Law, e.g., the starting of bush fires and cutting firewood and building poles without a permit. In all these cases, Forestry Department officials become litigants in the disputes.

(15) Violation of *tongo*: *Tongo* is an "embargo" placed on selected species of trees by edict of the *alkalo*. Once *tongo* has been declared for such species as baobabs, mangos, and locust bean, children and young adults are forbidden to cut any fruit from these species. *Tongo*

is a means for ensuring that fruits are allowed to ripen to maturity and are protected from theft. As the district tribunal members remarked, an *alkalo* has been known to bring the violator of a *tongo* to court. In these cases, the culprit has refused to pay a fine imposed by the *alkalo*. The *seyfo* would then require the culprit to pay a fine exceeding the five dalasis fine set by the *alkalo*.

(16) Neglecting *kafo* community services: The district tribunal members reported that these types of disputes are occurring with greater frequency than in the past. Disputes arise when "young men" refuse to join their peers in undertaking various community activities. Because of time constraints the RRA team did not delve further into resolution mechanisms of this category of dispute.

(17) Animal injuries: These disputes arise when two animals belonging to different herd owners fight and injure each other. To resolve such cases, the tribunal members impose fines if evidence is presented that one owner has sharpened the horns of his cattle to make the animal a better fighter.

(18) Jealousy between co-wives: Because of time constraints the RRA team did not request a description of this category of dispute.

(19) Motorcycle, bicycle, and cart accidents: Because of time constraints the RRA team did not request a description of this category of dispute.

(20) Breaking of *seyfo* edicts concerning new settlements: These disputes arise when a group tries to establish a new settlement without the prior approval of the *seyfo*. Because of time constraints the RRA team did not delve further into resolution mechanisms of this category of dispute.

(21) Nonpayment of organizational loans: These dispute cases involve individuals who default on revolving loan funds sponsored by various NGOs. Because of time constraints the RRA team did not delve further into resolution mechanisms of this category of dispute.

(22) Nonpayment of compound taxes: These dispute cases involve individuals who purposefully do not pay government compound taxes. As proof of eroding moral values, one district tribunal member noted that some people actually specialize in not paying these taxes. Because of time constraints the RRA team did not delve further into resolution mechanisms of this category of dispute.

## **VI. POLICY REFLECTIONS AND RECOMMENDATIONS**

### **A. OVERVIEW**

The case study generated a variety of policy recommendations which are presented below. The first section presents the views of various rural interest groups expressed during interviews and village meetings. The subsequent sections present the reflections of the research team as they contemplate the future of the Kiang West District. The purpose of the case study research was not explicitly directed towards the generation of an exhaustive set of policy recommendations; yet through the course of the research and a general village meeting, it is inevitable that policy recommendations will surface.

### **B. POLICY RECOMMENDATIONS OF RESOURCE USER GROUPS**

#### **1. MEN FARMERS**

The establishment of the Kiang West National Park has generated considerable ambivalence. During several public discussions it was noted that the National Park could bring much development to the Kiang West District in the form of community development projects and local employment. Respondents hoped that the generation of local employment through tourism and park developments would help to reverse out-migration. Yet on several occasions, people expressed severe reservations. "We are being destroyed, rather than helped by it," remarked one man. Another said, "Do not turn all of Kiang West District into a Forest Park—leave some forests for ourselves." Another noted, "The Gambia is being turned into a Forest Park." These comments all express a concern that government is instituting excessively harsh restrictions on land use. Respondents feared that the Kiang West National Park could bring ever-tightening limits on freedom of settlement, rice cultivation in lowlands, livestock grazing, fishing, the use of fire as a management tool, and forest-product gathering.

The overriding concern of men expressed both at a village meeting and with the district tribunal was the problem of bush pigs. Men strongly recommended that various measures be taken to kill the bush pigs coming out of the Kiang West National Park and the forest parks, including bringing in the military to hunt the pigs, constructing better fences around the forest parks, using poison baits, and simply authorizing entry into the reserves to hunt freely. Observations were frequently made that the restrictions on bush fires and hunting has led to the increase in the population of bush pigs. In the past, the elderly recounted, intervillage cooperation used to be organized to kill bush pigs. Fires would be set in a coordinated fashion to channel pigs into a specified area and hunters would gather to kill as many fleeing bush pigs and other wild animals as possible. Even though fires are now restricted, it was also noted that there are no longer even enough youth to organize these intervillage hunts.

During one gathering, villagers noted that the Kiang West District is sparsely populated in a country that is otherwise experiencing land shortages. Non-residents contact villagers in the

district requesting land and thus fears are rising that land shortages could occur in the future. Complaints were raised that the government ban on the creation of new villages within Kiang West National Park is a serious constraint. "We can do nothing about this, but it is against our will," said one interviewee.

Reservations were raised about the ban on fires within the forest parks and Kiang West National Park. Fire, many argued, is an essential management tool for clearing fields. Several respondents noted that fires do escape the confines of fields and burn down state forests. For this reason, one respondent suggested, it is important to promote early burning, just after the harvests. This would minimize damage to forests if the fires spread out of control.

Fears were raised by the residents of Dumbutu that the forest parks service, supported by the Gambia-German Forestry Project, was engaging people from outside Dumbutu. This concern reflected the preoccupation of Dumbutu residents that employment should be generated for its own youth as a means to reduce rural-urban migration. On several occasions respondents stressed the importance establishing employment-generation projects.

Men and women complained of the severe labor shortage in Dumbutu. As one man remarked in the village meeting, "We only cultivate 20% of our land because of the departure of young people." Blame was placed on the public school system. It was noted that often young people leave the village as soon as they finish primary school in order to attend secondary schools. While one parent noted, "We obey government by sending children to school," there is not enough labor around to protect fields against bush pigs and other pests.

## 2. WOMEN FARMERS

During a visit to the valley rice fields, women of Dumbutu expressed the strong need to construct new dikes across the valley floor to facilitate rice cultivation. The Freedom from Hunger Campaign had constructed a series of dikes, but these have been breached by the strong flow of water down the valley.<sup>24</sup>

Like the men of Dumbutu, the women felt that pests were key constraints to agricultural production, especially in the rice lands. Bush pigs come in from the forests to destroy crops, and baboons and birds eat harvests. Insect pests, such as termites, consume rice seedlings.

The poor condition of roads between the rice fields and the village was lamented. Women *kafo* representatives stressed that marketing of vegetables from the garden was a key problem. The oversupply of vegetables during the dry season often leads to low prices. This hinders the ability of the women's garden group to repay loans to Action Aid.

---

<sup>24</sup>Following advice received from team members during this case study, the women of Dumbutu contacted the Soil and Water Management Unit to present a request for assistance in constructing new dikes. Worked on new dikes subsequently commenced in mid-1994.

Women rice farmers in Dumbutu were very adamant about what they considered the expropriation of rice cultivation areas in the main valley by the forest parks. From their perspective, well over three quarters of the rice lands have been taken by the forest parks (see figure 16). While this may be an exaggeration, it nevertheless reflects a deep-seated source of resentment. The fence and the service road of the Faba and Mutaro Kunda Forest Parks reaches down along the borders of the valley used by Dumbutu women for rice cultivation. The land placed within the forest parks is said to be land used during high rainfall years for rice cultivation, though at present these fields are not cultivated due to the lack of rainfall.

The women recommended that hand pumps be installed in the garden to facilitate daily watering.

### **3. LIVESTOCK OWNERS AND HERDERS**

The Fula herders noted the problem of conflicts between livestock owners and women rice cultivators caused by crop damage from cattle seeking to gain access to water along the valley in the early dry season. The herders recommended that a borehole be dug in the upland grazing areas so that the need to water animals in the valley would be reduced, especially at the time of the rice harvest.

Livestock owners in Dumbutu complained that the Livestock Service no longer vaccinates livestock and that "now cattle die." For six to seven years the Department of Livestock Services had carried out a vaccination campaign of cattle, but after the problem was controlled, the program stopped.

#### **C. POLICY REFLECTIONS OF TEAM MEMBERS: TENURE, DECENTRALIZATION, AND COMMUNITY-BASED RESOURCE MANAGEMENT**

The analysis of the tenure and resource management situation in the Kiang West District and the village of Dumbutu suggests that there are few extremely severe tenure "hot spots" at this moment. Rather, there are several latent tensions that could become in the future contentious public policy issues. The populations of the district appear to have sufficient land to pursue cultivation and livestock raising without provoking major land conflicts at this time. Conflicts are not generally due to land shortages since extensive labor migration out of the district reduces the likelihood that shortages will occur in villages like Dumbutu. When disputes do arise around natural resources, there are a variety of mechanisms to resolve the contentious issues. These conclusions are based only upon the study of one village in the district and discussions with various government officials, yet we sense from these sources that our conclusions are on the right track.

Labor migration from villages like Dumbutu serves as an escape valve reducing pressures on land, though this may be short-lived. In the eventuality that a substantial labor force were to remain in the village, there could suddenly be a land shortage — one exacerbated by the presence of the state reserves on the three sides of the village. Dumbutu possesses little remaining area on which to expand agricultural production. Various factors could push the

migrant labor force back to the village. Immigration policies designed to restrict the presence of foreign labor in European and neighboring West African countries, coupled with few employment opportunities in the Greater Banjul area, could force youth to return to Dumbutu. Alternatively, agricultural incentives such as higher prices for food and cash crops, improved credit, and sufficient amounts of seeds could encourage youth to remain in the village to farm the land. If this were to happen, demand for lands would increase and, most likely, conflicts over access to suitable land.

The migration of roughly half of the young people out of Dumbutu has resulted in a severe labor shortage, a situation found in several other parts of The Gambia. Development projects to promote the conservation and regeneration of natural resources in the district should be very mindful of this constraint. The construction of water retention dikes, tree planting, bush fire control and other soil and water conservation activities generally requires the investment of considerable community labor. Labor availability is limited, especially during the dry season when a substantial part of the youth labor force leaves the village.

#### 1. TENURE CONSTRAINTS IN THE HOLDINGS

(1) Land: The current customary land tenure system of Dumbutu provides sufficient security to descendants of early settler families and sufficient amounts of land to land borrowers. This is because agricultural production is in decline and thus this reduces the demand for land. Groundnut production no longer generates extensive revenues in the local economy and thus less land is placed into production. Labor out-migration is extensive because youth have no means of cash income and thus search for employment in the Greater Banjul area and overseas. The remaining labor force of older men, women, and young children cultivate lands within close proximity to the village and rarely clear new lands.

The tenure system in Dumbutu is sufficiently flexible for it provides anyone who needs to cultivate adequate amounts of land, even if only loaned out on a short-term basis. However, land borrowers may not necessarily obtain access to the most fertile nor well protected lands because these prime areas are reserved for the land owners themselves.

The land surplus situation occurs primarily in upland areas. Women do not possess adequate rice growing fields due to the loss of prime lowlands to salt water intrusion. This is a consequence of the changing water regimes of the River Gambia due in part to extended years of low rainfall. Lands best suited to rainfed rice production are scarce, and, highly prized. These are located in the middle and upper reaches of valleys. For this reason, development projects aimed at improving rice production through the use of water harvesting technologies are of much interest to the women.

The customary tenure arrangements in villages like Dumbutu depend on the ability of community members to remember land borrowing and ownership arrangements. This knowledge is held primarily by the elderly descendants of first settler families. These elderly men constitute the membership of the district tribunal, a key judicial body consulted by the community to resolve conflicts over land ownership and borrowing practices. The reproduction of knowledge

about land ownership patterns may be lost in the future because youth leave the village and fail to learn the complex tenure arrangements from the present generation of elderly.

The influence of state reserves on tenure arrangements in the Kiang West District is pervasive. Customary tenure arrangements were abolished following the creation of the forest parks and Kiang West National Park over vast areas of land once under the control of villages contiguous to these areas. Initiatives by the forest department to protect the three forest parks have been successful in that the fenced off lands are most likely no longer as heavily exploited as in the past. However, the enforcement of state control over the forest parks has resulted in the reduction in the size of rice fields available to women located along the borders of one of the forest parks. This has naturally frustrated women confronted by a shortage of prime rice growing lands. While Dumbutu residents currently have access to adequate amounts of land for cultivation, possibilities for expanding field crop cultivation are severely limited by the presence of the forest parks and Kiang West National Park. In the long term, agricultural production must be intensified, though a wide array of institutional and technical obstacles impede intensification.

The customary tenure system works in tandem with the extensive agricultural system. Flexible borrowing arrangements are essential for maintaining the fallow systems. The ability to borrow land at little or no cost facilitates farming because the cultivator possesses maximum flexibility to choose land needed to meet particular cropping needs. Labor surplus but land short households can obtain land for cultivation without incurring high transaction costs since land borrowing arrangements are negotiated with village landowners. The conversion of customary tenure relationships to a leasehold system as permitted under the 1990 Lands Act might result in the emergence of rigid borrowing arrangements. The flexibility of the present tenure system could be lost if landowners fear that borrowers might use the law to acquire permanent claim to borrowed land.

(2) Trees: The traditional tree tenure system appears to be adequate. Naturally growing trees in cultivated fields are open-access resources except when *tongo* occurs. The community is cognizant of forestry regulations and the economic utility of many different types of trees. Trees with edible fruits are generally left in the fields though the density may not be high. Landowners can plant trees on their own land with no restrictions. Both land owners and land borrowers avoid planting trees on borrowed land for this can generate conflicts over inheritance at a later date. Trees can be planted in compounds by landowning and land-borrowing families, although women need permission from husbands. Ownership of trees generally appears to be vested in the person who planted them. Conflict-resolution mechanisms exist to resolve disputes over tree ownership.

The populations of Dumbutu and other villages are quite unequivocal about the fact that borrowers do not have the right to plant trees. Closer investigation suggests that this rule is not as steadfast as it might appear. While landowners confront few constraints to establishing orchards on family lands because of their historical rights to land, long-term borrowers can negotiate tree planting rights. Success in negotiating rights to plant trees on borrowed land depends on whether the landowner considers the borrower to be a well-established and long-term resident of the community. The tenure system discourages non-resident speculators from

acquiring land for fruit tree orchards. Considerable latitude may exist in the tenure system for establishing legally recognized contractual agreements that meticulously spell out the terms of a loan. Government can play a role in encouraging the preparation and recording of written contracts spelling out uses of land and trees.

(3) **Livestock manure:** Manure is a private good controlled by the livestock owners of Dumbutu. Preferential rights to limited supplies of manure exist within the community of Dumbutu. Cattle owners monopolize access to manure and severely limit distribution to non-cattle owners. Fulbe cattle herders are some of the few fortunate to obtain access to this scarce resource. Demand for manure far exceeds supply in Dumbutu. Manure seems to be applied exclusively on the fields of the wealthy cattle owners. Villagers recognize that yields are higher on these fields but manure contracts do not exist because of the short supply and its preferential use by cattle owners. This leads our team to suspect that disparities between the wealthy cattle owners and non-cattle owners will be maintained, if not increased, in part because the latter possess few means to increase soil fertility.

(4) **Livestock water points:** Ownership of the four wells used for livestock watering located along the fringes of the Dumbutu rice fields is in the hands of the cattle owners. Conflicts exist between the cattle owners and the women rice cultivators due to crop damage caused by cattle during the early dry season. Compensation is paid for damage to rice fields, but this interface between livestock production and rice farming is an on-going source of tension in the community. The problem is exacerbated by the fact that key upland watering points (pools of water collected in lowland depressions) used during the early dry season are located within the forest parks and national park where access is now severely limited by the forestry department. The suggestion by the Fulbe cattle herders to construct wells in upland areas away from the rice fields merits consideration for it represents a strategy to reduce tenure conflicts in the community.

## 2. TENURE CONSTRAINTS AND STATE RESERVES

(1) **Kiang West National Park:** The specter of the Kiang West National Park looms over the district. Unless the park authorities develop soon improved relations with the communities surrounding the national park, expressions of hostile resistance will surface and undermine the long-term ecological and economic viability of the park. For a village like Dumbutu, surrounded by three forest parks and the Kiang West National Park, the long-term tenure situation is rather perilous. As rights of access to the forest resources are progressively restricted by park management, village residents risk losing sources of income generated through livestock production, fisheries, oyster collection, and the sale of forest products. This case study has shown that the residents of Dumbutu have lost upland and lowland rice fields, access to forest products commercialization, rights to unrestricted hunting, control over fire as a management tool, and freedom of settlement. The Technical Advisory Committee (TAC) of Kiang West National Park has been created as an advisory body of non-elected members and it has no decision-making powers. The community possesses few formal mechanisms to influence the decisions of park authorities.

At this moment, the parks generate a variety of benefits for individuals within the community: salaried and part-time employment, scrap firewood from logging activities, the hiring of women from the surrounding villages to clear firebreaks, and engagement of village-based enumerators. Yet individuals also bear some of the costs of the reserves. Bush pigs and other wild animals may destroy some or part of field crops. Grazing reserves may have been restricted thus affecting the health and growth rates of livestock. The key to the future of the reserves will be to identify and measure who incurs the costs and who receives the benefits. In principle, for an optimal economic balance to be assured, the net beneficiaries should be able to compensate the net losers.

The source of greatest current frustrations for the community of Dumbutu is the infestation of forested areas by bush pigs. Throughout the study villagers lamented the damage caused to field crop harvests by marauding bush pigs. Dumbutu residents believe that the bush pigs seek refuge in the Kiang West National Park and the forest parks and feel powerless to confront the problem. The community has lost the means to control the population explosion of bush pigs and hence damage to field crops is excessive. From the villagers' perspective, bush fires are an important instrument in controlling the numbers of bush pigs, but fires are severely sanctioned by government. Bush pigs can be shot by hunters, but shells are of limited availability. This is a tenure problem because the community cannot regulate for themselves a particular natural resource - the bush pig.

The "Kiang West National Park Integrated Conservation and Development Project Planning Report" stresses the importance of building popular support for the national park. Various mechanisms are suggested for increasing public commitment to the park. These include allowing continued access of the community to the parks for subsistence uses, permanent and seasonal employment for residents bordering the park, environmental education, development of a legitimate Technical Advisory Committee, promotion of sustainable agricultural development activities, and distribution of a percentage of fees collected from tourists visiting the park. These initiatives must be put into place in the near future. Otherwise, the villagers living around the park will come to see current restrictions in access to the natural resources of the park as profound threats to the community's livelihood.

Experience from other parts of Africa suggests that both passive and active forms of resistance to the park may emerge out of conditions of frustration. This can include overt forms of resistance such as cutting perimeter fences to forest parks, poaching, lighting forest fires in the park, cutting down planted trees at the perimeters. Resistance can take on more covert forms such as not participating in public education programs or community development activities sponsored by park authorities. Community leadership, especially that of the elders, may fail to give full blessing to park administration initiatives to limit public uses of the park. Better

"buffering" strategies may need to be developed between the communities living around the forest reserves and forest park administration.<sup>25</sup>

The three forest parks and the Kiang West National Park have been created for a multitude of public purposes. The goals of promoting biodiversity, regeneration of degraded woodlands, and income generation from tourist development within national parks are certainly laudable. Development projects designed to mitigate the effects of the park have not yet generated benefits commensurate with the progressive constriction of access rights to the park. A priority must be placed by park authorities and donor agencies on setting up income generating activities or else current public acceptance of the park will quickly vanish.

The Technical Advisory Committee lacks the institutional capacity to carry out its advisory functions. The advisory committee membership representation comes from villages contiguous to the national park and indeed the committee has succeeded in insuring that park authorities hire labor from their villages. The TAC lacks authority for it may not represent the wide array of interest groups within the community. Membership selection does not appear to be a result of community consensus and as a result the TAC members may lack public legitimacy. Without legitimacy or authority, the TAC will be seen by the community as an ineffectual entity that does little but rubber stamp the view points of the park authorities. As a result, one cannot expect frank, constructive, and innovative debate over park management to occur within this body. Unless considerable attention is given to the institutional development of the Technical Advisory Committee, one can expect relations between the park authorities and the public to deteriorate.

(2) Forest parks: The communities living around the forest parks of the Kiang West District have similarly lost rights of access to upland and lowland fields situated within the confines of the park, rights to sell firewood collected in the park, unrestricted hunting, access to grazing areas, and freedom of settlement. Management of these lands have been transferred out of their hands to the forestry department. The Gambia-German Forestry project and the national treasury now collect the revenues gained from the sale of lumber and firewood harvested from the forest. While some limited access to the parks is permitted in order to collect medicinal plants and wild fruits, there is no public involvement in the management of the three forest parks surrounding Dumbutu. These restrictions cause frictions and resentments similar to those expressed with the Kiang West National Park.

Considerable opportunities exist to establish more participatory management structures for the forest parks. The Gambia-German Forestry Project has certainly gained experience in working with communities to set up village communal forest projects based on its pioneering

---

<sup>25</sup>For a theoretical discussion of buffering strategies, see Peter Bloch, "Buffer Zone Management: Access Rules and Economic Realities." Land Tenure Center, 1992; G.W. Burnett and Heather Stilwell, "National Park and Equivalent Reserve Creation in French and British Africa," Society and Natural Resources 3 (1990): 229-241; Katrina Brandon and Michael Wells, "Planning for People and Parks: Design Dilemmas," World Development 20 ( 1992) 557-570.

efforts in the Foni Brefet District. Throughout the Sahelian countries projects are being established to set up more participatory management structures for state reserves. The lessons learned from these projects could be used to set up a pilot forest management program focused on establishing new co-management relations between the surrounding communities and the forest department.

### 3. TENURE CONSTRAINTS AND THE FOREST COMMONS

The majority of non-state managed forests in the Dumbutu area are found on land managed by *kundas*. This is uncultivated land set aside as fallows. These lands may be considered the forest commons of Dumbutu. Access is unrestricted and several villages may use the same forested area to collect firewood and other forest products. Some forests belong to no particular *kabilo* or *kunda*. These are primarily frontier areas located between Dumbutu and adjoining villages. Some of these lands are subject to territorial disputes and for this reason tenure arrangements may be vague and uncertain. Some cursory evidence from interviews in Dumbutu suggests that these areas are heavily exploited by commercial firewood cutters because no authority threatens to restrict use. Forestry service regulations restrict cutting of certain valuable forest species but enforcement depends on the ability of the forestry agents to enforce provisions of the law.

The non-state controlled forests are the primary sources of forest products for the community of Dumbutu. If the forestry service and the national park service restrict excessively use rights to state reserves, one would expect the forested commons to suffer ecologically from overuse. Protection of one forested domain may incur excessive exploitation in another. The ecological impact of state protection of forest reserves on the forested commons needs to be explored in greater detail in order to determine forest use rates in the respective areas. This information could be used forestry service agents to set up with the heads of *kundas* and *kabilos* village enforced rules regulating extraction of forest products. These restrictions could be enforced like the *tongo* for fruit trees. Resource management agreements could be constructed between the forestry service and local level institutions to regulate forest uses, though this cannot occur unless one looks at use rates of both the community commons and the state forest reserves.

The regulation of forest use in the open access forest commons presents particular difficulties. Efforts to set up participatory forest management initiatives may be hindered because of inter-village disputes over the contested areas. It may be difficult to establish inter-village arrangements to better manage these areas until land disputes are resolved. This may require the state to enter into the fray as a mediator working with the contesting villages and the district tribunal to resolve the conflict. However, as this case study has shown, rural conflicts pitting one village against another can have historical roots. It is often difficult to put an end to these longstanding disputes.

## D. POLICY RECOMMENDATIONS OF TEAM MEMBERS

The research team formulated a series of specific recommendations to respond to the issues raised in the above sections. These are tentative suggestions that would all require further reflection by development actors active in the Kiang West District.

### 1. AGRICULTURAL PRODUCTIVITY

A number of options should be explored to increase agricultural productivity. Agricultural intensification is needed as a guarantee against expansion of extensive farming practices into the fringes of the national park and forest parks. Policymakers and development advisors should be aware, however, of the severe labor shortage in the community and how this might impinge upon resource conservation and regeneration.

- Soil fertility: Experiment with various composting technologies and other low input technologies to increase soil fertility. Rural populations in the Kiang West District cannot afford inorganic fertilizers in context of low market prices for cash crops.
- Rice varieties: Experiment with early maturing varieties of rice adapted to local soil and rainfall conditions. Screen both local varieties and imported varieties to test viability.
- Water control: Construct dikes along the bottom of the valley with a spillway to harvest upland valley water run-off. Saltwater intrusion dikes could be constructed along the bottom of the valley next to the *bolong*. Villagers should liaise closely with the Agricultural Extension Service, the Soil and Water Management Unit, Action Aid, and the Freedom from Hunger Campaign.

### 2. INTEGRATED PEST MANAGEMENT

Integrated pest management practices should be explored. This entails not only responding to control the spread of insects, but more importantly, that of the bush pig. Bush pig predation is a great source of frustration for the Dumbutu residents. Donors should explore the possibility of sponsoring a national conference on the bush pig problem that would bring together members of the national and international scientific community, business leaders, government, and local populations to discuss means to control the population of bush pigs and mitigate damage to farmers' fields. This conference would do more than most other actions to build trust and confidence that government can respond to locally perceived needs. Consensus about appropriate actions should be ironed out at this national conference.

Forest fires play a controversial role in the control of various agricultural pests. Fires are necessary to clear fields of weeds, especially in a labor short context. Villagers feel that fires help reduce the incidence of certain types of noxious insects. Workshops should be set up set

up at the local, regional, and national level to discuss ways to use better fire as a resource management tool. Out of this national debate on forest fires, proposals might emerge to better organize early burning of fields or to control more efficiently widespread bush fires. Rural populations should be invited to these workshops and particular efforts should be made to elicit responses by rural participants themselves. Our case study work shows that Dumbutu residents have good ideas on ways to control forest fires and how to use this element as a conservation tool. Informants promoted early burning as the least harmful alternative while remaining cognizant of the damage forest fires cause to the flora and fauna of the district.

### **3. RURAL EMPLOYMENT GENERATION**

Projects leading to income diversification and rural employment generation should be encouraged. Some types of rural employment generation may reduce the need to exploit commercially firewood from the forests. Income generation projects should focus on ways to use the forest resources of the district in an ecologically sound fashion. For instance, the economic potentiality of bee keeping should be explored as an income generation activity. Hives might be located in the protected confines of the forest parks and national park. Initiatives might be set up to develop the export of dried or frozen bush pig meat to European and West African markets. Apparently a merchant had once developed a thriving business near Tendaba of hunting bush pigs, drying the meat, and exporting it to Ghana. Tree planting of economically valuable indigenous species (if. bamboo, tamarind, baobab...) could be encouraged in the forest reserves and national parks by individual households. Bamboo sales were once important sources of revenue for the Dumbutu populations and thus there would be considerable interest in reviving the economy. Ownership of trees might rest in the hands of the families that contributed to the tree planting. This could create an opportunity for land borrowers to establish tree plantations.

Emphasis should continue to be placed on hiring from the communities adjacent to the park the maximum number of people possible for the construction of Kiang West National Park. The Gambian-German Forestry Project should continue to place a priority on hiring local people for various forestry activities.

### **4. KIANG WEST NATIONAL PARK**

The Technical Advisory Committee is an important, though fledgling advisory board. Greater emphasis should be placed on the institutional capacity building of the body. The TAC appears to have little formal rule-making power and thus it lacks public legitimacy. The committee members may also lack a clear sense of their functions. In order to improve relations between the park authorities and the Kiang West communities affect by the national park, it may be necessary to devolve more management powers to the TAC. Its role as an advisory board may not be sufficient to restrain public resistance to the park.

The Technical Advisory Committee and the Kiang West National Park authorities should conduct a needs assessment in the very near future to determine needs for training of the TAC

members. As one component of the assessment, the Wildlife Conservation Department should review the management successes and setbacks incurred by the Watershed Management Committees of the Soil and Water Management Unit, the Sesame Growers Association, and the Area Councils. These institutions have all been set up by donor agencies and government to encourage community participation in local governance. Some, like the Watershed Management Committees and the Sesame Growers Associations, have become very strong organizations capable of managing their own internal affairs. The lessons learned on how to build viable institutions could be very useful in improving the institutional capacity of the TAC.

Study tours organized for the TAC members to other National Parks in Africa might be organized and financed by the USAID/Ministry of Natural Resources and Environment's Agricultural and Natural Resources program. This should be one of its priority interventions. The ANR program might finance study tours so that the TAC members can learn how compensation programs for damage caused by wildlife are organized in Kenya, Botswana or Zimbabwe. While park authorities should participate in these study tours, the focus should be placed on training for the selected TAC members.

The Kiang West National Park authorities and interested donor agencies should explore ways of improving institutional linkages between the TAC members and existing rural organizations (i.e., district tribunals, NGOs, village opinion makers). The membership of the TAC may need to be expanded to include other key community authorities like the *seyfo* or some of the *alkalolu*. Attention should be placed on making the committee selection process more democratic and transparent. Mechanisms to incorporate the viewpoints of resource user groups should be set in place. Sub-committees of particular interest groups, like cattle owners, herders, women oyster collectors, or women's *kafo* groups might be set up to assure that their voices are heard.

The membership of the Technical Advisory Committee may be limited to too few villages. All villages along the boundary of the Kiang West National Park should be incorporated into the TAC. Some villages not immediately contiguous to the park possess historical rights to the area and these too should be incorporated into the committee.

The Department of National Parks should continue to place emphasis on public education on the functions of the Kiang West National Park. A similar educational program may need to be developed for the three forest parks surrounding Dumbutu.

The Kiang West National Park and Forest Park management should work closely with the populations of the Kiang West District to seek ways to mitigate the potentially detrimental side-effects of the state reserves. Proposals are summarized below.

- Reduction of bush pig populations: The first priority should be placed on responding to complaints regarding the bush pig problem. Discussions should be held with the TAC and other key opinion leaders in the community to devise a series of measures to mitigate the effects of bush pigs and other pests.

- Commercial sale of bush pig meat to tourist camps and hotels in Banjul: The Kiang West National Park management team could encourage commercial harvesting of bush pigs, organized through local hunters, that could supply a national and international market for meat.
- Commercialization of forest products: Limited commercialization of dead firewood from the Kiang West National Park and the forest parks could be allowed, and cooperatives of residents could be entrusted to manage firewood sales. A management plan could be worked out where certain parts of the National Park are allowed to be used for the extraction of dead firewood.
- Distribution of benefits from state reserves: The government services responsible for the establishment and management of the state reserves will need to be continually assessing the costs and benefits of the national and forest parks. The arrangements for the distribution of benefits from any park revenues gained through the payments of visitor's fees should be embarked upon as soon as possible in order for the villages surrounding Kiang West National Park to observe the direct benefits of the park. Otherwise, the populations will continue to perceive the park as simply a means of reducing access to critical sources of livelihood.

## 5. 1990 LANDS ACT

The implementation of the 1990 Lands Act and associated legislation may not be appropriate at this time in the Kiang West District. From our assessment of the present day land tenure situation in the village of Dumbutu, we feel that implementation of the act could disrupt significantly existing social relations and deprive certain members of the community access to land. The application of the law at this time could lead to greater land insecurity and possible out-migration of land borrowers.

Provisions in the law providing for the creation of a state leasehold system in areas "designated" by the state may be suitable for urban areas of The Gambia, but not for rural situations where customary tenure arrangements appear to be viable and functioning. The legal steps needed to create long-term leases could generate severe conflicts between extended families claiming historical ownership rights to land and families possessing long-term borrowing rights. Provisions in the law granting leases for terms of 99 years to both owners and borrowers of land may create tenure insecurities in rural communities long before the law is even applied in a designated area because traditional land owners may revoke borrowing arrangements.<sup>26</sup> This could suddenly create a category of people lacking even borrowing rights to land. In the case

---

<sup>26</sup>The State Lands Act clause of Part II, section 7 (1) reads: "Any person who holds any land in a designated area under customary tenure or year to year tenancy shall, at the date on which such area is designated and subject to the provisions of this Act, be deemed to be a lessee of such land."

of Dumbutu, strains in community relations could surface if the major land owning *kundas* decide to call back long-term loans of land.

The present day tenure system of villages like Dumbutu function adequately due to the powers and abilities of village level elders and district tribunal members to resolve resource conflicts and devise new tenure arrangements to meet local needs. The creation by the State Lands Act of Land Administration Boards charged with the task, among others, of investigating and resolving disputes risks undermining the authority of these local level institutions. As this study has shown, village level authorities are remarkably effective at allocating land to diverse interest groups and devising and enforcing tenure arrangements such as the *tongo*. Government policy should seek ways to complement these authorities rather than usurping their powers. Government policy makers might encourage, for example, traditional land owners to lend out land on a long-term basis for fruit orchards by looking at ways to record legally binding contractual agreements with district tribunals or Area Councils.

The members of the research team recommend to government that great caution be taken in implementing the new Lands Act in rural areas. Implementation of the law should be done on a pilot basis in rural areas following further study of the possible implications of the leasehold system on social and ecological relations.

## BIBLIOGRAPHY

- Archer, Francis Bisset. The Gambia Colony and Protectorate. London: Frank Cass & Company, 1967.
- Biodiversity Support Program. Kiang West National Park: An Integrated Conservation and Village Development Project. V.C. Gilbert and A. Camara. With support from USAID/The Gambia and The Ministry of Water Resources, Forestry, and Fisheries. 24 June - 27 July, 1990.
- Bruce, John; Freudenberger, Mark; Summers, Gene. Tenure Constraints and Opportunities in Natural Resource Management in The Gambia. Madison: Land Tenure Center, University of Wisconsin, November 20, 1990.
- Carney, Judith. "Struggles over Crop Rights and Labour within Contract Farming Households in a Gambian Irrigated Rice Project." Journal of Peasant Studies. 15(3)(1988):334-349.
- Dunsmore, J.R. et al. The Agricultural Development of The Gambia: An Agricultural, Environmental and Socio-Economic Analysis. Ministry of Overseas Development, England. Land Resources Division. Land Resources Study no. 22, 1976.
- Fall, Dawda. Peoples and Empires of Senegambia: Senegambia in History AD 1000-1900. Latri-Kunda, The Gambia. Saul's Modern Printshop, 1991.
- Freudenberger, Mark Schoonmaker. ed. Institutions and Natural Resource Management in The Gambia: A Case Study of the Foni Jarrol District. Madison: Land Tenure Center, University of Wisconsin, February 4, 1993.
- Freudenberger, Mark Schoonmaker, et al. Tenure and Natural Resources in The Gambia: Summary of Research Findings and Policy Options. Madison: Land Tenure Center, University of Wisconsin, July 15, 1994.
- Gray, J.M. A History of The Gambia. Cambridge: Cambridge University Press, 1940.
- Haswell, M. R. Economics of Agriculture in a Savannah Village. London: 1953.
- Jammeh, Mommodu and Nancy Ann Sheehan. My Own Beef. Madison: Land Tenure Center, University of Wisconsin. December, 1993.
- Linares, Olga. People, Prayer and Power: The Jola of Casamance, Senegal. New York: Cambridge University Press, 1992.

- Lowe, G.D.N. "Land Tenure and Land Use." In The Agricultural Development of The Gambia An Agricultural, Environmental and Socio-Economic Analysis. Land Resource Study 22. Ministry of Overseas Development, England. Land Resources Division. 1976.
- Ministry of Natural Resources and the Environment. Kiang West National Park: Integrated Conservation and Development Project. V.C. Gilbert, A. Camara, and D.S. Wilkie. Prepared with support of the Biodiversity Support Program. September 30, 1992.
- Moore, Poole, T.E. Life, Scenery and Customs in Sierra Leone and the Gambia 2 vols. London: 1850.
- Quinn, Charlotte A. Mandingo Kingdoms of the Senegambia: Traditionalism, Islam, and European Expansion. Evanston: Northwestern University Press, 1972.
- Sonko-Godwin, Patience. Ethnic Groups of The Gambia: A Brief History. Banjul, The Gambia: Sunrise Publishers, Ltd. 1988.
- Weil, Peter. "Slavery, Groundnuts, and European Capitalism in The Wuli Kingdom of Senegambia." Research in Economic Anthropology. v. 6 (1984): 77-119.
- Weil, P. M. "The Introduction of the Plow in Central Gambia." pp. 229-263. In African Food Production Systems: Cases and Theory PFM McLoughlin, ed. Baltimore: John Hopkins Press, 1970.
- Weil, P.M. Mandinka Mansaya: The Role of the Mandinka in the Political System of The Gambia. PhD Thesis. University of Oregon, 1968.
- Weil, P.M. "Political Structure and Processes among the Gambia Mandinka: The Village of Para Political System." Papers on the Manding. C. Hodge. ed. The Hague: Monton & Co. 1971.

## APPENDIX: CALENDAR OF ACTIVITIES

Date and time	Team members	Participants	Tools/Comments
5 June 1993 10:00 - 12:00	Whole team	Yaya N'Jie Karamo Drammeh Jongmaring Darbo Bintu Darbo Kadi Jarju Lamin Darbo Amadou Darbo Momodou Colley Senneh Touray Kerro Darbo Karamo Darbo	Village mapping
5 June 1993 12:30 - 3:00	Whole team	Team	Group discussion
5 June 1993 5:00 - 7:00	Whole team (except S. Seeka)	Sunkari Jammeh Sute Colley Kalilu Darbo Boramanding N'Jie	Transect 1
5 June 1993 9:00 - 10:30	Whole team	Team	Group discussion
6 June 1993 9:00 - 2:30	Whole team	Momodou Seidy Khan Ebrima N'Jie Amadou Darbo	Transect 2
6 June 1993 1:00 - 1:20	Whole team	Alhaji Bah	SSI
6 June 1993 5:00 - 8:00	Whole team	Team	Group discussion
7 June 1993 9:00 - 12:30	Whole team	(1) Wildlife Conservation Officers (Alpha Jallow, Lamine, Charles)  (2) Gambian-German Forestry Project	SSI  SSI

Date and time	Team members	Participants	Tools/Comments
7 June 1993 1:00 - 2:00	Whole team	Team	Group discussion
7 June 1993 4:30 - 7:00	Whole team	Discussion with group of 7 women and 5 men	Venn diagram
8 June 1993 9:00 - 12:00	Whole team	Women of one <i>kunda</i> : Kadi Colley Adja Darbo N'manding Darbo	SSI
8 June 1993 5:00 - 6:30	Whole team	Group of elders: Women: Adja Darbo Numinding Darbo Fatimata Darbo Nanding Darbo Kadi Darbo Nimanding Demba  Men: acting <i>alkalo</i> N'Jie Lamin Darbo Jumma Marong Dowda Darbo Karamo Drammeh Ebrima Darbo Dobally Jaddama	SSI
8 June 1993 10:00 - 11:30	Mark and Sol	Young man	SSI  Wealth ranking  Land distribution ranking
9 June 1993 8:30 - 9:30	Whole team	Team	Group discussion
9 June 1993 11:00 - 12:30	G. Touray Y. Diallo N. Sheehan	Kadi Colley Jolla Darbo	SSI
9 June 1993 3:00 - 4:00	G. Touray Y. Diallo N. Sheehan	Adja Darbo Sajo Darbo	Revenue matrix  Labor matrix

Date and time	Team members	Participants	Tools/Comments
9 June 1993 6:00 - 7:00	G. Touray Y. Diallo N. Sheehan	Imam	Disputes matrix
10 June 1993 9:30 - 3:00	Whole Team (except F. Dumbuya)	<i>Seyfo</i> and district tribunal members of Kiang West	Disputes matrix
10 June 1993 6:00 - 7:30	S. Secka N. Sheehan	Three members of one <i>kunda</i> :	SSI  Land holding ranking  Labor ranking
10 June 1993 6:00 - 7:30	G. Touray Y. Diallo	Elderly man	SSI  Ranking of land Holdings
10 June 1993 6:00 - 7:30	Mark	Review of minutes from TAC	
11 June 1993 5:00 - 6:00	Mark	10 male children	SSI  Hunting and fruit collection
23 June 1993 2:00 - 3:00	Team (except F. Dumbuya)	Commissioners Office, Mansakonko Kalilou Sonko	SSI
23 June 1993 3:00 - 4:00	Team (except F. Dumbuya)	Area council, Mansakonko Sailou Bah	SSI

Date and time	Team members	Participants	Tools/Comments
23 June 1993 6:00 - 7:00	Team (except F. Dumbuya)	Divisional Agric. Coordinator Saidou Bah	SSI
24 June 1993 9:30 - 10:00	Whole team (except F. Dumbuya)	Area council, Mansakonko Assit. Treasurer	SSI
24 June 1993 10:00 - 11:00	Whole team (except F. Dumbuya)	Area Council, Mansakonko Tambo Kinteh	SSI
24 June 1993	Whole team (except F. Dumbuya)	<i>Seyfo</i> , Jarra East Buwa Kinteh	SSI  Ranking of land holdings
24 June 1993	Whole team (except F. Dumbuya)	Karamo Darbo Bunjaring Sanyang Fanding Darbo	Territorial map
24 June 1993	Whole team (except F. Dumbuya)	Lang Colley - fisherman	SSI
24 June 1993	S. Seeka	Gambian-German Forest Park Officials	SSI
24 June 1993	Mark S. Seeka Y. Diallo	Ebrima N'Jie	Transect 3

Date and time	Team members	Participants	Tools/Comments
24 June 1993 6:00 - 7:00	G. Touray	Five men at <i>bantaba</i>	Revenue matrix
25 June 1993	N. Sheehan	Sajo Darbo	SSI
25 June 1993	N. Sheehan	Five women farmers in rice fields	SSI
25 June 1993	S. Seeka	Several Fula women	SSI
25 June 1993	G. Touray	Foday Darbo	SSI
25 June 1993	G. Touray Y. Diallo N. Sheehan	Imam	Dispute ranking