

BURKINA FASO'S FOREST REGIME :
AS PERCEIVED BY THE FOREST SERVICE AND FARMERS
IN THE GNAGNA PROVINCE

Dawn M. LaFleur
October 1990

TABLE OF CONTENTS

PURPOSE AND ORGANIZATION OF REPORT.....	3
BACKGROUND.....	4-5
OBJECTIVES.....	6
METHODOLOGY OF FIELD RESEARCH.....	6-8
FOREST REGIME	
INTRODUCTION.....	8
TITLE I-GENERALITIES.....	8-9
TITLE II-ORGANIZATION OF THE FORESTS.....	10-13
TITLE III-EXPLOITATION AND PROTECTION OF THE FORESTS...	14-23
SUMMARY AND CONCLUSION.....	24-27
APPENDIX.....	28-37
LITERATURE CITED.....	38

PURPOSE AND ORGANIZATION OF REPORT

The following report is the result of three months field research in Burkina Faso.* It is a preliminary assessment of rapid-appraisal data rather than a rigorous analysis. My Master's thesis, to be completed by May 1991, and to be disseminated via the Land Tenure Center, will be based on a thorough analysis of the data collected in the field.

It is important to note that this report is not intended to make recommendations concerning policy change. Rather, it is a presentation of the Forest Regime as it exists in Burkina Faso, and how the Forest Regime is perceived by a particular provincial Forest Service and by farmers in that province.

In order to present an accurate picture of the existing situation, the government of Burkina Faso's Forest Regime will be provided in segments. (For the complete translated version see Appendix.) Each segment will be on one section of the Regime which will include a summary of the legal text (translated into English) and then a presentation of the viewpoint on this issue of the provincial Forest Service and also the viewpoint of the farmers. All information presented is taken from interviews conducted during my field research.

* The field research would not have been possible without the support (financial, academic, and moral) from the Land Tenure Center - especially from Peter Bloch, John Bruce, Herman Felstehausen, and Steven Lawry; the USAID mission in Burkina Faso - from the Director Wilbur Thomas and the Agricultural Officer, Dennis McCarthy; as well as from the PVO World Neighbors' Director Peter Gubbels and his helpful staff.

BACKGROUND

Land Tenure. Forestry and agroforestry depend on people's rights to plant and use trees, which in turn depend on the prevailing systems of land tenure (Benneh 1987). Understanding these relationships is crucial in the design of forestry and agroforestry projects. The institutional arrangements under which a person gains access to land largely determines, among other things, what crops he/she can grow, how long he/she can till a particular piece, his/her rights over the fruits of his/her labor and his/her ability to undertake long term improvements (Benneh 1987). In introducing a new type of land use, it is necessary to ascertain whether the recommended land use can be adopted within the framework of the existing land tenure system.

Tree Tenure. Tree tenure - like land tenure - consists of a bundle of rights, each of which may be held by different people at different times. Four major categories of rights make up this bundle: the right to own or inherit, the right to plant, the right to use, and the right of disposal. There are three general sets of factors which affect who may exercise what rights, when and over which trees; the nature of the tree, the nature of the use, and the nature of the land tenure system (Fortmann 1988).

Where a user's property rights are clear and unambiguous, the user will be more likely to utilize the resource in ways that maximize its long term productivity. When tenure rights are secure, returns to investment will accrue to the land holder and the benefits of the improvements will not be claimed by someone else. He or she will become more inclined to use inputs and invest in improvements which would pay returns over the long run (Lawry 1989).

Most forestry and agroforestry initiatives are based either on the premise that rural people will plant trees or that they will preserve and protect trees planted by someone else including the government. However, people will not preserve, protect, or plant trees, if doing so is costly to them personally, and if they do not receive the benefits from tree planting in some tangible way. The rules of land and tree tenure can make these activities very costly. For example, tree species that belong to the national government are unlikely to have a high survival rate on private or community land (Bruce and Fortmann 1988).

There are two tenure issues which hinder forestry and agroforestry at the moment in Burkina Faso : forest regime provisions determining tree tenure rights, and national government assertions of authority over the land base. Of the two, the first is immeasurably more serious in most settings. Foresters actively intervene in the establishment, enforcement and manipulation of tree tenure rights. By contrast, the government's expropriation of land typically figures as a major problem at the edges of expanding cities and in some project areas, particularly those involving dams, irrigation perimeters and creation of new state forests (Thomson 1987).

West African states seek to regulate farmer management of trees on the farm through administration and enforcement of rules set out in the forest code. A forest code or forest regime (as it is called in Burkina Faso) consists simply of a set of laws and regulations governing the exploitation of the forest products of a given country. The social objective responsible for the existence of forest regimes consists of a desire to properly manage and conserve the natural resources of forests whose limited products are in great demand.

During the presidency of Captain Thomas Sankara (1983-1987), the fight against desertification and deforestation was one of Burkina Faso's major goals which included three main objectives. These objectives, which were broadcast repeatedly over the radio and printed on numerous posters to the extent that people in the most remote areas of Burkina Faso are now aware of these three objectives, are : 1) To stop cutting down and damaging trees; 2) To stop setting bush fires and; 3) To stop the divagation (grazing in forbidden areas) of domesticated animals.

OBJECTIVES

While conducting my field research, the following objectives were kept in mind :

- 1) To determine current knowledge, attitudes, practices (behavior) relating to tree-growing.
- 2) To identify present villager perceptions of needs/problems that trees can help address.
- 3) To determine major constraints that inhibit or prevent farmers from growing trees.
- 4) To identify land tenure institutions which determine such factors as, security in land, and access to land. And to identify those institutions involved in tree tenure such as the Department of Water and Forests (The Forest Service) and the Forest Regime.
- 5) To document the impact these institutions have on tree planting rates.

All of these objectives will have been achieved once the data analysis has been completed.

This report concentrates on one aspect of the fourth objective: the identification of those institutions involved in tree tenure.

METHODOLOGY OF FIELD RESEARCH

- The field research was conducted during the three months of June, July and August 1990 in the Liptougou district of the Gnagna province in northeastern Burkina Faso.

- People from a total of twelve villages were interviewed, two villages during the pre-test, and 10 during the actual interview schedule.

- Both key informant and community (focus group) interviews were conducted.

- Two ethnic groups were interviewed - Gourmantche and Fulani - with both sedentary and stranger farmers represented in both groups.

- Five men and five women were interviewed in each village.

- After the individual interviews were completed, the community interviews were then conducted.

- The questionnaire guide was set up with mostly open-ended questions.

- The two interview teams consisted of three people - one animator (from World Neighbors), one translator and one person to write down the responses.

- All members of the interview teams (besides myself) were Gourmantche and spoke Gourmantchement. There was one member who spoke Fulfulde fluently.

- The questionnaire guide consisted of the following categories:

- Plantation of Trees
- Utilization of Trees
- Existing Practices and Regulations concerning -
 - Firewood
 - Forage
 - Material for Construction
 - Consumption
- Land Tenure
- Tree Tenure
- The Forest Service (Eaux et Forets)

- Observations were made concerning the land resource base, the economic security of the farmers, and the division of household labor.

- Interviews were also conducted with the forestry agents in the area, with the Director and Assistant Director of Eaux et Forets (the Forest Service) in the provincial capital of Bogande, and with forestry personnel in the Ministry of the Environment and Tourism in Ouagadougou.

FOREST REGIME

Introduction

Burkina Faso's Forest Regime is a section in Burkina Faso's official document concerning land tenure, "Textes Portant Reorganisation Agraire et Fonciere" (commonly referred to as the 'RAF'. The RAF contains the Ordonnance no. 84-050/CNR/PRES portant Reorganisation Agraire et Fonciere au Burkina Faso and Decret no. 85-404/CNR/PRES portant Application de la Reorganisation Agraire et Fonciere au Burkina Faso. The document contains five livres (books) of which the Regime des Forets is the second part in Livre III - Du Regime de l'eau, des forets, de la faune, de la peche et des substances minieres et de carrieres. This document was produced under the Presidency of Capt. Sankara. This summer there was talk of some reform of the RAF but to my knowledge nothing has materialized.

TITLE I - GENERALITIES

A. The Law

The Forest regime defines forest land as: land with trees and bushes on it, land that has been cleared, barren land that is designated to be reforested for forest production and land that is no longer protected.

Areas for reforestation and restoration are also defined. Areas for restoration are areas where land is put in regeneration to be enriched with trees, and areas for restoration are protected areas that are no longer in use. Cleared lands are those areas where woody vegetation has been cut down, uprooted, felled or burned for agricultural production.

Forest products are defined as anything that comes from trees and bushes. Any of these products that are found within the limits of a forest are covered under the statutes concerning forestry products.

B. Discussion

Since there is no great distinction between land that is considered forest land and land that is not considered forest land, the Forest Service has jurisdiction over most of the land. Both forestry agents and farmers in the Gnagna province are aware that the Forest Service has jurisdiction over the use of trees and tree products. The farmers are not as aware of the extensiveness of this jurisdiction as are the forestry agents, and this lack of awareness causes problems for enforcement of the Forest Regime regulations.

There are farmers who behave as if the land belongs to them as it did under the customary tenure system. There is good reason for this; the enforcement of government regulations concerning land is generally done only in the large cities and the surrounding areas. In the villages, customary tenure is still in practice, therefore, customary use rights of forests and forest products are still in practice. Sometimes these customary use rights conflict with the regulations of the Forest Regime.

An example of such a conflict would be the regulations concerning the cutting of trees. Under the customary tenure of the area, any tree that is planted on a farmer's land belongs to that farmer and he/she can do what he/she wants with the tree. The farmer can cut branches or cut the tree entirely. According to the Forest Regime, to cut a tree or its branches is forbidden without permission from a forestry agent. The farmer will be fined for cutting down a tree even if it is planted in the farmer's courtyard.

TITLE II - ORGANIZATION OF THE FORESTS

Chapter I - Public and Private Forests

A. The Text

In this chapter, public and private forests are defined. Classified and protected forests are also defined as components of public forests.

Public forests are forests that belong to a body which represents the public right, which in this case, means the state. Classified forests are public forests for which a decree classifies them for exploitation under special management. Those public forests which are not covered by a decree of classification are protected forests.

Private forests are forests which are covered by a 'titre de jouissance' (title of access) - in the name of an individual or a corporate body (personne physique ou morale) which represents the private right.

B. Discussion

The main issue concerning the definition of the forests discussed during the interviews was the fact that, in this province, there are no distinctions between public and private forests and no one knows what is considered a classified or a declassified forest.

In this region all the forests and forest lands are considered public forests, by the Forest Service and by the farmers. Everyone can exercise use rights on land to which they 'have access' through the customary tenure system*. Although most farmers are aware that the government has the right to regulate some of those use rights.

* Under the Gourmantche customary tenure system, anyone (someone from the village or a stranger) who wants land for cultivation or for construction must see the chief of the village and ask permission for a particular parcel of land. If the land was abandoned, permission must also be sought from the previous owner. Land can be either 'given' or 'loaned' - if given, the land belongs to the new owner to do with as he/she wishes. If the land is loaned, the farmer has temporary use rights and is unable to plant trees.

It is important to point out that even though there are no areas that are designated as private forests in the Gnagna province, in other provinces there might be. These private forests might exist in the southwest where large teak plantations are prevalent and the land has a higher economic value. In these areas, the issuance of a 'titre de jouissance' for private forests might be necessary and a common practice.

There is another factor which comes into play here. In the region in which I interviewed, there are a few farmers who established mango and/or guava orchards. These orchards are on land which they obtained through the customary tenure system and have fenced off and have exclusive use rights over. But the forestry agents state that the Forest Service still has regulation rights over these trees, and most of the farmers reluctantly agree. This so far has not caused any problems, but as the orchards mature there might be some conflict over whether these orchards should be public or private forests.

Another area of concern is the rights farmers have over trees planted in their fields or in their courtyards. The Forest Service personnel said that according to the RAF they have regulation rights over any tree whether planted or not, no matter where the tree is planted. When asked directly whether a farmer will be fined if he/she cuts or trims a tree in his/her courtyard, the Assistant Director answered "yes," but admitted that it is not an easy task. Farmers are unaware of the regulations, but the Forest Service will fine the farmer as an educational measure. The amount that they will be fined is dependent on the situation; there are no standard guidelines, except for those given in the RAF which will be given later.

Farmers asserted that they could do anything they wanted to the trees on 'their' land. As the discussions developed, however, it became obvious that they were more aware of the state regulations than they first admitted. Most mentioned that they were not allowed to cut or even trim fruit trees. (They are allowed to trim fruit trees but only after receiving the appropriate technical advice from a forestry agent). And they know that they are not allowed to completely cut trees even on their own land (although there were a few who continued to believe that they could cut any tree they wanted no matter where it was found).

Chapter II - Development Operations

A. The Text

This chapter defines the zones that are within the Forest Service jurisdiction. These zones are determined by national schemes and by the provincial development of the territory. Each zone is to be marked by some appropriate method to denote its limits.

Public officials can also designate as forest zones such infrastructures as the forestry office, areas used for scientific or tourist objectives, animal pathways and recreational areas.

B. Discussion

Once again, even with the definition given, forest zones are very unclear in this particular province. There are no forest zones whose boundaries are clearly marked. There are places that are obvious forest zones, such as the village tree nursery, village woodlot, and trees planted at the Forest Service, but there are no areas that are clearly not under the jurisdiction of the foresters.

Chapter III - Procedure of Classification and Declassification of the Forests

A. The Text

In order for a forest to be classified or declassified it must be the subject of a dossier comprising of the following information and documents:

- a map indicating the boundaries of the forest
- a description of the geographic situation
- a description of natural and artificial limits
- the number of villages which the development concerns, along with an indication of the nature of

classification or declassification and any other useful information.

This dossier is to be then examined by the provincial commission in charge of the organization of the territory. This commission will take into consideration the technical, commercial and social aspects of classification or declassification in collaboration with the concerned villages.

After examination of the dossier, an official report and a preliminary plan are written up either for classification or declassification. The official report and the preliminary plan for classification or declassification are then given to the concerned villages who have 30 days to voice their opposition. In the case of opposition, the preliminary plan is then passed on to the minister responsible for the forests.

The classification or declassification of the forests is then decided upon in consultation with the ministers after receiving the proposal from the minister responsible for the forests, and after advising the national commission in charge of territorial organization. The decision is then handed down as a decree.

B. Discussion

As stated previously, the act of classifying or declassifying a forest or forest land is not a common practice of the Forest Service in Bogande. The forestry agents are aware of such distinctions, but they do not exist in this province. The farmers, on the other hand, have no idea that there is a distinction between classified and declassified forests or even that such forests exist.

Once again it should be mentioned that even though this is not a common practice in the Gnagna province, in other provinces it might be. In areas where there is a distinction between classified and declassified forests, it is important to understand the process of distinguishing one from the other, and the role that villagers play in such distinctions.

TITLE III - EXPLOITATION AND PROTECTION OF THE FORESTS

Chapter I - Exploitation

A. The Text

The commercial exploitation of forest products in classified forests is under the authorization and control of the Forest Service. The Forest Service issues a special permit for such exploitation.

The industrial exploitation of the forests is subject to a number of elaborate conditions handed down by the minister responsible for the forests.

All landowners with trees on two or more hectares of land which are to be used for silvicultural production are obligated to do a declaration with the Forest Service. These private areas are subject to the same rules for exploitation and protection as for classified forests.

B. Discussion

The commercial and industrial exploitation of forests are closely regulated for certain forest products. Firewood and charcoal will be discussed later but it is important to note that in this chapter concerning exploitation, other forest products which are sold in the local markets are also covered. This means that according to the forest regime the commercial sale of such products as mangoes, guavas, shea nuts and shea butter, and baobab leaves, requires a permit. Once again the problem between classified public land and 'private' land is brought up.

Most of these products are taken from trees grown on land that belongs to the user under the customary tenure system, but technically all the land belongs to the government. Without a 'titre de jouissance' - the land is still public land, but the owner does have use rights, but not for commercial sale as explained in the next section.

This is confusing and unclear as admitted by the Forest Service personnel, which is why it is not enforced in this province. If the Forest Service started requiring permits for the sale of a few mangoes in the local market, market women would object. In areas where forest products are more prevalent in the markets, such as in the southwest, regulation would be more practical; here it is not yet a major activity. There are a number of farmers who have some large mango and/or guava orchards which will produce a significant amount of fruit within the next few years. But, for the moment, to regulate the sale of a few mangoes is not of great concern to the Forest Service. What is regulated, for the most part, is the commercial exploitation of firewood and charcoal which will be discussed in more detail in Section II of this chapter.

Section I - Use Rights

A. The Text

The rights of use apply to lands under cultivation, pasture for animals, pathways for crossing a classified forest and for forest products. Hunting is not considered a use right.

The local populations are allowed to exercise their use rights as long as it is not for commercial transaction except in the case discussed in Title III - Chapter I.

In the classified forests, the exercise of use rights is accorded by priority to the populations bordering the forests and who are dependent on the collection of felled dead wood, and the harvest of fruit and plants for food and medicines.

The use of the forest for tourist or scientific objectives is authorized by the appropriate administrative authority after receiving advice from the appropriate technical service.

B. Discussion

This section on use rights is clear to a certain extent. Use rights apply to the local populations of the area, as long as they do not exploit for commercial purposes without a permit, in

areas for cultivation, etc. And this is pretty much the existing case in the Gnagna. Use rights are clearly defined in the customary tenure system and are, for the most part, upheld by the Forest Service. Although there are some areas of conflict, as in the case of cutting a tree on one's 'own' land as mentioned earlier.

Use rights under customary tenure allow people to use trees and tree products as they wish as long as it is on their own land. (Land that is inherited or land that has been given as a gift.) To gain access to land is not a problem because land scarcity is not yet a problem in this region. Under customary tenure, people have exclusive rights over trees, in their courtyards, fields and orchards, that have some economic value, such as mangoes, guavas, baobabs (if they are scarce) and shea nut. Trees that are found in people's fields that have no economic value, such as the raisinier, can be used by anyone, even strangers. But the use, even under customary tenure, is regulated. If the use becomes abusive to the tree, the owner of the land can stop the continued use of that tree or tree product. Trees that are in courtyards, with or without economic value, are under the exclusive use rights of the owner.

Even though the state does not officially recognize that land belongs to specific families, customary tenure systems still exist in villages isolated from the influence of the capital. The farmers, nevertheless, are aware that the state can come in and take away their land and they can do nothing about it. But this rarely happens. The most important effect of the state owning land is in the area of regulation. Even though the people can pretend that they own the land and the trees on it, they are aware that they are subject to regulation.

Section II - Cutting of Firewood, Exploitation of Charcoal and their Transportation and Sale.

A. The Text

The monopoly over the cutting of firewood and the exploitation of charcoal for commercial purposes is reserved by the public forest services. Both firewood and charcoal can be sold in concessions for profit by private individuals or corporations.

Business people who conform to the rules outlined in Title III - Chapter 1 are allowed to cut, transport and sell firewood and charcoal. These business people are made up of debtors (debiteurs), wholesale-transporters, and retailers.

A debiteur is any individual or corporation (personne physique ou morale) that cuts or gathers wood or produces charcoal and sells it to a wholesale-transporter.

A wholesale-transporter is he/she who buys the wood or charcoal from the debtor and then takes it to the stock area in the consumption centers.

The retailer receives the marketable goods from the wholesale-transporter to resell to the consumers.

The means for transporting firewood and charcoal used by wholesale-transporters and retailers is determined by the administration. Only consumers can transport firewood and charcoal by any means available to them.

The Forest Service determines the wood cutting zones, and defines the exploitable species of trees and the method of exploitation to be used. They also are the only ones who can determine, authorize or approve the limitations for the exploitation of charcoal. The Forest Service also authorizes the transport of firewood and charcoal from one province to another.

A decision made jointly by the minister responsible for the forests and the minister responsible for commerce fixes the price for the sale of wood and charcoal. The minister responsible for the forests also determines the times of the year when wood can be cut.

The areas for the sale of wood and/or charcoal are set up in function of the needs of the consumer centers and are agreed upon by the general assembly of the area CDRs*.

Any infraction of the regulations concerning the cutting of wood and the exploitation of charcoal is considered a crime and is punishable by the law.

*Committees for the Defense of the Revolution - These committees were set up under the Sankara Regime and are made up of individuals from the community who represent the government and the government's interests.

B. Discussion

This section consists mostly of definitions concerning the cutting of firewood and the exploitation of charcoal including their transport and sale.

What is important here is the regulation of these products for commercial purposes. The commercial exploitation of the forests is closely regulated in the larger cities, the provincial capitals and in villages where the forestry agents of the Forest Service are active. For example, for the Gnagna Province - in the capital- Bogande - and in the two other villages where forestry agents are based - Mani 43 km north of Bogande and Piela 32 km south of Bogande - the collection and selling of firewood is closely monitored, and everyone needs to obtain a permit for such commercial activity. A permit is required for every cartload of firewood gathered, the price being between 300-600f CFA. A license is required for the cart as well.

The villages that lie outside of these areas are not monitored. Of the 12 villages interviewed, there were two where it was necessary to buy firewood (otherwise the women collect for personal use themselves about two km outside of the village). In these two villages the search for firewood takes them at least 5 km outside of the village. There are usually one or two persons per village who are responsible for the collection and sale of firewood (between 500-750f CFA a cartload). These people do not obtain permits for the commercial use of firewood. They are aware that it is regulated, but it does not make economic sense for them to go to Bogande (which is approximately 75 km away) to purchase permits for the sale of the firewood. Not only would they have to pay for the permits but they also would have to pay for the transportation to and from Bogande. They also mentioned the fact that the forestry agents are never in their area of the province, since it does not seem to be of major concern to the forestry agents, the farmers feel that it should not be of major concern to them either.

The Forest Service in Bogande is aware that there are people collecting and selling firewood without permits, but claim that unless there are more forestry agents nothing can be done.

As mentioned above, the selling of firewood is not closely regulated outside of the three villages where there is major intervention by the Forest Service in the Gnagna Province, because the necessity to sell firewood is not very common. Charcoal, on the other hand, is sold in the local markets. There are three major local markets in this province: Mani and Piela, which are areas of intervention by the Forest Service, and Kogiena, which is in the Liptougou district and is not an area of extensive intervention. On the other hand, since it is one of the three large market villages, the transport and selling of charcoal is regulated. Charcoal is not produced to a large extent in this region, but is mainly brought in from different provinces by wholesale-transporters.

Firewood is not sold in any of these three markets. In the areas where firewood is sold, it is not as easy to regulate the sale of firewood as it is charcoal, because it is sold by individuals who own a donkey-drawn cart, rather than in centralized markets.

Chapter II - Protection

Section I - Clearing of Land

A. The Text

There are certain forest species which are specifically protected under the forest regime. These are contained on a list which is subject to periodic revision via decrees of the minister responsible for the forests.

In the classified forests, the clearing of land is forbidden. However, the clearing of land for cultivation can be temporarily authorized for land designated to be reforested. In the protected forests, the clearing of land must be done under the control of the Forest Service.

Any damage done to trees, which includes cutting of branches and general mutilation of trees and bushes, as well as any damage to the boundary markers, is forbidden.

Anyone involved in the commercial or industrial exploitation of a private forest is obligated to reforest the area afterwards.

Any infraction of the forest regime is liable to imprisonment for six days to two years and/or a fine of ten thousand (10,000) f CFA to one million one hundred thousand (1,500,000) f CFA.

B. Discussion

This section is not very clear concerning the practice of clearing land for cultivation. In discussions with the personnel of the Forest Service in Bogande and with farmers it became more clear.

The protected species list supposedly does exist, although no one in the Gnagna province has ever seen it. The assistant director commented that these tree lists are always in revision. When asked if he could list a few of the species that were normally on the list, he could only get as specific as listing a few fruit tree species. The forestry agents could not do much better.

The farmers, on the other hand, are much more aware of the trees which they are forbidden to cut down when clearing their fields. They were more concerned with the benefits the trees provided for their fields and for themselves, rather than whether the trees were on a list. Farmers tend to leave fruit trees for the obvious benefit of food, and many trees, such as the karite (shea nut), are also considered to be beneficial as a source of green manure when left in the fields.

Many of the farmers also prefer to leave thorny trees, such as, Acacia albida (which is also a nitrogen fixer), Acacia nilotica, Acacia seyal, and Balanites aegyptiaca because of their benefits as a source of green manure. Many of the protected species lists in other Sahelian West African Forest Codes include these species (Elbow and Rochegude 1990). When the forestry agents were asked if these specific species are protected, they replied that they were.

According to the Forest Service personnel in Bogande, when a farmer wants to clear new land for cultivation (which is still common in this region where land scarcity is not yet a problem), he goes to the Forest Service and informs them of his intention, and sets a date with one or two of the forestry agents to come out to his land to inform him which trees he needs to leave on the land and the spacing of those trees. But it is not clear how many trees are to be left for a given amount of square meters as in other West African Forest Regimes. Each Forest Service and its agents tend to use their own discretion.

The regulations concerning the clearing of land are enforced by the Forest Service - even though the regulations are unclear - in the three villages where they intervene. Outside of that area, the farmers are aware that the cutting of trees when clearing land is regulated, but do not go out of their way to find a forestry agent who will never find the time to go out and see them, especially when they are far away.

In this region of Burkina Faso leaving trees for what farmers consider the obvious benefits to their fields is an existing practice. Most fields visited had a number of trees and were left remaining for a number of reasons with the most frequent for green manure. The only fields observed without trees are some womens' peanut fields, where they either did not have enough land to spare for a tree or there were not any trees in the first place. The observation was made, however, that on most of the fields, both men's and women's, more trees could have been left. Since the regulations for clearing land are not strictly enforced outside of the three villages previously mentioned, the villagers do not receive much extension education. Many of the farmers, especially women, pleaded ignorance during the interviews. The Forest Service is not reaching the people outside of the three villages of intervention.

Another area which is indirectly mentioned in this section concerns animal forage, i.e. the cutting of branches and harvesting of leaves. This is an area of strict regulation and everyone is aware of it. In the few cases where people have been caught they have been severely fined. During interviews concerning their animals and how they feed them, farmers say that they no longer cut branches from trees and bushes; instead they use a long pole (which obviously was a branch at some point) and knock down the leaves for their animals. It would be clearly much easier to cut down branches, and I suspect is still the main method used even in areas of Forest Service intervention, because common practice is to bring leaves and branches to the animals when they return to the village at night after a day of free-range browsing.

This is an important area which needs more attention. There are no formal written rules concerning forage except for the cutting of branches in Article 285, but it is of main concern to the Forest Service personnel and to the villagers.

Section II - Bush fires

A. The Text

Bush fires, which destroy plant forms, are generally forbidden. They are tolerated under certain conditions: bush fires can be lit for clearing land for cultivation, and for the management of pastoral zones, national parks and wildlife reserves. In these cases the areas to be set on fire must be limited within fire fences with a minimal span of 10 m; the day when the fire is set must be a calm day; and it must be done under the control of the CDRs after authorization has been given by the Forest Service.

The prevention of bush fires is dependent on the village populations along with their CDRs and the forestry agents of the area. The setting of a bush fire without going through the proper procedure is considered a crime.

The areas used in the making of charcoal are also regulated in this section because without proper regulation these areas create potential for bush fires. These areas must be limited by fire fences with a minimal span of twenty (20) meters.

B. Discussion

This is one section that is unusually clear and is clearly enforced in practice even in the smallest and/or most remote villages. The regulation of bush fires is one of the major goals of the government and it has succeeded. Everyone interviewed knew that it was generally forbidden to light bush fires. They had obtained the information either through forestry agents, agricultural extension agents, CDR representatives or from the radio.

When a bush fire needs to be set is one of the few times farmers come in contact with representatives of the local government and/or the forestry agents. The reason why this is so closely regulated is because it has been well publicized as a crime, and it is very obvious when someone is committing the crime.

Section III - Divagation of Domestic Animals

A. The Text

Domestic animals that are 'en divagation' are animals that are found in forests where grazing is not allowed. All of the animals that are found 'en divagation' are seized and sold by the state. If it is impossible to catch the animal, the animal is shot and is taken to the local administrative authorities. In this last case, the meat which is to be consumed is first examined by the livestock service.

The divagation of domestic animals qualifies as a crime and is punishable by the law.

B. Discussion

This is another area which is strictly enforced because control of grazing is one of the three main goals of the anti-deforestation action by the government. But in this region it has become an area for ethnic controversy. The Gourmantche, the main ethnic group of the region, entrust their animals to the care of Fulani herders. Whenever there is a problem with animals 'en divagation' it is immediately blamed on the Fulanis, and the Fulanis are responsible for paying any and all of the fines.

This section also covers farmers' fields since the definition of forest lands includes cultivated lands. This brings in a whole other area of ethnic problems because the Gourmantche are farmers and the Fulanis are herders, and there are always problems with a goat or some cattle getting into someone's fields and the Fulani are frequently heavily fined for it.

This subject was brought up with the assistant director of the Forest Service, because throughout the interviews the Gourmantche were blaming the infractions of the regulations of the Forest Regime, and the resulting deforestation, on the Fulani. The assistant director, when asked if the Fulani were a particular problem for them, admitted that the Fulani are fined the most frequently in this province, but he also was aware of the ethnic problem between the Gourmantche and the Fulani in this area and felt that the Fulani were being wrongfully blamed for all of the problems concerning domestic animals. After all, he observed, the Gourmantche give their domestic animals to the Fulani to take care of, so they are to blame as much as the Fulani. If the Gourmantche were really concerned, they would take care of the animals themselves or find someone who they thought was more competent.

For the most part, this regulation is strictly enforced but unfortunately it is one group who are bearing the burden of enforcement.

Another important point that can be made here concerning ethnic problems, is that all of the present forestry agents are Mossi and speak only More and French. There are usually one or two people in each village who speak More so the news concerning regulation is eventually passed on to the Gourmantche. But no one ever thinks of passing the word on to the Fulanis and there is no communication between the forestry agents and most of the Fulani. In terms of education and information the Fulani are definitely excluded.

SUMMARY AND CONCLUSION

The purpose of this report was to present Burkina Faso's Forest Regime and to discuss how the Forest Regime is interpreted at the provincial level and at the local level.

Overseeing the provincial Forest Service is the Ministry of Environment and Tourism, located in the capital, Ouagadougou. From the viewpoint of the Ministry, the Forest Regime is 'adequate' for the country. The threat of desertification is of major concern, especially for areas in the north. Therefore, there is a necessity to regulate the use of trees and tree products.

Since the Forest Regime is relatively new (1985), there are problems which need to be worked out. The main problem area, according to the Ministry, is enforcement. The regulations are not being effectively enforced by the Forest Services in the provinces. Consequently, trees continue to be cut.

The Forest Service in Bogande, capital of the Gnagna province, is also concerned with ineffective enforcement. As observed by the assistant director, the RAF outside of the cities is basically ineffective. He was very general, but in his opinion many of the regulations are difficult to enforce because "the peasants still think that the land still belongs to them. They do not realize that the government has jurisdiction over all the land." Under these circumstances, it is difficult to enforce the Forest Regime in the Gnagna province.

The Forest Service in Bogande is concerned with enforcement of three main areas: 1) the cutting of or damage to trees; 2) bush fires; and 3) divagation of domesticated animals. These should look familiar, they are the three major goals instituted by the Sankara Regime, to stop deforestation of the country.

There are two major problems concerning enforcement of the Forest Regime in this region. The first is lack of personnel. According to the assistant director, there are not enough forestry agents to cover the Gnagna province. Through the interviews it was discovered that farmers are continuing to cut trees to clear land, for forage, and for construction materials because they never encounter a forestry agent in the area. The farmers are aware that the cutting of trees and tree branches is regulated but if there is not a forestry agent in the area, they continue their customary practices.

A few farmers did admit that they are more conscious of how they cut branches so as not to harm the tree, and they only completely cut trees in cases of necessity. In many of these cases, if the farmers had asked permission from a forestry agent, they would have received it. The problem is that there are farmers who are continuing to cut trees in a harmful manner because they are not aware of a better method.

The second problem for enforcement for this area concerns lack of extension education. For example, farmers are aware that the cutting of trees is illegal, but do not realize the extent of this regulation. Farmers think cutting a tree simply for the sake of cutting the tree is illegal, but if the tree is cut for construction material, forage or for clearing land, then it is permissible. This is not how the Forest Regime regulates the cutting of trees, not without permission from a forestry agent. Farmers are not aware what they are doing is illegal. Under the customary tenure system, a farmer can use a tree on his/her land for purposes that he/she wishes. According to the Forest Regime, if the farmer cuts down a tree in his/her courtyard or on his/her field, the farmer will be fined, if a forestry agent finds the farmer committing the act or finds evidence of the act. In this case, the farmer is not aware he/she is committing an illegal act, but the forestry agent will fine the farmer. The issuance of a fine is one form of educating the farmer that what he/she was doing was wrong. Once the farmer is fined, he/she will not commit the crime again.

There are two major priorities for the Forest Service; one of them enforcement and the other, sensibilization or extension education. This year there were three main subjects of extension; 1) reforestation - this includes the importance of trees, how to plant trees, and how to take care of trees; 2) agroforestry - this is a new subject this year; at the moment they are concentrating on the importance of leaving certain trees in fields that are going to be cleared for cultivation; and 3) construction and use of wood stoves.

Extension education is concentrated in only three villages; Bogande, Mani and Piela, because of lack of personnel and because of the large size of the province. The assistant director and the forestry agents voiced frustration at being unable to reach the villagers in such places as Liptougou. The villages are far away and to go for one day is not enough. It is necessary to return for follow up sessions. Therefore, the majority of the farmers in this province are not reached by the Forestry Service. The farmers are not aware that current practices are harmful to the environment or that there are alternative practices.

At the local level, another important aspect is brought up; enforcement practices. Many of the farmers interviewed see the forestry agents more as police agents rather than as extension agents. And farmers would rather stay as far away from the forestry agents as possible. This is not the best method for learning how to take care of a tree. But it is true that many have not had any contact with a forestry agent - ever. Many women thought Eaux et Forêts was a tree species. The farmers have not had exposure to the Forest Service or its agents, or if they have, it has only been a negative experience.

The Forest Service director readily admitted that people's fear of the Forest Service was a problem and blamed it on a lack of exposure and not enough extension work with the farmers.

Concerning enforcement of the Forest Regime, the assistant director said that they realize that outside of the cities things are different. In the village they need to be concerned more with education rather than sanctioning. He also observed that it is important to be aware of the existing practices of the farmers in order to effectively enforce the Forest Regime.

In summary, the Forest Regime, a decree of the Government of Burkina Faso, is a mechanism for managing the nation's forest resources. In the Ministry of Environment and Tourism's viewpoint, the main purpose of the Forest Regime is to enforce regulations concerning the use of forests and forest products.

The provincial Forest Services are responsible for the enforcement of the Forest Regime. In practice, the forestry agents are realizing that education is a necessary component of enforcement. There cannot be effective enforcement of the regulations without village extension education.

At the village level, certain practices have changed as a result of the Forest Regime, such as the setting of bush fires. Farmers are aware that there are regulations concerning tree cutting, but are not aware of the extensiveness of these regulations. Therefore, farmers see enforcement of the Forest Regime as an infringement on their customary use rights in certain cases. And, as a result, farmers view forestry agents negatively as police agents.

The Forest Regime can be an effective method of managing Burkina Faso's forest resources, if it is enforced in the correct manner. What is needed is a more extensive education program to go along with the enforcement practices at the provincial level. In order for the farmers to react positively to the Forest Regime, the forestry agents need to determine existing practices, and to educate farmers on the benefits of effective forest management.

Forestry and agroforestry projects can be beneficial in both of these respects, by working within the institutional framework of the Forest Regime.

APPENDIX - DU REGIME DES FORETS**Title I - Generalities****Article 244**

Land that is occupied by trees and bushes, land that has been cleared, and barren land that is designated to be reforested for forest production or that is no longer protected, is considered to be forest land.

Article 245

All land that is put into regeneration and to be planted with trees is considered to be areas for reforestation.

Article 246

Areas of restoration are those protected areas that are part of degraded land and that are no longer in use.

Article 247

Everything that comes from trees and bushes are considered to be forest products.

All that is found within the limits of a forest is under the judicial statute for forest products.

Article 248

Cleared lands are those areas where woody vegetation has been cut down, uprooted, felled or burned to set up agricultural production.

Title II - Organization of the Forests

Chapter 1 - Public and Private Forests

Article 249

The public forests are those that belong to the corporate body that represents the public right. These forests are either classified or protected.

Article 250

The classified forests are those that are the object of a decree of classification that puts them under a special regime for exploitation.

Article 251

The protected forests are those that are not the object of a decree for classification.

Article 252

The private forests are those in silvicultural areas which are the object of a 'titre de jouissance' (title for access) in the name of an individual or a corporate body representing the private right.

Chapter II - The Management of the Organization

Article 253

The zones that are under the jurisdiction of the forest Service and its foresters are determined by the national schemes and provincial organization of the territory.

Article 254

The marking of the boundaries for each zone is done with fire screens or by any other appropriate method.

Article 255

The public officials who are responsible for the forest areas can also include the following infrastructures: a forestry office, areas used for scientific or tourist objectives, animal pathways, recreational fields, etc....

Article 256 (There is no Article 256.)

Chapter III - The Procedure of Classification or Declassification of the Forests

Article 257

The classification or declassification of all or part of a forest must be the object of a dossier comprising of the following information and documents:

- a map of 1/50,000 or if this is not available
1/200,000 map, where the boundaries of the forest are
indicated
- a description of the geographic situation
- a description of natural and artificial limits
- the number of villages affected by the development,
with an indication of the nature of classification or
declassification along with all other useful
information.

Article 258

The dossier is under the examination of one or more of the provincial commissions in charge of territorial development, which is well informed of the technical, economical and social aspects, after acknowledgement of the area as classified or declassified, in collaboration with the concerned villages.

This examination of the dossier gives rise to the establishment of an official report and a preliminary plan for classification or declassification.

Article 259

The official report and the preliminary plan for classification or declassification are then given to the concerned villages who have 30 days to voice their opposition.

In the case of opposition, one or more of the provincial commissions will proceed to do a revision of the preliminary plan.

Article 260

Revised or not, the preliminary plan is then passed on to the minister responsible for the forests.

Article 261

The classification or declassification of a forest is decided by decree in consultation with the ministers on the proposal of the minister responsible for the forests after advising the national commission for the development of the territory.

Title III - Exploitation and Protection of Forests

Chapter I - Exploitation

Article 262

The commercial exploitation of the products of classified forests is under the authorization and control of the Forest Service and gives rise to the deliverance of a special permit.

The industrial exploitation of the forest is subject to a number of elaborate conditions by the minister responsible for the forests.

Article 263

All landowners with trees designated to be used for silvicultural production which covers an area equal to or more than two hectares is obligated to do a declaration with the Forest Service.

These private areas are subject to a regime of exploitation and of protection identical to that of classified areas.

Section I - Use Rights

Article 264

The rights of use apply to lands under cultivation, pastures for domestic animals, pathways to cross classified forests, and forest products.

Excluded from these use rights is the sport of hunting.

Article 265

The exercise of use rights is regulated as follows: The local populations continue to exercise use rights that are not known to give rise to any commercial transaction except in the case provided in Article 262.

Article 266

In the classified forests, the exercise of use rights is accorded by priority to the populations bordering the forests and who are dependent on the collection of felled dead wood, the harvest of fruits, and plants for food and medicines.

Article 267

The use of the forest for tourist or scientific objectives is authorized by the competent administrative authority after receiving advice from the technical service.

The carrying of firearms is subject to a preliminary authorization by the Forest Service.

Section II - Cutting of Firewood, Exploitation of Charcoal and their Transportation and Sale

Article 268

The monopoly over the cutting of firewood and the exploitation of charcoal for commercial ends is reserved for the services of public foresters. Firewood and charcoal can be the objects of concessions for profit by private individuals or private corporations.

Article 269

The cutting, transport and selling of firewood and charcoal is allowed to business people who conform to the dispositions of Article 262. These business people consist of debiteurs, wholesale-transporters, and retailers.

Article 270

Any individual or corporation (personne physique ou morale) who cuts or gathers wood or exploits charcoal in a concession zone and sells it to a wholesale-transporter is a debiteur.

Article 271

The wholesale-transporter is who buys the wood or charcoal from the debiteur and takes it to the stock area in the consumption areas.

Article 272

The retailer is who gets their supplies from the wholesale-transporter to resell to the consumers.

Article 273

The wholesale-transporters and the retailers must use the means agreed upon by the administration to transport the wood and charcoal to the exclusion of all other means.

Only the consumers can use any means at their disposition.

Article 274

The zones for cutting wood are limited to the means authorized by the Forest Services.

Article 275

The Forest Service defines the exploitable species and their method of exploitation.

They are likewise, the only ones competent to determine, authorize or approve the limiting of the zones for cutting wood or for the exploitation of charcoal.

Article 276

A united decision of the minister responsible for the forests and the minister in charge of commerce fixes the price for the sale of wood and charcoal.

Article 277

The concessions are set up in function of the needs of the consumer centers.

Article 278

The concessions are agreed upon by the general assembly of the area CDRs for the concerned locality.

Article 279

The transport of firewood and charcoal from one province to another is subject to a preliminary authorization from the Forest Service.

Article 280

A decision (decree) by the minister responsible for the forests fixes the periods for the cutting of wood.

Article 281

All infractions of the regulations for the cutting of wood and the exploitation of charcoal qualifies as a crime and is punishable by the law.

Chapter II - Protection

Section I - Clearing of Land

Article 282

Certain forest species benefit from special protection. The list is subject to a periodic revision and is determined by a decree by the minister responsible for the forests.

Article 283

The clearing of land is forbidden in the classified forests. However, the clearing of land for cultivation can be temporarily authorized for land designated to be reforested.

Article 284

The clearing of land in the protected forests must be done rationally under the control of the Forest Service.

Article 285

The cutting of branches, the mutilation of trees and bushes, and their damage in general, is forbidden except in the authorized cases by the Forest Service.

Article 286

All destruction or displacement of boundary markers for the forests, such as fencing, is forbidden.

Article 287

Without prejudice to confiscations, restitutions, repairation of the premises and the damages, any infraction of the forest regime is liable to imprisonment for six days to two years and/ or to a fine for ten thousand (10,000)francs CFA to one million, one hundred thousand (1,500,000)francs CFA.

Article 288

The commercial or industrial exploitation of private forests carries along the obligation for reconstitution by the people after cutting.

Section II - Bush Fires

Article 289

On any extent of territory, bush fires are strictly forbidden.

Article 290

Bush fires are those that destroy plant forms which are of their breadth and origin.

Article 291

Fires lighted for the occasion of 'debroussaillements' for land to be cultivated, and in cases for the development of pastoral zones, national parks and wildlife reserves, will be tolerated with reservations with respect to the cited conditions in the proceeding Articles 292 and 293.

Article 292

The areas to be set on fire must be limited by fire screens (fire fences) with a minimal span of 10 m.

Article 293

The setting of a fire can only be done on a day when the weather is calm and must be done under the control of the CDRs after authorization has been given by the Forest Service.

Article 294

Areas to be used in the making of charcoal (charbonieres) cannot be established in the forests that are under the authorization and control of the Forest Service. Their measurement must not exceed half a hectare (1/2 ha).

The charbonieres must be limited by fire fences with a minimal span of twenty (20) meters.

Article 295

The prevention and the active goal against bush fires is dependent on the organized village populations along with the CDRs and the forestry agents of the area.

Article 296

Infractions of the regulations concerning bush fires qualifies as a crime and is sanctioned by the law.

Article 297

Anyone who will have, by imprudence, negligence or non-observance of the rules, caused a bush fire, will be punished by the law.

If the person responsible is not identified, a collective fine is imposed on the concerned localities that are endorsed with the responsibility.

Article 298

Anyone who does not comply with one of the requisitions concerning the goal against bush fires, is considered an accomplice in the crime and is sanctioned as one.

Section III - The Divagation of Domesticated Animals

Article 299

Domesticated animals that are found in the forests that are not open for grazing and/or their displacement, are domesticated animals 'en divagation.'

Article 300

All domesticated animals 'en divagation' are seized and sold for profit for the state budget.

If it is impossible to catch the animal, the animal is shot and is given to the local administrative authorities. The meat which is to be consumed is first examined by the Livestock Service.

Article 301

The divagation of domesticated animals qualifies as a crime and is punishable by the law.

LITERATURE CITED

- Benneh, George. 1987. Land Tenure: Agroforestry use systems in Ghana. In: Land, Trees and Tenure. John B. Raintree (ed.). Madison: Land Tenure Center. pp 163-168.
- Bruce, John W. and Louise Fortmann. 1988. Why land tenure and tree tenure matter: some fuel for thought. In: Whose Trees? Louise Fortmann and John W. Bruce (eds.). Boulder: Westview Press. pp 1-10.
- Elbow, Kent and Alain Rochegude. 1990. A layperson's guide to the forest codes of Mali, Niger and Senegal. Land Tenure Center Paper No. 139. Madison: Land Tenure Center.
- Fortmann, Louise. 1988. The tree tenure factor in agroforestry with particular reference to Africa. In: Whose trees? Louise Fortmann and John W. Bruce (eds.). Boulder: Westview Press. pp 12-16.
- Lawry, Steven W. 1989. Tenure policy and natural resource management in Sahelian West Africa. Madison: Land Tenure Center.
- Thomson, James T. 1987. Land and tree tenure in three francophone Sahelian countries: Niger, Mali and Burkina Faso. In: Land, Trees and Tenure. Madison: Land Tenure Center. pp211-216.