



Mediation by a customary authority, His Majesty Ousmane-Amirou Dicko, Emir of Liptako

A practical case of conflict management to serve as a reference for peacemaking and effective mediation in the context of environmental governance in the Emirate of Liptako (Burkina Faso).

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Practice note

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Contents

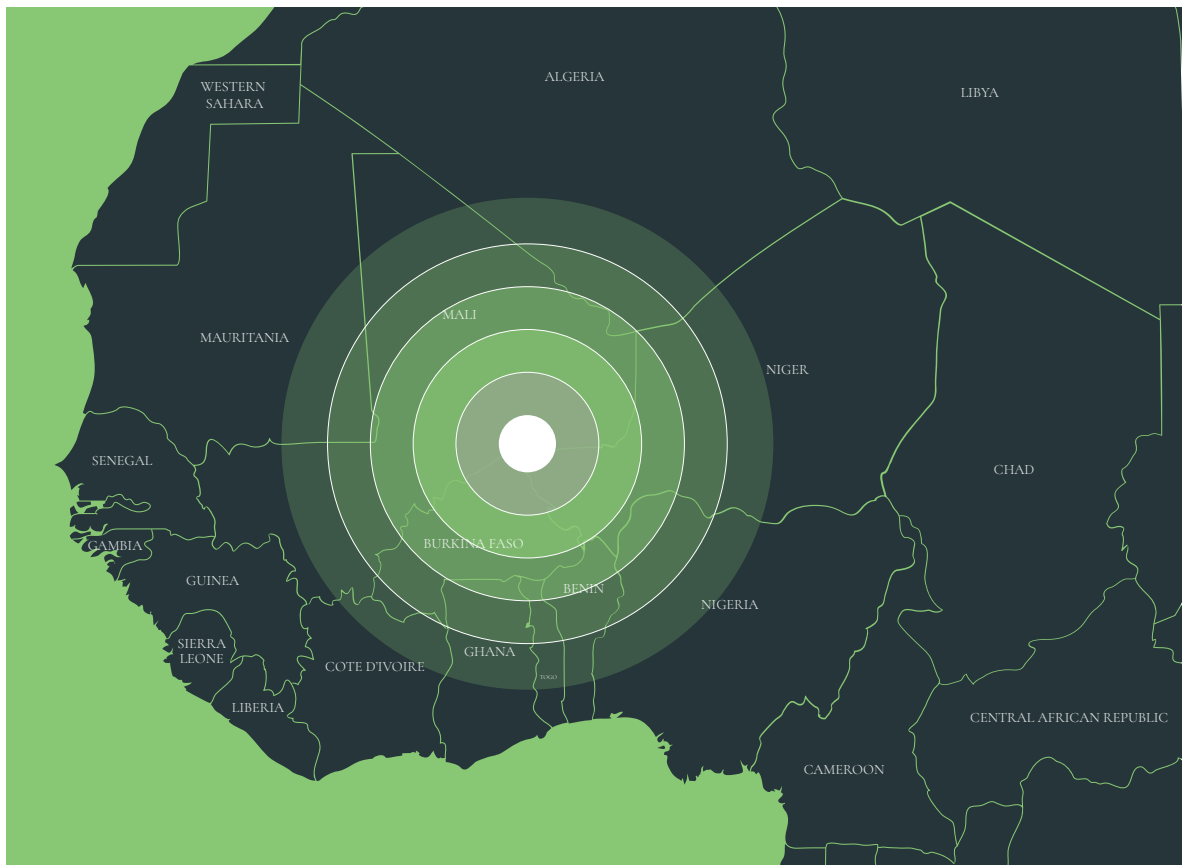
About the Liptako Gourma region	4
About the TWG-EIP project	5
About the Emir and the Emirate of Liptako	6
<hr/>	
1. Introduction: a complex crisis in the Emirate of Liptako	7
2. Background: two cases of disputed land	8
3. The customary approach	9
3.1 Environmental considerations	
3.2 The mediation process	
3.3 Results	
4. Lessons learned and reflections	11

About the Liptako Gourma region

The Liptako Gourma border region straddles Burkina Faso, Mali and Niger and spans an area of around 370,000 km². Nearly 80 per cent of the region's population lives in rural areas, and livestock farming is a key component of the area's rural economy, both in terms of economic weight and as a factor in structuring rural areas. What makes the Liptako Gourma region particularly interesting is the fact that it is made up of some of the most abandoned and deprived areas in the three countries, despite the area's agropastoral,

fishing, wildlife and mining potential.

This is due to a complex crisis that includes climate variability, fierce competition for scarce resources, poverty and demographic pressure, compounded by poor governance and political unrest. All of these factors contribute to increasing levels of violence which has since 2015, spread throughout the Liptako Gourma region.



About the TWG-EIP project

The stability and resilience of regions such as Liptako Gourma are seriously threatened by the combined effects of violence, poor governance and environmental vulnerabilities. Yet peace efforts rarely incorporate a deep understanding of the environmental factors that underpin conflict or peace. With the support of the Directorate of Defence of the Ministry of Foreign and European Affairs of the Grand Duchy of Luxembourg, the European Institute of Peace and TrustWorks Global have implemented the project “Tackling the Root Causes of Conflict: Environmental Peacemaking in Liptako Gourma”.

This project supports existing efforts to better manage and resolve conflicts in the Liptako Gourma region by applying an environmental approach to peace. Rather than setting up yet another peace initiative, it supports existing local, national, regional, and international mediation and stabilization actors, by contributing a particular angle of natural resource management that can enable peace processes to better address the root causes of conflict and deliver concrete peace dividends that promote the sustainability of agreements.

As part of the project, this practice note was prepared by His Majesty, Ousmane-Amirou Dicko, Emir of Liptako, with the support of the TWG-EIP project team: Arthur Boutellis, Oli Brown, Boubacar Ba, Albert Martinez and Amy Dallas. It is also informed by the workshop held in Niamey from 2 to 4 May 2023.



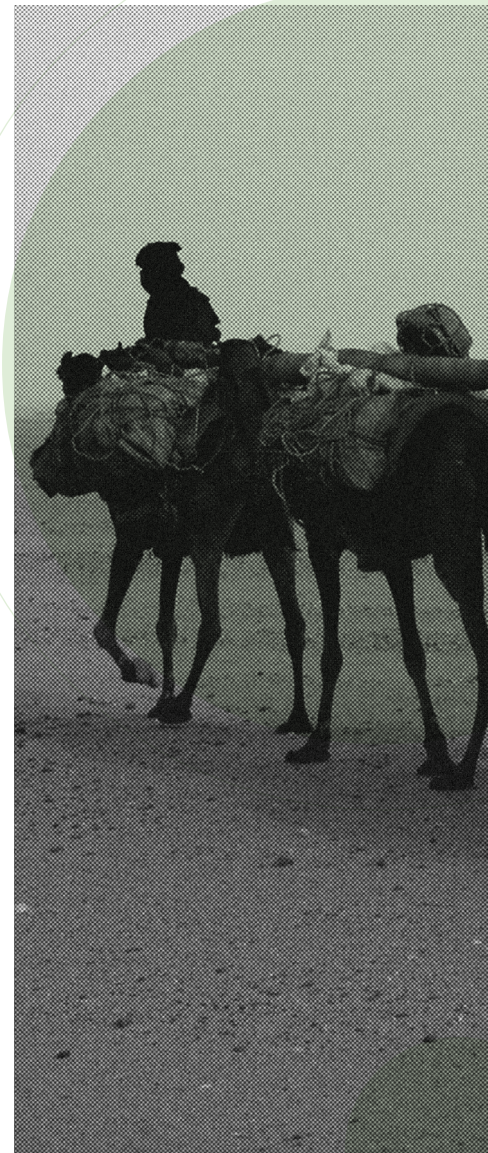
About the Emir and the Emirate of Liptako

The Emirate of Liptako is a territory founded in 1809-1810 by the Peul Férobès who had come from the Peul empire of Macina in 1709, a century before the creation of the Emirate. This area is located in what is now Burkina Faso.

Previously, the territory extended from central Mali to the north of Burkina Faso and as far as the Liptako in Niger. However, since the demarcation of borders, the Emirate now covers the province of Séno (Sahel region), the capital of which is Dori. It covers an area of 13,473 km². The population is predominantly made up of Peuls from the Macina who settled in the region around the 17th century, Sonrhäi, Touaregs, Gourmantchés, Mossis, Bissa, Foulés, Haoussa, Yoruba, Dogons and Kurumbas. Such a diverse population reinforces the need for a cross-border approach in the Liptako Gourma region.

The Emir is the supreme customary authority of the Kingdom of Liptako and one of the seven superior kings of Burkina Faso. The Emir, the guarantor of tradition and bearer of ancestral values, uses awareness, suggestion, warning, encouragement, and education to:

- contribute to strengthening peacemaking and conflict prevention and management
- ensure the preservation of cultural heritage
- safeguard social harmony and cohesion
- promote good citizenship
- help mobilise the population for development activities
- initiate mediation initiatives to prevent and manage crises and conflicts
- issue advice on issues of national interest
- reconcile parties in civil and land disputes
- raise awareness among the population of the need to cooperate with the defence and security forces so as to improve cohabitation.



1. Introduction: a complex crisis in the Emirate of Liptako

The Emirate of Liptako, like the other regions of the Sahel, is undergoing a complex crisis involving growing competition for resources, climate change, rapid population growth, extreme poverty, lack of economic opportunities, disillusionment, community tensions, a lack of state presence and basic social services, and violence caused by organised crime networks and non-state armed groups.

Although the region is generally subject to high climate vulnerability, the results of which, such as rainfall irregularity and food insecurity, have a major impact on people's livelihoods, the international discourse on climate change focuses on greenhouse gas mitigation and its impact on melting glaciers and sea levels. In the Liptako Gourma area of the Sahel, two critical climate change phenomena are being witnessed:

1. Slow-onset cycles every nine to twelve years that have a certain degree of impact on the livelihoods of communities of the Sahel. Over the years, communities have learned and developed methods of adaptation and resilience, to cyclical droughts, for instance.
2. Sudden-onset phenomena that occur more rapidly, for a shorter period of time and on a greater scale. For instance, droughts that last an entire year, during which there are no harvests, followed by storms or floods.

These phenomena compromise traditional resilience systems in two main ways:

- **The weak and fragile states, institutions, and systems of government in Liptako Gourma are ill-adapted to mitigate security risks resulting from the impacts of climate change**, which is likely to have consequences for human health, water resources, biodiversity, economy, and governance. In the face of this threat, failing to adapt and build resilience to the effects of climate change on resources essential to communities' livelihoods, such as water and land, will have a significant impact on their immediate and long-term security.
- **The continuing security crisis has led to massive population displacement** which is adding significant pressure to an already unfavourable security situation, which continues to deteriorate at an alarming rate, marked by the rise of banditry, land disputes, and the establishment of community-based self-defence groups. As a result, the region has seen increased violence over the last ten years, with thousands of victims and internally displaced people.

These phenomena are concerning due to the general prioritisation of developing state and government capacity rather than bolstering the resilience of communities and the general population to the risks of climate change. Due to changing demographics and traditional security systems that have been developed and abused over the centuries, communities are more vulnerable than ever to episodes of violence which in turn, undermines community cohesion. Instead, people have often turned to religious solidarity, which may lead to the conflicts that occur today.



2.

Background: two cases of disputed land

This practice note looks at the mediation methods used by the Emir in two disputed land cases, the first in the village of Kampiti and a second in the village of Katchari, and the environmental considerations that had to be taken into account in order to reach a fair and sustainable agreement. The two villages are located less than ten km to the east and west of Dori, capital of the Séno province in the Sahel region of Liptako.

The first case involved the purchase of a villager's field by a religious denomination. According to the complainant, leaders of a religious community had come to offer to buy a plot of land located outside a property to the east of the commune of Dori, for the sum of 1,750,000 CFA francs (equivalent to 2,630 euros). Finding himself in acute financial need, the villager signed a deed of sale.

As the rainy season approached, he went to a part of the field to prepare it for sowing during the rainy season. A few days later, the new owner of the field came to stop him. The Emir then intervened in the dispute to find an arrangement and a consensual solution between the conflicting parties. According to the account of a village witness in the area, a part of the field that was sold had been kept for cultivation purposes. The only document certifying the sale was partially torn, but it

contained all the important details: the name of the seller, the total of the sale, the location of the land, the name of the religious denomination and the signature of the religious leader. The sale caused an uproar, with the deed of sale being called into question, having not been consulted with the customary chieftaincy. Hence, the Emir's intervention to find a solution in his role as the customary and traditional authority of the Liptako region.

The second case involved a request for a seven-hectare plot of land, granted to a Protestant religious denomination to the west of the same commune. The request was made to the village of Kampiti, found in the locality. As the procedure could not take place without the consent of the Emir of Liptako, the religious denomination pleaded its case to him. In this case, the Emir intervened as a customary authority to re-establish the truth of the facts and find a consensual solution to the method of granting and concessioning the area and the subsequent disputes that had arisen.

Given the similarities between the two cases, the Emir adjourned two debates the following week in order to investigate and settle the disputes, while avoiding aggravating existing social tensions and adding pressure on the already vulnerable economies of the villagers. His role as customary chief proved decisive in restoring the rights of the warring parties in the area.

3.

The customary approach

3.1 Environmental considerations

Several environmental factors need to be considered in the customary practice.

1. The vast majority of the Emirate's communities depend on agriculture and livestock farming for their livelihoods, making them susceptible to changes in the availability and quality of the environment and its natural resources.
2. Water and vegetation resources are becoming increasingly scarce, and conflicts often arise between communities involved in managing, using and exploiting natural resources. This is due to staggering population growth and increased pressure on land.
3. Environmental transitions that have occurred because of climate change are neither properly considered nor regulated by local communities.

These points are important in order to peacefully manage natural resources; using traditional methods of sustainable exploitation of natural resources that consider the reduction of available and productive land for local communities.

For example, once a village has become demographically overcrowded, or when the agricultural and pastoral areas are no longer viable, it becomes necessary to think about moving to where resources are available. Sometimes, village leaders (village chief, imam, blacksmith, dignitaries) organise displacements of up to 50 km to reach a viable location. Similarly, if water is the main driver of displacement, following a drought or a flood, villagers may move to a lowland where water is available.

In these contexts of displacement, the entire production system as well as intercommunity relations between farmers and herders must be rebuilt. It is important to note that communities only fall back on their religious identities as a last resort when basic community

structures are compromised or have disappeared. Unfortunately, this is a worrying reality in the Sahel.

3.2 The mediation process

The owner of the field to the east of Dori, the religious representatives who had obtained the land from the villager (first case) and those who wanted to acquire the seven-hectare field (second case), the chief and imam of the village Kampiti, whose field fell under his jurisdiction, and the chief and imam of the village Katchari were all received by the Emir as the moral and customary authority of the Liptako region.

The first to speak, the villager claimed that he had sold part of his field, not all of it, equal to two hectares. In contrast, the cleric claimed that the aforementioned paper gave him the right to the whole field and that there was no mention of the part excluded from the sale.

When the facts were analysed, it turned out that the villager's parents and grandparents had farmed the field, and it was on the basis of this title that he put it up for sale, considering himself the legal owner of the field. A previous Emir had granted them the field, which was the practice at the time; land was loaned to each villager, up to two or three fields in different areas, which he could exploit according to the impacts of climate change and environmental variability.

The sale of the land was neither endorsed by the village chief, who had to obtain the Emir's authorisation, nor deliberated by the Village Land Commission, governed by Law No. 034-2009/AN on rural land tenure¹, adopted in Burkina Faso by the National Assembly on 16 June 2009. This Land Commission, chaired by the customary authorities, is responsible for land management and, in principle, must issue a conciliation opinion for any land transaction in a rural area.

¹ <https://faolex.fao.org/docs/pdf/bkf95496.pdf>

With regards to the dispute, the representatives of the religious community who wanted to acquire the land should have followed the appropriate procedures to check whether the villager was the legal owner of the land but should also have respected the traditional practices of the Emirate. In this case, the Emir declared that it was fair for the villager to keep part of the land arable.

According to the Protestant denomination, the request for the seven hectares at Katchari was intended to provide an area for future expansion. As well as a place of worship, it would include accommodation and teaching facilities. Although their aspirations were well-intentioned, the current situation in the Liptako Emirate must be taken into account. The conflict in the Liptako Gourma region is taking place in a rural context; at root, it is a conflict linked to competition for natural resources, in particular land and water.

Due to demographic pressure, climate change and environmental variability, sedentary populations tend to move towards pastoral areas (Peuls and Touaregs). However, this demographic growth is putting increased pressure on communities that have already suffered repeated shocks and are forced to share water resources, grazing land, and limited health services. These communities are always on the lookout for areas where water and land are available, and taking several hectares could hamper the villagers' coping mechanisms.

A period of deliberation followed during which the Emir took part in private meetings with each party to the conflicts to explore the potential long-term effects of his decision. This interval also served to reduce tensions. Once the Emir was satisfied that his verdict respected the interests of the whole community and would be acceptable to the belligerents, it was time to meet with the parties to make his final decision. The role of the Emir was decisive in the customary and traditional management of this crisis at a local level and in preventing it from leading to a complex land and religious dispute in the village.

3.3 Results

In the first case, the Emir recognised that the two parties involved had been imprudent and had acted in their own interests: on one hand, financial gain, on the other, the acquisition of land. The important thing, however, was that the Emir decided that the villager could continue to farm the land to provide for his family, at least until the religious denomination could set up its infrastructure. In the meantime, the religious denomination was reassured that someone was looking after its land and making good use of it until a definitive solution could be found.

In the second case, the Emir granted three hectares of land instead of seven. In the name of religious freedom and tolerance, he decided that the religious representatives had the right to practise and teach without constraint in these three hectares, leaving the remaining four-hectare area between the village and the religious denomination for the use of the villagers. This meant that the community could continue farming the field for a few more seasons and provide the other village with an area for grazing or farming if needed.

Above all, this decision prevented conflicts between religions, given that the applicants for the land to build infrastructure for their religious purposes were Protestants. Granting the seven hectares to another religion, in an area that is primarily Muslim, could lead to resentment in the medium term and an inter-religious conflict in the long term.

4.

Lessons learned and reflections

From the point of view of traditional authorities, when a dispute arises in a community, it is first necessary to understand it and then work to resolve it at a local level, understanding its present and future implications, before it escalates into intra- or inter-community conflict; these could potentially be exploited by other parties.

For a customary authority, dialogue, mediation and negotiation for the prevention and resolution of conflicts rely significantly on the ability to spot the signs of disputes that could potentially threaten societal models. In his capacity as supreme customary authority of the Kingdom of Liptako, the Emir can be confronted with very complex situations, the roots of which are linked to basic priorities such as access to land and water, food, education, and health.

The main challenge for customary authorities is to identify the situations in which the needs of the greatest number of people will be met. Unlike other actors who can rely on the support of professional tools that produce tangible data, customary authorities have a moral responsibility for the communities and must have a clearer idea of how to carry out practices based on the needs and priorities of all sectors of the population. It is therefore a question of having and providing a practical insight into conflict resolution and endogenous environmental governance affecting the Liptako Gourma.

This dual crisis – the effects of climate change on the one hand and insecurity due to armed conflict on the other – highlights the vital role of community leaders. The role of communities is to implement non-military responses to security crises such as terrorism, rebellion, and armed conflicts. A comprehensive approach to the various crises facing the Sahel is absolutely essential, combining community, environmental and innovative approaches with military, political and economic input where necessary.

To ensure long-term stability and peace in the Liptako Gourma region, peacemaking approaches must address the root of conflicts. This means working to address injustice, marginalisation, and exclusion. Customary authorities should try to win the hearts and minds of marginalised populations, so that stakeholders can establish effective dialogue and communities can express their needs. For example, in the context of rural conflicts, such dialogue could lead to “peace zones”, bringing communities together in one area where there is water, a grain bank, a livestock feed bank, a health care centre, a school and an administration that can issue identity papers.

Bearing in mind the importance of developing actions at the community level, customary authorities are needed to build a response based on inclusion and family and community units that can ensure both the survival of the people and the sustainability of peace initiatives. Additionally, within these family and community units, women are particularly important, because they are the guarantors of food stocks, the basis of family planning and the agricultural economy, and they are involved in resolving inter-community conflicts.

Community leaders must also support the State, the Government, and the Army in their dialogue with populations affected by terrorism, by creating and supporting projects that meet the needs of communities and that can help to identify and address the root causes of conflict.



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