

# Forest user conflict management in The Gambia

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## SUMMARY

Sonko and Beck examine conflicts arising as The Gambia promotes the decentralization of forestry management. Opportunities exist for communities to obtain control over forests located on their customary lands. Widening the scope of local participation has generated increased conflicts, however, as different stakeholders try to secure their interests in specific forest resources. This case study looks at the role of local authorities, including the Peace Committees convened by local chiefs, in trying to negotiate and adjudicate two conflicts involving three adjacent villages. The authors reveal the difficulties and disagreements that can arise in trying to address conflicts in a participatory manner.

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## GUIDING QUESTIONS

### KEY ISSUES

- How has the introduction of community forestry affected the incidence of natural resource conflicts?
- What role can local institutions play in natural resource conflict management?

### CONTEXT

- How do the socio-economic characteristics of the communities affect local natural resource conflicts?
- How have changes in land use affected local claims to forest resources?
- Who are the stakeholders in the conflict?

### CONFLICT BACKGROUND OR HISTORY

- What historical trends exist in the local natural resource conflicts involving Niji, Omortoh and Sohm?
- How does historical analysis help us understand and manage contemporary conflicts?

### CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

- What indigenous conflict management mechanisms exist?
- How did the Peace Committee attempt to resolve the conflicts?
- What role did the Divisional Commissioner play in conflict management?

### CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

- Why was there no single outcome to the conflict resolution attempts?
- How do local stakeholders feel about the effectiveness of the conflict management measures?

### LESSONS LEARNED

- Have the conflicts been resolved or managed?
- What has been most effective – mediation, arbitration or adjudication?
- What risks are involved in seeking to resolve conflicts?

## KEY ISSUES

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This case study offers a critical account of conflict resolution mechanisms used in and between rural communities in the context of sustainable natural resource management principles. In the study, the different values that stakeholders attach to the control of natural resources can be seen clearly. The purpose of the study is to reveal mechanisms of conflict management and how they attempt to resolve conflicts that are related to:

- ◆ competing land uses;
- ◆ traditional and codified ownership rights;
- ◆ access to wood and non-wood forest resources;
- ◆ regulation of the exploitation of forest resources;
- ◆ equity of access to forest resources between concerned stakeholders.

In a subsistence economy of the kind that is prevalent in rural Gambia, the livelihoods of rural communities depend largely on land for agricultural production and the utilization of forest resources. With the ever-increasing pressure on scarce agricultural and forest lands, conflicts over this resource base become more and more common.

Before the introduction of community forestry in The Gambia in 1990, local communities had very little influence on the management of the country's forest resources. Forests were government owned, and managerial costs were largely borne by the national government, while the Department of Forestry decided and implemented forest management activities in a centralized manner. With the introduction of the community forestry concept, participating communities can now have access to, and control over, forests located within their traditional lands.

In the process of transferring ownership of forest lands, conflicts can spring up between communities and between different forest user groups as the various stakeholders try to secure their interests. Conflicts can be an indication of the degree of pressure on the forest resource as well as of underlying local socio-economic tensions. When participation in collective decisions about land use is broadened, conflicts are likely to increase as the concerned individuals and communities set out their different objectives and negotiate to achieve them. Through conflicts, communities or individuals implicitly seek recognition of their rights to participate in the utilization of the common resource base.

In this case study, the various efforts of local institutions involved in inter-community conflict management and resolution as a participatory process are outlined. The case highlights some innovative approaches to local resource conflict management, which are nevertheless based on traditional institutions and

authorities. The factors that contributed to the futility of all efforts at conflict resolution will be examined.

The case is relevant to the wider context of community-based natural resource conflict management for several reasons:

- ◆ Conflicts can be a result of inadequate policy instruments that cannot address a conflict-prone situation effectively. This study therefore offers an opportunity to identify the shortcomings of institutional and policy frameworks.
- ◆ The attempts of various institutions to resolve the dispute reflect the competition between traditional and modern authorities at the local level, impeding effective conflict resolution processes.
- ◆ The case draws attention to the level of experience needed by extension staff for managing conflict situations in the field.

## CONTEXT

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The study centres around two interrelated conflicts involving the villages of Niji, Omortoh and Sohm in the Kombo East District in Western Division of The Gambia (see the Table on p. 146 and the Map on p. 162).

Kombo East District is relatively well endowed with forest resources, but is at the same time prone to deforestation. This is because of the closeness of markets for horticultural and forest products, especially vegetables, fuelwood and timber. Illegal timber harvesting – e.g. to produce charcoal and fuelwood – is increasing, driven by the heavy demand for wood and wood-related products for energy and building materials in the nearby urban areas. The profits for those who engage in such activities are increasingly attractive and can be greater than the costs associated with prosecution by the Forestry Department for illegal production and trade.

One important factor has an indirect effect on the conflicts: the land-use pattern in the area is changing fast as many large commercial and export-oriented enterprises buy huge expanses of land for agricultural purposes, mainly for vegetable and fruit production. These enterprises provide employment for a sizeable part of the local population. They have gained momentum because of the economic policy of the government, which is geared towards diversifying the agricultural sector of the economy.

Kombo East District lies between the urban centres and rural “up-country” areas. To the west, it borders the country’s urban and peri-urban economic hub, which stretches from Brikama to the capital, Banjul. This region, which accounts for 5 percent of the area of The Gambia, is home to around 50 percent of its population.

Over the ten-year period from 1983 to 1993, the number of people living there was found to have grown by almost 80 percent to more than 500 000, as a result of rural-urban migration (The Gambia Social Studies Atlas, 1995: pp. 6, 18).

Omortoh, Niji and Sohm are situated about 15 km east of Brikama. This proximity has resulted in high land prices in the area, creating the impetus for individual ownership of land. Illicitly acquired forest products are easily smuggled into the insatiable markets of the nearby urban area of Kombo St Mary and Banjul.

In the study area, the potential for conflict created by growing pressure on the land is aggravated by the fact that landownership patterns are complex and are related to overlapping and at times contradictory legitimacies. Collective land ownership based on historical rights of local communities competes with private property and state law, which governs state-owned lands such as forests. While traditional ownership is officially recognized by the state, in cases of conflict the local administration can make decisions that do not uphold customary land-use patterns. Customary user rights can themselves be the subject of dispute between local communities or the local authorities representing them. They depend heavily on the interpretation of local - orally transmitted - history by traditional authorities, village elders or members of founding families (those who first settled a particular area).

As long as enough land is available for settlement and farming purposes, these different property regimes can coexist. When there are conflicts of interest over land use, however, it is not only different interest groups that clash, but also different ways of legitimizing access to, and use of, land. This can further complicate conflict resolution processes.

In the area in question, private landownership had an economic impact when a commercial farmer acquired land near Omortoh and Sohm to establish orchards for commercial fruit and vegetable production, which were later expanded to more than 600 ha. Some families in Sohm gained from the sale of their traditional farmlands and employment opportunities were created, providing income for more than 50 families in the locality.

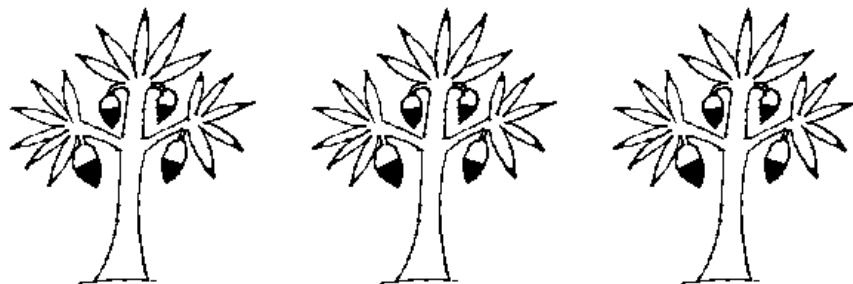


TABLE	BASIC SOCIO-ECONOMIC DATA ON THE THREE VILLAGES IN THE STUDY		
	Omortoh	Niji	Sohm
<b>Predominant ethnic group</b>	Jola Fula	Jola Mandinka	Fula, Jola, Mandinka
<b>Religious affiliation</b>	Muslim	Muslim	Muslim: 99% Christian: 1%
<b>Inhabitants</b>	500	250	1 200
<b>Workforce (population 15 to 60 years old)</b>	200	90	440
<b>Number of cattle</b>	60	480	350

*Source:* village files, calculations, extension workers. *Note:* figures are rounded.

Omortoh, Niji and Sohm participate in the Gambian Forestry Department's community forestry programme, which was drawn up and has been continuously refined in collaboration with the Gambian-German Forestry Project (GGFP). The community forestry programme started with three communities in 1990, and by December 2000 the number of community forests established in all five divisions of The Gambia (Western, North Bank, Lower River, Central River and Upper River Division) (see the Map on p. 162) had increased to 233, covering an area of more than 23 000 ha.

Under this programme, local communities are assigned exclusive forest ownership rights over a certain forest area when their traditional ownership of the local state forests is formalized after a three-year probation period. During this initial period, the rights and responsibilities of the community are set out in the Preliminary Community Forest Management Agreement (PCFMA) with the Forestry Department. At the end of this period the forest is officially demarcated and permanently gazetted as the community's property, under a Community Forest Management Agreement (CFMA).

Important conditions are that the concerned villages and individuals state that no competing claims are held with regard to the area ("Village Resolution") and that the community proves its ability to manage the community forest in a sustainable manner and according to the regulations set out in the Forest Act. The institutional body responsible at the village level is the community's Forest Committee,

which is formed by representatives of the village population and fulfils the functions outlined in the Forestry Department's *Community forestry implementation guidelines* (Forestry Department, 1998).

In the case described, the fact that the written consent of the neighbouring villages (Statement of Neighbouring Village Heads) was not a formal requirement when community forestry was first being implemented in the area turned out to be particularly problematic. However, after various cases similar to the one described here, the Statement of Neighbouring Village Heads has become a legal prerequisite for acquiring a PCFMA.

The interested parties in the conflict were:

- ◆ the Community Forestry Unit of the Forestry Department, with two collaborators: GGFP on policy development and community forestry implementation, and The Gambia-based National Consultancy on Forestry Extension and Training (NACO) for extension work;
- ◆ the representatives of local government, i.e. the Divisional Commissioner, the District Chief and the village heads (*Alkalos*);
- ◆ forest user groups such as livestock owners and herders, fuelwood vendors and fruit collectors.

## **CONFLICT BACKGROUND OR HISTORY**

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Sensitization activities for community forestry in the area began at the end of 1995. The Forestry Department's activities with the communities came to a temporary halt in 1998, when Niji's conflict with the neighbouring villages of Omortoh and Sohmi surfaced (see Overview of events compiled from forestry on p. 160).

### **The conflict between Niji and Omortoh**

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Niji's conflict with Omortoh gathered momentum in February 1998 after villagers from Omortoh had illegally harvested timber for commercial purposes from Gifinding (Niji's community forest). Niji villagers reported the matter to Kafuta Forest Station, which confiscated the logs, to the annoyance of the inhabitants of Omortoh. They were angry that Niji had reported them for collecting timber from a forest that they traditionally regarded as theirs. To the annoyance of the inhabitants of Niji, however, the Forestry Department handed back the seized logs to Omortoh inhabitants without taking any legal proceedings against the offenders.

Subsequently, Omortoh used the timber in the construction of its village mosque. The people of Niji regarded the decision to use the timber for this purpose as a way of ensuring they were not asked to return it, and felt humiliated by the Forestry Department's failure to act against their law-breaking neighbours.

A few months later, the conflict intensified. This time, Niji's Forest Committee seized fuelwood that women from Omortoh had collected in Gifinding. Encouraged by the women of Omortoh, the men of that village decided to take up arms and attack Niji. Violent conflict was only avoided by the intervention of some Omortoh elders.

The inhabitants of Omortoh, having twice been intercepted by Niji community members in a forest they regarded as their own, now demanded that Niji move their community forest (Gifinding) to another site. In short, the Omortoh community was attempting to demonstrate the power of traditional ownership, saying: "We gave you the land; now you must quit the forest." However, this proposition was not acceptable to the people of Niji.

### **The conflict between Niji and Sohm**

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The conflict between the villages of Niji and Sohm stems from the fact that the Sohm community had to approach that of Niji to sign the Statement of Neighbouring Village Heads when it became necessary to obtain such a document before a community forest could be established. In a village meeting, however, the people of Niji decided not to sign such a statement. Their argument was that the proposed area for Kagitach (Sohm's community forest) encroached too far on Niji's land, limiting the future development of Niji's settlement and the projected expansion of Gifinding. Furthermore, Niji's cattle owners contended that traditional cattle tracks were blocked by the seedlings that Sohm's Forest Committee had planted as a green firebelt around Kagitach. Consequently, the Niji community insisted that Sohm shift the boundary of its community forest away from Niji before it would give its written consent in the Statement of Neighbouring Village Heads.

Here also the conflict reached a point where some Niji villagers took guns, axes and other weapons to attack Sohm villagers in the disputed forest area, but they were held back by fellow community members.





## **CONFLICT MANAGEMENT AND RESOLUTION PROCESSES**

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### **Indigenous conflict resolution mechanisms**

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The first attempt to settle the conflict between Omortoh and Niji was made by an elder of one of the founding families of Omortoh, who was still residing in his village of origin in nearby Casamance. His historical knowledge of local settlement patterns and his authority as a family elder allowed him to give a judgement in the dispute. Travelling to Omortoh on his own initiative, he instructed the community to abandon the dispute and accept Niji's community forest where it was. However, the villagers of Omortoh did not comply with his instruction and his advice was not subsequently called for during the course of the conflict.

Another important traditional authority in relation to the conflict was the head of Faraba Soto, the oldest community in the area. Omortoh, Niji and Sohm, as more recently established communities, had all been granted permission to settle by the *Alkalo* of Faraba Soto. The *Alkalo's* historical knowledge of land allocation among the three communities gave him the authority to arbitrate on traditional boundaries between the villages. However, he was not consulted by any of the communities, nor by the local authorities, although the question of traditional boundaries gained some importance over the course of the conflict.

### **Conflict resolution mechanisms at the district level**

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To try to settle the conflict between Omortoh and Niji, the elders of Omortoh suggested reporting the dispute to the Chief of Kombo East District for arbitration.

Once the conflict was reported, the Chief was under pressure to resolve it. If he did not, his authority could be undermined, since any member of the communities involved could have referred the dispute to the next level up in the administration, the Divisional Commissioner. The conflict management procedure regarding community forestry issues is set out in the Forest Act of 1998.<sup>1</sup>

The Chief called a meeting at the district level involving *Alkalos* of the villages concerned and the Divisional Forestry Officer (DFO) of the Forestry Department.

1. Article 84, Section 1 of the Forest Act 1998 reads: "Any dispute arising between two or more communities about the management of a community forest shall be arbitrated by the District Chief if all communities belong to the same District or by the Commissioner if the communities belong to different Districts or by the Secretary of State for Local Government if the villages belong to different Divisions and the decision of such arbitration shall be forwarded to the Director."

The meeting served as a forum for all the concerned parties to state their points of view and to clarify their positions.

The DFO of Western Division observed that it was sometimes the signing of the Statement of Neighbouring Village Heads that was regarded as problematic by the communities involved, although in principle the community forest in question was not disputed. He reminded the Chief of his responsibility to take action regarding these disputes, especially by making use of his Peace Committee, which was formed to resolve such problems.

Concluding the meeting, the Chief proposed the following settlement:

- ◆ The forest products confiscated by Niji should be returned to Omortoh.
- ◆ The Statement of Neighbouring Village Heads for Kagitach should be signed by Niji.

After intense pressure from the District Chief, Niji gave way and agreed to sign the Statement of Neighbouring Village Heads for Sohm. The deputy *Alkalo* of Niji declared that he was willing to sign the statement on condition that the Peace Committee (see following section) make an on-site inspection of Kagitach to demarcate the border between Niji and Sohm.

### **Conflict resolution attempts of the Peace Committee**

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The Peace Committee was charged with adjudicating on conflicts ranging from family quarrels to land disputes in the district. Land-related conflicts similar to the one described here had been one of the main motives for its foundation in 1997. In fact, disagreements arising from the implementation of community forestry formed the majority of cases administered by the committee. In these cases, the Forestry Department funds the Peace Committee meetings by supplying food and transport facilities.

The Chief has given the committee authority, not only to investigate conflicts, listen to the parties involved and suggest solutions, but also to come up with judgments that are to be regarded as binding. However, the institution of the Peace Committee has no legal basis in the codified public law of The Gambia.

To form the Peace Committee, the Chief had called upon the *Alkalos* of the district to select who among them should sit on this committee. It was composed of seven *Alkalos* and was chaired by the oldest and most experienced of them.

Out of the three villages involved in the conflicts, only Niji was formally represented by its *Alkalo* on the Peace Committee. Because of the age of this village head, his youngest son usually deputized for him at meetings concerning village affairs.

The Peace Committee held two meetings on the conflicts. Six representatives of the three villages concerned were present and the deliberations of the committee members were open.

No conclusion was reached at the first meeting, which ended prematurely. No date was set for a subsequent meeting, as the representatives of each party angrily left the venue.

The second Peace Committee meeting took place one week after the district meeting, which had been held under the Chief's auspices.

After the adjudication of the Chief, it was left to the Peace Committee to find a solution regarding:

- ◆ Omortoh's request that Niji move its community forest (Gifinding) to another site;
- ◆ Niji's request that Sohm shift the boundary of its community forest (Kagitach) away from Niji's settlement.

The second meeting of the Peace Committee was severely burdened with the expectations of the different stakeholders. Before the Peace Committee went to the meeting site, the Chief strongly advised it to find a settlement and proposed the solution that all the disputed community forests should be allowed to remain on their present sites.

The Deputy *Alkalo* of Niji had made clear what he expected of the Peace Committee in the divisional meeting: he was only willing to sign the Statement of Neighbouring Village Heads if the Peace Committee made an on-site inspection of Kagitach. His position was that a just solution could only be found after the Peace Committee had defined the border between Niji and Sohm and indicated Niji's rightful share of the forest area.

Technically, he could – as his father's deputy – take his place as a Peace Committee member, but since the community of Niji was a party to the conflict, he was now to represent Niji.

On the meeting day, four representatives of each of the three villages were requested to take part in the Peace Committee sitting, to be held in Kailanjang, Omortoh's community forest, which was not involved in the trilateral dispute. A large number of villagers from Niji and Sohm attempted to gather at the meeting place and had to be ordered to leave by the committee members. Village elders and the members of the Forest Committee representing the communities were allowed to remain.

The verdict of the Peace Committee was anxiously awaited, especially by the villagers of Niji. During their deliberations, the committee members noticed that the Niji representatives had hidden guns in the sand at the site of the meeting.

Obviously, they would be ready to use them if they disagreed with the judgement of the committee.<sup>2</sup> However, the meeting continued undisturbed, without any violence.

The *Alkalo* of Omortoh said that his community thought that Gifinding should be moved, and he proposed a new site. The Omortoh community envisaged that in future Niji would be left to continue its community forestry activities and that Omortoh would cooperate when it came to signing the Statement of Neighbouring Village Heads.

However, Niji's reaction to this proposition was negative. Its Deputy *Alkalo* asserted that Omortoh would eventually claim any site used by Niji. He reasoned that Omortoh had been invited to the initial demarcation of Gifinding, but had declined to participate, telling Niji villagers to "select any site you want".

Regarding the site of Sohm's community forest, Niji's *Alkalo* demanded that Kagitach be "pushed backwards" because it overlapped Niji's village boundary. He declared that the conditional signing of the Statement of Neighbouring Village Heads in front of the Chief had been involuntary. The Peace Committee did not react to this statement. It also declined to comply with Niji's request "to show us our share of the forest area", maintaining that it was not part of its mandate to define boundaries.

As a settlement, the committee members proposed that Gifinding as well as Kagitach should stay on their present sites. Although Niji's demands concerning its own community forest had now been met, Niji's representatives were not ready to accept this outcome because it left Kagitach on the same disputed site. Niji accused the Peace Committee of favouring Sohm. Its representatives repeated their objection that Sohm's community forest encroached too much on their village, leaving them with too little room for village development.

They demanded that the adjudication efforts be turned over to the Chief, "to apply a different strategy".<sup>3</sup>

This uncompromising reaction by Niji's representatives caused Omortoh to withdraw its consent to the Peace Committee proposition to leave Gifinding where it was. Seeing Niji's inflexible stance on Sohm's community forest, Omortoh representatives now demanded that Niji's community forest be moved farther away from their community. They argued that part of Gifinding was a sacred forest for their community since it was used for female circumcision ceremonies.

However, the *Alkalo* of Niji insisted that Niji community members had the same right as those of Omortoh to use Gifinding because they had been allowed to set-

2. Interview with Peace Committee President, 24 February 2001.

3. All quotations from minutes in Kagitach CF file, Kafuta AC.

tle there by the community of Faraba Soto. He insisted that the forest area had not been settled by the later settlers of Sohm or Omortoh. This gave Niji inhabitants an equal right to that of their neighbours to claim the area.

Furthermore, Niji claimed to have put much effort into the development of its present community forest, establishing a firebelt several hundred metres long. In addition, the alternative site was said to be in a poorer forest area and farther away from Niji. A compromise solution proved impossible because the entire community of Niji was unwilling to agree to an on-site visit of the alternative community forest area proposed by Omortoh.

### **Conflict resolution mechanisms at the divisional level**

After the Chief and the Peace Committee had failed to propose a settlement acceptable to all parties, the Divisional Commissioner became involved in the conflict resolution process. In March 2000, more than one year after the final Peace Committee session, the Chief made another attempt to settle the matter by calling a conflict resolution meeting with the Commissioner and his assistant, *Alkalos* and elders. The Forestry Department was also represented, by the Head of the Community Forestry Unit.

Again, the representatives of the different communities stated their positions:

- ◆ Niji's representative made it clear that the Peace Committee's proposal to leave each community forest where it was was unacceptable. Niji could not agree to the present boundaries of Kagitach.
- ◆ Sohm's position was that moving the boundary of its community forest back would entail foregoing its adjacent rice fields, which were situated between Kagitach and Niji.
- ◆ Omortoh's representatives insisted that Niji must give back the site of Gifinding, because Omortoh regarded it as its own property.

Once all the positions had been made clear, the Assistant Commissioner made the results of the deliberations known. These began with the statement that "the problem [of the conflicts] is with Niji".<sup>4</sup> He defended the position of the Sohm inhabitants whom, as the first settlers on the site, could not be asked by Niji representatives to restrict the size of its community forest. On the other hand, Niji should agree to the request of Omortoh inhabitants and move its community forest to another site.

4. Assistant Commissioner's statement, according to Kagitach CF file, Kafuta AC.

Consequently, the verdict of the Commissioner was that:

- ◆ Niji must accept that Sohm's community forest (Kagitach) can remain where it is;
- ◆ Niji's community forest should be moved from the present area of Gifinding, based on the proposition of Omortoh to offer the village a replacement site.

## **CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES**

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Even after the verdicts of three different individuals/institutions at different administrative levels (the Chief, the Peace Committee and the Commissioner) had been delivered, there was no indication that the conflicts had been resolved. The outcome is unclear because neither of the two attempts to adjudicate had the agreement of all parties to the conflict. In the absence of a mutually accepted outcome, the compliance of all parties – notably Niji – could only have been ensured through coercion by the responsible district authority, the Chief. This step would have been necessary to implement the decisions of the Peace Committee, which had been mandated by the Chief himself to render binding decisions.

### **Positions of stakeholders**

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There is no single outcome of the conflict resolution attempts. Rather, the state of the conflicts is to a certain extent shaped by the perceptions of the various parties and stakeholders involved. Their view of the process determines their actions, which in turn shape further developments.

For the Chief of Kombo East District, the conflicts are still “pending”, although he would rather they were not discussed: “As the saying goes: ‘Let sleeping dogs lie.’” For him, it is most important that he has not “heard any complaints from the villagers”, and he expects the conflicts to resolve themselves as time goes by.<sup>5</sup>

According to the Chairperson of the Peace Committee, the senior *Alkalo* of the district, the conflicts are settled “because no one has come to me to complain”. He (wrongly) assumes that the matter was settled when the committee announced its decisions under his chairship: “Niji was advised to calm down and accept the advice of the Peace Committee.”<sup>6</sup>

5. Interview with Chief of Kombo East District, Faraba Banta, 24 February 2001.

6. Interview with *Alkalo* of Kuloro, 24 February 2001.

The perceptions of the conflicting parties themselves differ depending on their positions in the dispute. Those who were comfortable with the situation from the outset see the disagreement as resolved, because no real changes have occurred. This is especially true for Sohm, whose representatives see their position as confirmed by virtually all the proposed settlements. They assume that the efforts to adjudicate have resolved the conflict, despite the continued objections from Niji: "There is no problem between Sohm and Niji."<sup>7</sup>

For Omortoh community members, the situation is different. Their demand to have Gifinding moved away from their neighbourhood has been accepted by the verdict of the Commissioner. Therefore, they cannot say that the conflict has been resolved until Niji takes action to move its community forest. If it refuses, the threat of violence is very real: "The conflict was settled provided Niji resettles. Unless everybody dies when they insist to stay."<sup>8</sup>

For Niji, which is party to both conflicts, the outcome of the resolution efforts has various implications. Concerning the location of Kagitach, the perception persists that the adjudicators unjustly favoured its rival Sohm: "Sohm was at an advantage, so [in Sohm], they welcomed the decision. We were not given a chance to explain our position in detail. We did not agree, but we do not want conflicts."<sup>9</sup>

Concerning the dispute with Omortoh over Gifinding, Niji's acting *Alkalo* sees the conflict as having been resolved by bilateral negotiations: "Omortoh and Niji agreed that Omortoh should not fetch fuelwood and Niji should not confiscate [forest products] from Omortoh. This gives us a settlement of our problem with Omortoh in the forest."<sup>10</sup>



7. Interview with Forest Committee President, Peace Committee representative and community forestry patrolman, Sohm, 25 February 2001.

8. Interview with *Alkalo* of Omortoh, 25 February 2001.

9. Interview with Deputy *Alkalo* of Niji, 25 February 2001.

10. Interview with Deputy *Alkalo* of Niji, 25 February 2001.

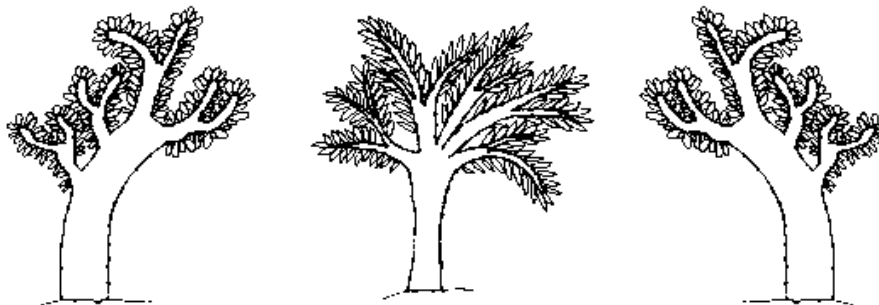
### State of the conflicts and effects on natural resource management

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At present, the conflicts can hardly be regarded as resolved. Although the dispute does not manifest itself in outright clashes, the perceptions of the conflicting parties about the issues at stake differ as much as before the conflict settlement efforts were initiated. What is more, there is not even a common perception about the conflict management outcome, neither among the parties nor among the institutions involved in the attempts at conflict resolution. A common understanding of the procedures is lacking. Instead, each stakeholder perceives the results to be to its own advantage.

Some actors misinterpret the absence of outright clashes as proof of a successful resolution. This applies to the Chairperson of the Peace Committee and to the Deputy *Alkalo* of Niji with regard to the dispute about Gifinding. The settlement between Niji and Omortoh (as interpreted by Niji) involving a mutual agreement not to use the disputed community forest will not solve the competing claims of the communities on this area.

The diverging interpretations of the outcome of the conflict resolution attempts are reflected in the state of the management of the disputed natural resources, i.e. the community forests of Sohm and Niji (Kagitach and Gifinding respectively). In Kagitach, the villagers of Sohm continue to carry out forestry activities, based on their perception that the Peace Committee's adjudication has resolved the disagreement with Niji. The villagers of Niji, however, feel uncertain about the present state of affairs. They stopped working in Gifinding two years ago "because no forester has come to support us". However, they are not satisfied with the present situation and are hoping to receive backing from the Forestry Department: "We will form a delegation to Forestry [to enquire] why they still do not want to support us."<sup>11</sup>



11. Interview with Deputy *Alkalo* of Niji, 25 February 2001



The Forestry Department's position regarding Niji and Sohm is that its staff should not work with these communities until an official statement by the Chief declares the conflicts solved. As no such declaration has been made, the Forestry Department cancelled all activities to support planting on the firebreak in Gifinding in the summer of 1999. The evaluation of Gifinding's performance in the preliminary forest management phase (PCFMA), which was to have been carried out in September 1999 by the Forestry Department as a precondition for permanent ownership by the community, was also suspended.<sup>12</sup>

Although Sohm was awarded preliminary ownership (PCFMA) over Kagitach in August 1999, a subsequent evaluation has also been suspended and forestry staff stopped implementing the community forestry process with the community. Of the three community forests concerned, only Omortoh's Kailanjang remains undisputed. It was positively evaluated in January 2001, and the community applied for permanent ownership.

## LESSONS LEARNED

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Intercommunity border disputes were known to the actors involved (in particular, forestry field staff) long before they developed into an actual conflict.<sup>13</sup> Had these disagreements been addressed at the earliest possible stage, the probability of a successful resolution of the conflict would have been much greater and could have been achieved with much less effort than was actually made.

Important actors who could have proposed a mutually acceptable settlement – such as the *Alkalo* of the original settler community – were not actively integrated in the conflict resolution process. It is imperative for institutions dealing with conflict resolution to be broadly based in order to create room for the participation of all conflicting parties and of the authorities they respect.

The conflict erupted after the intervention of the Forestry Department in local (unsustainable) land utilization patterns. Instead of extension workers simply pulling out of conflicts such as this, guidelines defining the role of forestry extension staff in conflict prevention, management and resolution need to be developed and put in place.

The arbitration attempt of the Peace Committee was not accepted by all the conflicting parties because an authoritative statement on forest boundaries was expected from it. Mandates of conflict management institutions need to be clear

12. Gifinding CF file, Kafuta AC.

13. See Overview of events, Annex, August 1996.

to all parties involved. Otherwise, unrealistic expectations can be raised among the conflicting parties, and will be followed by disappointment in the management process. This can undermine the credibility of the concerned institutions.

In many instances arbitrators and adjudicators, such as the Peace Committee and the commissioners, reach their judgements quickly without giving due consideration to conducting thorough investigations with the conflicting parties. Conflict resolution procedures are doomed to failure if the background of the conflict is not fully known to those charged with facilitating the process.

Several actors in the conflict management process perceive that the conflict is solved because no complaints are voiced and no outright clashes are occurring. It is therefore important for stakeholders to be aware of the differences between management and resolution of a conflict in order not to abort the process before the conflict has been resolved.

In the process, virtually all arbitrators and adjudicators, after delivering their verdicts, took no part in implementing their decisions or monitoring further developments. In conflict resolution, decisions that have been agreed must be implemented. An actor or a set of actors needs to be identified as responsible for follow-up.

If actors who have the mandate to enforce arbitration or adjudication do not use their authority, they and the conflict resolution institutions concerned will lose credibility with the actual parties to the conflict and with potential parties in future conflicts.

### **Risks and implications**

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While trying to follow the course of conflict management, there is a risk that positions will become polarized. This tends to make the protagonists stick to their positions fanatically, unwilling to make any gesture of compromise necessary for an amicable resolution of the conflict.

Interested parties have to conduct their conflict management efforts with much caution, otherwise they could be accused of sympathizing with one stakeholder and could lose credibility with others.



This risk is equally high for the local authorities. If conflicts are prolonged, political issues are likely to be dragged in and this may undermine the security of the local leaders. A village that has better political connections than others may exploit the circumstances to its own advantage.

Established villages may use their traditional land use rights as a means of exerting power over younger communities.

Lengthy conflict management and resolution processes can cause a situation of uncertainty about the state of the natural resources at issue. This can encourage uncontrolled exploitation by conflicting parties or by stakeholders not previously involved in the conflict.

## CONCLUSION

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The management of conflicts and their resolution should address the concerns of all parties involved. It should avoid satisfying the interest of the arbitrators at the expense of the claimants.

In the case described, the Chief and the Peace Committee only seemed to be interested in maintaining a superficial state of peace within and between the communities. This eased the situation only temporarily, without solving the problems or needs of the communities involved in the conflict. The conflict still remains unsettled and can erupt at any time to the detriment of all parties and the community forestry process as a whole.

The attitude expressed by the Chief and some community members – “let sleeping dogs lie and allow the villagers to decide what to do, since they are not currently fighting” – leaves the conflict under ad hoc management, yet unresolved. The Chief and the Commissioner should be in a position to decide whether they can handle the case or whether they should refer it to the highest level as defined by the Forest Act – the local government minister.

Finally, much depends on the willingness of the communities to forgo some of their claims in order to arrive at a conclusion that would benefit all parties in the conflict.

## REFERENCES

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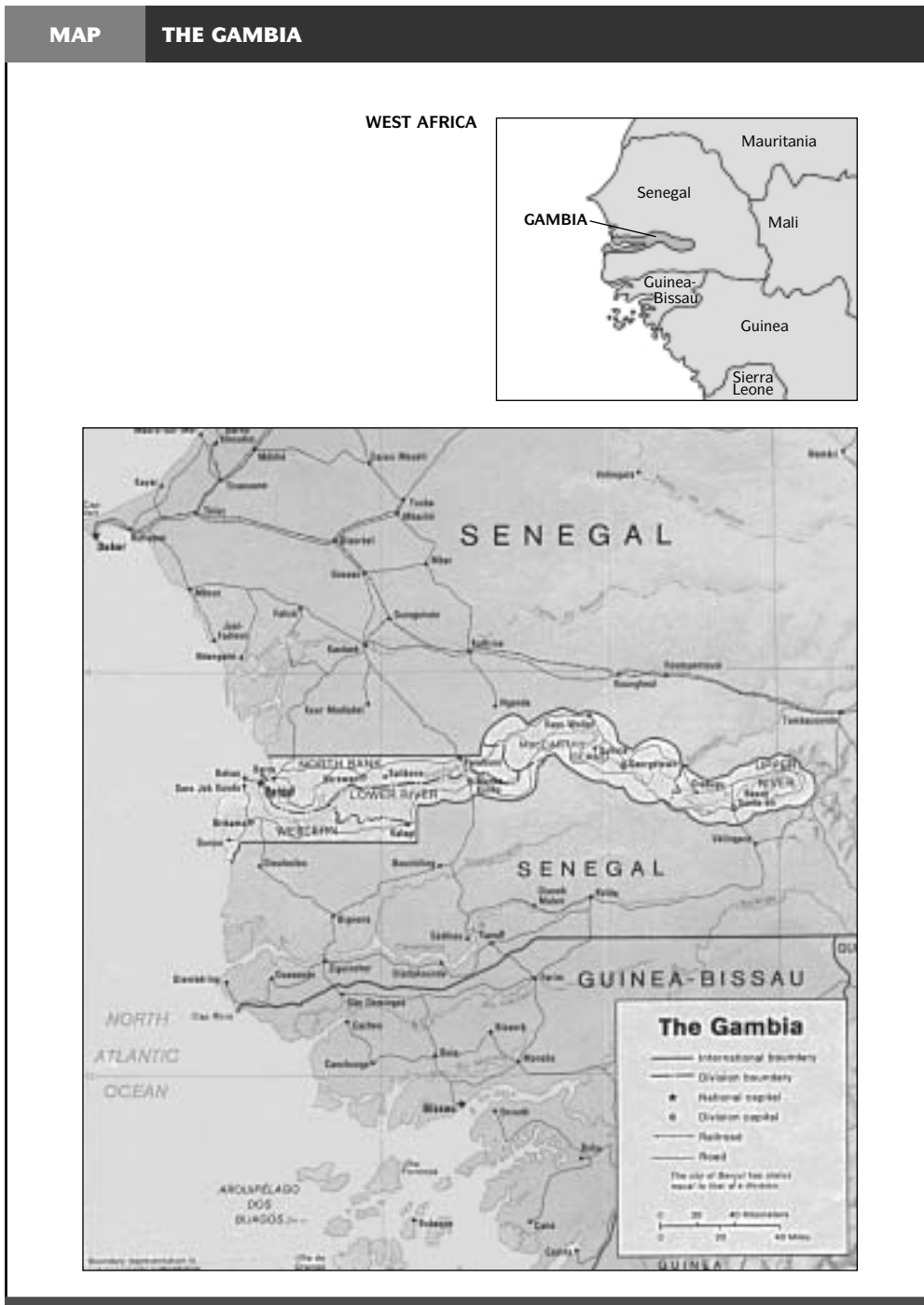
## ANNEX

BOX	OVERVIEW OF EVENTS COMPILED FROM FORESTRY		
Year and month	Omortoh Kailanjang CF 127 ha	Niji Gifinding CF 26 ha	Sohm Kagitach CF 72 ha
<b>1995</b>			
Nov.			First sensitization
<b>1996</b>			
Aug.	Letter of interest to participate in CF	Letter of interest to participate in CF	Forest resource map
		Forest Committee formed	
	Extension staff advise Niji Forest Committee to clarify boundary with Omortoh		
Sept.	Forest Committee formed		
Oct.	Forest demarcation	Forest demarcation	
Nov.	Forest assessment	Forest assessment	
<b>1997</b>			
Feb.	Forest resource map		
Dec.	PCFMA awarded	PCFMA awarded	
<b>1998</b>			
Feb.	20 logs confiscated in Gifinding by Kafuta Forest Station		
March	Extension staff advise Niji villagers to settle conflict with Omortoh bilaterally		
April			Forest resource map
			Forest assessment
			Forest demarcation
May	Alkalo of Omortoh asks Kafuta Forest Station for permit to use logs for mosque		

*Box continued*

<b>Oct.</b>			Statement of Neighbouring Village Heads introduced by Forestry Department
<b>1999</b>			
<b>Jan.</b>		Statement of Neighbouring Village Heads for Sohm signed conditionally by Niji. Peace Committee requested to arbitrate on CF boundary	
	Niji villagers confiscate fuelwood collected by Omortoh villagers partly in Gifinding		
<b>Feb.</b>	7: District meeting with village representatives and Alkalos 14: Peace Committee meeting decides: Niji and Sohm CFs to stay where they are		
<b>July</b>		Planting activities in Gifinding stopped	
<b>Aug.</b>			PCFMA awarded
<b>Sept.</b>		Evaluation of Gifinding suspended	
<b>Nov.</b>	PCFMA evaluation/ final survey of CF		
<b>2000</b>			
<b>March</b>	Conflict resolution meeting organized by the District Chief, with the Commissioner, decides: Niji must move its CF; Sohm's can remain		
<b>May</b>	Omortoh suggests new site for Niji's CF and calls on Niji to move from Gifinding. Alkalo declares case closed		
<b>Nov.</b>		Sohm stops CF activities. Evaluation of Kagitach suspended	
<b>2001</b>			
<b>Jan.</b>	PCFMA re-evaluation/ CFMA application		

CF = community forest.



Source: [www.lib.utexas.edu/Libs/PCL/Map\\_collection/africa.html](http://www.lib.utexas.edu/Libs/PCL/Map_collection/africa.html)

Note: MacCarthy Island Division has been renamed to Central River Division