

# Who owns Kayai Island?

## Community forestry conflict management in Central River division, the Gambia

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### SUMMARY

Kayai and Saruja villages are located on opposite sides of the River Gambia. Between them is Kayai Island, whose 784 ha consists mainly of forest reserve containing economically valuable species and a large wildlife population. The people of Kayai village regard the island as falling within their traditional lands. In the 1950s, the colonial government, without consulting Kayai village, gave farm plots on the island to people in Saruja as compensation for land annexed by an agricultural project. Since then, several disputes have arisen between the two villages over ownership of the island. Attempts to resolve the conflict, including through court adjudication, proved unsuccessful. The latest clash was provoked by the government's recent participatory forestry initiative, which empowers communities to manage forest lands. This decentralization of public forestry administration seeks to foster sustainable natural resource management, addressing shortcomings in the State forestry that has been in operation since colonial times. A proposal by Kayai village to set up a community forest on the island met with resistance from Saruja villagers, who refused to sign the agreement approving it. The people of Saruja feared losing their rice fields, gardens and orchards and their access to forest products. As in the past, public and forestry officials' efforts to resolve the conflict were not successful. In the meantime, illegal land use increased on Kayai Island, threatening its forestry and wildlife resources.

The National Consultancy for Forestry Extension and Training Services (NACO) was contracted to document and, if possible, resolve the conflict. This case study follows the process map used by the NACO mediation team in facilitating consensual and interest-based negotiations among the dispute's stakeholders, particularly the villagers of Kayai and Saruja. The NACO team was aware of the need for careful preparation in entering the conflict setting, including building rapport and trust among the various parties. Engaging in shuttle consultation between the villages, the team used participatory conflict analysis tools to ascertain each party's positions, interests and needs, and its willingness to engage in negotiations. With the information and insights gained, the NACO team arranged for a general mediation meeting at the Office of the Divisional Commissioner, and invited a variety of stakeholders. Consensual negotiations provided a platform for each side to explain its interests and needs, and an agreement was reached between the two villages. Having secured a negotiated settlement to the conflict, the mediation team planned their exit by helping the villages to put in place procedures for implementing the agreement. The peace was consolidated at a reconciliation meeting. The case study demonstrates the importance of devoting sufficient resources to conflict management processes, including ensuring overall institutional capacity and dealing with specific and seemingly intractable disputes, such as that affecting Kayai Island.



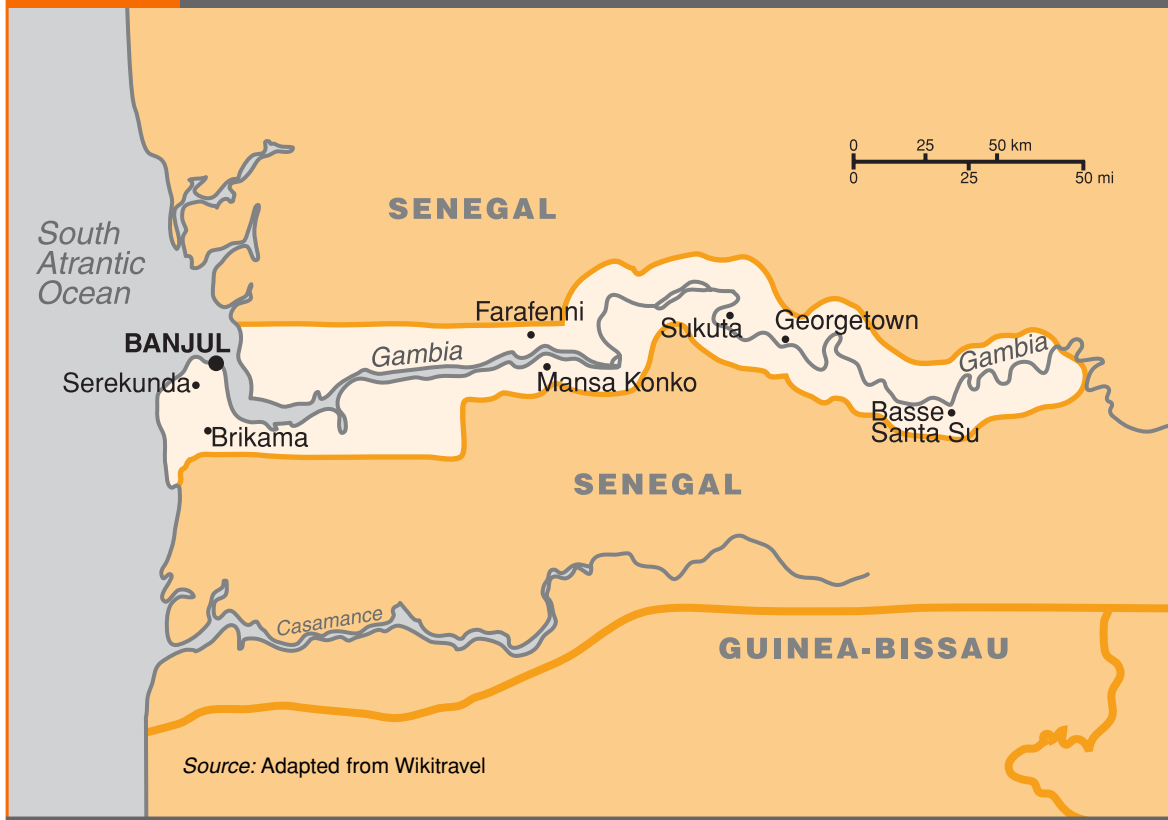
Source: Anke Camphausen

## KEY ISSUES AND CONTEXT

### Overview

The Gambia, which straddles the river for which it is named, is one of the smallest countries in Africa, totalling 11 300 km<sup>2</sup> of surface area. In 2005, forests and other woodland covered more than 40 percent of this land (FAO, 2006). Although the forest area has stayed largely stable in recent years, forest quality has declined in many places (Sonko and Camara, 2000). Natural resources are under considerable demographic and economic pressure, and it is estimated that the population in 2005 exceeded 1.5 million, with about 150 people per square kilometre. Nearly three-quarters of the population live in rural areas, relying on agriculture for their chief means of livelihood. Forest resources also contribute substantially to livelihoods, providing timber, fuel, fibre, food, medicines, forage and other useful products and environmental services. The per capita gross domestic product is about US\$300. Surveys showed that in 1998, 61 percent of rural residents and 48 percent of urban dwellers lived below the poverty line (World Bank, 2006).

FIGURE 4 MAP OF THE GAMBIA



## Decentralization of public forest administration

This case study deals with the management of conflicts related to the decentralization of forest management. During the colonial era, extensive areas of the Gambia were declared forest parks and wildlife reserves. State resource management largely excluded communities and ignored customary tenure and use rights to the parks and reserves. The alienated rural population had little incentive to maintain State forests, resulting in extensive clearing through bushfires, tree cutting and overharvesting of forest products. Following independence in 1965, the Gambia retained its centralized forestry administration, reaffirming this as policy in 1976 and legislation in 1977. The failure of State forest control, however, became evident as deforestation widened and accelerated, underscoring the need for a new approach in which communities participate as resource managers.

Decentralization is a crucial strategy in the policy, legal and institutional reforms undertaken by the Forestry Department since the early 1990s. A consultative process resulted in a new ten-year national forestry policy in 1995, which put special emphasis on participatory management. The policy aims to maintain at least 30 percent of the country's total land under forest, with 75 percent of this forested area available for environmentally sustainable development activities, mostly in community forests. To provide legal backing, legislation enacted in 1998 set up a process for creating community forests. A village or group of villages may request the government to designate land, including State forest reserve, as community forest. The legislation mandates the constitution of a local management committee responsible for overseeing the community forest, and specifies mechanisms for resolving conflicts related to forestry decentralization among communities. More than 250 villages now engage in community forestry, managing a total of 27 000 ha.

The Forestry Department reorganized its overall structure and functions to enhance its institutional capacity to carry out community forestry. A Participatory Forest Management Unit was set up at the directorate, liaising with divisional forestry offices on all issues pertaining to community forestry. Most forest management decisions, however, have devolved to the provincial level, allowing divisional forestry officers to design and implement programmes more independently and fostering flexibility to work with a range of stakeholders. The Forestry Department now acts in partnership with local authorities, community-based entities, NGOs and other interested parties in participatory forest management.

## Implementing community forestry

Community forestry is implemented in three phases that reflect not only bureaucratic procedure but also a concern for promoting collaborative learning among all stakeholders. The start-up phase involves district-level workshops and other activities aimed at informing the public about participatory forestry management. A community interested in joining the programme is requested to send a letter expressing its interest to the nearest forestry office. On receipt of the letter, forestry extension staff initiate formal contact with the village. A committee representing all groups in the village, including women and youth, is formed for the management of the proposed community forest and, with the aid of forestry staff, identifies and demarcates the proposed forest. Heads of families that own land

bordering a proposed community forest take part in the preliminary boundary demarcation to avoid the inclusion of farmland in the reserve. Sketch maps are prepared. Neighbouring villages are contacted to confirm that they have no objection to the proposed forest area being managed by a particular village or villages. If there are no objections regarding landownership, adjacent villages sign a Statement of the Neighbouring Villages (SNV), confirming their acceptance of the reserve. The district head is also asked to verify landownership by putting his seal and signature on the sketch maps.

The Forestry Department and the concerned communities sign a Preliminary Community Forestry Management Agreement, which establishes a three-year trial phase for collaborative resource management. The community's performance is evaluated before the end of the preliminary phase by a multidisciplinary team comprising forestry staff, local authorities, village representatives and staff of other line departments operating in the area. If the evaluation results are positive, the area is designated in the government gazette as a community forest, and a Community Forestry Management Agreement (CFMA) is concluded with the community. At this stage, the community has unrestricted rights over the forest, and will continue to own the forest as long as it observes the provisions of the CFMA. The community develops five-year forest management plans, highlighting forest improvement and utilization activities permissible for the coming five years.

Decentralization sought to remedy the limitations and tensions inherent in exclusive State control of forest resources. Although the programme has promoted a new collaborative spirit in forest management, it has not eliminated forest conflicts. As demographic and economic pressures

intensify competition for forest resources, conflicts of interest involving access and user rights have become more frequent. Conflicts can also reflect underlying socio-economic tensions across and within groups. The process of broadening participation in public decision-making about land use can increase conflict, as individuals, groups and communities pursue their different objectives. The community forestry programme has created another arena for conflict, where long-simmering tensions or new disputes can erupt (Sonko, Beck and Camara, 2003). There were 93 registered community forestry conflicts in February 2006, 67 of which were unresolved. Some of these conflicts had existed for decades, albeit latently, but had been rekindled and intensified by the introduction of community forestry, as shown in this case study. The case study also shows that the community forestry programme offers an institutional framework for handling such conflicts in a peaceful and participatory manner.



Source: Sophie Grouwels



## The local setting: Kayai and Saruja villages and Kayai Island

Kayai and Saruja villages are located on opposite sides of the River Gambia. The communities are in the same administrative division, but different chiefdoms. Kayai Island lies in the river, just 1 km from Saruja and 3 km from Kayai.

An estimated 85 percent of the island's 784 ha is covered with forest containing a high concentration of high-value species such as *Borassus aethiopum*, *Calamus* spp. and *Bambusa* spp. The first gives a durable dark-coloured timber, preferred for roofing and bridge construction, while *Calamus* and *Bambusa* are used for making mats and chairs. There is also a large wildlife population, including hippos and bush pigs. The forested area is classified as a State reserve under Forestry Department rules and regulations. Villagers' rice fields, orchards and other farm plots are also on the island, which is regarded as a valuable asset for its horticultural and forestry resources. People in both Kayai and Saruja villages are concerned about the lack of local economic opportunities, especially with the farming sector in decline owing to low prices. Young people in both communities are migrating to urban areas in search of work. For villagers, Kayai Island has vast potential for development – including through tourism and recreation – which could revitalize their communities and encourage their young people to stay.

Table 3 summarizes key socio-economic information about the communities, showing that they are very similar in terms of ethnic composition, religion and livelihood patterns. Both villages have a substantial number of elite families residing in urban areas, who visit periodically, especially for naming ceremonies, funerals and Muslim feast days, such as the end of Ramadan. These families have a strong influence on local opinions, because they supply food, cash and other support to people back home.

TABLE 3

SOCIO-ECONOMIC DATA ON KAYAI AND SARUJA

	Kayai	Saruja
Total population	630	1 950
Main ethnic group	Mandingo (98%)	Mandingo (90%)
Other ethnic groups	Fulas (2%)	Fulas (3%) Jolas (7%)
Religious affiliation	Muslim	Muslim
Main food crops	Rice, millet, maize	Rice, millet, maize
Cash crops	Groundnuts	Groundnuts and cotton
Livestock	Cattle, sheep and goats	Cattle, sheep and goats

*Source:* Village files, extension workers and interviews.



Source: Anke Camphausen

The two villages have different levels of livelihood dependence on the island. Most households in Kayai have alternative sources of farmland outside the island, and only limited grazing occurs. Kayai's current economic use of the island is limited, but in the past, villagers relied on the island to provide sanctuary during times of conflict and warfare. In contrast, Saruja relies greatly on the island for farming. Saruja experienced high population growth in recent years with the arrival of civil servants and other workers at nearby Sapu Agricultural Station. Completely curtailing Saruja's access to the island would have serious consequences for many of its residents, who lack other places to farm, collect forest products such as fuelwood, or herd their livestock.

The two communities are not disconnected social entities; strong bonds of intermarriage, kinship, religion and trade link them. As well as shared participation in family and religious affairs, people from the two communities maintain contact through trade. People from Kayai regularly cross the river to Saruja on their way to a weekly market located near the village. These social connections have helped the two communities avoid violence when disagreements have arisen in the past.

### Stakeholders in the conflict

The two villages have disputed control over the island since the early 1960s, but the Forestry Department did not become involved until 1996, when Kayai villagers proposed establishing a community forest on the island. According to the community forestry management guideline, as a neighbouring village, Saruja needed to sign a statement recognizing Kayai's ownership of the island. The proposed community forest encompassed the entire island, including land claimed by Saruja, and Saruja's village head refused to sign the agreement because he feared it would relinquish his community's right of access to the island. As the conflict unfolded, it became apparent that a number of people – representatives from administrative entities within the locality and nearby communities –

had a range of interests or stakes in the outcome of the conflict. For example, adjacent communities such as Brikamaba and Kerewan Fulla had ties through marriage or descent to both Kayai and Saruja. These neighbouring communities perceived that they had a stake in the island's wealth, including maintaining access to rice fields or forest products. Table 4 summarizes these groups and their concerns, which are discussed later in the case study.

**TABLE 4**  
**STAKEHOLDERS AND THEIR INTERESTS**

Stakeholders	Interests
Kayai villagers	<ul style="list-style-type: none"> <li>• Conservation and management of the island</li> <li>• Maintaining the identity of Kayai Island and its historical relationship</li> </ul>
Saruja villagers	<ul style="list-style-type: none"> <li>• Maintaining rice fields and access to forest products</li> <li>• Management and conservation of the island</li> <li>• Maintaining the orchards established on the island</li> </ul>
Forestry Department	<ul style="list-style-type: none"> <li>• Conservation and sustainable management of the forest</li> <li>• Promotion of community participation in forest management</li> </ul>
Agriculture Department	<ul style="list-style-type: none"> <li>• Rice projects operating in the area</li> <li>• Promotion of rice and horticultural production for local income generation</li> </ul>
Brikamaba villagers	<ul style="list-style-type: none"> <li>• Maintaining user rights for rice production and collection of forest products</li> </ul>
Kerewan Fulla and Kerewant Mandingka villagers	<ul style="list-style-type: none"> <li>• Maintaining user rights for rice production and collection of forest products</li> </ul>
Chief of Fulladu (Saruja's jurisdiction)	<ul style="list-style-type: none"> <li>• Continued right of access to the island for the people of Saruja</li> </ul>
Chief of Niani (Kayai's jurisdiction)	<ul style="list-style-type: none"> <li>• Conservation and management of the island exclusively by Kayai</li> <li>• Improved sources of income for Kayai</li> </ul>
Divisional Commissioner	<ul style="list-style-type: none"> <li>• Land set aside for community forestry without conflicting claims</li> <li>• Cordial relationships between the two districts</li> </ul>
Area councils (North and South Central River divisions)	<ul style="list-style-type: none"> <li>• Conservation and sustainable management of the island</li> </ul>
Island settlers (originally from Kayai)	<ul style="list-style-type: none"> <li>• Holding ground for cattle on the island</li> </ul>

Source: Collected by the NACO mediation team.



## CONFLICT HISTORY

The mediation team's gathering of information on the conflict's background revealed that the dispute over the proposed community forest had been preceded by earlier conflicts between the people of Kayai and Saruja over ownership and use of the island. These earlier disputes, as well as the ones generated by or related to the Kayai community forestry proposal, had defied all efforts aimed at resolution, including a decision by the high court in Banjul. The conflict's history is summarized in Table 5, which presents a time line of key dates and events.

As with the current community forestry conflict, the earliest Kayai Island dispute arose from a government land-use intervention seeking to promote rural development through a Colonial Development Corporation (CDC) irrigated rice project in the 1950s. CDC took over the traditional rice fields of Saruja and neighbouring villages on the south bank. To compensate for the loss of land, CDC allocated farm plots on the island to Saruja, without consulting the people of Kayai, who claimed customary ownership of the island. Since then, land pressures in Saruja have intensified, including through the expansion of Sapu Agricultural Station, increasing the community's economic dependence on the island.

Incidents in which Kayai cattle herders were fined for damaging crops provoked anger that drew attention to Saruja's contested claims to the island. The introduction of the Community Forestry Programme in 1996 offered the people of Kayai an opportunity not only to participate in an innovative project, but also to re-establish their ownership of the island. At the time, they nearly achieved this outcome because the Forestry Department's preliminary agreement included the entire island within the community forestry reserve. This would have deprived Saruja of access to its rice fields, gardens and orchards. It is not clear why such a community forestry agreement was formulated: Kayai community members may not have informed extension staff about the contested claims to the island, probably hoping that the community forest would pre-empt and silence Saruja's land claims and force Saruja people off the island. Forestry extension staff may have thought that ignoring the conflict would make it go away, leaving Kayai to assume full control of the island. These strategies did not work, however, as the people of Saruja refused to sign the SNV approving the community forest. A member of one of Saruja's most prominent families, along with members of other urban-based elite families, was especially instrumental in rallying support against the SNV.

Saruja villagers tried to forge alliances with other communities that bordered the island and had residents farming or harvesting forest products on it. These communities generally favoured maintaining the existing situation, but did not display any open antagonism to Kayai, and all signed the SNV. However, some members of these neighbouring communities attempted to put moral and social pressure on Kayai to take into account the range of resource users managing the island. As discussed in the next section, attempts to negotiate and adjudicate an end to the conflict proved futile. Meanwhile, market and other pressures propelled illicit forest product removal and illegal clearing.

TABLE 5

## KAYAI ISLAND CONFLICT TIME LINE

Year	Event
1950s	<ul style="list-style-type: none"> <li>Without consulting Kayai village, CDC allocates the island to Saruja as compensation for land taken by a rice irrigation project</li> </ul>
1963	<ul style="list-style-type: none"> <li>Cattle belonging to Kayai villagers damage Saruja gardens on the island</li> <li>Kayai cattle owners fined by a tribunal in the district belonging to Saruja's chief</li> <li>Angered Kayai villagers seek to evict Saruja villagers from the island, claiming overexploitation of forest resources</li> </ul>
1987	<ul style="list-style-type: none"> <li>District court fines a Kayai herder for cattle damage to Saruja gardens on the island</li> <li>This court case makes Kayai villagers feel that Saruja people are ungrateful for their island plots; Kayai villagers file lawsuit in magistrate court to have Saruja villagers evicted</li> <li>Both villages retain lawyers, and the case may reach the high court in Banjul</li> <li>No record remains of the decision; Kayai villagers say they won, but Saruja villagers dispute this; any decision made is apparently not enforced</li> </ul>
1996	<ul style="list-style-type: none"> <li>In response to new participatory forestry initiatives, Kayai villagers send a letter of intent proposing to establish a community forest on the island</li> <li>Contrary to official guidelines, forestry staff include all of Kayai Island in the proposed boundaries of the community forestry reserve, without consulting the people of Saruja who have rice fields and orchards on it</li> <li>Saruja villagers refuse to sign the SNV recognizing Kayai's exclusive claim to the community forestry area</li> </ul>
1997 to 2002	<ul style="list-style-type: none"> <li>High demand for forest products in the nearby town of Birkamaba increases illegal cutting of rhum palms and other forest products on the island; offenders come from several villages, and some local NGOs acquire illegally cut rhum palms for their projects</li> <li>Herders reportedly lob trees on the islands to feed their livestock</li> <li>Kayai community forestry committee reports illicit clearing and lobbying by Saruja residents to the Forestry Department</li> <li>Kayai community forestry committee blocks a Saruja contractor's transport of illicitly acquired rhum palms (1997)</li> <li>Confiscation of a large quantity of illegally produced rhum palm in Saruja, offenders fined (2002)</li> </ul>
<p><i>Source:</i> Information collected by the mediation team.</p>	

## CONFLICT MANAGEMENT AND RESOLUTION PROCESS

### Initial efforts and institutional frameworks

There were no records of serious village-level mediation efforts aimed at resolving the Kayai Island conflict. Elder councils, who mediate disputes between villages, did not appear to be engaged in the controversy. These councils usually operate when the parties to a conflict are located in the same administrative district, but Saruja and Kayai belong to different districts and answer to different chiefs, making it difficult for elder councils to facilitate negotiations. Although social and religious ties connect the two communities, administrative boundaries and different political leadership structures can be formidable institutional barriers.

Parties engaged in the conflict appealed to the court system and public officials to adjudicate. As with other aspects of the conflict's history, however, the outcome of these processes is shrouded in mystery, and people from the two communities give different accounts of what happened in the 1987 court case. If a decision was made, it was not enforced, and it is not clear that any judgment was made. The Office of the Divisional Commissioner had authority to adjudicate the dispute, and a mediation meeting was apparently held under its auspices in 1996. According to a letter dated 29 March 1996, the Commissioner called on the people of Saruja to relinquish their claim to Kayai Island. Although this letter appears to have been written and signed by the Commissioner, however, it was not stamped, which calls its authenticity into question. Even if the letter were genuine, the decision did not end the controversy.

The Forestry Act of 1997 empowers district chiefs to arbitrate community forestry disputes if all the parties are located in the same district. Divisional commissioners are responsible for such arbitration when all the communities are in the same division but different districts. The Secretary of State for Local Government arbitrates disputes when the contesting communities cut across divisional boundaries. Decisions are forwarded to the Director of Forestry, and a community has three months to appeal a decision, before it becomes final. Forestry Department staff can mediate community disputes that hinder the formulation of community forest agreements, but the conflicting claims to Kayai Island were not acknowledged when the community forest was initially proposed and demarcated.

### Recent conflict management efforts by forestry and administrative officials

Forestry Department personnel attempted to mediate the dispute. The Office of the Divisional Forestry Officer in Janjanbureh organized two separate meetings with Kayai and Saruja to resolve the impasse, but to no avail. The Kayai village meeting was well-attended, with representatives from key influential families. In contrast, no key members of local prominent families attended the Saruja meeting, and forestry extension staff did not obtain any clear concessions or commitment from the Saruja leaders regarding signing of the SNV. The department's mediation efforts were further frustrated when people from Saruja accused it of siding with Kayai. The community forestry process halted because extension staff found it difficult to bring the conflicting parties together.

Exercising his mandate under the Forestry Act to resolve community forestry disputes, the Divisional Commissioner summoned the village heads and leading elders of Saruja and Kayai to his administrative headquarters. The meeting proved unsuccessful as the parties could not reach a compromise. The Commissioner proposed joint forest management by Saruja and Kayai, but the latter rejected this. The people of Kayai insisted that the island was theirs, but the Saruja villagers attending the meeting refused a call for them to leave the island. An influential member of Saruja, who owns large farms on the island, had not attended the meeting because he opposed any compromise, and Saruja's representatives were reluctant to negotiate a settlement in his absence.

## Planning NACO's entry

The management of Central River Division Forestry Project (CRDFP) first considered external intervention to resolve the Kayai Island dispute in June 2005, shortly after Gambian participants at the FAO Training-of-Trainers Workshop on Community-Based Natural Resource Conflict Management had returned home. The Kayai Island conflict was one of several disputes afflicting community forests and State forest parks in Central River division at the time. CRDFP prepared a brief history of all the division's forestry-related conflicts to identify potential cases for outside intervention, and after consideration by a team of reviewers, the Kayai Island case was selected because of its size and the richness of its forest resources. Forestry Department and CRDFP staff felt that it was necessary to reduce illegal forest use on the island by resolving the conflict between the two villages.

In November 2005, NACO received a contract to document the Kayai Island dispute and assist its resolution if possible. The German Agency for Technical Cooperation (GTZ) provided financial support for the intervention, which also aimed to test the applicability of FAO's natural resource conflict management concepts and tools (Engel and Korf, 2005). To support this mediation effort, FAO – through its Sustainable Livelihood Programme – provided technical guidance and financial resources to the team working on the case study. The project engaged three people (a researcher and two assistants) from NACO for two months at a cost of US\$1 745. A field data collector was also employed to assist the team. CRDFP provided the team with a vehicle and driver, and absorbed the cost of meals for village representatives and chiefs during meetings. The project also furnished extra daily subsistence allowances to the mediation team.

In consultation with the Forestry Department, NACO constituted a conflict resolution team with two lead researchers – one from each organization – a research assistant and two data collectors. Four forestry officers supported the team. Given the Forestry Department's past role in the dispute, including Saruja's accusations against it, the team felt it was necessary to appear as neutral as possible. The NACO lead researcher therefore led the mediation team, with forestry personnel remaining active behind the scenes, providing logistical support and secondary data.

## NACO enters the conflict setting

Table 6 summarizes the conflict management process followed by NACO. Before entering the field and deciding which conflict management techniques to use, the team conducted literature reviews and formal and informal meetings with the Forest Department and local authorities, to gain familiarity with the situation. In entering the field, the team met the Office of the Commissioner, forestry officials, and representatives from other government institutions and local authorities to explain its mission and the scope of its responsibility. Throughout the conflict management process, the team found it useful to mobilize all government institutions with a stake in the case to advise on technical issues. Officials were welcoming and supportive towards the team.

TABLE 6

TIME LINE OF NACO'S INVOLVEMENT IN THE KAYAI ISLAND CONFLICT

Dates	Events
November 2005	<ul style="list-style-type: none"> <li>• NACO contracted to document the dispute and assist its resolution, if possible</li> <li>• NACO team members review literature and hold meetings with the Forestry Department and officials to gain familiarity with the situation</li> </ul>
15–17 November 2005	<ul style="list-style-type: none"> <li>• Mediation team enters the field, introducing itself to the divisional administration, local authorities and forestry staff</li> </ul>
November–December 2005	<ul style="list-style-type: none"> <li>• Mediation team visits Kayai Island and engages in shuttle consultations separately with Kayai and Saruja villagers, carrying out participatory conflict analysis</li> </ul>
30 December 2005	<ul style="list-style-type: none"> <li>• Mediation team organizes negotiation meeting for Kayai and Saruja at the Office of the Divisional Commissioner, attended by district chiefs, forestry officials and the police</li> <li>• Agreement reached; Saruja acknowledges Kayai's rights and agrees to sign the SNV; Kayai's chief recognizes Saruja's farm assets and limited forest user rights on the island</li> </ul>
27 January 2006	<ul style="list-style-type: none"> <li>• Mediation team holds an exit strategy meeting in Kayai, attended by elders of Saruja, the Divisional Commissioner and forestry staff</li> </ul>

The team then engaged in a fact finding trip to acquire information on resource use on Kayai Island. Using a CRDFP boat, the team travelled along the shore of the island observing numerous indications of illegal forest exploitation on the side facing Saruja. In contrast, only limited forest destruction was visible on Kayai's side.

Establishing direct contact with the conflict parties was the next task, and data collectors were sent to the villages to arrange introductory meetings. The village heads were the contact people for entry



into the settlements, and informed their community members about the arrival date and time of the mediators. The team went first to Kayai, explaining its purpose to the village head and local elders who had assembled on the appointed day. They expressed their appreciation for the team's presence and welcomed its members to the village. A similar trip was made to Saruja, with identical outcomes.

## Broadening stakeholder engagement and conflict analysis

When primary contact with community leaders had been established, the team moved ahead to engage the wider community. Preliminary meetings were held in Kayai and Saruja at the village batabas (public meeting place), attended by a cross-section of village inhabitants. Team members described their roles and responsibilities in the conflict management process. At the beginning, tensions and emotions were high, and many community members in each village were eager to participate. As the process continued, the villagers agreed to send representatives to participate in activities, thereby reducing the number of participants to keep facilitation manageable. The meetings shifted to the task of conflict analysis, with team members seeking deeper insights into the context of the conflict and the concerns of disputants. Conflict analysis helps to identify and prioritize the range of issues that need to be addressed. It also clarifies the various motivations and incentives of stakeholders in the dispute through understanding their positions, interests and needs.

Conflict analysis tools were used in the villages to deepen understanding about the dispute. Resource maps were developed, with each of the villages separately depicting the locations of its rice fields and orchards on the island. Maps were drawn by a team of eight community representatives in each village. The mediation team then independently conducted a transect walk through the island to verify the various land uses indicated on the maps. With the conflict onion tool, which uses a layer model to identify the positions, interests and needs of the disputants, the team investigated the village's commonalities and differences (Table 7). The team also carried out root-cause analysis and relationship mapping in each village to obtain the local perspective on the conflict. As well as fact finding, the objective of these participatory conflict analysis exercises was to gauge the intensity of the conflict and determine the readiness of the parties to become involved in interest-based negotiations. As part of issues analysis, the mediation team took each of the villages separately through the process map for consensual negotiations.

Participatory conflict analysis provided the mediation team with a better picture of the perceptions, motivations and concerns of the disputants, as well as the conflict's history. The team now discerned local differences and commonalities, providing a basis for mediation to move forward. Both villages expressed interest in conservation and development projects for their areas. Of equal importance to both villages was the maintenance of social relations, as the communities were linked through marriage, kinship and religion. The people of Kayai placed priority on maintaining their ownership claim to the island, whereas Saruja's villagers were adamant that the island was vital to their livelihoods. With this information and insight, it was apparent that the parties might be able to resolve their differences. The team's next stage involved bringing them together on neutral ground for interest-based negotiations.

TABLE 7

## THE CONFLICT UNION TOOL: FINDINGS FROM KAYAI AND SARUJA

	Kayai	Saruja
Position	<ul style="list-style-type: none"> <li>• Saruja must recognize Kayai's sole ownership of the island</li> <li>• Saruja must leave Kayai Island</li> <li>• We want to manage the island alone</li> </ul>	<ul style="list-style-type: none"> <li>• We have claims over Kayai Island</li> <li>• We will not move from the island</li> <li>• We will not recognize Kayai's claim of sole ownership of the island</li> </ul>
Interest	<ul style="list-style-type: none"> <li>• Restore ownership rights</li> <li>• Conserve the island</li> <li>• Develop ecotourism</li> </ul>	<ul style="list-style-type: none"> <li>• Grow rice</li> <li>• Safeguard our orchards</li> <li>• Generate income</li> </ul>
Needs	<ul style="list-style-type: none"> <li>• Improved livelihoods through sustainable use of forest resources</li> <li>• New income-generating activities, such as through ecotourism activities</li> <li>• A sanctuary from future wars and disturbances</li> </ul>	<ul style="list-style-type: none"> <li>• Food and income security from our orchards</li> <li>• More farmland; we depend entirely on the island for rice cultivation</li> <li>• Construction materials; alternative sources are scarce and expensive</li> </ul>
<p><i>Source:</i> Mediation team, December 2005.</p>		

## Preparing to negotiate

The people of Kayai and Saruja villages agreed to participate in negotiations to address the Kayai Island conflict. The Office of the Divisional Commissioner in Janjanbureh served as the neutral venue for negotiations. The mediation team invited all the district chiefs in the division, the divisional forestry officer, the chairs of local municipal councils and the police to attend. Before the meeting, the mediation team sent transport to collect participants who lived far away from Janjanbureh because commercial transport facilities are limited and road conditions poor in the area.

Kayai and Saruja villages were each represented by a delegation of ten men, led by the village chief. No women attended, because traditionally they do not engage in public negotiations dealing with land issues, although women do use and manage natural resources. Six district chiefs attended with court members. The Divisional Commissioner was represented by his deputy, who chaired the meeting. The division's Commissioner of Police, a representative of the Forestry Department from its Banjul headquarters and some divisional forestry staff also attended. Local municipal chairs were unable to attend because of prior commitments.

## The negotiation process

The Deputy Divisional Commissioner opened the meeting by appealing to the gathering to observe some basic ground rules for peaceful and orderly discussion. Everyone agreed to listen patiently to their opponents and not to make comments without prior approval from the chair. The chiefs were asked to speak first, as tradition requires, and generally emphasized that the meeting was not a tribunal seeking a judgment to say “this village is right and the other village is wrong”. Instead, the meeting was an attempt to maintain social and cultural relationships between the two communities. The chiefs also pointed out that they were not there to side with any party but were only interested in the truth; all participants were therefore to say what they knew about the case. Principles for the discussion emphasized the maintenance of good neighbourliness through compromise.

The leader of the mediation team presented the process map, highlighting the key steps and activities accomplished in each village with regard to the conflict. The village representatives confirmed that they had gone through the process map. The resource maps and other visualizations made as part of conflict analyses in the villages – including the sizes and locations of rice fields and orchards – were posted on the walls of the meeting room. These helped to refresh the memory of village representatives and provided a sort of virtual conflict scene for the chiefs and other participants. The use of flip charts and other visual aids has become common in the communities, as many development NGOs use them in their planning and training workshops.

The villagers presented their cases to substantiate their claims to the island. Kayai’s chief spoke first, reciting the names of people who had served as the village heads for a period spanning more than 400 years. His purpose was to emphasize that Kayai’s ancestors had settled in the area a long time ago, and he swore that people from Saruja used to come with cola nuts to seek permission from Kayai to farm on the island. This statement was not refuted by Saruja’s representatives. Kayai’s chief presented the 1996 letter from the Divisional Commissioner favouring his village’s claim to the island, and concluded by calling on Saruja’s representatives to endorse the SNV, thereby accepting Kayai’s ownership of the island.

Next, the village chief of Saruja addressed the gathering with a similar list of previous village chiefs, which was shorter than Kayai’s, however. The chief did not refute Kayai’s claims but insisted that it was the government that had allocated the island to his village, so only the government could ask Saruja villagers to leave the island by allocating them alternative places for farming. This statement irritated the chiefs in attendance, who felt that they were being belittled by the speaker because they were the government representatives in the area. If Saruja’s claims were found to be invalid, the chiefs had the mandate to order it to vacate the island.

## Reaching an agreement

Breakthrough in the negotiations came when a young man from the Saruja group was granted permission to speak. He started by indicating his sadness about the conflict between Saruja and Kayai, acknowledging that Kayai settled in the area well before the people of Saruja arrived and sought permission from Kayai to farm on the island. He appealed to his fellow villagers to recognize

Kayai's ownership and thus bring the dispute to an end. The man was later identified as the younger brother of Saruja's village head. His statements were made in a very polite manner that did not challenge the authority of his elder brother, but rather seemed to offer a breakthrough in how the Saruja representatives could frame the issues. All eyes then turned to Saruja's village chief for his formal statement accepting Kayai's claim. He responded: "Yes, we all know that Kayai owns the island. We are only insisting because we have no other place to farm and to collect forest products. We are afraid that Kayai is going to deny us access to the island. If we are not going to be denied access, then we will sign the SNV for Kayai."

At this point, the mediators took the floor to clarify that signing the SNV did not mean that Saruja would have no access to the island. Saruja was also assured that the proposed community forest would not cover the entire island, because gardens and rice fields would be excluded from the reserve. To ensure this, the community forestry boundaries would be resurveyed and redemarcated. To increase the confidence of Saruja's representatives, Kayai's village chief told the gathering that his village values its strong family ties with Saruja so would not deny Saruja villagers access to the island. The Kayai village chief reassured the gathering: "Saruja will continue to be allowed to farm on the island, outside the borders of the community forest."

The village chief of Saruja, comfortable with the assurance of his counterpart from Kayai, stated: "As from today, we the people of Saruja unconditionally recognize Kayai as the rightful owner of the island, and we have no claims whatsoever over the island. We will sign the SNV for Kayai". This was followed by applause from the gathering. Everybody congratulated Saruja's chief for his decision. The other chiefs present also congratulated Kayai's chief for his conciliatory gesture.

## CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

### The agreement

The mediation team prepared a handwritten declaration to be signed by the two village heads and the Deputy Divisional Commissioner. The agreement contained the following points:

- Saruja's representative would sign the SNV acknowledging Kayai's claim to the island and allowing the community forest to be established.
- Saruja would have the right to collect forest products from the island, but only for its own domestic use.
- Rice fields and orchards would be excluded from the proposed community forest.
- The Forestry Department would resurvey the island and prepare a new map, excluding Saruja's rice fields and orchards from the community forest.

Other members of the village delegations spoke about their delight in reaching peace with their neighbours, emphasizing their readiness to abide by the agreements. Several speakers thanked the Forestry Department for initiating the mediation process between the disputing villages.

Reflecting on the agreement, the mediation team felt that it was sufficiently comprehensive in addressing the respective concerns of the parties. The agreement was not only an end in itself, but also served as a tool for monitoring the viability of the accord, including the extent to which the agreed points were practically implemented. In this regard the agreement had some limitations, as its terms were not binding and no specific time frame was set for their accomplishment. Moreover, the agreement did not establish an explicit monitoring mechanism for follow-up on implementation. In general, success of the agreement was highly dependent on the Forestry Department's timely resurvey and redemarcation of the community forest to exclude rice fields and gardens. The Forestry Department's commitment to supporting the mediation team revealed its interest and motivation in resolving the conflict. The agreement also brought public attention to the case and its participants, with the *Daily Observer* publishing an article that appeared locally and on the Internet in January 2006.

### Exit strategy

The next step of the conflict management process involved the mediation team's preparations for exit, as the conflict was now resolved. The team sought to hand over its roles to the parties in the conflict to complete the conflict management process, and a reconciliatory meeting was held in Kayai where the people of Saruja were invited to seal the accord at the local level. The purpose of this meeting was to inform the inhabitants of both communities and surrounding villages about the peace process and the outcome of the mediation efforts. Presenting the agreement in public was seen as a way of bolstering the commitment to fulfilling its terms. The Deputy Divisional Commissioner and the chiefs who attended the negotiation in Janjanbureh all attended.



Source: Anke Camphausen



The people of Kayai welcomed their kin from Saruja with tumultuous dancing and drumming and the killing of a goat to honour the guests. At a meeting in the village square, the Deputy Divisional Commissioner thanked the people of Kayai for their hospitality, also expressing gratitude to the people of Saruja for accepting the invitation to come to Kayai for the exit meeting. He then read out all the agreements reached at Janjanbureh, and called on the villagers to maintain their commitments to implement the accord.

The village heads spoke, repeating the agreement and indicating the willingness of their respective villages to abide by it. The Divisional Forestry Officer confirmed the readiness of the Forestry Department to redemarcate the island and prepare new maps. Last to speak was the leader of the mediation team, who congratulated the villagers for the peace deal and thanked them for their patience during the mediation process. He appealed to them not to flout the agreements.

## LESSONS LEARNED

The amicable resolution of the Kayai Island dispute suggests that many conflicts currently delaying the implementation or management of community forestry can be resolved in a timely manner through interest-based negotiation, if adequate support is available. This does not reduce the challenge of community forestry-related conflicts, which are increasing. The Forestry Department and involved parties must take conflict resolution seriously. Prolonged and unresolved disputes can result in illegal and unsustainable forest utilization and management, and have the potential to become violent conflicts.

Because of the reiterative nature of conflict mediation, which often requires extensive periods of time, enough financial and human support should be available to see the mediation process through, from start to finish. Managing conflicts is time-consuming, and often requires the full engagement of mediators and stakeholders. Mediation cannot be fast-tracked, and must be seen as a process and not a one-off event. It requires commitment and diligence from mediators, who must commit themselves full-time to the process; it cannot be done easily or effectively on a part-time basis. Sufficient funds must be budgeted for conflict management processes, taking into account such contingences as unplanned but essential trips to engage stakeholders during negotiations. Conflict management requires rapport building and close collaboration with communities, often necessitating involvement in local networks of reciprocity. For example, villagers often request the mediation team to give small presents, such as cola nuts, or provide transport to clinics for sick children, and although the team may not be under any obligation to provide these, such actions help the development of collaborative relations with communities. It must be remembered that the villagers themselves are giving – providing their time, labour, expertise and hospitality to support conflict management.

It would have been difficult for the mediation team to achieve the results it got in the Kayai Island conflict with only the funds furnished by CRDFP. FAO's financial contribution, although small, was critical in seeing the mediation efforts through, and a major lesson learned from this case study is

that relatively small financial investments in conflict management processes can yield major returns in terms of promoting sustained resource management and fostering sustainable livelihoods. Moreover, the increasing scope and magnitude of natural resource conflict, makes possession of the institutional capacity to address such disputes an integral part of government and non-governmental efforts to promote sustainable livelihoods.

The case study highlights the importance of neutrality for the mediation team. For NACO this posed something of a challenge, because it has worked with the Forestry Department in other parts of the country for several years and worked closely with the department in this conflict. This collaboration was not disclosed to the parties in the Kayai Island conflict, but not because NACO meant to deceive the villagers or act in an otherwise unethical manner. Members of the mediation team intended to serve as completely neutral agents, and always did so during the conflict management processes. The team was also rigorous in protecting the confidentiality of information gathered from each of the disputing villages. Given Saruja's accusations against the Forestry Department, however, it would not have been possible for the department to serve as a peace broker in this conflict.

What may first appear to be the cause of a conflict may not necessarily be so. Ownership claims are often assumed to be the major source of contention, but detailed analysis of the issues often shows that the real cause of a conflict is related to access to resources. Deep in their minds, the people of Saruja never doubted or disputed Kayai's ownership of the island. Their underlining interest, however, was to gain and maintain access to island resources that are vital to their livelihoods. The Saruja villagers wanted assurance that they would not lose access to their rice fields, fuelwood supplies and other forest products if the island became Kayai's community forest reserve.

Traditional authorities in the Gambia still exercise considerable authority in conflict resolution processes at the local level. Chiefs command a great deal of respect from their subjects, and can assist in the orderly conducting of negotiations. They can provide much valuable secondary information, helping the mediation team to contextualize the conflict. Chiefs often possess considerable historical knowledge because most of them have served as court members before attaining their present positions. They can therefore give good accounts of how a conflict had been dealt with at the tribunal level over the years, including the verdicts of court sittings.

The need to adhere at all times to principles and guidelines for implementing community forestry were very vividly illustrated during mediation. The community forestry implementation cycle cannot be fast-tracked by jumping key steps, and the failure of Forestry Department staff to observe procedural matters contributed significantly to intensifying the conflict. Field staff processed the Preliminary CFMA application for Kayai, without having the SNV signed by Saruja, contrary to official guidelines. The preliminary demarcation of the community forest also violated procedures by including farmland and orchards within its boundaries, and forestry staff failed to obtain the full consent of landholders. It was therefore not surprising that the people of Saruja felt aggrieved by the Forestry Department when they learned that all of Kayai Island was to be included in the community forest. Short-cuts, however small they may seem, should not be used to make momentary gains. In addition, ignoring conflict often only worsens it.

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