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Assessment of the impacts of pastoral policies in Niger:

Niger's experience in terms of national legislation enforcement for pastoralists' mobility
and cattle circulation rights

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List of Acronyms

AREN : Association for the Revitalization of Pastoralism in Niger

WISP : World Initiative for Sustainable Pastoralism

IUCN : World Conservation of Nature

POCR : Orientation Principles of the Rural Code

ECOWAS : Economic Community of West African States

1. Summary

Niger's experience in terms of pastoralists' mobility and cattle circulation rights is a model and may be presented through an overview of some key relevant laws. This overview reveals that the policies boil down to a few strong principles, which are:

- recognition of a zone dedicated essentially to pastoralism;
- recognition of the multi-functional nature of the resource areas dedicated to maintaining livestock/agriculture integration;
- affirmation of the principle of willingness to secure the land tenure bases of rural productions;
- existence of a legal system for rural hydraulics, taking into consideration pastoralists' needs;
- Niger's contribution to the sub-region's recognition of the need for and usefulness of mobility (international transhumance) in the ECOWAS zone.

Asserting these principles has assured pastoralists recognition of their activity, their way of life, and their specific rights across an important portion of the national territory.

However, a survey conducted amongst pastoralists in the Dallol region, near the capital city, also indicates that in the study area, the enforcement of texts is not beneficial to pastoralists and that in a context of a strong demographic growth, recognition of their rights is made more difficult by the rush for land tenure.

As a result, in addition to analyzing the laws, we also present the socio-cultural and economic background, which somehow determined the adoption of the laws concerned and/or make their enforcement difficult, thus reducing or annihilating their expected impacts outright.

Though certain legislative changes involve strong risks for them, pastoralists essentially request that the current legislation be enforced strictly and fairly. As a result of the loss of consideration for their way of life and the lack of recognition of their contribution to the development of pastoral areas, they are asking for the States Generals on pastoralism to be convened to allow them to contribute to the Pastoral Code in preparation.

2 . The context

Niger is located in a Sahel-Sahara zone. Considered as the engine of the country's economic growth, the rural sector receives the bulk of investments. Niger draws more than 20% of its GDP from the livestock subsector, the major part of this relying on transhumance.

Soon after independence, Niger's government took some measures to defend the rights of transhumant pastoralists and their ability to exercise this activity. In 1961, a law was passed to set the northern boundary of the agricultural zone, beyond which agricultural farming was strictly forbidden. In 1987, the State recognized the multi-functional nature of pastoral spaces by granting pastoralists the rights to circulate and graze their cattle in agricultural zones at the

production potential, thus regularly exposing populations to food precariousness. A recent multidisciplinary study (CRESA, 2006) however reveals that in certain densely populated regions, by resorting to the existing legal frame and with the support of land development projects, some communities have been able to preserve the balance between agricultural and pastoral activities, to increase their agricultural production, and preserve their environment.

This is not the case with the Dallol region, near the capital city, Niamey. In the fossil valleys, oriented north-south and used for transhumance (see the grey zone on the following map), we may rather note a rapid increase of human and animal pressure on natural resources; and this tends to jeopardize the durability of agro-pastoral production modes through a saturation of the lands, increase of uncultivated and indurate lands, absence of fallow land, the shrinking of forest lands, and loss of biological diversity. In turn, these have led to multiple conflicts bearing on land tenure and space management.

Being convinced that their legitimacy has legal bases, pastoralists deem that the legislation and its enforcement are no longer able to confer them clear and well-preserved rights for the exercise of their activity, while the progress made in terms rights favours the practice of agricultural farming.

From our interviews with pastoralists, it appears that, as a whole, they feel that pastoralism is marginalized, which contrasts with the important position it holds in the national economy, especially in the economy of the Dallol region.

3. The methodology

In 2006, IUCN conducted an analysis of the legislation and practices bearing on conflict management in the Dallol region of Niger, and then initiated consultations between agricultural and livestock farmers. Held in different localities of the agricultural and pastoral zones and at different scales, the consultations helped to generate a better understanding of the origins of conflicts as well as the current practices and the role of rights and institutions in their resolution. The recommendations derived from these are used in the present document.

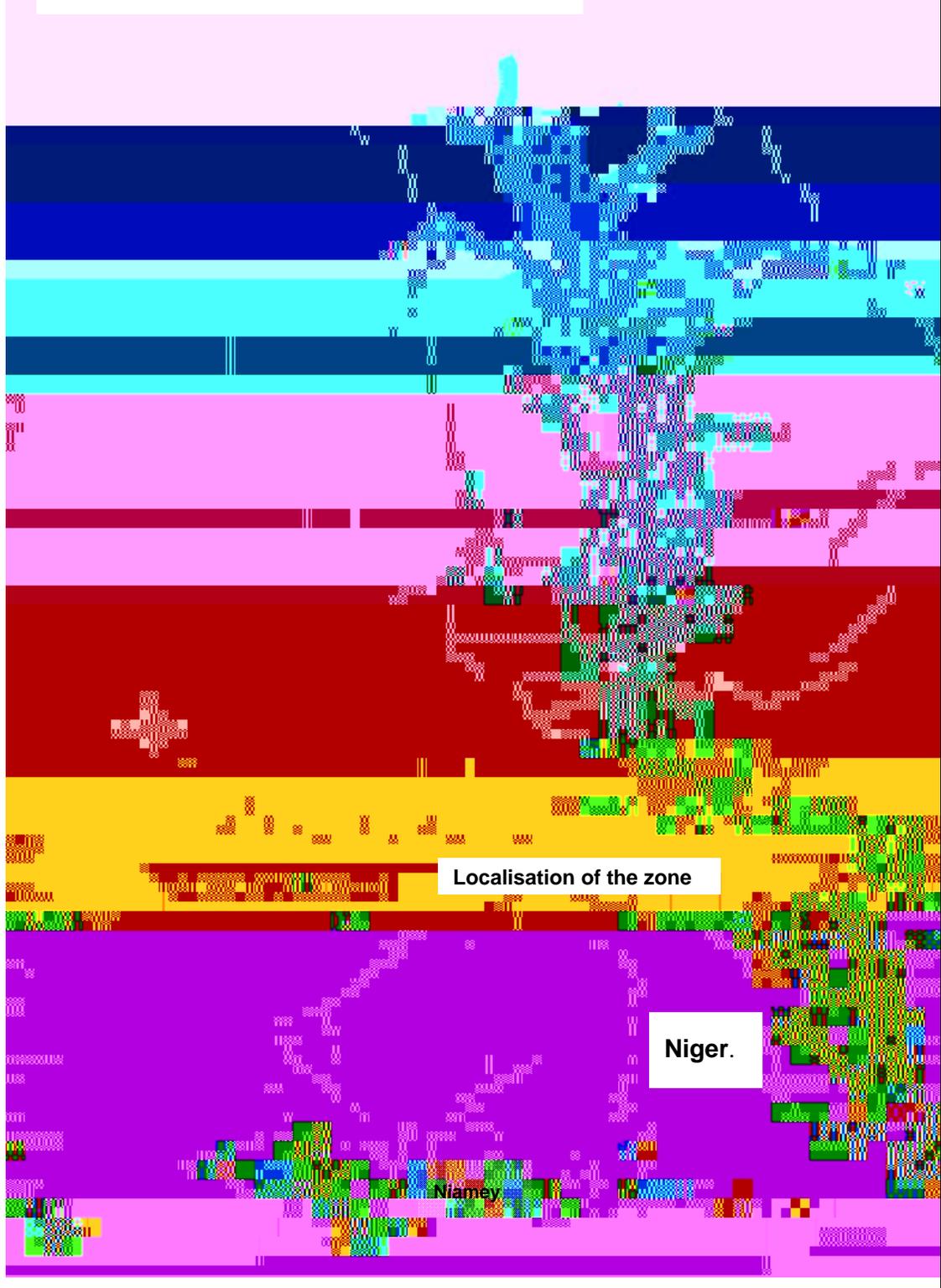
As part of this study, an additional desk research helped to identify the key texts dedicated to framing up pastoralism in Niger. A field survey was also conducted to collect the feelings and life experiences of pastoralists themselves. To do this, we convened meetings in three localities of the pastoral zone of the District of Filingué, namely:

- Abala
- Ekrafane
- Ezza : Here, pastoralists from both Ezza and Sanam (capital of the rural commune bearing the same name) were convened.
- Balléyara, a locality in the agro-pastoral zone, was replaced by Taïba. Unfortunately, we faced the same difficulties as those that made us substitute Balléyara with Taïba. A crowd of agricultural farmers showed up, and their main concern was to secure their farms located inside the pastoral enclave, even in case a pastoral code was to be adopted in Niger

In the first instance, we formed focus groups to conduct general conversations with participant pastoralists. This helped us to identify opinion leaders with whom we conducted an in-depth investigation later on.

We also met with the head of the administrative post of Abala (covering the communes of Abala and Sanam), some town councillors, and some of the rare livestock technical agents.

Map of the Dallols – Filingue Birni Gaoure.



4. The outcomes of the study

Based on this national legal frame, which has a regional scope, for a long time, pastoralists felt that they enjoyed some rights, that were enough to guarantee their activity nationwide and promote the territories they used.

4.1 The key texts with a clear impact on pastoralism in Niger

a) Identifying a pastoral dedicated zone: the 25 May 1961 law setting the northern

d) Determining the legal status of rural hydraulics: March 2, 1993 law N° 93-14 bearing on the status of water, and modified by law N° 93-041

The texts regulating the water sector in Niger are designed to avoid hampering pastoralists' mobility. In principle, even private waters (ponds located on private lands, private wells) must

million ha are concerned) is unique in the Sahel and perhaps in the entire African continent. Niger has good reasons to be proud of these outcomes.

The same study has revealed that investments made in the management of natural resources by the government and its technical and financial partners, as well as by producers, have had

This is the case with **the notion of attachment lands**, which they see as the beginning of a move toward establishing exclusive ownership rights. This comprises the risk of laying the foundation for a privative and progressive parcelling out of the entire pastoral space, thus making any form of mobility, pastoralism and traditional livestock farming in the Sahel impossible.

As a result, 100% of respondents refuse to grant individual pastoralists land ownership rights because this would be the prelude to the end of mobility necessary for livestock farming in the Sahel, so they feel.

For pastoralists, the POCRs make pastoral land a commodity like any other, thus destroying the last social and cultural defences that placed pastoral lands beyond mercantile considerations. **Pastoralists can observe that since the mid-90s the rush toward land delimitation has become more visible.**

3) Pastoralists can also see that the rights grant to them by the law are scorned through lack of consideration for their way of living and lack of recognition of their own rules of natural resource management.

As a result, a number of the rules established to regulate access to water points, access to pastoral zones after harvests, or else transhumance at the West African regional level, are an excuse for multiple abuses against them. As much as they appreciate the desire to regulate cattle movement and health and conflict resolution, they are concerned by the inflation of administrative paperwork and discriminatory practices coming from technical services (customs, livestock, police, etc.).

« All this is meant to transform us into sedentary populations and agricultural farmers. It is only for this ultimate objective that life is being made impossible for us. Yet we're not asking for anything but to be left alone" said one leader met at Ezza.

Authorizations to dig water points are granted without consulting pastoralists. Because these authorizations are paid for, the local authorities (Prefects, mayors, heads of associations, etc.) involved in the process tend to issue them at will. None of the technical norms in terms of mesh size is observed, and pastoral environment suffers as a result of this.

Concerning conflicts, civil responsibilities are frequently shunned, and pastoralists regularly find themselves facing more severe penal jurisdictions.

Whatever the regulation in force, the interviews revealed that 50% of respondents believe that access to water is very problematic and restricts mobility for the following reasons:

- x Total lack of water points in certain grazing areas ;
- x Barring access to certain water points, including public ones, for pastoralists
- x Discrimination and racketeering around public water points, both in Mali and Niger;
- x Excessive monetization of water points;
- x Vegetable gardening around ponds, operated with the State's financial support, obstructs the passageways of animals. For pastoralists, this is clearly one of many examples illustrating the fact that the State sides with agricultural farmers, to their detriment.

5. Recommendations

Without clearly stating this, the pastoralists surveyed are simply claiming for the enforcement of the Rule of Law, as presented earlier.

Current Niger's policies do not make pastoralists accountable in the management of their environment. Through the notion of attachment lands and priority usage rights, the POCRs have awkwardly tried to grant control rights over natural resources to groups (families, tribes, clans, etc.) more or less lastingly settled on specific sites. But pastoralists were very quick to see this as an attempt to parcel out (privatization) the grazing lands, and this will eventually

ANNEX—Traditional values and practices likely to help managing

The collective equivalent of JIGA is DANGOL, which may apply to a group, a whole community or institution. This may for instance consist in organizing a boycott of the livestock markets of municipalities that are particularly hostile to pastoralists. Thus, when a given town or institution falls under Dangol pullaku, no Fulani will go to it.

For Fulani people, this is a peaceful and communal tool for the defence of their interests.

B. Traditional practices.

1. The need to maintain biodiversity.

Some respondents mentioned some traditional practices, which may help protect faunal biodiversity in the pastoral zones. Endangered tree species may be protected by conferring them a special status; some fragile herbal species may be fed on only at specific periods, and with a control over the grazing intensity.

2. There is a need to avoid camping at strategic points for grazing, to allow for a more sustainable use of the resources.

According to the pastoralists' tradition, such mechanisms exist for a rational management of resources. For instance, in the rainy season a good pastoralist must not camp near water points used during the dry season. Such a pastoralist is expected to endeavor to use the most remote resources, when this is possible. In so doing, he contributes to build the grazing strategic reserve for the dry season. If promoted, this practice would help address the legitimate concern of those who are claiming property rights for the owners of the attachment lands.

The true pastoralist is the one who behaves rationally along his rangeland, by proceeding from the periphery to the heart of the best pasturelands. He will never camp in the middle of these rangelands. However, all these regulations are disappearing, and so there is a need to create the conditions necessary for their renewal, argue some pastoralists met at Abala, Ezza, and Ekrafrane.

3. Traditional practices in terms of securing lost animals: an alternative to impounding animals.

Impounding is in principle conceived as a public rural police service aimed at securing lost animals. However, in practice, municipalities tend to make of it a fund mobilization and racketeering tool against pastoralists. The animals impounded generally die of hunger and thirst. The only concern of the officers of impounding services is to see the deadline, by which they can sell the livestock, expire (15 days for small ruminants and 01 month for big ones).

To remedy this, pastoralists have proposed an alternative solution to impounding their animals; and this consists in better respecting animals' rights. **The idea is to make pastoralists' local leaders (Garsos, Rugas, pastoral organizations) more responsible for the custody of their livestock; which would avoid the animals being sequestered.** If necessary, municipalities may sign conventions with these proven traditional actors, from times immemorial, specialized in securing lost animals.