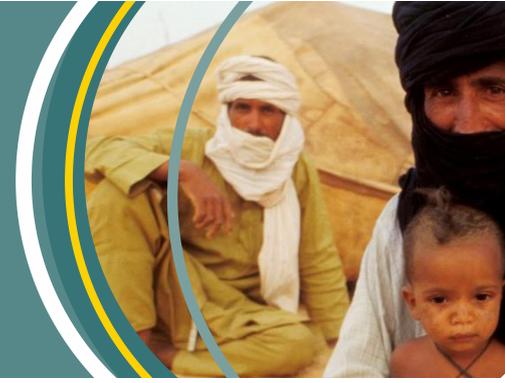


AT THE CROSSROADS

Analysing the impact of pastoral policies upon pastoralists based in Abalak, Niger



Acknowledgements



AT THE CROSSROADS:

Analysing the impact of pastoral policies upon pastoralists based in Abalak, Niger

©Tearfund, 2015

Research and full report: Oussouby Touré (Independent Researcher, Senegal)

Edited by: Stephanie Gill (Tearfund, UK).

Photo credits: Jim Loring (Tearfund, UK)

Special thanks to: all staff at 'Jeunesse En Mission Entraide et Développement' (JEMED), particularly Jeff Woodke and Billou Mohamed Moctar, and all who participated in this research.

Thanks also to: Slanwa Gaston, Abdoul Azize Sarki, Amadou Sani, (Tearfund, Niger) and Ced Hesse (IIED)

Executive summary document available at www.tearfund.org/sahelpolicy

Table of contents



GLOSSARY	4
EXECUTIVE SUMMARY	6
1. INTRODUCTION	11
1.1 Background and justification of the mission	11
2. METHODOLOGY	13
2.1 Research aim	13
2.2 Objectives of the study	13
2.3 Methodological approach followed during the study	13
2.4 Baseline data	15
2.5 Maps	15
3. ANALYSIS	16
The process of spatial reorganisation in the Abalak department: Factors and implications	
3.1 Development of flows of non-indigenous transhumant herders and fixation of resident communities in their home territories	16
3.2 Managing the internal movements of resident groups' livestock	22
3.3 Changing patterns of land use	23
3.3.1 <i>Pressure on land due to increased human settlement</i>	24
3.3.2 <i>The expansion of agricultural activities in the pastoral zone: a many-sided phenomenon</i>	24
3.3.3 <i>The establishment of private ranches</i>	25
3.3.4 <i>A system of monetisation of water to generate economic rent</i>	28
4. RESULTS	32
Responses from political and economic decision-makers to the challenges of securing herding in the pastoral zone: Scope and limitations	
4.1 Inadequate legislative advances towards formalisation of priority pastoral use rights	31
4.2 Failure to take sufficient account of concerns relating to formalisation of priority pastoral use rights in the debate surrounding the pastoral code	34
4.3 Herders in Azawagh: stakeholders marginalised from the new regional dynamics in favour of pastoralism	35
5. CONCLUSION	39
6. RECOMMENDATIONS	41

Glossary



In this report, the terms below are understood as follows:

Abalak Department: An administrative unit within the Tahoua Region of the Republic of Niger, presided over by an appointed official (Prefect). The Department is composed of five smaller units called communes, each administered by an elected mayor and council. Four of these communes are rural: Akbounou, Azey, Tabalak and Tamaya, and one is an urban commune, Abalak.

AGIR: Global Alliance for Resilience - Sahel and West Africa

Azawagh: The traditional name of the north-central pastoral zone of Niger. The Abalak Department is part of this area.

Canton: An administrative unit (similar to a commune) used in the south of the Niger, and presided over by a traditional chief. It is usually composed of villages and farming areas.

COFOB: Local-level land rights committees or land management committees ('Commission Foncière de Base.')

COFOCOM: Commune-level land rights committees or land management committees ('Commission Foncière Communale.')

COFODEP: Department-level land rights committees or land management committees ('Commission Foncière Départementale.')

Fixation: Involves developing a location in the pastoral groups' home territory and encompasses access to water, grain banks, health care, improved pasture and other physical and social structures. The pastoralists' primary economic activity of animal herding is reinforced through herd reconstitution. Fixation does not settle a community and mobility is encouraged.

Groupement: A unit of tribal government developed during the colonial period, dismantling the earlier confederations and alliances.

Herders: Those who raise and earn a living from livestock, specifically cows, sheep, goats and camels.

Home territories: A concept developed during the colonial period ('Terroir d'attache') to recognise the traditional territories of the various Tuareg tribes and clans residing in the Azawagh. It is composed of the area the tribe traditionally uses in the dry season, after transhumance.

Ingall: An administrative unit (Department) in the Agadez Region of Niger, to the north east of Abalak. It is home to salt-rich grazing lands and is the traditional destination in the seasonal migration (known as transhumance.)

Pastoralists: Similar to the term herders, except that it refers to herders who have a mobile lifestyle to some degree.

Peul: The French term for the Fulani people in general.

Peul Wodaabe: A nomadic subset of the Fulani people, ranging across the Savannah of Cameroon, Chad, northern and southern Niger. Some northern **Wodaabe** clans have traditionally used the Azawagh in the rainy season, and others such as the **Yamawa** (from the Dakoro area) and the **Bikarawa** (from the Madaooua area) have become resident in the Abalak Department within the last fifteen years.

PRAPS: Regional Sahel Pastoralism Support Project.

Puisard: A shallow well up to four metres in depth, often re-dug each year.

Puits boutique: A well (puits) used by its owner for the sole purpose of selling water.

Rangeland: Can refer to pasture and grazing land, or the territory of a group (similar to home territory).

Temet: One of the newly formed "groupements" in the Abalak Department which did not traditionally exist in the area, prior to the colonisation period.

Territorialisation: The process by which groups in the Azawagh region (both resident and those seeking to establish a presence) attempt to develop a claim to land ownership or home territory.

Transhumance: The term for the traditional migration of pastoralists. In the Azawagh region it usually takes the form of people moving north in the early rainy season to Ingall. They then move back south after the rains end.

Tuareg: The French and English term for the Kel Tamasheq people. The Kel Tamasheq are a Berber people, indigenous to North Africa and the Sahel. The Kel Tamasheq reside in the Azawagh region and the Abalak Department.

Executive Summary



BACKGROUND

This research focuses on livelihoods of pastoralists who reside in the Department of Abalak (Abalak), located in the northern pastoral zone of Niger. Tearfund partner 'Jeunesse En Mission Entraide et Développement' (JEMED) has worked with pastoralists in this region for 25 years.

Traditionally pastoralists in Abalak had highly mobile lifestyles and would move in family or clan groups in a seasonal migration known as transhumance. This system began to change during the great droughts of 1973 and 1984/85, which resulted in large losses of animals.

In 1990 a group of Tuareg pastoralists from Abalak were searching for a strategy which would allow them to develop economically and socially, overcome the recurrent droughts, yet maintain their culture and livelihood. They approached JEMED with a request for assistance and, after a year of research, developed a strategy of fixation and integrated development.

Fixation

Fixation involves developing a location in the pastoral groups' home territory and encompasses access to water, grain banks, health care, improved pasture and other physical and social structures. The pastoralists' primary economic activity of animal herding is reinforced through herd reconstitution.

Within fixation, mobility is encouraged; however, a number of external factors have reduced pastoralists' capacity to do so, including climate variability, animal losses, environmental degradation, a decrease in milk production, pressures from population growth and an increase in conflict. A large number of the resident pastoralists in Abalak have now opted for fixation. This approach is no longer considered a crisis response, but rather a permanent adaptation to these external factors.

Lack of secure land tenure

For these pastoralists, secure access to natural resources is essential to their livelihoods, as fixation requires the use of a smaller space for raising animals. However, they do not have secure land tenure rights, no matter how many centuries they have been using the land.

Lack of secure land tenure means that non-resident herders, who visit the area on transhumance in the rainy season, are entitled to let their animals consume all the pasture in and around the fixation points used by resident pastoralists.

This leaves the resident pastoralists without pasture for the rest of the year. There has also been an increase in the number of farmers (who do have land tenure rights) from the south owning animals and they too send their animals north into the pastoral zone during the rainy season.

Farmers are also increasingly using land in the pastoral zone for their livelihood, for reasons that include population pressures and resource scarcity. This is despite a 1961 law that limits the expansion of agriculture into the pastoral zone.

For resident pastoralists in Abalak, their lack of secure land rights, coupled with competition over resources, can have a devastating impact on their livelihoods.

Policies impacting pastoralism

At a regional level, in recent years there has been an increased focus on pastoralist policies. This includes the Global Alliance for Resilience (AGIR), which contains specific indicators on pastoralism, and a \$250 million project called the **Regional Sahel Pastoralism Support Project (PRAPS) supported by the World Bank**.

At a national level, the Rural Code was passed in 1993. It does not give pastoralists secure land rights, though there is an allowance for limited tenure in a provision known as priority use rights. **Obtaining priority use rights is crucial to the livelihoods of pastoralists living fixed lifestyles**; however, the process required to attain these rights is extremely expensive and complex.

At a local level, a policy aimed at decentralisation was passed in 2004, giving greater autonomy to local level authorities to enforce national level policies within their local context.

RESEARCH AIM

At a regional, national and local level, systems and structures are put in place to ensure that the livelihoods of nomadic pastoralists, pastoralists practising fixation, and farmers in Abalak can all thrive in a sustainable way.

RESEARCH QUESTIONS

1. What is the method of pastoralism practised by those in the resident populations of Abalak, and what are the key reasons for this?
2. What are the strengths and weaknesses of regional, national and local policies in light of these realities?

METHODOLOGY

Oussouby Toure, an independent consultant from Senegal, was appointed to conduct this research due to his renowned expertise of pastoralism and associated political processes.

Following a review of relevant literature, a set of interviews were held at a national level in Niamey, the capital of Niger. This included key individuals from the Ministry of Livestock and the Permanent Secretariat of the Rural Code.

This was followed by a field visit to Abalak. Meetings were held with a range of stakeholders, such as local authorities, and focus groups were held with farmers and pastoralists in eight sites within the department.

RESULTS

Fixation is a key method of pastoralism

A series of crop failures and significant losses of livestock at times of pastoral crisis (especially in 1984/85), have tipped many local households in Abalak into poverty, and since 2004 they have been faced with almost continuous food insecurity. Households have subsequently developed several coping strategies, including diversifying local economic activities, migrating to neighbouring countries, changing dietary habits and increasing their reliance on family and community solidarity.

It is against this backdrop of crises that fixation has developed in Abalak as a key method of pastoralism.

This is due to several factors, including:

- Land in the lowlands and dune pastures being taken over by farmers to grow crops. This is also contributing to the early arrival of herders undertaking transhumance.
- An increase in the privatisation of common resources (including water points) through the creation of ranches.
- An overall increase in competition for access to pastoral resources.

Regional Policies

The realities of Abalak are not reflected in regional policies

The renewed focus on pastoralism at a regional level presents a key opportunity to benefit pastoralists. The involvement of the World Bank may also increase the interest of other donors in pastoralism.

However, to date, these regional processes do not incorporate the concerns of the communities living in the pastoral zone of Niger, particularly their need for the full implementation of priority use rights.

National Policies

Priority use rights are not realised

The provision of priority use rights in the Rural Code is crucial for resident pastoralists. **More than 20 years after the adoption of the Rural Code, there has still been no attempt to formalise these rights and implement them in practice.**

This reflects the inherent inadequacies of the Rural Code, which does not specify either the actual content of priority use rights or the practicalities of exercising them. The lack of priority use rights can have a devastating impact upon pastoralists implementing a fixed lifestyle. Without priority use rights formalised and implemented in practice, they have no rights to prevent their pasture being consumed by animals of non-resident herders and farmers.

The privatisation of water points is detrimental

There has been a growing trend on an unprecedented scale in the privatisation of water points. This is detrimental to the livelihoods of resident and non-resident pastoralists alike, as they are obliged to pay a substantial sum of money to water their livestock. Privatisation also tends to occur with little concern for sustainable management of the surrounding grazing areas. National policies need to address this.

Land Management Scheme tools should be implemented

Alongside the adoption of the Rural Code, guidance for Land Management Schemes was also issued. These are designed to act as tools to regulate rural activities in order to prevent and manage conflict, and ensure sustainable use of natural resources. However, these tools have yet to be applied in the pastoral zone of Niger, including Abalak.

Local Policies

Policies should be enforced locally

Following the 2004 decentralisation policy, local authorities have a responsibility to enforce the Rural Code at a local level – in particular the formalisation of priority use rights. However, this has yet to occur effectively. Developing a code of conduct which is binding on all stakeholders (including transhumant herders) could be a pragmatic way to actualise these rights effectively at a local level.

CONCLUSION

Against a backdrop of conflict, food insecurity and pastoral crises, many pastoralists in Abalak have developed a lifestyle of fixation. Though initially a coping strategy, it is now a permanent and favoured way of life. It is therefore crucial that relevant policies at a regional, national and local level support this, especially the implementation of priority use rights. Civil society groups, including JEMED, will have a key role to play in advocating for, and supporting the implementation of, these recommendations, as listed below.

RECOMMENDATIONS

Regional level policymakers, donors and technical partners should support the following:

1. Regional policies, including the Regional Sahel Pastoralism Support Project (PRAPS), supported by the World Bank, must take account of the realities of pastoralists in Abalak, particularly their need for the formalisation of priority use rights and structural investment in the area.

The government of Niger should proactively support the following processes:

2. Priority use rights must be enforced as a mechanism for promoting the sustainable management of pastoral resources.

This process should start as a pilot scheme in three diverse home territories in Abalak: (i) territories used by herders on transhumance travelling to the salt rich pasture in Ingall Department; (ii) territories that are central for transhumance flows between June/July and December; (iii) territories infrequently visited by transhumant herders.

This will enable the practicalities of formalising priority use rights to be established, and useful lessons to be learned. This pilot scheme should then be amended (as necessary) and scaled up across the pastoral zone.

3. Privatised water points should be inventoried and then control should be transferred to local resident communities through the creation of management groups.
4. Land Management Scheme tools should be implemented in Abalak to help to facilitate pastoral mobility.

Local authorities in Abalak should implement the following processes:

5. The process for formalising priority use rights (as outlined above) should be enforced and supported by the adoption of a code of conduct binding on all stakeholders.
6. A system for coordinating the transhumance routes within Abalak should be established.
7. Land Management Scheme tools should be contextualised at a local level

1. Introduction



1.1 Background and justification for the research

Niger is a landlocked West African country with a surface area of 1,267,000 km², two thirds of which is located in the Saharan zone. The salient features of the estimated population of 60,468,886 (July 2011) are its youth (49.6% under the age of 15) and the high proportion of rural inhabitants (around 80%). According to data published by the National Institute of Statistics (2013)¹, nominal gross domestic product (GDP) per capita is FCFA 204,360. The estimated 3.6% growth rate of real GDP in 2013 is lower than the rate of demographic growth standing at 3.9%.

The economy of Niger is marked by its great vulnerability to climate variability and change. It is dominated by agriculture, which accounts for 43% of GDP and occupies 83% of the active population². Despite its economic importance, the agricultural sector is finding it difficult to modernise and remains heavily dependent on the vagaries of climate. Moreover, the country's strong demographic growth is increasing pressure on land, resulting in continual splitting up of family landholdings, decreasing yields and marginal land that was traditionally used for herding being brought under cultivation.

The repeated food crises the country faced between 2000 and 2010 highlighted the precarious living conditions of a significant section of the rural population. The scale and depth of these crises varied according to the level of the rainfall deficit and aggravating structural (resilience of production systems, and degree to which support provided by institutional players met people's needs) and financial factors (changes in the terms of trade between livestock and cereals, for instance).

The Abalak Department (Tahoua region) to which this study refers has been hit by a food and pastoral crisis over a series of deficit years since 2004/2005. Over the recent period, the zone suffered a chronic food deficit. At the same time, feeding livestock has been a significant concern for people in the Department, as a result of the recurrent fodder shortages due not only to drought but also to increased agricultural pressure caused by several different factors: (i) demographic growth which remains at an especially high level; (ii) degradation of arable land in the currently saturated farming areas in the south of the country; and (iii) the development by farmers of strategies to take over pastoral land. The combined effect of these factors is driving the advance of a pioneer agricultural front which is encroaching on the rangelands along the northernmost part of the cultivation line drawn by current legislation.

¹ National Institute of Statistics, 2013: Comptes économiques de la nation (Economic accounts of the nation).

² www.embassyofniger.org/docs

Repeated crop failures and heavy losses of animals during pastoral crises, particularly in 1984/85, have tipped many local households into poverty. Faced with this situation, these households have developed coping strategies based on several levers, such as diversification of local economic activities, migration to neighbouring countries, changing dietary habits and bringing solidarity mechanisms into play.

Aimed at boosting people's ability to adapt to climate crises, these changes have been taking place against a background of fixation of herders in their home territories. Since the early 1990s, the NGO *Jeunesse En Mission Entraide et Développement* (JEMED) has been providing multifaceted support to the process of change based on fixation of herders in the Abalak Department. According to JEMED staff, fixation of herders must be seen not as an ad hoc response to drought but rather as a permanent strategy to cope with climate variability and change. A survey conducted in 2008 of more than 900 pastoralists living in the NGO's project area showed that the system of long-distance movement, including during pastoral crisis periods, was gradually being abandoned³.

For herder families who have fixed in their home territories, secure access to pastoral resources is of crucial importance, insofar as it helps to safeguard their livelihoods. However, permanent residents of the home territories do not have secure land rights. Moves towards fixation are affected by several vulnerability factors, in particular: (i) growing pressure from agriculture resulting in the valley bases and dune pastures being taken over to grow crops; (ii) a process of privatisation of common resources through the establishment of ranches; (iii) premature heavy grazing at the start of the rainy season due to the increasingly early arrival of transhumant herds from recently saturated agricultural and agro-pastoral areas⁴; and (iv) the inherent limits of pastoral legislation that does not clearly define the content of the priority use rights held by resident communities in their home territories or the terms on which such rights may be exercised.

Given the situation, JEMED considers it is essential to establish terms of access to natural resources that are fair for all users. In this regard, *"it is vital to put in place systems and structures to ensure that the livelihoods of nomadic and semi-nomadic pastoralists, as well as farmers, can all prosper on a sustainable basis"*⁵.

³Linkages between water resource management and climate variability among pastoralists in two basins in the Abalak Arrondissement of Niger. Woodke, 2008.

⁴ ECOWAS, 2014: Theme 2: Securing pastoral activity systems. Call for proposals: "Innovative food and nutritional security operations in West Africa ". Application Guidelines.

⁵ JEMED, 2015: *Contexte et termes de référence pour une mission de recherche sur les politiques de mobilité sans entrave*. (Background and terms of reference for a research mission looking at unrestricted mobility policies)

2. Methodology



2.1 Research aim

At a regional, national and local level, systems and structures are put in place to ensure that the livelihoods of nomadic pastoralists, pastoralists practising fixation, and farmers in Abalak can all thrive in a sustainable way.

2.2 Objectives of the study

1. What is the method of pastoralism practised by those in the resident populations of Abalak, and what are the key reasons for this?
2. What are the strengths and weaknesses of regional, national and local policies in light of these realities?

The main focus points of the research were as follows:

- Describe changes in pastoral practices in Abalak, particularly with regards the operation of herding systems and management of pastoral mobility;
- Evaluate the efficiency of the system regulating access to pastoral resources, in relation to changes affecting herding systems in the area;
- Assess the effect of policies, strategies and legislation relating to pastoralism on the ability of pastoral communities in Abalak to gain recognition of their rights to areas they use on a regular basis;
- Identify the changes that need to be made to the institutional, political and legislative framework to meet the challenges posed by the process of herder fixation taking place in Abalak.

2.3 Methodological approach followed during the study

The methodological approach was based on:

- Consulting relevant documentation on the legal and political framework (policy and operational strategy in the livestock and pastoral sector at regional and national level, legislation and regulations relating to pastoralism and documents concerning regional dynamics) and reports on research conducted in the Abalak Department;

- Carrying out interviews with the various institutional stakeholders in Niamey, particularly the heads of public institutions dealing with livestock and land (Ministry of Livestock and Permanent Secretariat of the Rural Code) and the leaders of some pastoral civil society organisations (namely CAPAN and AREN);
- Holding working sessions with the JEMED team in Niger and resource persons with sound knowledge of pastoral issues in Niger and the ongoing changes in Abalak;
- Organising meetings with the administrative authorities and members of the grassroots land commissions;
- Organising focus group meetings with herders living at eight different sites in the Abalak Department (Ikizman, Wanboraghan, Minimini, Jadiri, Chinfangalan, Chintabagot, Dilla-Fata, Wan Afssagh and Alaghadad).

In preparing for the field surveys, the sites were chosen on the basis of the objectives assigned to the study. Other important parameters were taken into consideration, such as (i) the diversity of stakeholder profiles with regards to ethnic groups and herding systems; (ii) the duration of the partnership with JEMED (sites receiving long-standing support from the NGO and sites recently included in its support scheme); and (iii) the significance and experience of herder fixation in the home territories with regard to challenges faced and lessons learned.

The study essentially relies on the accounts of stakeholders in the field and triangulation of the data. Discussions with herders were usually conducted with groups, using an interview framework prepared in advance by the consultant. These were complemented by interviews with municipal councillors and local leaders. The purpose of this was to gain a better grasp of their vision of the changes currently under way and their assessment of the future of the process of herder fixation in their home territories.

Apart from the security concerns that led the JEMED team to avoid scheduling visits in high-risk areas, the main difficulty encountered during the mission was the need to use interpreters for interviews at the sites⁶. Translation into the languages used by the interviewees was at times challenging, especially when it came to complex issues. The issues of controlling land and managing natural resources are sensitive as they touch on power relations. They were therefore challenging to address in a situation where stakeholders had divergent and contradictory interests.

⁶ Visits to the sites were facilitated by JEMED extension workers who, while able to stand back during interviews with herders, gave the consultant useful insights into the features of the sites and activities developed in partnership with JEMED.

2.4 Baseline data

The study on public policy and legislation regarding livestock mobility in Niger essentially drew on four main sources of information:

- a) Documentation relating to the relevant regional and national planning frameworks⁷ and recent studies conducted in Abalak;
- b) The insights provided by members of the JEMED team during the preliminary discussions, as well as information obtained during meetings with institutional stakeholders and resource persons in Niamey and Abalak;
- c) Interviews with herders (men, women and young people), mainly at the various sites visited as part of the study;
- d) Discussions with the JEMED team in Abalak and resource persons in Niamey, at the end of the mission.

2.5 Maps



Figure 1: Map showing location of Abalak

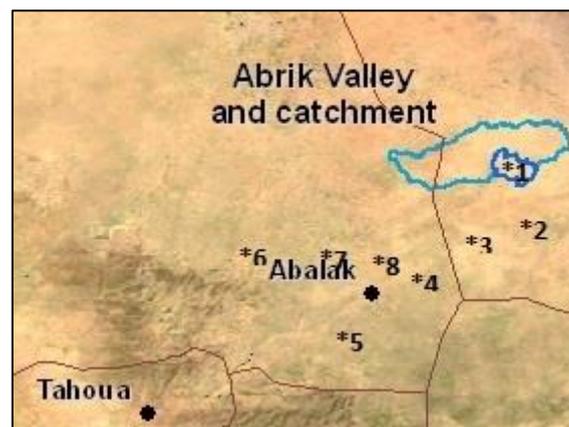


Figure 2: Sites visited during the field mission (1: Mini Mini; 2: Jadiri; 3: Wanboraghan; 4: Ikizman; 5: Dilla Fata; 6: Wan Afssagh; 7: Chinfangalan; 8: Chintabagot)

⁷ The documents were: (i) the regional road map of the Global Alliance for Resilience -AGIR Sahel and West Africa; (ii) concept note on the Regional Sahel Pastoralism Support Project; (iii) N'Djamena declaration; (iv) Nouakchott declaration on pastoralism; (v) Accelerated Development and Poverty Reduction Strategy - Niger; and (vi) Ordinance concerning pastoralism.

3. Analysis



THE PROCESS OF SPATIAL REORGANISATION IN THE ABALAK DEPARTMENT: FACTORS AND IMPLICATIONS

One of the main features of the ongoing changes in the Abalak Department is intensified competition for access to pastoral resources. This gives rise to a process of spatial reorganisation in the pastoral zone resulting in changes in the terms of access to natural resources against a background of:

- Fixation of herders in their home territories⁸ ;
- A pioneering expansion of the agricultural frontier whereby farmers from agro-pastoral areas have an opportunity to acquire land in the pastoral zone;
- Development of farming around inhabited areas by herder families wishing to obtain products (food and crop residues) as well as to safeguard their living space;
- Privatisation of access to certain water points managed by individual private operators;
- Creation of private ranches allowing their developers access to a protected area with no competition in the dry season, whilst they use the surrounding area as a temporary holding facility for their animals during the rainy season.

3.1 Development of flows of non-indigenous transhumant herders and fixation of resident communities in their home territories

The Abalak Department is an important hub for transhumant movements between the southern regions of Niger and certain neighbouring countries (Nigeria and Mali) and the saline land further north in Ingall Department. Abalak serves as a transit and holding area for livestock on their way to the salt licks. It occupies a strategic position reflecting an ancient pattern of livestock movements between the northern and southern areas of the country.

As an intermediate transit and holding area, Abalak attracts significant transhumance flows due to the extent of its fodder potential.

⁸ It should be noted that "fixation does not mean sedentarisation, but rather the development of a site within the group's home area that can provide it with access to water, cereal stores, healthcare, improved grazing and other material and social infrastructure. (...) The experience of JEMED [shows] that pastoralists living in Abalak never resume total mobility, even when they have the economic opportunity to do so" (JEMED, 2015, unpublished).

"The Abalak Department and the area to the north of the Dakoro Department are the most productive areas of Niger in terms of fodder resources. Studies show that the Azawagh Valley and the dunes above it are herding areas par excellence. It is particularly coveted by herders from the agricultural and agro-pastoral regions of the country, but also by transhumant herders from Nigeria" (stakeholder interview).

It is primarily at the start of the rainy season that transhumant herds arrive in Abalak. At this time of year, temporary, semi-permanent and permanent waterholes are used to water livestock. Generally speaking, the herds stay in the area for one or two weeks before continuing their journey to the saline lands around Ingall. When they return to their home territories, they stop over in the Abalak Department, waiting for the fields to be harvested, in November or December depending on the crop.

Transhumance flows towards the Abalak Department take the three main routes below (Zabeirou, O., 2012⁹)

- The route via Madaoua and Tamaya which is used by flocks of sheep from Nigeria;
- The route linking Kangui to Ingallqui which is followed by animals originating from the area to the south of Azeye;
- The route via Kéhéché and Akarama for livestock from the areas of Konni, Keita and Illela¹⁰.

⁹ Zabeirou, O., 2012: *Stratégies d'accaparement des terres et recomposition de l'espace pastoral dans le département d'Abalak*, (Land-grabbing strategies and spatial reorganisation of the pastoral zone in the Abalak Department) University Abdou Moumouni of Niamey, Master's Degree Dissertation, Geography.

¹⁰ The herds that use this route to the saline lands do not follow the same itinerary on their return. On leaving Ingall, they are driven towards Guidan-Roundji.

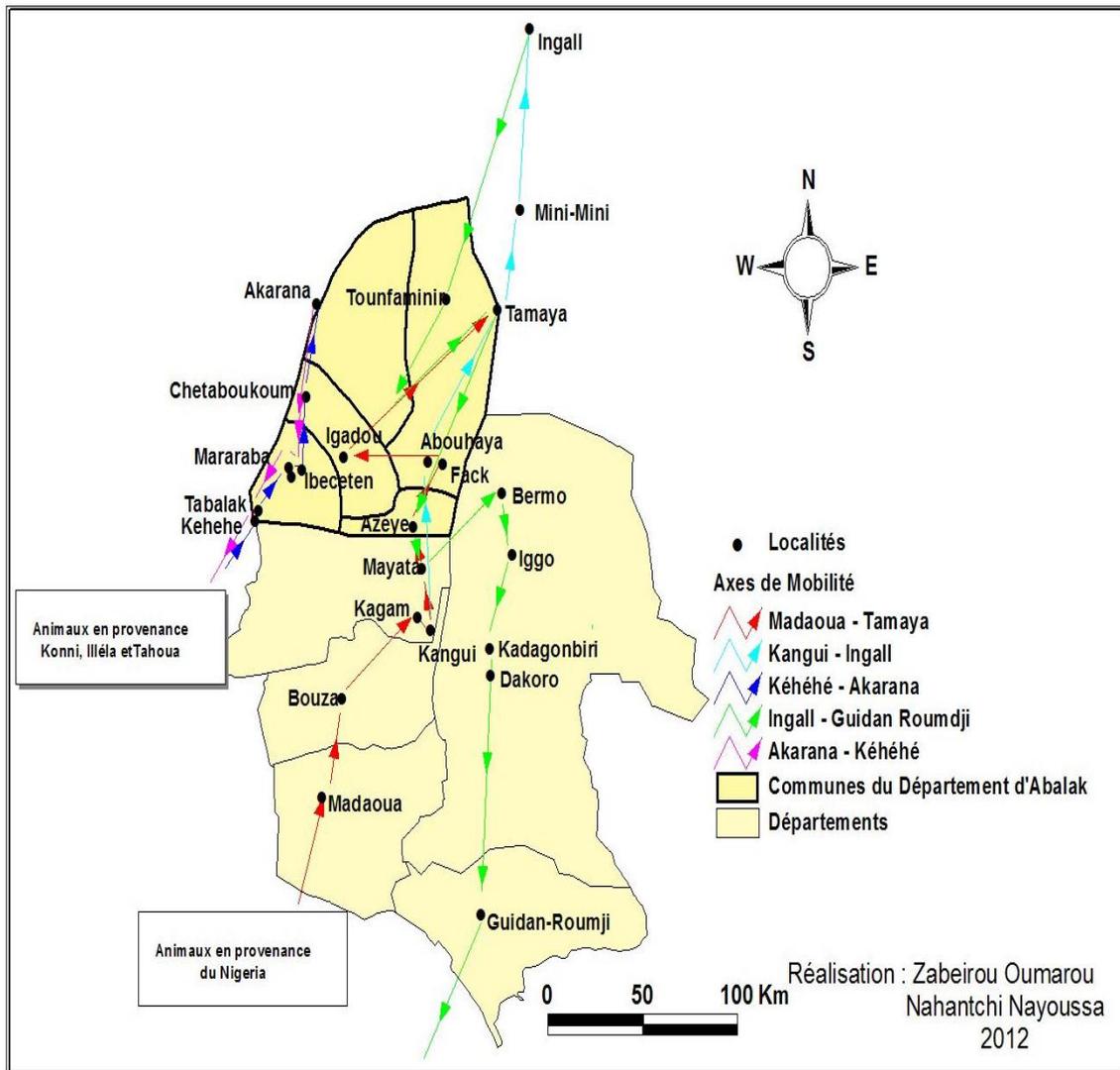


Figure 3: Main transhumance routes crossing the Abalak Department
 Source: Zabeirou (2012)

Traditionally, access to natural resources for transhumant livestock was negotiated and regulated by the resident communities exercising priority but non-exclusive use rights. The fluidity that used to characterise relations between indigenous and non-indigenous groups seems to be increasingly giving ground to a desire for protection against the influx of transhumant herders into the home areas of Abalak.

"The establishment and enclosure of ranches by some rich herders has changed the routes taken by transhumant herders to drive their animals to the salt licks. It is now our home territory [Ikizman] that has become the key corridor for transhumant herds. We have tried zoning our area, to prevent all the grazing being taken up by passing transhumant herders. However, we do not have the power to impose our will on these people. It's the sheep herders from Nigeria who cause us the greatest concern, because they constantly move from one part of the area to another and their grazing practices are devastating. In addition to destroying pasture, these herds are vectors of disease because they are not monitored by the veterinary services" (focus group meeting).

To understand this hardening of attitudes towards transhumant herders, account must be taken of the transformations affecting indigenous herding systems and patterns of access to natural resources. In this connection, it can be seen that resident communities have chosen to reduce the mobility of their livestock, banking on being able to take advantage of the crop residues from the fields where agriculture has really taken off in recent times. Furthermore, most herders have adopted technical innovations helping to improve livestock performance (mainly veterinary inputs and livestock feed).

"The way herding is practised in our area has changed a lot in the last fifteen to twenty years. A herder who has a dozen cattle is no longer forced to take the transhumance route to the southern regions in years of drought. He can save his animals whilst staying in his home territory. To do this, he simply has to sell two head of cattle to pay for a stock of livestock feed. You must understand that herders in Azawagh no longer have to move south in bad years. There is therefore no reason why transhumant herds should come from the South each year to consume the rainy season pastures in Azawagh. This situation does nothing to reduce the difficulties we have in feeding our animals during the dry season" (focus group meeting).

In most of the sites visited during the mission, interviewees dwelled on the difficulties caused by the increased numbers of transhumant herds coming to stay in the Abalak Department in recent times. However, it was not possible to locate statistical data showing that concentrations of transhumant animals have become increasingly significant.

"We have observed in the last 10 years that the numbers of transhumant animals coming here has increased. This increase in numbers concerns transhumant herders from Nigeria, as well as herdsmen who drive animals belonging to farmers in the southern regions of the country. These animals arrive here as soon as the first rains come and they wait for the rainy season to be well under way before they head for the salt licks, usually during August. They come back in September or October and stay until November before going back to their home areas. While they are here, they consume the bulk of the available pasture. As a result, our animals cannot spend the dry season on the spot, due to the shortage of grazing. Families are forced to go out towards Dakoro and Tanout looking for pasture with their animals" (stakeholder interview).

All observers agree that the annual grassy pastures growing in Azawagh when the rains come are grazed at an early stage, at the start of the rainy season, because herds from the agricultural and agro-pastoral zones now arrive earlier than they used to¹¹. This increasingly early arrival of livestock from recently saturated agricultural and agro-pastoral areas tends not only to exacerbate competition between resident communities and transhumant herders but also, above all, to undermine the resource. As mentioned above, the Abalak Department serves as a holding area for transhumant livestock at both the beginning and the end of the rainy season. Given the frequent delays in clearing the fields, the transhumant herders sometimes extend their stay until December.

¹¹ In the agricultural and agro-pastoral zones, patterns of livestock movement alternate between moving away from and towards village lands depending on season. These movements reflect two main concerns: (ii) to send the livestock away from the home area in the growing season when there is a risk of conflict due to animals wandering in unharvested fields; and (i) to make use of the crop residues that constitute strategic resources for livestock at times when they are easily accessible.

Transhumance flows occur at a time of year when surface water is available and accessible to all herders. This ease of access to water leads to greater difficulty in regulating transhumant herders' access to grazing. Resident herders deplore the fact that they cannot enforce rules of access to pastoral resources in their home areas, even when grassroots land commissions have been set up.

"Families who live here have built mud-brick houses and cultivate fields every year. Despite these efforts, we are unable to get our rights to our land acknowledged by the transhumant herders who come to stay here in the rainy season. To solve this problem, we would have to obtain a document from the administration giving us the power to force transhumant herders to comply with the rules we would establish. What we want is to have certain areas set aside as grazing reserves so that we can feed our animals during the dry season. What we also want to do is mark out transhumance routes in our home area and delimit the places that transhumant herders may use when they come through here" (focus group meeting).

The fodder resources available in the Abalak Department play an important role not only for the transhumant herders who come there but also for resident communities whose livelihoods mainly depend on livestock. With specific reference to the Tuareg who form the majority in the Abalak Department, it seems that, in view of their experience in times of drought (especially in 1984/85) and seeing young people migrate to neighbouring countries (especially Libya), they have gradually come to realize the need to reconcile two imperatives:

- Firstly, continue developing risk prevention and management strategies, including recourse to the pastoral mobility that is an essential part of coping with the vagaries of climate; and
- Secondly, prioritise the option of fixing families so they can access basic social services and improve their living conditions.

The key factors in the process of fixing resident communities relate to changes in both the internal and the external environment.

With regards to changes in the internal environment, several people encountered during the mission felt that episodes of drought had had a decisive impact on the way family farms have developed in the area. The pastoral crisis of 1984/85 was a climate shock with a very heavy impact on herder families, involving record livestock mortality rates.

"The 1984/85 drought that people here call the "conjuncture" greatly weakened the pastoral economies in the area. It caused serious economic difficulties for almost all herder families. I will quote the example of my own family to give you an idea of the scale of livestock mortality. My family had a herd of more than 200 cattle before the drought but the number was just 11 by July 1985. The scale of losses was about the same for the majority of families in the area. This drought forced many families to develop strategies to diversify their activities, thereby reinforcing the dynamics leading families to fix. Fixation enabled households impoverished by the drought to develop farming activities to produce food and, at the same time, obtain crop residues either to feed their few remaining animals or for sale" (stakeholder interview).

The 1984/85 drought and the rebellion that followed in the early 1990s caused many young men from the Abalak Department to migrate towards neighbouring countries, especially Libya. On their return, these young people promoted attitudes and behaviour inspired by what they had learned in Libya. They began to adopt more modern lifestyles and develop new strategies based on promoting high value-added activities, for example using veterinary and feed inputs to improve livestock productivity.

Within these overall dynamics, the usefulness of access to basic social services (especially health and education) was widely recognised by herder families in the area. Interviewees stressed that the classic approaches developed in respect of health and education do not make a good fit with the constraints of mobile herding systems. From their perspective, the process of fixation has meant that in many places children can now go to school. This facilitates diversification of activities, safeguards the future and opens a window to the outside world.

"With regards to resident groups' access to basic social services, two parallel but complementary dynamics have played an important part. One of the processes has been driven by the trend for ethnic Tuareg, who may be government officials, private sector and NGO employees or even political leaders, to return to their home territories, where they have increased the demand for access to modern social and economic services. The other process results from the support the public authorities have provided in connection with the implementation of peace agreements. The economic component of these agreements was designed to provide a long-lasting solution to the rebellion. Projects were launched whereby the State facilitated the establishment of social action centres which included schools, health centres and water points¹²" (focus group meeting).

Another important factor in the process of family fixation is the growing awareness of the importance of territoriality and the associated power struggles in a context of strong demographic growth, persistent economic difficulties and affirmation of the status of common land accorded to the pastoral zone. This awareness lies behind the desire to strengthen the territorial anchorage of resident communities, activating different levers, namely: (i) digging a traditional or cement-lined well; (ii) occupation of a site including permanent housing; and (iii) continual use of an area set aside for crops. The aim is to consolidate resident groups' hold over their home territories, opening the way to a process of territorialisation whereby groups have more control over the terms of access to pastoral resources available in their area.

With regards to changes in the external environment, the dominant feature is the saturation of the agricultural and agro-pastoral areas that play the role of strategic fall-back for the livestock of the Abalak Department in times of crisis. This phenomenon has meant that any land that could be used to grow crops has gradually been transformed into fields, resulting in the disappearance of pastoral enclaves. The profound changes in the way crop residues are used have made it all the more difficult for transhumant herders to stay in these areas.

¹² This refers primarily to the work of the Pastoral Zone Development Programme (Prozopas) which was implemented as of 1995/96. The aim of this programme was to improve the living conditions and production of pastoral communities (Tuareg tribes and groups, Peul- Bororo and Arabs). It had three main components, one of which involved "extending coverage of needs relating to human and animal health, basic education and supplies of inputs for livestock through a network of support centres" (RDP Livestock services / Marie Louise Beerling, 2003: Final report on technical assistance to PROZOPAS).

Traditionally, these residues have represented a strategic asset accessed by the transhumant herders who come to stay in the area at times of crisis. However, the practice of gathering crop residues, including the sorghum stalks that farmers themselves now use to feed their animals or sell on local markets, has become increasingly widespread. Moreover, systematic gathering of dry grass in the bush makes it even harder for herders to feed the livestock.

"If you think about it, herders in Azawagh lose more than they gain from transhumance towards southern regions in times of drought. This is because it costs money to access resources such as water and crop residues and even dry grass, as gathering and selling this has become a lucrative trade. In addition, transhumant herders are obliged to move away before the first rains come. The animals have to endure a forced march back to their home territories although they are very weak at this time of year. This can cause significant mortality amongst the herds" (focus group meeting).

3.2 Managing the internal movements of resident groups' livestock

As the leading economic activity in the Department, herding plays a key role in the achievement of food security for many people engaged in various livestock production, processing, marketing and service activities. The sector holds great economic significance for the Abalak Department where herds are estimated to number 840,078 Tropical Livestock Units (TLUs)¹³.

Herding systems relying on the Abalak Department's pastoral resources have undergone considerable reorganisation in recent years, as a result of climate change and institutional and socio-economic developments. The former trading relationship between the northern and southern areas, which was based on the principle of reciprocity in access to pastoral resources, has been seriously undermined by intensified competition for access to natural resources.

Within the Abalak Department, extensive herding is the mainstay of the livestock production system, which is nevertheless evolving towards a form of intensification of production via better access to inputs, although this does not call into question the principle of livestock mobility.

There are several differentiating criteria (the relative place of herding and other economic activities in the family economy, livestock numbers per species and yields) according to which three kinds of production system practised by resident groups in the home areas can be identified:

- a) The system closely linked to the valleys, which uses a relatively large land area. It predominates amongst the Tuareg and is essentially based on herding cattle¹⁴, goats and sheep, together with camels. Territoriality is an important aspect of this system, which relies on permanent occupation of the valleys or areas where boreholes draw people in.

¹³Zabeirou, O., 2012.

¹⁴ Mortality recorded during recurrent droughts has sharply reduced the numbers of cattle in family herds.

- b) The system combining herding of cattle and small ruminants, which has a relatively small land base. It is mainly practised by groups of Peul-Woddabe who move around near and within the area of Azawagah, but will range much further in drought years;
- c) The market-oriented herding system favouring strategies to diversify into higher value-added activities, primarily trade. It mainly involves Arab groups who live in the urban centres (Abalak and Tanatamou) and whose animals are watched by paid herdsmen recruited locally.

Forms of livestock mobility vary according to herding systems, the availability of natural resources and the objectives pursued by herder families. In view of the ongoing fixation process, the pattern of livestock movements is becoming less and less scattered in normal years. Internal movements are usually confined to a portion of the home territory which holds the camp permanently occupied by the families and the water points where the livestock drinks. When describing how livestock mobility is managed, interviewees distinguished two kinds of movements specific to the major seasons of the year, i.e. the rainy and dry seasons.

During the rainy season, daily animal movements comprise a more or less regular sequence of moves between pastureland and temporary waterholes. Adjustments are made to the pattern of these movements, adapting the grazing circuit as the temporary waterholes dry up. The herds are usually driven to the salt licks in Ingall department in July/August and come back to their home territory in September. At the end of the rainy season, herders will first of all turn to *puisards* (shallow wells) to water their animals before moving to traditional or cement-lined wells.

In the dry season, mobility is confined to a radius of some 10 to 15 km around the water source, with a series of flexible movements in response to the uncertain nature of grazing resources. *"In general, each camp comes back close to its water source and only moves around within a radius of between ten and fifteen kilometres. The dry season is a period of small-scale movements around a fixed point, as opposed to the nomadic pattern of the rainy season"* (Nahantchi, N., 2012¹⁵).

3.3 Changing patterns of land use

Controlling the terms of access to pastoral resources has become a key issue as a result of more intense competition between indigenous and non-indigenous users, as well as the beginnings of a process of territorialisation whereby resident communities take up more permanent fixation in their home ranges. The ever-increasing antagonism between groups who have rights to the same natural resources is causing a change in patterns of land use, related to transformations affecting the socio-demographic and economic environment and natural resource management.

¹⁵Nahantchi, N., 2012 : Gouvernance locale des ressources pastorales (l'eau et le pâturage) dans le département d'Abalak., (Local governance of pastoral resources (water and grazing) in the Abalak Department), Master's degree dissertation, Abdou Moumouni University, Niger.

3.3.1 Pressure on land due to increased human settlement

From the socio-demographic perspective, the changes occurring during the recent period in the Abalak Department have been reflected in an increasing number of villages. According to data provided by the agricultural service, the number of villages occupied by agro-pastoralists has risen from 48 in 2000 to 67 in 2012 (Zabeirou, 2012). Cultivating plots in the pastoral zone is often the only means of acquiring land for a large majority of farmers who, have fallen into poverty, as a result of the spread of land transactions in the agricultural and agro-pastoral zone. Allocation of land titles in rural areas has led to monetisation of farmland and put an end to the practice of free loans. This has forced a substantial number of landless farmers out of the agricultural and agro-pastoral zone and into the pastoral zone.

Another important feature of the socio-demographic changes concerns the creation in the Abalak Department, under the regime of President Tandja, of three new *groupements* (administrational units of tribal government), comprising: (i) the Peul Yamawa from Dakaro; (ii) the Peul Bikarawa from Madaoua; and (iii) the Temet (a *groupement* of people from Abalak). This means that the number of *groupements* in the Department rose from 5 to 8 between 2004 and 2010. In the whole area of Azawagh, which includes the Abalak and Tchintabaraden Departments, the total number of Peul and Tuareg *groupements* has risen from nine to eighteen over the period in question.

Different groups of stakeholders have differing views of this decision. According to some interviewees, it reflected a concern for fairness, given the existing gap between the cantons (groupings of sedentary villages)¹⁶ and *groupements* whose population is dispersed and constantly on the move. This results in low representation of transhumant and nomadic groups in decision-making processes, particularly with regard to decentralisation. Conversely, other interviewees have more critical viewpoints and stress the fact that the public authorities have sought to meet the expectations of their political clientele.

With regards to the creation of new Peul *groupements*, the process has been put into operation largely by choosing areas within which customary Tuareg power was weak or divided. In the eyes of members of Tuareg communities, the recognition of new *groupement* chiefs has contributed to reducing the area of land under the control of those in tribal authority.

3.3.2 The expansion of agricultural activities in the pastoral zone: a many-sided phenomenon

For more than a decade, a genuine agricultural pioneer front has opened up in the Abalak Department, encroaching on rangeland well to the north of the cultivation line drawn by Law No. 61-05 of 26 May 1961. Analysis of land use on the basis of interpreting Landsat™ satellite images (1980s and 2000s) shows that the cultivated area grew from 11,177.3 ha in 1980 to 13,178 ha in 2000, an increase of more than 2000 ha in the space of 20 years (Zabeirou, 2012).

¹⁶ In Niger, the canton chieftaincy which oversees the village chiefs is the main centre of official power in rural areas. It plays a very important political and symbolic role.

"The advance of farms into the Azawagh, has been greatly increasing for around 10 years. An area like Mayata is now surrounded by fields cultivated by Hausa farmers originating from the south of the country. It should be pointed out that the whole area south of the Abalak Department has been taken over by agriculture" (stakeholder interview).

In addition to the expanse of pastoral land on which fields have encroached, account must be taken of the strategic nature of the areas concerned. Agricultural pressure is especially aggressive not just in the base lands (near waterholes) which are coveted for vegetable growing but also on the former dune pastures.

Apart from this, agriculture has developed in the vicinity of certain semi-permanent or permanent waterholes. Farmers have used branches to make a fence around the basins of several important waterholes which are now used exclusively for agricultural activities. Conflict can arise with herders living in the home territories concerned, when access to these areas of surface water is denied to livestock.

It is worth mentioning that the development of agriculture in the Department is not just due to farmers coming from the areas of Dakoro, Keita, Bouza, Madaoua; etc. It also reflects internal dynamics brought into being at the end of the 1960s by the liberation of the enslaved classes. Members of the latter began to cultivate patches of land in the home areas of their former masters. As the resident communities began to fix, the practice of agriculture spread in the home territories in view of the contribution this activity could make to feeding both families and livestock. From another perspective, agriculture helps to secure the camp's living space, inasmuch as it offers the possibility of maintaining a grazing area protected against the intrusion of foreign transhumant herders. By practising agriculture, herders know that non-resident transhumant herders will not move in between the fields and the camp.

The development of agriculture in the home territories is not in line with the provisions of Law 61-005 of 27 May 1961, which authorises the practice of subsistence farming to the north of the cultivation line. According to the law, this means itinerant farming using a small area. However, currently, *"the situation on the ground is different. On the pretext of [practising] subsistence agriculture, herders take over the area. They engage in family farming, with the notion of ownership that may even go as far as inheritance following an enlargement of the family" (Zabeirou, 2012).*

3.3.3 The establishment of private ranches - a means of combining the advantages of holding exclusive private rights to the enclosed area with livestock access to grazing in neighbouring home territories

Although it is no longer fenced, the Ibécetan public ranch set up in the Abalak Department following the 1973 drought is still in operation. The ranch's aim is to facilitate the selection and dissemination amongst herders of Azawak breeding bulls. It also teaches local families modern cheese-making techniques.

In addition to this public ranch, the Abalak Department currently hosts three private ranches belonging to rich livestock traders whose strategy is based on private appropriation of pastureland.

The first ranch, covering 4800 ha, is located 17 km to the east of the Abalak urban municipality. It was set up in the early 2000s following the granting of a rural concession¹⁷ to a local association that was in fact a front for the developer of the ranch.

"This ranch belongs to an Arab livestock trader who put in an application to the Ministry of Livestock in 2005/2006. His application had been refused because the pastoral area is in public ownership and should not be available for private, exclusive use. The developer decided to try to get around the law by using the Association of Azawak Cattle Breeders as a front to obtain an area of land set aside for quarantining sick animals. At the time, I was one of the Ministry officials and I can say that the application for a rural concession submitted in the name of the Association was signed by all the groupement chiefs in the area, as well as COFODEP" (stakeholder interview).

The second ranch covers 2500 ha and is located 13 km to the north of the town of Abalak (Zabeirou, 2012). The third, more recently established, ranch is contiguous with the second and is said to be 3 km long by 4 km wide.

The establishment of these private ranches was all the more shocking to herders in the neighbouring home territories in that it encouraged the practice of exclusive, private access to resources.

"The owners manage the ranches for their exclusive benefit. The livestock belonging to families living on the periphery cannot access the ranches, even when there is a fodder shortage in the area" (focus group meeting).

The private ranches operate as fodder reserves in anticipation of the most difficult period of the dry season¹⁸. They combine the advantage of holding exclusive rights to the enclosed area with access for their livestock to the community pastures available in the neighbouring home territories. In other words, the ranches do not operate in isolation. In the rainy season, ranch owners graze their animals on the rangelands of the home territories. The herds stay there until these pastures are exhausted before moving back to the enclosed areas. In brief, the ranches serve as back-up areas for their owners within an overall system operated on the basis of production objectives that imply a constant flow of livestock to and from the enclosed area and the surrounding bush.

Many herders have understood the attractions of such a system and this explains the large number of applications for rural concessions to set up private ranches. Between 2000 and 2012, the Abalak COFODEP rejected 14 applications for rural concessions involving a total area of 38,500 ha (Zabeirou, 2012).

¹⁷ The rural concession is an administrative contract that grants its beneficiary, on terms set out in a schedule of conditions, the right of temporary occupation and/or use of an area under public ownership either for herding, farming, hunting or fishing activities or for forestry. (Ordinance 2010-29 of 20 May 2010).

¹⁸ In the opinion of certain commentators, current practices at the Ibécetan public ranch are similar to those adopted by owners of private ranches.

"People are saying increasingly openly at workshops held in the Department that the grant of a rural concession is nothing less than a pre-privatisation exercise in favour of rich livestock owners. Because even when the initial conditions on which the concession was granted are no longer fulfilled, the beneficiary does not give up the exclusive right awarded to him over an area he considers his own" (stakeholder interview).

The award to a minority of herders of exclusive rights over natural resources is a source of tension insofar as it challenges the fundamental principle of reciprocity in access to community pastoral resources. Herders in the home territories of the pastoral zone consider themselves to be victims of injustice in relation to the ranch concession-holders.

The public authorities have become aware of the complex situation prevailing in the Abalak Department as a result of spatial bipolarisation and the existence of overlapping rights of resource access that vary according to the type of area concerned (free access to community pastureland and exclusive access to enclosed ranches). A decision was taken in December 2014 to put an end to exclusive, private access to resources in the pastoral zone.

Box 1: On course for dismantling the private ranches

In a letter (dated 18/12/2014) addressed to the Principal Private Secretary of the Prime Minister, the Principal Private Secretary of the Presidency has given instructions aimed at stopping the practice of private appropriation of grazing areas in the pastoral zone.

"The President of the Republic has become aware of the recurrence of a certain number of practices having the purpose and effect of land grabbing and privatisation of pastureland in the form of private ranches set up in the pastoral zone and other unauthorised enclosing of pastureland.

Not only are these practices illegal, they are the source of frustration for the overwhelming majority of rural producers.

This is why, in the light of the relevant debates at the last Cabinet meeting, the President of the Republic has instructed me to refer the matter to the Prime Minister's Office so that the government may take the following decisions:

1. Immediate cancellation with notification to the developers of all ongoing processes of creation of private ranches in the pastoral zone and pastoral enclaves;
2. Immediate dismantling of all ranches and other unauthorised enclosures established in breach of the law since the advent of the 2010 ordinance on pastoralism;
3. Launch of a joint investigation by the IGGA/IGS (inspectorates) of the Ministry of Livestock, as soon as possible, into the legality and conditions of establishment of other ranches set up prior to the advent of the 2010 ordinance on pastoralism;
4. Instruction of the State legal department to bring proceedings for forgery, where appropriate, in respect of any land titles that developers may claim to cover their illegal enterprises".

3.3.4 A system of monetisation of water to generate economic rent

Water points are the cornerstone of the system of natural resource use in pastoral and agro-pastoral areas. Access to water plays a key role in securing herders' livelihoods, inasmuch as it determines their ability to access grazing. In view of the limited water resources available during the dry season, mobility is usually only possible if herders can negotiate access to water from the existing wells in the animals' fall-back areas.

Puisards (shallow wells) and traditional wells play an important role in livestock watering in the Abalak Department, although the network of cement-lined (OFEDS type) wells has expanded considerably. The services dealing with water supply have counted 268 wells (100 cement-lined wells and 168 traditional wells) and 15 boreholes (Zabeirou, 2012).

Within the system of social management of water, a herder moving through a home area will ask the owner of the *puisard* or well for the right to water his herd. Permission will be granted free of charge or for a consideration in kind known as the "*traditional colas*", reflecting the desire to establish a social agreement. He will wait for the residents to finish watering their animals before taking his own to the well. If he takes his turn, he will normally be allowed to extend his stay. In other words, the well is available for public use but there are acknowledged priority access rights held by the groups who helped to establish it, use it regularly and have control of the surrounding rangelands.

In all agro-pastoral and pastoral zones in Niger, water-point management practices have undergone profound changes. *"Control over well water is now essentially exerted by taking money from non-residents. The former "colas" or consideration in kind given by the new arrival to the person in charge of the place, demonstrating the wish for a relationship of trust, has been replaced by a system of monetisation of water. In most cases, charges vary considerably depending on parameters as diverse as the number of animals to be watered, the length of stay and the degree of mutual knowledge. They are often imposed, but can sometimes be negotiated."* (Marty & Beidou, 2006)¹⁹

Given the weak operation of the management committees which were usually set up in response to external pressure (from the water supply service, projects, NGOs, etc.), public wells are subject to private management under the authority of the *groupement* chiefs or their proxies.

Throughout the pastoral zone, the emergence of "*puits boutique*" (wells used by their owners for the sole purpose of selling water) has been one of the striking features of the ongoing changes in the field of pastoral water supply. *"The proliferation of private traditional wells is the result of the market nature of water supply in the Abalak Department. In fact, it seems that [certain parties] dig wells although they have no animals, simply in order to sell water and charge people who do not own wells for access to the surrounding pastures, despite the fact that digging a well is not supposed to be synonymous with appropriation of pastoral land."*

¹⁹ Marty, A; & Beidou, H., 2006 : Mission d'appui à la gestion des ressources pastorales du 9 au 30 juin 2006. Projet de Sécurisation des Systèmes Pastorales dans la région de Zinder. (Pastoral resource management support mission, 9 - 30 June 2006. Project to secure pastoral systems in Zinder region)

This situation explains why certain groupement chiefs have taken control of public pastoral water points (cement-lined wells, pumping stations) in order to demand substantial sums from pastoralists to water their animals" (Nahantchi, 2012).

The stakes involved in the sale of water are so high that well management is increasingly disconnected from sustainable natural resource management. The Peul Woddabe herders who met at the Jadiri site complain about a trend that deprives them of any possibility of controlling access to natural resources in their home area.

"The space we occupy is crossed by a valley studded with wells belonging to private individuals who sell water to transhumant herders. On their return from the salt licks, some transhumant herders stop over in our home territory where they stay for as long as there is grazing, because they can rent wells to water their animals" (focus group meeting).

The "uncontrolled" sinking of wells is a concern for several stakeholder groups²⁰. Between 2000 and 2012, the Abalak COFODEP recorded 219 applications for authorisation to dig wells. It issued 66 permits. The creation of new wells excites envy amongst Peul Woddabe herders wishing to settle and acquire land in a home territory. There are also private operators keen to dig wells in order to generate economic rent for themselves. Conversely, some resident communities are hostile to the establishment of new wells, because this might destabilise their system of social management of pastureland. The disputes caused by this problem of new wells in the Abalak Department were amongst the issues raised at the forum held in Agadez in 2014.

²⁰A herder wishing to dig a well is obliged to submit an application for authorisation to the competent authorities (*groupement* chiefs, mayors, COFODEP). After an investigation to check the feasibility of the structure and leaving time for any reactions from communities living in the area (usually 45 days), the *préfet* will issue the permit, together with a certificate of receipt of the statement of completion of the water point. Checks will be made on compliance with the layout rules.

Box 2: Roadmap for resolving disputes connected with the establishment of water points and access to surface water in the pastoral zone

"The work of the forum organised in Agadez from 17 to 19 September 2014 to share experience and discuss the issues of access to water in the pastoral zone, and permits issued to private individuals to establish water points, produced relevant proposals in the shape of a six-point roadmap for urgent resolution of existing disputes and prevention of latent disputes.

Concerning the construction of water points by private individuals on the disputed boundaries of several municipalities, departments or regions, the forum suggested that the State should itself dig public wells in place of those involved in disputes:

1. In cases where there is illegal resistance to water points duly authorised by the competent authorities, steps [should be] taken to have them constructed in accordance with the principle of *res judicata*, leaving the opposing parties to assert their claims through the competent courts;
2. Concerning the layout of the water points, [i.e.] the distances set by law (15 km between traditional wells, 20 km between modern wells and 30 km between boreholes), legal provisions [should be] enforced, whilst asking governors to decide - on a case by case basis and depending on the regional environment - whether to apply any relevant exemptions provided by law;
3. With regards to fencing around publicly owned waterholes in the pastoral zone, *préfets*, mayors and traditional chiefs are tasked with undertaking awareness-raising campaigns to stop people engaging in this illegal practice, which is a criminal offence, within three months of 1 October 2014. After this date, the courts will handle the matter in accordance with the law when cases are referred to them by the authorities and any interested parties;
4. Concerning funding for the land commissions, a budget line should be included in the Finance Act every year for the proper operation of land commissions at national level so that these institutions may perform their duties effectively;
5. With regards to obtaining agreement from communities who hold priority use rights, before authorisation can be given to construct a water point, the provisions of the Ordinance governing the status of the traditional chieftaincy in Niger [should be] enforced. In all cases, the opinion of the traditional chief must be reflected in this agreement. This calls for an amendment to Ordinance No. 2010-029 on pastoralism which should be arranged as soon as possible".

4. Results



RESPONSES FROM POLITICAL AND ECONOMIC DECISION-MAKERS REGARDING THE CHALLENGES OF SECURING HERDING IN THE PASTORAL ZONE: SCOPE AND LIMITATIONS

Faced with growing pressure on natural resources, the public authorities have put together a strategy aimed at ensuring the integrated development of the different economic activity sectors in rural areas. The need to acknowledge the specific features of rangeland management practices and the rights associated with them has become even more urgent. Competition between users for ever scarcer natural resources has resulted in increasing numbers of sometimes violent land disputes, especially in the southern regions of Niger.

4.1 Inadequate legislative advances towards formalisation of priority pastoral use rights

In the early 1980s, the launch of a national debate on the issue of rural development in Niger highlighted the need to improve the governance of the rural sector and led to the drafting of the Guiding Principles of the Rural Code (Principle).

Issues relating to pastoralism are at least partially taken into account in the Principles. The principles are rooted in an integrated spatial planning approach that establishes the legal system governing agricultural, sylvicultural and pastoral activities. The provisions of this statute guarantee herders' right of free access to natural resources, as well as common use of rangeland and grazing areas. They have a recognised priority use right to the natural resources located in their home territories. The delimitation and protection of pastoral enclaves, transit corridors and livestock grazing areas in the agricultural zone are other tools used to secure herds' access to natural resources. In line with the Principles, farmers have been able to obtain a land title, while herders enjoy guaranteed access to water resources (wells and waterholes) and grazing areas (both pastoral enclaves and gazetted forests as well as the fields after harvest).

In calling for the preparation of pastoral legislation, herders' organisations argued that the additional texts referred to in the Principles needed to be drafted. The Rural Code did in fact clearly state that pastoral land is public land that must be preserved, but herders' organisations felt that a specific law was needed to preserve these areas.

The Ordinance on pastoralism enacted in 2010 joins all the other statutes making up the Principles. It reasserts certain key guiding principles, lifts the ambiguity found in the earlier legislation and imposes new rules. In this connection, the new legislation stresses:

- the validity and immutability of the northern cultivation line, designed to protect the pastoral zone against the advance of the agricultural pioneer front;
- the definition of the status of common land accorded to pastoral zones;

- explicit recognition of the right to mobility and the prohibition of the State to grant a private concession in the pastoral zone, if this would be liable to hinder livestock mobility.

With regards to the issue of priority use rights in the home territories of the pastoral zone, the Ordinance on pastoralism emphasises the fact that:

- Pastoralists may obtain recognition of priority pastoral use rights to resources located in their home territories. This may not, however, call into question customs in respect of management and use of grazing areas, especially third-party access to water points and transit and grazing rights;
- The holder's priority use right is to be recognised in an order issued by the president of the land commission in the respective department, following a procedure carried out by the COFODEP;
- The ways in which third-party access rights in the home areas may be exercised are determined by current legislation and local custom;
- Exercise of the priority use right may not have the effect or purpose of hindering pastoral mobility or lead to exclusive control over pastoral resources;
- Priority pastoral use rights may not be challenged except in the public interest, after fair compensation in advance.

These provisions complement those of the decree adopted in 1997, which establishes the legal framework for occupation of pastoral areas. This statute specifies that the home territory is a "*territorial unit*" dedicated to pastoralists in respect of which they have "*the power of occupation, possession and management*". The recognised priority use right of resident communities is "*proven by the means of proof recognised by the law and/or custom*". Its exercise must be kept within the limits imposed, in each case, by "*respect for third-party rights*". The decree provided for land ownership to be granted to pastoralists in cases where the activities they carry out require "*fixed, permanent settlement in a determined area*".

There is no doubt that clarification of the status of home territories in the pastoral zone has been welcomed by the communities living there. However, they have the feeling that the power granted by priority use rights is still virtual, since it has not enabled resident groups to establish rules for access to resources in their home areas. These difficulties reflect the inherent inadequacies of the legal framework, which does not specify either the actual content of priority rights or the practicalities of exercising them.

More than 20 years after adoption of the Ordinance establishing the Guiding Principles of the Rural Code, there has still been no attempt to formalise priority pastoral use rights. The prospect of formalisation of such rights is viewed with concern by some leaders from the agro-pastoral zones.

"Our fear is that the home territories may be transformed into private land to be used on the basis of exclusive rights. We fear that, in the long term, the leading families will divide the pastoral zone up between them, following the logic of territorialisation that seems to be prevalent. From our perspective, the notion of a home territory is vague because the boundaries of that land are not known. Any attempt to delimit home areas is liable to lead to conflict between resident communities. We have questions concerning the future of the home territories. We think there is a risk that the right of the strongest and richest will triumph, as has happened with the enclosure of waterholes" (focus group meeting).

Another serious difficulty derives from the weak operation of the land commissions which are supposed to recognise priority pastoral use rights, thereby enabling herders to determine and enforce rules of access to the natural resources in their home areas. For the Abalak Department, the rate of establishment of grassroots land commissions is an estimated 7.5% (Nahantchi, 2012). In addition, quite a few grassroots land commissions only exist on paper, as we have seen in the field. The involvement of JEMED as of 2007 in the establishment of grassroots land commissions at several operational sites has shown how difficult it is to make such organisations genuinely functional.

In 2013, the Permanent Secretariat of the Rural Code drew up a procedural manual for the COFOCOM and COFODEP commissions in the pastoral zone. This document aims to provide herders with greater tenure security, as well as ensure sustainable, concerted, non-conflictual natural resource management.

Box 3: Securing rights to natural resources in the pastoral zone

The Land Commissions have decision-making power in respect of securing natural resources, which enables them to recognise and establish the content of land rights. Recognised rights are then recorded in the Rural Register by the Land Commission.

The two complementary stages in securing rights to natural resources are:

- Recognition of rights exercised over an area or resource, giving rise to the establishment of documents certifying those rights
- Recording of the documents in the Rural Register.

The rights recognised by the Land Commissions are:

- Existing rights to all renewable rural natural resources;
- Individual or collective rights;
- The rights of individuals and legal entities under either public or private law;
- Use or ownership rights.

In the pastoral zone, the different types of document drawn up by the Land Commissions to recognise rights to resources are:

- Documents recognising a use right:
 - priority use right;
 - rural concession (Ordinance No. 2010-29 of 20 May 2010 on pastoralism formally prohibits any rural concession for livestock farming in the pastoral zone, but other concessions may be granted, e.g. for hunting, water use and possibly a hydro-agricultural scheme if the latter is carried out by the State with the agreement of the local people),
- Documents securing a shared resource" (Permanent Secretariat of the Rural Code, 20131).

4.2 Failure to take sufficient account of concerns relating to formalisation of priority pastoral use rights in the debate surrounding the pastoral code

In connection with the process of drafting the pastoral code, several elements of pastoral civil society took steps to guarantee their involvement in the preparation of the new legislation. However, the option chosen was not to determine an overall, concerted strategy to involve herders' organisations in the process. Each herder group and/or organisation worked out its own approach to involvement, taking account of its development path and experience and the human and financial resources available. Alongside these individual approaches, the organisations adopted tactics aimed at pushing forward together on shared interests.

This joint action meant that the debate could take account of concerns relating to topics of importance for stakeholders involved in the Association for the revitalisation of Livestock in Niger (AREN)²¹, focusing on the following priorities:

- Pastoral land tenure;
- Securing national and cross-border livestock mobility;
- Access to water;
- The problem of damage to fields;
- The practice of impounding;
- The issue of funding for pastoralism;
- Fodder collection.

It should be pointed out that, despite the involvement of the unit promoting mutual aid in local initiatives in the pastoral zone (*Animation pour la Promotion de l'Entraide aux Initiatives Locales en Zone Pastorale* - APEL-ZP) of Tahoua region in consultations around the pastoral code, the specific concerns of herders in Azawagh were not adequately taken into account. The organisational structures existing in the Abalak Department (local NGOs and civil-society organisations) do not take much interest in the matter of pastoral resource management. They tend to focus more on raising financial resources with a view to promoting local development activities²².

4.3 Herders in Azawagh: stakeholders marginalised from the new regional dynamics in favour of pastoralism

Several groups of institutional stakeholders decided to pool their efforts within a multilateral partnership for resilience, known as the Global Alliance for Resilience - Sahel and West Africa (AGIR). The overall aim of the Alliance is to reduce food and nutritional vulnerability, on a structural, sustainable basis, by supporting the implementation of Sahelian and West African policies. In 20 years, the Alliance aims to achieve the "Zero hunger" goal, i.e. eradicating hunger and malnutrition. In the short term, AGIR seeks to boost resilience to the shocks suffered by households and vulnerable communities in the Sahel and West Africa.

Four specific strategic objectives have been set, broken down into three levels; local, national and regional, and three timeframes; short, medium and long term:

1. Improve social protection for the most vulnerable communities and households in order to secure their livelihoods;
2. Strengthen the nutrition of vulnerable households;

²¹ Capitalisation of the process of drafting pastoral legislation in Niger highlighted the efficiency of the strategy developed by AREN to get the proposals it had drafted taken on board (Billital Maroobè network, 2014: : l'implication de la société civile pastorale dans l'élaboration de la loi pastorale au Niger : quels enseignements?) [(What lessons can be learned from the involvement of pastoral civil society in drafting pastoral law in Niger?)]

²² The survey conducted by Nahantchi (2012) identified twelve organisations in the Department, including a majority of local NGOs.

3. Improve agricultural and food productivity, the income of vulnerable households and their access to food on a sustainable basis;
4. Strengthen governance in food and nutritional security.

AGIR seeks to take complementary action at the three operational levels: (i) local, through supporting endogenous initiatives and mechanisms, as well as the local authorities; (ii) national, in support of investment programmes and existing consultation mechanisms; and (iii) regional, by supporting/assisting regional plans and mechanisms put in place by regional institutions. Essentially, the Alliance's added value *"lies in supporting regional leadership and governance in food security and nutrition, with the purpose of improving the effectiveness of collective action towards resilience"*²³. It should be pointed out that the monitoring and evaluation system deployed by the Alliance includes an indicator specifically dedicated to measuring the resilience of pastoral households and communities. However, no information is provided on the scale of resilience to be taken into account.

Like the AGIR initiative, the Regional Sahel Pastoralism Support Project (PRAPS) has placed the requirement to boost resilience at the heart of its concerns. The document formulating the PRAPS stresses the significant reconfiguration that pastoral systems have undergone over the last few years as a result of institutional, socio-economic and agro-ecological changes. In response to these developments, *"it is vital to boost the resilience of pastoral societies by implementing appropriate public policies and guaranteeing strategic investment, which would not only help to avoid the intensification of conflicts but also be conducive to increasing the productivity of herding systems"*²⁴.

²³ AGIR (Global Alliance for Resilience), 2013: Regional guidance framework. Regional road map. Sahel and West Africa. Club du Sahel, Paris.

²⁴ World Bank, 2014: Concept note for the Regional Sahel Pastoralism Support Project (P147674).

Box 4: Towards more consideration for pastoralism in public policies and co-operation strategies

The symposium held in N'Djamena (Chad) in May 2013 showed that the Sahelo-Saharan band is a key concern for the international community because it is now seen as a threat to the stability of States in the region and international security. Issues of development and stability are closely interconnected in this region, especially in the cross-border areas.

The desire to tackle these challenges underpins the renewed interest of all stakeholders (States, regional institutions and technical and financial partners), who are keen to ensure more consideration for pastoralism in public policies and co-operation strategies. This interest was firmly expressed at the high-level forum on pastoral systems held in Nouakchott (Mauritania) in October 2013.

The forum stressed the need to move beyond statements of principle to concrete activities. Its ambitious goal, set out in the "Nouakchott Declaration" adopted at the end of the meeting, is: "securing the lifestyle and means of production of pastoral populations and increasing the gross output of livestock production by at least 30% in the six concerned countries over the next five years, with a view to significantly increasing the income of pastoralists within a period of 5 to 10 years".

In response to the call put out by the Nouakchott Forum, the World Bank has committed funding of \$250 million for the development of pastoralism in the six West and Central African countries participating in the Nouakchott meeting (Burkina Faso, Mali, Mauritania, Niger, Chad and Senegal).

The development objective of the PRAPS is to *"enhance livelihood resilience of pastoralists in cross-border drought-prone areas of selected countries²⁵"*. The operational strategy is based on three pillars: (i) political reforms; (ii) capacity-building; and (iii) strategic investments.

Component 4 of the PRAPS is devoted to *"strengthening the security of the assets, rights and lifestyles of pastoral people"*. The inclusion of this component is a bold step for the project in that it seeks to put pastoralism back onto a more resilient basis not only to meet the urgent priority needs of pastoral communities, but also to create climate-resilient, socio-economic systems, i.e. systems capable of managing risks and vulnerabilities to reduce their impact on pastoralists' livelihoods.

The regional networks of herders' organisations, especially the Billital Maroobé network, have stressed the importance of the World Bank's commitment to work towards *"securing pastoral assets and doubling the income of 16 million pastoralists and herders in the Sahel"*. From their point of view, it reflects the significant recent efforts made to move away from a negative vision of pastoralism and cast it in a different light. Moreover, it is likely that the World Bank's approach will help to revive other donors' interest in the development of pastoralism.

²⁵"The resilience of a household depends primarily on the options available for making a living. Livelihood resilience under PRAPS is defined as: (i) sustained and maintained assets of pastoralists; (ii) sustained and maintained means of making a living; and (iii) strengthening of livelihood activities and incomes".

The configuration of the PRAPS does, however, raise questions. For example, the boundaries of the project's operational area are problematic, in that they encompass only Sahelian countries and ignore countries in the Gulf of Guinea. This is despite the greatly increased interdependence between the Sahel and the coast, in terms of both animal production and livestock marketing. Consequently, it is essential to identify alternatives so that coastal countries can be brought into the process triggered by the PRAPS. In response to advocacy from the regional networks of herders' organisations, ECOWAS has undertaken to assume leadership in formulating a regional investment programme for the livestock sector in the coastal countries. This process was launched in February 2015.

So far, regional dynamics have tended to ignore the specific concerns of communities living in the pastoral zone of Niger. The challenges facing them, particularly the formalisation of priority use rights for pastoralists and the need for structural investment, have not been taken into account in discussions concerning the formulation of a national PRAPS programme in Niger.

5. Conclusion



Fixation is a key method of pastoralism

A series of crop failures and significant losses of livestock at times of pastoral crisis (especially in 1984/85), have tipped many local households in Abalak into poverty, and since 2004 they have been faced with almost continuous food insecurity. Households have subsequently developed several coping strategies, including diversifying local economic activities, migrating to neighbouring countries, changing dietary habits and increasing their reliance on family and community solidarity.

It is against this backdrop of crises that fixation has developed in Abalak as a key method of pastoralism. This is due to several factors, including:

- Land in the lowlands and dune pastures being taken over by farmers to grow crops. This is also contributing to the early arrival of herders undertaking transhumance.
- An increase in the privatisation of common resources (including water points) through the creation of ranches.
- An overall increase in competition for access to pastoral resources.

Regional Policies

The realities of Abalak are not reflected in regional policies

The renewed focus on pastoralism at a regional level presents a key opportunity to benefit pastoralists. The involvement of the World Bank may also increase the interest of other donors in pastoralism.

However, to date, these regional processes do not incorporate the concerns of the communities living in the pastoral zone of Niger, particularly their need for the full implementation of priority use rights.

National Policies

Priority use rights are not realised

The provision of priority use rights in the Rural Code is crucial for resident pastoralists. **More than 20 years after the adoption of the Rural Code, there has still been no attempt to formalise these rights and implement them in practice.**

This reflects the inherent inadequacies of the Rural Code, which does not specify either the actual content of priority use rights or the practicalities of exercising them. The lack of priority use rights can have a devastating impact upon pastoralists implementing a fixed lifestyle. Without priority use rights formalised and implemented in practice, they have no rights to prevent their pasture being consumed by animals of non-resident herders and farmers.

The privatisation of water points is detrimental

There has been a growing trend on an unprecedented scale in the privatisation of water points. This is detrimental to the livelihoods of resident and non-resident pastoralists alike, as they are obliged to pay a substantial sum of money to water their livestock. Privatisation also tends to occur with little concern for sustainable management of the surrounding grazing areas. National policies need to address this.

Land Management Scheme tools should be implemented

Alongside the adoption of the Rural Code, guidance for Land Management Schemes was also issued. These are designed to act as tools to regulate rural activities in order to prevent and manage conflict, and ensure sustainable use of natural resources. However, these tools have yet to be applied in the pastoral zone of Niger, including Abalak.

Local Policies

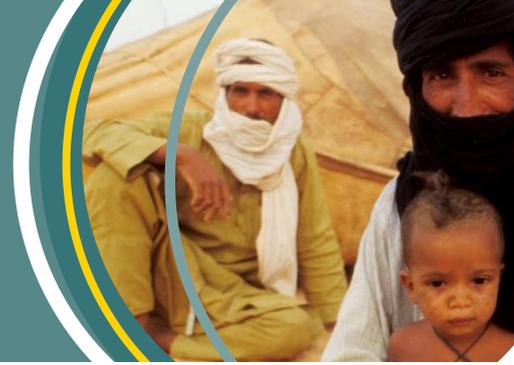
Policies should be enforced locally

Following the 2004 decentralisation policy, local authorities have a responsibility to enforce the Rural Code at a local level – in particular the formalisation of priority use rights. However, this has yet to occur effectively. Developing a code of conduct which is binding on all stakeholders (including transhumant herders) could be a pragmatic way to actualise these rights effectively at a local level.

CONCLUSION

Against a backdrop of conflict, food insecurity and pastoral crises, many pastoralists in Abalak have developed a lifestyle of fixation. Though initially a coping strategy, it is now a permanent and favoured way of life. It is therefore crucial that relevant policies at a regional, national and local level support this, especially the implementation of priority use rights. Civil society groups, including JEMED, will have a key role to play in advocating for, and supporting the implementation of, these recommendations, as listed below.

6. Recommendations



Regional level policymakers, donors and technical partners should support the following:

1. Regional policies, including the Regional Sahel Pastoralism Support Project (PRAPS), supported by the World Bank, must take account of the realities of pastoralists in Abalak, particularly their need for the formalisation of priority use rights and structural investment in the area.

The government of Niger should proactively support the following processes:

2. Priority use rights must be enforced as a mechanism for promoting the sustainable management of pastoral resources.

This process should start as a pilot scheme in three diverse home territories in Abalak: (i) territories used by herders on transhumance travelling to the salt rich pasture in Ingall Department; (ii) territories that are central for transhumance flows between June/July and December; (iii) territories infrequently visited by transhumant herders.

This will enable the practicalities of formalising priority use rights to be established, and useful lessons to be learned. This pilot scheme should then be amended (as necessary) and scaled up across the pastoral zone.

3. Privatised water points should be inventoried and then control should be transferred to local resident communities through the creation of management groups.
4. Land Management Scheme tools should be implemented in Abalak to help to facilitate pastoral mobility.

Local authorities in Abalak should implement the following processes:

5. The process for formalising priority use rights (as outlined above) should be enforced and supported by the adoption of a code of conduct binding on all stakeholders.
6. A system for coordinating the transhumance routes within Abalak should be established.
7. Land Management Scheme tools should be contextualised at a local level



tearfund

100 Church Road, Teddington TW11 8QE
T +44 (0)20 8977 9144 E tilz@tearfund.org
tearfund.org/tilz

Registered Charity No. 265464 (England and Wales)
Registered Charity No. SC037624 (Scotland)