



Tropentag, September 16-18, 2015, Berlin, Germany

“Management of land use systems for enhanced food security:
conflicts, controversies and resolutions”

Institutional Tools for Sustainable Natural Resources Management and Protection of Pastoral Mobility in Niger

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Abstract

The combination of population growth, decreasing soil fertility, and climate change are challenging food security in the Sahel, and are driving changes in land use patterns. Agricultural cultivation is increasingly infringing onto pasture previously reserved for pastoralism. This increased competition for land is a growing source of tension and conflict between farming and pastoral communities. It is further exacerbated by a multitude of competing parallel land tenure systems: traditional rights, Islamic law and modern law. However mobility remains a key factor for pastoral livelihoods, enabling a rational use of natural resources in semi-arid and arid conditions, where rainfall is both spatially and temporally unpredictable.

Niger’s “Code Rural” is a tool for sustainable natural resources management. Established in 1993 it consists of both (i) a juridical provision with legislative and regulatory texts, and (ii) an institutional provision with local and national structures to apply and oversee these rules.

The Code Rural’s sectoral pastoral law of 2010 recognises and protects the mobility of pastoralists as a fundamental right. A north-south border exists: the north is a purely pastoral zone where solely collective land rights are recognised; in the south, pastoral corridors and pastoral zones are clearly defined in order to protect mobility. Furthermore, water is defined as a public good and, throughout the country, herds cannot be denied access to a water point.

The institutions foreseen under the Code Rural (Commissions Foncières) are its true innovation. Two key features underlie the approach. Firstly, the Commissions Foncières are decentralised institutions for land management working bottom up from the village, to the communal, regional and national levels. Thus decision-making is adapted to local specificities. Secondly, they are multi-stakeholder, composed of representatives from state structures, local elected officials, traditional authorities and representatives of farmer and pastoralist organisations. They focus on consensus-building and recognise traditional land rights.

Keywords: Food security, land rights, natural resource management, pastoralism