

Country Technical Note on
Indigenous Peoples' Issues

Republic of Niger



Investing in rural people



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Country Technical Notes on Indigenous Peoples' Issues

THE REPUBLIC OF NIGER

Submitted by:

IWGIA

April 2022

ACRONYMS AND ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
ACTN	Association des Chefs Traditionnels du Niger
AfDB	African Development Bank
AfDF	African Development Fund
AQMI	Al-Qaeda au Maghreb islamique
AU	African Union
CAS	Country Assistance Strategy (World Bank)
CBD	Convention on Biological Diversity
CEN-SAD	Community of Sahel-Saharan States
CILSS	Comité Permanent Inter Etats de Lutte Contre la Sécheresse dans le Sahel/Permanent Inter-State Committee for Drought Control in the Sahel
CITES	Convention on International Trade in Endangered Species
COFO	Commission foncière (Land Commission)
COFOB	Commission foncière de Base (Village Land Commission)
COFODEP	Commission Foncière Départementale (Department Land Commission)
COFOCOM	Commission foncière Communale (Municipal Land Commission)
COSOP	Country Strategic Opportunities Paper
DAG	Development Assistance Group
ECA	UN Economic Commission for Africa
ECOWAS	Economic Community of West African States
FAO	Food and Agricultural Organization
FGM	Female Genital Mutilation
GDP	Gross Domestic Product
GEF	Global Environmental Fund
HDI	Human Development Index
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
IAEA	International Atomic Energy Agency
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDA	International Development Association
IDB/BID	Islamic Development Bank
IFAD	International Fund for Agricultural Development
ILO	International Labor Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
IPACC	Indigenous Peoples of Africa Coordinating Committee
ITC	International Transhumance Certificate
IUCN	World Conservation Union
IWGIA	International Work Group for Indigenous Affairs
JICA	Japanese Development Agency
NGO	Non-Governmental Organization

OAU	Organization of African Unity
OCHA	Office for the Coordination of Humanitarian Affairs
ODA	Official Development Assistance
OFID	OPEC Fund for International Development
OHCHR	The Office of the High Commissioner for Human Rights
OIC	Organization of Islamic Conference
OIF	International Organization of the Francophonie
OP	Operational Policy
OPEC	Organization of the Petroleum Exporting Countries
RGAC	Recensement Général de l'Agriculture et du Cheptel/General Census on Agriculture and Livestock
SDR	Stratégie de Développement Rural (Rural Development Strategy)
SNV	Netherlands Development Organization
UEMOA/WAEMU	Union Economique et Monétaire Ouest Africaine (West African Economic and Monetary Union)
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDAF	UN Development Assistance Framework
UNDP	UN Development Program
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNESCO	UN Educational, Scientific and Cultural organization
UNFCCC	UN Framework Convention on Climate Change
UNFPA	United Nations Fund for Population Activities
UNHABITAT	UN Human Settlements Program
UNICEF	UN Children's Emergency Fund
UNIFEM	UN Fund for Women
UNODC	UN Office on Drugs and Crime
UPR	Universal Periodic Review
WB	World Bank
WFP	World Food Programme
WHO	World Health Organization
WIPO	Convention establishing the World Intellectual Property Organization
WWF	World Wildlife Fund

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Country Technical Note on Indigenous Peoples' Issues in the Republic of Niger

Summary

The Republic of Niger has a multi-ethnic population, among which the Tuareg, the Fulani (or *Peulh*) and the Toubou self-identify as indigenous peoples. Most of these indigenous communities live in the dryland and agro-pastoral zones moving according to the availability of pastures and water. Like other nomadic and semi nomadic pastoralists, the Tuareg, Peulh and Toubou are known for their extraordinary aptitude to adapt to hyper-arid and arid environments and respond to climatic variations, seasonal changes, and droughts. Mobility in order to access pastures and water is a prerequisite. These pastoralists have developed a remarkable indigenous knowledge related to their environment and to their animals' welfare and health. Livestock is also an important part of their status, culture and world view.

The current socio-economic situation of the pastoralists is characterized by high levels of poverty. Severe drought periods have decimated their herds. Many no longer own the herds they are looking after. Others have diversified their activities, or have given up herding, switching to farming or wage labor. Large numbers have migrated to the outskirts of towns or even abroad in search of work. The situation of indigenous communities is particularly difficult as a consequence of the ongoing security problems in the region, with reports that non-state armed groups carrying out summary executions, extortion, abductions of boys and girls, pillaging, destruction of facilities providing essential goods and services.

Pastoral communities have also seen their right to move and access rangelands and water with their herds come under increased pressure. One factor has been the failure by policy makers to recognize the value of pastoralism as a well-adapted and sustainable use of drylands, promoting instead crop farming. Other factors are the loss of rangelands due to extractive industries (uranium) in the north, and to agriculture in other parts of the country, the lack of watering points, conflicts over migration corridors and new farming systems. When it comes to health and education, rural communities in Niger are far worse off than people living in urban areas. Due to their way of life, the nomadic and semi-nomadic Tuareg, Toubou and Peulh are probably those that have the less contact with the health and school systems.

Regarding the situation of human rights, several indigenous communities have been the victims of violent assaults and even massacres due to other ethnic groups' prejudices and discrimination. Few pastoralists participate in politics. Their lifestyle, their lack of educational skills and low level of organization, makes it difficult for them to play an active role. At the local level, they are often subordinated to powerful traditional chiefs who continue to play an important role despite reforms like the establishment of land commissions and elected municipal councils.

Many of the grievances held by the Tuareg, the Toubou and the Peulh stem from the fact that their specific lifestyle and culture are not recognized and valued. As ethnic minorities they do, however, hold some important rights and the Pastoral Code represents an important landmark. This constitutes opportunities for Niger's indigenous peoples depending on how several challenges will be tackled—by the government as well as by the pastoralists and their organizations.

Niger is party to the most important international and regional human rights instruments, which according to the Constitution should automatically be incorporated into Nigerien laws. Niger has also

ratified several international and regional environmental conventions and is member of a number of regional economic and environmental bodies. Civil society organizations started emerging in the 1990s and there exists today several human rights and socio-cultural associations as well as pastoralist organizations.

1. The indigenous peoples of Niger

1.1 The national context

The Republic of Niger is a vast (1,267,000 km²), landlocked country in the heart of West Africa.¹ Some 65% of its territory is desert, while the remaining 35% lies within the partially arable savanna of the Sahelian zone.² Running from the north-central part of the country to its north-eastern corner, lie the Massif de l’Aïr with peaks rising to above 2,000 meters, and the Djado Plateau. In the south-east, a small rain-fed area is found along the Niger River Valley. The Niger River, its tributary, the Mékrou River, and a few natural ponds are the country’s only perennial surface water since the withdrawal of Lake Chad.

Niger’s population is estimated at around 25 million based on projections of the latest United Nations data.³ More than 80% of the population lives in rural areas compared to 20% in urban areas. This population, which is 98% Muslim, comprises nine ethnic groups: the Hausa,⁴ the Djerma,⁵ the Peulh (or Fulani), the Tuareg, the Kanouri, the Arab, the Toubou, and the Gourmantché. Groups claiming indigenous status are the Tuareg, the Peulh and the Toubou. Ten different languages are recognized as national languages.⁶

Niger is one of the poorest countries in the world.⁷ More than 10 million people (42.9% of the population) were living in extreme poverty in 2020. Its economy centers on agriculture, livestock and uranium. Livestock is the second most important export item after uranium. Drought periods, desertification, a 3.8% population growth rate and long periods of political instability as well as internal conflicts have undercut the economy. Many of the non-desert portions of the country are threatened by periodic drought and desertification. Moreover, the country is seriously affected by the security situation in neighboring countries in an unstable regional environment.⁸ Niger is facing a security crisis in the areas bordering Nigeria, Burkina Faso and Mali, where armed groups carry out repeated attacks against the security forces and civilians. A state of emergency was declared in the Diffa, Tahoua and Tillabéri regions.

¹ It borders Algeria and Libya to the north, Chad to the southeast, Nigeria, Benin and Burkina Faso to the south and Mali to the west. The distance to the nearest seaport (Cotonou, Benin) is 1 035 km.

² The territory of Niger is 80% covered by desert (Sahara and Sahel) and the desert is growing by 200,000 hectares each year.

³ According to the 2019 revision of the World Population Prospects the total population was 22,442,831 in 2018, compared to only 2 462 000 in 1950. The proportion of children and teenagers below the age of 15 in 2010 was 49%, 48.8% was between 15 and 65 years of age, while only 2.2% was 65 years or older.

⁴ The Hausa is the largest group (55% of total population). Most of them live in south-central Niger and tend to be farmers, petty traders, and merchants.

⁵ The Djerma (also called Djerma-Songhay) represent approximately 21% of total population. They live in the southwestern part of the country along the Niger River, and Niamey, the capital, lies within their homeland. The Djerma have traditionally worked in civil service and are politically influential.

⁶ Art. 5 of the 2010 Constitution. The two main languages are Hausa and Djerma. Other languages are Arabic, Boudouma, Gourmantchéma, Kanuri, Tasawak, Fulfulde (spoken by the Peulh), Tamacheq (spoken by the Tuareg), and Toubou.

⁷ Niger's HDI value for 2019 is 0.394, which put the country in the low human development category, positioning it at 189 out of 189 countries and territories. Human Development Report (2020) The Next Frontier: Human Development and the Anthropocene

⁸ Insecurity stemming from crises in neighbouring countries impacts populations in Niger. In Diffa region, where a state of emergency has been in place since 2015, Boko Haram continues to carry out sporadic attacks on civilians and against the authorities. Since September 2018, the Burkina Faso border area has seen increasing attacks by jihadist armed groups against the local population and authorities, leading to States of Emergency declared in several departments.

1.2 Niger and its ecological zones

The Republic of Niger is administratively divided into 8 regions (Agadez, Diffa, Dosso, Maradi, Niamey, Tahoua, Tillabéri, Zinder), with each region is named after its capital. The regions have been divided into 63 departments. The capital, Niamey, is a separate urban community. Niger has few large cities and 80% of its population lives in rural areas. Almost 75% of Niger's population is concentrated in the southern part of the country. This skewed repartition reflects the ecology of Niger. The country can be divided in three main zones: a dryland zone, an agro-pastoral zone and an agricultural zone (Map 1.1, Annex 1).

The dryland and the agro-pastoral zones correspond with the area located north of the 350mm isohyet that defines the limits for crop farming. These zones include the Agadez and Diffa Regions as well as the northern part of the Tillabéri, Tahoua, and Zinder Regions.⁹ Within this immense area (85% of the national territory), pasture land covers about 35 million hectares.¹⁰ The average annual rainfall ranges between 100 and 300 mm but rainfalls are highly variable and their level decreases sharply as one moves northward. When it does rain, grass is abundant and seasonal ponds and rivers fill up. In the dry season (from September to June), grazing is scarce and herders have to stay within 15-25 kilometers of a well in order to ensure that their herd can be watered.¹¹ Small scale irrigated agriculture can only be practiced in the oases and in small "*cuvettes*" (depressions). The area is home to nomadic and semi nomadic Tuareg, Peulh and Toubou, but is sparsely populated, with a population density below 1 inhabitant per km².

South of the agricultural frontier, lies the semi-arid zone, where average annual rainfalls range between 300 mm and 700 mm. Vegetation is steppe like with the exception of a small area to the extreme south of the country (Gaya department in Dosso region) where the average annual rainfall lies between 700 and 1,000 mm, and the vegetation is forested savanna. This semi-arid zone represents some 15% of the national territory and comprises the southern part of Tillabéri, including the area around Niamey, Dosso, and the southern part of Maradi and Zinder. It has been qualified as "the agricultural region par excellence" since this is where the 12% of the country's total area that is suited for rain fed agriculture is found. This is home to the large majority of Niger's population of sedentary agriculturalists (Hausa, Djerma, etc.) as well as to sedentary and semi-sedentary Tuareg and Peulh.

Climate changes are greatly affecting Niger. Since the 1970s, the country has experienced a series of severe drought periods (1973/1974, 1984/1985, 2004/2005, 2009/2010) and rainfall averages have gone from 445.8 mm in the 1960s to 300mm in 1990s (Map 1.2, Annex 1). Niger also suffers from extreme weather events (sand storms, inundations, etc.), and locust invasions.

1.3 Terminology

The notion of indigenous populations is a sensitive subject in Niger. In 2006, during the visit of representatives from the African Commission on Human and Peoples' Rights (ACHPR), members of the government stated that "no group can claim to be indigenous ... the country's problems should

⁹ Such a demarcation line was first drawn by the French in 1953. In 1961, the Law 61-5 moved the line further north to the advantage of crop farmers. This law only allows subsistence agriculture in oases north of the line. See Abdoulaye Mohamadou, "Foncier, pouvoirs locaux et décentralisation" (2010), 5. The Code Pastoral (Ordinance 2010-029) states that the 1961 line will remain valid until an updated line taking into account, inter alia, climatic changes, has been defined.

¹⁰ See République du Niger, "Revue du secteur de l'élevage au Niger" (2010), 27.

¹¹ Erica Phillips, "Policy Measures for Pastoralists in Niger" (2007), 3.

not be dealt with along ethnic lines but rather in a holistic manner, as one people”.¹² When speaking of nomadic and semi-nomadic pastoralists, the generic term “*éleveur*” (stock breeder) is normally used and data are seldom disaggregated by ethnicity.

The Tuareg, the Peulh and the Toubou, nevertheless, identify themselves as being indigenous peoples and participate regularly in international forums, as for instance, the ACHPR ordinary sessions and the annual sessions of the UN Permanent Forum on Indigenous Issues, where they make statements identifying themselves as indigenous peoples. The Tuareg, the Peulh and the Toubou use the concept “indigenous” in its modern analytical form (which does not merely focus on aboriginality), in an attempt to draw attention to and alleviate the particular form of systematic discrimination they suffer from—not only as individuals but also as groups or peoples.¹³ In Niger, where sedentary agricultural peoples constitute the dominant majority, there has for long been little understanding for the specific lifestyles and distinct cultures of pastoral peoples. Because of their socio-political marginalization, these peoples’ fundamental rights and, in particular, their right to access land and natural resources have not been respected. This is now putting their economic, social and cultural survival under threat.¹⁴ The issue is therefore not special rights but a call by the pastoralist groups to be free from discrimination and to enjoy the same rights as those of other groups within Niger.

1.4 The indigenous peoples of Niger

1.4.1 The Tuareg

The Tuareg, who call themselves Tel Tamacheq,¹⁵ are part of the indigenous Amazigh people (also known as Berber).¹⁶ A substantial number lives in southern Algeria and northern Mali, with pockets of them found in Libya, Burkina Faso and Mauritania, but the largest group lives in Niger, where they number approximately 1,5 millions - or 11% of the total Nigerien population. The Massif de l’Aïr and its surrounding plains in Agadez Region are considered to be the heartland of the Tuareg, but although they still represent 60% of the region’s population, they are much more numerous in Tahoua, around Tchintabaraden, in Tillabéri in the area between the city of Tillabéri and the border to Mali, and in Zinder, around the Damergoo depression (see Table 1).

For centuries, Tuareg economy was based on camel herding¹⁷ and trans-Saharan trade. These were also the days of the “*rezzou*” or warlike raid expeditions against competing tribes and later against the French. Nowadays, some Tuareg are nomadic camel and goat herders or semi-nomadic, combining herding with horticultural activities; others are craftsmen, and traders, some of whom still organize annual caravans of several hundred camels and cross the Ténéré desert to Fachi and Bilma to exchange millet for salt and dates.

¹² ACHPR, *Report of the African Commission’s Working Group on Indigenous Populations/Communities—Mission to the Republic of Niger* (2006), 45. Most members of civil society met by the ACHPR representatives expressed their preference for terms such as pastoralists, ethnic communities, local inhabitants or minorities, rather than indigenous populations.

¹³ See ACHPR, *Report of the African Commission’s Working Group of Experts on Indigenous Populations/ Communities* (2005), 88-89 and 113-114.

¹⁴ This is in line with three of IFAD’s criteria. See IFAD “Engagement with Indigenous Peoples—Policy” (2009), 7, 9.

¹⁵ Kel Tamacheq means the people who speak Tamacheq. It has been argued that there are negative connotations associated with the term Tuareg—an Arabic word meaning “those abandoned by God”. However, the term is widely used internationally and will be used in this Technical Note.

¹⁶ Tuareg pastoralists are indigenous to three African countries: Algeria on the northern side of the Sahara, north-eastern Mali and central and northern Niger.

¹⁷ They are in fact dromedaries but the term camel is generally used in the North African context.

The material culture of nomadic people like the Tuareg is well adapted to their mobility; they live in tents made of leather or straw mats¹⁸ or in “beehive huts” made of straw which can rapidly be dismantled and transported together with their few belongings to a new location, where camp can be set up in less than an hour.¹⁹ In the villages, the semi-sedentary Tuareg live in mud huts and houses made of stone or mud bricks.²⁰ The Tuareg have their own language, Tamacheq, as well as many dialects, and a unique alphabet, Tifinagh. They are predominantly Muslims but generally follow a moderate and unconventional version of Islam. They are monogamous and tend to marry young, at fifteen or sixteen for women, and eighteen to twenty for men. Gender relations are more equal in Tuareg society than among agriculturalists and women play a key role culturally but also economically.

The Tuareg are divided into many groups (tribes)²¹ and an “impressive number of fractions and sub-fractions”.²² Their society used to be feudal and divided into nobles, clergy, vassals, artisans, and slaves. Today, this stratification with its well-defined roles and functions is no longer as rigid as it used to be. Slavery has long been forbidden and many former slaves—called Bella or Bouzou²³—are now sedentary farmers. Others, however, have remained with the Tuareg and live as bonded laborers, tending the palm groves and vegetable gardens of their masters.

1.4.2 The Peulh

The Peulh (also known as Fulani)²⁴ represent about 6.5% of the population. Like the Tuareg, they are also part of a broader ethno-linguistic group that extends well beyond Niger’s borders.²⁵ The Peulh can be sub-divided into a number of groups—the Tolèbé, Gorgabé, Djelgobé and Wodaabe (also called Bororo).²⁶ The Peulh are found throughout Niger, but the majority live in the southern regions (see Table 1). They are traditionally nomadic (Fulbe-Ladde) but many of them have become sedentary or semi-sedentary (Fulbe-Siere). All Peulh have, however, three things in common: their language; their moral code of behavior (*Pulaaku* or *Mbodagansi* among the Wodaabe) based on self-control, patience and wisdom; and their long-horned Zebu cattle.

The Fulbe-Siere have taken up agriculture after having lost much of their cattle during the droughts of the 1970s and 1980s. Many, however, still practice transhumance. They hold to a strict caste system that includes nobility, merchants, blacksmiths, and descendants of slaves. Their religion is largely, if not wholly, Islamic, and they are polygamous. They live dispersed, on their respective land. Their

¹⁸ Thirty-seven different types of tent have been identified. See Johannes Nicolaisen & Ida Nicolaisen, *The Pastoral Tuareg – Ecology, Culture, and Society* (1997), 425. Tents are more than a shelter; they are also a symbol of the nuclear family and belong to the wife, even in the event of a divorce.

¹⁹ See Nicolaisen & Nicolaisen, “The Pastoral Tuareg” (1997), 440. The same is the case for the Wodaabe. See Kristin Loftsdottir, “Birds of the Bush: Wodaabe: Distinctions of Society and Nature” (2001). 280-298

²⁰ Franck Giazzi, *La Réserve Naturelle Nationale de l’Aïr et du Ténéré* (1996), 303.

²¹ The notion of “tribe” was introduced by the French. Before that, Tuareg were divided in “drum groups” and federations, etc., each with its own traditions and tribal laws. These traditional political structures were considerably altered after the 1917 rebellion against the French. See Nicolaisen & Nicolaisen. *The Pastoral Tuareg* (1997), 549.

²² Mahamadou Chaibou, “Productivité zootechnique du désert : Le cas du bassin laitier d’Agadez au Niger” (2005), 31.

²³ Both terms mean “slave” or “former slave” in Djerma and Hausa respectively. The Tuareg term is *Iklan*. They are the descendants of black captives, they speak Tamacheq and form a sizeable part of the Tuareg society.

²⁴ The Peulh are known under different names: Peuhl (also written Peul) is Wolof and commonly used in French and former French colonies; Fulani is the Hausa designation and commonly used in English, while Fula is the Mandinka term.

²⁵ The Peulh/Fulani people are found all over Central and West Africa. Some of them are nomadic pastoralists (“Cattle Fulani”) while others practice mixed farming. See ACHPR, *Report on Indigenous Populations/Communities* (2005), 19.

²⁶ The name is sometimes written WoDaaBe or Wodaabé.

dwellings are round straw structures to which they tie their animals. These constructions can easily be taken apart and moved to another part of the field, and the rotation of these temporary habitation areas leads to the successive fertilization of the land. The Peulh speak Fulfulbe.

Among the Fulbe-Ladde, the Wodaabe are those who most adhere to their traditional nomadic culture and identity and are the least integrated into modern Niger.²⁷ They are Muslims but have retained many of their old beliefs. They live in the area between Dakoro (Maradi), Tanout (Zinder) and Agadez, and subsist from rearing long horned Zebu cattle. The Wodaabe do not have tents but camp in the open, “under the stars of Allah”.²⁸ The Wodaabe are famous for their traditional and colorful annual festival known as the *Gérewol*, where celebrations, engagements, and bride “kidnappings” take place. It is also the occasion for Wodaabe men to “cultivate their beauty”, expending considerable efforts on enhancing the attractiveness of their faces and adorning themselves.²⁹

1.4.3 The Toubou

The Toubou are a small group representing about 0,4% of the population.³⁰ The Toubou (or Tubu meaning "rock people"), are a Saharan ethnic group inhabiting northern Chad, southern Libya, northeastern Niger and northwestern Sudan. They are nomadic herders and traders, and live in the eastern part of the country near Tesker (Zinder), N’guigmi (Diffa) and around Bilma (Agadez Region) and along the border with Libya (see Table 1). Toubou society is clan-based, each clan having its own oases, pastures and wells. They are subdivided in two groups, the Teda and Daza. The Teda have to a large degree remained nomadic, breeding camels and small livestock and camping in mat tents near water holes. The women tend to the small livestock, while the men take care of the camels, covering large distances in their search for pastures. The Daza are the most numerous. Quite a few of them have become semi-sedentary and live in small isolated oases in the desert. They herd camels, cattle, horses and small livestock, and do some horticulture,³¹ as well as long distance trading to sell camels. The Toubou are considered to be a tough people, both because of their reputation as fierce warriors fighting central authorities (French or African) and because of their great resilience. They are Muslim but few men are polygamous. The husband or father is the head of the household, but he rarely makes decisions without consulting his wife. When he is absent, his wife often takes complete charge, moving family tents, changing pastures, buying and selling cattle and even travelling long distances to collect and sell dates.

Table 1. The indigenous peoples of Niger: population and percentage of total population in 2001 (by regions).

Ethnic Group	Tuareg		Peulh		Toubou	
	Population	%	Population	%	Population	%
Agadez	192,058	60.1	7,009	2.2	4,295	1.3
Diffa	3,326	1.0	83,833	24.6	21,066	6.2
Dosso	14,719	1.0	128,847	8.6	182	0.0
Maradi	69,352	3.1	185,251	8.3	460	0.0
Tahoua	344,887	17.5	49,459	2.5	147	0.0

²⁷ Mette Bovin, *Nomads that Cultivate Beauty* (2001), 12.

²⁸ Mette Bovin, *Nomads* (2001), 83.

²⁹ Mette Bovin, *Nomads* (2001), 16-17.

³⁰ The majority of the Toubou people live in the north of Chad, around the Tibesti mountains (“Toubou” means “man from Tibesti”).

³¹ Catherine Baroin, “La quête des ressources sur un territoire incertain: les Toubou du Sahara” (2011), 306.

Tillabéri	208,492	11.1	236,646	12.6	298	0.0
Zinder	155,101	7.5	195,793	9.4	14,909	0.7
U.C.Niamey	28,948	4.4	48,679	7.5	815	0.1
TOTAL	1,016,883	9.3	935,517	8.5	42,172	0.4

Source: INS-NIGER, “Annuaire Statistique 2006-2010” (2011b), based on Table 07.05.b, p. 77.³²

1.5 The pastoralist lifestyle

Pastoralism is at the same time a production system, an adaptation strategy to an extreme and harsh environment, and a specific lifestyle. For pastoralists, livestock is much more than an economic asset; it is also an important part of their status, culture and world view. It is estimated that about 95% of the population is involved in livestock activities; and that 20% derive most of their income from it. The total livestock population in Niger is estimated at around 40 million head of cattle, sedentary livestock representing 66% of the livestock population, and nomadic and transhumant livestock representing 34%.³³

According to the 2007 livestock survey, there were 71,455 nomadic Tuareg, Toubou and Wodaabe pastoral households³⁴ herding a total of 5,657,247 heads of livestock. There are great variations from region to region, but the nomadic system is most prominent in Tahoua, Zinder and Agadez, both in terms of herd size and number of households. There is also some variation in the type of animals being herded—the Tuareg and the Toubou herd camels, the Wodaabe long horned Zebu cattle. All rear small livestock as well, in particular goats which in fact often constitute a major part of a herd, particularly among the Tuareg.³⁵

The system of transhumance is based on a seasonal move of the herd that takes place when the fields have been harvested. It is practiced by 54,257 semi-sedentarised pastoral households like the Peulh and Tuareg and in all the regions, with the exception of Agadez and around Niamey (Table 2.3, Annex 2). Transhumance may be internal (56% of the livestock stays in Niger) or external (44% is taken to Niger’s neighboring countries, Nigeria being by far the main destination), and the time spent away from home varies from 3 to 5-9 months or more. When moving their herd, pastoralists use livestock corridors (*couloir de passage*) with water points and rest areas (*aire de repos*) that have been established to prevent livestock from entering fields not yet harvested or from using the village water points. Transhumant pastoralists and farmers traditionally have a symbiotic relationship. Herders will care for the farmers’ animals during the rainy season, taking them to rangelands north of the agricultural zone and being compensated with cereal grains. During the dry season, farmers allow the herds into their fields so they can feed on stubbles and contribute to soil fertility with their manure.

Nomadic and semi nomadic pastoralists like the Tuareg, Peulh and Toubou are known for their extraordinary aptitude to adapt to hyper-arid and arid environments. They do this by employing a complex system of livelihood strategies developed over hundreds of years in response to climatic variations, seasonal changes, and droughts. Whether they are nomadic and move all year round over

³² The most recent Annuaire Statistique 2015-2019 (édition 2020) and Annuaire Statistique 2013-2017 (édition 2018) do not include disaggregated statistics on ethnicity.

³³ See République du Niger, “Revue du secteur de l’élevage au Niger” (2010), 8, 26.

³⁴ Average size of rural households is 6.6, but varies from region to region (7.8 in Tillabéri, and 5.0 in Zinder). See République du Niger, “Recensement Général de l’Agriculture et du Cheptel (RGAC 2005/2007)” (2007b), 28.

³⁵ See ZFD et al., “L’élevage mobile dans les Régions de Zinder et de Diffa” (2008), 46, for an overview of various types of mobile stockbreeding systems.

large distances within fairly well defined territories and according to well-known itineraries, or they are transhumant and move at certain times of the year following the migration corridors to access rangelands, mobility is a prerequisite since only spatial mobility allows pastoralists to draw benefit of the drylands' scarce resources in a way which is now increasingly being recognized as an uniquely well-adapted and sustainable land use system.

In times of drought and other natural disasters, other livelihood strategies include changing the composition of the herds, cutting down on cattle and sheep (both are demanding and delicate) and instead increasing the number of goats; or diversifying their activities by combining stockbreeding with horticulture (grain cereals, vegetables) wherever it is possible to find water for irrigation, typically in the valleys of the Air mountains, or in the oases.³⁶ Among the Tuareg of the Air, it is today rare to find tribes and even families that are only pastoralists or only horticulturalists.³⁷

Pastoralists in the Sahara and the Sahel have over the centuries developed an extensive indigenous knowledge related to their environment and their animals: how to achieve and maintain a balance between sustainable use and conservation; which livestock breed is best adapted to local conditions; what grass and shrub species are to be found where and when; how to care for their animals health, etc.³⁸ An example of the latter is the tradition of bringing each year their herds to special places where saline soil and water is found so they can get a “*cure salée*” (salt cure), (*hotungo* among the Peulh). These gatherings are also the occasion for social interaction between the nomads, and the *hotungo*, for instance, is the time for certain rites (name giving, wedding).

Pastoral societies identify with their animals. Animals are a source of income and savings, but meat is rarely eaten. The main staple food is millet and milk, and animals or animal products (milk) will be sold in order to pay for the millet. Especially goats and sheep serve as a mobile reserve to sell at the market, since they do not have the same symbolic value as camels and cattle, who are crucial for people's social and cultural welfare. Among the Tuareg, camels symbolize prestige, serenity and security—the military power of old days. Men are identified by their camels and camel meat is therefore seldom eaten as it would be almost the same as eating its owner.³⁹ The size of the herd is more important than the productivity of the individual animal and among the Peulh, for instance, the number of cows a person owns is a sign of wealth; a family without livestock will feel, and will be, marginalized whatever else it might own. Livestock is also important for the reproduction of the social system. In relation with the payment of bride wealth, the Toubou rely on a widespread network of mutual gift relationships based on the exchange of cattle,⁴⁰ and blood price after a murder is usually paid in the form of camels. The Peulh have many names, traditions, and taboos concerning cattle, and for the Wodaabe the well-being of the cows is the pre-condition of the well-being of human beings.⁴¹ All their major life transitions, such as birth, weddings and death involve cattle, and the cow—a holy element in the old Wodaabe religion—is still being revered.⁴² Cattle are also the basis for the Wodaabe's gift distribution system, *habana'i*, which establishes social relationship within and outside the lineage group, leading to the reduction of risk within the pastoral economy.⁴³ Similar traditions are found among the Tuareg.

³⁶ The water used for irrigation comes from hand-dug wells.

³⁷ See Giazzi, *La Réserve Naturelle* (1996), 329.

³⁸ See Nicolaisen & Nicolaisen, *The Pastoral Tuareg* (1997), 177ff.

³⁹ See Nicolaisen & Nicolaisen, *The Pastoral Tuareg* (1997), 160.

⁴⁰ See Catherine Baroin, “La quête des ressources” (2011), 308-309.

⁴¹ Loftsdottir, “Birds of the Bush” (2001), 289.

⁴² Bovin, *Nomads that Cultivate Beauty* (2001), 30.

⁴³ Loftsdottir, “Birds of the Bush” (2001), 288.

Overall, pastureland is shrinking at an alarming rate as temperatures rise and rainfall decreases due to climate change. At the same time, the presence of armed groups along traditional transhumance routes has made it dangerous to search for greener pastures.

2. Socio-economic profile

The elimination of food insecurity, hunger and malnutrition had been a priority for the Government for several years, to this end, the National Nutrition Security Policy (2017–2025) had been adopted. However, food insecurity and malnutrition persisted. Malnutrition rates had fluctuated over the past ten years and had not changed significantly. There were 2.7 million persons in situations of acute food insecurity. Violence related to the activities of armed actors in the country and surrounding areas in Mali, Burkina Faso and Nigeria has led to severe protection concerns and aggravated chronic food insecurity and malnutrition. This situation affects the vast majority of the country's population, including Niger's indigenous pastoralists, who for the past decades have experienced exacerbated economic vulnerability, increased constraints in their herding activities, human rights abuses and sustained marginalization.

2.1 Economic poverty

Recent data show that 60% of Niger's population is poor and that the level of poverty in rural areas is more than five times higher than in urban areas. The index of severe poverty is highest among nomadic and semi-nomadic households. This situation is to a large extent the consequences of the severe drought periods of the 1970s and 1980s, when pastoralists experienced losses of up to 80% of their herds and many had to sell their remaining cattle to traders, local officials and city dwellers. Although herds were more or less reconstituted in subsequent years, there was a massive transfer of ownership in the bovine sector and nowadays around Tahoua, Maradi and Agadez about 60% of the animals do not belong to the herders that look after them.⁴⁴ Niger has since then experienced several natural disasters including locust invasions, flooding and at least severe droughts periods, including the latest one in 2009-2010 which affected 7.1 million people (47.7% of the population) and killed a large part of the livestock.⁴⁵ Finally, another significant factor is the overall violence and humanitarian crisis, which is also seriously affecting poverty levels.

The pastoralists' response has been diversification and out-migration. Many nomadic and semi-nomadic pastoralists have partly or fully abandoned herding and switched to farming or wage labor. In the Agadez region, income generating activities like tourism and handicraft production, for which the Tuareg are famous, were developed; many people took up menial work in the uranium mines and in the booming mining cities (Arlit and Akouta). However, all this was disrupted by the two Tuareg rebellions in 1990 and 2007. Development projects targeting pastoralists were discontinued or cancelled, the budding tourist industry was interrupted and many young Tuareg militants had to seek refuge in Algeria and Libya. The situation, to this date, remains volatile and economic development has to a large extent come to a standstill. A sizable number of Tuareg, Wodaabe and Toubou have also ended up in the outskirts of towns where unlawful occupancy has become a common reality, particularly in Niamey, and where they live a precarious life because of inadequate basic infrastructure and lack of regular job opportunities.

⁴⁴ République du Niger, "Revue du secteur de l'élevage" (2010), 16; AGTER, "Lessons Learned" (2011), Paper#4.

⁴⁵ See UNDP, "Rapport Annuel du Coordonnateur Résident 2010" (2011a), 4. An acute grain shortfall has recently been foreseen, identifying Tillabéri, Agadez and Diffa as the regions with greatest cereal grain deficits

Indigenous women have been greatly affected by these changes. Many nomadic Tuareg women have been left behind and are now heads of their households and in charge of the herd. Those, who have become sedentary agro-pastoralists, experience a loss of status and socio-economic autonomy and have had to adapt to the prevailing values in the villages where the other ethnic groups' women are traditionally much more subordinated to their husbands and to Islamic norms than women in nomadic societies. Among the Wodaabe, women have turned to trading journeys, travelling on their own to urban centers and even abroad to sell their traditional medicine and charms. Agro-pastoralists Peulh women, on the other hand, tend to take up seasonal residence in Niamey and try to make out a living by begging.⁴⁶

2.2 Rights to access rangelands and water

A crucial issue for mobile pastoral communities living in arid and semi-arid areas are their rights to access rangelands and water. These rights have over the past decades been under increased pressure due to a number of factors including climatic changes, demographic growth, poverty, and violence. Historically, a key problem, however, has been the failure by policy-makers to recognize the value of extensive pastoralism, which they consider to be an inefficient and old fashioned production system that is environmentally damaging. Although the contribution of pastoralism to the Nigerien economy is significant, there is a widespread conception that nomads have no rights to land because they are not sedentary and do not “use”, i.e., cultivate the land.⁴⁷

Nomadic and semi-nomadic pastoralists have thus seen the limit of rain fed agriculture being pushed further north into the pastoral zone—as the result of legislation and land grabbing by crop farmers—while sand dunes take over valuable rangelands. The Tuareg have experienced further loss of land and resources because of extractive industries. Agadez has some of the largest uranium deposits in the world, and in the Arlit area, 360 km² of traditional rangeland have since the 1960s been exploited by using underground and open-pit mining. In order to process the ore and produce yellow-cake for export, huge quantities of water are pumped up from the underground, thus putting an enormous strain on the only available water resources in the area. To the loss of land and water resources should be added a number of other serious documented consequences (health problems, environmental and water pollution, etc.).⁴⁸ In 2007, the Nigerien state issued 100 new uranium concessions covering 90,000 km² of pastoral lands north of Agadez city and in the Ighazer Plain.⁴⁹ Coal is being extracted at Tchirozérine and oil prospection is currently being undertaken by several multinational corporations in the Ténéré Desert and near Bilma.⁵⁰ The Tuareg have also lost access to some of their

⁴⁶ See Elisabeth Boesen, “Wodaabe Women and the Outside World” (2009), 33-37.

⁴⁷ An example is the slogan used by President Kountché (1974-1987) “the land belongs to the man that tills it” as quoted in Jean-Pierre Olivier de Sardan, “Chefs et projets au village (Niger)”, (1998), 15.

⁴⁸ Exploitation at Arlit is done by French owned AREVA. Uranium is one of the issues that fueled the Tuareg rebellions. The situation of the Tuareg in relation to uranium mining was considered in 2007 by several UN special procedures mandate-holders, and taken up again in 2009 by CERD, requesting, inter alia, information on measures taken to obtain the prior informed consent of the affected communities with regard to ongoing and planned resource extraction activities. Niger provided follow-up information in 2009, but was requested by CERD (March 2010) to provide additional information. See Human Rights Council/UPR, Compilation (2010), §44-45.

⁴⁹ Concessionaires are Canadian, Indian, Australian, British, American and Chinese corporations.

⁵⁰ Oil is already being exploited in the Diffa region by the China National Petroleum Corporation and a refinery has been built in Zinder.

traditional land by the creation of the Addax Sanctuary (1,280,500 ha),⁵¹ which is part of the Air Ténéré National Nature Réserve.⁵²

At the same time, pastoralists' right to circulate and graze their animals in the southern agro-pastoral zone, once crops have been harvested, has been increasingly hampered by the clearing and delimitation of land for crop farming purposes and the introduction of new farming systems.⁵³ Both the nomadic Wodaabe and the transhumant Peulh have also experienced land encroachments by sedentary farmers.⁵⁴ In order to stop such abuses that often end in violent confrontations, some agro-pastoralists have established agricultural belts around their pastures. Others have chosen to mark their home grazing territories with infrastructures (wells, schools, health posts, etc.). This entails that some of the families no longer practice transhumance but remain on the land to prevent intrusions by other ethnic groups.⁵⁵ Many, however, consider these strategies as the first steps toward sedentarization and the end of pastoralism; others see it as a wish to combine a settled home for their families with the mobility of the major portion of their herds.⁵⁶

Livestock watering is another acute problem. Despite earlier governments' efforts to improve the situation with better infrastructure and specific legislation, traditional as well as modern wells remain scarce, especially in the Agadez region,⁵⁷ and their access for pastoralists in other parts of the country is often problematic due to discrimination, excessive fees, etc.⁵⁸ The problem is not so much the scarcity of underground water resources,⁵⁹ as financial constraints and, from the pastoralists' point of view, the failure to enforce the law in a strict and fair manner⁶⁰ and solve the ecological and socio-economic challenges related to rural hydraulics.⁶¹

Transhumant pastoralists like the Peulh depend on the availability of secure migration corridors with appropriate water and grazing facilities. Corridors have since 1993 been public domain, and the periods of use are set in agreement with the farmer communities. These corridors, however, remain a major source of conflict. Farmers allege that the herdsmen destroy their crops because they do not

⁵¹ Report states that there is no longer any addax antelopes left in the sanctuary. See UICN/PAPACO, *Grandes aires protégées des zones sahélo-sahariennes: quelle contribution à la conservation?* (2009), 33. The five protected areas in Niger cover approximately 8.5 million hectare, equivalent to 6.6% of the national territory. They are the W. National Park (220,000 ha), the Gadabegi total reserve (76,000 ha), the Dosso partial faunal reserve (306,000 ha), the Tamou total faunal reserve (75,000 ha), and the "Air Ténéré" National Nature Reserve (7,736,000 ha).

⁵² The "Air Ténéré" reserve (IUCN category VI) had in the 1990s 5,252 permanent residents (4,000 horticulturalists, 1,252 nomadic) living within the reserve, and 18,100 nonresidents using the reserve for grazing, etc. Giazzi, *La Réserve Naturelle* (1996), 301.

⁵³ These systems include, e.g., the use of stubbles by the farmers themselves, growing late season crops (e.g., gourds), etc. See Gandou Zakara and Harouna Abarchi, "Assessment of the impacts of pastoral policies in Niger" (2007), 9; ZDF et al., "L'élevage mobile" (2008), 52.

⁵⁴ Phillips, "Policy Measures" (2007), 2; Mohamadou, "Fonciers, pouvoirs locaux" (2010), 8.

⁵⁵ Mohamadou, "Foncier, pouvoirs locaux" (2010), 6.

⁵⁶ AGTER. "Recognising the specific nature of pastoral populations in Sahel" (2002), 2.

⁵⁷ Niger has 7,381 traditional and 18,261 modern wells. Only 20% of the latter are in the pastoral zone. Only 51% of the total need for wells is covered. See République du Niger, "Revue du secteur de l'élevage" (2010), 22-23.

⁵⁸ See Zakara and Abarchi, "Assessment of the impacts" (2007), 10. See also Kees Vogt and Gill Vogt, "Spells of Wells" (2005), 23 ff.

⁵⁹ The underground water resources are plentiful, but are found at great depths and are not renewable. See AGRIFOR "Profil Environnemental du Niger - Rapport final" (2006), 2.

⁶⁰ See Zakara and Abarchi, "Assessment of the impacts" (2007), 4.

⁶¹ These challenges include, inter alia, how to tackle pasture degradation around boreholes, regulate ownership and use rights of the water points and the space around them, address management and maintenance issues, avoid conflicts between stockbreeders and farmers, etc. See Kees Vogt and Gill Vogt, "Spells of Wells" (2005).

respect the conditions set and pass at any time; the herdsmen argue that the corridors are too narrow and do not provide sufficient pasture and water for their animals. There have been cases where farmers have occupied and cultivated the corridors and later accused the Peulh of destroying the fields with their cattle when they tried to use the corridors. Such conflicts often end with a series of killings between the two communities.⁶² Regarding cross-border transhumance, the Economic Community of West African States (ECOWAS), of which Niger is member, defined in 1998 the conditions for movement of livestock between ECOWAS member States and introduced an International Transhumance Certificate (ITC).⁶³ However, Nigerien pastoralists find that the conditions for obtaining certificates are often irregular. They also complain about the technical services' discriminatory practices and the need to have health certificates, which is an issue because the level of animal vaccination in Niger remains very low, due to the nearly total absence of health monitoring. Similar agreements do not exist with Algeria and Libya (not member States of ECOWAS), and Tuareg herdsmen suffer many harassments when they want to cross borders.⁶⁴

The many different abuses suffered by nomadic and semi-nomadic pastoralist communities violate their customary rights to rangelands and water. These rights have been negotiated by families and pastoralist groups for hundreds of years,⁶⁵ and are regulated by different sets of customary rules. In 1993, the Code Rural recognized customary rights to rural land and rural natural resources (Art. 5) and a later Decree stipulated that pastoralists have common use rights (relating to grazing areas) and priority use rights (relating to grazing land in the “*terroirs d'attache*” or home grazing territories).⁶⁶ In the following years, an institutional framework to implement and enforce the laws was put in place. The most important innovation are the land commissions (*Commissions foncières*) set up at the level of departments (Cofodép), municipalities (Cofocom) and grass roots (Cofob). These Cofos are the key institutions responsible for the implementation of the Rural Code.

In 2010, the customary rights of pastoralists were reaffirmed by the Pastoral Code—a sector specific law and part of the corpus of the legal texts that constitute the Rural Code. Although the Rural Code does include a number of provisions related to the pastoral sector, pastoralists have criticized it for being biased towards crop farming and for having several provisions (on water, on land in the pastoral zone, etc.) that were not clearly formulated. The pastoralist associations have therefore since the early 1990s advocated and actively worked for a “Pastoral Code” that would defend their rights and customs. Through a 10-year long participatory process, with debates at various levels and more than 100 workshops throughout Niger with representatives of herders, pastoralist organizations and local chiefs, the Code was finally adopted. A major hurdle was the profound lack of understanding by policy makers of the dynamics of pastoral systems and how they operate in response to the unstable environmental conditions of the Sahel.

The Pastoral Code includes several positive features. It recognizes mobility as a fundamental right of stockbreeders, nomadic and transhumant herders (Art. 3) and forbids any exclusive appropriation of the pastoral space that might hinder their mobility and that of their livestock (Art. 5). It recognizes pastoralists' rights over the common use of rangelands, priority rights—albeit not exclusive—to

⁶² Mohamadou, “Foncier, pouvoirs locaux” (2010), 5. See also ACHPR, “Report on Mission to Niger” (2006), 48.

⁶³ ECOWAS Decision A/DEC.5/10/98. In 2003, Burkina Faso and Niger signed a Memorandum of Understanding establishing a cooperative framework to guide cross-border transhumance.

⁶⁴ ACHPR, *Report Mission to Niger* (2006), 55.

⁶⁵ See Phillips, “Policy Measures” (2007), 3.

⁶⁶ The Rural Code defines home grazing territories as the “territorial unit set and observed by custom and/or legal texts on which pastoralists usually reside for a large part of the year. It is the territory to which they remain attached when they move (transhumance, migrations, etc.)”.

occupy, use and manage their home territory (Arts. 11 and 12) as well as the right to compensation in the event of losing their lands to public interest needs (including extractive activities). The code also considers the access to water points (Arts. 14 to 26), to hunting concessions and in case of serious crisis to protected forests (Arts. 27 and 28). The management of conflicts is to take place at the local level and in joint conciliation commissions. Both codes have been hailed as major landmarks: the Rural Code for promoting the rule of law in Nigerien villages by establishing—through the land commissions—local spaces for dialogue and mediation;⁶⁷ the Pastoral Code for being a very positive move towards securing Nigerien pastoralism. However, all will depend on their implementation. Despite certain progress especially within land disputes,⁶⁸ the Rural Code has not yet been sufficiently disseminated and made accessible—many pastoralists and farmers have not heard about it; the high rate of illiteracy among adults means that they have no access to knowing/understanding its provisions, etc.

2.3 Health and education

Although the country has adopted health policy aiming at the universal supply and demand of high-quality health-care services, only 47.8 per cent of the population has physical access to health care.⁶⁹ The health system performance remains poor, particularly in rural areas, where there is hardly any health infrastructure or trained health staff—or mobile clinics that could benefit pastoralists—and where all health indicators including the access to acceptable drinking water are far worse than in the urban areas.⁷⁰

The health situation of the pastoralists has been particularly aggravated as the consequence of the droughts periods. These tend to generate a vicious spiral, with falling livestock prices and increasing cereal prices, forcing people to cut down on meals. The result has been chronic food precariousness leading to, for instance, chronic malnutrition among children under five, which in some regions with a large percentage of pastoralists is well above the national average of 48.1 (Table 3.5, Annex 3). Rates for child mortality have improved but maternal mortality remains high (Tables 3.6 and 3.7, Annex 3). Leading causes of morbidity and mortality are tuberculosis, meningococcal meningitis and cholera. Malaria rates are on the rise and in 2010, as the result of heavy rainfalls, there was an outbreak of malaria that affected more than 2 million people (or twice as many as in 2009).⁷¹

The rate of literacy in Niger is very low, especially among adult women.⁷² Even though primary education from age 7 to 12 is free and compulsory, education levels remain exceptionally low. The preschool enrolment rate is just 7 per cent, and over 50 per cent of children aged 7-16 are not in school. One reason is the lack of schools and teachers in rural areas; another that many children have to help out in providing a family income or that parents cannot afford the cost of school supplies. The literacy and enrolment rates among nomadic or transhumant pastoralists are not known but are probably even lower because of their lifestyle. Their cultural traditions are another constraint, since many of them believe that sending a son to a school where he will speak French and learn other ways

⁶⁷ AGTER “Lessons Learned” (2011), Paper #5.

⁶⁸ AGTER “Lessons Learned” (2011), Paper#5.

⁶⁹ UPR, para. 32

⁷⁰ Mortality and morbidity remained very high: the maternal mortality rate stood at 535 per 100,000 live births, the infant mortality rate at 127 per 1,000 live births and the neonatal mortality rate at 24 per 1,000 live births.

⁷¹ See UNDP, “Rapport annuel du Coordonnateur Résident UNDP Niger” (2011a), 4.

⁷² Niger’s literacy rate is improving among younger generations, but it’s still one of the world’s lowest. On average, 39.7% of Nigeriens ages 15-24 can read, but only 13.7% of Nigeriens ages 65+ can read. Male literacy rates are recorded by UNESCO as 48.5% (ages 15-24) and 19.83% (65+). Female literacy rates for these same age ranges are 31.6% and 7.9%, respectively.

of life amounts to losing him. Even though the government has a program to encourage national languages and bi-lingual education in the first two years of primary school, bi-lingual schools are still very few.⁷³ In Agadez, a specific attempt has been made to reach nomadic children by establishing tent schools or hut schools that move with and when the nomadic group moves. A few boarding schools have also been established. The development of nomadic education facilities in general has been promoted by the government with support from several donor agencies (e.g., UNICEF, WFP) as well as a large number of NGOs and solidarity groups. Literacy and skill training among adult nomadic populations, with specific attention to women, is also being provided by some projects.⁷⁴ On the whole, however, there does not seem to be any consistent or coherent national policy for nomadic education.

2.4 Human and fundamental rights

2.4.1 Inter community conflicts

The increase in violent clashes between nomadic and semi-nomadic pastoralists and farming communities is often explained as being due to the competition for the limited resources available. However, the conflicts also appear to be fueled by deeply entrenched prejudices and discrimination against pastoralists in general, as in the case of the many conflicts between Peulh and Hausa/Djerma. The latter associate the traditional lifestyle of the Peulh and their ethnic identity with several negative stereotypes and constantly accuse them of destroying the environment and the fields with their animals and of being unwilling to adapt to a modern way of living. The Peulh are even accused of banditry and of collaborating with terrorist groups.⁷⁵ All this serves to explain and justify the violent assaults and even massacres committed against the Peulh. These are usually committed with impunity; no investigations are carried out and in general, there is little documentation or knowledge about these grave human rights violations.⁷⁶ The Tuareg and the Toubou may also experience inter community clashes with sedentary agriculturalists or even between their two communities as in 2002-2003,⁷⁷ However, the most serious conflicts these two communities have experienced have been with the state.

2.4.2 Conflicts with the state

Since 1990, the north has seen two major Tuareg rebellions. Many explanations have been given. It is, however, certain that the droughts of the 1970s and 1980s exacerbated the economic situation of the pastoralists at a time when the state was drawing huge benefits from uranium mining. A large number of Tuareg were compelled to migrate to Algeria and Libya. In the late 1980s, many of them returned when they were promised by the government to get help to resettle. But these promises never materialized and this spurred on the first rebellion in 1990.⁷⁸ The repression by the army was fierce.

⁷³ The communities themselves have to promote and work for the introduction of bi-lingual education. In 2008, there were 573 bilingual schools (teaching five different languages, including Fulfuldé and Tamacheq) out of 11,609 schools. See Bruno Maurer, “Les langues de scolarisation en Afrique francophone” (2010), 25 and 34; and UNESCO, “World Data on Education 2010/11” (2011). Some of the community radio stations broadcast in national languages.

⁷⁴ IRIN News, “Literacy classes help desert nomad women”, (October 2003) at <http://www.irinnews.org/report.aspx?reportid=46736> (accessed 04.04.2022).

⁷⁵ See IWGIA-AREN Human Rights Report *Les Violations Collectives des Droits Humains Fondamentaux – Cas des Régions de Tillabéri et Dosso - Niger* (2012), 9.

⁷⁶ See IWGIA-AREN, *Les Violations Collectives* (2012); see also *The Indigenous World 2009*, 446, and *2010*, 454.

⁷⁷ See ACHPR, *Report Mission to Niger* (2007), 51.

⁷⁸ The rebellion started in Tchintabaradem and was spearheaded by young Tuareg combatants trained in Libya and known as *ishumar*. See *The Indigenous World 2001-2002*, 355. A rebellion erupted simultaneously in Mali.

Hundreds of Tuareg were arrested and many were killed.⁷⁹ Peace accords were signed in 1995. However, the government's promises to reintegrate former rebels into the local security forces and government services and to start up some development projects in the north could not be carried out due to the political instability in the country.⁸⁰ This situation also led the major donors to suspend their aid, including the aid directed at the resettlement of the thousands of people who had fled during the 1990 rebellion.⁸¹ The following years were marked by devastating droughts, locust plague, severe epidemics, and a mounting insecurity in northern Niger.⁸² Many of the grievances that had sparked the 1990 uprising were still not resolved and delays in implementing the recommended measures of the 1995 Peace agreement, led in 2007 to a new rebellion in the Agadez region and the Air Mountains, this time instigated by the Mouvement des Nigériens pour la Justice (MNJ), who demanded greater resource sharing and more economic development in the region.⁸³ Toubou as well as Peulh also joined the rebellion. A state of caution was declared and this time, too, the repression by the security forces was brutal.⁸⁴ Some 11,000 people were internally displaced, and many fled to Libya.⁸⁵ A peace agreement was reached in 2009, under the aegis of Colonel Gadaffi.

In 1994, the Toubou also rebelled but were crushed in 1997. Many of them fled to Nigeria where they remained even after the peace accord. Eventually, 950 of them were captured and escorted to the Niger border, where the men were taken away never to be seen again. In 1999, the High Commissioner for the Restoration of Peace confirmed the existence of a mass grave with the bodies of 150 men.⁸⁶

Inter-community conflicts have always existed, and in order to prevent or solve them in a peaceful manner, communities have resorted to traditional conflict resolution mechanisms like the widespread use of the joking relationship (*cousinage à plaisanterie*).⁸⁷ Gatherings as the *Cure Salée*, the *Hotungo* and the *Gérewol* have also been used to resolve disputes. Today, these gatherings are promoted by the government who takes advantage of the concentration of nomadic populations to establish a dialogue, deliver messages and information, etc., and advocate harmony, respect and social cohesion

⁷⁹ Government admitted to 70 deaths, international organizations placed the number at around 600 and the Tuareg claim that at least 1,700 of them were killed. See *The Indigenous World 2001-2002*, 357.

⁸⁰ In 1996, the elected president of Niger was overthrown. In 1999, a new military coup was followed by democratic elections and a new constitution was adopted (2000).

⁸¹ It is estimated that some 15-20,000 people fled Niger as the consequence of the first rebellion. Repatriation took several years, ending in 1999.

⁸² This insecurity is due to "banditry", raids against tourists, cattle hustling, etc. and associated with smuggling of arms, stolen cars, and possibly some terrorist groups operating in and from Algeria. The USA's Trans-Sahara Counter Terrorism Initiative (formerly Pan Sahel Initiative, now SOCAFRICA) launched as part of the "War on Terror" has been seen by many Tuareg as exacerbating the situation rather than solving the problems. See *The Indigenous World 2002-2003*, 351 and 2005, 436.

⁸³ Other MNJ demands were mining jobs for local people and a larger Tuareg representation within public administration, the Army and government. The MNJ always stressed its social and non-ethnic aspect. See Sadatchy, "Mouvement des Nigériens" (2011), 3.

⁸⁴ According to Amnesty International, members of the security forces extra judicially killed dozens of people suspected of links with the Tuareg opposition. Cases of torture have also been reported. See Human Rights Council/UPR, Compilation (2010) §9-10.

⁸⁵ The Special Rapporteur on the situation of human rights and fundamental liberties of indigenous peoples has addressed two letters of allegation on extrajudicial, summary or arbitrary executions in 2008 and one on the situation of human rights and fundamental freedoms of indigenous people in 2009. See Human Rights Council, Reports of the Special Rapporteur (2008 and 2009). The Government of Niger has replied to those letters.

⁸⁶ *The Indigenous World 2001-2002*, 357-358.

⁸⁷ This long-established tradition allows different ethnic communities, to insult one another in a joking manner, without hurting each other's feelings.

so as to reduce incidences of violence among communities.⁸⁸ Such messages are important but should be followed up by action on the ground, giving equal recognition to all groups—sedentary agricultural communities as well as pastoralist communities—respecting their differences and allowing them all to flourish in a truly democratic spirit.

2.4.3 Slavery

Even if slavery was criminalized in 2003 (Law No. 2003-025), there are still several thousand individuals living under special forms of slavery or slave-like conditions.⁸⁹ The regions where most slaves were found were Agadez, Tahoua, Maradi, Zinder, Tillabéri and Dosso. Slaves were an important part of the traditional Tuareg and Peulh societies and were originally captives taken during raids against sedentary tribes. Some of the Tuareg slaves were redeemed a long time ago and are today known as Bella (or Bouzu). Others have continued to live with the Tuareg in a slave-like relationship, working for them without being paid and without any rights.⁹⁰ As stated in Timidira's report, the major problem is that slavery is part of the people's system of values, and there has been little enforcement of the 2003 law.⁹¹ For the past few years, however, Timidira has been able to help several hundred slaves to freedom, and the Community Court of Justice of ECOWAS found Niger responsible for failing to protect 24-year-old Hadijatou Mani from slavery.⁹² As noted by the Timidira survey, there also exists a more insidious aspect of slavery, namely the prevalent discrimination based on ancestry and sometimes on skin color, barring persons with a slave background from enjoying certain rights, such as the right to marry a person of noble birth or to occupy political posts at village level.⁹³

2.4.4 Female Genital Mutilation

Female genital mutilation (FGM) has been banned by law since 2003, and its prevalence is reported to have fallen among women aged 15-49 (from 5% in 1998 to 2% in 2020).⁹⁴ FGM is most frequent among Peulh women (13%) and the regions with the highest prevalence are Tillabéri, and Diffa. The most commonly practiced form is clitoridectomy, which is performed on girls before they turn 8. In 97% of the cases, it is done by traditional practitioners.⁹⁵ In order to achieve Zero Tolerance of FGM, the NGO CONIPRAT is intervening at different levels (government, religious and traditional leaders, young people) and has created over 200 vigilance brigades in villages, trying to tackle violence against women and girls as well. It has also retrained traditional circumcisers.

⁸⁸ See ACHPR, *Report Mission to Niger* (2006), 15. The 2011 *Cure Salée* was dedicated to the promotion of peace and the development of desert regions.

⁸⁹ The Timidira survey (*Slavery in Niger - Historical, Legal and Contemporary Perspectives*, written by Galy kadir Abdelkader and published together with Anti-Slavery International) estimated that there were 860,363 slaves in Niger, but stressed that this figure should be taken with caution. Other organizations as ILO/IPEC put the number much lower

⁹⁰ Slave masters decide whom their slaves may marry, whether their children may go to school, and are the sole inheritors when a slave dies. See Timidira, *Slavery* (2004).

⁹¹ Both the ILO Committee of Experts (in 2008) and CRC (in 2009) have made strong observations and urged Niger to take measures to eradicate slavery. See Human Rights Council UPR, Compilation (2010), §36.

⁹² See judgment at <http://www.interights.org/niger-slavery/index.html>

⁹³ Timidira, *Slavery* (2004), 61.

⁹⁴ The region in Niger with the highest prevalence is Tillabéri (9.2% of women aged 15–49). Tillabéri is situated in the south-west of the country. All other regions have a prevalence lower than 2%. Women aged 15–49 who live in rural areas are more likely to undergo FGM (2.1%) than those who live in urban areas (1.2%). Prevalence in the capital city of Niamey is 1.8%.

⁹⁵ See INS-NIGER, “Enquête démographique et de santé” (2007b), Chapter 17. It seems that FGM is more frequent among Christians than among Muslims.

2.5 Political participation

Pastoralist groups have long felt that they were being ignored by their governments, that these were openly biased toward sedentary farmers. A fact is that pastoralists are often politically marginalized. This is partly due to their way of life, living and moving around in remote areas; they are also not as well organized as farmers and many of them have no or little education. All this makes it difficult for them to participate actively in politics.⁹⁶ As a result, they have few representatives at the national political level, which traditionally has been dominated by the Djerma and the Hausa. There have been, however, Peulh in high government position⁹⁷ and the creation in 1992 of special electoral circumscriptions to ensure the representation of minority communities may, in time, somewhat remedy the political marginalization of the pastoralists.

At the local level, the active political participation of the indigenous peoples is constrained by the administrative and governance system inherited from colonial times. This system organizes the nomadic population in groupings of tribes (“groupements de nomades”), and the semi sedentary agropastoralists in villages and cantons (today rural municipalities). Until the first municipal elections in 2004, all local administrative levels were headed by chiefs; now the municipalities have an elected mayor while the groupings and the villages have retained their chiefs. The groupings’ chiefs are indigenous, while the other chiefs usually (but not always) belong to the dominant sedentary ethnic groups.⁹⁸ From the 1960s and onwards, these groupings have been under the control of the *Postes Administratifs* established by the state in order to ensure its presence in sparsely populated pastoral zones.⁹⁹ The relationship between the nomads and the staff of these posts has always been one of mutual mistrust, the latter being frequently “strangers” (i.e., sedentary Hausa or Djerma). Tuareg tribes, who often have maintained their traditional hierarchical and centralized political system,¹⁰⁰ have therefore relied on their grouping chief to serve as an intermediary in their dealings with the administration or development projects. This has in many cases given the chief the possibility not only to supplement his meager legal income but also to control his people, by, for instance, withholding information from them on their rights.¹⁰¹

The rural municipalities have a minimum of 5,000 sedentary or semi sedentary inhabitants and may include Peulh and Tuareg as well as other ethnic groups (Hausa, Djerma, etc.). The chieftainships have until now played a crucial role at village and—until 2004—canton level. Basically an administrative institution, the chieftainships have nevertheless taken on a “customary legitimacy”, allegedly of pre-colonial origin and the so-called traditional chiefs tend to surround themselves with aristocratic courts, give audiences, hand out titles, etc.¹⁰² They have also been all-powerful in vital areas such as the management of land tenure issues (access to land and mediation of land conflicts),

⁹⁶ See Ced Hesse and BrigitteThébaud, “Will Pastoral Legislation Disempower Pastoralists in the Sahel” (2006), 19-20.

⁹⁷ The former Minister of Interior was a Peulh and the former President Mamadou Tandja (1999-2010) was half Peulh and the first non-Hausa/Djerma president of Niger.

⁹⁸ The position of Chef de canton was during colonial times the highest position a Nigerien could hold. These chiefs eventually became the main holders of local power, and the *Chefferie* (the chieftainship institution) was therefore maintained after independence as one of the pillars of the new regime. It is recognized by Art. 167 of the 2010 Constitution “as the depositary of the customary authority”.

⁹⁹ The postes administratifs consisted of a police (or military) station but could also include a health center, a school, etc.) In August 2011, a law was adopted that will turn the existing 27 Postes Administratifs, into departments.

¹⁰⁰ Komlavi Hahonou, “La chefferie coutumière” (2002), 5.

¹⁰¹ Komlavi Hahonou gives examples of how a chief may try to delay the creation of schools and how the religious authorities in the grouping do not teach the Koran in order to avoid claims based on Islamic law (op.cit., 8.)

¹⁰² See Olivier de Sardan, “Chefs et Projets” (1998), 3.

customary and civilian affairs, etc.¹⁰³ The chiefs usually belong to the Hausa or Djerma people, are part of the local elite¹⁰⁴ and often former civil servants with good links to pressure groups and decision makers in the capital.

It was expected that the Rural Code and its institutions would somewhat challenge the chiefs' power. The Code was to be designed through a large participatory approach, but in reality, civil society did not exist in any organized form at the time of the preliminary drafting debates in the early 1980s and the traditional chiefs were therefore the key participants in drafting the Code's guiding principles. Even now, their influence still prevails since the representativeness of the land commissions at all levels can be questioned. As for the few grass roots commissions (Cofob), they are usually chaired by village and tribe chiefs, who are still officially in charge of land dispute conciliation.¹⁰⁵

The decentralization policy was also expected to affect the position of the chiefs. Firstly, it was believed that the administrative delineation process including the creation of new rural municipalities¹⁰⁶ would reduce their old power base; secondly, it was anticipated that the introduction of elected municipal councils with an elected mayor at their head would strongly limit their influence. None of this has happened: the chiefs have been given an advisory role in the new municipal councils and since these have not been given land tenure competences, the chiefs continue to play a decisive role in land commissions.¹⁰⁷ They have also retained their role as tax collectors, and, in many places, the local elections of July 2004 confirmed the customary authorities' power in the new municipalities.

So far, decentralization has therefore not changed the balance of power and the situation of agro-pastoralists. Poverty, high levels of illiteracy and frequent absences impede their active participation and they are highly dependent on "local government officials and technical officers who do not necessarily have a sound grasp of the dynamics and rationale of pastoral systems, and who are frequently vulnerable to political manipulation by powerful groups".¹⁰⁸ In the case of the nomadic groupings, decentralization may prove to be detrimental, in particular in zones where they are a minority, since nothing similar to the special electoral circumscriptions at the national level has been foreseen to guarantee them a representation at the local level. New administrative delineations have also in some places led to the creation of new groupings, thereby weakening the old ones.

3. Nigerien legislation

¹⁰³ After independence, the chiefs were rewarded by the new state by being allowed to maintain their old privileges and acquire new ones. According to Timidira, "slavery found a new lease of life after independence, especially in the areas where the state was solely represented by Traditional Chiefs". See *Slavery* (2004), 95.

¹⁰⁴ This elite includes the religious leaders (marabouts, healing priests), and the economic leaders (traders, large stockowners). See. Komlavi Hahonou, "La chefferie" (2002), 2.

¹⁰⁵ AGTER, "Lessons Learned" (2011), Paper#6. Only 20% of the CofobBs were operational in 2010.

¹⁰⁶ Certain groupings with significant lands and/or populations were elevated to municipalities.

¹⁰⁷ This is seen as the result of the Association of Traditional Chiefs of Niger (ACTN), an important lobby organization that, although it has pledged its allegiance to the regime, also carries considerable weight lobbying in defense of its members' interests. These chiefs are ex-officio members of two institutions created as part of the decentralisation process – the National Council for Local Government (HCCT) and the Economic, Social and Cultural Council (CESOC). See Mohamadou, "Decentralisation and Local Power in Niger" (2009), 5.

¹⁰⁸ Hesse and Thébaud, "Will Pastoral Legislation" (2006), 20.

3.1 The Constitution

Niger's new Constitution (November 2010) does not mention the different ethnic groups by name but provides that all communities comprising the nation of Niger "shall enjoy the freedom of using their own languages in respect of each other". These languages shall have equal status as national languages (Art. 5). It ensures equal rights for all without any sexual, social, racial, ethnic or religious distinction. It also recognizes and protects all beliefs. However, any propaganda or manifestation of, among other things, racial or ethnic nature is to be punished by the law (Art.8).

3.2. Other relevant legislation

Law n° 61-05 of 27 May 1961 establishing a northern limit for crops. This law also defines the pastoral zone, and forbids the practice of rain-fed agriculture north of the 350 mm isohyet. It allows pastoralists to practice subsistence farming in oases and depression.

Ordinance N° 93-015 of 2 March 1993 establishing the Guiding Principles of the Rural Code

The Rural Code is a collection of legal texts dealing with 10 sectorial issues governing natural resource management. This Ordinance establishes its guiding principles.¹⁰⁹ Sector specific rules and regulation have since 1993 been drafted to complement the global frame. It is an unfinished process as additional legislation is being discussed. One guiding principle is that customary and statutory land rights benefit from equal protection of the law (Art. 5). Chapter II specifically addresses the rights and responsibilities of pastoralists, including the recognition of their common use rights to grazing areas (Art. 24) and their priority use rights on the resources within their "*terroirs d'attache*", or home grazing territory (Art. 28). The institutional framework to implement the laws and enforce established standards was set up in 1997, 2005 and 2006 (section 2.2 and Annex 4). A concern raised is the need for the land commissions to become independent of international donors' funding and be self-sustainable in order to ensure their survival on the long term.

Ordinance No. 2010-29 of 20 May 2010 on Pastoralism – also called Code Pastoral

This Ordinance is part of the Rural Code. For details, refer to section 2.2 and Annex 4.

The Decentralization process started in the late 1990s and has produced a large number of legal texts (list in Annex 4). The process is on-going and the result so far has been the creation and demarcation of eight regions, 36 departments and 265 municipalities, the latter including 213 rural municipalities and 52 urban municipalities. Five nomad groupings located in sedentary zones have been turned into municipalities. Each level of the territorial collectivity has its own competences, an autonomous management, its own budget and its own organs. So far, only the municipal level is operational.

An urban municipality has at least 10,000 inhabitants; a rural municipality (a group of villages, tribes or neighborhoods within the same region) has at least 5,000 sedentary or semi-sedentary inhabitants that live mainly of agriculture, stockbreeding and fishing. A municipality is governed by an elected municipal council that elects the mayor from within its ranks. There is a 10% gender quota. The traditional chiefs and the deputies that are not councilors are members of the municipal council with a consultative voice. The municipality has a certain administrative autonomy, its own budget (based on local taxes, etc., and a state subvention) as well as certain competences conferred to it by the state.

¹⁰⁹ It took more than 10 years of debates, conferences and consultations before the Code Rural was adopted.

Ordinance No. 93-028 of 30 March 1993 on the status of the traditional chieftainship recognizes the chieftainship “as the incarnation of the moral value and the depository of our ancestral values”. Within the municipal council, the traditional chief represents the customary communities and he should be associated in all development activities related to his community.

Law No. 98-12 of 1 June 1998 on guiding principles for the education system. This law provides that French and the national languages are languages of instruction (Arts. 10, 19, 21).

Law No. 2003-025 amending Act no. 61-027 of 1961 establishing the Criminal Code. Art. 270-2 stipulates that slavery is “punishable by a fine of 1,000,000 to 5,000,000 francs”.

In 2019, the President of the Republic of Niger signed a decree for the establishment of a **National Transhumance Committee (CNT)**.

3.3. Climate Change Policies

Climate change has had a particularly harsh impact on the Sahel region, with temperatures reportedly rising 1.5 times faster than the global average, droughts and floods leading to declining agricultural productivity and scarce water resources.

In 2013, Niger adopted a National Policy on Climate Change (PNCC) intended for mitigation and adaptation to climate change and brings together institutional, judiciary and operational actions. One of the overarching objectives of Niger is to move beyond the short term, immediate needs and focus on medium- and long-term planning for climate change issues

In September 2016, Niger ratified the Paris Agreement and submitted its (Initial) Nationally Determined Contributions (INDCs); the NDCs identified supporting agriculture, livestock and forestry sectors as high priority. Niger's Nationally Determined Contribution (NDC) falls within the framework of the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Climate Agreement. It is aligned with national policies and strategies, in particular the SDDCI Niger 2035, the PDES-2017-2021 as well as the programs/projects for the sustainable management of natural resources and access to modern energy services for all by 2030.

4. International and regional human rights treaties and instruments

Niger has signed and ratified a wide range of international and regional human rights instruments including a number of international environmental conventions. All these instruments could be of great significance for Niger’s indigenous peoples, since every Constitution, including the latest one from 2010, has recognized the primacy of international treaties ratified by Niger over domestic law.

Niger was among the 30 African states that voted in favor of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP, September 2007). Niger has not ratified ILO Convention No.169 on Indigenous and Tribal Peoples in Independent Countries.

4.1. International human rights treaties

Niger is party to eight of the nine core international human rights treaties.¹¹⁰

- The International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol 1 (ICCPR-OP1);¹¹¹
- The International Covenant on Economic, Social and Cultural Rights (ICESCR);
- The Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol;
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol;¹¹²
- The Convention on the Rights of the Child (CRC) and its Optional Protocol OP-CRC-SC;¹¹³
- The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)
- The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol;

Niger has ratified several universal human rights instruments related to armed conflicts, a number of UN conventions and the three UNESCO conventions of importance to indigenous peoples.

Niger is a member of the International Labor Organization (ILO) and has ratified several of its conventions, including C29 and C105 (on forced labor), C100 and C111 (on discrimination within employment and occupation), C138 and C182 (on child labor), which are specifically relevant for indigenous peoples. These instruments have been translated into the national languages.

Niger is also Party to the main international conventions and agreements related to environment, biodiversity and climate change as well as intellectual property rights.

4.3 Regional human rights instruments

Niger has ratified or signed the following regional human rights instruments:

- The African Charter on Human and Peoples' Rights (ACHPR)
- The African Charter on Rights and Welfare of the Child (signature)
- The Protocol to the ACHPR on the Rights of Women in Africa (signature)
- The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights

Niger is member of the regional ECOWAS Court that rules according to the provisions of the ACHPR. It allows citizens of member states to file complaints against human rights violations of state-actors. The decisions are legally binding to the ECOWAS member states.

4.4 Other relevant regional instruments

Niger has ratified several African conventions. It is member of the Economic Community of West African States (ECOWAS) and has, *inter alia*, signed the ECOWAS Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment, and implemented Phase I (the elimination

¹¹⁰ Niger has not signed the Convention for the Protection of All Persons from Enforced Disappearance.

¹¹¹ Niger has not signed Optional Protocol 2 regarding the abolition of death penalty.

¹¹² Niger has ratified CEDAW with a number of reservations (arts. 2(d), 2(f), 5(a), 15(4), 16(1)(c)(e)(g), 29 Reservation Declaration (art. 5(b)).

¹¹³The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

of the need for visas for stays of 90 days, identity travel card).¹¹⁴ It is also member of the West African Economic Monetary Union (WAEMU), the Community of Sahel-Saharan States (CEN-SAD), the New Partnership for Africa's Development (NEPAD) but not of the African Peer Review Mechanism (APRM). It is member of the Permanent Inter State Committee to Combat Drought in the Sahel (CILSS).

5. National and local non-governmental organizations

The development of Nigerien civil society organizations is relatively recent and includes human rights and development NGOs as well as pastoralist organizations. The latter began to emerge in the 1990s, and although they lobbied for pastoralists' interests and actively participate in the Pastoral Code process, they remain relatively weak and their rural constituency is not always very strong.¹¹⁵

- **Association Nigérienne de Défense des Droits de l'homme (ANDDH)** is a human rights organisation. It has 8 regional offices, 70 local sections and committees, a training and documentation center and 8 regional law clinics.
- **AREN—Association pour la Re-dynamisation de l'Élevage au Niger** (Association for the Regeneration of Stockbreeding) (1991) represents nearly 400 groups of stockbreeders in southern Niger. Its objective is to secure stockbreeding.
- **Association TUNFA** is based in Agadez. Its objective is to contribute to improving the health, the social protection and the livelihoods of the indigenous Tuareg, Toubou and Wodaabe of Agadez region. It is a member of the Indigenous Peoples of Africa Coordinating Committee (IPACC).
- **CAPAN—Collectif des Associations Pastorales du Niger** was created in 2000 by eight pastoralist associations. Today it groups 36 associations.
- **CODDHD—Collectif des Organisations de Défense des Droits de l'Homme et de la Démocratie** is a human rights network of 19 associations. Its objectives include the elimination of slavery, corruption and gender based violence.
- **CONGAFEN—La Coordination des Organisations Non Gouvernementales et Associations Féminines du Niger** (1994) is a coordinating network of women's NGOs and associations established in. It has 40 member organizations and one of its main activities is to lobby and advocate for the promotion of gender related issues.
- **CONIPRAT—Comité Nigérien sur les Pratiques Traditionnelles** (Nigerien Committee on Traditional Practices) has since 1978 worked to eradicate harmful traditional practices, in particular FGM through legislation, documentation and information campaigns.
- **DJINGO—Collectif des Associations des Éleveurs Nomades du Niger** organizes scattered nomadic pastoralist associations so they collectively can submit the needs and opinions of their communities to national and foreign development structures. Web site: <http://www.djingo.net/fr/index.htm>
- **FNEN Daddo—Fédération Nationale des Éleveurs du Niger** (1994) works in the Zinder region to defend the interests of pastoralists and contribute to the promotion of pastoralism. Web site: <http://daddozinder.wordpress.com/about/>
- **ISF—(Initiatives Survie Femmes)** Chatma (2005) promotes and helps initiatives providing for the specific needs of women and their organizing.
- **MNDHP—Le Mouvement Nigérien pour la Défense et la Promotion des Droits de l'Homme et des Peuples** (1999) works for the defense and promotion of human rights. It has

¹¹⁴ Supplementary Protocols related to Phase II (Residence) and III (Establishment) have been adopted by ECOWAS but are not fully implemented in the region.

¹¹⁵ Hesse and Thébaud, "Will Pastoralism" (2006), 19.

regional branches and is active within a broad spectrum of issues, including internal refugees. It has the status of observer at the African Commission on Human and Peoples' Rights.

- **NOMADES D'AFRIQUE** (Agadez) supports the development of marginalized indigenous nomadic communities, defending their rights as well as their culture and indigenous knowledge.
- **ODLH—Organisation pour la Défense des Droits et Liberté Humains** (2000) defends the dignity, the human rights and fundamental liberties of pastoralists and stockbreeders through documentation and information, awareness raising, training, and advocacy.
- **Réseau Billital Maroobé**—Réseau des Organisations d'Éleveurs et Pasteurs de l'Afrique is a regional pastoralists and stockbreeders' network association based in Niamey. Billital Maroobé (Peulh for “promoting stockbreeders”) was established in 2003 by AREN and two other pastoralist organizations from Burkina Faso and Mali, respectively. Its objective is to work for safeguarding and promoting pastoralism in the Sahel. Website: <https://www.maroobe.com/>
- **Réseau des ONG de Développement et Associations de Défense des Droits de l'Homme et de la Démocratie** (2005) groups 70 human rights organizations and civil society groups. It works within education, health, rural development and youth. It has 5 regional branches. Web site: www.rodaddhd.org
- **Tare Dani** (1993) mainly works with education and food security projects. They have regional offices in Tanout (Zinder) and Aguié (Maradi). They also work in Agadez.
- **Timidira** (“fraternity/solidarity” in Tamacheq) (1991) is a national human rights organization that works for the eradication of slavery and all forms of discrimination in Niger. It has local offices in many villages throughout Niger. Website: <http://timidria.org/>
- **TIDAWT** (“together” in Tuareg) was established in 1997 in Agadez to further the economic, social and cultural development of the Tuareg and combat desertification in the north of Niger.

6. International organizations

6.1 UN agencies

The United Nations (UN) system in Niger consists of 13 resident entities (including the Bretton Woods institutions) and 9 non-resident entities. The UN system works within the UN framework for Development Aid (UNDAF) 2019-2021 elaborated in partnership with the government, the civil society organizations, the private sector and other partners, and based on Niger's sustainable development goals.¹¹⁶ UNDAF incorporates the principles of sustainability, inclusion and resilience as set out in the 2030 Agenda for Sustainable Development, as well as the Sustainable Development Goals, the African Union Agenda 2063, most consistent with national priorities. UNDAF involves a large number of resident and non-resident UN agencies: ECA, FAO, IAEA, IFAD, ILO, IMF, IOM, OCHA, UNIDO, UNCDF UNDP, UNESCO, UNFPA, UNHABITAT, UNICEF, UNIFEM, WB, UNODC, WFP and WHO.

In 2019, the OHCHR has signed a Host Country Agreement with Niger to establish a Country Office in Niger with a full monitoring mandate.¹¹⁷ Niger had received visits from the UN Special Rapporteur on the human rights of migrants (1–8 October 2018), the Subcommittee on Prevention of Torture and

¹¹⁶ See UN System Niger, “Plan Cadre des Nations Unies pour l'Aide au Développement—UNDAF 2019 -21, available at : <https://niger.un.org/fr/39113-undaf-niger-20192021>

¹¹⁷ Pending the effective opening of the Country Office, an International Human Rights Advisor is expected to be deployed to Niger in May 2020.

Other Cruel, Inhuman or Degrading Treatment or Punishment (29 January–4 February 2017) and the Counter-Terrorism Committee Executive Directorate (9 and 11 July 2018).

6.2 Bilateral international and regional development agencies

Net official development assistance and official aid received (current US\$) in Niger was reported at 1490349976 USD in 2019, according to the World Bank collection of development indicators, compiled from officially recognized sources. Key donors have supported the preparation of sector strategies in education, health, rural development and transport, and co-financed the multi-year investment programs in health and education. Additionally, a significant number of aid programs are assigned for projects intended to strengthen the civil society sector, aid urban development and improve infrastructure. In July 2017, Germany, the African Development Bank, the World Bank, France, the European Union, and the United Nations Development Programme launched the Sahel Alliance with the aim of providing a coordinated and tailored response to the challenges faced by the G5 Sahel member countries (Burkina Faso, Chad, Mali, Mauritania and Niger). Since that time, Denmark, Italy, Luxembourg, the Netherlands, Spain and the United Kingdom have joined the Alliance.

6.3 International financial institutions

The World Bank

In September 2017, Niger adopted a new Economic and Social Development Plan (PDES), which the World Bank used to prepare its Country Partnership Framework (CPF) with Niger for the 2018-2022 period. As of September 2021, the World Bank was financing 19 national projects and 13 regional projects valued at \$3.19 billion (grants and loans included).

Other international and regional development banks and funds

These institutions include: the African Development Bank (ABD/BAD), the African Development Fund (ADF/FAD), the ECOWAS Bank for Investment and Development, the West African Development Bank (WADB/BOAD), the West African Economic and Monetary Union (WAEMU/UEMOA), the Arab Bank for Economic Development in Africa (ABEDA/BADEA), the Islamic Development Bank (IDB/BID), and the OPEC Fund.

Environmental Funding Mechanisms

Niger became eligible to GEF funding in 2003. Several GEF projects are being implemented by the UNDP and the World Bank. Niger also receives support from CILSS.

8. IFAD and IPAF projects and operations in Niger

IFAD projects:

https://www.ifad.org/en/web/operations/w/country/niger#anchor-projects_and_programmes

IPAF projects:

https://www.ifad.org/documents/38711624/41839851/ipaf_africa_e.pdf/73fe84da-7916-b06b-6f38-01484a056426

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USEFUL WEB SITES

ACHPR

<http://www.achpr.org>

OCHA Niger

<http://ochaonline.un.org/Plandusite/tabid/2798/language/fr-FR/Default.aspx>

RGAC

<http://www.stat-niger.org/NigerInfo/rgac/indexe.html>

Tuareg Web site

<http://www.amazighworld.org/>

IMUNA, information page on Niger : <https://www.imuna.org/resources/country-profiles/niger/>

World Bank

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World Bank Permanent URL for Niger

Niger Opening Page

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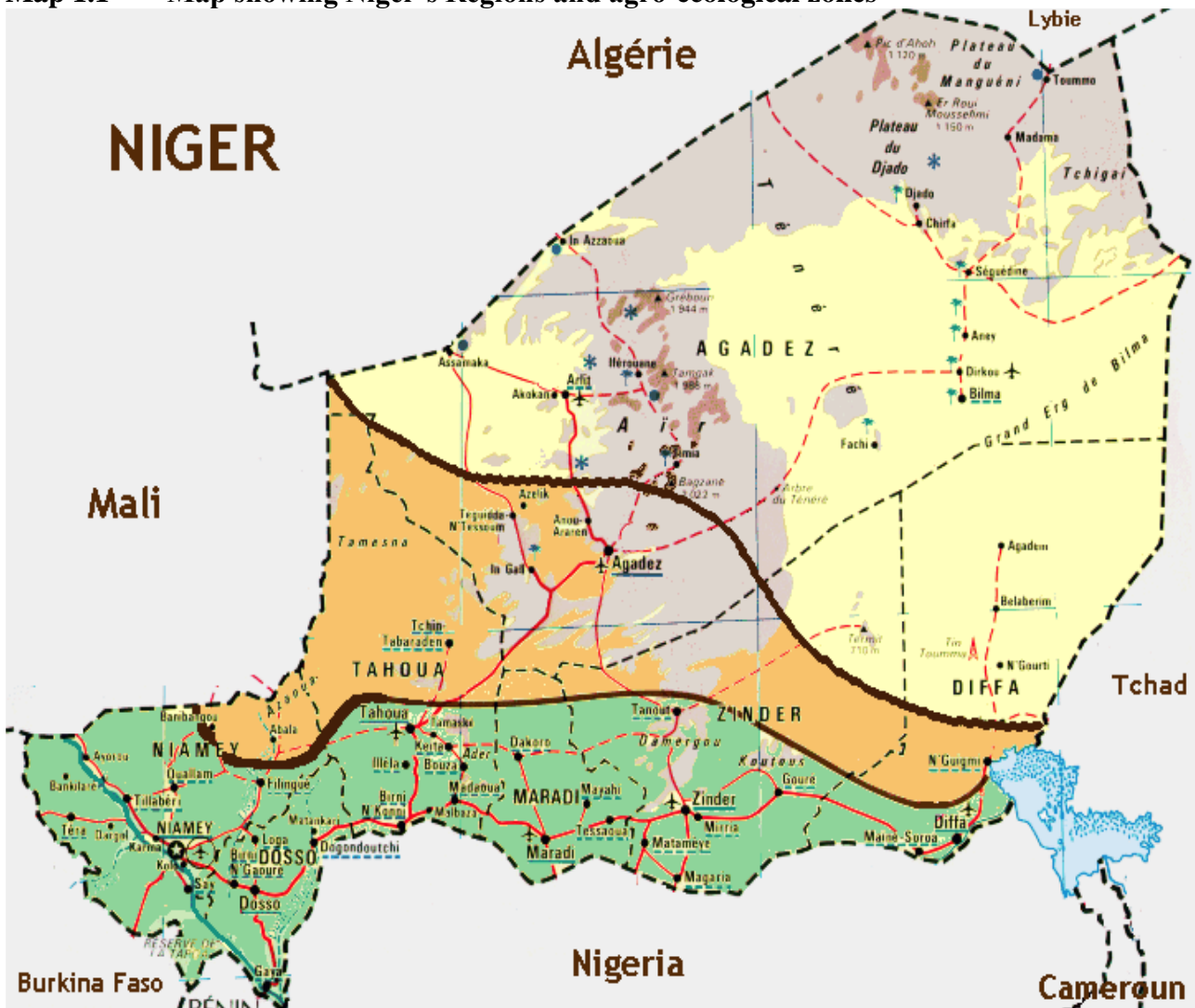
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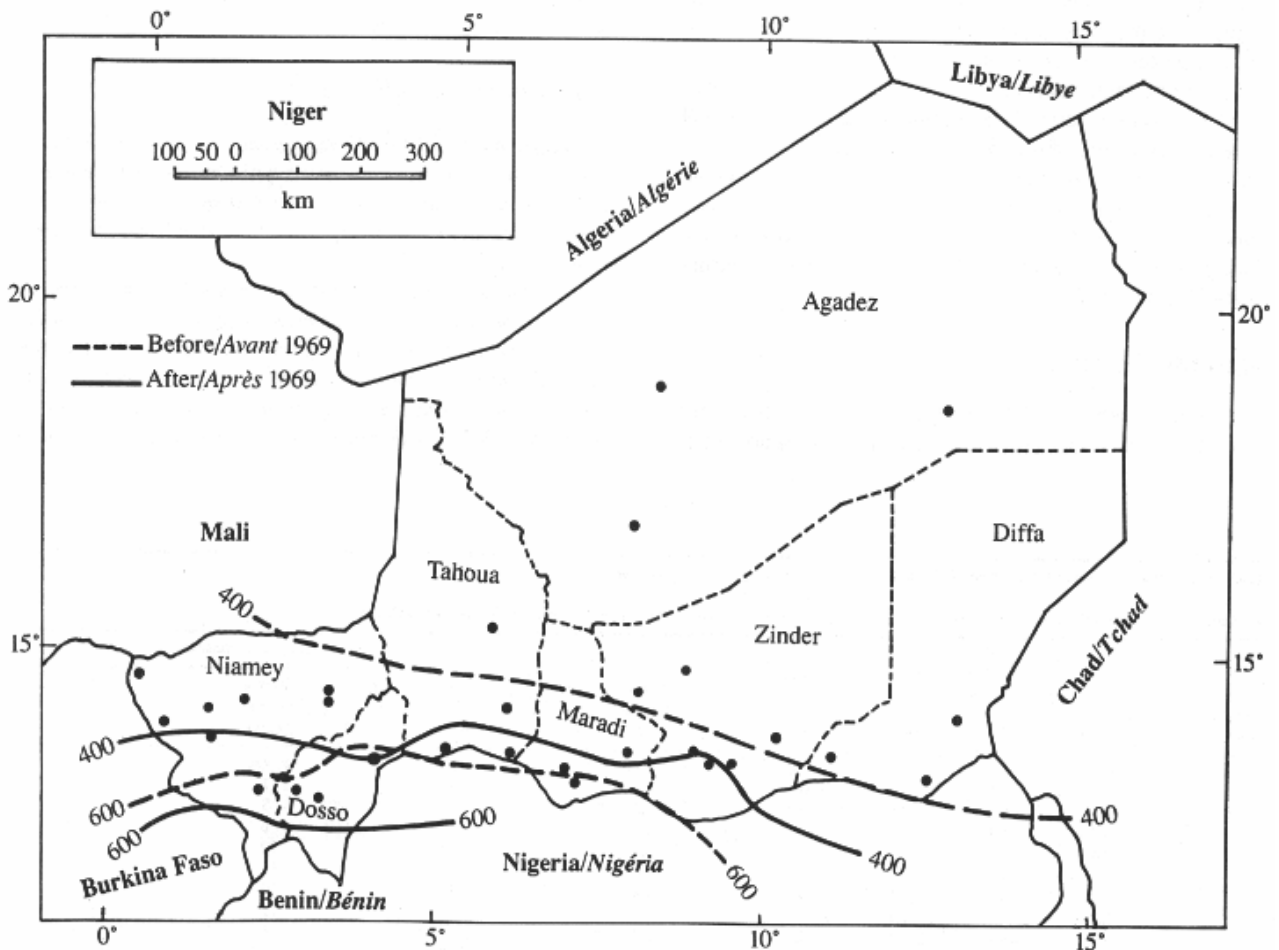
Annex 1 Maps and Demographic data

Map 1.1 Map showing Niger's Regions and agro-ecological zones



Source: AGTER, "Lessons Learned" (2011), Paper #1.

Map 1.2 Map showing the 400mm and 600mm isohyets 1945-1969 and 1970-1990



Source: ICRISAT/Direction de la Météorologie Nationale du Niger (1993) in CICRED et al. *Dynamique des populations, disponibilités en terres et adaptation des régimes fonciers : Le cas du Niger* (2003), 48.

Annex 2 Relevant legislation

Niger's Rural Code Institutional system

Institutions	Missions
<p style="text-align: center;">National level</p> <p>National Rural Code Committee Permanent Secretariat of the RC = Ministries, national executives</p>	<ul style="list-style-type: none"> – To define and implement land tenure policy – To facilitate the drafting of new legislation – To monitor and assess the process
Regional level	

<p>Regional Permanent Secretary = Regional executives</p>	<ul style="list-style-type: none"> – To draft the Land Management Scheme – To supervise and manage the work of the COFODEP and COFOCOM
<p>Department level</p> <p>COFODEP = Prefect and Permanent Secretary Cantons and grouping chiefs Technical services Users' representatives</p>	<ul style="list-style-type: none"> – To issue certificates for land tenure rights – To monitor land development strategies – To coordinate, monitor and train the COFOCOM and COFOB
<p>Municipality level</p> <p>COFOCOM = Mayor and Permanent Secretary Cantons and grouping chiefs Local elected representatives Technical services Users' representatives</p>	<ul style="list-style-type: none"> – To keep the Rural Record in cooperation with the COFODEP – To raise popular awareness about the Rural Code – To coordinate the work of the COFOB
<p>Village and tribe level</p> <p>COFOB = Village or tribe chief Secretary Users' representatives</p>	<ul style="list-style-type: none"> – To identify common resources – To monitor land development and improvement – To issue land transaction bills

Source: AGTER “Lessons Learned” (2011), Paper #3.

Main legal texts under Code Rural:

Ordonnance no. 93-015 du 2 mars 1993 portant Principes d'Orientation du Code rural (regarding the Rural Code's guiding principles)

Ordonnance n° 93-028 du 30 mars 1993 portant statut de la chefferie traditionnelle du Niger

Décret N° 93-85/PMIMI du 15 avril 1993 portant modalités d'application de l'Ordonnance N° 93-28 du 30 mars 1993 portant statut de la chefferie traditionnelle en République du Niger

Ordonnance N° 96-067 du 9 novembre 1996 portant Régime des Coopératives Rurales

Décret no. 97-006/PRN/MAG/EL du 10 janvier 1997 portant Réglementation de la mise en valeur des ressources naturelles (regarding the exploitation of natural resources/productive land use)

Décret no. 97-007/PRN/MAG/EL du 10 janvier 1997 fixant le statut des terroirs d'attache des pasteurs (regarding the status of home grazing territories)

Décret no. 97-008/PRN/MAG/EL du 10 janvier 1997 portant organisation, attribution et fonctionnement des institutions chargées de l'application des Principes d'Orientations du Code rural (regarding the organization, attributes and functions of the institutions of the Code Rural)

Décret no. 97-367/ PRN/MAG/EL du 2 octobre 1997 déterminant les modalités d'inscription des droits fonciers au Dossier rural (regarding the inscription of land rights in the Rural File)

Décret N° 97-368/PRN/MHE du 2 octobre 1997 déterminant les modalités d'application de l'Ordonnance n° 93-014 du 2 mars 1993, portant Régime de l'Eau

Loi no. 98-07 du 28 avril 1998 fixant le régime de chasse et de la protection de la faune (regarding hunting and wildlife protection)

Loi no. 98-042 du 7 décembre 1998 portant régime de la pêche (regarding fisheries)

Loi N° 98-041 du 7 décembre 1998 modifiant l'Ordonnance N° 93-014 du 02 Mars 1993 portant Régime de l'eau

Loi cadre no. 98-56 du 29 décembre 1998 relative à la gestion de l'environnement (regarding environmental management)

Loi no. 2001-23 du 10 août 2001 portant création des circonscriptions administratives et des collectivités locales (regarding the creation of administrative circumscriptions and local collectivities)

Loi no. 2002-12 et no. 2002-13 du 11 juin 2002 portant transfert de compétence de l'Etat aux collectivités locales (regarding the transfer of competences from the State to local collectivities)

Loi n° 2004-040 du 8 juin 2004 portant régime forestier au Niger (regarding forest regulations)

Arrêté N° 098 /MDA/CNCR/SP du 25 Novembre 2005 portant organisation, attributions et modalités de fonctionnement des commissions foncières de communes, de villages ou tribus

Arrêté N° 013 /MDA/CNCR/SP du 19 Avril 2006 portant organisation, attributions et modalités de fonctionnement des Secrétariats Permanents Régionaux du Code Rural

Ordinance No. 2010-29 of 20 May 2010 regarding pastoralism (Pastoral Code)¹¹⁸

The ordinance comprises 8 titles, 15 chapters, 33 definitions of basic notions used, 77 articles and 14 proposed implementing decrees. Some of its main articles are:

Article 3: Mobility is a fundamental right of pastoralists, nomadic and transhumant pastoralists. This right is recognized and guaranteed by the State and local authorities. Mobility is a way of rational and sustainable use of pastoral resources and may be obstructed only temporarily and for reasons of security of persons, animals, forests and crops under conditions defined by the texts in force.

Article 5: Subject to the prescriptions of this law, any form of exclusive appropriation of grazing land belonging to the State or local authorities is prohibited. In particular, no concession may be granted if it obstructs the mobility of pastoralists and their herds, as well as their free access to pastoral resources. However, an environmental and social impact assessment shall be conducted, and an environmental and social management plan approved by the competent authorities.

Article 25: Access by pastoralists and their animals to surface water on public or private State or local authorities land shall be free. Access corridors to farming areas shall be opened for the watering of animals. These passageways shall belong to the State. Any obstruction of the passageways shall be punished in accordance with the provisions of the Penal Code.

Article 60: It is prohibited to cut straw in and around camps and store it in the bush far away from residential areas and without appropriate protection. The cutting of straw in pastoral enclaves and around water points shall be regulated. Cutting of straw for export and commercial purposes shall be subject to prior authorization granted by the Mayor following recommendation of the Cofocom.

Legislation regarding Decentralization

The ongoing decentralization reform includes several laws and legal texts (decrees, decisions). Here are some of the main laws:

Loi 98-30 du 14 septembre 1998 portant création des départements et fixant leurs limites (on the creation of departments)

Loi 98-31 du 14 septembre 1998 portant créations des régions et fixant leurs limites (on the creation of regions)

Loi 98-32 du 14 septembre 1998 déterminant le statut des communautés urbaines (on the status of urban communities)

Loi 2000-08 du 07 juin 2000 instituant le système de quota dans les fonctions électorales, au gouvernement et dans l'administration (on quota system for elected positions in the government and the administration)

Loi 2001-023 du 10 août 2001 posant le principe de la création des circonscriptions administratives et des collectivités territoriales (regarding the creation of administrative circumscriptions and territorial collectivities)

Loi 2002-12 du 11 juin 2002 déterminant les principes fondamentaux de la libre administration des collectivités territoriales ainsi que leurs compétences et leurs ressources (regarding the fundamental

¹¹⁸ The full text (in French) of the Pastoral Code can be accessed at https://reca-niger.org/IMG/pdf/Niger_Ordonnance_No2010-29_du_20_Mai_2010_relative_au_pastoralisme.pdf

principles of the free administration of territorial collectivities, as well as their competencies and resources);

Loi 2002-13 du 11 juin 2002 portant transfert des compétences aux régions, départements et communes (regarding the transfer of competencies to regions, departments and municipalities)

Loi 2002-14 du 11 juin 2002 portant création des communes et fixant le nom de leurs chefs-lieux (on the creation of the municipalities and designation of their administrative centers)

Loi 2002-15 du 11 juin 2002 portant création de la communauté urbaine de Niamey (on the creation of the urban community of Niamey)

Loi 2002-16 du 11 juin 2002 portant création des communautés urbaines de Maradi, Tahoua et Zinder (on the creation of the urban communities of Maradi, Tahoua and Zinder)

Loi 2002-17 du 11 juin 2002 portant régime financier des collectivités territoriales (on territorial collectivities' financial management);

Loi 2003-35 du 27 août 2003 déterminant la composition et la délimitation des communes (on the composition and demarcation of municipalities)

Loi 2003-58 du 10 décembre 2003 fixant le nombre de sièges par conseil municipal (on number of seats in municipal council)

