



# Regional Policies and Response to Manage Pastoral Movements within the ECOWAS Region



**FMM West Africa**  
Support Free Movement of Persons & Migration in West Africa

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# **Regional Policies and Response to Manage Pastoral Movements within the ECOWAS Region**

Study on behalf of the International Organization for Migration (IOM),  
within the framework of the Support to Free Movement of Persons  
and Migration in West Africa (FMM West Africa) Project

Prepared for IOM by Manuela Leonhardt, consultant



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## LIST OF ACRONYMS

AFD	Agence Française de Développement
AOPP	Association des Organisations Professionnelles Paysannes, Mali
APESS	Association pour la Promotion de l'Élevage au Sahel et en Savane
AQMI	Organisation al-Qaïda au Maghreb islamique
AREN	Association pour la redynamisation de l'élevage au Niger
AU	African Union
AU-IBAR	African Union – Interafrican Bureau for Animal Resources
AVSF	Agronomes et Vétérinaires Sans Frontières
CAPAN	Collectif des Associations de Pasteurs et Agropasteurs du Niger
CILSS	Comité Permanent Inter Etats de lutte contre la Sécheresse dans le Sahel
CIRAD	Centre de coopération internationale en recherche agronomique pour le développement
CNCR	Comité national du code rural, le Niger
COFO	Commission foncière, le Niger/Mali
COFOCOM	Commission Foncière Communale, le Niger
COFODEP	Commission Foncière Départementale, le Niger
COMESA	Common Market for Eastern and Southern Africa
CORET	Confederation of Traditional Herder Organization, Nigeria
DfID	Department for International Development
DGPN	Direction Générale de la Police Nationale, le Niger
ECOWAS	Economic Community Of West African States
FAO	Food and Agriculture Organization
FEBEVIM	Fédération Nationale Groupement Interprofessionnel de la Filière Bétail-Viande au Mali
FLM	Front de Libération du Macina, Mali
GDP	Gross Domestic Product
GIZ	Gesellschaft für Internationale Zusammenarbeit (German development cooperation)
HACP	Haute Autorité à la Consolidation de la Paix, le Niger
IER	Institut d'Economie Rurale, le Niger

INSAH	Institut du Sahel, le Niger
IOM	International Organization for Migration
ITC	International Transhumance Certificate
MACBAN	Miyetti Allah Cattle Breeders Association of Nigeria
MNLA	Mouvement National de Libération de l'Azawad, Mali
MOFDA	Mobgal Fulbe Development Association, Nigeria
MUJAO	Mouvement pour l'unicité et le jihad en Afrique de l'Ouest, Mali
NGO	Non-governmental Organization
NIS	National Immigration Service, Nigeria
OECD	Organisation for Economic Co-operation and Development
PDP	Pastoralism Development Programme, Nigeria
PRAPS	Projet Régional d'Appui au Pastoralisme au Sahel
PRIDEC	Programme Régional d'Investissement en faveur de l'Élevage et du Pastoralisme dans les Pays Côtiers
PTF	Petroleum Trust Fund, Nigeria
RBM	Réseau Billital Maroobé, réseau des organisations d'éleveurs et pasteurs de l'Afrique
REC	Regional Economic Community
ROPEN-MAROOBE	Réseau des Organisations des Pasteurs et Éleveurs du Niger
RPPS	Réseau des Peuples Pasteurs du Sahel, Mali
SAF	Schéma d'aménagement foncier
SNV	Stichting Nederlandse Vrijwilligers, Netherlands Development Organisation
SYNEM	Syndicat National des Éleveurs du Mali
UEMOA	Union économique et monétaire ouest-africaine
UNACOEEM	Union Nationale des coopératives des Éleveurs et Emboucheurs du Mali
VAT	Value-added tax
VSF	Vétérinaires Sans Frontières



# GLOSSARY<sup>1</sup>

Agro-pastoralists	Farmers who also raise livestock and whose animal keeping practices are similar to those of pastoralists, including transhumance.
Intensive/extensive livestock production	Extensive livestock production is based on the use of existing natural resources (e.g. water, pastures), without significant improvements of the general habitat. Intensive livestock production is based on an improved environment and results in a higher concentration of animals per hectare. Intensive livestock production requires more external inputs per production unit (animal) than extensive livestock production.
Mixed farmers	Farmers who also raise livestock.
Mobility	In the case of livestock production, mobility describes the seasonal or occasional movements of herds over shorter or longer distances.
Nomadism	Continuous movement of people with their herds. Very mobile production system, opportunistic movements according to pasture availability, often without own fields and annual return to a fixed base.
Pastoralism	Economic system based on extensive livestock production, integrating various degrees of mobility of animals and/or people, encompasses nomadism, transhumance, and semi-transhumance.
Pastoral resources	Natural resources that allow the feeding of pastoral animals, including water, pastures and salt licks.
Ranching	Extensive livestock production on large, generally fenced expanses of land, including the breeding and fattening of livestock. Ranches usually belong to a single owner and employ a minimum of labourers.
Semi-transhumance	Production system, in which one part of the family and/or the herd is engaged in seasonal migration, while the other part of the family is sedentary and engages in agriculture.
Transhumance	Livestock production system based on the seasonal movement of herds. Herds are mobile, but return to a fixed base each year. The herders and their families have a permanent place of residence. The yearly migration schedule depends on the onset of the seasons (dry season, rainy season) and is fairly predictable. Migration routes are directed to previously known pastures and generally well-known. The long transhumance ( <i>grande transhumance</i> ) covers distances of several hundred kilometres, while the short transhumance ( <i>petite transhumance</i> ) takes place in a limited local area.
Cross-border transhumance	“The seasonal movement between Member States of herds leaving their usual grazing areas in search of water and pasture” (ECOWAS 1998).

<sup>1</sup> Author's translation from Meyer C., ed. sc., 2017, Dictionnaire des Sciences Animales. Montpellier, France, Cirad. <http://dico-sciences-animales.cirad.fr>.



# 1. INTRODUCTION

Livestock production plays a central economic role in the ECOWAS region, contributing from 5 per cent (Côte d'Ivoire) to 44 per cent (Mali) to agricultural GDP. In the Sahel countries, the contribution of the livestock sector to agricultural GDP is estimated at 40 per cent, reaching 50 per cent if animal traction, manure and the transformation of animal products (e.g. leather, milk) are counted as well. Livestock production is the only way of utilising the 38 per cent of the West Africa region that are composed of arid zones and are unfavourable to the development of crop production (OECD). It employs millions of people and is an important source of food and income for the poor, particularly those living in fragile ecological zones and vulnerable to food insecurity. Livestock constitutes a reserve of wealth and serves as a form of insurance to counter risks of income loss and food insecurity. It is estimated to represent more than half of the capital held by rural inhabitants. Livestock production is expanding in many parts of West Africa, but has so far failed to keep pace with the rapidly increasing demand for animal products in West Africa's rapidly growing urban centres.

A large part of West Africa's camels, cattle, goats, sheep are kept under transhumant production systems, involving the seasonal and cyclical migration of varying degrees between complementary ecological areas and supervised by a few people, with most of the group remaining sedentary and engaging in crop production. Recent research shows that transhumant pastoralism is a highly productive and resilient economic system that is well adapted to the ecological and economic realities of West Africa. It involves between 70 and 90 per cent of the Sahel's cattle and 30 to 40 per cent of its sheep and goats and supplies about 65 per cent of cattle meat, 40 per cent of mutton and goat meat and 70 per cent of milk to the region (OECD/SWAC). Pastoralism is also a cultural system and way of life and allows pastoral people such as the Fulani (Peul, Fulbe), the Tuareg and the Moors to survive in harsh environments and express their cultural identity.

Despite its importance, transhumant pastoralism is facing increasing challenges. These include population growth, climate change, the expansion of agricultural areas, the privatization of formerly shared resources, and public policies favouring agriculture at the expense of mobile pastoralism. Particularly, pastoralist transhumance is suffering from neglect and a lack of governance in the rural areas, exacerbating competition for scarce natural resources. The resulting conflicts and violence negatively impact on the perception of pastoralists as a group and reinforce their marginalization. In some sectors, pastoralism is now viewed more as a security issue than as a development issue.

With the adoption of the ECOWAS Protocol on Transhumance (1998) and supporting Regulation (2003), ECOWAS Member States recognized cross-border pastoralist transhumance as a valuable economic activity and defined a regional regulatory framework for cross-border transhumance based on the ECOWAS principle of free movement of persons, services and goods. Since then, the political context has changed significantly and agricultural production systems have changed. The past twenty years have also shown significant challenges in domesticating and implementing the Transhumance Protocol. This calls for a review of both the content and implementation of the Transhumance Protocol in order to develop a framework that addresses current challenges.

Driven by the ECOWAS Commission and implemented by the International Organization for Migration (IOM) with EU funding, the "Support to Free Movement of Persons and Migration in West Africa" (FMM West Africa) programme supports migration data management, border management, labour migration and

combating trafficking in persons in West Africa. As part of its mandate to offer technical assistance and capacity-building in the management of migration issues, FMM West Africa commissioned this study with a view to developing concrete recommendations on how ECOWAS and its Member States can improve and adjust legislation and policy in the area of transhumant pastoralism.

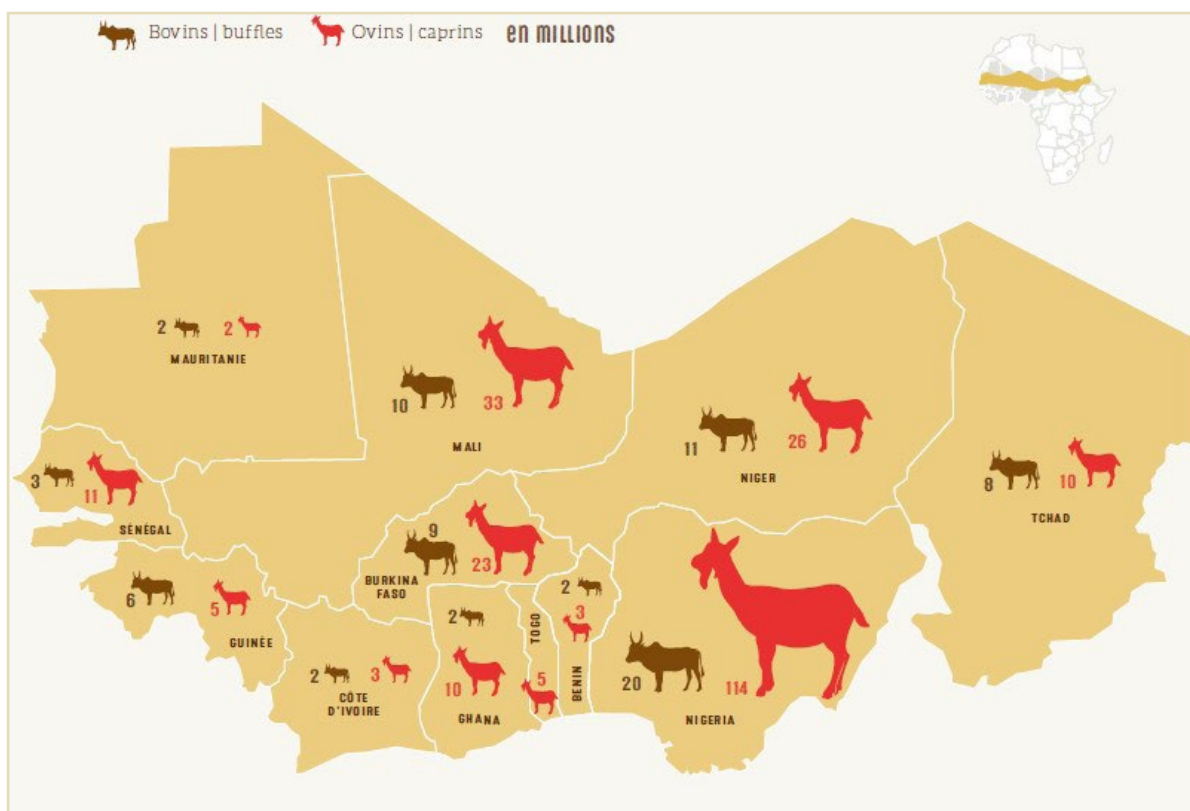
The present report aims to assess how far free movement policies, legislation and practices are being applied to transhumant pastoralism in the ECOWAS region, particularly in Mali, the Niger and Nigeria, and to what effect this is done. This concerns both cross-border pastoralist movements within the region and pastoralist movements within Member States. The conclusions of this study shall inform ECOWAS and its Member States' thinking on developing a regulatory framework for transhumant pastoralism in the ECOWAS region that is consistent with the ECOWAS Free Movement of Persons principle and responsive to the substantive changes in this sector. The major reference documents for this study are the ECOWAS Protocol on Transhumance (1998) and the African Union Policy Framework on Pastoralism (2011) as well as relevant national legislation.

The report draws on stakeholder consultations in the Niger, Mali and Nigeria conducted between March and June 2017 (see Annex 1) and is supported by an extensive literature review. The study was supported by Lola Cecchinell of ATR Consulting in Mali and by Adamou Elsaidi Aboubacar of the Faculté des Lettres et Sciences Humaines (FLSH) in the Niger. The author would like to extend her sincere gratitude to all collaborators and stakeholders who generously contributed their time and insight to this study.

## 2. OVERVIEW OF PASTORALIST TRANSHUMANCE IN WEST AFRICA

West Africa hosts a sizeable livestock population. About 25 per cent of the cattle, 33 per cent of the sheep, 40 per cent of the goats and 20 per cent of the camels of entire sub-Saharan Africa are raised in this area (OECD). Livestock numbers have grown rapidly in the region. Between 1980 and 2005, the number of cattle in the Sahel region increased by about 25 per cent, the number of small ruminants by about 65 per cent (CILSS, 2012). Sahelian pastoral and agro-pastoral systems contribute to more than 80 per cent of animal product supply. Transhumant pastoralism supplies an estimated 65 per cent of beef, 40 per cent of mutton and goat meat, and 70 per cent of milk in this region. In Mauritania, livestock breeding contributes to 70 per cent of the total agricultural GDP. In the Niger, livestock is the second most important export product behind uranium. In Mali, Burkina Faso and the Niger, the livestock sector contributes to more than 25 per cent of the total GDP (Inter-réseaux, 2012).

Figure 1: Number of cattle, sheep and goats in West Africa



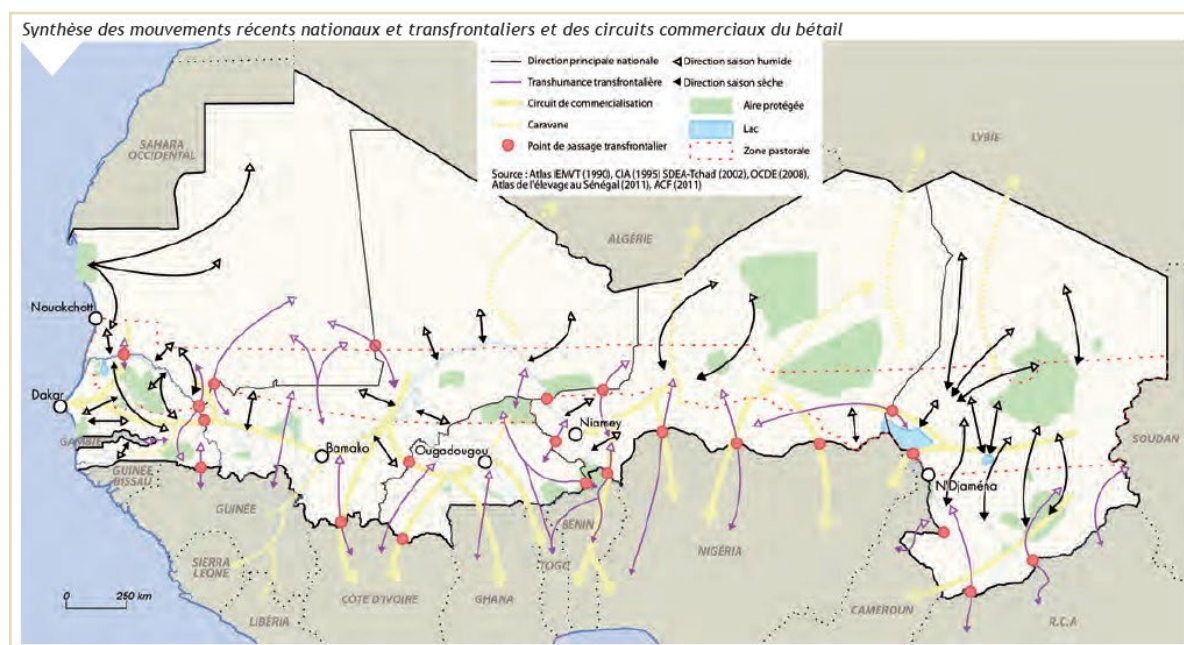
This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Source: FAO, quoted in PRAPS/Inter-réseaux, 2017.

The spatial distribution of pastoralist and farming system in West Africa used to be determined by rainfall patterns. Pastoralism is traditionally being practiced in the arid and semi-arid Saharo-Sahelian zone, where short and aleatory rainfalls in the range of 100-400 mm/year do not allow agricultural production. In these areas, livestock breeding allows the utilization of vast areas of land where agriculture is risky or impossible. The semi-humid Sahelo-Sudanian zone further south (southern rim of the Sahel states, northern part of the coastal States) has a strong agricultural potential (cotton, groundnut, cashew) and has developed mixed agro-pastoral systems, including the use of draught animals. This is a densely populated area experiencing numerous conflicts over access to natural resources. The humid climate of the Sudano-Guinean area along the Atlantic coast did not allow the rearing of larger livestock such as cows due to the presence of animal diseases, including trypanosomiasis (sleeping sickness). Under this system, meat was usually produced in the Sahel and brought on foot towards the main meat markets in the urban centres along the coast

In the past two decades, however, the number of large animals such as cattle has grown sharply in the coastal States. In 2012, around 33.8 million cattle were found in the Sahel states (Senegal, Mauritania, Mali, Burkina Faso, the Niger) and another 22.5 million cattle in the coastal States (Côte d'Ivoire, Ghana, Togo, Benin, Nigeria) (FAOSTAT, 2014). Of them, 10 million heads of cattle were in Mali, 11 million in the Niger, and 20 million in Nigeria. There are also sizeable numbers of sheep, goats and camels (see Figure 1).

**Figure 2: Transhumance movements in West Africa**



This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Source: FAO/CIRAD, 2012.

Transhumant pastoralists cross through these climatic zones during the course of the year. In the rainy season, they spread into the rich, but short-lived pastures of the Sahel, while they move further south with the onset of the dry season. After spending the height of the dry season in the more humid south, they move back north before the beginning of the agricultural activities of the rainy season (see Figure 2). This system was based on the complementarity of farming and livestock herding. While grazing their herds in the south, pastoralists were providing farmers with manure, milk and other animals products. In return, they received grains and vegetables and took the farmers' animals into their custody. Today, a large part of this reciprocity has been lost.

The former division between the livestock producing north and the livestock importing south has become increasingly blurred. Under the regular and abundant pluviometry of the 1950s and 1960s, farmers pushed the agricultural frontier further north and simultaneously invested in livestock to make full use of the

available resources. Further south, farmers equally began to invest their grain surplus in cattle. After the devastating droughts of the 1970s, which halved the number of livestock in the region, pastoralists took up agriculture while trying to reconstitute their herds. Farmers continued acquiring cattle to invest their surplus and provide a safeguard for bad years. As a result of these dynamics, most households in the Sahel currently practice some form of agro-pastoralism, with different emphasis given to farming or livestock. There are currently only very few “pure” farmers or pastoralists left. In addition, the centres of livestock production moved further south and can now be found in the (former) cotton producing areas of the Sahel (e.g. central and southern Mali, south-western Burkina Faso). Livestock production is also growing in the coastal States. In the 1940s, the first Sahelian pastoralists entered the northern parts of Ghana, Togo and Benin. With the droughts of the 1970s and the reduction in trypanosomiasis, transhumance between the Sahel and the Coast has become more frequent, with pastoralists migrating further and further south. At the same time, local farmers in these areas began to set up agro-pastoral production systems, based on small ruminants (goats, sheep) and increasingly cattle (Thébaud, 2017).

In some parts of West Africa, there has been sedentarization and intensification of livestock production. In the Sahel zone, this only happened in privileged ecosystems such as the Inner Niger Delta in Mali or the cotton producing zones of Burkina Faso, where there is a constant and abundant supply of animal feed. Yet even there, the intensification of livestock production is associated with high costs for inputs such as medicines and artificial feed, which are not accessible to smaller livestock herders and reduce the competitiveness of such meat. For the large majority of livestock breeders, herd mobility (transhumance) remains a necessity to cope with the climatic conditions. For pastoralists in the Sahel, transhumance is a means of survival, while for agro-pastoralists further south it is a useful practice to benefit from the rich Sahelian pastures during the rainy season and to avoid disturbing farming activities in their areas of origin. For this reason, countries such as Togo and Benin have developed systems of “double transhumance”, in which Sahelian livestock move into these countries during the dry season, whereas coastal livestock move north during the rainy season. These dynamics have multiplied the number of directions taken during transhumance (North–South, South–North, East–West) as well as increased the number of transhumance routes. In particular, pastoralists are now migrating further South into communities, with which they have no traditional ties (Thébaud, 2017).

Many actors (and policy documents) still consider the Sahel as “zone of origin” of transhumant pastoralists, its semi-arid southern fringe as “transit zone”, and the semi-humid coastal States as “host countries”. This is misleading, however, as many agro-pastoralists in the semi-humid areas send their herds towards the north during the rainy season and there are also important East–West cattle movements, including between coastal States.

Pastoralist transhumance takes place at local, national and regional level. It is an essential strategy to ensure the adequate nutritional intake of livestock by making full use of the variable offer of pastures. Transhumance serves to maintain the productivity of livestock, to ensure its reproduction and to enhance its resilience in times of crisis. It also serves pastoralists to eschew outbreaks of human and animal diseases as well as conflict situations. Mobility also allows for various exchanges with the local population along the routes and provides access to different cattle markets. It also has positive environmental effects, as it avoids overgrazing, provides manure and stabilizes the vegetation by distributing the seeds that animals swallow.

Transhumant pastoralist systems are usually based on carefully mixed herds, including very resistant local varieties of camels and goats in the arid areas and cattle and sheep further south. The herds are owned by extended families, usually consisting of the household head and his adult sons. There is a large variety of pastoralist systems, in which sometimes the entire family follows the herd and sometimes only the adult sons as herdsmen. In most cases, pastoralists have an area of origin, sometimes a permanent water place or well, which they have been using for many years and over which they have acquired priority rights. From there, they cover pastoral spaces of different sizes, ranging from several tens of kilometres around a certain well to transhumance routes of 1,000 km across West Africa. In the Sahel, transhumance follows the general pattern of the scattering of herds during the short rainy season to make maximum use of the herbs growing everywhere in this period, while herds again concentrate around existing water points during



the long dry season. Access to these pastoral spaces is neither free nor unregulated. It is regulated and has to be negotiated with local groups that exercise priority, although not exclusive rights over the water points and pastures of a certain area. Access is traditionally negotiated through social networks that pastoralists carefully maintain with local communities as well as through economic exchanges between both groups (Bonnet, 2013).

Pastoralists usually follow the same trails for generations, a practice that allows the establishment of firm ties with the sedentary population along the way. To these, new routes have been added, particularly with the expansion of transhumance into the southern parts of the Sahel and coastal States since the 1970s. Transhumant pastoralists are traditionally led by the *rugga*, who manages the group and serves as an intermediary between the pastoralists and local traditional and administrative authorities. In particular, he is responsible for negotiating access to water points, pasture and other infrastructure. The *garso* is responsible for the herd and decides on the routes the herd is to follow. Part of the negotiations over pastoralists' access to local natural resources were "manure arrangements", by which farmers allowed herders to graze their animals on harvested fields in return for the manure the animals were giving. In other cases, pastoralists were obliged to pay a certain amount of money to the village for using its pastures. (Moutari/Giraut, n.d., Zakaria, 2014)

The development of officially demarcated transhumance corridors is a relatively new phenomenon in West Africa. It stems from the concern of protecting pastoralist mobility in face of the steady expansion of agricultural land. Most West African states currently distinguish between international transhumance routes (primary routes), national (secondary) routes, and local (tertiary) routes. According to their status, these routes are of different width and demarcated with stone beacons or other long-lasting signs. They shall be equipped with key infrastructure such as water points, bridges, transit (resting) areas, grazing enclaves (for longer grazing stops), veterinary and human health centres, and possibly mobile schools. These routes and related grazing areas are meant to be reserved for transhumant pastoralists. The practical experience with transhumance corridors is mixed. In many cases, they lack essential infrastructures and are encroached upon by farmland. The maintenance of these routes has also proved challenging given the mobility of their users.

Despite the high level of adaptability and resilience of pastoralist systems, pastoralist communities often show very low development indicators. Because of their mobility, they have limited access to education and health services and show high rates of illiteracy and maternal mortality. Due to their lack of Western education, pastoralists often experience political marginalization and social stigmatization. In environments, where natural and public resources are reserved to "indigenous" populations, they remain strangers and "non-citizens" excluded from basic rights. In the coastal States, there is considerable hostility towards mobile herders and their animals. In public discourse, they are also associated with armed groups and violence, leading to the stigmatization of an entire socio-professional group.

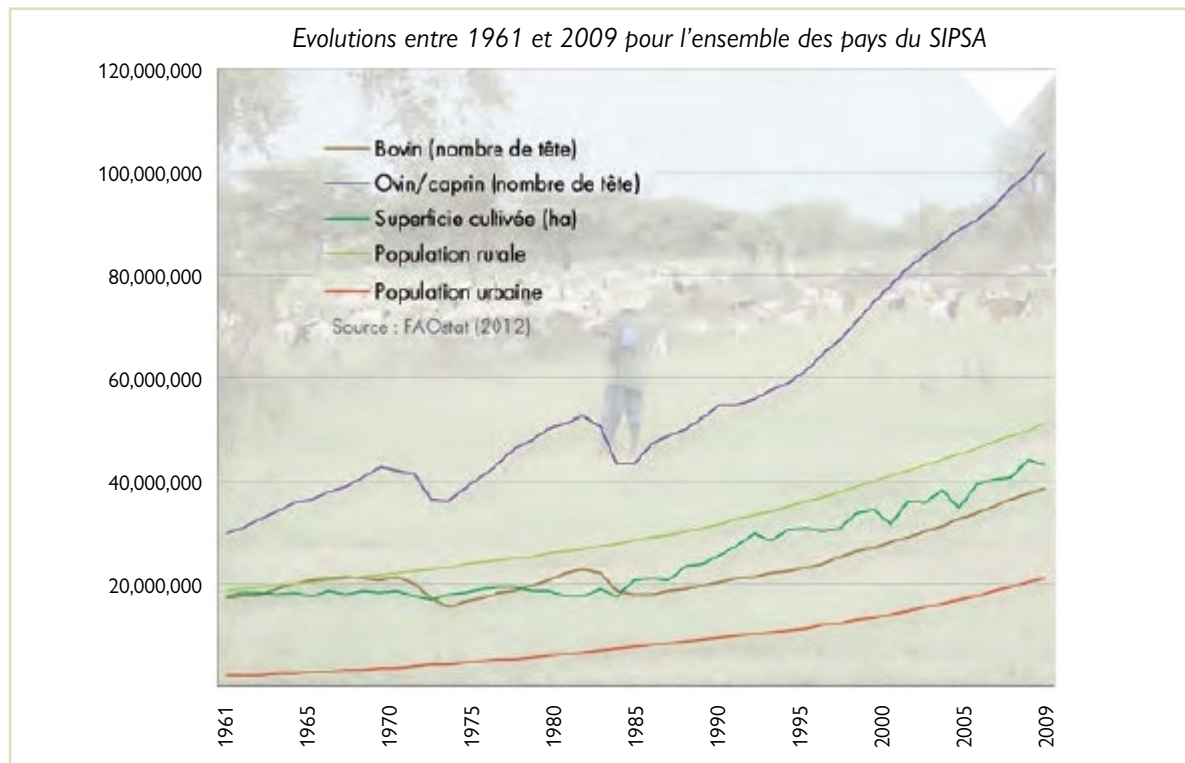


### 3. CHALLENGES OF PASTORALIST TRANSHUMANCE

Transhumant pastoralism is currently facing a number of challenges. They include increasing pressure on pastoralist resources, the development of unfavourable land tenure systems, the effects of decentralization, insecurity and contradictory public policies affecting pastoralist mobility.

Pressure on pastoralist resources: Pastoralist resources, notably water, pastures and grazing routes, are increasingly under pressure. Different factors accentuate this pressure. First, West Africa and particularly the Sahel zone are experiencing increasing climate variability. Although the devastating droughts of 1972/3 and 1984/5, which led to the loss of 50 per cent of all animals, did not repeat themselves, droughts have become more frequent. While overall rainfall does not seem to have decreased, rains are now starting later and have become more unpredictable. Pastoralists in the northern Sahel respond to these climate phenomena by migrating earlier in the year and further south, where they arrive at a time, when fields are not yet harvested.

**Figure 3: Evolution of human and livestock population in the Sahel (1961–2009)**



Source: FAO/CIRAD, 2012.

Second, rapid population growth has led to the extension and overexploitation of agricultural space (see Figure 3). The southern fringe of the Sahel shows the highest population density in West Africa and, according to some researchers (Bonnet et al., 2013), has reached saturation. Due to the lack of agricultural

land in this zone, some farmers have moved further North and started to cultivate in marginal climatic zones that were formerly considered as suitable for pastoralism only. There, farmers cultivate fields around permanent water points, which play a key role in the pastoralist production system. Further South, farmers are intensifying their production systems by introducing new varieties, including off-season productions (e.g. cashew nut, irrigation), and developing diversified agro-pastoralist systems. Both practices reduce the space for transhumant pastoralists passing through this zone on their way south. With the development of off-season products, there is no time of the year left when pastoralists can migrate through these zones without causing damage to agricultural production. The new agro-pastoralists rely less on the formerly reciprocal exchanges with transhumant pastoralists that were based on exchanges of manure, milk and animals against access to water points and agricultural residues (e.g. straw, grain shells). Instead, the farmers' animals and the pastoralists' animals now compete for the same resources. The pressure on agricultural land also leads to the occupation of officially demarcated grazing routes and pastoral areas. Third, grazing areas and stock routes are increasingly occupied for non-agricultural purposes, including roads, urban development and mining.

Land tenure systems favouring the privatization and commercialization of land: Traditionally, pastoralists' access to natural resources such as water and pastures was based on the multi-functionality of natural resources and the multiple uses of these resources by different user groups over the course of time. A piece of land, for example, could become a field during rainy season and a pasture during dry season. These different forms of resource use were further guided by the principles of complementarity and reciprocity. During the rainy season, agro-pastoralists led their herds northwards to benefit from the rich and varied pastures in the Sahel. During the dry season, Sahelian pastoralists brought their herds towards the south to secure their survival. Farmers and pastoralists exchanged milk and grain and so secured their respective nutritional needs. The pastoralists' animals fertilized the harvested fields, while feeding on the residues. The economic complementarity between farming and pastoralist systems was underpinned by carefully established social relations between farming and herding groups, of which the "joking relationships" (*cousinage*) between pastoralists and some farming communities are the most prominent examples.

With population growth, the expansion and intensification of agriculture, and the development of agro-pastoralist systems, the formerly reciprocal relationship between farmers and pastoralists has become competitive, if not hostile. This is accompanied by a shift from formerly shared usufruct rights to the privatization of natural resources, particularly land, and to the commercialization of farmer-pastoralist relations. Everywhere in West Africa, land tenure is shifting from communally to privately owned land. While traditional authorities such as the "*chef de terre*" formerly attributed land use rights to village or lineage members as well as "strangers" according to their needs, agricultural land is now privatized, bought and sold. Land privatization involves exclusive use rights over the natural resources found on this land to the detriment of former systems of multiple use rights by different actors. In addition, even those land tenure systems recognizing pastoralists' rights to natural resources (e.g. in Mali and the Niger), differently value agricultural and pastoralist land use. Accordingly, pastoralists only enjoy usufruct rights of pastoral resources under the condition that they respect private (agricultural) land (Touré/Faye, 2015, Floquet et al., 2015). Pastoralists' access to natural resources thus remains tenuous and subject to agricultural requirements. In several coastal States, in addition, ideas of "indigeneity" (*autochtonie*) have become virulent, posing "indigenous" against "settlers" or "autochtones" against "allogènes". The "indigenous" are generally the local farming communities, while migrant farmers and all herders are considered as "settlers" or "strangers". It has become a widespread practice to negate "strangers" any secure access to natural resources such as land, and in some cases even to jobs, education and infrastructure. These beliefs exacerbate the social and economic marginalization of pastoralists, and further restrict their access to resources.

One result of the privatization of natural resources is the commercialization of farmer-herder exchanges. Particularly in the densely populated transit zones between the Sahel and the coast, herders are now obliged to pay considerable sums for accessing all kinds of resources. They have to pay at the border for entry, pay individual farmers for grazing on their fields or pay traditional authorities for using village lands for pasture. They have to pay for watering their herds at public water points (*mares*) or for plying certain routes. While herders formerly gave a bull as a gift to the farmer, who hosted them over the dry season, this has now

become an expected form of payment (Kouame, 2016). Local residents now also “privatize” the vegetation of public rangelands by cutting grass and selling it to pastoralists. It is uncertain how far the pastoralist economy is able to absorb these additional costs.

Land privatization is also driven by the emergence of new actors in the livestock sector. These include politicians, retired government officials and wealthy traders, who invest in livestock as a business opportunity. Due to their political networks, they are often able to acquire large swathes of land that they fence for the purpose of establishing cattle ranches. Some of them even privatise (i.e. fence) water resources that were formerly common property. Others are able to (over-)exploit marginal pastures by watering cattle from lorries. These activities reduce the access of ordinary pastoralists to urgently needed resources.

Decentralization policies and the political marginalization of pastoralists: Since independence, pastoralists have been politically marginalized in nearly all West African States. This is mainly due to their mobility and low levels of Western education, which hinder their participation in elections and the political process. Already in the colonial time, the territorial organization of West Africa favoured sedentary farmers, who were organized in cantons and districts headed by a *chef de canton* or district chief, while pastoralists were organized into non-territorial family groups or *fractions* subjected to a separate taxation system. Since the 1990s, many West African states implemented decentralization processes that run in parallel to the implementation of structural adjustment programmes. Structural adjustment led to the drastic reduction in services provided by the central state, including many essential services for pastoralists such as veterinary care, extension work and mobile health clinics and schools, from which pastoralists are still suffering today. Decentralization reinforced the influence of the sedentary populations at local level. Due to their mobility, pastoralists are systematically excluded from local elections, local councils and committees. This reinforces the opportunistic behaviour of local sedentary groups that exploit their local influence and the weakness of the central state. These dynamics cumulate in the further social and economic marginalization of transhumant pastoralists.

A further effect of decentralization is the emergence of a plethora of ad hoc commissions and institutions and the general dilution of responsibility. Traditional authorities lost authority, particularly in their traditional domain of natural resource management, while the new decentralized authorities lack skills and authority to fill this role. Party politics entered the local domain and affect local decision-making. The deconcentrated state ministries set up local commissions and management committees with overlapping mandates and sometimes contradictory objectives and often without the required capacities to carry out their tasks. The resulting legal and institutional disorder does not favour the representation of pastoralists' interests.

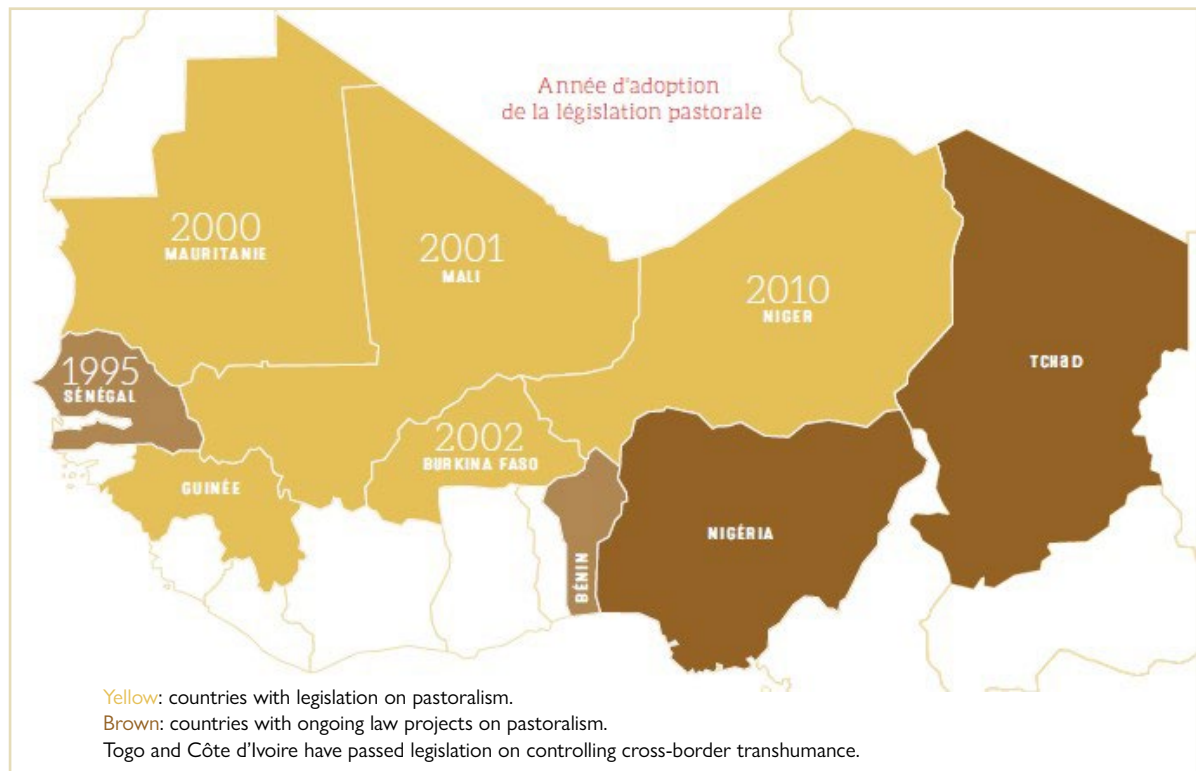
Insecurity: Insecurity has become a major obstacle to transhumant pastoralism. Pastoralists can be both victims and actors of insecurity. Large parts of the Sahel, including northern Mali, northern and the eastern Niger, eastern Chad and northern Nigeria, are currently being controlled by various armed groups belonging to rebellions, jihadists, cattle rustlers and organized crime. These groups often pry on pastoralists' herds to secure their own subsistence. They also involve pastoralists into their struggles by using them as informants, human shields or transporters of arms and other illegal goods. Faced with the presence of armed groups, pastoralists move in larger groups, change their migration routes, reduce transhumance to a minimum, or arm themselves. All these strategies have negative effects on the well-being of their herds and their relations with the sedentary population. Impoverished young pastoralists have also become perpetrators of violence. In the central Sahel, they act as rural bandits, street robbers (*coupeurs de route*, Hausa: *zargina*), and cattle rustlers. Apart from these phenomena, conflicts between farmers and pastoralists often lead to violence. In countries such as Nigeria, they have even escalated into communal violence between ethno-religious groups, leading to high losses of human lives as well as to the destruction of fields and decimation of herds. Faced with such violence, pastoralists tend to withdraw into protected pastoral areas or grazing reserves where the resources to sustain their herds are limited. The involvement of some pastoralists in armed conflicts such as in northern Mali has led to an emerging narrative of pastoralism as a security issue (World Bank, 2014) or even the unhelpful perception that pastoralists are terrorists (Global Terrorism Index, 2015). Such discourse feeds into the existing stigmatization of pastoralists as the dangerous “Other” and obstructs efforts at establishing peaceful and productive relationships between pastoralists and other groups.



## 4. REGIONAL POLICIES AND FRAMEWORKS ON PASTORALIST TRANSHUMANCE

West African governments have engaged in various initiatives to develop a regulatory framework for pastoralist transhumance. Most notable among them are the ECOWAS Protocol on Transhumance (1998), the African Union Policy Framework on Pastoralism in Africa (2010), and several national legislations on pastoralism and bilateral agreements (see Figure 4). The content, implementation and impact of these efforts shall be assessed in this section.

**Figure 4: Legislation on pastoralism in West Africa**



This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Source: PRAPS/Inter-réseaux, 2017.

## 4.1. ECOWAS

ECOWAS has developed the following frameworks, policies, and strategies regarding transhumant pastoralism and the livestock sector:

Decision A/DEC.5/10/98 Relating to the regulations on transhumance between ECOWAS Member States. Abuja, 1998.

Regulation C/REG.3/01/03 Relating to the implementation of the regulations on transhumance between the ECOWAS Member States. Dakar, 2003.

ECOWAS, Regional Agricultural Policy for West Africa: ECOWAP. Abuja, 2005.

ECOWAS Commission, Department of Agriculture, the Environment and Water Resources, Adopted Guiding Principles for the Development of the Livestock Industry within ECOWAS. Abuja, 2009.

ECOWAS/CEDEAO/OECD, Formulation et mise en oeuvre d'un Programme Régional d'Investissement Agricole (PRIA). Composante : « Aménagements pastoraux et organisation de la transhumance transfrontalière. Volume 2 Sous-programme gestion améliorée des autres ressources naturelles partagées. Abuja, 2009. »

ECOWAS Commission, Strategic Action Plan for the Development and Transformation of Livestock Sector in the ECOWAS Region (2011-2010). Abuja, 2010.

ECOWAS, Regional Agricultural Investment Plan (RAIP). Abuja, 2015.

### **ECOWAS Transhumance Protocol (1998) and Regulation regarding its implementation (2003)**

ECOWAS is the only regional organization in Africa that has passed specific legislation to safeguard regional livestock mobility. The ECOWAS Transhumance Protocol (1998) and Regulation relating to its implementation (2003) provide a regional framework that recognizes the economic value of transhumance and authorizes cross-border transhumance in respect of certain conditions. The main provisions of this framework include:

#### **ECOWAS Transhumance Protocol (1998) (Decision A/DEC.5/10/98)**

Definition of “transhumance between States”: “the seasonal movement between Member States of herds leaving their usual grazing areas in search of water and pasture”.

Right to free passage of animals: Right to free passage of all animals (of the bovine, caprine, cameline, equine and asinine species) across the borders of all Member States. (Article 3)

Introduction of the ECOWAS International Transhumance Certificate: Conditioning of free passage on presentation of the newly introduced ECOWAS International Transhumance Certificate for each herd, providing information on the composition of the herd, the vaccinations given, the itinerary of the herds, the border posts to be crossed, and the final destination. The International Transhumance Certificate is issued by the livestock department and initiated by the local administrative authorities in the country of origin. The International Transhumance Certificate shall enable authorities to monitor the herds before they leave the country of origin, to protect the health of local herds, and to make it possible to inform the host communities of the arrival of transhumant animals. (Article 5) The International Transhumance Certificate shall be verified and counter-signed by the competent authorities at the entry and exit points in the host country. (Article 6)

Pre-defined itineraries: Transhumant herds have to follow the routes defined by Member States in accordance with the itinerary indicated on the ECOWAS International Transhumance Certificate, enter and leave each country at official border crossings, and may not pass the border at night. (Articles 5, 7, 8)

Supervision of animals: Transhumant livestock has to be under constant guard, both while on the move and during grazing. (Article 10). There must be a minimum of one herdsman for every fifty heads of cattle, while all transhumant herds must be accompanied by a minimum of two herdsmen. (Article 11) Herdsmen must be at least 18 years old and be in possession of identity papers duly issued by the competent authorities in their countries of origin. They must also be able to show proof of the identity and permanent residence of the owner (s) of the herd. (Article 12) The relevant authorities have the right to impound stray animals and apply sanctions against their owner or herdsmen. (Article 13)

Movement within the host country: Each host country fixes the period during which migrating livestock may enter into and depart from its territory, and informs the other States accordingly. (Article 14) Each State defines the areas where transhumant animal may be stocked and determines the maximum capacity of each zone thus identified. The accompanying herdsman must keep his herd in that zone where he has been directed to by officials at the point of entry. (Article 15)

Conflict resolution mechanisms: Herdsmen accompanying transhumant livestock and who are legally admitted into the host country are given protection by the authorities and their fundamental rights are guaranteed by the judicial institutions of the host country. In return, these herdsmen have to observe all laws and regulations of the host country, particularly those concerning the conservation of forest reserves and forest resources and the management of watering points and pastoral land. (Article 16) Disputes between farmers and nomadic herdsmen are first judged by an arbitration commission. (Article 17). This commission shall be composed of representatives of the herdsmen, farmers, livestock officers and agricultural officers, officials from the ministries of Forest and Water Resources and local political and administrative authorities. (Article 18) In the event that an amicable settlement is not reached, the dispute may be resolved in the law courts in conformity with the rules governing settlement of contentious issues. (Article 19)

### **ECOWAS Regulation on the Implementation of the Transhumance Protocol (2003), Regulation C/REG.3/01/03**

The ECOWAS Regulation on the Implementation of the Transhumance Protocol promulgated five years later emphasizes “that given the resources *presently* available to the ECOWAS Member States, traditional pastoral farming systems such as transhumance subsist and contribute to socioeconomic development and the growth of livestock production.” It also expresses the Member States’ desire “to induce a gradual evolution of the traditional farming systems towards intensive breeding methods, and to introduce transhumance regulations in the ECOWAS subregion.” In contrast to the Transhumance Protocol of 1998, the Regulation regards pastoralist transhumance not so much as a valuable economic activity than as a relic of the past that will soon be replaced by more intensive forms of animal husbandry.

#### **Regulation C/REG.3/01/03 Relating to the implementation of the regulations on transhumance between the ECOWAS Member States. Dakar, 2003.**

In order to promote the implementation of the Transhumance Protocol, the Regulation requires ECOWAS Member States (Article 1) to

- Organize information, communication and education campaigns directed at transhumant herdsmen and other actors involved in the departure, transit and host zones of transhumant herds on the content of the Transhumance Protocol;
- Establish and strengthen pastoralist organizations to support the peaceful management of transhumance and contribute to the prevention and management of transhumance-related conflicts.
- Establish national committees and networks to manage and monitor transhumance;
- Comply with the provisions of ECOWAS Protocols, Conventions and Decisions relating thereto, particularly those on the free movement of persons, good and services, and to the mechanism for conflict prevention, conflict management and security;



- Comply with the laws and regulations in force in Member States, and to bilateral and multilateral commitments, especially those concerning the conservation and sustained management of natural resources and the environment.

The ECOWAS Executive Secretariat (Article 2) is asked to provide technical and financial support and source funds to

- Support information and training programmes for transhumant herdsmen and the local communities affected by cross-border transhumance;
- Print and circulate the ECOWAS international transhumance certificate;
- Organize annual meetings to appraise transhumance between neighbouring States, and biennial meetings on transhumance in the West African subregion;
- Conduct studies on transhumance routes and itineraries;
- Formulate and implement subregional programmes for the development of grazing lands, or the creation of cross-border infrastructures to facilitate transhumance;
- Set up pilot cross-border projects with a view to developing new joint management methods for the transhumance routes and host zones;
- Conduct a study projecting the future of livestock production, particularly in West and Central Africa;
- Liaise with other intergovernmental organizations in West and Central Africa in order to coordinate interventions relating to transhumance in West and Central Africa.

Member States and ECOWAS (Article 3) together are urged to

- Develop an inventory of all the transhumance routes within subregion;
- Create an information and communications network for transhumance and the monitoring of animal diseases;
- Involve herdsmen, associations of professionals and other stakeholders in the implementation of the ECOWAS decisions;
- Formulate and implement within each Member State a pastoral development programme involving the preparation of maps of grazing areas, transhumance zone and watering points;
- Create a Ministerial monitoring committee on transhumance;
- Create a regional transhumance observatory to monitor compliance with ECOWAS measures;
- Formulate a regional pastoral resources strategy;
- Include pastoral and agro-economic programmes in the curricula of West African training institutions specializing in livestock production;
- Promote dialogue and collaboration between Member States on transhumance related issues;
- Disseminate information on animal health among the veterinary services of the Member States.

### **ECOWAS Guiding Principles for the Development of the Livestock Industry (2009)**

As part of the implementation of the ECOWAS Agricultural Policy (ECOWAP), in 2009 the Ministers of Livestock, Trade and Security of the ECOWAS Member States adopted guiding principles for the development of the livestock industry in the ECOWAS region. The Guiding Principles recognize the contribution of the livestock sector to food security and economic development in West Africa and recommend the definition of a specific livestock development strategy as part of implementing ECOWAP. Specifically, they “acknowledge the need to take into account transhumance, cross-border trade flows and rights of cattle farmers to have access to pastoral land and natural resources” (p. 4).

In order to promote the future development of the livestock sector in the ECOWAS region, the Guiding Principles envisage the following lines of action:

- Enhance the capacities of national and regional professional organizations along the livestock value chain.
- Harmonize regulations to facilitate trade of cattle and animal products, ensure animal health, health security of animal foods, veterinary products and animal genetic resources.
- Enhance public veterinary services, develop private veterinary practice.



- “Protect the pastoral land (pastoral areas and transhumance/trade corridors) through the harmonization of implementation of pastoral codes and agro-sylvo-pastoral laws by making particular reference to the ECOWAS Heads of State and Government Decision A/DEC.5/10/98” (p. 4).
- Intensification of production systems, including peri-urban livestock, through improvement of feeding systems, health and genetic improvement of indigenous West African breeds.
- Promote processing of animal foods, products and by-products.
- Dissemination of market information.
- Training and research in regional livestock based on indigenous and modern knowledge.

Furthermore, the ministers recommend the implementation of measures aimed at facilitating cross-border commercial transactions through harmonization of intracommunity transit conditions and “strict implementation by all parties of the community regulation on free movement of persons, goods, capitals and services, the rights of entry, residence and establishment and also through monitoring, denunciation and sanction of administrative harassments, abuse of power and corruption cases along the cross border roads” (p. 5). Furthermore, they “recommend an improvement in cross-border public security to control cattle thefts and passage of stolen cattle at the borders, prevention and management of border conflicts and post-crisis intervention to restore the means of livelihood of the animal farmers” (p. 5).

### **ECOWAS, Strategic Action Plan for the Development and Transformation of Livestock Sector in the ECOWAS Region (2011–2020)**

Based on the Guiding Principles, the ECOWAS Commission prepared a “Strategic Action Plan for the Development and Transformation of the Livestock Sector in the ECOWAS Region (2011–2020). The Action Plan was to provide orientation for the implementation of the Regional Agricultural Investment Plan (RAIP), which itself is part of the implementation of the ECOWAS Agricultural Policy (ECOWAP).

In contrast to the ECOWAS Protocol on Transhumance (1998), the Strategic Action Plan is based on the assumption that transhumant pastoralism is inherently problematic. Instead, it favours intensive livestock breeding by sedentary farmers. Under the heading “major problems”, it states “the system of production is basically extensive and transhumance. It exploits natural resources, with preference for the number of cattle, at the expense of productivity and it has a poor rate of exploitation,” and concludes “pastoral transhumance is a major problem in the subregion.” (p. 17). Regarding cross-border transhumance, it observes that “it is also said that cross-border transhumance has negative effects including, clashes between farmers and herdsmen, degradation of reserves and pastoral resources in places where they settle, as well as the spread of disease” (p.17). This leads to the conclusion that “the increase in animal productivity for beef and milk beyond the natural capacity of the herd cannot be consistently realized except through guarantees for livestock farming and intensive support for livestock farming (among rural and semi-rural populations)” (p. 18).

The Action Plan has four major components:

1. Promoting the livestock, meat and dairy sector;
2. Providing security for transnational mobility and reduction of conflicts;
3. Structuring the animal production sector;
4. Creating a favourable environment for the development of livestock, meat and dairy products.

Despite the rather sceptical view of transhumant pastoralism in its background analysis, the Strategic Action Plan contains a component 2 on “Providing security for easier transborder movement of cattle and the reduction of conflicts” that has the objective to “create conditions for sustainable peaceful exploitation of transborder pastoral resources in order to improve the living conditions of the local population.” This component reiterates many commitments given in the ECOWAS Transhumance Protocol and Regulation, including the following technical sub-components:

1. “Development of transborder arrangements and control of transhumance activities: (i) Carving out, defining and protecting transhumance corridors; (ii) Carrying out related arrangements in transhumance corridors; (iii) Establishment of zoo-sanitary infrastructure at border posts; (iv) Easier mode of obtaining the international transhumance certificate (ITC); (v) Revision and harmonization of legislation on transborder transhumance; (vi) Establishment of a regional framework for conflict prevention and resolution;

2. Elaboration of a regional charter and the promotion of a regional observatory on transhumance through the following: (i) Establishment of a functional regional transhumance observatory; (ii) Elaboration of a regional transhumance charter.”

The Action Plan’s main thrust is increasing animal production and animal productivity in order to supply the growing urban markets of West Africa with animal products. This shall mainly be achieved by the intensification of animal production. Few mention is made of pastoralism as a mode of subsistence and source of food security. The Action Plan also fails to address the thorny issue of ensuring pastoralists’ access to grazing land and water resources.

## 4.2. OTHER REGIONAL FRAMEWORKS ON PASTORALISM IN WEST AFRICA

Déclaration de N’Djaména sur la contribution de l’élevage pastoral à la sécurité et au développement des espaces saharo-sahéliens. N’Djaména, mai 2013.

Déclaration de Nouakchott sur le pastoralisme. Mobilisons ensemble un effort ambitieux pour un pastoralisme sans frontières. Nouakchott, octobre 2013.

Partly under the impression of the evolving crisis in Northern Mali, the past years have seen a new wave of interest in pastoralism among West Africa’s regional organizations and their international partners. This led to the organization of an international seminar in N’Djaména in May 2013 that was attended by representatives of all Sahel countries. The resulting N’Djaména declaration drew new attention to the pastoralist question. However, pastoralism was now more seen as a security issue than a development issue. Unfortunately, the N’Djaména process did not involve the Coastal countries, with whom reciprocal agreements on cross-border transhumance are required. The following box summarizes the main content of the N’Djaména declaration regarding pastoralist mobility.

### **N’Djaména Declaration on the contribution of pastoral livestock herding to the security and development of the Saharo-Sahelian areas. N’Djaména, May 2013.**

Position on transhumant pastoralism: Recognizes the role of pastoral livestock herding in terms of economic and social development, environmental and land management, as well as security by inhabiting otherwise largely empty and uncontrolled spaces. Affirms that pastoral livestock herding relies on the mobility of herds and families and their access to water and vast pastures at yearly varying locations, including cross-border transhumance. Acknowledges that mobility must be negotiated with other groups, particularly the people in the southern zones where herds find resources in the dry season. Envisages the promotion of both transhumant livestock pastoralism and the search for effective interaction with the various forms of sedentary livestock farming, developing in agricultural areas and around towns.

#### Proposed lines of action:

- National governments should put the pastoral livestock sector at the heart of stabilization and development strategies for the Saharo-Sahelian areas, including the establishment and implementation of proactive and coherent policies.
- Improving governance of pastoralism by strengthening pastoralist organizations able to participate in good governance and the defence of pastoralists’ rights and interests, involving pastoralists in the governance of land and public life in the context of more inclusive decentralization policies, considering livestock in spatial planning and regional development exercises, fair taxation and reinvestment in the livestock sector, and promoting youth.

- Cross-border transhumance: The N'Djamena Declaration calls upon governments to “reinforce interstate cooperation with a view to facilitating cross-border movements and regional trade” and to set up a multi-institutional and multi-actor platform for monitoring pastoralism and related advocacy.
- Strengthening the resilience of pastoral communities: In order to protect pastoralist communities from climatic, political and economic risks, the Declaration proposes, among others, “securing mobility and pastoral areas and improving access to natural resources (water, pastures). This can be done by means of negotiating legally binding social agreements.” It also highlights the importance of “securing cross-border trade, abolishing illegal levies and reducing the risks of theft and predatory practices at border crossings.” In addition, it recommends “enhancing the exchange of knowledge and maintaining policy coherence between the countries of the Saharan, Sahelian and Sudanian areas.”
- Enhancing the economic sustainability of the pastoral livestock sector: Apart from enhancing the professionalism of the livestock sector and providing adequate infrastructure, policies in favour of economic sustainability shall be aimed at “better coordination, planning and securing of transhumance routes and cattle trading routes, particularly by improving market infrastructure.”
- Enhancing the social sustainability of communities in the Saharo-Sahelian areas through access to health services, education, vocational training, involving civil society, and strengthened “inter-community links through governance, culture and the management of shared resources”.

The N'Djamena seminar was followed up by a high-level meeting of the Heads of States of six Sahelian countries (Burkina Faso, Mali, Mauritania, the Niger, Senegal, Chad) in Nouakchott in October 2013, organized by the Government of Mauritania, CILSS and the World Bank, together with the African Union, ECOWAS, UEMOA and FAO. The meeting produced the Nouakchott declaration on pastoralism.

#### **Nouakchott Declaration on Pastoralism. Mobilizing Jointly an Ambitious Effort to Ensure Pastoralism without Borders. Nouakchott, October 2013.**

- Reaffirms the recognition of pastoralism as an effective mode of production and reiterates commitments made in the N'Djamena declaration (2013).
- Set the objective of “securing the lifestyle and means of production of pastoral populations and increasing the gross output of livestock production by at least 30 per cent in the six concerned countries over the next five years with a view to significantly increasing the incomes of pastoralists within a period of five to ten years.”
- Defines the outlines of a comprehensive programme to support pastoralism in the region, with the pillars (a) enhancing production services, (b) improving the competitiveness of the livestock sector and market access, (c) strengthening the security of the assets, rights, and lifestyles of pastoral people, access to basic services, and political inclusion.
- Pillar C on strengthening the security of assets and rights includes, among others, the following activities:
  - “Strengthen the management (through prevention and resolution) of conflicts related to access to resources (including rangelands, water, and land tenure), not only by acknowledging local authorities and local negotiation but also by speeding up development and enforcement of legal frameworks (such as pastoral codes and land tenure reform).”
  - “Promote approaches based on rights, in particular for access to land tenure, the management of rangelands, and mobility but also social services so as to ensure pastoral mobility and the sustainable use of natural resources for pastoral purposes.”
  - “Accelerate the political inclusion of pastoral communities through: (a) mainstreaming of pastoralism in development policies, projects, and programs; (b) recognition of the legitimacy of traditional pastoral institutions; (c) the inclusion of pastoralists in participatory and collaborative decision-making processes set up by the decentralized local authorities.”

A major outcome of the Nouakchott declaration was the programme “Renforcer la résilience des populations pastorales” (PRAPS). Funded by the World Bank with an overall amount of USD 250 million (2015–2021) and coordinated by CILSS, it intervenes in six Sahel countries (Senegal, Mauritania, Mali, Burkina Faso, the Niger, Chad) in the areas of animal health, natural resource management, market access and pastoralist crisis management.

### 4.3. AFRICAN UNION

The African Union is showing increasing interest in pastoralism and the development of the livestock sector in Africa. The main strategic documents in this regard are:

African Union Commission, Department of Rural Economy and Agriculture, Policy Framework for Pastoralism in Africa. Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities. Addis Ababa, 2010.

African Union, Inter-African Bureau for Animal Resources (AU-IBAR), The Livestock Development Strategy for Africa (LiDeSA), 2015–2035. Transforming Africa’s Livestock Sector for Accelerated Equitable Growth. Nairobi, 2015.

Drawing on three years of consultations with Member States, experts and pastoralist communities, the African Union adopted a Policy Framework for Pastoralism in Africa in 2010. The Policy Framework is the first continent-wide policy initiative that aims to secure and improve the livelihoods and rights of pastoralists in Africa. It emphasizes the need to involve pastoralists in national and regional development processes and recognizes the transnational character of many pastoralist systems, requiring harmonized regional approaches.

#### **African Union Commission, Department of Rural Economy and Agriculture, Policy Framework for Pastoralism in Africa. Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities. Addis Ababa, 2010.**

Objectives: (1) “Secure and protect the lives, livelihoods and rights of pastoral peoples and ensure continent-wide commitment to political, social and economic development of pastoral communities and pastoral areas.” (2) “Reinforce the contribution of pastoral livestock to national, regional and continent-wide economies.”

“Framework principles” (selection): (1) Recognition of the “rights of pastoralists, and the need to provide security, services, infrastructure and economic opportunities in pastoral areas which are comparable to non-pastoral areas.”, (2) Recognition of the “importance of strategic mobility”: “mobility is the basis for efficient use and protection of rangelands and key to appropriate adaptation to climatic and other trends.”, (3) Importance of regional approaches due to the cross-border nature of many pastoralist communities.

Strategies relating to transhumance: (1) “Strengthen pastoralist access to their rangelands, through appropriate reform of land tenure policy and legislation, and supported by participatory land use planning”, (2) “Support the further development of regional and national policies to enable pastoral mobility within and between States, supported by locally relevant livestock disease surveillance and certification systems.”

In 2015, The African Union Commission’s Inter-African Bureau for Animal Resources (AU-IBAR) published the “Livestock Development Strategy for Africa (2015–2013)”, subtitled “Transforming Africa’s Livestock Sector for Accelerated Equitable Growth”.

**African Union Livestock Development Strategy for Africa (2015–2013). Nairobi, 2015.**

Overall goal: “prevailing subsistence livestock production systems are transformed into vibrant market-oriented systems by addressing the structural and functional challenges affecting the sector”, “catalyse annual growth to 5–6 per cent in order to progressively reduce dependency on imports and increase exports” (p. 43).

Strategic approach:

- “Significant public and private sector investments with associated supportive policy environment;
- Encouraging governments to create appropriate enabling investment environments thus reducing the cost of conducting business and minimizing risks in the livestock sector;
- Gradual intensification and commercialization of Africa’s largely extensive livestock production systems in arid and semi-arid lands and transition from subsistence to market economies by mixed crop-livestock system smallholders;
- Dissemination and application of new available technologies, knowledge and skills and increased investment in research and development;
- Value chain approach;
- Fostering mind-set change by challenging existing narratives and value paradigms” (p. 7).

Strategy regarding pastoralist mobility: “Strategy 6.2.3.2: Securing access to natural resources (pasture and water) critical for livestock production at national and regional levels” Quotes African Union Policy Framework on Pastoralism (2010) by stating that “an important requirement for the pastoralist livestock production system is mobility.” In the future, however, meat from open rangelands shall only serve a niche market: “There is an opportunity for meat produced off rangelands to qualify for high value markets based on its organic and rangeland fed status. Smart labelling and attention to quality could win consumer loyalty of rangeland produce enhancing the economic argument for investing in rangeland improvement” (pp. 64–65).

Assessment of transhumance in West Africa: (under the heading “weaknesses of the livestock sector in West Africa”): “Environmental degradation and fodder variability constrain livestock development by limiting access to feed and water. Such phenomena often drive the need for transhumance with the associated risk of disease spread and conflict between migrant and sedentary communities” (p. 39).

The African Union’s Livestock Development Strategy clearly envisages a transition from pastoralist livestock production to intensive, sedentary systems. Transhumance is regarded as backward and inherently problematic. Its overall approach also seems to imply a shift from smallholder animal husbandry to agro-industrial meat production.

#### **4.4. FAO VOLUNTARY GUIDELINES**

The “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” were developed by FAO and endorsed by the Committee on World Food Security in 2012. Against the backdrop of increasing global competition for natural resources and its negative effects on food security, the Guidelines aim “to serve as a reference and to provide guidance to improve the governance of tenure of land, fisheries and forests with the overarching goal of achieving food security for all and to support the progressive realization of the right to adequate food in the context of national food security” (p. iv). For this, they introduce the new concept of “legitimate tenure rights” that may apply to the usufruct rights exercised by pastoralists over pastoral resources. Even without the formal recognition of these rights in the national legal systems, the Voluntary Guidelines urge governments to protect such rights in order to preserve livelihoods and food security.

**FAO/Committee on World Food Security, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. Rome, 2012.**

New concept of “legitimate tenure rights”:

“The Guidelines recognize that tenure rights can be legitimate even when they are not recognized and protected by formal law. Such tenure rights have “social legitimacy” when they are recognized by local communities and others, as in many cases of customary tenure.” (FAO, 2012c: paragraph 4.4).

Obligations of States regarding “legitimate tenure rights”

1. Recognize and respect all legitimate tenure right holders and their rights.
2. Safeguard legitimate tenure rights against threats and infringements.
3. Promote and facilitate the enjoyment of legitimate tenure rights.
4. Provide access to justice to deal with infringements of legitimate tenure rights.
5. Prevent tenure disputes, violent conflicts and corruption.

Guidance regarding “transboundary matters”

“22.1 States should cooperate, in the framework of appropriate mechanisms and with the participation of affected parties, in addressing tenure issues related to land, fisheries and forests which traverse national boundaries. (...) In States where transboundary matters related to tenure rights arise, *parties should work together to protect such tenure rights, livelihoods and food security of the migrating populations while on their respective territories.*

22.2 States and other parties should contribute to the understanding of transboundary tenure issues affecting communities, such as *with rangelands or seasonal migration routes of pastoralists*, and fishing grounds of small-scale fishers, which lie across international boundaries.

22.3 Where appropriate, States should harmonize legal standards of tenure governance, in accordance with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. Where appropriate, this should be coordinated with relevant regional bodies and with affected parties. *States, with the participation of the affected parties as appropriate, should develop or strengthen existing international measures to administer tenure rights that cross international boundaries.* Where appropriate, they should coordinate with relevant regional bodies. This should be done specially to protect the livelihoods and, in line with paragraph 4.8, the rights of all those affected.” (pp. 33–34)

## **4.5. BILATERAL AGREEMENTS ON CROSS-BORDER TRANSHUMANCE**

Protocole d'accord en matière de transit du bétail entre la République du Niger et la République du Mali. Bamako, 1988.

Accord sur le pastoralisme entre la République du Burkina Faso et la République du Mali. Bamako/Ouagadougou, 1988.

Accord cadre réglementant la transhumance entre la République du Mali et la République de Côte d'Ivoire. Abidjan/Bamako, 1994.

Accord zoo-sanitaire entre la République du Sénégal et la République du Mali. Dakar/Bamako, 1994.

Protocole d'accord portant création d'un cadre de concertation entre le Burkina Faso et la République du Niger sur la transhumance transfrontalière. Tillabéri, 2003.



In addition to their commitment to cross-border transhumance under the ECOWAS Protocol, West African States are entered into bilateral agreements with neighbouring states on transhumance. Mali has been very active in this regard and negotiated transhumance agreements with all its major neighbours. It can be noted that the bilateral agreements have been concluded between Sahel states, which are the major zones of departure and transit of pastoralist transhumance. There are no such agreements between Sahel states and coastal States, which are the main receivers. - New bilateral agreements are currently being negotiated, among others between Nigeria and Benin.

#### **4.6. ASSESSMENT OF REGIONAL STRATEGIC FRAMEWORKS ON TRANSHUMANCE**

With the ECOWAS Transhumance Protocol (1998) and Regulation (2003), ECOWAS is the only African Regional Economic Community (REC) that has passed specific legislation to facilitate regional livestock mobility. This is a major achievement compared to other parts of Africa, where much cross-border livestock movement remains hidden and unofficial, thus contributing to conflict, challenging livelihoods and undermining the economic potential of the livestock sector.

The ECOWAS Transhumance Protocol and Regulation are also major accomplishments given the increasingly opposed positions of the Sahel and coastal States on this topic. For the Sahel States, the livestock sector remains an important economic asset due to its contribution to job creation, food security, dry land management and exports. They are aware that livestock mobility is an essential element of livestock production in this climatic zone. They accept and protect transhumant pastoralism within their own, thinly populated countries, and lobby the coastal States to do the same. The coastal States, on the other hand, tend to view transhumant pastoralism as an archaic and conflict-prone practice and would wish to abolish it completely. Instead, they intend to become self-sufficient in meat production by promoting intensive agro-pastoral and ranching systems. By this, they also intend to limit the movement of people and animals between their countries and the Sahel (Blein, 2015). Against this background of ever more contradictory national approaches to pastoralist transhumance, the ECOWAS Protocol and Regulation urgently need to be preserved.

Nevertheless, the past twenty years of their application have highlighted a number of shortcomings that should be addressed in the future. These can be summarized as follows:

Limited domestication in national laws and contradictory approaches by Sahel and coastal States: The ECOWAS Transhumance Protocol has been differently domestication in national legislation in the Sahel and coastal States. Since the adoption of the ECOWAS Transhumance Protocol in 1998, several West African States have passed legislation on pastoralism. These include Senegal, Mauritania, Mali, Burkina Faso, the Niger, Benin, Côte d'Ivoire and Guinea. Of the Sahel States, Mali, Burkina Faso and the Niger have set up fairly comprehensive legal frameworks regarding transhumance, access to pastoral resources and the mutual rights and obligations of farmers and pastoralists (Zakaria, 2014). Their main thrust is the better regulation of transhumance by defining territories of origin (the Niger), transhumance routes and grazing areas (Burkina Faso), and guaranteeing pastoralists' free access to these resources (Mali). National legislation in the coastal States, on the other hand, accepts cross-border transhumance as provided in the ECOWAS Transhumance Protocol, but seeks to restrict and control it by imposing strict conditions on the whereabouts and conduct of pastoralists. Countries such as Togo and Côte d'Ivoire reserve their right to annually define the number of pastoralists entering their territory as well as the dates of their arrival and their departure. In addition, they stipulate that national authorities have to be informed well in advance of the arrival of a herd (60 days in advance in Togo) and that herders only use the grazing routes and grazing areas defined by the authorities. Hefty fines, including imprisonment, are foreseen for infringements of these rules as well as for damages caused to local agricultural production. In Togo, authorities require pastoralists to pay a "pasture fee" on entry, while Côte d'Ivoire foresees the option of commercially developed grazing land that can be rented out to transhumant pastoralists. Such practices are not covered by the ECOWAS Transhumance Protocol (CORAF, 2015). They also seem to specifically aim at "foreign" transhumant pastoralists, while domestic livestock owners are not subjected to the same strict sanction regime regarding the movements of their

animals. On the other hand, these laws provide pastoralists with a minimum of protection and safeguards against the encroachment of transhumance corridors and grazing areas.

Uneven development of the institutional structures required for the implementation of the ECOWAS Transhumance Protocol: No ECOWAS Member State has developed operational guidelines (decrees, by-laws, etc.), which set out the practical steps and modalities for the implementation of the ECOWAS Protocol including the responsibilities of different actors and sanctions. Therefore, the institutional set-up to implement the ECOWAS Protocol remains unclear. Following its provisions, the main implementing institutions should be specialized border points with qualified veterinary personnel to verify the health status of arriving herds and dedicated institutions to issue the International Transhumance Certificate (ITC). While border points for international transhumance seem to have been defined by most ECOWAS Member States, they are few and far away from each other. This is a significant obstacle for cattle herders, who drive their cattle through the bush and are reluctant to walk an extra 100 kilometres or more in order to pass by an official border point. In addition, these border points are not equipped with the necessary infrastructure in terms of watering points and pastures to accommodate the herds during the required inspection period. When they pass by the official border points, pastoralists often complain of “red tape”, delays, harassment and corruption. In addition, pastoralists often have difficulties in obtaining the ITC. Where border security forces are involved in cross-border cattle rustling operations, pastoralists may also be reluctant to expose herds to their scrutiny. Not all ECOWAS Member States have decentralized veterinary or other competent structures near their borders that can issue an ITC on time. In some countries, such a certificate can only be issued by the Livestock Ministry in the capital, which is an unsurmountable obstacle for ordinary pastoralists. Even where fairly decentralized structures exist, acquiring the ITC can be associated with significant bureaucratic obstacles and corruption.

Some ECOWAS countries have established bilateral Commissions on Transhumance with representatives of the respective Livestock Ministries that are tasked with coordinating animal movements between the two countries. Similar commissions also seem to exist at local level in some countries. These Commissions appear to be a useful step forward for ensuring information sharing and coordination between neighbouring countries. There are positive examples such as the Commission established by Mali and the Niger, while others seem to have fallen in dysfunction (CORAF, 2015).

Insufficient implementation of grazing routes and grazing areas: ECOWAS Member States have made uneven progress in defining and demarcating grazing routes and grazing areas and in providing them with the necessary pastoral infrastructure. More progress seems to have been achieved in this regard in the Sahel than in the coastal States. Partly with the support of international partners, , such as Mali, Burkina Faso and the Niger have demarcated some of the main transhumance corridors and equipped them with infrastructure such as livestock wells, rest and grazing areas, salt licks and some veterinary health centres. There are some positive examples, in which grazing routes were defined through inclusive and participatory processes involving both farming and pastoralist communities, with positive impacts on field damages and conflict. Pastoralists frequently report, however, that even officially demarcated transhumance corridors are encroached by fields and sometimes no longer passable. In some cases, the herds' access to water sources is also blocked. There is even a practice called “trap fields”, which consists of purposefully planting crops on transhumance roads, which will inevitably be damaged by passing herds, and then claiming high compensation payments. It appears that while transhumance routes are sometimes demarcated, there are no clear enforcement mechanisms to protect them. Similar dynamics apply to grazing areas, where transhumant livestock shall be able to pass longer periods of time. Apart from encroachment, they are often occupied by the herds of local agro-pastoralists so that transhumant pastoralists have difficulties to find space for their animals.

Focus on control instead of coordination: The ECOWAS Transhumance Protocol aims to facilitate, but also control pastoralist movements in the ECOWAS area. Therefore, it is fairly rigid as to the migration periods, routes and grazing areas that pastoralists have to observe in host countries. This contradicts the basic premise of transhumant pastoralism, which is flexibility. Transhumant pastoralists are mobile, because they have to flexibly react to early and late rainfalls and to regional variations of pasture availability in order



to sustain their herds. Thereby, they take micro-decisions on the pace and direction of their movements on a daily basis, always considering the specific climatic, vegetation, epidemiological and security conditions in the areas they pass through. Rigidly defining pastoral calendars and routes without consideration to these everchanging conditions constitutes a serious threat to the viability of pastoralist systems. Instead, there should be a better coordination of pastoralist movements in order to avoid, for example, the arrival of pastoralists at a time when fields have not yet been harvested.

Focus on pastoralist mobility instead of access to pastoral resources: Some observers have highlighted that while focusing on mobility, the ECOWAS Transhumance Protocol neglects the thorny issue of access to pastoral resources. On the ground, this translates into the establishment of numerous transhumance corridors, which basically serve to quickly channel the animals through a certain area, at the expense of grazing areas, where animals can remain for several weeks or months. The latter require larger stretches of land and are more difficult to establish due to local opposition from farmers and the temporal character of their utilization. A lot more innovative work is required to provide for flexible tenure arrangements that focus on rights of access and control rather than ownership and which accommodate multiple use and overlapping rights of access (COMESA, 2010).

Incoherent approaches to pastoralist transhumance: The brief overview of pastoral laws and agricultural policies at national, regional and continental level provided in the previous section shows that there is no coherence regarding pastoralism. While the ECOWAS Transhumance Protocol, the African Union Pan-African Policy on Transhumance and some national legislations recognize pastoralist transhumance as an adaptation strategy to adverse climatic conditions and a source of food security, agricultural policies tend to aim at the sedentarization and intensification of the livestock sector. They also promote the further expansion of agricultural land use and the introduction of new cultures that may provide obstacles to pastoralist transhumance. The contradictions between the ECOWAS Transhumance Protocol and current agricultural policies may be difficult to reconcile on the ground.

Insufficient involvement of pastoralists in the implementation of the ECOWAS Transhumance Protocol: Pastoralists are a difficult group to involve in political and implementation processes since many of them are illiterate and constantly on the move. In some countries, they are even considered non-citizens without political and economic rights (Bukari/Schareika, 2015). Nevertheless, there is a notable absence of pastoralist representatives in discussions on pastoralist policies and legislation. While there is a small group of very active pastoralist groups and networks across the ECOWAS region, which is invited to all major meetings, a broader participation of the pastoralist community would be desirable. There are some positive examples, such as the broad consultation of pastoralist groups over a period of several years in preparation of the Pastoral Code in the Niger. Yet pastoralists should be equally involved in the implementation and monitoring of pastoral legislation and policies and in their critical review. The closer involvement of pastoralist groups would also enhance the efficiency of arrangements such as the ECOWAS Transhumance Protocol, since they can facilitate the flow of information towards their communities and intervene in the case of difficulties.



## 5. LEGISLATION, POLICIES AND PRACTICE REGARDING PASTORALIST TRANSHUMANCE IN NIGERIA

This section provides an overview of recent developments in pastoralism and conflicts related to pastoralism in Nigeria and examines the country's achievements and challenges in implementing national and regional legislation on transhumance.

### 5.1. DYNAMICS OF PASTORALIST TRANSHUMANCE IN NIGERIA

#### 5.1.1. Background on pastoralist transhumance in Nigeria

Facts and figures on pastoralism in Nigeria: Nigeria is the most populous country in West Africa with a population of 190 million. Its population density stands at fairly high 192.2 inhabitants per km<sup>2</sup>, and its population is growing rapidly (3% p.a.) With a GDP of USD 487 billion (2015), it is the world's 20th largest economy and West Africa's economic powerhouse. It is also West Africa's largest market for meat and dairy products. Still, 46 per cent of Nigerians live in poverty (2009), and its Human Development Index (HDI) stands at fairly low 0.514 (2015). About 52 per cent of Nigerians live in rural areas (2009).

The overall number of large livestock in Nigeria is estimated at 20 million cattle, 41 million sheep, 73 million goats and 280,000 camels (FAOSTAT, 2014). Nigeria thus hosts around 38 per cent of all livestock in West Africa, with the Sahelian countries (Burkina Faso, Mali, the Niger, Senegal) only possessing 48 per cent. According to most recent estimates (2009), the livestock sector contributes to 23 per cent of the agricultural domestic product of Nigeria, which itself makes up about 36 per cent of the national Gross Domestic Product (GDP). Domestic production, however, is not sufficient to meet the growing demand for meat of Nigeria's urban markets. At least 25 per cent of the meat consumed in Nigeria is imported, mostly from the neighbouring Sahelian countries. There are important livestock trading routes leading from Burkina Faso, the Niger, Chad and the Central African Republic into Nigeria. Cattle are driven on hoof towards the coastal markets, often over 1,000 km and more, whereby they benefit from the fairly rich pastures along the way.

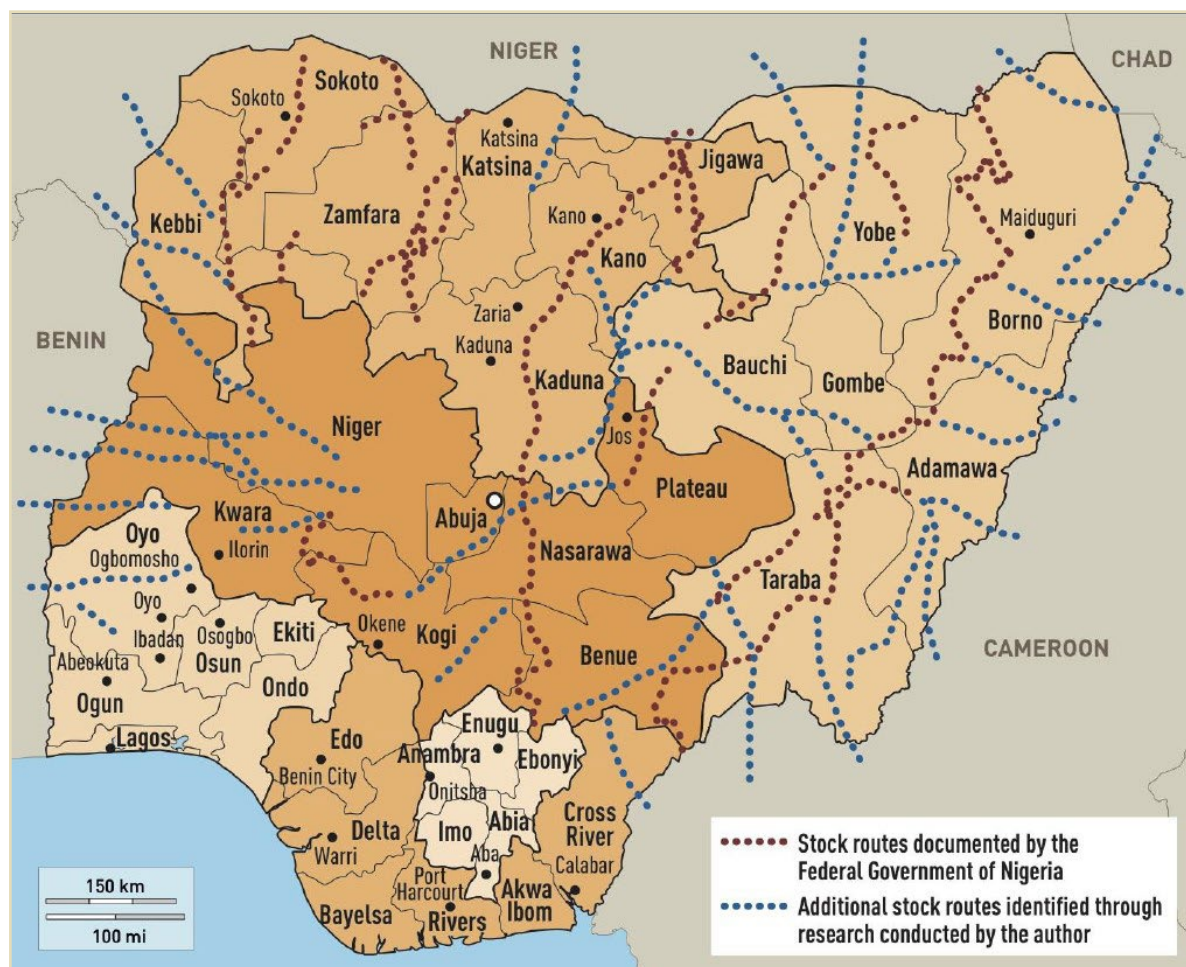
Geographical and climatic conditions: Nigeria is divided into several climates zones, which range from the arid and semi-arid Sahelian zone in the north and the sub-humid Savannah zone in the centre towards the humid and tropical monsoon climate in the south. Livestock was traditionally kept in the Sahelian and Savannah zones of Nigeria, but can nowadays be found throughout the country. This is partly associated with the decreasing prevalence of trypanosomiasis (sleeping sickness) in the southern parts of the country that used to threaten cattle venturing into these zones. As a result, pastoralists and their cattle now move further south into the coastal areas.

Agro-pastoral production systems: Livestock herding in Nigeria is mostly associated with the Fulani ethnic group, although it is also practiced by smaller groups such as the Shuwa Arabs, Koyam, Kanuri, Kanembu

and Tuareg. The overall number of pastoralists in Nigeria is estimated at 10–15 million. About 85 per cent of Nigeria's cattle is raised by pastoralists. Over the past three decades, there has been a clear trend towards the establishment of mixed agricultural systems. Nomadism involving the constant migration of the entire pastoralist family and its livestock has become rare. Yet many pastoralists continue to practice transhumance, which involves regular movements towards the North in the wet season and towards the South in the dry season. These semi-sedentary pastoralist groups have established permanent settlements where some members of the family reside throughout the year and engage in agriculture. Some Nigerian pastoralists have become sedentary agro-pastoralists, who engage in crop production to a considerable extent. They practice short-distance split movements, by which some of the family's young men migrate with part of the livestock during the wet or dry season to nearby areas in search of better grazing conditions. Pastoralists in Nigeria make opportunistic use of pastures and watering facilities and rarely establish permanent controls over them. They rely on communal access to resources such as grazing lands, watering facilities, migratory routes, social infrastructure and sites for habitation. Important resources are resting points during mobility and seasonally flooded areas along rivers (*fadama*) during the dry season (Momale, 2015).

Nigeria's elites regard transhumant pastoralism as an outdated practice, since they associate it with low productivity and incessant conflicts. They consider intensive livestock breeding on ranches as the more viable option. Many elites, including the Nigerian army, have set up their own cattle ranches with the objective of producing milk and meat for the domestic market. Thereby, they experiment with imported cattle races and production techniques. The establishment of ranches often involves large-scale land acquisitions of fertile and well-watered land near the country's main transportation routes. This reduces the pastoral space available to traditional pastoralists.

**Figure 5: Stock routes/transhumance corridors in Nigeria**



This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Source: Adam Higazi/Shidiki Abubakar Ali, UNOWAS, 2017.

Pastoralist transhumance in Nigeria: A number of important transhumance corridors (called “stock routes” in Nigeria) pass through the country and link it to its neighbours (see Figure 5). Northern Nigeria is an important dry season destination for transhumant pastoralists from Mali, Burkina Faso, the Niger and Chad. It was also a transit zone for pastoralists from Cameroon migrating to pastures in the Niger and Mali during the wet season, and for Sahelian pastoralists driving their animals towards the large cattle markets along the coast. In the past years, these movements into Nigeria have reduced considerably due to widespread cattle rustling and farmer-herder conflicts. Many Nigerian pastoralists drive their herds towards the Sahel or neighbouring coastal countries (Benin, Togo, Ghana) during the wet season. Some of them even prefer to stay there to escape spiraling violence in their home country. Within Nigeria, there is a clear pattern of pastoralists moving further south than they did traditionally. This seems to be a result both of the eradication of the tse tse fly and climate change that forces pastoralists to leave the north for longer periods in search of pastures, but also makes the south more accessible to cattle.

### 5.1.2. Recent trends affecting pastoralist transhumance in Nigeria

Pastoral production systems in Nigeria are under intensive pressure, due to a number of factors.

Population growth and the expansion of pastoral and agricultural areas: Due to the demographic and climatic changes of the past decades, pastoralists have been expanding their grazing areas southwards, particularly into the sub-humid “Middle Belt” and the high-altitude grasslands of Bauchi and the Jos Plateau. Nigerian farmers, on the other hand, have been moving into the densely populated semi-arid zone around the major Hausa towns of Sokoto, Kano and Kaduna in the North. Land pressure has led to increasing tensions between farmers and pastoralists. To address these tensions, the late colonial authorities established a system of transhumance corridors (*burti/burtali*), under which Fulani leaders and local community authorities under the auspices of local government agreed on pre-defined stock routes linking established grazing areas (*hurmi*) with each other. Local committees were established to resolve any disputes arising from crop damage or wandering cattle. In the 1970s, the system of stock routes began to collapse, as farmers increasingly claimed ownership of the land crossed by the stock routes and began to cultivate the well-manured plots. Cattle following the stock routes so inevitably wandered into newly created farms, leading to conflict and violence. The expansion of agricultural activities reduced the availability of grazing areas in all parts of the country, leading to decreases in the total number of livestock, affecting their productivity, and negatively impacting on the income and food security of pastoralists. A particular challenge to pastoralists is the growth in off-season crop farming and horticulture along flooded river beds (*fadama*), which formerly provided critical pastures during dry season. Transhumance towards the south during dry season depended on the unhindered access to the grassy riverbanks, which are now cultivated without any process of negotiating access with transhumant pastoralists. This leads to many conflicts in these areas (Blench, 2010).

Crisis of Grazing Reserves: In 1965, the Nigerian government passed a law on the establishment of “Grazing Reserves” for pastoralists. These are areas set aside for livestock production and, ideally, equipped with pastoral infrastructure such as water points, veterinary centres and nomadic schools. The law allowed for a minimum 10 per cent of the country’s land area to be legally acquired and constituted into grazing reserves for lease allocation to pastoralists. However, the Nigerian central government has never been willing to allot the substantial resources required to develop the grazing reserves nor to protect them from encroachment. In the late 1990s, the now defunct Petroleum Trust Fund undertook some activities to rehabilitate existing grazing reserves and stock routes. In addition, some Northern States such as Kaduna established their own grazing reserves. Despite these efforts, out of 299 proposed grazing reserves in the former Northern States and Abuja totaling to 2.3 million hectares, only 23 have been gazetted covering a total of just over 500,000 hectares (Abdullahi et al., 2015). Many of the existing grazing reserves are in bad shape. They suffer from encroachment by agriculture, private ranches and mining, and lack the social and pastoral infrastructure to support a large pastoral population. Some of them are used by cattle rustlers as retreat, who benefit from their protected status and inaccessibility. These cattle rustlers also threaten the pastoralist population living in the reserves. These are also affected by overcrowding, poor grazing conditions and a lack of outlets for milk. Since the land provided within the grazing reserves is too limited in area and quality to meet the nutritional needs of the cattle population, most inhabitants of the grazing reserves take some or all of

their herd on transhumance in the dry season and, in case of important stresses, also in the wet season (“split migration”). On the other hand, grazing reserves function as a safe haven for pastoralists fleeing from communal violence elsewhere (Ducrottoy et al., 2016).

Political marginalization of pastoralists and lack of institutional support: Pastoralist livelihoods are deeply misunderstood in many parts of Nigeria and suffer from a lack of political and institutional support. There is a lack of effective protection and regulation of this important economic activity, coupled with the absence of investments in grazing land, infrastructure, extension services and market access for pastoralists. Social and political pressure is high for transhumance to cease and livestock breeding to be confined to ranches. Pastoralists enjoy political representation only in a few northern States, and even there, it is urban Fulani elites, who speak on their behalf. Pastoralists are also excluded from local government, since they are considered as “non-natives” in most parts of the country and are thus denied basic rights such as the right to political participation and the right to land. In the social media, they are the object of hate speech and misinformation on their way of life. Due to this marginalization, pastoralists’ legitimate interests are most of the times neglected. This has led some observers to fear for the very future of pastoralism in Nigeria.

Cattle rustling and rural banditry: In the past decade, rural banditry has escalated in the rural areas of North-Western Nigeria, including the States of Zamfara, Katsina, Kaduna, the Niger and FCT Abuja. This phenomenon is often misunderstood and equated with the violent farmer-herder conflicts in Nigeria’s Middle Belt. Pastoralists in the North are particularly affected by cattle rustling. This involves the stealing of cattle and other animals from herders, or the raiding of cattle from ranches. Cattle rustling was originally a culturally embedded practice that mainly served the reconstitution of herds after a major crisis or to secure bride price payments. Now, it has become a form of economic crime orchestrated by well-organized networks, often with the backing of some high-ranking officials. In Northern Nigeria, wealthy individuals stage and finance large-scale cattle rustling operations by well-armed groups of unemployed young pastoralists, often involving several thousand animals and complex logistic operations. Other forms of rural banditry include street robbery, rape, kidnapping, organized attacks on villages and communities, and looting. All of them seriously affect the asset base and livelihood options of affected farmers and herders alike. As both herders and farmers arm themselves to fend off bandits, there is the risk of further violent escalation of conflict, since many farmers believe that cattle rustling was carried out by local pastoralists. These, however, are also victim to such practices. Pastoralists react to cattle rustling by retreating into remote areas, including Natural Reserves, and by limiting the mobility of their herds. Both practices negatively impact on their ability to access services and maintain their herds in a productive state. Where security forces get involved in cases of cattle rustling, they often fail to distinguish between pastoralists who are victims of crime from criminals who commit crime (Kuna et al., 2015).

### **5.1.3. Conflicts and violence related to pastoralist transhumance in Nigeria**

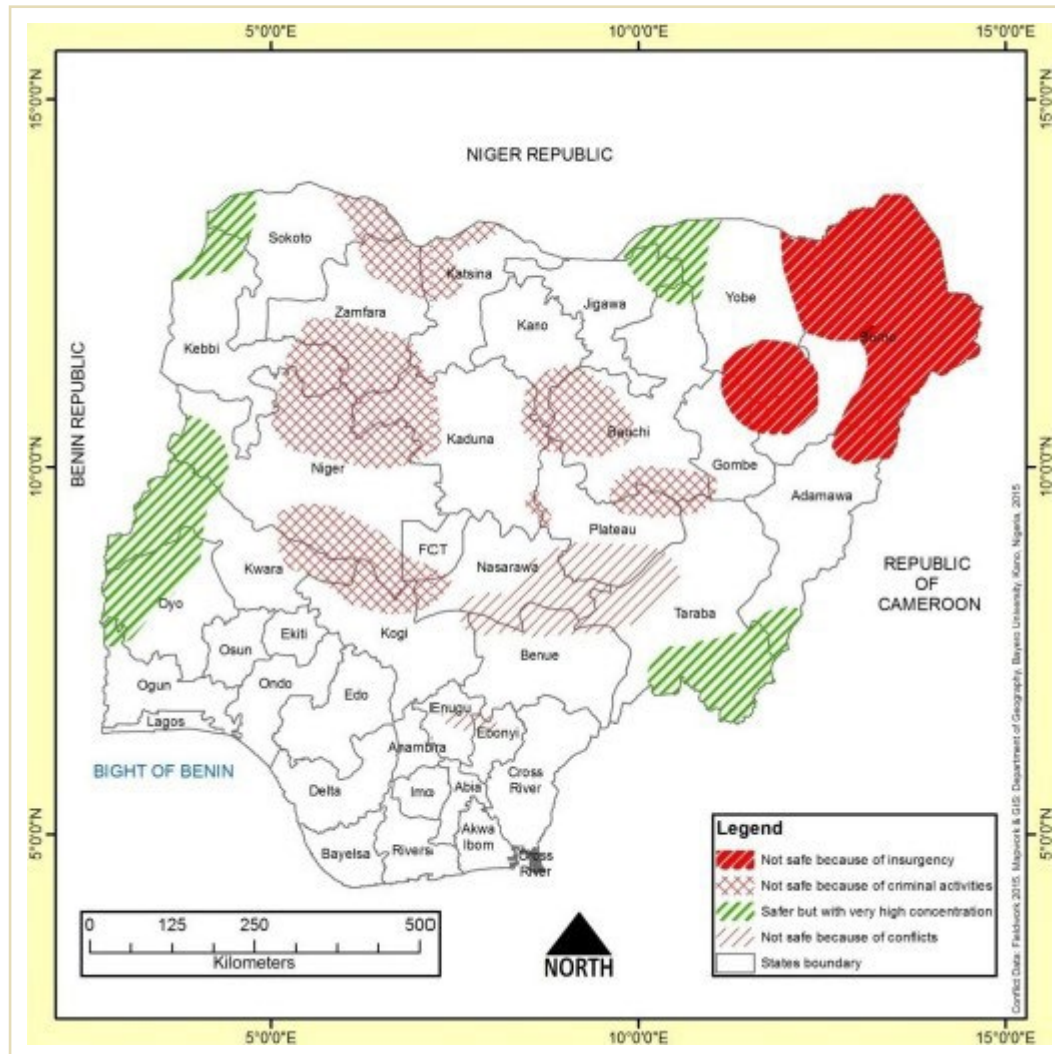
Pastoralist transhumance in Nigeria is associated with various forms of violence and conflict, whose specific configuration varies from region to region.

Rural banditry and cattle rustling in northern Nigeria: Cattle rustling has become a major security issue in Northern Nigeria. Pastoralists have practiced cattle raiding for many years as a cultural pattern of showing male prowess and of restocking depleted herds. Over the past years, however, it has evolved into a form of organized crime. The most affected states include Benue, Gombe, Kaduna, Katsina, Nasarawa, the Niger, Plateau, Taraba and Zamfara, with neighbouring States affected as well. Within these States, cattle rustlers tend to operate out of inaccessible forest areas such as the Dajin Rugu forest stretching from Kaduna through Katsina to Zamfara, where they have their bases and accumulate the stolen animals before trucking them to the urban markets. Cattle rustlers attack both farmers and pastoralists, with a preference for transhumant pastoralists from neighbouring countries, who drive larger herds and are less able to connect to the local security forces. For this reason, pastoralist movement from the Niger into Nigeria has declined by 80 per cent since 2012. Cattle rustlers attack villages and pastoralist settlements, maim or kill their inhabitants, rape women, kidnap girls and drive away the cattle. Available figures on cattle rustling are anecdotal, but highlight the size of the phenomenon. In 2013, cattle rustlers killed 322 herders and stole over 30,000 cattle in five northern States (Okoli/Okpaleke, 2014). In January 2017, Katsina state authorities



were able to recover 28,000 cows and disarm several hundred cattle rustlers (Daily Trust). Overall, it is estimated that several hundred people are killed and several tens of thousands of cattle stolen each year by cattle rustlers.

**Figure 6: Insecure and conflict-prone pastoralist areas (areas of concentration during rainy season)**



This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Source: Saleh B. Momale, 2015.

Where there are no more cattle to steal, cattle rustlers turn to kidnapping, demanding high sums from impoverished pastoralists. Cattle rustling has become a sophisticated business operation that is usually run by powerful and sometimes well-known urban businessmen, who hire and arm impoverished pastoralist youth to carry out the actual raids. They also operate cattle bases in remote areas and organize the transport and marketing of the stolen cattle towards Nigeria's large urban markets. The cattle rustling networks are known for their violence and feared by the police. The Nigerian central government launched a specific task force on cattle rustling in 2016, whose impact still remains to be seen. Meanwhile, cattle rustling further exacerbates farmer-herder tensions on the ground since farmers often blame local pastoralists for the violence. In many areas, both farmers and pastoralists have established local vigilante groups who engage in retaliatory violence after incidents of cattle rustling. Many Nigerians also blame "foreign herders" for the scourge of cattle rustling in the northern regions and demand the total closure of Nigeria's borders for pastoralists from other countries.

Insurgent activities in North-East Nigeria: Some observers maintain that some of the cattle rustling in Northern Nigeria is carried out on behalf of Boko Haram that is alleged to pay its arms and fighters from its proceeds (Olaniyan/Yahaya, 2016). Before coming under military pressure from the government, Boko Haram fighters also undertook raids similar to cattle rustling in the north-eastern States of Borno, Gombe and Adamawa to ensure the sustenance of their group.

Ethno-religious conflict in the Middle Belt: Nigeria's "Middle Belt" roughly includes the States of Adamawa, Benue, Kogi, Kwara, Nasarawa, the Niger, Plateau, Taraba and the Federal Capital Territory Abuja. It is a fertile region inhabited by numerous animist and Christian ethno-linguistic groups involved in farming. Relations between the Middle Belt and the Far North, dominated by the Muslim Hausa and Fulani, are historically tense. The Hausa and Fulani aristocracy ruled the area before and during the colonial period, leaving a legacy of resentment and mistrust. The relationship between these groups was reversed after Independence, when the local farming communities were able to claim "indigenous" status and thus exclusive citizens' rights. Fulani were particularly affected by this regulation due to their perceived nomadic status, which made them "settlers" or "strangers" nearly everywhere. These dynamics strongly played out in the Middle Belt, where farming and pastoralist communities, Christians and Muslims live side by side. Since the return to democratic rule in 1999, they were exacerbated by fierce political competition characterized by ethnic mobilization and violence, poor government, economic deregulation, rampant corruption, and deepening ethnic, religious and regional fault lines (ICG, 2012). Between 2001 and 2010, Plateau State has been the site of some of the worst ethnic violence, with episodes of mass killings and destruction in 2001, 2002, 2008 and 2010. Violence took place in Jos town, between locals and migrants in the mining settlements, and between farmers and Fulani pastoralists in the rural areas. Casualties of these events are estimated at several hundreds, if not thousands. While farmer-herder violence in Plateau State has often been framed as conflict over land, there is evidence that it was politically inspired with religious and xenophobic dimensions (Higazi 2010).

The same holds true for the current violence in southern Kaduna and Benue States, where at least 800 people (Kaduna) and 1,269 people (Benue) were killed in 2016. Since 2015, at least 62,000 people have been displaced in Kaduna, Plateau, and Benue States (ACAPS, 2017). Reasons for the recent violence in South Kaduna seem to include a long history of intense political and ethno-religious struggles for power, territory, economic opportunities and agricultural resources. Among the farming communities, there are deeply held grievances and the perception of suppression by the politically more influential Hausa and Fulani. They are reinforced by a lack of development, declining education standards, poverty, weak government, electoral violence, youth unemployment, the spread of small arms, and the mushrooming of local militias and vigilante groups. Disputes over grazing areas and transhumance are one, but not the major factor contributing to the current cycle of intercommunal violence (Hoffmann, 2017).

Cooperation and conflict in the South: The pastoralists' presence in southern Nigeria is still relatively new. This area shows a mixed pattern of conflict and cooperation. A range of caretaking arrangements have developed in some south-western parts of the country, where Fulani herders are employed to rear the animals of local farmers and civil servants, either separately or along with their own herd. Elsewhere, Fulani migrants have managed to build strong links to local farmers and become integrated into the local communities (Blench, 2010). In the South-East, Fulani pastoralists maintain constructive relations with farming communities, who also have a history of recent immigration into certain areas. Their relationship relies on contractual arrangements regarding the use of grazing land at certain times in exchange for payments. Pastoralists usually take great care to avoid damages to farmers' fields during their movements. While conflicts over grazing areas and crop damage can usually be resolved peacefully by the local authorities, there is a risk of reprisal attacks against the Fulani as a response to violence against southern migrants in the northern regions (de Bruijn et al., 2011).



## 5.2. LEGISLATION AND POLICIES ON PASTORALIST TRANSHUMANCE IN NIGERIA

### 5.2.1. National legislation and policies on pastoralist transhumance in Nigeria

Nigeria has an uneven history of legislative engagement with pastoralism. The few existing laws are presented in the following table:

#### Federal legislation on pastoralism in Nigeria

- Hides and Skin Act, Law No. 14 of 1942;
- Grazing Reserve Law N.N (Northern Nigeria), Law No. 4 of 1965;
- Land Use Act, Law No. 6 of 1978;
- Animal Diseases Control Decree, No. 10 of 1988;
- Nomadic Education Act, Law No. 41 of 1989.

#### State legislation on pastoralism

- Laws establishing grazing reserves in several northern States (Kaduna, Katsina, Plateau State, 1960s);
- Taraba State, Open Grazing Prohibition and Ranches Establishment Bill, 2017;
- Benue State, Open Grazing Prohibition Law, 2017.

#### Federal law projects

- National Grazing Reserve (Establishment) Bill, 2016 (rejected by Parliament).

#### Federal policies relating to pastoralism

- Federal Ministry of Agriculture and Rural Development, *The Agriculture Promotion Policy (2016 – 2020)*. Building on the Successes of the ATA, Closing Key Gaps. Policy and Strategy Document. Abuja, 2016.

Nigeria's legislation reflects a long-standing effort to sedentarize transhumant pastoralists and transform their production systems. First attempts began in 1942 under the "Fulani Settlement Scheme", by which pastoralist households were allocated plots in Plateau State and encouraged to practice mixed farming. The scheme proved costly and was quickly over-run by tin mining operations. In 1954, a World Bank-supported study on Fulani pastoralism took up the colonial concept of grazing reserves and proposed this as a way to provide the Fulani with secure land tenure and to modernize the livestock sector, away from traditional practices of pastoralist transhumance. Emphasis was placed on the settlement of pastoralists with a view to reducing opportunities for farmer-herder conflict. The grazing reserves were to be provided with social and pastoral infrastructure (roads, schools, water resources, veterinary services, markets) and improve the living conditions of former pastoralists. The Grazing Reserve Act was passed in 1965, empowering the Ministry of Animal and Forest Resources to acquire, preserve, control and manage grazing resources. The Act also allowed for the demarcation of stock routes to link the Grazing Reserves with each other. The Grazing Reserve concept became part of the national livestock development strategy and was reflected in various national Development Plans (1970–1985). The National Agricultural Policy of 1988 specified that at least 10 per cent of Nigeria's land area should be legally acquired for lease to herders.

Between 1970 and 1980, the federal and state governments invested nearly 50 million USD in the establishment of Grazing Reserves. While the individual States were responsible for selecting and acquiring the grazing lands, the National Livestock Development Department was responsible for infrastructure development and the management of the reserves. Major international development partners such as the World Bank and USAID provided financial support to the equipment and operation of selected reserves. Unfortunately, this well-meaning policy soon ran into difficulties. By 1980, Nigeria had established 2.3 million hectares of grazing reserves, only about 10 per cent of the planned size. Many States were dissuaded from establishing reserves due to the high levels of land compensation required by the Federal Land Use Act of 1978. At present, Nigeria has 415 grazing reserves, but only a third is in use, as the remainder had never been fully established or has been encroached on by farmland, urban development projects or mining. The functioning Grazing Reserves suffer from overcrowding, failing infrastructures and mismanagement. After

a long period of disengagement of the state from agriculture, the Petroleum Trust Fund's (PTF) Pastoralist Development Programme (PDP) under then General Buhari undertook to rehabilitate the Grazing Reserves and stock routes and enhanced the availability of veterinary services (1997–2000).

After his election in 2015, president Buhari set up a “Special Committee on Strategic Action Plan for the Development of Grazing Reserves and Stock Routes Nationwide” that was tasked with presenting options to reduce farmer-herder conflicts in the country. In a major effort to reduce conflicts, a National Grazing Reserve (Establishment) Bill was presented to parliament in 2016. The bill was to establish a National Grazing Reserve Commission with the power to identify and acquire land for the establishment of Grazing Reserves. The draft bill was fiercely criticized as ethnically biased and has so far been rejected by the Nigerian parliament.

In parallel to the development of Grazing Reserves, there have been efforts to modernize livestock production through ranching. Ranches involve a system of extensive livestock production on large stretches of land that are individually owned and usually fenced. Commercial ranching began in Nigeria in the colonial period, but took off with the state-sponsored establishment of several breeding and fattening ranches in the 1960s, supported by international development partners such as USAID. Most of these initiatives ran into problems due to high production costs, adaptation difficulties of imported cow breeds, marketing challenges and mismanagement. A number of urban elites – of Fulani and non-Fulani origin – have also benefitted from the Land Use Act of 1978 that allows the individual acquisition of up to 5,000 hectares of land for grazing purposes to set up private ranches.

Public policy and discourse currently perceive pastoralism transhumance as backwards and as a security issue. Against this background, ranching appears as the only possible avenue for future livestock production. The current government’s “Agriculture Promotion Policy” (2016–2020) states, for example:

“The cattle value chain has become a security problem. Today, the cattle value chain relies on a network of nomadic herdsmen with cattle entering a brief fattening system before slaughter and processing. That supply chain however is both inefficient and a high security risk as roaming cattle increasingly is a source of friction between land owners and herdsmen. In order to protect all parties, a key shift is necessary i.e. retain cattle in ranches. Thus, what is required is the creation of a more formal ranching system that will use better processes and inputs to extract higher value from in the form of dairy, meat, and leather.” (p. 19)

Consistent with this view, the Federal Ministry of Agriculture has presented a “National Ranching Development Plan” in 2017. In order to reduce farmer-herder conflicts, the plan envisages the establishment of cattle ranches in participating federal states, on which cattle keepers shall be settled. The government also foresees investments in fodder production and veterinary services. The future ownership structure of these ranches and the future role of small-holder pastoralists on these ranches still remain unclear.

In 2017, Benue and Taraba states enacted legislation banning open grazing on their territories, in an attempt to reduce the escalating violence between farmers and transhumant pastoralists. Taraba state also prescribes ranches as the only legal form of animal production. Pastoralist groups protested against the new bills in both states.

Regarding the current state of legislation on pastoralism in Nigeria, our interview partners had the following observations:

- Under the current legislation on “indigeneity”, pastoralists are considered as “settlers” in most parts of Nigeria. They are thus denied basic civil rights, including the right to education and the right to own land, rendering them nearly stateless. Legislation should address this basic imbalance.
- The concept of Grazing Reserves does not confer strong land rights to pastoralists. Many grazing reserves have not been formally gazetted for several decades. They legalize grazing in these areas, but does not provide land ownership to pastoralists. This encourages encroachment by urban developers and farmers. Some traditional authorities (e.g. emirs) sell land in Grazing Reserves to outsiders for their private gain. Some Grazing Reserves are now occupied by private farms (e.g. of retired militaries) or polluted by mining.

- Grazing Reserves have emerged to be unsustainable. The original concept did not take account of population growth and encroachment by outsiders. There are currently 438 Grazing Reserves, ranging from small communal to large reserves comprising of 40,000–88,000 ha, for 19 million cattle. This is not sufficient. Many Grazing Reserves are additionally overtaken by criminals threatening the local pastoralist population or encroached on. Due to the high concentration of animals, many reserves have severe animal health problems. Many pastoralists therefore use the Grazing Reserves as their base, but send the herds on seasonal transhumance. There is also an acute lack of management and investment. Some Grazing Reserves have a theoretical size of 150,000 ha, but are managed by just one Land Officer.
- In the face of escalating farmer-herder violence with strong ethnic and religious connotations, Grazing Reserves are now frequently interpreted as autonomous territorial units exclusively reserved for the Fulani community. There are even fears that the Fulani use their supposed right to Grazing Reserves to take over territorial control (of the southern parts) of Nigeria and to forcefully spread their faith. For parts of the Nigerian public, Grazing Reserves are thus an ethnically biased and politically untenable concept. It may be unwise to further promote this idea, since it may lead to more strife and conflict.
- Livestock ranches usually involve the concentration of large stretches of land in the hands of a single owner. The current promotion of ranching may lead to the dispossession of thousands of small-holder farmers and pastoralists and exacerbate land scarcity in certain areas. Dispossessed farmers and pastoralists may be left with the option of competing for the few paid jobs on the ranch. Ranching may therefore lead to further conflict instead of reducing it.
- Promoting the establishment of large cattle ranches rewards those, who have been a driving force behind the escalating violence associated with pastoralism. They belong to the new group of “urban pastoralists”, including state officials, politicians, retired militaries and large-scale traders, who invested part of their property in very large herds. They tend to hire impoverished Fulani youth as cattle herders and equip them with mobile phones and heavy arms to protect the herds. The same group of large operators is also believed to drive and benefit from the cattle rustling crisis in the north, often in connivance with local security forces. Thereby, they rely on hired and highly armed pastoralist youth. Considering the current business practices of this group, promoting their establishment of large-scale ranches may be a recipe for further violence and conflict.

Overall, Nigeria does not count with the legislative framework it needs to deal with the increasing competition between farmers and herders for scarce natural resources in the context of escalating ethnic and religious strife. While the Grazing Reserves have run into serious difficulties, it is still unclear whether new government programmes promoting private ranches will be able to stabilize the livelihoods of Nigerian pastoralists and reduce farmer-herder conflicts. After decades of inaction, however, the present government understands the urgency of these questions and is actively looking for new solutions.

### 5.2.2. Implementation of the ECOWAS Protocol on Transhumance (1998) in Nigeria

Nigeria, including the incumbent president Buhari, played an instrumental role in conceiving the ECOWAS Protocol on Transhumance in 1998 and putting it through the ECOWAS institutions. Many authors of the protocol still play a leading role in pastoralist civil society groups in Nigeria. Despite this protagonism, however, Nigeria has done little to domesticate and implement the Transhumance Protocol.

Given the general scarcity of legislation on pastoralist transhumance, there is no national law domesticating the ECOWAS Transhumance Protocol. There is also no institutional framework for implementing the law. There are very few border posts along the northern border of the country, and none has been demarcated as an official border crossing point for pastoralists as required by the Protocol. The International Transhumance Certificate (ITC) is – at best – only known to some government officials in Abuja, while its issuance is the responsibility of the federal states. Most of them ignore the Certificate and consequently do not have institutions that could issue it. According to the author’s observations, the provisions of the ECOWAS Transhumance Protocol are unknown to the relevant department within the Federal Ministry of Agriculture, where it is misunderstood as an agreement allowing the unlimited immigration of foreign pastoralists into Nigeria.

This perception is widespread among those officials, who have heard about the Transhumance Protocol, but did not have a chance to read it. Given the pervasive narrative that foreign and heavily armed pastoralists were responsible for the cattle rustling crisis in northern Nigeria and possibly for a good deal of farmer-herder violence in other parts of the country, many official interlocutors reject the Transhumance Protocol. This also includes representatives of local pastoralist associations, who fear that ECOWAS promotes the unfettered influx of foreign pastoralists, competing with the Nigerians for scarce pastoral resources. Many Nigerian pastoralists seem to be as suspicious of foreign pastoralists arriving to Nigeria on transhumance. Significantly, the draft National Grazing Reserve (Establishment) Bill presented to the parliament by government in 2016 contains an article on the “illegality for non-Nigerians to graze within the reserves without authorization” from the National Grazing Reserve Commission (art. 30). This contradicts the right to free movement stipulated in the ECOWAS Transhumance Protocol.

Nigeria’s border guards, including the National Immigration Service, consider cross-border transhumance as a security issue as terrorist or criminal groups could attempt to cross the borders in the guise of pastoralists. They also report about armed foreign pastoralists that try to evade the official Nigerian border points and enter the country through illegal roads. These would be very violent and not respect local fields. While Nigeria counts with plant and animal quarantine officers at approved border points at its air and sea borders, these are missing at its land borders so that herds pass uncontrolled. Generally, there is a feeling among the border guards that the ECOWAS Protocol on Transhumance does no longer reflect West Africa’s new realities. Pastoralists would abuse ECOWAS provisions on free movement for their purposes. While this is certainly a valid point of view, other interview partners report that police and border officers are sometimes actively involved in large-scale violent operations such as cattle rustling and the cross-border transport of stolen cattle. There are also reports of abuses of border and police officers against Nigerian and foreign pastoralists, exploiting the latter’s vulnerable position to extract bribes and ransom. Overall, it appears that Nigerian border institutions lack the capacity necessary to fully implement the ECOWAS Protocol on Transhumance.

It was reported that the number of pastoralists moving from neighbouring countries into Nigeria to benefit from dry-season pastures and marketing opportunities has decreased by 80 per cent in the past years. This is mainly due to widespread cattle rustling, farmer-herder violence, insurgency, and harassment.

### **5.2.3. The Nigerian perspective on the implementation of the ECOWAS Protocol on Transhumance by its neighbouring countries**

As West Africa’s largest milk and meat market, Nigeria is mostly at the receiving end of pastoralist migration and cattle transports from the Sahel and Central Africa. Yet there are also Nigerian pastoralists who move into the Niger, Burkina Faso and Mali along old established routes. Some also migrate towards Benin, Togo, Ghana, Cameroon and Chad. Given increasingly difficult conditions in Nigeria, some of them even remain there.

Harassment at border crossings: Nigerian pastoralists using the few official border points for transhumance report about delays of up to two days at the borders, including intensive searches and interrogations. Such long delays also create problems in terms of watering and feeding the animals in a harsh environment. Border guards seem to engage in extortion, and there appears to be corruption related to quarantine requirements. In addition, many pastoralists do not have the required documentation for crossing the borders or want to avoid it. For these reasons, most pastoralists try to bypass the official border points scattered along the long and porous border.

### 5.3. KEY ACTORS IN THE FIELD OF PASTORALIST TRANSHUMANCE IN NIGERIA

Nigeria has a fairly light structure of federal government institutions dealing with pastoralism and transhumance. In addition, each federal state has its own structures that partly depend on the political clout (or lack of it) of the pastoralist community in the respective area. Pastoralist civil society is dominated by Myetti Allah (MACBAN), which provides a nation-wide, close-knit network for the Fulani community.

**Table 1: Key actors in the field of pastoralist transhumance in Nigeria**

Category	Key Actors
Government institutions	<ul style="list-style-type: none"> <li>• National Livestock Development Project (at the Federal Ministry of Agriculture and Rural Development with offices in some states)</li> <li>• Department of Animal Husbandry Services (at the Federal Ministry of Agriculture and Rural Development)</li> <li>• National Commission on Nomadic Education</li> <li>• State Committees on Grazing Reserves (in some states such as Kaduna)</li> <li>• National Immigration Service (NIS)</li> </ul>
Civil society	<ul style="list-style-type: none"> <li>• Myetti Allah Cattle Breeders' Association of Nigeria (MACBAN) (with local chapters in nearly all parts of Nigeria)</li> <li>• Confederation of Traditional Herder Organizations in Africa (CORET)</li> <li>• Reube Fulbe Development Association (female branch of MACBAN)</li> <li>• Mobgal Fulbe Development Association (MOFDA)</li> </ul>
Research institutions	<ul style="list-style-type: none"> <li>• Centre for Dryland Agriculture, Bayero University, Kano</li> <li>• Faculty of Veterinary Medicine, University of Ibadan, Ibadan</li> </ul>
International community	<ul style="list-style-type: none"> <li>• Search for Common Ground</li> <li>• Mercy Corps</li> <li>• Action Aid</li> <li>• Nigerian Stability and Reconciliation Project (DfID)</li> </ul>

### 5.4. CONCLUSIONS ON THE IMPACT OF REGIONAL AND NATIONAL POLICIES ON CONFLICTS RELATED TO PASTORALIST TRANSHUMANCE IN NIGERIA

The livestock sector is an important part of Nigeria's economy, but is facing significant challenges. Although pastoralists from Nigeria and neighbouring countries play a major role in supplying meat and milk products to Nigeria's growing urban areas, their production systems are hardly understood. Pastoralists face significant prejudice and discrimination related to their way of life and faith, which makes it difficult to find fair and sustainable solutions to the challenges of (mobile) animal production. Pastoralism-related violence is increasing, with strong ethnic and religious connotations. In this context, some federal states have started to abolish transhumant pastoralism altogether and promote ranching instead. It is unclear, however, how ranching will affect the livelihoods of both small-holder farmers and herders and whether it will actually contribute to peace.

Conflicts related to pastoralist transhumance in Nigeria are homegrown. Reports about armed pastoralists entering Nigeria from neighbouring countries with the aim of abusing of its resources are hard to corroborate. Rather, there are indications that pastoralists from Mali, the Niger and Chad now refrain from migrating into Nigeria during the dry season due to excessive risks of abuse, kidnapping, cattle rustling and conflict. This significantly impacts on their livelihood options and the situation in their home countries.



## 6. LEGISLATION, POLICIES AND PRACTICE REGARDING PASTORALIST TRANSHUMANCE IN MALI

After providing an overview of recent developments in pastoralist transhumance in Mali, this section reviews the country's achievements and challenges in implementing national and regional legislation on pastoralism.

### 6.1. DYNAMICS OF PASTORALIST TRANSHUMANCE IN MALI

#### 6.1.1. Background on pastoralist transhumance in Mali

Facts and figures on pastoralism in Mali: Mali is the second largest West African country with a size of 1,2 million km<sup>2</sup>. With an annual growth rate of 2.96 per cent, its population size doubled in the past 20 years and now stands at 18 million. Mali is a low-income country with a Human Development Index (HDI) of 0.442 (inequality adjusted: 0.293, 175th place out of 188 countries, 2016). Despite rapid urbanization, 60 per cent of the population still live in rural areas (2015). With an estimated number of 43 million animals (2012), livestock production is an important economic sector in Mali and source of livelihood of millions of people. It regularly contributes more than 10 per cent to Mali's GDP and is the third-largest export product behind gold and cotton.

In Mali, livestock breeding has traditionally been associated with the Fulani (Peulh, Fulbe), Tuareg and Arab ethno-linguistic groups. The Tuareg traditionally roamed the Saharan desert and its southern fringes with their herds of camels and goats. Fulani pastoralists reared cattle and sheep on the flood plains of the Inner Niger Delta. In regional terms, the Tuareg constitute the majority of the population in the Kidal region (86%) as well as sizeable parts of the population in the regions of Gao (28%) and Timbuktu (29%), where they live next to the Songhay engaged in farming and trade. In central and southern Mali, the Bambara constitute the majority of the population (except for the Mopti region, where the Dogon dominate), living next to the pastoralist Fulani and other agricultural groups. In the Western Kayes region, there are about equal groups of Bambara, Soninké, Malinké and Fulani. Except for the desert zones, pastoralists are thus living next to agricultural groups in all parts of Mali.

Geographical and climatic conditions: Mali comprises of several climate zones with stark differences in annual rainfall patterns and vegetation. The main climate zones are:

- Saharan zone, with rainfall from 0–200 mm, covering the northern part of the country down to Timbuktu and Gao in the south, mainly used for camel and goat rearing;
- Sahelian zone, with rainfall from 200–600 mm, covering the central part of Mali, including Mopti and down to Ségou, including the Gurma region in the inner Niger arc between Mopti and Gao, considered the best pastures of Mali and attracting regional transhumant movements in the rainy season, cattle and sheep rearing;
- Sudanese zone, with rainfall from 600–1,000 mm, covering the western and southern part of Mali from Kayes through Bamako to Ségou, agricultural region attracting transhumant movements from northern Mali and Mauritania in the dry season, cattle and sheep rearing;



- North Guinean zone, with rainfall from 1,000 to 1,200 mm, along the southern border towards Guinea and Côte d'Ivoire including Sikasso region, intensive agriculture including cotton and maize production, attracting transhumant movements from central Mali, transit zone towards Guinea and Côte d'Ivoire, cattle and sheep rearing;
- The Inner Niger Delta, large plains along the Niger river between Ségou and Timbuktu, benefitting from seasonal inundations, intensive rice and vegetable production, fishery, high concentration of population, *bourgu* grasses growing on inundated plains (*bourgoutières*) highly coveted as animal fodder by all pastoralist groups.

At Independence, the northern part of Mali (Timbuktu, Kidal and Gao regions) was considered as livestock zone, while the southern part was considered as being dedicated to agriculture. At that time, about three quarters of sheep and goats and half of all cattle could be found in the North. The devastating droughts of 1973 and 1984 decimated the number of animals in this area and pushed animal husbandry further south. At the same time, particularly in the 1980s and 1990s, agricultural production rapidly expanded in the southern parts of Mali. These dynamics increased competition between farmers and pastoralists over access to natural resources, setting the stage for increasingly violent conflicts between both groups. These have recently acquired a distinct ethnic and religious dimension.

**Table 2: Number of animals in Mali by species and region (in thousands)**

	Bovins	Ovins	Caprins	Équins	Asins	Camelins	Porcins
Kayes	1 035	1 515	154	164	81	3	0
Koulikoro	1 395	1 092	1 933	87	104	10	32
Sikasso	1 550	971	1 162	2	72	...	10
Ségou	1 097	1 142	1 809	84	86	1	30
Mopti	2 722	2 412	348	34	134	16	4
Tombouctou	984	1 656	2 747	107	179	200	0
Gao	838	2 661	3 521	22	166	223	0
Kidal	69	1 583	2002	7	96	508	0
Bamako	32	50	31	0	1	0	0
<b>Mali</b>	<b>9 721</b>	<b>13 081</b>	<b>18 216</b>	<b>507</b>	<b>920</b>	<b>960</b>	<b>77</b>
<b>Nord*</b>	<b>19,5 %</b>	<b>45,1 %</b>	<b>45,4 %</b>	<b>26,8 %</b>	<b>48,0 %</b>	<b>97,0 %</b>	<b>0 %</b>

\*Gao, Kidal et Tombouctou

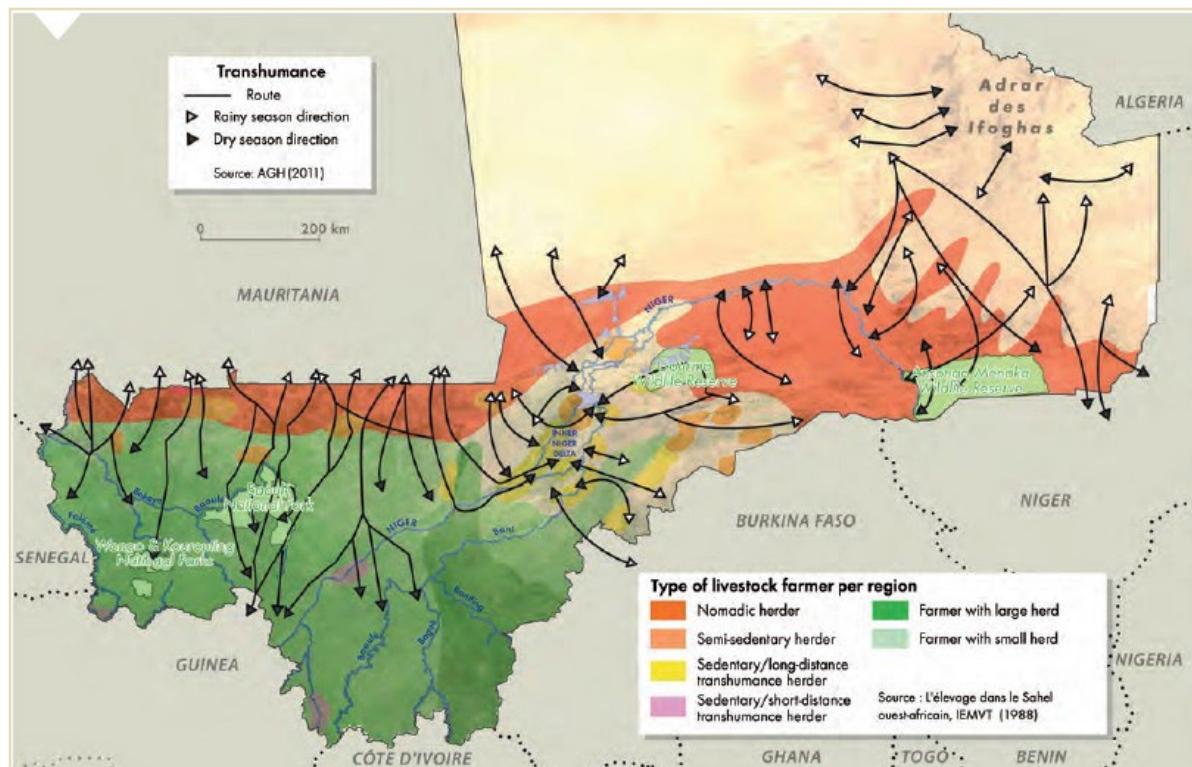
Source : INSTAT, Annuaire statistique du Mali (2013)

Source: OECD, 2015 : Les régions maliennes de Gao, Kidal et Tombouctou. Perspectives nationales et régionales. Paris.

Today, livestock can be found in all parts of Mali including the South (see Table 2). The highest concentration of animals can be found in the Gurma of the Mopti region with about 1,7 Mio. heads of cattle and 2,4 Mio. heads of sheep. The three northern regions of Gao, Kidal and Timbuktu together host 45 per cent of sheep and goats, 48 per cent of donkeys and nearly all camels of Mali.

Agro-pastoral production systems in Mali: Agro-pastoral production systems strongly depend on the agro-ecological region. Nomadic livestock rearing is dominant in the desertic Saharan zone, where crops can only be cultivated in a few oases and mountain ranges. The Sahel zone is characterized by fragile subsistence agriculture associated with transhumant and nomadic livestock rearing. It comprises the Inner Niger Delta with a long tradition of integrated crop, livestock and fish production. Due to more abundant rainfall, agriculture is more intensive in the Sudan zone. Livestock rearing is sedentary with seasonal transhumance and more integrated with crop production. The North Guinea zone is a forest area formerly infested by the tse-tse fly and therefore considered unsuitable for livestock production. Due to climatic and demographic pressures, it has become an important destination for pastoralist transhumance.

Pastoralist transhumance in Mali: Pastoralist transhumance in Mali takes many directions. It includes movements between the desert and its southern fringes, between inundated and dry areas of the Inner Niger Delta, and between the northern and southern parts of Mali's West and South. In the rainy season, pastures in the Gourma and Ménaka region attract pastoralists from Burkina Faso, the Niger and even Nigeria, while Mali's West receives Mauritanian pastoralists during dry season. Some Malian pastoralists also engage in long-distance transhumance and migrate south into Guinea, Côte d'Ivoire and Burkina Faso during dry season (see Figure 7).

**Figure 7: Agro-pastoral zones and transhumance routes in Mali**

This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Source: <http://prapsmali.ml/fr/praps-mali/description-du-projet>

Transhumance and its social organization vary according to the different agro-ecological zones of Mali. In the North, pastoralism is embedded in complex social systems. Among the Tuareg, camel ownership and long-distance caravan trade were traditionally the prerogative of the noble and free social classes, who spend a large part of the year following their herds. Gardening and goat herding, on the other hand, were considered demeaning and assigned to bonded castes and slaves. Despite considerable changes in the livelihood strategies of many Tuareg, nomadic livestock breeding and long-distance trade still confer prestige.

In the Inner Niger Delta of central Mali, Fulani society also shows a distinct hierarchical structure. It comprises of the nobility (*Rimbe*), divided into the political elite (*Weheebe*), the religious leaders (*Modibaabe*) and the nomadic herdsman (*Seedobe*), the castes (*Waalobe*), including the bards, blacksmiths, cobblers and potters, and the slave descendants (*Rimaibe*) cultivating the fields of the land-owning nobility. One of the most enduring accomplishments of the Fulani Massina empire (*Dina*) of the 19th century was the code regulating the shared use of the rich resources of the Inner Niger Delta by herders, farmers and fishermen. According to this system, herds spend the rainy season outside the inner delta system, where they find rich pastures. As the dry season sets in, they move closer to the Delta into “waiting spaces” (*zone d’attente*), where they remain until the end of the harvest on the inundated fields. Their collective entering the Delta to pasture on the rich *burgu* grass fields (*bourgoutières*) is marked by the elaborate “crossing” (*traversée*) ceremony. This complex system of resource use was managed by the “masters of the land and pastures” (*Jooro, Dioro*) belonging to the Fulani *Rimbe* nobility, who were responsible for certain territorial units (*leydi*) in the Delta (Bouaré-Trianneau, 2013). This system is still highly relevant and legitimate in Central Mali, although it is facing a number of challenges. These include the overlap and competition between customary and legal institutions for the management of resources as a result of decentralization, the neglect of livestock breeding and fishery by development programmes promoting rice cultivation in the Inner Niger Delta, and the gradual loss of power and authority of the *Jooros*. More recently, the area has been subject to large-scale land acquisitions by national and international elites that challenge the previously shared use of the Delta’s resources.

In the western Kayes and Koulikoro regions, pastoralism follows a distinct north-south pattern. This region is characterized by the difference between the Sahelian north and the Guinean climate in the hilly southern parts of the region. While pastoralism has a long tradition in the north, it is a relatively new phenomenon in the south. There are two National Parks (Baoulé, Bafing) and six Natural Reserves with rich pastures and permanent water courses, which attract pastoralists from Mauritania and the northern parts of the region. The high pressure on the parks by pastoralists, hunters and farmers generates frequent conflicts with park rangers. The region is also marked by the railway line linking it to Dakar and the Senegalese meat market. There is an intense sheep and cattle trade towards Mauritania and Senegal. The recent expansion of cotton farming and artisanal gold mining has led to the obstruction of transhumance routes and increased competition over land and pastures.

The southern Sikasso region is Mali's "bread basket" and has a long tradition of cotton production. Since the droughts of the 1970s, it has attracted large numbers of migrants from the northern parts of the country, including Dogon and Fulani. These introduced livestock production to the region (Hochet, 2006). The Sikasso region also constitutes an important transit zone towards Mali's southern neighbours including Burkina Faso, Guinea, and Côte d'Ivoire. Competition over the region's natural resources is intense and involves local cotton farmers having invested their surplus in livestock, sedentarized Fulani, transhumant pastoralists and artisanal gold mining.

### 6.1.2. Recent trends affecting pastoralist transhumance in Mali

Pastoralism in Mali is changing due to a range of economic, political and security factors. The most important include:

Privatization and commercialization of natural resources: Demographic growth, climate change, urbanization and the expansion of commercial agriculture are increasing the pressure on Mali's limited natural resources. In many areas, this leads to the gradual privatization and commercialization of natural resources that were formerly shared by entire village communities or socio-professional groups. In the Inner Niger Delta, for example, the *Joro* "masters of the land and pasture" now charge pastoralists from outside their immediate family group high sums for granting access to *burgu* grass fields. Among the farmers, village heads, who traditionally allocated land to community members according to need, start to consider themselves as full-fledged owners of the land and sell it to outsiders for private profit. This trend is exacerbated by development projects promoting commercial rice production on some of the most valuable lands of the Niger valley. There is also a further trend towards the intensification of resource use, which precludes the sharing of the resource with other socio-professional groups. Farmers, for example, do no longer leave crop residues on their fields for the benefit of pastoralists, but graze their own animals on these fields or harvest the residues for sale as fodder on urban markets. Similarly, wealthy pastoralists engage in cutting and storing valuable *burgu* grasses, reserving them for their own herds. Fishers aim to turn open ponds into fish tanks, while rice farmers establish irrigation systems precluding other uses of the land. While these dynamics are most acute in the Inner Niger Delta, they can also be found in other parts of Mali. They contribute to the emergence of a wealthy class of traditional and non-traditional pastoralists, who regard livestock as a form of investment and have the means to engage in commercialized transactions. On the other hand, there is a growing class of impoverished pastoralists, including many youth, who see themselves forced to engage in wage labour for wealthy pastoralists or seek other sources of income.

Large-scale land acquisitions: In the past years, Mali has seen a wave of large-scale and often illegal land acquisitions that affect urban plots as well as agricultural and pastoral lands. The new land owners are mostly local elites, former government members and wealthy traders, who have the resources and political connections to acquire large swathes of land, often without the knowledge of those actually occupying it. Victims are mostly small-scale farmers, pastoralists and other vulnerable groups. The state seems to have difficulties to control or even contain this phenomenon. In the past, the state itself allocated large stretches of farm land in the Office of the Niger to private investors, including 100,000 ha to the Malibya project of former Libyan president Ghaddafi. As a consequence, farmers and herders lose access to essential land resources, which increases their competition for the remaining parts.

Competing local authority structures: Decentralization has deeply affected the management of agro-pastoral resources in Mali. It created new local government institutions such as communes, districts and regions that all play a role in natural resource management. These structures overlap and compete with traditional authorities. In the course of decentralization, traditional authorities have lost a great deal of their legitimacy. Their role in managing local affairs has diminished and there are increasingly perceived as mere intermediaries between the local community and the State – benefiting from efforts to “grease” this relationship. Ironically, those local government structures that partly weakened and replaced traditional authorities have now ceased to function in many parts of northern and central Mali as a result of the ongoing violence. With the armed groups’ offensive in 2012, many government officials have left their posts in the rural areas of the North and have since been unable to return. This has left a governance vacuum in the affected areas, which is partly filled by the armed groups. It is unsurprising that conflicts over natural resources, including pastoral resource, multiply in such a situation. In the southern and western parts of Mali, decentralization has equally affected relationships between traditional farming and pastoralist communities, often resulting in the marginalization of the less organized pastoralist groups.

### 6.1.3. Conflicts related to pastoralist transhumance in Mali

In western and southern Mali, relations between farming and herding communities are tense, with occasional outbreaks of violence between both groups. These are usually triggered by cattle damaging cultivated fields and farmers’ reactions to it. Root causes of these conflicts include demographic pressures, climate change, increased pressure on natural resources, and the diversification of livelihoods strategies by both farmers keeping livestock and herders engaging in agriculture. They are aggravated by the lack of rules on the management of agro-pastoral resources as well as the lack of independent institutions with the ability to impose them (Beeler, 2006). Increasingly, natural resource conflicts are framed in ethnic terms and thus assume a communal dimension. Thereby, pastoralists are often marginalized and accused of being “strangers”, “bandits” or even “terrorists”.

In northern and central Mali, the armed groups (including MNLA, Ansardine, AQMI, MUJAO and FLM (*Front de Libération du Macina*)) are exploiting long-standing tensions among pastoralists and between pastoralists and other socio-professional groups such as farmers and fishermen to insert themselves in the rural areas. One of these conflicts is the competition between Tuareg and Fulani herders over pasture and water points in the fragile Sahelian fringe. One of the areas coveted by both groups is the Ansongo-Menaka wildlife reserve along the Mali-the Niger border in the very east of the country. Since the 1970s, Fulani from the Niger were forced by a combination of droughts and the northern expansion of agriculture to cross the northern border into Mali, where they entered into competition with local Tuareg. With the arming of the Tuareg in the wake of the 1990s’ rebellions in both Mali and the Niger, Fulani cattle herds were regularly pillaged when entering Mali. When the first armed groups emerged in Mali in 2008, the local Tuareg Daoussahak clan joined the anti-government MNLA, while the Fulani formed their own *Ganda Iso* militia and in 2012 joined the MUJAO, which opposed the MNLA. As many Fulani have remained with the MUJAO with the objective to protect their communities and access to resources, the Fulani community is now regarded by many in the Mali-the Niger border area as supporting “Islamist terrorists” and subjected to regular harassment by the security forces. As natural resource conflicts have become framed as “separatist” (for the Tuareg) or “Islamist” (for the Fulani), they become more difficult to resolve (Guichaoua, 2016).

The Mopti and Ségou regions of central Mali are characterized by the dichotomy between seasonally inundated plains of the Inner Niger Delta and the dry areas around them, including the Dogon plateau. There have always been conflicts between farmers, fishermen and pastoralists over the utilization of the Inner Niger Delta’s rich resources. In addition, there are long-standing tensions between local pastoralist leaders (*jooro*, *dioro*) claiming ownership of the precious *burgu* grass fields and pastoralists from the dry areas, including pastoralists arriving from neighbouring Mauritania and Burkina Faso, whom the former charge high sums for pasturing their animals on the *burgu* grass pastures. It seems that some pastoralists from outside the Inner Niger Delta joined the armed groups in 2012 with the objective to oppose or even abolish the *jooro* system and its high charges for *burgu* grass pastures. The crisis of 2012 and the subsequent lawlessness and absence of state institutions from the rural areas of central Mali, which partly continues until



now, aggravated many of these local conflicts. Many young Fulani men joined groups such as the *Front de Libération du Macina* (FLM) – that opposes the *jooro* system – with the objective to protect their kin’s access to critical natural resources and, more generally, to restore the Fulani’s previous status. Some of them have formed the “*terréré*” (Fulani word for “armed bandits”) that attack local authorities, including *jooros*, ambush travellers and steal cattle. Most of them seem to originate in the lower strata of Fulani society and seek to gain status in this way. Local Bambara farming communities organized self-defence groups and militias, based on traditional hunters’ associations, to defend themselves from the armed groups. This has led to a vicious cycle of violence and counter-violence, which has led many hundred dead. Meanwhile, the original conflict over natural resources has turned into an inter-ethnic conflict between Bambara farmers and Fulani pastoralists, and even between the Bambara-dominated central state and supposed Fulani “terrorists”. At this degree of escalation, it has become nearly impossible for traditional as well as elected local authorities to manage the underlying resource conflicts (Kornio, 2016).

As a consequence of the escalation of violent conflict in 2013, half a million people fled Mali to neighbouring countries, where 140,000 still live in refugee camps (OCHA, 2017). Many of them are pastoralists, whose mobility has been curtailed by the conflict.

## 6.2. LEGISLATION AND POLICIES ON PASTORALIST TRANSHUMANCE IN MALI

### 6.2.1. National legislation and policies on pastoralist transhumance in Mali

The centrepiece of Mali’s legislation on pastoralist transhumance is the Pastoral Charta (*Charte Pastorale*) of 2001, whose implementation was further specified by the “Degree defining the modalities of transhumance in Mali” of 2010. Further relevant pieces of legislation are the Land and Territorial Law (2000), the Agricultural Orientation Law (2006) and the recent Agricultural Land Law (2017).

#### Key legislation on pastoralism in Mali

- Law No. 2017-001 of 11 April 2017, on agricultural land
- Ordinance No. 2017-024/P-RM of 30 March 2017, on the creation of a National Land Registry Directorate
- Decree No. 10-602/P-RM of 18 November 2010, establishing the modalities of transhumance in the Republic of Mali
- Law No. 06-045 of 2006, on agricultural orientation
- Law No. 01-004 of 27 February 2001, on the Pastoral Charter of the Republic of Mali
- Ordinance No. 00-027 P-RM of 22 March 2000, on the Domanial and Property Code
- Law No. 96-050 of 16 October 1996, on the principles of the establishment and management of the territory of territorial communities
- Protocol of the agreement between the Republic of the Niger and the Republic of Mali on the transit of livestock. Bamako, 12 July 1988
- Law No. 86-91/AN-RM of 12 July 1986, on the Domanial and Property Code (Code Domanial et Foncier)

This body of legislation regulates pastoralist transhumance in the following manner:

#### *Pastoral Charta (Charte Pastorale, 2001)*

- The Pastoral Charta recognizes the right of pastoralists to move their herds in search of water and pasture, including into neighbouring states, while obliging them to respect the property of others and to protect the environment.
- Pastoralists have the right and the obligation to utilize stock routes (*pistes pastorales*) for moving their animals. The decentralized territorial collectivities are charged with marking and maintaining the stock routes and resting spaces. It is forbidden to block stock routes and resting spaces.

- Each year, the territorial collectivities, together with the traditional authorities, farmers' associations and technical services define local transhumance calendars, which define the dates, at which pastoralists are allowed to enter and have to leave the local area. Pastoralists are obliged to follow these calendars.
- Pastoralists are assured free access to "pastoral spaces", including pastures, communal *burgu* grass fields, salty lands, water points and resting areas, that belong to the State or to territorial collectivities. However, local communities enjoy priority rights when accessing these resources. They are also allowed to harvest and sell wild millet plants and to charge pastoralists for access to *burgu* grass fields, salty lands and water points. After a certain date determined by the local community, pastoralists have free access to the crop residues on the harvested fields. Farmers are allowed, however, to collect and store the crop residues for their own use before this date. Pastoralists are assured free access and a right of passage towards natural water points (e.g. ponds). They may only use artificial water points (e.g. wells) with permission of the local water committee and against payment of a certain sum.
- Pastoralists can acquire use rights over pastoral areas situated on public land, if they can prove their continuous use over an extended period of time and have invested in pastoral infrastructure in these areas. The recognition of pastoral use rights does not establish full property rights on the respective resources, however. Pastoral use rights can justify compensation, however, if pastoral areas are turned to other uses. Stock routes are considered public land and always have to be protected.
- The territorial collectivities are responsible for the management of pastoral resources. They are encouraged to do this in cooperation with pastoralist organizations.
- Conflicts related to pastoralism shall first be managed by customary authorities, otherwise by the responsible legal authorities. Sanctions are defined for any infractions of the stipulations of the Pastoral Charta.
- All development projects have to conduct an environmental impact study that includes the impact of the envisaged activities on pastoral resources. In the case of any damages, pastoralists may have the right to collective compensation with adequate pastures.
- The State commits itself to promoting intensive animal production based on cultivated fodder.

#### *Agricultural Orientation Law (2006)*

- Establishes Land Commissions (*Commissions Foncières*, COFO) at the municipal level (*commune*), charged with mediating in land conflicts.
- Announces the establishment of a land registry system in the rural areas. Simplifies access to land titles in order to promote agricultural investments.
- The state and territorial collectivities commit to promoting livestock production by providing necessary infrastructure (demarcation of stock routes, veterinary services, construction of water points, designation of pasture areas).
- The state recognizes the importance of traditional livestock production systems, including transhumance and its contribution to making full use of natural pastures. Transhumance shall be considered in land planning exercises. The state and territorial communities commit to protecting the animals on transhumance or on their transport to markets.
- The state oversees the establishment of a system of cross-border transhumance and just and fair sharing of pastoral resources, based on the agreements with third states.
- However, the state aims to modernize livestock production by favouring intensive integrated agro-pastoral systems. The state will promote the private entities producing meat, milk, eggs and other animal sub-products in an intensive and competitive way.

#### *Decree on the modalities of transhumance (2010)*

- The decree repeats the stipulation that pastoralists shall not be involved in the yearly negotiations on defining the transhumance calendar that determines their movements.
- Pastoralists arriving from other countries to Mali have to present the necessary veterinary documentation, as stipulated in bilateral and regional agreements.

- Local, regional, national and international stock routes can be defined and marked by the territorial collectivities on request of pastoralists or state services. The opening or closure of a stock route are determined by the responsible territorial collectivity, based on consultations with a range of local stakeholders.
- Pastoralists are obliged to utilize the stock routes according to the established calendar during their movements. Stock routes must not be blocked.

#### *Agricultural Land Law (2017)*

- Customary land rights receive stronger recognition, as land held under customary law cannot be included in state lands. New documentation of customary land rights by customary land certificates (*attestation de detention coutumière*) and certificates of land possession (*attestation de possession foncière*). These can be transmitted to their heirs, sold and used as collateral for loans.
- Recognition of the right for rural communities to collectively own some lands, including spaces recognized as vital to the communities. These lands are managed by the customs and traditions in force in the concerned communities.
- Establishment of village land commissions (*commissions foncières, COFO*) to facilitate consultations on land issues and formalization of land rights and to arbitrate in land disputes. Territorial collectivities assume new key roles in the registration of land rights through land possession registry and land transaction registry at municipal level.
- Transhumance is allowed as long as it respects the carrying capacity of the stock routes and needs of all resource users. Transhumance shall be taken into account in land use planning. Pastoralists can apply for priority use rights of natural resources in their areas of origin (*terroir d'attache*). Priority use rights do not preclude the access of other resource users, namely other pastoralists, of these resources (e.g. pastures, water points).

Under Mali's rigorous decentralization policy, decentralized state structures (*collectivités territoriales*) and elected representatives play a key role in providing services and managing natural resources. Their responsibilities include land use planning, the regulation of natural resource use, and the definition of fees and taxes to be paid for the use of natural resources. Among others, they are charged with identifying and marking stock routes and pastures and defining the transhumance calendar. Land commissions at village, municipal and district level have a largely consultative role. Their main task is to generate stakeholder support and to managing natural resource conflicts. Natural resource use in Mali is characterized by the duality of customary and state law. The recent Agricultural Land Law (2017) strengthens the role of traditional authorities in defining and recognizing land titles.

Our interview partners highlight the importance of the Pastoral Charta and subsequent legislation as reference documents for structuring transhumance in Mali and for resolving conflicts related to transhumance. They also highlight a number of challenges, however:

- At least since the Agricultural Orientation Law (2006), pastoralist transhumance has been considered as a declining mode of production that will soon be replaced by more intensive and modern forms of livestock production. The rights accorded to transhumant pastoralists are therefore always subordinate to those of sedentary farmers and livestock producers.
- The current legal system promotes the privatization of natural resources and does not encourage their sharing. Instead, it allows for the increasing commercialization of pastoral resources (e.g. water, salt licks, fodder).
- Under the new Agricultural Land Law (2017), farmers can claim full land rights after twenty years of continuously cultivating a certain plot of land. Pastoralists can only claim "priority use rights" in their areas of origin. These are subordinate to the full land rights exercised by farmers. There is no notion of pastoral land, all land is deemed agricultural by default. Only stock routes are fully protected by the law and must not be obstructed by farmers. They are of little use, however, if they do not connect equally protected pasture areas. In addition, there are no effective safeguards against large-scale land acquisitions – neither for farmers nor for pastoralists.



- The main decision-making power on allocating pastoral resources lies with the territorial collectivities (District Council, *Conseil de Cercle*), where pastoralists are hardly represented, particularly outside their areas of origin (*terroir d'attache*). Pastoralists are therefore excluded from key decisions affecting their livelihoods. This includes the identification and demarcation of stock routes, the establishment of the yearly transhumance calendar, the definition of the maximum duration of a herd in a certain locality, and the manifold options for local communities to charge pastoralism for the use of water points, pastures, salt licks and fodder at prices, which the pastoralists cannot influence. Transhumant pastoralists are thus structurally disadvantaged and have to subordinate to the interests of farmers.
- The legislation does not take account of the traditional resource management systems in the different parts of Mali, e.g. the role of the *Joro/Dioro* in the Inner Niger Delta. It should be more flexible to accommodate different traditional systems, e.g. allow for the participation of the *Joro/Dioro* in the Land Commissions.
- The role of the Land Commissions is relatively weak, despite their fairly inclusive membership including pastoralist representatives. They are charged with managing resource conflicts, but have limited decision-making power only. Although they officially exist since 2006, the Land Commissions are still not fully functional in some parts of Mali. In some hot spots of pastoral conflict, international NGOs are providing technical and financial support to the Land Commissions and accompany the process of identifying and marking stock routes and other pastoral resources.
- The state dedicates minimal technical and financial resources to pastoralism only. This applies both to the Ministry of Livestock (*Ministère de l'Élevage*), which is nearly devoid of technical capacity, and to investments in pastoral infrastructure. The main recent investments have been financed by the World Bank (PRAPS) and international cooperation. At national and decentralized levels, the political will and authority to protect and promote pastoralist activities is fairly weak. Among many actors, including decentralized and traditional authorities, the judiciary and pastoralists themselves, the Pastoral Charta and subsequent legislation are even unknown. In practice, its regulations are therefore widely disregarded or actively circumvented, partly by corruption and influence-trading. International NGOs are only partly able to compensate for this lack of authority exercised by the state.
- Where it was possible to establish functional Land Commission, negotiate local conventions on resource use between the different actors, and to establish a pastoral infrastructure including the marking of transhumance corridors, positive results can be observed. Conflict and violence could be markedly reduced, while both agricultural and pastoral production increased.
- Parts of northern and central Mali are no longer under the effective control of the central state. They are subject to alternative forms of governance, based on traditional authorities and the authority exercised by the armed groups.

Overall, there is a comprehensive legal system recognizing and regulating pastoralist transhumance. It provides some safeguards to pastoralists such as the protection of stock routes and grants them “priority use rights” in their areas of origin. It also offers the option of negotiating comprehensive “local conventions” on natural resource use between the different local socio-professional groups. However, there is little state capacity and political will to put these regulations effectively into practice. This situation has been aggravated by the resurgence of armed conflict in northern and central Mali and the concomitant crisis of the state since 2012. At the moment, international NGOs are the main promoters of knowledge on pastoral legislation and of the establishment of the respective institutions. A major obstacle to the promotion of pastoralist interests in Mali are the deep divisions within the pastoralist community. They include traditional rivalries between Tuareg, Arab and Fulani herders, the emerging differences between impoverishing traditional herding families and large commercial herders, often from non-traditional backgrounds, and the inherent individualism associated with this economic activity. Pastoralists are therefore facing difficulties in defining and promoting their common interests.

### 6.2.2. Implementation of the ECOWAS Protocol on Transhumance (1998) in Mali

Mali has integrated the provisions of the ECOWAS Protocol on Transhumance into its national legislation. The Pastoral Charta (2001) makes explicit reference to “bilateral and regional agreements” and allows international cross-border transhumance (Art. 23-26). According to the provisions of the ECOWAS Transhumance Protocol, the Pastoral Charta requires Malian pastoralists to carry the necessary administrative and veterinary documentation and utilize specific border posts when crossing international borders. In return, the Charta allows transhumant pastoralists from other countries to enter Mali “according to bilateral and regional agreements and under the condition of reciprocity.” Thereby, both Malian and other pastoralists on international transhumance are required to respect the relevant rules and regulations of the recipient country. This concerns the utilization of stock routes and designated pasture areas, the respect of natural reserves, the adequate supervision of herds and the respect of veterinary provisions. The Charta also includes a commitment to supervising cross-border transhumance and to conduct regularly meetings with the relevant authorities of neighbouring states for this purpose. These regulations are confirmed by the Decree on the Modalities of Transhumance (2010). In addition, Mali has concluded a number of bilateral agreements on cross-border transhumance with its major neighbours such as the Niger (1988) and Côte d’Ivoire (1999).

Mali has taken some steps to implement the provisions of the ECOWAS Transhumance Protocol. There are designated border points, at which pastoralists are expected to cross the border into neighbouring countries. These border points are to some extent equipped to carry out the necessary veterinary controls and to issue the International Transhumance Certificate (ITC). The border points are also tasked with providing relevant information to pastoralists, for example on transhumance calendars and specific regulations in the neighbouring countries. It is unclear, however, how far these border points are functional. Despite these efforts, our interview partners estimate that knowledge about the ECOWAS Transhumance Protocol and relevant national legislation is fairly low among pastoralists, technical services and border authorities.

While Malian legislation on international transhumance is fairly liberal, Malian pastoralists face problems when attempting to cross international borders. One of the major problems concerns the harassment of pastoralists and the levying of informal taxes by the security forces. This particularly takes place when pastoralists are believed to drive their herds towards the regional cattle markets such as Senegal and Côte d’Ivoire, although ECOWAS legislation prohibits the levying of taxes and VAT on fresh produce such as livestock commercialized within the ECOWAS region. Informal and illegal taxes charged by the police, customs and the military are said to amount to up to 15 per cent of the herd’s value (SDC, 2015).

Mali also receives pastoralists from neighbouring countries. The Kayes region is a key destination for Mauritanian pastoralists during dry season, while pastoralists from Guinea and other coastal States move towards the rich Malian pastures during rainy season. International NGOs support the Malian technical services in supervising these migratory movements. There are successful examples of preparing joint cross-border development plans (with Burkina Faso) or the joint mapping of land and natural resources (with pastoralists from Mauritania) to reduce conflicts associated with cross-border transhumance. As Mauritania does not belong to ECOWAS, there are some problems with applying ECOWAS standards on pastoralist transhumance with Mauritanian pastoralists. Mali plans to integrate the issue of pastoralism in its new national border policy.

### 6.2.3. The Malian perspective on the implementation of the ECOWAS Protocol on Transhumance by its neighbouring countries

For our Malian interview partners, the current insecurity in parts of West Africa poses a major challenge to the implementation of the ECOWAS Protocol on Transhumance. Malian pastoralists migrating to northern Nigeria used to enter into local arrangements with village heads and individual farmers to bring their animals. Today, these areas are controlled by armed groups that attack pastoralists and rustle their animals. This has brought transhumance into Nigeria to a near halt. Similarly, Nigerien pastoralists had to curtail their movements into Mali during the rainy season due to the presence of armed groups in northern Mali, and movements between Mali and Algeria have equally stopped due to insecurity. In northern Benin, pastoralists are accused of being thieves and bandits and persecuted by the security forces. During the crisis years of Côte d'Ivoire, many Malian pastoralists, who had established themselves permanently in the country, were forced to return to Mali, where they found it difficult to reintegrate. In the 20 years, Côte d'Ivoire has also developed its own livestock industry and now aims to restrict the arrival of pastoralists from the Sahel. They are now obliged to transport their animals with trucks, which is out of reach for most ordinary pastoralist families. As a result, pastoralists are increasingly commercializing their animals towards Senegal that still allows the entry of foreign livestock. On the other hand, Mali has the experience of armed Mauritanian pastoralists entering the western Sahel region to pasture their animals in the Boucle du Baoulé national park. There, they often bribe park rangers to allow them to stay in the park. These examples show that security crises have a strong effect on movements of transhumant pastoralists, who generally try to avoid insecure areas. Some pastoralists, however, have armed themselves and became a threat to local pastoralist and farming communities. Neither ECOWAS nor its Member States have been able to effectively curtail this cycle of violence in the rural areas.

Malian pastoralists are also directly affected by the differences between the Sahelian and coastal countries over the future of transhumance. Climate change and insecurity in northern and central Mali push Malian pastoralists further south and oblige them to enter the coastal countries in search of grazing lands. There, they compete with local farmers and pastoralists for the ever scarcer natural resources. The coastal countries perceive them as an additional burden on their natural resources and source of insecurity. As "strangers", they are denied any rights and submitted to harsh regulations and fines. A similar dynamic can be observed between the northern and southern parts of the Sahel. In this context, the coastal States often disregard the provisions of the ECOWAS Transhumance Protocol on the free movement of people and animals and do little to put the required pastoral infrastructure in place.

While ECOWAS has little resources and authorities to enforce the application of the ECOWAS Transhumance Protocol, our interview partners saw an important role for it in providing a framework for dialogue between Sahelian and coastal countries on the future of pastoralist transhumance in the region. It has the potential to facilitate mutual understanding between the Sahelian and coastal countries on the economic importance of pastoralism and the need to respect laws and customs in the receiving countries. ECOWAS could also provide a suitable framework establishing yearly meetings between its Member States to prepare the coming transhumance season. Such meetings have already been facilitated by the World Bank-financed PRAPS project under the roof of CILSS (*Comité inter-États de lutte contre la sécheresse au Sahel*) since 2014. As CILSS has the limitation of comprising of Sahelian states only, ECOWAS could be a useful framework to involve the coastal countries in these discussions, too. At the same time, according to our interview partners, ECOWAS should continue consultations on updating and harmonizing regional legislation on transhumant pastoralism.

### 6.3. KEY ACTORS IN THE FIELD OF PASTORALIST TRANSHUMANCE IN MALI

The following table shows the main actors involved in governing pastoralist transhumance in Mali.

**Table 3: Key actors in the field of pastoralist transhumance in Mali**

Category	Key Actors
Government institutions	<ul style="list-style-type: none"> <li>• Ministry of Agriculture (<i>Ministère de l'agriculture</i>)</li> <li>• Ministry of Livestock and Fisheries (<i>Ministère de l'élevage et de la pêche</i>)</li> <li>• National Directorate of Animal Production and Industries (<i>Direction nationale des productions et des industries animales</i>)</li> <li>• Supervisory Authority of Livestock and Fisheries (<i>Inspection de l'élevage et de la pêche</i>)</li> <li>• National Directorate of Veterinary Services (<i>Direction nationale des services vétérinaires (DNSV)</i>)</li> <li>• Ministry of Territorial Administration, National Border Directorate (<i>Ministère de l'Administration Territoriale, Direction Nationale des Frontières</i>)</li> <li>• General Directorate of the National Police, Directorate of the Border Police (<i>Direction Générale de la Police Nationale (DGPN), Direction de la Police des Frontières (DPF)</i>)</li> <li>• Territorial communities (<i>collectivités territoriales</i>)</li> <li>• Land commissions (<i>commissions foncières</i>)</li> </ul>
Civil society	<ul style="list-style-type: none"> <li>• AOPP (<i>Association des Organisations Professionnelles Paysannes</i>)</li> <li>• APSS (<i>Association for Promoting Animal Husbandry in the Sahel and Savannah;</i></li> <li>• <i>Association pour la Promotion de l'Élevage au Sahel et en Savane</i>)</li> <li>• FEBEVIM (<i>Fédération Nationale Groupement Interprofessionnel de la Filière Bétail-Viande au Mali</i>)</li> <li>• Réseaux Billital Maroobé (Réseau des organisations d'éleveurs et pasteurs de l'Afrique), national focal point for Mali (<i>antenne nationale du Mali</i>)</li> <li>• RPPS (<i>Réseau des Peuples Pasteurs du Sahel</i>)</li> <li>• SYNEM (<i>Syndicat National des Eleveurs du Mali</i>)</li> <li>• Taabital Pulaaku</li> <li>• Tassaght</li> <li>• UNACOEEM (<i>Union Nationale des coopératives des Éleveurs et Émoucheurs du Mali</i>)</li> </ul>
Research institutions	<ul style="list-style-type: none"> <li>• Institut du Sahel (INSAH)</li> <li>• Institut d'Économie Rurale (IER)</li> </ul>
International community	<ul style="list-style-type: none"> <li>• Regional Support Project Pastoralism in the Sahel (PRAPS), World Bank</li> <li>• AVSF (<i>Agronomes et Vétérinaires Sans Frontières/Agronomists and Veterinarians Without Borders</i>)</li> <li>• FAO</li> <li>• GIZ</li> <li>• Helvetas Swiss Intercooperation</li> <li>• SNV Netherlands</li> <li>• VSF (<i>Vétérinaires Sans Frontières/Veterinarians Without Borders</i>) Belgium</li> <li>• VSF Switzerland</li> </ul>

## **6.4. CONCLUSIONS ON THE IMPACT OF REGIONAL AND NATIONAL POLICIES ON CONFLICTS RELATED TO PASTORALIST TRANSHUMANCE IN MALI**

Mali has a long tradition of pastoralist transhumance, which is a major source of livelihood in its arid North. In its Inner Niger Delta, elaborate systems of resource sharing have developed over time. In addition to climate change, demographic pressures and large-scale land acquisitions, pastoralist transhumance has recently been shaped by the ongoing violence in parts of the country. Thereby, armed groups were able to exploit ethnic and class divisions among the pastoralist communities to mobilize followers and control strategic territories.

Mali's legislation recognizes the economic value of pastoralist transhumance and integrates the key principles of the ECOWAS Transhumance Protocol. Nevertheless, transhumant pastoralists are structurally disadvantaged as their access rights to natural resources are always considered secondary to those of sedentary farmers. Mali's decentralized structures play a major role in managing pastoral resources, but they generally lack technical capacity and political will to adequately account for pastoralists' needs. This also holds true for the central state. As a result, the implementation of national and regional legislation on pastoralism is poor. There are, however, interesting experiences by international actors in promoting local arrangements and infrastructure for pastoralism that were able to significantly reduce agro-pastoral conflict, at least temporarily.



## 7. LEGISLATION, POLICIES AND PRACTICE REGARDING PASTORALIST TRANSHUMANCE IN THE NIGER

After providing an overview of recent developments in pastoralist transhumance in the Niger, this section reviews the country's achievements and challenges in implementing national and regional legislation on pastoralism.

### 7.1. DYNAMICS OF PASTORALIST TRANSHUMANCE IN THE NIGER

#### 7.1.1. Background on pastoralist transhumance in the Niger

Facts and figures on pastoralism in the Niger: The Niger is the largest West African country with a size of 1,270,000 km<sup>2</sup>. With a yearly growth rate of four per cent, its current population of about 20 million is the fastest growing in the world. It also experiences the lowest human development indicators worldwide (HDI 0.353, 187th of 188 States). About 80 per cent of the population live in rural areas. The Niger has a long tradition of livestock production. About 87 per cent of its active population practice some form of animal husbandry, either as primary or secondary source of income. In 2012, the total number of large livestock in the Niger was estimated at 10 million cattle, 10 million sheep, 14 million goats, and 1.7 million camels (CountrySTAT). In 2008, livestock contributed to 15 per cent of household incomes and 25 per cent of household food needs. It also made up 13 per cent of GDP and 40 per cent of the agricultural GDP. Taxes paid by pastoralists contributed to at least 25 per cent of the budget of territorial communities (Rhissa, 2010). While all major ethnic groups of the Niger practice some form of livestock rearing, it was traditionally the main economic activity of the Peul (Fulani), Tuareg, Arabs and Toubou, who also practiced a mobile lifestyle. The Peul traditionally rear cattle and sheep on the southern fringes of the Saharan desert, while the Tuareg, Arabs and Toubou raise camels and goats in the drier areas further north.

Geographical and climatic conditions: The Niger is an arid country with a short rainy season of 3–4 months. Rainfall varies from 200 mm in the north and 800 mm in the south. The country can be divided into four climatic zones.

- Saharian zone, with rainfall from 0–200 mm, covering 800,000 km<sup>2</sup> (68% of national territory), mainly used for camel and goat rearing.
- Sahelo-Saharan zone, with rainfall from 200–300 mm, covering 160,000 km<sup>2</sup> (12% of national territory), mainly used for cattle and sheep rearing, also some camel and goats.
- Sahelo-Sudanese zone, with rainfall from 300–600 mm, covering 300,000 km<sup>2</sup> (22% of national territory), agricultural zone with agricultural residues consumed by animals during dry season, all animals. High rainfall variability and frequent droughts.
- Sudanese zone, with rainfall from 600–800 mm, covering 11,500 km<sup>2</sup> (1% of national territory), agricultural zone, all animals with few camels.



The majority of animals can be found in four of the Niger's 8 regions, namely Zinder (25%), Tahoua (21%), Maradi (16%) and Tillabéry (15%).

In 1961, an important law was passed that defined parts of the Niger as « pastoral zone » (see Figure 7, area marked in green) and reserved it for exclusive pastoralist use. This law still constitutes an important reference, although it has been frequently flouted.

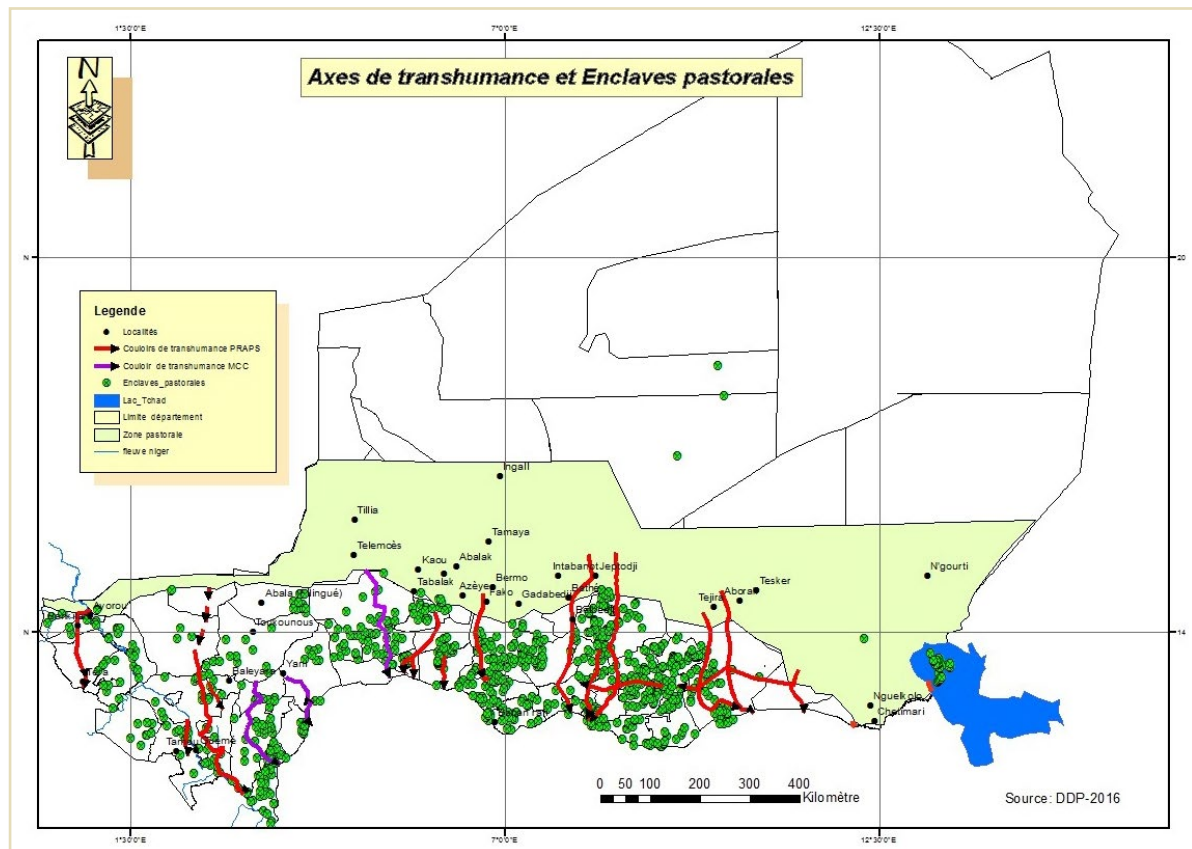
Agro-pastoral production systems in the Niger: Over the past decades, both pastoralists and farmers have diversified their production systems so that most combine agriculture and livestock breeding to different degrees. Only a few groups such as the Peul Bororo (cattle), the Tuareg, the Arabs and the Toubou (camels, goats) still engage in exclusive livestock breeding, usually associated with a mobile lifestyle. They consider livestock breeding together with its associated traditions as a form of cultural heritage and source of identity they seek to preserve. The Peul as traditional cattle herders now mostly combine cattle breeding with some degree of agriculture. Most Peul families now live on fixed sites (called *groupements*), while the young men leave with the animals on transhumance. Many farmers, small traders and low-level government officials now also rear livestock, which they consider as a form of investment and “bank on legs”. While they tend to their fields, they may send their animals with Peul herders on transhumance. The devastating droughts of 1973 and 1984 led to the impoverishment of traditional herders and concentration of animals in the hands of so-called “new herders”, mostly rich traders and high-ranking government officials living in the capital. Many of them own thousands of animals, which they manage for maximum profit, using impoverished pastoralists as paid herders. Some “new herders” have recently established private ranches on formerly public rangelands, thus denying small-holder herders access to much-needed resources.

Pastoralist transhumance in the Niger: Given the environmental conditions in the Niger, all agro-pastoral production systems rely on some degree of herd mobility. Transhumance involves the southward movements of the herds during dry season to access the few remaining water points and pastures. In the rainy season, pastoralists range far into the Sahara desert to make use of its rich pastures and coveted salt licks (at Ingal). Transhumance is a means of keeping herds and herders alive, but it is also an expression of cultural identity and means of reinforcing social ties between pastoralist groups and between pastoralists and farmers. Thereby, pastoralists tend to follow well-established routes, while they may also diverge from them depending on specific climatic and environmental conditions. Traditionally, pastoralist transhumance relied on long-established reciprocal relations between pastoralist and farmer families, although relations between farmers and pastoralists are becoming increasingly commercialized (see below). Among the Peul of the Tillabéry region, each group of herders had a leader called *Garsoo*, who travelled the intended transhumance route in advance to verify its condition and to negotiate access to water and pastures with the local authorities in the areas along the route. Similar arrangements exist among other pastoralist communities.

Transhumance takes place within the Niger and between the Niger and neighbouring countries. Pastoralists from the Niger move into Nigeria, Benin, Togo and Burkina Faso during dry season, while pastoralists from these countries arrive in the Niger during the rainy season to take advantage of its rich pastures. Particularly coveted are the salt licks near Ingal and the western grasslands around Abalak. Cross-border transhumance takes place along the following major routes (see Figure 8):

- Axis the Niger – Burkina Faso – Côte d'Ivoire – Ghana
- Axis the Niger – Benin – Togo – Nigeria
- Axis the Niger (Maradi, Tahoua, Zinder) – Nigeria
- Axis the Niger (Diffa) – Chad – Cameroon – Nigeria

**Figure 8: Agropastoral zones, transhumance routes and pastoralist enclaves in the Niger**



This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Source: PRAPS, 2017.

### 7.1.2. Recent trends affecting pastoralist transhumance in the Niger

Pastoralist production systems in the Niger are undergoing profound changes, which are mainly linked to the increasing pressure on natural resources. In addition, they have to cope with the impact of insecurity in the region.

Increasing pressure on natural resources: The Niger's limited agricultural resource base is under severe pressure from high population growth and the increasing concentration of fertile lands in the hands of a small elite. The allocation of land titles in the fertile south has led to the monetization of farmland and ended the practice of village heads (*chef de village*) allocating land to local households according to their needs. This has created a new class of landless farmers, who have been forced out of the agricultural and agro-pastoral zone and into the pastoral zone. Cultivating plots in this zone is often the only means of acquiring land for impoverished farmers. In the past 15 years, a new agricultural front has opened up encroaching on rangelands well to the north of the cultivation line established by Law No. 61-05 of 26 May 1961. Many of these new fields are cultivated by migrant farmers from the south, while also pastoralists have started to prepare fields

in order to diversify their income and assert their territorial claims on a certain area. There is an increasing saturation of agricultural and agro-pastoral areas, meaning that any potentially suitable agricultural land has been transformed into fields, resulting in the disappearance of pastoral enclaves. Many of the new fields are established around seasonal and permanent water points, often purposefully obstructing animals' access to this fundamental resource. This leads to frequent conflicts between pastoralists and farmers (Touré, 2015).

Climate change: Pressure on natural resources is further increased by the effects of climate change, which is associated with unpredictable and insufficient rainfalls, the early drying up of water points, and deteriorating pastures. This has negative effects on the health and productivity of the animals and thus on pastoralists' incomes. They are forced to leave early towards the coastal countries and return late back to the north. This frequently leads to conflicts with local farmers, who may not yet have harvested their fields or already started planting. Climate change is also impacting on the transhumance itineraries, which now lead further south into Togo, Benin and Nigeria. During the latest droughts, many pastoralists lost nearly all their herds and became dependent wage labourer on behalf of the "new herders".

Privatization and commercialization of pastoral resources: The increasing competition over natural resources is leading to their gradual privatization and commercialization. Pastoralists are particularly affected by these dynamics, since they do not have property rights over the resources they use and are considered as "rich" by farmers due to their relatively easy access to cash by selling animals. Under economic pressure themselves, farmers no longer grant free access to the crop residues (e.g sorghum stalks) on their fields, but feed them to their own animals or sell them on local markets. They are also gathering dry grass on traditional rangelands and use it for their animals or sell it. This makes it harder for pastoralists to feed their livestock.

Water points are a strategic resource for pastoralists, since they determine their access to pastures. Traditionally, transhumant pastoralists waited until local pastoralists had watered their herds and then used the water point in exchange for a small recognition given to the local chief. In the past years, many village and pastoralist chiefs have de facto privatized the wells constructed by the state or by NGOs and now charge hefty fees for their utilization. In addition, there is the new phenomenon of commercial wells in some pastoralist areas, that are dug by private developers with the purpose of selling water and access to the surrounding pastures to pastoralists. Thereby, they ignore local hydrological conditions and environmental sustainability considerations. The proliferation of commercial wells in some areas has already led to the serious degradation of pastures. In addition, access to privatized water and pastures is clearly beyond the financial reach of small-holder pastoralists, who may experience further marginalization and impoverishment. Other developers just fence pastures around public waterholes and claim them for themselves. The Nigerien state is aware of this phenomenon, but is yet to take efficient measures to control it.

Large-scale land acquisitions for ranching: In the past decade, private cattle ranches have been established in the Niger's most productive pastoral areas. In the Abalak area, for example, there are three ranches covering areas of 4,800 ha, 2,500 ha and 1,200 ha each. Overall, between 2000 and 2012 there have been applications for rural concessions covering a total area of 38,500 ha (Zabeirou, 2012). In some cases, high-ranking officials and rich traders used local associations as a front for gaining access to the land. The ranches are fenced and used as fodder reserves for the dry season, while the ranch owners graze their animals on the neighbouring rangelands during the rainy season, where they compete with the herds of local pastoralists. They thus affect a far larger area than that covered by the ranch itself. In December 2014, the President issues a letter expressing concern with the privatization of pastoral resources under ranching and ordered to stop this practice. The implementation of this order has been inconsistent, however, considering that many ranch owners are high-ranking government officials. Meanwhile, small herders are faced with their ongoing exclusion from access to pastoral resources.

Decentralization: In the Niger, the sedentary population is administratively grouped into villages and *cantons*, while the nomadic (pastoralist) population is structured into *groupements*. These represent the lowest level of tribal administration, headed by a traditional or elected chief. In this way, pastoralists enjoy a certain degree of political representation. Under decentralization, local communities play an important role in local resource management. However, they mostly favour the interests of the farming community, while the political representation of the pastoralists is weak. Many sedentary communities benefit from the passage of transhumant pastoralists, who supply local markets with milk and meat and pay various taxes. However,

their interests are rarely taken into account. Municipal councils, for example, do not hesitate to transform pastures into building land. Many are hostile to pastoralists and claim fines from them for alleged damages, sometimes in collusion with local security agents.

Insecurity in some parts of the Niger and in neighbouring countries: The current insecurity in Mali, Nigeria and parts of the Niger has a profound impact on the mobility of Nigerien pastoralists. Over the past two decades, for example, there has been a situation of chronic insecurity in the Azawak area along the Niger–Mali border, comprising the Tillabéry and Tahoua regions in the Niger and the Gao and Ménaka regions in Mali. Insecurity in the area goes back to the armed rebellions in Mali and the Niger in the early 1990s and has further escalated with the presence of jihadists and rural bandits since 2010. Due to its rich pastures and strategic location, the Azawak is one of the centres of pastoralist transhumance in the subregion. Now, pastoralists have nearly stopped the yearly transhumance into Mali due to security concerns. With the route towards Mali blocked, conflicts between local Peul and Daoussahak over the control of pastoral resources are on the increase and exacerbated by the easy availability of firearms. There is also an increase in cattle rustling, partly by jihadi and criminal groups from Mali.

Insecurity also obstructs transhumance into Nigeria. In the Diffa region, pastoralists traditionally gathered on the borders of Lake Chad at the end of the rainy season to benefit its water and pastures. With the threat of Boko Haram fighters stealing the animals and killing the herders, Nigerien pastoralists no longer venture into this region. This leads to overgrazing in the “secure” areas of the Niger, from there pastoralists can no longer move south. Further west, entry into Nigeria is risky due to the activities of criminal groups specializing in large-scale cattle rustling. Towards Nigeria’s Middle Belt, conflicts between farmers and herders have reached very high levels of violence that Nigerien pastoralists prefer to avoid. As a result, Nigerien pastoralists remain with very few options of moving south during dry season, leading to the arrival of large numbers of them in the small neighbouring States of Benin and Togo.

Due to insecurity, many Nigerian and Malian pastoralists now prefer to remain in the Niger, adding to the pressure on already overstretched natural resources. This affects the health of local cattle as well as cattle prizes on saturated local markets

### **7.1.3. Conflicts related to pastoralist transhumance in the Niger**

Conflicts between transhumant pastoralists and farmers exist in all parts of the country, but are particularly intense along the transhumance corridors, through which pastoralists pass on their way south. The formal establishment of marked transhumance corridors by state and NGO actors is a relatively new and highly contested phenomenon. Conflicts arise, when

- transhumance corridors and grazing areas are not properly identified and secured, and when they have not been entered into the local land register;
- farmers remove the markings of nearby transhumance corridors to deny pastoralists the right of passage;
- farmers block the transhumance corridors by setting up fields, sometimes with the intention of claiming high compensation payments from pastoralists when their herds inevitably damage the field;
- farmers set up fields in demarcated grazing areas, or use these areas for their own animals;
- herders advance south too early, before all fields have been harvested, or return too late, when farmers already started planting, so that the animals cause damage to the fields;
- herders do not follow established transhumance routes or have their animals stray from them, thus causing damage to nearby fields.

Behind these individual conflict causes, there is the ever-increasing pressure on natural resources and the lack of proper knowledge and enforcement of the relevant legislation. As more and more herders and farmers carry arms, conflicts quickly become violent and even mortal. The security forces are rarely able to control the situation.

Under these circumstances, the formerly cooperative relations between farmers and herders have turned sour and are now dominated by competition and mistrust. These tensions are slowly assuming an ethnic dimension, with the Peul and the Tuareg pitted against the sedentary, Hausa-dominated population. Individual incidents then risk to degenerate into inter-communal conflict.

## 7.2. LEGISLATION AND POLICIES ON PASTORALIST TRANSHUMANCE IN THE NIGER

### 7.2.1. National legislation and policies on pastoralist transhumance in the Niger

The Niger's legislation on pastoralism and pastoralist transhumance is among the most advanced in the ECOWAS region. It is part of a broader legal body called Rural Code (*Code Rural*) that has been developed since the 1990s in order to guide natural resource use in the rural areas. Its basic principles were defined by the Ordinance No. 93-015 of 2 March 1993. In the following years, a set of regulations regarding water use, fishery, environment, hunting and fauna protection, forests, the status of traditional chiefs involved in land management, expropriation, and the use of natural resources was developed. In order to implement the Rural Code, a multi-tiered institutional structure was set up, charged with managing natural resources and registering land certificates. This structure includes the National Committee of the Rural Code (*Comité national du code rural* (CNCR)) at ministerial level, the permanent secretary of the Rural Code as executing, technical body with representations at national and regional level. It is charged with establishing the important land development plans (*schéma d'aménagement foncier*, SAF) that designate certain areas for agricultural or pastoral use. Furthermore, the Rural Code foresees land commissions (*commissions foncières*, COFO) at community (COFOCOM) and departmental (COFODEP) levels that are expected to resolve local land conflicts and deliver and register land titles. They consist of representatives of administrative and traditional authorities as well as civil society.

Despite the progress achieved with the Rural Code, many pastoralist organizations felt that it implicitly disadvantaged pastoralists by granting them secondary rights to land only and did not clearly define the status of pastoral lands. In response to the pressure of pastoralist groups, the Government of the Niger initiated a long, controversial, but also highly inclusive consultation process on a Pastoral Code (2000–2010) that resulted Ordinance No. 2010-029 of 20 May 2010 on pastoralism. The inclusive consultation process as well as the recognition given to pastoralism in this Ordinance are considered exemplary in the region. Its implementation is slow, however. By 2017, only a few of the 14 decrees required to fully implement the Ordinance on pastoralism have been passed.

#### Key legislation on pastoralism in the Niger

- *Law N°61-05 of 26 May 1961*, determining the northern limit of agricultural production (isohyet of 300-400 mm).
- *Decree N°87-77 of June 1987*, on the circulation of livestock in the agricultural areas, recognizing the importance of transhumance corridors and related rights, also defines mechanisms for dealing with damages to fields caused by livestock.
- *Ordinance N° 93-015 of 2 March 1993*, on the general orientation of the Rural Code.
- *Law N°98-56 of 29 December 1998*, on the management of the environment, emphasizes the reproductive capacity and multiple uses of natural resources, establishes the instrument of « local conventions » between actors to ensure sustainable resource use.
- *Law N° 2004-048 of 30 June 2004*, providing a general legal framework for livestock breeding.
- *Law N°2008-22 of 23 June 2008* on the role of traditional chiefs in land management, including areas of transhumance.
- *Ordinance No. 2010-09 of 1 April 2010* on Water Code, determines the modalities of water management, including pastoral water.
- *Ordinance No. 2010-029 of 20 May 2010* relating to pastoralism, recognizes the practice of pastoralist transhumance, foresees the development of pastoral resources including water points, transhumance corridors, and grazing areas.
- *Decree N° 2013-028/PRN/MEL of 23 January 2013* determining the modalities of establishing a national inventory of pastoral spaces and resources.

This body of legislation confers the following rights and responsibilities regarding pastoralism and pastoralist transhumance:

*Rural Code (1993)*

- The division of the country into an agricultural zone (south of 300–400 mm isohyete) and a pastoral zone is reaffirmed. North of this line, land is considered public and for pastoral use. To the south, private land ownership is introduced. Local land management schemes (*schéma d'aménagement foncier*) shall define areas for exclusive pastoral use (*enclaves pastorales*) in this area.
- Pastoralists (including livestock owners and herders) enjoy collective use rights of the officially determined pastoral areas. No agriculture except for small-scale subsistence fields is allowed there. Farmers are not entitled to claim compensation for damages to non-authorized fields in the pastoral zones.
- Pastoralists can apply for “priority use rights” of natural resources (water, land, pasture, etc.) in their home areas (*terroir d'attache*). These are associated with the right to compensation if the state decides to put these resources under a different use (e.g. mining).
- Pastoralists also enjoy collective use rights over “pastoral enclaves” in the agricultural zones, including transhumance corridors and grazing land.

*Ordinance on pastoralism (2010)*

- The State recognizes and guarantees pastoralist mobility as a « fundamental » right. It no longer has the right to grant private land concessions in the pastoral zone, if they obstruct the mobility of pastoralists.
- Pastoralist mobility is recognized as a sustainable and efficient way of using pastoral resources.
- The total pastoral land (pastoral zone, transhumance corridors, pastoral enclaves and grazing land, salt licks, *bourgou* pastures) is classified as public domain, thus protecting it against occupation by agriculture.
- In the case of crisis, pastoralists have the right to graze their herds on ranches and in protected forests.
- Determination of the opening and closing of fields for pastoralists: pastoralists have the right to graze their herds in the agricultural zone after the harvest of rain-fed produce (late December/early January).

These are far-reaching prerogatives. Pastoralist organizations highlight, however, that pastoralists' land rights are only “use rights” and thus secondary to the “ownership rights” enjoyed by farmers over their lands. They are also worried about the slow progress of identifying and formalizing pastoral enclaves in the agricultural zone, given their rapid colonization by neighbouring farming communities or the private estates of government officials. At the current rate of progress, there may be no free space left to be declared a pastoral enclave in the agricultural areas. Given the rapid transformation of the agricultural and pastoral areas as described in section 4.1., pastoralist organizations also demand more solid provisions on urgent issues such as the commercialization of dry grass, the date of opening the fields, escalating compensation payments, the privatization of water points, the presence of farmers in the pastoral zones, and large-scale land acquisitions in pastoral areas. Generally, pastoralist organizations also demand a better dissemination of pastoral legislation and its systematic application.

Our interview partners highlight the progressive character of pastoral legislation in the Niger, but also point to significant challenges in its implementation. These include:

- The slow pace of operationalizing the 2010 Ordinance on pastoralism. Only a few of the 14 necessary decrees have been adopted so far, excluding the most contentious ones.
- Slow progress on preparing the land management schemes (*Schéma d'aménagement foncier* (SAF)) that shall define the intended use of each space in the different regions of the country. Meanwhile, pastoral areas are being invaded and degrade.
- Insufficient protection of pastoral areas. In the Dosso Region, which is the most advanced in terms of defining and protecting pastoral spaces, only 12 per cent of the existing 149 pastoral spaces have been secured.
- The private appropriation of pastoral areas by private ranches, mining operations, fields and buildings, in contravention of the law, reducing the available space for pastoral activities. Conversion of pastoral land into building plots in semi-urban areas.



- Insufficient capacity of the institutional structures of the Rural Code in terms of staff qualification and training, access to information, and transparency, so that they have difficulties to respond to requests by rural actors.
- Lack of information exchange and cooperation between the different structures dealing with rural land issues, including the Rural Code, the Cadastral Office.
- The lack of respect of the rules and modes of access to rangelands by farmers and herders.
- Some authorities authorize the conversion of pastoral into agricultural land, in contravention of the law.
- The northern limit of the agricultural zone is not respected.

Overall, these challenges point to the existence of strong interests working against the full implementation of the Ordinance on pastoralism. They also suggest a weak capacity of the state actors charged with implementing and safeguarding its provisions. A particularly weak point are the local Land Commissions (COFO) that often lack the personnel, the resources and the knowledge to carry out their complex tasks. They also seem to be dominated by farmers and do not always take full account of the needs of pastoralists. In some areas, the Ordinance also seems to face outright rejection and resistance from the farming community.

### **7.2.2. Implementation of the ECOWAS Protocol on Transhumance (1998) in the Niger**

The Niger is one of the countries that support and defend the ECOWAS Protocol on Transhumance (1998), mostly due to its critical role for the national livestock sector. The Niger's "Strategy for the Sustainable Development of the Livestock Sector 2013-2035", for example, makes explicit reference to the ECOWAS Transhumance Protocol among other international treaties the Niger has acceded to. In implementing the ECOWAS Protocol on Transhumance, the Niger and Burkina Faso have agreed on a "Protocol on the creation of a consultation mechanism between Burkina Faso and the Niger on cross-border transhumance", signed on 26 January 2003. The Protocol provides a framework for the local coordination of cross-border movements between the authorities on both sides of the border with a view to preventing conflicts over natural resources. The Niger has also established a National Committee on Transhumance as well as some regional committees. Little information is available as to their actual activities. In terms of the International Transhumance Certificate (ITC) required by the Protocol for herds crossing international boundaries, the Niger has established regional structures (e.g. veterinary services) that are able to issue the Certificate. The Niger also maintains an open-door policy towards transhumant pastoralists from neighbouring countries that arrive to the country during the rainy season. They are free to move around the country and do not have to pay any fees.

Our interview partners – both from the state and civil society – showed a high degree of awareness and detailed knowledge of the ECOWAS Protocol on Transhumance. Many of them have lobbied for it for years. All our interview partners consider the Transhumance Protocol as groundbreaking since it recognizes the right to free movement of both people and animals, while defining rules for the peaceful realization of this right. They refer to the commitment of both ECOWAS and the African Union to free movement and emphasize pastoralists' need for it. However, they all deplore the low degree of actual adherence to the ECOWAS Transhumance Protocol by its Member States. They observe that no Member State, including the Niger, has actually domesticated the Protocol by passing respective legislation. Even the Niger's pastoral legislation does not make explicit reference to the protocol nor contains provisions for putting it into practice.

Knowledge of the ECOWAS Transhumance Protocol among Nigerien pastoralists seems to be uneven. A large number of them does not seem to know or prefer to ignore it. Others know its requirements, particularly the need for an International Transhumance Certificate (ITC), but experienced that they do not grant them any protection, since they are ignored by the authorities and/or populations in the receiving countries. For these reasons, many Nigerien pastoralists do not comply with the conditions of the Protocol when they leave on transhumance. They use underage youth as herdsmen, do not vaccinate their animals or lack vaccination certificates, leave with sick animals, make wrong declarations on the overall number of animals they drive, or leave without an ITC. In order to avoid harassment by the police and other forces, they circumvent the official border crossing points and drive their herds along unofficial paths. There are also reports of drug consumption, corruption, violent behaviour, and conscious trespassing of fields and ranches by transhumant herders, leading to conflicts with local communities.



### 7.2.3. The Nigerien perspective on the implementation of the ECOWAS Protocol on Transhumance by its neighbouring countries

Our interview partners highlighted a number of challenges that Nigerien pastoralists encounter when they leave on transhumance to neighbouring countries such as Togo, Benin and Nigeria. These point to an uneven application of the ECOWAS Transhumance Protocol by its Member States. The following challenges have been mentioned:

Priority of national laws over regional treaties: Togo has passed legislation on cross-border transhumance that limits the number of animals that can enter the country in a certain year and stipulates a tax for entering the country (FCFA 5.000 per head). Similarly, Benin has introduced a “deposit” of FCFA 10.000 for each animal entering the country and limits the number of animals it receives. These practices contradict the ECOWAS Transhumance Protocol stating that cross-border mobility has to be free. In addition, district heads and traditional chiefs in the receiving countries charge a range of informal taxes and fees from pastoralists, including for river crossings, the right of passage and the utilization of water points and pastures. In addition, there are hefty fines and compensation payments for alleged damages to fields, which are often claimed without any technical verification of the damages actually incurred. Instead of fines, animals may be taken in custody and sold by local communities, a practice that sometimes amounts to the total dispossession of the pastoralists. Local communities thereby ignore the Protocol’s provisions on managing conflicts related to pastoralist transhumance.

Difficulties in implementing the Protocol: Even where stakeholders act in good faith, they often encounter difficulties when applying it on the ground. In some countries such as Nigeria, there are no marked transhumance corridors and grazing areas, making pastoralists vulnerable to allegations of trespassing. Authorities in the host countries are often informed late of the arrival of pastoralists, partly due to the necessary flexibility pastoralists maintain when taking decisions on the timing and itineraries of transhumance. They may also pass on the information late to the affected populations, creating resentment. In countries such as Togo and Benin, the local authorities change the dates and the itineraries for pastoralist transhumance every year. This happens without consultation with the pastoralists so that their needs are not taken into account. Information on dates and itineraries often reaches Nigerien pastoralists only a few days before their departure. In some countries such as Nigeria, the ECOWAS Transhumance Protocol and particularly the ITC is unknown, reducing its value for secure border crossing.

Hostility and harassment: Interview partners report on widespread hostility among receiving populations and authorities towards pastoralists. They are seen as arrogant and abusive strangers without any legitimate rights to dwell in a certain area. Conflicts escalate quickly, with pastoralists lacking legal protection from abuse. Harassment by local authorities and security forces (police, gendarmerie, customs) is frequent. In Benin, some communities have formed “Committees for the Fight against Transhumance”. In Nigeria, pastoralists are frequent targets of bandits and cattle rustlers operating in large groups.

### 7.3. KEY ACTORS IN THE FIELD OF PASTORALIST TRANSHUMANCE IN THE NIGER

The Niger counts with a fairly elaborate set of institutions involved in pastoralist transhumance and a strong pastoralist civil society. In addition, it receives support from some major international initiatives on pastoralism.

**Table 4: Key actors in the field of pastoralist transhumance in the Niger**

Category	Key Actors
Government institutions	<ul style="list-style-type: none"> <li>Ministry for Livestock (<i>Ministère de l'Élevage</i>)</li> <li>High Authority for the Consolidation of Peace (<i>Haute Autorité à la Consolidation de la Paix</i> (HACP))</li> <li>National Committee on Transhumance</li> <li>Institutions of the Rural Code (Comité National du Code Rural, Secrétariat Permanent du Code Rural, COFODEP, COFOCOM)</li> </ul>
Civil society	<ul style="list-style-type: none"> <li>APESS le Niger (Association pour Promotion de l'Élevage au Sahel et en Savane)</li> <li>AREN (Association pour la redynamisation de l'élevage au Niger)</li> <li>FNEN Daddo</li> <li>Réseau Billital Maroobé (Réseau des organisations d'éleveurs et pasteurs de l'Afrique)</li> <li>CAPAN (Collectif des Associations de Pasteurs et Agropasteurs du Niger)</li> <li>ROPEN-MOROUBE le Niger (Réseau des Organisations des Pasteurs et Éleveurs du Niger)</li> </ul>
Research institutions	<ul style="list-style-type: none"> <li>Université Abdou Moumouni, Niamey</li> <li>Labocel (Laboratoire centrale de l'élevage), Niamey</li> </ul>
International community	<ul style="list-style-type: none"> <li>Regional Support Project Pastoralism in the Sahel (PRAPS), World Bank;</li> <li>FAO</li> <li>Programme d'appui au secteur de l'élevage (PASEL), Swiss cooperation</li> <li>AFD (Agence Française pour le Développement)</li> <li>Civil Peace Service (German cooperation)</li> </ul>

### 7.4. CONCLUSIONS ON THE IMPACT OF REGIONAL AND NATIONAL POLICIES ON CONFLICTS RELATED TO PASTORALIST TRANSHUMANCE IN THE NIGER

Livestock breeding is one of the pillars of the Nigerien economy and involves nearly 90 per cent of its population in some form. Due to its position on the Sahelian fringe, cross-border transhumance is a major element of livestock breeding in the Niger. The Niger has developed an advanced body of legislation concerning rural land use, natural resource management and pastoralism. It also adheres to the ECOWAS Transhumance Protocol (1998). Implementation of the national legal framework and regional conventions on pastoralism is uneven, however. This is due to the weak capacity of national institutions and competing economic and political interests.

As a result of increasing pressure on the country's scarce natural resources, privatization and the partial implementation of the Rural Code, the Niger has seen a rise in conflicts between farmers and pastoralists. The mostly arise over competition over access to natural resources and have not yet assumed an ethnic or religious dimension. It can be supposed that farmer-pastoralist conflicts might be significantly more frequent and violent without the legal and institutional framework that has been developed to manage them.

## 8. CONCLUSIONS AND RECOMMENDATIONS

This section summarizes the main findings of this study and proposes recommendations to ECOWAS and its Member States on how to further engage with the issue of pastoralist transhumance.

### 8.1. GENERAL CONCLUSIONS

Changes in rural production systems: Since the adoption of the ECOWAS Protocol on Transhumance in 1998, pastoralism has undergone significant changes. While agriculture and pastoralism were complementary in the past, they are increasingly competing for the same natural resources. This leads to a growing number of conflicts, which are often framed as conflicts between “indigenous” farmers and “foreign” herders, although the latter may have roamed the same areas for many centuries. The increasing competition between farmers and pastoralists has several reasons, which include the long-standing neglect of pastoralist livelihoods by policymakers and their international partners, the political and social marginalization of pastoralists, changing production systems, the circulation of small arms and the increasing demand for meat in the coastal States. Pastoralism was long considered as backward and inefficient, leading to largely unsuccessful attempts at sedentarization. It is only since the late 1990s, that scientists and policymakers have begun to understand the adaptive capacity and resilience of pastoralism in hostile natural environments. Rural production systems are changing, however. Population growth, climate change and the degradation of soils are pressing farmers to extend their fields into areas that were formerly considered unsuitable for agriculture. They are also cultivating land formally reserved for transhumance routes and grazing areas, often with the support of local authorities. Due to growing land pressure and climate change, pastoralists see themselves obliged to move further south into the forests of the coastal States, where they have no traditional ties. Farmers have also taken up livestock production and pastoralists began farming, so that agricultural and pastoralist livelihoods are now less dependent on each other. With the emergence of mixed farming, there is less need for cooperation and pastoral resources are being increasingly commercialized. Local residents now collect crop residues and wild grasses and sell them as forage in the urban centres, thus depriving pastoralists of their habitual pastures. Pastoralists also have to pay for access to water points and grazing areas. Under this pressure, conflicts over the modalities of access to pastoral resources are rife. This often shows in conflicts over the determination of the date, by which harvested fields are opened to pastoralists.

Emergence of new actors: With the growing demand for meat on the urban markets, there has been a paradigm shift from pastoralism as a way of life to livestock production as an economic activity. New actors such as government officials, members of the security forces and wealthy businessmen have been attracted to the livestock sector, which they consider as a profitable investment and way of safeguarding their wealth. These influential actors tend to use their networks to acquire pastures, water points and sometimes even agricultural land for their private use, sometimes as ranches. They also employ impoverished pastoralist youth as herders and occasionally equip them with mobile phones and guns to protect the herds. This leads to conflicts between “traditional” and “new” herders for the dwindling pastoral resources.

Perception of pastoralism as a security issue: Pastoralists are in a vulnerable position. Because of their mobility, they do not enjoy full ownership of pastoral resources and lack local administrative support. Local farming

communities consider them as “strangers” and deny them full citizen’s rights. They often become victims of arbitrary detention, exaggerated fines, cattle rustling and extortion. Some pastoralists have responded to this situation by breaking traditional ties with farming communities and carrying arms to protect their cattle and themselves. Some are also using their arms to force access to pastoral resources and commit crimes. The easy availability of small weapons due to the region’s fragility exacerbates the violence associated with pastoralist conflicts. In countries such as Mali, pastoralist youth have also joined armed groups in order to defend their herds and secure access to pastoral resources against other pastoralists and against the expansion of agriculture. Other pastoralists suffer from the exactions of these groups. In countries such as Nigeria, insurgent groups use pastoralists for cross-border smuggling, including of weapons. This has led to the unhelpful perception of pastoralism as a security issue.

Challenges of implementing the ECOWAS Protocol and Regulation on transhumance: The experience of implementing the ECOWAS Transhumance Protocol has been mixed. After two decades, its major strength still lies in the recognition of pastoralism as a legitimate economic activity by both Sahel and coastal States. Their commitment to establish a regulatory framework for pastoralist transhumance that seeks a fair balance between the interests of farmers and pastoralists is still an important achievement. As such, the ECOWAS Protocol on Transhumance provides a legal basis to all cross-border movements of pastoralists in the region and thus plays a critical role in securing pastoralist livelihoods and supplying the growing urban markets with animal products.

Many provisions of the Transhumance Protocol have been difficult to put in practice, however. First, it has been hard to realize the comprehensive monitoring and coordination of pastoralist movements across the region. Despite a number of notable efforts such as the *Système d’Information sur le Pastoralisme au Sahel* (SIPSA), no comprehensive ECOWAS-wide information system on pastoralist movements has been set up so far that would allow national and regional authorities to steer pastoralist transhumance in a way that avoids overcrowding and conflict. Other provisions aimed at controlling pastoralist transhumance such as the requirement of communicating the intended transhumance dates and routes to the authorities of the host country well in advance have also been difficult to implement as they contradict pastoralists’ need for flexibility. This also applies to the requirement of observing the transhumance dates set by the host countries and using the officially allocated grazing areas only.

A major challenge has been the dearth of institutions delivering the services that pastoralists need to comply with the Transhumance Protocol. This mainly refers to the presence of veterinary services in the border regions that are able to issue the International Transhumance Certificate (ITC) and of properly equipped border posts that are able to inspect the herds in an efficient way. Where these institutions exist, they do not necessarily act in the spirit of facilitating cross-border transhumance. In contrast, numerous reports on police harassment of transhumant pastoralists suggest that the provisions of the Transhumance Protocol are rather being used as an opportunity for rent-seeking. It is unsurprising that pastoralists prefer to avoid long detours to pass by one of the few official border posts, if there are other ways to cross the region’s porous borders. At national level, only a few countries have established National Transhumance Committees that serve as focal points and coordinating mechanisms for in-country and cross-border transhumance. In countries, where they exist, they are sometimes attached to the Ministry of Interior instead of the Ministry of Agriculture and Livestock, reflecting their role of controlling rather than developing pastoralist transhumance.

Few progress has also been made on preparing a regional inventory of transhumance routes and developing an integrated regional strategy on pastoralist resources involving both Sahel and coastal countries. There have been some national initiatives in countries such as the Niger and Mali, but no regional approach has been developed and implemented so far. The World Bank-financed PRAPS programme has recently taken up this approach in the Sahel States. Given the rapid changes in the rural areas, such inventories would need to be living documents and be regularly updated. As to the establishment of regional pastoral infrastructure such as demarcated transhumance routes, grazing areas, water points and veterinary services, there are a number of valuable local initiatives. They have shown that participatory approaches and inclusive local institutions can help reaching consensus between farmers and pastoralists on pastoralist resources. Most of

the tangible infrastructure, however, has been financed by external partners, with potential negative effects on its long-term sustainability. Since 2015, the World Bank has been financing the rehabilitation of pastoral infrastructure in the Sahel States, but unfortunately not in the coastal States.

The Transhumance Protocol also provides for the establishment of local and regional coordination and conflict management mechanisms dedicated to cross-border transhumance. Local communities in several Member States have worked on establishing local and cross-border communication and coordination mechanisms regarding pastoralist transhumance. Among others, this has happened along the border between Burkina Faso and the Niger and the border between Mali and Mauritania. Without a solid legal framework and sufficient resources, the experience of these initiatives has been mixed. They seem to be most successful where they respond to felt local needs and involve partners of the same hierarchical level. In addition to the ECOWAS Transhumance Protocol, some Member States have additionally concluded bilateral agreements on cross-border transhumance, which are usually based on the notion of reciprocity. Most of these agreements involve Sahel States, less so the southern coastal States. ECOWAS itself has the potential to provide an effective platform for regional dialogue and cooperation on pastoralist transhumance. In comparison to other regional entities, ECOWAS has the advantage to have Member States from the Sahel and the coast. Therefore, it is well-placed to facilitate dialogue between these two groups of States with very different experiences and positions on pastoralism. Over the past years, ECOWAS has hosted regular stakeholder meetings including national agricultural and livestock ministries, pastoralist civil society groups and international partners in order to prepare and monitor the annual transhumance movements in the West African region. This dialogue is urgently needed and can help reduce tensions. Despite these efforts, there is certainly a need for stronger and more inclusive institutions at local, national and regional level to facilitate pastoralist transhumance and help avoid conflicts.

Several ECOWAS Member States such as the Niger and Mali have domesticated the Transhumance Protocol by integrating it into their own legislation. Other countries, particularly those of the coast, have passed legislation on pastoralism that partly contradicts the provisions of the Transhumance Protocol by submitting pastoralists to further restrictions or prohibiting transhumance altogether. So far, ECOWAS does not count with the necessary structures to monitor the implementation of the Transhumance Protocol by its Member States and to press for a greater harmonization of their approaches.

Lastly, the ECOWAS Protocol on Transhumance is not well known beyond a small group of experts in each country. There are many misperceptions of the Protocol among relevant officials, the security forces and the pastoralists themselves. Those pastoralists, who are aware of it, perceive it as an instrument of control and source of harassment and prefer to ignore it. In the coastal States, the Protocol is rather perceived as a license for pastoralist invasion or even the uncontrolled influx of terrorists. In these countries, many consider it as outdated and call for its revision or abolition. This highlights the need for a renewed consensus on pastoralism and more outreach work among stakeholders.

## 8.2. RECOMMENDATIONS

The following recommendations emerge from this study to ECOWAS, its Member States and partners:

### 8.2.1. Recommendations to ECOWAS

Understand pastoralism as a development issue, not a security issue: Much of the conflicts and violence currently associated with pastoralism result from the lack of inclusive local governance and the ongoing marginalization of pastoralists. This contradicts the significant potential of this economic activity. ECOWAS should work with Member States to protect pastoralists' rights and livelihoods and promote their contribution to national food security and development.

Develop a regional approach to the future of pastoralism that involves both Sahel and coastal States: Despite the growing knowledge base on the many advantages of pastoralist production systems, pastoralism has entered a state of crisis in large parts of West Africa. It is unclear, however, how far new production techniques such as ranching or indoor breeding can substitute it. ECOWAS and its Member States should therefore search for new concerted approaches to provide pastoralists with needed pastoral resources,

while also protecting the interests of farmers. This requires a regional approach based on the understanding that economic exchanges between the Sahel and the Coast are beneficial to the entire region.

Develop more inclusive institutions: Despite the efforts of a few very active pastoralist organizations, the majority of pastoralists remains excluded from political decision-making processes affecting their lives. There is a need for more inclusive governance structures at all levels that involve pastoralist representatives and effectively regulate access to resources. ECOWAS should work with its Member States to establish institutions local, national and cross-border institutions that represent all interests and have the capacity to develop balanced land use mechanisms. The Niger's Land Commissions can provide a useful model for this.

Provide a framework for regional dialogue and coordination on transhumance: With Member States from both the Coast and the Sahel, ECOWAS is well placed to facilitate information management, dialogue and coordination regarding pastoralist transhumance. ECOWAS should strive to become the host of a region-wide information system on pastoralism and pastoralist resources and share this information with its members. It should continue to host biannual stakeholder meetings with the objective to coordinate and monitor the yearly transhumance period. This shall enhance political commitment to the Transhumance Protocol and eventually lead to more collaborative approaches and a greater harmonization of national legislation on pastoralism.

Revise and monitor the Protocol on Transhumance: After two decades, the ECOWAS Protocol on Transhumance can benefit from some technical revisions, while its original spirit should be safeguarded. The revisions should shift the Protocol's focus from control towards coordination and be based on past experience. They should be preceded by an inclusive stakeholder consultation process. ECOWAS should establish an effective structure to monitor the implementation of the Transhumance Protocol in its Member States.

Build knowledge on the Protocol: ECOWAS should support its Member States in starting a new outreach initiative to improve knowledge of the Transhumance Protocol among key stakeholders, including the relevant ministries, security services, local authorities and the pastoralist community.

Involve pastoralists and their organizations: In the ECOWAS region, there is a lot of talk on, but rarely with pastoralists. ECOWAS should build direct links with pastoralist organization and regularly consult them on important issues. Equally, it should encourage its Member States to involve the pastoralist community in relevant consultation mechanisms. Pastoralist organizations are more than service providers and transmission belts into a hard-to-reach community, but should be regarded as political actors in their own right.

### **8.2.2. Recommendations to ECOWAS Member States**

Domesticate provisions of the ECOWAS Protocol on Transhumance and build necessary institutions: ECOWAS Member States are encouraged to domesticate the provisions of the Transhumance Protocol in their national legislation and to establish the institutions required for its implementation. All Member States should set up National Transhumance Committees as national coordination bodies and focal points for ECOWAS.

### **8.2.3. Recommendations to ECOWAS partners**

Support ECOWAS in facilitating dialogue and cooperation on cross-border transhumance: ECOWAS partners should recognize ECOWAS specific potential for facilitating cooperation on pastoralist transhumance between Sahel and coastal States and avoid working through parallel structures. Partners should support ECOWAS in its coordinating role regarding pastoralist development by observing ECOWAS policy guidelines on pastoralism and disclosing information on their respective programmes. Support should be provided to programmes promoting cross-border cooperation on pastoralism in the region.

## ANNEX 1: LIST OF STAKEHOLDERS

Name	Organization/institution	Contact details	Date (2017)
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## **Nigeria**

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### **Relevant legislation**

National Grazing Reserve (Establishment) Bill, 2016 (draft bill rejected by Parliament)

Republic of Nigeria, Nomadic Education Act, Law No. 41 of 1989

Republic of Nigeria, Animal Diseases Control Decree, No. 10 of 1988

Republic of Nigeria, Land Use Act, Law No. 6 of 1978

Republic of Nigeria, Grazing Reserve Law N.N (Northern Nigeria), Law No. 4 of 1965

Laws establishing grazing reserves in several northern states (Kaduna, Katsina, Plateau State, 1960s)

Taraba State, Open Grazing Prohibition and Ranches Establishment Bill, 2017

Benue State, Open Grazing Prohibition Law, 2017



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