

NIGER

Niger's indigenous populations are the Peul, Tuareg and Toubou. These peoples are all transhumant pastoralists. Niger's total 2009 population was estimated at 14,693,110. 8.5% of the population are Peul, i.e. 1,248,914 individuals. They are mostly cattle and sheep herders but some of them have converted to agriculture because they lost their livestock during the droughts. They live in all regions of the country. The Peul can be further sub-divided into a number of groups, namely the Tolèbé, Gorgabé, Djelgobé and Bororo. 8.3% of the population are Tuareg, i.e. 1,219,528 individuals. They are camel and goat herders. They live in the north (Agadez and Tahoua) and west (Tillabery) of the country. 1.5% of the population are Toubou, i.e. 220,397 individuals. They are camel herders and live in the east of the country: Tesker (Zinder), N'guigmi (Diffa) and along the border with Libya (Bilma).

The Constitution of June 2010 does not explicitly mention the existence of indigenous peoples in Niger. The rights of pastoralists are set out in the Pastoral Code, adopted in 2010. The most important rights in the code include an explicit recognition of mobility as a fundamental right of pastoralists and a ban on the privatisation of pastoral spaces, which poses a threat to pastoral mobility. An additional important element in the Pastoral Code is the recognition of priority use rights in pastoral homelands (*terroirs d'attache*). Niger has not signed ILO Convention 169 but did vote in favour of the United Nations Declaration on the Rights of Indigenous Peoples.

Political context

In 2014, Niger continued to be affected by insecurity due to the situation in neighbouring countries: the conflict in Mali had a negative impact on the mobility of pastoralists in north-western Niger, despite the end of the French military operation *Operation Serval*.¹ Likewise, the eastern region was heavily influenced



by developments in Nigeria, where the Islamist Boko Haram militia expanded their activities. The number of refugees in Niger's Diffa region has grown to approx. 100,000,² increasing the pressure on scarce resources in the area of Lake Chad, and making it difficult for Nigerien pastoralists to move southwards during the dry season.

However, as a response to the political crisis in the Sahel, several international and sub-regional commitments in favour of pastoralists were implemented. For example, the World Bank has initiated a regional formulation process for a new project supporting pastoralism in the Sahel with funding of USD 250 million over six years, and the Lomé Regional Agriculture and Food Agency has been established, whose duties include managing the animal feed component of a sub-regional food security reserve.

Unfortunately, at the national level, the government's commitments are slow in translating into action. No new decrees for implementation of the 2010 Pastoral Code were adopted this year, and 12 out of 14 existing decrees still await adoption. Without the decrees, it is not possible to make use of the new law to protect the rights of the pastoralists.

The human rights situation

Conflicts on the Niger borders with Mali and Nigeria put pastoralists practising cross-border transhumance in a situation of chronic insecurity in terms of both security forces and armed groups that constantly suspect them of collusion with the enemy. This undeclared war situation has resulted in several cases of brutal interrogations of young pastoralists by the military outside of any legal proceedings, particularly in the Banibougou area, at the border of the Menaka region of Mali.

Similarly, there is persistent and regular discrimination vis-à-vis the Peul community, as evidenced by various cases of community reprisals by farmers on Peul herders in the areas of Konni and Torodi, where herders have been unjustly suspected of having committed offences they had nothing to do with. It is a vicious circle whereby the lack of a functioning justice system impels people to start defending themselves and this, in turn, aggravates the conflicts. The Peul remain most vulnerable to these attacks because they move around either alone or in small groups.

Land grabbing

AREN - the largest pastoralist association in Niger - has largely mobilized its members this year to map all pastoral areas in the Sahelian zone. This was part of a project funded by Danida³ on the prevention of pastoral land grabbing by agricultural interests, illegal sales of land in the public domain and pollution of pastures by extractive industries. Seventy cases of land grabbing have thus been identified, and will be the subject of further study in terms of their administrative, legal and geographical implications. A lawsuit was even brought against a private operator wishing to subdivide pastoral lands near Niamey. The case is currently being investigated by the court. Finally, AREN intends not only to participate in the drafting of the national report on human rights for the next Universal Periodic Re-

view scheduled for January 2016 in Geneva but also to produce its own alternative report. AREN will also initiate a campaign with members of the Human Rights Council to recommend the adoption of the decrees related to the Pastoral Code.

The situation of Indigenous women in Niger

The Billital Maroobé Network, composed of 400,000 pastoralist members across the Sahel region, set up a sub-regional Collective of Women Pastoralists in Africa and established seven national offices in 2014. They are currently in the process of formulating their action plans (capacity building and advocacy) with the support of CARE and OXFAM, with the expectation that their work will lead to the emergence of genuine political representation for women pastoralists in the sub-region. ○

Notes and references

- 1 Operation Serval was a French military operation in Mali authorized by UN Security Council Resolution 2085, adopted unanimously on 20 December 2012, and ending on 15 July 2014. According to the French President, François Hollande, Operation Serval had the following three objectives: 1) to stop the offensive from the terrorist groups; 2) to preserve the existence of the Malian state and to allow it to restore its territorial integrity; and 3) to prepare for the deployment of the African-led International Support Mission (AFISMA).
- 2 The Congregation of the People of Tradition for Proselytism and Jihad, better known by its Hausa name *Boko Haram*, is a radical Islamist militia based in the north-east of Nigeria. The jihadist Boko Haram follows the takfiri doctrine, which regards even non-militant Muslims as infidels.
- 3 Danish International Development Agency, Denmark's development cooperation under the Ministry of Foreign Affairs.

Dodo Boureima is Secretary General of AREN, which is the largest pastoral association of Niger. He is also Permanent Technical Secretary of the regional pastoral network, Billital Maroobé, covering seven countries of West Africa and representing 400,000 pastoralists. Dodo Boureima is himself a pastoralist.

Serge Aubague is Technical Advisor with CARE Denmark's sustainable development programme in Niger (www.care.dk), focusing on the rights of pastoralists and working in close collaboration with civil society in West Africa. He is an agronomic engineer from the University of Dijon and holds Master's degrees in Business Administration, Sociology and Livestock Sciences from the University of Montpellier.