

## LAND ISSUE AROUND THE LANDS RECOVERED IN THE REGION OF TAHOUA IN NIGER

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### ABSTRACT

The present reflection analyzes the situation of farmlands and pastoral lands in the region of Tahoua in Niger in connection with the environmental conditions in a context marked by considerable regional demographic growth of 4.6% in 2012. These hinder the efforts of the country in the wrestling against food insecurity. It also analyzes the land stakes in this particular case, the intervention of the programs of recoveries of lands and the strategies developed by actors to guarantee their food security. It results from the synthesis of direct observations and from the inquiries on ground. The investigation realized in 2010 concerned 420 households distributed in twenty selected villages following a reasoned sampling and according to demographic weight of eight (8) departments of the region. The objective is to measure the impact of the land dynamics in fighting against the food insecurity and poverty of women in the region of Tahoua. It emerges from this study that 3% of the households without land; in spite of the average of nine (9) individuals by households, or approximately 2.62 hectares by field. The surfaces of fields vary from 0.11 to 17 hectares. Fields are located on trays, in the slum and at the level of dunes in agricultural zone. We attend an emergence of fields beyond the north end of the cultures. Most of the forest lands were transformed into areas of pasture, then into fields of culture after the development interventions.

**Keywords:** Land tax, Lands got back, Tahoua, Niger.

### INTRODUCTION

In Niger, the potential arable land is estimated about 14.5 million hectares among which only 270,000 hectares of land are irrigable. Within this, around 6.2 million hectares are cultivated during rainy season and 85,700 hectares are irrigated. To sum up, 43% of the lands are used for farming (Aquastat in CILSS and CSAO, 2008). Tahoua region is located in the center of Niger; it is part of the zone called *Ader Doutchi magna*, which is a vast plateau gashed with valleys. This plateau was covered with vegetation that almost disappeared during these last years as a

result of cyclic droughts and the rapid transformation of the areas to agricultural zones. The structure of the soils is that, without water and land conservation measures, any drop of rain water can flow, reducing the possibility of infiltration. That process turned to an intense ravaging in fertile valleys, thus stopping the seasoning expansion of the rise in water used to restore by the deposits of thin alluviums the fertile soils (Abdou Hassane et al., 2000). That was a challenge to face, considering the agricultural expansion lays in some ways over a good property determining the agricultural production.

That is, the property is a crucial concern for the economics and the societies, because it is the major part of the gross domestic product (GDP) and employment in most of the countries that constitute the source of subsistence for the population. In many regions, otherwise, the valuable soils are rare, due partly to the weight of growth expansion (Lorenzo and Camilla in Moussa 2001). The property situation in Tahoua region is characterized by a strong degradation and a significant reduction of agricultural lands. The necessity of acquiring farming lands, forces the peasants to excel physically in restoring lands; generally at the cost of the corridors or pasture areas. This search of lands often generates conflicts between rural actors. Agriculture constitutes the main economic activity of the populations of Tahoua region. The farming land surfaces, estimated to 3,072,265 hectares and representing approximately 28% of the total surface of the region, are located in the southern part of the region between isohyets 3.00 mm and 6.00 mm (DRDA, 2008). The rainy season farming is of extensive type. These activities participate to secure the agro-sylvo-pastoral production systems in obtaining monetary incomes substantial to rural populations thus helping to keep them in their respective zones (domains), a *sine qua non* condition of fighting against rural exodus and poverty. Wooding actions especially over recovered lands, such as planting in blocks or in lines permitted to recover 43,765 ha of lands within 2000 and 2010. Eight (8) protected forests covering a surface of 11,615 ha exist; forest-trainings especially based on acacia are located in the northern part of the region. The region is constituted by Abalak and Tchintabaraden departments (local states) covering 28,000 ha. Towards the south and in the center (Birni Konni and Illéla local states), we find mixed forest galleries and other types of bush known as looking like tiger forms of 117,000 ha surface; and many superficial plantations done by the State, local governments and mainly by development projects. Tahoua region is vulnerable to food insecurity these recent years because of edaphic-climate constraints and anthropic action, the pressure over natural resources and demographic growth. Related to the pastoral lands, the nomads, who are victims of the decapitalization of the herd due to repetitive droughts and monopolizing of productive lands by the installation of ranches, occupy important favourable areas. The occupation of this property of those zones is under legal regulations enrolled in the rural code.

The objective of the present paper is to measure the impact of the land dynamics in fighting against the food insecurity and poverty of the women in the region of Tahoua.

## MATERIALS AND METHODS

The investigation realized in 2010 concerned 420 households distributed in twenty selected villages following a reasoned sampling and according to demographic weight of eight (8) departments of Tahoua.

## RESULTS AND DISCUSSION

It emerges from this study that 3% of the households have no ground with an average of nine (9) individuals by households, or approximately 2.62 hectare by field. The surfaces of fields vary from 0.11 to 17 hectares. Fields are located on trays, in the slum and at the level of dunes in agricultural.

Property issues in Tahoua region

Tahoua region benefited of environmental policies resulting from destructions caused by several droughts occurred in the country. These policies target the food security by controlling degraded lands and regenerating natural resources. They contribute to the access and control of the available property resources. Unfortunately, the region has to tackle important challenges among which the demographic growth, the food sufficiency of the population, good leadership and appropriate behavior of the actors. Property, agro-pastoral and food issues needs constitute the major issues in Niger. To tackle the challenges of land management and natural resources, and fight food insecurity and environmental degradation, Niger adopted an experimental original and innovative tool: the rural code. For that reason, it is recommended to consider and reinforce that original experience of property and natural resources' management in West Africa (Jamart, 2010). "*Land ownership is acquired by tradition or by means of the written law (Article 8 enactment N °93-015/02 March 1993 fixing orientation principles of the rural code)*". Thus, the various ways or methods of accessing to the land have improved according to The Permanent Secretary of Niger Rural Code. Tahoua region is particular in the presence of wide areas of valley and recovered lands. To that, we can add the vast pastoral zone occupied by herd of animals and grass resources. We also encounter many fixed and transhumant herd men exploiting pastoral property resources.

This region faces constraints related to the high demographic pressure, water and wind erosion, extreme destruction of green wood, sand recovering water points and bush fire. In fact, the acquisition of lands in that region of Niger is related to the customary and religious (Muslim) rights despite the existence of the modern regulations. This is the consequence of the current contradiction in terms of owning the property in Niger compared to other West African countries where the acquisition of lands is related to two sources of regulations (customary and modern rights). Property laws deriving from modern right have many obstacles in experimentation and do not generally consider the rights of the people over lands inherited from the ancestors. The State (Authority) is supposed to be owner of the land. The farmers only have the right to exploit it; i.e. they work and exploit the land but it does not belong to them. Therefore, they live in precarious and insecure

property conditions. This is currently what occurs in whole West Africa, except in few countries (Burkina Faso, Benin, Niger) that recently modified their regulations (Sylvie, 2013). In Tahoua region, the frequent methods of land acquisition are: inheritance, sale, loaning, renting and leg. For instance, in acquiring the first field, inheritance is above all other forms in 84% of concerned households. It is then followed by the sale in about 7.6%, loaning and leg with 1.19% each and finally renting/hiring with 0.23% of the households. The remaining farms were owned through sales.

We also notice that cutting bush, renting under no conditions and loaning do not exist; they occur in the kind of exploitation under condition and hiring. This is the reason why it is almost rare to find total property resources victims of colonization and social chain solidarity disruption. In olden days, these property belongings were pertinent. We assist to some kinds of changes in the space and in social relations. The number of farms owned through inheritance decrease more and more while the number of households' farms increase. This is a source of conflict according to the chief of the village of Danfan where cases were settled. According to that community leader, the farmers well aware of the property in the rural areas, they conclude their business ignoring the social weight excluding their relatives and the chief of the village setting agreement generating conflicts. It sometimes needs the presence of the community leader in case the deal does not succeed and then taken as a special case to the court. So, the average of the areas per farm is 2.62 hectares. The size of agricultural exploiting fields is 2.62 ha against 5 ha for about 12 people among who 6 agriculturally active nationwide (Jamart, 2010). This pathetic size of the areas cannot produce a sufficient food to households which consequently drops up to 0.11 ha for a household of approximately nine (9) people to feed. And these families make extensive farming with rudimentary tools and limited means. To that is added edaphic and climatic conditions related to feeble soil fertility, naturally inappropriate to the agriculture, considering the lack of rain and its poor distribution within the time and the space? Otherwise, the average farming surface per worker is 0.98 hectares. So that the agricultural production does not cover the food needs of people. This potential, considered to satisfy the food needs depending on embalmed areas cannot guarantee the food security of these population victims of high demographic growth and poor investments in modernization of the agricultural sector. After each agricultural campaign, several villages of the region are in the list of deficit. The villages chronically in deficit constitute the real vulnerable food insecurity ones. In fact, to solve this problem related to property and food insecurity, Niger decided an environmental policy of management of the spaces during many decades in Tahoua region. The population grows at an exponential rhythm, the rate increases from 3.21% in 2010 to 4.6% in 2012 according to the results of the 4<sup>th</sup> general population and housing census of 2012. This rate is the highest one of the eight (8) Niger regions. If this tendency remains, the number of farms and the average areas per household will be more reduced.

## The actors

### *The property commission*

Related to 118 up to 121 articles *enactment N °93-015 fixing orientation principles of the rural code*, “*The property commission* was created in each department (local state) and city hall, and is under the authority of the Local Governor or the Mayor. It is composed of many persons among whom the Permanent Secretary of Rural Code, the responsible of the various civil servant services and the traditional chiefs concerned in the case, a representative per group of farmers, herd men, women, youth and any other person whose expertise can help. The commission has a consultative competence and a decision power. Related to its consultative competencies, the opinion of the commission is formally needed, by no means, for all cases related to determining the content of exploiting the land in the local state and city hall; and the procedure of elaborating rural concession able of leading to the acquisition of property right over the conceded lands. The commission has also a general control over the exploitation of lands in its zone of responsibility.

Despite its decisional power and consultative competencies, the commission fails in its mission. This weakness of the commission is the result of a poor vulgarization of the rural code, for instance, in 2010, only 3,000 commissions of the 15,000 villages and tribes were set, which represent a covering rate of only 20%. It is not surprising that the principles of the rural code are not well broadcasted in the direction of property and natural resources users (Jamart, 2010) result of the attitude of the major part of the population related to the acquaintance of the commissions and their missions and consequently their dependence on external financing.

### *The city halls (communities)*

Indeed, they were created by *Law N°2002-014/ 11 June 2002 on creation of communal district and fixing their headquarters*, but decentralisation has been effective only from December 2004 as the results of local elections. The city halls play the role of the promotion of the development of the communities they are in charge of. For sure, the dynamics of administrative ruling make every community consider the recovered lands for other uses opposite to the regulations. The city halls are accomplice of appropriation of lands. The migrants buy lands in order to make private housing development or to keep them for speculative aims. This amplifies the property pressure in rural area.

### *The traditional chiefs*

Before the years 60s, the Niger customary authorities were owners of the lands; thus they perceive “*dime*” and “*Achoura*” kinds of tax. They are types of taxes recovered under pressure allowing customary, religious, and administrative authorities to benefit of a “*dime*”, or a percentage of an amount taken from the harvest, the agricultural products or handicrafts in nature and species, given by the farmer or his offspring.

The *dime* is considered to be locative rights upon the use of the land, legitimately required by the owner of the property in relation to the cultivated land over the

lender or the precarious exploiter. And *Achoura* is a kind of withdrawal of any nature except the successive and eventual rights to the benefit of the public treasure, carried out of successions and inheritance by customary, administrative or religious authorities and particularly traditional dues or fees called “*Achoura*”. In fact, the “*Law N°60-029 prohibiting of the dime and Achoura*” in its articles 1 and 2 brought a change and a relief to rural producers. Those ones suffered of the implementation of *dimes* and *Achoura* from Niger customary authorities during the years 1960. The reclaimed land perimeters are free of all customary rights (article 66 of the order 93-015 of the rural code) at the opposite of the protected forestry domain.

#### *The peasants’ organizations*

The rural populations are governed by public decentralized and deconcentrated authorities. They can constitute organizations and gather in societies or associations of private right (article 110 of the order 93-015 of the rural code). The Peasants’ Organizations (PO) are the driving force of rural development. They motivate people through sensitizations to participate in actions of development. They also play the role of visual witnesses in the rural area management. They are informed by the traditional chiefs, city halls, and civil service office and development projects about any issue of common interest in the area. But, within these POs, there are some kinds of misunderstandings between men and women, between traditional chiefs and PO leaders and between the chief and the inhabitants he rules over.

#### *State Government’s Representatives*

The Civil servants’ Services and the projects are State Government’s Representatives. They act in the local development of communal, departmental and regional administrative entities. The offices of rural development have their representatives in the property commission. They control and supervise the actions of development in the region. Misgoverning and corruption disconcert them from their proper mission.

## **CONCLUSION**

There is a challenge to tackle in search of better governance to avoid conflicts between actors of the property system. The issues are important and persistent in that complex region where two types of dwellers of different interests live together. The galloping demography and the division into small pieces of the inherited lands still make fragile the property system. At last, referring to equality of chances and equity in the access of natural resources between men and women is a necessity to promote a sustainable development.

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