

Lessons Learned from Niger's Rural Code

Appendix 2 – A Brief Technical Glossary

This basic glossary is meant to help all users understand the material contained in this educational package. It offers simple definitions for technical terms that are used in the film or thematic papers. The definitions we suggest are adapted to the Nigerien context, and supplemented when possible with examples drawn from the Rural Code's experience. They are not meant to be exhaustive definitions for complex and often many-sided concepts. Terms are listed in alphabetical order.

Agricultural frontier : The agricultural frontier defines the limit between cultivated areas and non-cultivated areas. In Niger, the agricultural frontier should correspond to the northern limit for cultivation, but tilled land tend to push north and encroach more and more upon pastureland.

Canton / grouping chief : The canton chief is the traditional chief of a grouping of several villages. The grouping chief is the traditional chief of a grouping of several tribes.

Cash crops : Cash crops are crops that produce liquid assets. They are most of the time grown for export. For instance : coffee, cocoa, groundnuts, cotton, etc...

Civil society : Civil society is the self-organization of society outside of the State's framework, or the market's framework : i.e. organizations or groups (such as associations, small-scale farmers organizations, trade unions, etc ...) that are more or less formally established and belong neither to the governmental sphere, nor to the business sphere.

Collegiality : Collegiality is the principle that guides the actions of a group of people (the college) that have the same status, and take collective responsibility for the decisions taken by a majority of the group's members.

Concession (private concession): A concession is an administrative legal term describing contracts through which an administration (the licensor) confers special rights and privileges over an estate to an individual or a company (the concessionary). In Niger for instance, the State can grant private concessions on its land to companies for uranium production.

(Cattle) corridor : A (cattle) corridor is a track or a path devoted to the displacement of animals between two or more places, countries or pastoral zones.

Customary landholding : A customary landholding certificate allows the recognition and formalization of land tenure rights for a person or a group who has been developing an estate for a long time, but doesn't actually hold a property deed or any established legal right over this land. The issuance of customary landholding certificates by land commissions contributes to securing land tenure in Niger.

Customary law : Custom is a standard of objective law based on a popular tradition that allows continuous practice. It is a genuine rule of law, but it doesn't derive from the State.

Damage to the crops (*dommages champêtres*) : Damage to the crops is the damage caused to a farmer by the passage of an animal or a flock through his fields, in between seed-time and harvest time.

Decentralization : Decentralization is the process through which the State transfers competences that were exercised until then by its central organs or its local representatives to institutions that are legally separated. These institutions enjoy a certain degree of management autonomy, under State control (for instance, communes or departments, etc ...).

Food insecurity : Food insecurity refers to a situation in which people or groups of people have no access to sufficient food, both in quantity and quality.

(Enclosed) grazing area (*zone de pacage*) : Grazing is a herding technique that consists in keeping animals and letting them pasture in a limited and bounded space. Grazing areas are places delimited for grazing.

Home grazing territory (*terroir d'attache*) : The home grazing territory is defined as the territorial unit set and observed by custom and/or legal texts on which pastoralists usually reside for a large part of the year. It is the territory

to which they remain attached when they move (for transhumance or migration for instance).

Isohyet: The isohyet is an imaginary line that connects parts of a region where average precipitations are the same for a given period of time.

Land Management Scheme : The Land Management Scheme (*Schéma d'Aménagement Foncier - SAF*) is a mapping system, included in a land management strategy, that helps to visualize and explain the different forms of land appropriation officially recognized in a given area.

Land (tenure) policy : Land (tenure) policy is a strategy defined by a State to organize conditions of access to land and natural resources ; to organize terms of ownership on land and natural resources ; to secure access rights to land and natural resources; to organize the use and management of space. Land tenure policy is always intricately related to a societal project. Therefore, it follows political, economic and environmental motivations, and is based on strategies meant to serve these motivations.

Land tenure conflicts: A conflict is a situation in which specific individual or collective interests are in confrontation. A land tenure conflict is therefore a situation of confrontation between two individuals or two groups whose interests regarding land issues differ.

Land tenure insecurity : Land tenure insecurity describes a situation in which stakeholders consider that their land tenure rights are threatened and/or unsettled in the long term.

Land tenure securing measures : Land tenure securing measures refer to the process of securing stakeholders in what concerns their land tenure rights.

Northern limit for cultivation : The northern limit for cultivation was established in Niger by the May 26th, 1961 Law n°61-05. It sets the limit on the isohyet 350mm between the southern agricultural zone where private ownership applies, and the northern pastoral zone where land belongs to the State and pastoralists are entitled to a collective use right.

Opening / Closing of fields : The opening and closing of fields are statutory mechanisms that are meant to define the days on which fields must be opened or closed to animal grazing.

Pastoral enclave : In Niger, a pastoral enclave is a pastoral space that is located within the agricultural zone, and dedicated exclusively to pastoralist activities.

Pastoralism : The term pastoralism broadly refers to livestock breeding activities and land management systems that imply the use of natural pastureland for livestock grazing.

Pasturing area (*aire de pâturage*) : A pasturing area is an area dedicated to pastoralism and located within the pastoral zone (in opposition to pastoral enclaves, that are dedicated to pastoralism but located within the agricultural zone).

Pawning : A pawning contract is a contract by which a land owner hands over his land to a creditor, and grants him the right to keep and use this land until he can pay his debt. If the borrower does not reimburse his debt, the creditor can sell the land by way of payment, or keep the land.

Population growth : Population growth, or the population growth rate, refers to the variation of a population on a specific territory (most of the time, a country), and during a specific period of time (usually, a year). It sums up the natural increase rate of the population (the difference between the number of birth and the number of deaths in the country within a year) and the increase in the net immigration rate (the difference between the number of persons entering the country and the number of persons leaving within a year). It indicates whether the population of a country increases, and at what rate.

Positive law : Positive law refers to the State's legal system. In Africa, it is often inherited from colonial law.

Priority use right : A priority use right applies to pastoralists on their home grazing territory. Even though all pastoralists in a pastoral area can access resources, pastoralists that are on their home grazing territory hold a priority access right, before any other user.

Private ownership system : Private ownership is exercised by a private individual over an asset, by opposition to public property that is exercised by the State over an asset. Private ownership is the result of appropriation (through purchase, heritage, donation, force, etc ...). In Niger, any land situated in the farming zone is subjected to the private

ownership system. In theory, full ownership combines the right to use, the right to enjoy and the right to dispose of something in an exclusive and absolute manner. In reality, these rights are often limited by restrictions established by the law, specifically when dealing with land ownership (for instance, in Niger, it is mandatory to respect opening and closing days for fields).

Representativity: Representativity is the characteristic of what is representative. For instance, a land commission is considered representative of the population when it represents correctly its interests, its aspirations, its diversity, etc ...

Sedentary livestock breeding : Sedentary livestock breeding refers to breeding activities that are not based on the mobility of livestock. Cattle and herders are sedentary.

State (property) land (Terres domaniales) : « State property » defines assets that do not belong to private individuals, and for which the State is responsible. State land in Africa is therefore land that, following independence, was transferred from the colonial State to the newly independent State. It is not subjected to the private ownership system, but users of this land can obtain individual or collective use rights.

Subsidiarity : Subsidiarity is the political principle according to which responsibility for a public action falls with the smallest organ that can solve the problem on its own (for instance, if a commune can solve the problem, then it is its responsibility to do so, and not the department's, the region's or the State's). It is the key principle on which the decentralization process is based.

Subsistence farming : Subsistence farming, or food-producing farming, describes crops grown for the producer's own consumption.

Sustainable management of natural resources: Sustainable management of natural resources meets the needs of present generations without compromising the capacity of future generations to meet theirs. It must respect three criteria : economic viability, social justice and environmental conservation.

Traditional chefferies / custom authorities : Traditional chefferies refer to both the land under the authority of a traditional chief, and the authority, the responsibility granted to this traditional chief. The term custom authorities describes all traditional chiefs of a given territory as a group. Traditional chefferies or custom authorities are therefore sources of authority and social control that draw from custom, not from the State.

Transhumance route : A transhumance route is a path dedicated to the displacement of animals in the context of transhumance.

Transhumant livestock breeding / pastoralism : Transhumant pastoralism is a form of pastoralism based on the periodic migration of livestock, depending on natural and climate pressures.

Trick field (Champ piège) : A trick field is a field that is illegally farmed within a pastoral area, in order to trick pastoralists. The person who cultivates a trick field hopes for animals to cause damage to his crops for the sole purpose of claiming compensations.

Use rights : A use right is a form of usufruct that entitles the holder to use something that belongs to someone else, as well as to collect its products. For instance, Nigerien pastoralists hold a collective use right over State land located north of the established limit for cultivation. Although they don't own the land (the State does), they can use it collectively (to pasture their livestock, access watering places, etc ...).

Vacant land : Vacant land is the land that is considered without owner, i.e. land for which no proof of property can be established (either because it was never used, or abandoned, or because the person that uses it can't obtain any legal recognition of his rights). Vacant land is not always left unexploited, or undeveloped. Vacant land is considered private State property.

Village chief / Tribe chief : The village chief is the traditional head of a sedentary community living in a rural village. The tribe chief is the traditional head of a permanent community of pastoralists.