

Dryland Networks Programme

ISSUES PAPER

**REFORMING LAND
TENURE AND RESTORING
PEASANTS' RIGHTS**

**Some basic conditions for
reversing environmental
degradation in the Sahel**

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The government of Niger, with some prompting and advice from the World Bank, has been drafting a new Rural Code to reform land tenure and give local communities more control over their natural resources. In this article, Dr Keletigui A. Mariko looks at some of the wider issues of resource management in the Sahel generally and in Niger in particular.

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Some basic conditions for reversing environmental degradation in the Sahel

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The tragedy in the Sahel, with its succession of misfortunes and woes, still lingers in the mind after almost 25 years of assault on the whole natural environment by drought and desertification.

The level of environmental degradation is such that one hesitates to speak of natural resource use and management in the Sahelian region. Of course, the Sahel is not homogeneous and there are vast differences between the Sahel of the nomadic pastoralists, deprived of surface water, sufficient pasture, permanently wooded areas, villages and fields, and the Sahel of the sedentary farmers, where a dense population concentrates on crop farming and livestock rearing, where all arable land is taken over and cultivated with no fallow periods, despite the derisory harvests and eroded soils. Between these two extremes comes the intermediate Sahelian region, dominated in places by marginal farmers coming up from the South and in others by herders coming down from the North, where uncontrolled occupation of land has generally negative effects on the ecological balance.

In such circumstances, is it possible to speak of rational development, use and management of natural and environmental resources? We shall seek to answer this complex question in the light of present experiences and reality in the Sahelian region of West Africa in general and Niger in particular.

In most of the Sahelian countries which belong to CILSS (Permanent Inter-State Committee to Combat Drought in the Sahel), vacant, ownerless land is the property of the state. This is a legacy from the Napoleonic Code, itself inherited from the colonial era. From time immemorial, agricultural and pastoral African peoples have had customs regulating the occupation of the land, whether cultivated or not.

Customary law recognised the rights of the descendants of the first inhabitants to control and lease the land and water resources in accordance with their status as heirs of land-clearers/farmers, hunters, woodsmen/scrub-clearers, fishermen/boatmen, miners/blacksmiths, metallurgists, gold-panners, etc.

The herders, both nomadic and sedentary, who practise the system of seasonal transhumance which enables livestock to get the maximum benefit from water and pasture resources, also distributed rights to the use of pastoral land between tribes, fractions and even confederations.

Organised in accordance with the ways and customs bequeathed by the ancestors, the Sahelian people were responsible for nature and the environment, held to be communal property, and their resources, both natural, such as pasture, saltmarshes and surface water, as well as those created by human productive labour such as agriculture, gathering, hunting, fishing, forestry and mining.

Ways and customs, social constraints and effective solidarity placed all occupiers and users of the land and its resources under the same obligations. The most meritorious were those who worked hardest, not the customary chiefs or absentee elite.

The colonial occupation did not transform the local ways and customs from top to bottom, despite the French land-holding system which was applied to the colonies, under which all land without exception was declared to be vacant and ownerless. Innovations included national parks, hunting reserves, protected forests, quarries, surface water points, stream embankments, sportsfields, barracks, roads, airfields and all the easements associated with urban land-holding systems. In particular, the protected forests, national parks and hunting reserves were respected by the villagers, while poachers and smugglers were almost always non-residents.

At independence, listening to the demagogues, the Sahelian people saw fit to destroy everything that colonialism had bequeathed by improper and anarchic over-exploitation. Protected forests, hunting reserves and national parks were subjected to systematic looting because they had been designed and set up by the colonists. One would have thought that independence spelt the destruction of the entire colonial inheritance. Fortunately, the schools, dispensaries, hospitals, maternity centres, livestock units and roads etc. were not consigned to the flames or the pickaxes of the destroyers. In three decades of independence, the Sahelian people have ransacked their entire surroundings and mined large parts of the natural environment with its flora and fauna. The irrefutable proof of this senseless destruction is there before our eyes, in front of us and around us. It is not necessary to go into the details of the degradation of the Sahelian environment, so clearly do the phenomena of overgrazing, deforestation, all kinds of erosion and sanding-up of pastures and arable land strike us and assail our senses. Firewood comes from far away, borne by lorries, to satisfy the cooking needs of the inhabitants of urban centres.

What will become of nature and our environment in the decades to come? The response to this most complex question requires a total overhaul of our development policies in general and our rural development policies in particular, involving genuine popular participation in rational management and use of natural environmental resources, instead of the current laissez-faire approach.

RETURNING FULL LAND OWNERSHIP TO RURAL COMMUNITIES

Environmental degradation in Niger has almost reached the point of desertification and total extinction of the bush. Trees, grasses and game have all disappeared. Once plant cover has been destroyed, all forms of erosion permanently attack the soil which becomes ever more eroded, degraded and sanded-up. The humus which took millions of years to form has also gone. The peasants do not hesitate to give a clear, irrevocable diagnosis faced with this spectacle: the arable land is dead, the pastures are dead, the bush is dead; surface water points, wells and springs have dried up. Without water, no life, whether plant or animal, is possible any more. The immediate consequences are rural exodus, abandonment of village land to the sandstorms, occupation and cultivation of marginal, fragile and unproductive land, disorderly urbanisation and overcrowding of towns with all that this implies in terms of swarms of hungry people, unemployed, handicapped, beggars, delinquents, prostitutes and so on.

As the Earth is humanity's life support system, any society must find a way to use its resources in an intelligent, economical and rational way. In turn, it is also important to enrich the land, whose resources are not inexhaustible. However, in order to manage and use the products and by-products of the land and the natural environment in a rational way, the soil must be worked intelligently, as its fertile surface is exhaustible. In order to achieve all this, it is essential to give back to the peasants and rural communities all their traditional and customary rights, without exception. The vast majority of our peasants and farmers consider themselves to be the legitimate masters and owners of the land they use, handed down by their ancestors. This is why they call themselves indigenous "sons of the soil" and bear for his land an unfailing love, the sort of love a young child feels for his mother who feeds and cares for him.

If the Government of Niger sincerely wishes to combat environmental degradation, deforestation, over-grazing, erosion of arable land and livestock grazing areas, devastating brush-fires etc, it must give back to rural communities, villages and nomad camps, farmers and herders, their innate, traditional rights as landowners.

Colonial occupation dispossessed the indigenous people, the "sons of the soil", of their mythical and religious rights to cultivated land, to uncultivated bush, to briny land and salt marshes, through the enforcement of the Napoleonic code which declares all vacant, ownerless land to be the property of the state, in total ignorance of and with utter contempt for our ways and customs, for a period of sixty years. In all colonies everywhere, that was considered to be an act of plunder and brigandage according to the principle that might is right.

Thirty years after Niger's accession to independence, the same heresies and abuses persist, inciting the dispossessed, despoiled peasants to ransack and destroy their lands and

every aspect of their environment: resources, habitat, natural beauty. Predatory activity is expanding at the expense of productive activity. Smugglers and poachers are destroying flora and fauna, contrary to African ethical standards which call for the land, water and bush and their finite resources to be husbanded. Unsure of a future they can neither foresee nor control, the farmers over-exploit the arable land which they neither fertilise nor protect against the factors of erosion and desertification. The pastoralists and herders, for their part, no longer respect the seasonal transhumance patterns, the livestock corridors or the rangeland. Copying their contempt for the law, the fishermen literally loot the lakes, rivers and streams to get as many fish as possible, of whatever size; with no thought for safeguarding the future. All natural and environmental resources are over-exploited because the peasants feel despoiled and dispossessed of their inheritance and means of existence in favour of the state which does not respect their traditions and does not offer sacrifices to the protective deities, the benevolent ancestors, the spirits of the land, etc.

WHAT CAN BE DONE TO HALT ENVIRONMENTAL DEGRADATION?

Land, if it is not fertilised, if it is not cared for or maintained and if it is not protected against the degradation which leaves the door wide open to desertification, eventually dies. Speaking of these lands which now produce nothing, the peasants say they are dead, just as the bush, which no longer holds any game or edible wild fruit, is considered to be dead. Agricultural land used to be put to fallow and access to areas of pasture, woodland and rangeland used to be periodically restricted - and these practices were respected, whereas more and more these days, for numerous reasons including population growth, the effects of drought, the conversion to agriculture of ruined nomadic pastoralists, etc, fallow periods are curtailed and access restrictions ignored or violated. Over-exploited land dies, losing all fertility and giving rise to patches of desert which, as they join up together, justify the references to dead land, dead bush, etc.

In order actively to combat the different factors of environmental degradation in Niger, legislation and regulations must be passed dealing with land-holding, legal, technical and social issues. These must be enforced throughout the national territory. The plundering state must begin by giving back to rural communities their land rights based on our traditional ways and customs. The laws and implementation modalities promulgated at the time of Niger's independence must be brought to the attention of the whole national community, including administrators, judges, customary chiefs, etc.

It is surprising in more ways than one that it should be those who make the laws and regulations in this country - Niger-who are the first to ignore them, trample them underfoot and violate them. This is what happens to the laws and their enforcement where rural land tenure is concerned. The

government which promulgates the laws and all the legislative and regulatory instruments is always the first to violate their provisions in the so-called public interest, without dreaming of compensating the despoiled peasants. Everything for the state, nothing for the people. Could it be that all the fuss about working out a Rural Code will be no more than a storm in a teacup? Very recent precedents lead us to fear that what the hard-working common people, deprived of their primary, main means of existence - the land, keep on saying will be confirmed: "The law, when it is good, only profits the rich, the town-dwellers, the government officials, the army and their relatives. The peasants, who are the sons of the soil, are only entitled to speeches which fill neither bellies nor granaries. So it is that in Niger there are peasants without land and land without peasants." Two previous attempts, now put on the back-burner, turned out to be damp squibs. We are referring to the Maradi Undertaking to combat desertification and the "green islands" strategy to combat desertification in Niger, which no-one talks about anymore, despite the fact that the struggle against desertification should have been and must be seen as a very long-term affair, taking many generations, an operation designed to preserve and enrich our environment so that life will be better thanks to the resources created by our labour.

In order to halt the degradation of our environment, we repeat that the state and the people must resolutely commit themselves to this giant task with its many components: environmental education, popular education, control over water resources, combatting all forms of erosion, better cultivation techniques, setting up tree nurseries, reforestation, restricting access to certain areas to regenerate soil and fodder resources, widespread distribution of improved stoves, gas and kerosene cookers, solar ovens, etc.

The state should give back to the villages all their rights to manage, use, develop and control access to their land. Each rural family should be able to develop and put their land to use in the interests of the national community with the assurance that it will not be expropriated without fair compensation. Social justice, which is a matter for the state and its administration, should reign and sweep away the sad reality of land without peasants or smallholders, and peasants, smallholders or young people without land, condemned to rural exodus with all its negative consequences.

CONCLUSION

At the end of the 1990s, there will be more than 10 million Nigeriens. According to the census taken in May/June of that year, we were already 7,249,596 in 1988. In June 1990, we reached the figure of 7,700,000 Nigeriens, the population growth rate being 3.1%. Arable land is increasingly becoming exhausted, for the many reasons given above. There is no more new land available for clearance to provide the cereal production needed to feed the people, whose numbers are likely to double over the next quarter century if use of the

contraceptive methods currently being timidly introduced does not become widespread. If the area under rainfed and irrigated crops cannot be extended, intensive methods will have to be introduced to increase production of both rainfed and irrigated food crops. Intensive agriculture requires that farmers have total security of land tenure, as well as investments which are far beyond the means of the vast majority of our peasants. Agricultural credit no longer exists in Niger, while most co-operatives have no permanent activities and are in thrall to the big traders in the urban centres and customary chiefs, some of whom are amongst the largest land-owners in the country. The rural development services are languishing in air-conditioned offices, lacking either the means or the will to bring the silent revolution in the rural areas to an end. In summary, all the factors leading to rural decay and degeneration seem to be coalescing against the peasantry of Niger, who, despite their appetite for work, are penalised and discouraged by natural disasters and by the men who pursue urban politics to the detriment of the countryside.

For these reasons, rural people are more and more coming to resemble predators rather than producers attached to their ancestral lands or bound to the soil - which is dying through bad management and over-use.

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