

# Evolution of Land Law, Pastoralism and Rangeland Management in West & Central Africa



**IYRP Concurrent Session 3:**

**Panel 1: Land use / tenure and governance**

# Evolution of Land Law, Pastoralism and Rangeland Management in West and Central Africa

Presented by

Mohammed Bello Tukur

of

Confederation of Traditional Herder Organizations in Africa (CORET)



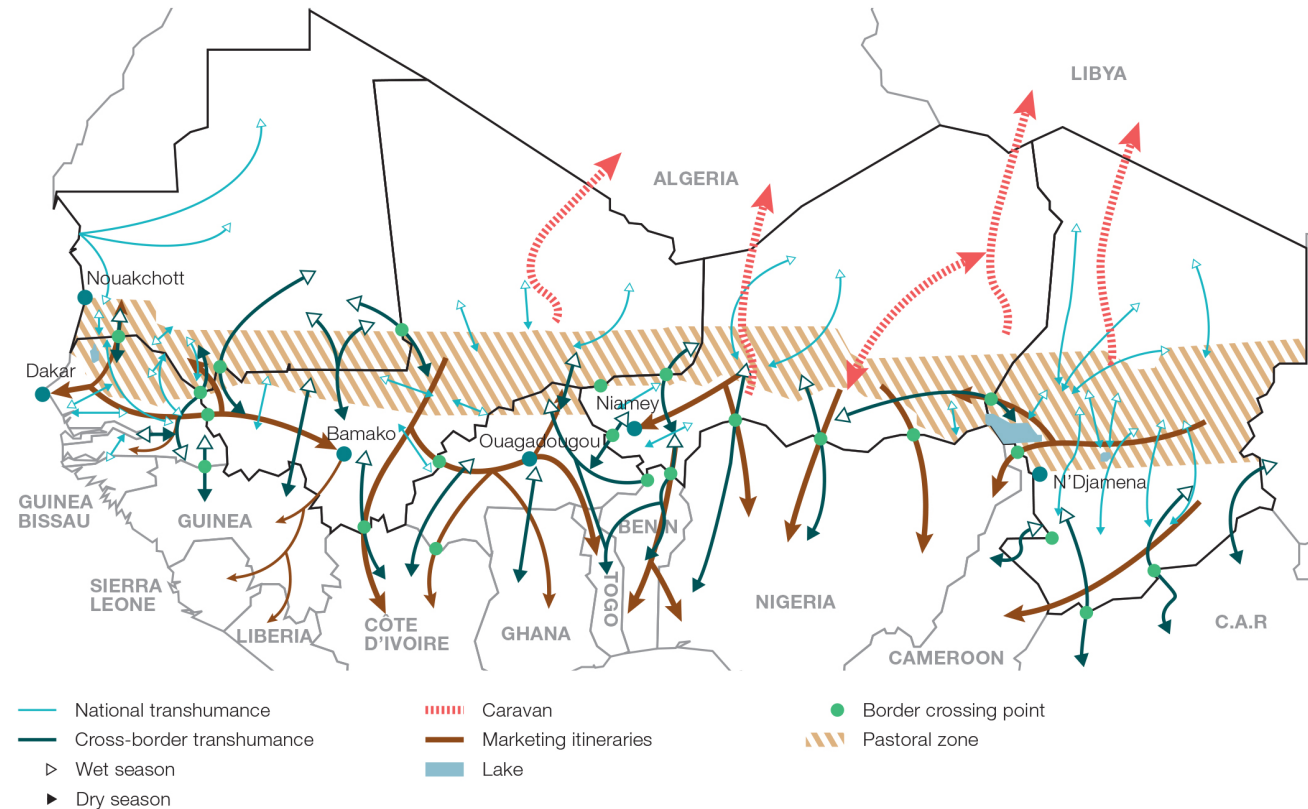
26 October 2021



# Transhumance in West & Central Africa

(Courtesy of SWAC/OECD)

## TRANSHUMANCE AND NOMADISM



Sources: FAO-CIRAD, Atlas of trends in pastoral systems in the Sahel 2012; OECD/SWAC 2009

Extract: OECD (2014), An Atlas of the Sahara-Sahel: Geography, Economics and Security, OECD Publishing, Paris.

© 2014. Sahel and West Africa Club Secretariat (SWAC/OECD)



# Evolution of Land Law in West & Central Africa

- Land law started from customary law before the advent of colonial administrations.
- With colonization, land law evolved according to British, French or Portuguese legal systems.
- Colonial powers' mode of land-use administration had minimal regard for nomadic groups and rangelands.

# Example of evolution of land law in Nigeria

- **Nigeria** (most populous country in Africa): Land Use Act 1978 vested on State Governors the powers to hold land in trust for citizens. It did not recognize rights of mobile resource users, rights of way & passage by pastoralists and grazing areas, which existed under customary law.
- In **Northern States**, Grazing Reserve laws recognize specific areas as grazing lands for pastoralists, but some States (Benue & Taraba) are trying to change this.
- Most **Southern States** have enacted Anti-Open Grazing laws to restrict pastoralism.

# Examples from other countries in West Africa

- **Niger:** Communal lands governed by **Niger Rural Code** aiming to provide land security for rural people, promote sustainable natural resource management and planning. It seeks to register all natural land resources and provides institutions to mediate in disputes over land & natural resources, although some conflicts persist.
- **Burkina Faso:** Rural Land Tenure Law 2009 recognizes customary rules & practices, also regarding pastoral areas, although some conflicts persist.
- **Mali, Cote d'Ivoire & Senegal:** Similar to Burkina Faso.
- **Ghana:** Land Act 2020 seeks to improve land tenure security and public accountability. It recognizes customary interest but pastoralism & rangeland issues are largely excluded.

# ECOWAS mechanisms for pastoralism

## ECOWAS

### Member States

*Benin*

*Burkina Faso*

*Cape Verde*

*Côte d'Ivoire*

*Ghana*

*Guinea*

*Guinea Bissau*

*Liberia*

*Mali*

*Niger*

*Nigeria*

*Senegal*

*Sierra Leone*

*Togo*

*The Gambia*

- **ECOWAS Commission** tried to harmonize land policies but member governments apprehensive that this will touch on their domestic matters and put it on hold.
- **ECOWAS Transhumance Protocol 1998 & Transhumance Regulations 2003** provide mechanisms for managing mobility and pastoralism between Sahelian and Coastal countries.
- But suffered challenges with some countries enacting own treaties or understandings to bypass ECOWAS Protocol & Regulations, e.g. Burkina Faso–Togo–Benin, Niger–Benin–Togo.

# Situation in Central Africa

- **Cameroon:** Current legal framework on land use and natural resource is Land Ordinance 1974. Customary ownership still exists.
- **Central Africa Republic:** Conflict is endemic; state control over land is currently weak.
- **Chad:** Similar conditions as in Cameroon.
- **Republic of Congo:** Similar conditions as in Cameroon.



# Conclusions

- Almost all land legislations in West & Central Africa have poor recognition of rangelands and tend to marginalize or exclude pastoralists from recognition of their land-use rights, except under customary laws, which cannot override legislations.
- Women are particularly marginalized both in conventional legislation for land ownership or under customary law.
- This situation has created acrimony and conflicts between resource users.

Thank you!



Transhumance in Togo (Photo: Gilles Coulon, Tendance Floue for Acting For Life)

