

The relevance of the FAO ‘*Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*’ to the SDC Project ‘*Programme d’Appui au secteur de élevage (PASEL)*’ in Niger

The SDC project ‘*Lois complémentaires sur pastoralisme*’ (Support to Code Rurale / Code Pastoral) is considered supporting the ‘*Programme d’Appui au secteur de élevage*’ (PASEL). Both SDC projects are considered in this analysis.

Background of Land Governance in Niger

Agriculture and pastoralism are the backbone of Niger’s economy and play a crucial role in poverty reduction and, of course, food security. The rural development strategy of the country states ‘access of rural communities to economic opportunities’ and the ‘improvement of public rural institution towards the management of the sector’ are central to improving the agricultural sector. The need for regulated, reliable access to land – for agricultural and pastoral production – is a key emphasis of the SDC project.

Swiss cooperation has supported formulation of a CODE RURALE that provides an important institutional and regulatory framework for the sector at all levels. The code seeks to establish and reinforce the practical, legal, and institutional coherence necessary for development in the sector. The government of Niger understands and accepts the importance of a solid legal and institutional framework for the pastoral sector.

Challenges to the land governance system in Niger

Niger’s land governance system faces many challenges, especially regarding its pastoralist sector.

1. The government and all other stakeholders agree that securing pastoralists’ mobility is the most important element to be achieved. This will ensure that the pastoralist sector can realise its productive potential and will also prevent conflicts
2. The CODE RURAL is a progressive legal structure that still must be operationalized. This requires the participation of all stakeholders in a collaborative spirit.

The SDC project ‘*Programme d’Appui au secteur de élevage*’ in Niger

The project aims to support restoration of the ecosystem, regulated use of natural resources, and pastoral mobility, enabling all users of natural resources to benefit in an equitable manner.

The projects objectives are:

1. To reinforce pastoralists’ capacity for mobility by ensuring passage sectors, emergency enclaves, and emergency pasture areas
2. To prepare for a limited intensification of pastoralist production by enhancing stakeholders’ related capacities

FAO Voluntary Guidelines

A number of aspects of the Voluntary Guidelines are relevant for the project in Niger. These aspects are contained in various parts of the Voluntary Guidelines, in particular the following parts:

Part 2. General matters

Part 3. Legal recognition and allocation of tenure rights and duties

Part 4. Transfer and other changes to tenure rights and duties

Part 5. Administration of tenure

Part 6. Responses to climate change and emergencies

The following table summarises the aspects of the FAO Voluntary Guidelines that could provide guidance to the SDC project in Niger.

Comparison of provisions in the FAO Voluntary Guidelines with project elements of the SDC project 'Programme d'Appui au secteur de élevage' (PASEL) in Niger

Part of the Voluntary Guidelines	Sub-chapter	Aspect described in the Voluntary Guidelines	Relation to the SDC project	Remark
Part 2. General matters	3. Guiding principle of responsible tenure governance	<p>a. Demands that states should recognise and safeguard tenure rights and take measures to identify, record and respect rights holders</p> <p>b. Demands use of natural resources in a manner that does not impinge on their environmental integrity</p> <p>c. Demands that all actors in land governance be consulted and participate in defining and operationalizing land governance in a transparent manner</p>	<ul style="list-style-type: none"> • (a) is an indication that the code RURALE in the country is an adequate instrument towards recognition and operationalization of tenure rights and duties • (b) confirms the project's objective of restoration of the ecosystem in the project areas • (c) reflects the spirit of the code RURALE in the country. The code seeks to redefine and restore land governance in a participative and transparent manner 	
Part 4. Transfers and other changes to tenure rights and duties	13. Land consolidation and other readjustment approaches	<p>a. Suggests that states may consider the establishment of land banks for environmental protection and in land consolidation programmes</p>	<ul style="list-style-type: none"> • This may be an important suggestion for the project to consider, especially in connection with the project objective of establishing pastoral corridors and emergency pasture areas 	The suggestion regarding banks is the most pertinent of the suggestions in the VG for this project
Part 5. Administration of tenure	17. Records of tenure rights	<p>a. Suggests that tenure rights of all kinds (official, customary, informal) be recorded in a public system</p>	<ul style="list-style-type: none"> • The suggestion supports the project's activity to work with partners on the basis of the 'code RURALE' as the legal and institutional platform for recording and making public the situation of tenure rights and duties 	
Part 6. Responses to climate change and emergencies	24. Climate change and disasters	<p>a. Suggests that states need to consider climate change impact projections in resource planning. States need to ensure that such projections flow into any new land governance structure</p> <p>b. Similarly, states need to consider land areas that can be used for emergency settlement and pasture in case of natural disasters</p>	<ul style="list-style-type: none"> • (a) the project considers climate change impacts as a challenge additional to the challenge to restore degraded pastures in selected areas • (b) support aspects mentioned above (Part 4, 13) 	