

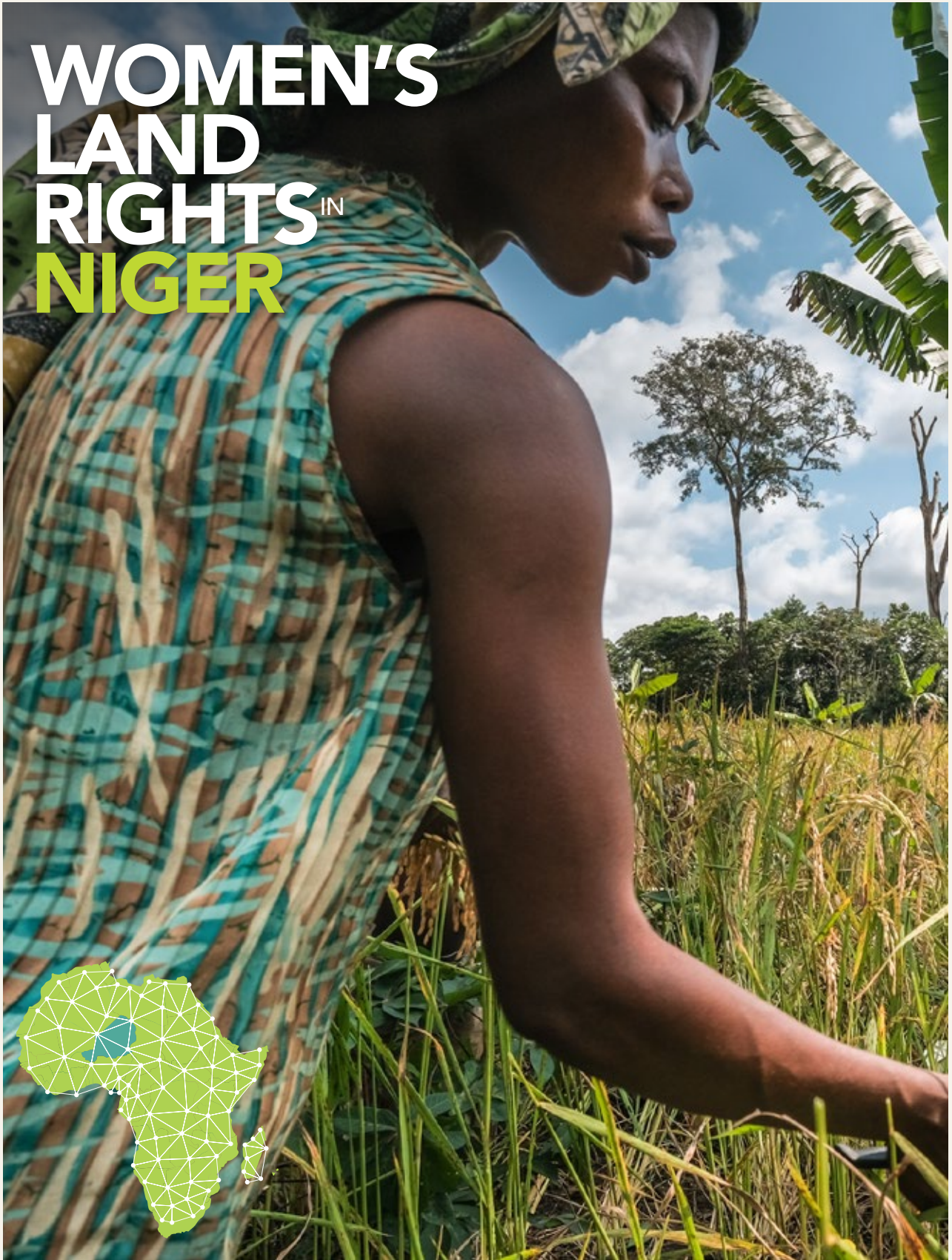


**SECURING
WOMEN'S
RESOURCE RIGHTS
THROUGH GENDER
TRANSFORMATIVE
APPROACHES**



Investing in rural people

WOMEN'S LAND RIGHTS ^{IN} NIGER



© 2022 Center for International Forestry Research and World Agroforestry (CIFOR-ICRAF) and International Fund for Agricultural Development (IFAD)

Images in this publication are licensed under a [Creative Commons Attribution 2.0](https://creativecommons.org/licenses/by/2.0/)

Enokenwa, O. (CIFOR-ICRAF), Hannay, L. (Resource Equity), Elias, M. (Alliance of Bioversity and CIAT), 2022. Women's Land Rights in Niger. Securing Women's Resource Rights Through Gender Transformative Approaches. Bogor, Indonesia: Centre for International Forestry Research (CIFOR) and Nairobi: World Agroforestry (ICRAF) International Fund for Agricultural Development (IFAD)

Produced by: KANDS Collective | hello@kandscollective.com

Cover image: © Axel Fassio/CIFOR-ICRAF

Prepared for the project: Global Initiative for Gender Transformative Approaches for Securing Women's Resource Rights (WRR), led by the Center for International Forestry Research (CIFOR)-World Agroforestry (ICRAF) together with the Alliance of Bioversity International and CIAT and the International Food Policy Research Institute (IFPRI), with the support of the International Fund for Agricultural Development (IFAD)



ABOUT THE INITIATIVE

SECURING WOMEN'S RESOURCE RIGHTS THROUGH GENDER TRANSFORMATIVE APPROACHES

In 2020, the International Fund for Agricultural Development (IFAD) invited a consortium of the Center for International Forestry Research and World Agroforestry (CIFOR-ICRAF), the International Food Policy Research Institute (IFPRI) and the Alliance of Bioversity International, and the International Center for Tropical Agriculture (CIAT) to work with selected IFAD projects to promote and strengthen women's land rights through the integration of gender transformative approaches (GTAs) in rural development interventions by improving policies, tools and practices.

<https://www.cifor.org/wlr>
https://www.ifad.org/en/gender_transformative_approaches

INITIATIVE CONTACTS



Anne Larson,
Theme lead for Governance,
Equity and Wellbeing

a.larson@cifor-icraf.org



Ana María Paez-Valencia,
Social Scientist,
Gender

a.paez-valencia@cgiar.org



Investing in rural people

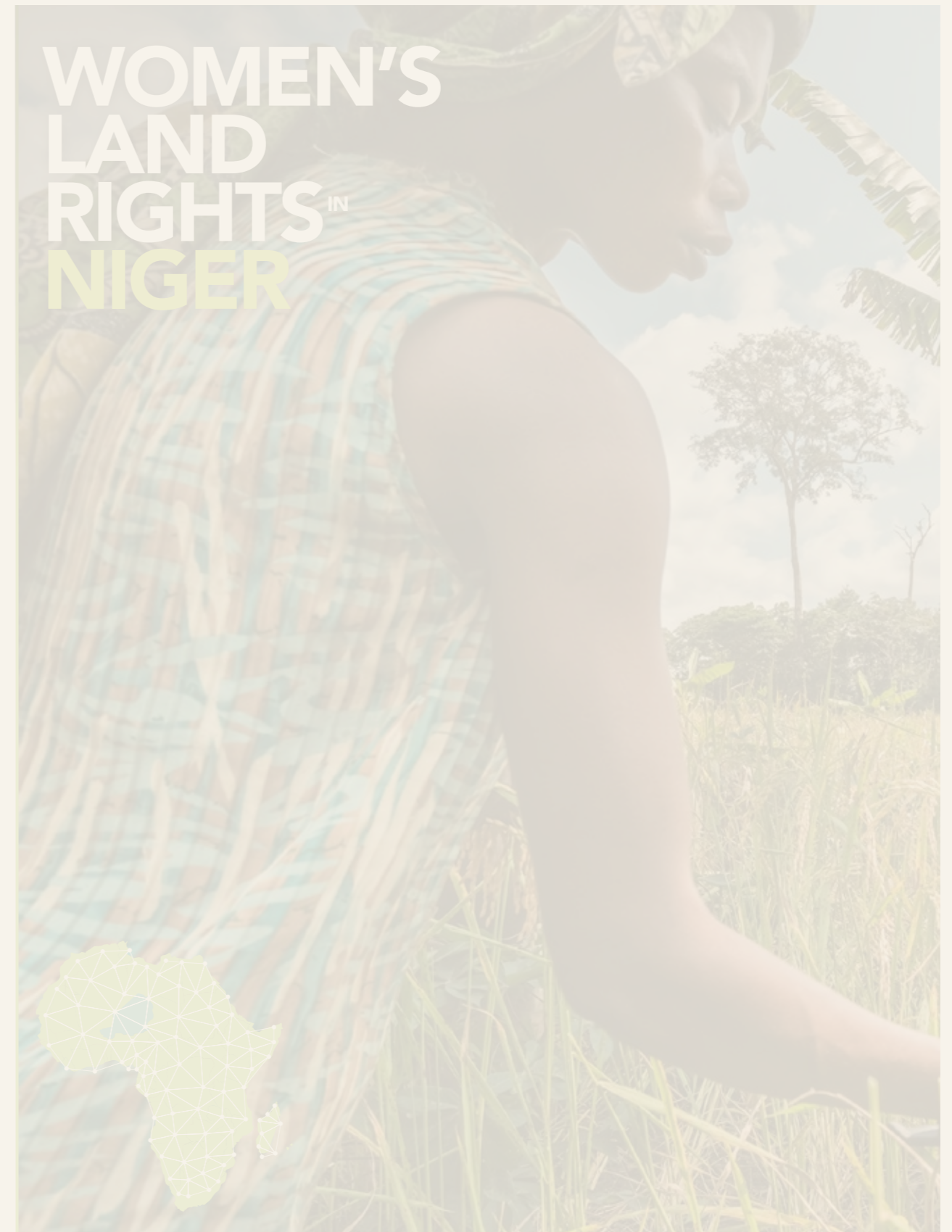
Steven Jonckheere,
Senior Technical Specialist
for Gender and Social
Inclusion

s.jonckheere@ifad.org

Harold Liversage,
Lead Technical Specialist,
Land Tenure

h.liversage@ifad.org

This document has been produced with the financial assistance of IFAD. The findings, opinions, interpretations and conclusions expressed in this publication are those of the authors and do not necessarily reflect the views of IFAD, its Executive Board, its Members, or any Member State they represent. IFAD does not guarantee the accuracy of the data included in this work. The boundaries, colours, denominations, and other information shown on any map in this work do not imply any judgement on the part of IFAD concerning the legal status of any territory or the endorsement or acceptance of such boundaries.





Contents

Background	3
01_ Introduction	4
02_ Land Tenure Systems and Institutions In Niger	5
2.1 Overview of tenure regimes	5
2.2 Institutional and regulatory framework for women's land rights	6
2.3 Governance structures and implementation mechanisms	8
03_ Land Titling Registration and Certification	10
3.1 Objectives and mechanisms	10
3.2 Progress of implementation	11
3.3 Outcomes of land titling registration and certification for recognition of women's rights	11
04_ Barriers to the Recognition of Women's Land Rights in Niger	12
4.1 Policy incoherence and policy-implementation gaps	12
4.2 Overlaps and contradictions among multiple tenure systems	14
4.3 Normative constraints	14
05_ Access to Justice and to Land Dispute Resolution Mechanisms	15
06_ Conclusion	16
07_ References	17
08_ Key Regulations in the Analysis of Women's Land Rights in Niger	19
09_ List of Regulations	20



WHAT IS A SOCIO-LEGAL ANALYSIS?

A socio-legal analysis focuses on reviewing laws in the context of particular social problems that the law aims to address (Schiff, 1976; Creutzet et al., 2019). Findings draw on the analysis of country legal and institutional frameworks that recognise women's land rights, and information on existing procedures and processes for implementing tenure interventions. These analyses provide the basis for identifying incongruencies, overlaps, and gaps that pose barriers to the recognition and enjoyment of women's rights to land and productive resources.

Background

This series of socio-legal reviews summarizes the legal and policy documents related to women's land tenure in seven countries: Kyrgyzstan, Uganda, The Gambia, Ethiopia, Niger, Bangladesh, and Colombia. These synthesis documents, part of the IFAD Initiative on Women's Resource Rights, are designed for researchers and policymakers seeking to improve women's land and resource rights in these target countries.



THE REVIEW COVERS:

- A general characterization of land and resource tenure systems at national, regional, and local levels
- Existing institutional and regulatory frameworks for land and resource tenure, and the extent to which these are inclusive of women
- Implemented land tenure interventions, and the extent to which these benefit women
- Barriers and constraints affecting women's ability to access rights
- Mechanisms for dispute resolution, and how these engage women and address their concerns

01_ Introduction

The Republic of Niger is a landlocked country in West Africa that is bounded to the north by Algeria and Libya, to the east by Chad, to the south by Nigeria and Benin, and to the west by Burkina Faso and Mali.

The country's total land area is 1,267,000 km², over 80 percent of which lies in the Sahara Desert, which covers the sparsely populated northern half of the country (USAID, 2010). In 2020, nearly 20 million Nigeriens, or 83 percent of the country's population, lived in rural areas. Of this 20 million, the vast majority was concentrated along the southern border where the climate and environment allow for rainfed agriculture (World Bank, n.d.).

The country is divided into 8 regions, 36 departments and 265 municipalities, including 52 urban and 213 rural communes (Boubacar, 2009). The major ethnic groups are Hausa (53%), Djerma (also called Zarma) (21%), Tuareg (11%), Fulani (7%) and Beri Beri (6%) (USAID, 2010). The Hausa and Djerma are settled agriculturalists residing in southern Niger, whereas the other primary ethnic groups are nomadic or semi-nomadic pastoralists (USAID, 2010). An estimated 80 per cent of the country's population is Muslim and the rest are Christian or retain Indigenous beliefs (Gnoumou and Bloch, 2003). Particularly in rural areas, Muslim tradition and Koranic law prevail (Boddaert, 2017).

While more than 80 percent of Nigeriens depend on agriculture – primarily agro-silvo-pastoral production – less than 0.25 per cent of agricultural land in Niger is irrigated (World Bank, n.d.). Pastoral land occupies approximately 62 million hectares in the Sahelo-Saharan transition zone, which spans the pastoral bioclimatic zone to the north and the agricultural zone to the south, between isohyets 100 mm and 300 mm, respectively (Boubakar, 2021). Drought and climatic instability, as well as the expansion of agriculture amid a rapidly growing population, are fuelling deforestation, overgrazing, and soil erosion, impacting food security, and increasing land tenure insecurity (Mamadou and Salou, 2013). If current trends persist, estimates predict that the country will have no more unutilised arable land by 2050, raising fundamental challenges in terms of occupation, land use, and associated natural resources (Boubacar, 2021).

Since 2013, conflicts with Boko Haram and other jihadist groups have disrupted Niger's development and destabilised the Diffa region in the southeast, with massive and lasting impacts on pastoral farming (FAO, 2021). The region has had an influx of refugees from neighbouring countries and rising incidents of armed banditry in which entire herds have been stolen and hundreds of villagers kidnapped (International Crisis Group [ICG], 2021). This pastoral crisis is exacerbating tensions among land users in the face of an upsurge in farmland expansion that is reducing space for livestock to graze. It is also exacerbating pastoralists' impoverishment and creating land use conflict, especially with crop farmers competing for access to the same lands.

Addressing these land conflicts is considered essential to preserve social cohesion and avoid further conflict and instability in the country (ICG, 2021).

Women have traditionally played an important role in agricultural production in Niger. Yet, they face disproportionate barriers to land tenure security due to deeply embedded structural and cultural barriers, such as socio-cultural beliefs and practices, that discriminate against them in land access, inheritance, and control. These barriers have contributed to the drastic decline in the proportion of women in agriculture, from 40 per cent to 11 per cent between 2006 and 2021 (Monimart and Doka, 2021). Limited access to and control over land poses a major barrier to women's ability to access agricultural extension services, and remains a significant challenge for household food security, climate resilience, and gender equality (Issoufou et al., 2020).

In Niger, land governance is a hybrid of statutory, Islamic, and customary regimes. The Rural Code (1993) was introduced to clarify and harmonise land governance, strengthen rights to land, recognise legitimate claims, and address overlapping or competing rights, with specific affirmative actions to favour women (Benjaminsen et al., 2008; Issoufou et al., 2020). Laws and regulations were established for different rights holders on agricultural, forest, and pasture lands, and for rural and urban lands (Benjaminsen et al., 2008).

Notwithstanding, customary tenure systems continue to predominate, especially in rural areas. Furthermore, local administrative bodies frequently have insufficient resources and capacities to enforce land laws. As described below, in the resulting governance framework, overlapping and often contradictory land tenure systems cause uncertainty. This results in conflicts over resources, undermines land tenure security for rural communities, and poses a particular challenge for women.

This review provides an overview of the existing land governance arrangements in Niger regulating women's land rights. The first section discusses land tenure systems and institutional arrangements. The second part discusses two different types of land tenure interventions – registration and certification – and the extent to which they have impacted the recognition of women's land rights. The third part unpacks the predominant barriers to and gaps in recognition of women's rights to land, while the last part highlights land dispute resolution mechanisms and their implications for women.

02_ Land Tenure Systems and Institutions In Niger

2.1 OVERVIEW OF TENURE REGIMES

In 1993, the Nigerien government instituted the Rural Code (Principes d'Orientation du Code Rural, Ordinance 93-015 of 2 March 1993) to improve rural land governance (Box 1). The Code seeks to increase rural tenure security and promote improved organisation and sustainable management of land and natural resources by recognising the private property rights of groups and individuals through either customary or formal law. The Rural Code had two explicit objectives related to customary tenure: 1) to unify the sources of land law (statutory law, customary law, Islamic law) in order to limit legal pluralism, and 2) to limit the prerogatives of traditional chiefs in land management.

Under statutory law, ownership and the management of urban and vacant lands are done by the state and collectives, with the state guaranteeing use rights to occupants of state lands (USAID, 2010). The Forest Law of 2004 grants customary use rights to communities for forests located on their land, with modalities for how to collect or harvest forest products (art. 54).

The Pastoral Code of 2010 regulates tenure of pastoral land, which includes pastoral land for transit and other uses. Under the Pastoral Code, pastoralists have a fundamental right of mobility, and state and local authorities are encouraged to create passage corridors and paths for livestock holders (art. 3, 5, 8, 2010).

In Niger, rural land is primarily managed under customary tenure systems, based on the respective rules of a range of Indigenous tenure forms (Hughes, 2014). Customary tenure was traditionally based on the right of the first occupant, wherein rights to land are conferred upon those who have first cleared or settled the land (Box 2). For instance, in western Niger, the *Fulfulde hawjou* system predominates.

Under this system, land is borrowed from a pool of community 'chieftaincy' land (*terre de chefferie*) entrusted to the village chief (Hughes, 2014; Gavian and Fafchamps, 1996). Community members acquire heritable use rights from the traditional chief (Gnoumou and Bloch, 2003).

BOX 1: LAND TENURE REFORMS IN NIGER

During the 1980s and 1990s, Niger underwent land tenure reforms through the preparation and adoption of the Rural Code. The Rural Code, which involves administrative and territorial decentralisation, allowed for the registration of customary rights as formal property rights. The aim was to clarify customary rights and integrate customary land tenure into the formal system.

The promise of customary land rights registration created huge popular demand that the state was unable to accommodate, and resulted in an explosion of conflicts among rights holders competing to position themselves as customary rights holders.

As a result of Niger's pluralistic tenure system and lack of a single, comprehensive land law, land issues are currently addressed on a case-by-case basis dependent upon individual interests, customary law, Islamic law, and national legislation. This patchwork of legal frameworks and differing venues makes the resolution of land disputes a difficult and lengthy process.

To address these and other issues, a "national land policy" ('The Land Policy', Politique Foncière Rurale au Niger), inspired by the principles espoused in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), was adopted on September 9, 2021. The National Committee on the Rural Code (CNCRC) published an action plan 2021-2027 to operationalise the new policy. The action plan (subprogram 2) explicitly identifies promoting women's access to land and land tenure security as a programmatic focus and area of intervention.

Sources: Benjaminsen et al., 2008; Diarra and Monimart, 2006; Boubacar, 2021; CNCRC, 2021; FAO, 2022.



BOX 2: LAND ACCESS UNDER CUSTOMARY TENURE SYSTEMS

Niger's economy is traditionally made up of agricultural and pastoral production systems. The country comprises an agricultural and a pastoral zone, with either activity being dominant depending on the area, although both activities are permitted throughout. In the past, families working under the authority of the head of the family or clan cleared the land and established water points. When fields were left in fallow, more distant fields (bush lands) were cleared and farmed, and the hamlets that were established for the use of these fields eventually became new villages that recognised the authority of the original head of the family or clan. This agricultural system prevailed for as long as vacant bush lands were available.

In Hausa communities, agriculture persists on collectively farmed lands, held as collective assets, known as *gandu*. Household production and consumption units, known as the *gida*, farm these lands together. *Gandu* lands are under the control of the male household head or patriarch, who traditionally redistributed agricultural surplus according to merit and/or to social recognition of women and men. Ceremonies such as the *kan korya* or *tambarci* provided this public recognition to farmers by conferring women titles such as *tambara* ("women whose economic success has won them renown social recognition") and or *huluwa* (women who are not *tambara*, "with no voice in the public arena"); and men titles as *sarkin noma*: "master farmers". In addition to *gandu* production, adult women and young men cultivate their own fields (*gamana*) two or three days a week.

Source: Diarra and Monimart, 2006

In addition, rights to agricultural land can be acquired by renting fields in exchange for produce, pledging (in which the land user pays cash for temporary cultivation rights), and land purchase, an increasingly common practice for the most productive agricultural lands of south-central Niger (Ngaido, 1996; Gnoumou and Bloch, 2003; McCarthy, et al. 2004; Issoufou et al. 2020). It is also common for informal market land transactions to be validated by witness testimony or, in the case of purchase, recorded using written agreements (USAID, 2010).

Customary tenure systems recognise collective rural land rights to shared resources for collective use. For example, women's groups are granted temporary rights to communal land in the off season (limited to one season per year) by village chiefs or local officials. During this time, depending on the agreement, women may plant herbaceous annual crops and make additions to the land such as market garden wells, irrigation canals, and fencing. However, they are prohibited from planting fruit trees, which denote land ownership. This temporary tenure can be revoked upon dissolution of the women's group or once the agreed-upon time frame has ended (FAO, 2008).

Customary law also recognises the collective use rights of pastoralists, which are generally linked to water-use rights. Traditional authorities recognise collective lands reserved for grazing, passageways for animals, and public water points, with women having access and use rights. De facto control over land surrounding water points usually sits with individuals and groups who control the water point (Cotula, 2007; Hughes, 2014).

2.2 INSTITUTIONAL AND REGULATORY FRAMEWORK FOR WOMEN'S LAND RIGHTS

2.2.1 OVERARCHING FRAMEWORKS

The formal legal framework offers a basis for women's rights in Niger. The Nigerien Constitution guarantees equal rights for all Nigeriens irrespective of gender. Niger has ratified international gender equality instruments including the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 1999, and the Optional Protocol on Violence Against Women in 2004. Niger is a signatory (2010) to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and in 1998 established a Ministry of Social Development, Population, Advancement of Women and Protection of Children (MPFPE). Niger ratified its second National Action Plan (NAP) for the years 2020-2024. The NAP was developed by MPFPE in consultation with civil society organisations, NGOs, and other development partners as part of a participatory process. The NAP focuses on five 'priority axes': 1) promotion of women's fundamental rights and preventing violence against women; 2) protection of women's access to social services; 3) mobilising women's participation in community development and good governance; 4) partnership with public and private sector actors to implement the NAP; and 5) multisectoral coordination.

Women's land and tenure rights are recognised in existing statutory and constitutional provisions, and to varying degrees in customary and Islamic laws. All forms of discrimination against women and young girls are prohibited by the Constitution, which sets measures to ensure women's participation in national development (art. 22). While the formal and Islamic laws contain provisions that are favourable for women's land rights, these provisions are often in conflict with customary norms that tend to favour men (Mamadou and Salaou, 2013).

Clear modalities on land formalisation and proof of land rights are stated in both the Rural Code and the Civil Code (art. 711, 712, 2005). Other affirmative measures have been introduced and adopted by the Government of Niger such as the Economic and Social Development Plan (PDES 2017–2021). The goal of the PDES is to promote women's economic opportunities and reduce gender inequity and inequality. The PDES has defined and framed sectoral policies in the implementation of actions in favour of gender equality (Issoufou et al., 2020).

2.2.2 MARRIAGE AND INHERITANCE RIGHTS

Niger is formally a secular state, and its constitution affirms human rights protections (art. 10-14) and the separation of state and religion (art. 4). Nevertheless, issues of inheritance, marriage, divorce, and related property rights are largely regulated by Islamic religious norms (Cooper, 2010). Although an amendment to the Civil Code in 2004 provides that customary and/or Sharia law must comply with "ratified international conventions, the legislative provisions or fundamental rules concerning public order or personal freedom", laws and practices that discriminate against women persist, especially as relates to divorce, custody, and inheritance (CEDAW, 2007).

Matters related to marriage and property rights are enshrined in the Civil Code of 2005. Statutory laws, as well as Islamic laws, have provisions supportive of women's rights to land and property through inheritance, purchase, rental, bequest, borrowing, or land use in exchange for a deposit (Hughes, 2014; FAO-Dimitri, 2008). The Civil Code mandates that both partners must consent to marriage (art. 146) and that marriages must be registered with the official registrar to be valid (art. 165-169, 1394). Civil marriage, customary marriage, and Islamic marriage can all be legally registered (art. 63, 165-169), whereas informal or de-facto unions are not legally regulated (OECD, 2022). Most marriages in Niger are celebrated under customary law and are not registered before the civil registrar (Cooper, 2010).

In both civil and customary marriages, the husband is the head of household (Civil Code, art. 213; OECD, 2022). Under customary law, in cases of divorce or widowhood, a woman cannot become the recognised head of the household (OECD, 2022).

Under the Civil Code, spouses may opt to have a community property regime or a dowry regime (*régime dotal*) (art. 1391). A marriage based on joint property allows both spouses to administer decisions around their property, but in the case of a dissolution or death, a wife can recover her individually owned property (art. 723). A married woman can lay claims only on her marital home as her home in the case of separation (art. 108), and properties before marriage are not considered part of the joint property agreement (art. 1405). Inheritance is recognised by the law, with children or heirs able to inherit within 30 years if property is managed by a third party from the time of death.

Islamic law (Koran, verses 11 and 12 of the fourth Sura) provides that the woman inherits half of the man's share, and this applies to all land, including farmland. Inheritance practices that follow Koranic prescriptions endow two-thirds of the land capital to the male child and one-third to the female child. Furthermore, in cases of widowhood, the widow receives one-eighth of the inheritance while the rest is divided among her children. Division of inheritance is strongly influenced by other men in the deceased husband's family an effort to avoid the loss of family patrimony to the woman's family or a third party (a buyer, in the case of sale) (Issoufou et al., 2020).

Islamic law provides that the woman inherits half of the man's share, and this applies to all land, including farmland.



However, although the majority of Nigeriens are Muslim, customary rules, rather than Islamic law prevail in most areas of the country. Inheritance and other property transfers using the framework of Islamic law generally only take place in urban areas and outlying suburbs, and usually do not apply to farmland (FAO, 2008). Although the law establishes women's equal rights to own, use, put up for collateral, and make decisions about land (Constitution, art. 17; Rural Code, art. 4), and Islamic law provides for women's rights to inheritance, in practice, women's land tenure security and access are severely restricted due to the predominance of customary law, which generally prohibits women from inheriting and owning land (RECA Niger, 2016).

Under custom, land inheritance follows a patrilineal structure and women are expected to marry and relocate to their husband's land (i.e., virilocality) (Issoufou et al., 2020). Women are typically allowed to use and generate income from the land belonging to their husbands or other male family members (OECD, 2022). In Hausa customs, for example, women have access rights to land through the "gamana" system (Box 2). Male relatives usually also allocate small plots to women near their homes for use as kitchen gardens (Hughes; 2014; FAO, 2008). Although women commonly access land through marriage, this land is generally of poor quality, and can be taken away from them at any time, such as in the event of a divorce. Women can also access by ways of donations, where a landlord grants some or all farm land to an individual or group without collecting payment. This form of gift-giving has become rare due to the commoditisation of land, however (Diarra and Monimart, 2006). More generally, changing tenure dynamics – in particular, increasing land pressures and the related individualisation and commodification of customary land – are eroding women's access to even marginal lands (Diarra and Monimart, 2006).

Although Hausa women can access the *gamana* (plot) allocated to them by the land chief, they do not customarily inherit land. To own land, they must purchase it (FAO, 2008; Hughes, 2014). Women or their children are increasingly challenging these discriminatory inheritance practices under customary rules by appealing to Islamic inheritance principles (Diarra and Monimart, 2006). In some parts of southern Niger, women's right to inherit land is recognised by traditional authorities under customary laws. For example, where land resources are abundant, as in some Tahoua Department regions, women may gain access to land and enjoy their land inheritance (FAO, 2008).

Hence, while both formal and customary laws recognise women's access to land, rural women's rights often go unrecognised as they do not have complete ownership of the land they use. Land issues are largely dealt with following the traditional values of family ownership of lands, where usufruct is more practised, which poses an important challenge for women. In current times, population growth, climatic and socio-cultural constraints are accentuating women's struggles to access, and better control their land resources (Issoufou et al., 2020).

2.3 GOVERNANCE STRUCTURES AND IMPLEMENTATION MECHANISMS

2.3.1 THE RURAL CODE

By design, implementation of the Rural Code is a process, with additional texts providing specific guidance for implementation. The Rural Code defines the system of natural resources and attendant rights, provides for the recognition of land rights and land management, specifies the role of the land institutions in the framework of the sector, and establishes specific institutions to manage land (Bron-Saïdatou, 2015).

The National Committee on the Rural Code (CNCR) is the central decision-making body associated with the Rural Code. The implementation of the Rural Code has been primarily coordinated through government ministries, the Land Commission (French: *Commission Foncière*: COFO), and customary authorities (Diarra and Monimart, 2006; Hughes, 2014). In line with Niger's decentralisation efforts, the Rural Code creates Land Commissions made up of government and municipal departments, customary authorities and civil society members at each of the department, commune, and village levels. Women are represented at all levels (AUC et al. 2008; Diarra and Monimart 2006).

The Permanent Secretariat of the Rural Code is responsible for developing complementary and supportive policies and laws, creating a resource centre, and evaluating the actions of the decentralised land commissions. At the regional level, land administration executives are responsible for developing land management schemes and supervising and managing land tenure work conducted by the Departmental Land Commission (COFODEP) and Municipal Land Commission (COFOCOM).

Departmental administration responsibilities include issuing certificates for land tenure rights, monitoring land development strategies, and coordinating, monitoring, and training the municipal and village administrators. Municipal institutions are tasked with maintaining the Rural File¹ in cooperation with COFODEP, raising awareness about the Rural Code, and coordinating the work done at the village level. Village or tribal level administrators are responsible for identifying common resources, monitoring land development, and addressing issues on land. This administrative mechanism positions traditional authorities to have recognised roles in the formal framework for land administration (Deininger, 2003).

Women's representation and participation in land governance structures

While men dominate leadership positions at the community, regional, and national levels, there has been some progress towards increasing women's representation and leadership in land governance in recent years. For instance, there is now a requirement that at least 10 per cent of municipal councillors on municipal land committees be women

¹The Rural File is the registry used to record and register rural land and property rights.

(Boddaert, 2017). In addition, since the establishment of the Land Commission, quotas for women's representation have supported women's representation at every level of Land Commission structures. At the municipal level chaired by the mayor, at least one of the three municipal councillors must be a woman, and two representatives must be from women's groups in order to meet the 10 per cent minimum quota for women's representation in all of the country's elected bodies. Ensuring that women are systematically represented across the Land Commission levels has the potential to increase broader representation in land management institutions. The goal is to ensure that land matters are not only regulated by customary authorities, but also by representatives from government and civil society, including women (Diarra and Monimart, 2006).

One study has found that community dialogues and negotiations have been an effective means of increasing women's representation on local land committees (Mamadou and Salaou, 2013). Women in such leadership positions are then able to advise other women on key land-use issues, including in relation to climate resilience and improved household nutrition and food security. In addition, the Rural Code provides for the establishment of local 'conventions', or land use agreements, in communities: negotiated agreements concerning the management of communal land. Through their participation in local land communities, women can take up leadership positions in establishing these conventions (ibid).

The quality of women's participation in these governance bodies is still an issue, however, particularly when it comes to decision-making (Diarra and Monimart, 2006). Women councillors often play a symbolic role and are not always aware of land laws, women's land rights, and their roles in the committee (Diarra and Monimart, 2006; Boddaert, 2017). Some elected women do not see the need to prioritise women's issues or specifically defend their rights. Furthermore, the new municipal councils have generally not been utilised by communities, especially in rural areas, as local people prefer using customary structures in matters related to land.

2.3.2 CUSTOMARY LAW

Where land is managed through customary law, the traditional chieftaincy, organised at different hierarchical levels, is tasked with land related tasks. For sedentary populations, chiefs at canton, village, and neighbourhood levels oversee land-related matters, whereas for pastoralist groups, this is the responsibility of groups (made up of several tribes) and tribal chiefs. Lastly, in provinces or sultanates – a grouping of several cantons, where land is under customary law – the sultans indirectly administrate land-related issues via village and neighbourhood chiefs (Bron-Saïdatou, 2015). Customary 'village chiefs', therefore, remain the traditional land administrative authorities in some southern agricultural and pastoral zones (ibid).



03_ Land Titling Registration and Certification

3.1 OBJECTIVES AND MECHANISMS

As noted above, land regulations in Niger recognise the rights for customary land to be recorded in 'rural registers' that progressively document all registered land and certificates. The aim is "to promote land management that combines customary logic with statutory law, ensures that different land uses can coexist, and secures all land users' rights" (Deininger, 2003; 'Land Tenure and Development' Technical Committee, 2015, p. 60). Land tenure reform and the creation of the Rural Code accelerated popular demand for land rights registration (Benjaminsen et al., 2008).

The Rural Code (art. 2) establishes two processes and modalities for land rights formalisation in Niger: 1) land registration for a title deed, and 2) issuing of a legally somewhat looser certificate (Table 1). For individual or collective rights registration, applications are submitted to the Land Commission. The transfer of land or use of a natural resource (like land) can be recognised when the right is recorded in the Rural File (art. 4, 6).

The process of applying for a deed (art. 10) involves the registration of land in the Land Register, obtaining authentication from the Land Commission, and receiving a private deed issued to the landowner by the Land Commission. This option is "often recommended by the

local public administration for its precision, extensive formal legal protection, and essentially for being a step towards modernisation" (Benjaminsen et al., 2008, p. 31). The actual capacity of the Land Commission to deliver such deeds, however, is negligible (Box 3) (ibid).

Ownership and acquisition of land under customary law is established and reinforced by collective memory, by permanent allocation of land by customary authorities, and through any other mode following the custom of the land (art. 9). Registration of ownership rights can be done through survey and oral testimony, when there are no objections to the claims. A certificate of registration (*certificat*) can be issued to individuals by the *Chef de canton*, while a title of priority right of use can be issued to collective rights holders, mostly in pastoral communities. Typically, when a citizen confers with a *Chef de canton*, they pay a small fee in recognition of his or her authority. The *Chefs de canton* have an inherited right to receive 10 per cent of the value of the land involved in a transaction (Diarra and Monimart, 2006). Documents issued to landowners (certificate or titles) provide spaces for details of both men and women. Mostly in cases of collective rights, these documents will carry the names of all other members who are joint owners (users) of the property to be registered.

BOX 3: COMMUNITY-BASED REGISTRATION SCHEMES IN NIGER

Land Commissions established under the Rural Code are tasked with issuing land titles and overseeing land use. However, implementation of the Rural Code in practice has been limited, with a small number of operational commissions working at an extremely slow pace. In one successful case of implementation from the Mirriah Department, 74 Village Land Commissions (*Commissions Foncières de Base*, COFOB) have been created and tasked with registration of land rights. To meet the great demand, each village has developed a five-member committee (composed of four men and one woman) trained to receive, publish, ensure the validity of, and record registration requests. Uncontested requests are then recorded in the village land register. The process has been met with success, and is reported to be easy navigate, inexpensive, and accessible for all community members.

Source: Cotula et al., 2004



© World Agroforestry

Table 1. Tenure interventions in Niger that recognise women's land and resource tenure rights

LAND REGISTRATION		CERTIFICATION	
GOAL	To formalise rights mainly in agricultural and rural lands by documenting plots in public registries (Land Register) and receive a proper deed reviewing existing overlapping rights (and competing claims), especially for customary lands.	GOAL	To recognise customary ownership claims over agricultural and rural lands, and receive a <i>certificat</i> signed by the <i>Chef de canton</i> .
SCALE	Plot	SCALE	Plot
RIGHTS HOLDER	<ul style="list-style-type: none"> Household (family) Individual Collective 	RIGHTS HOLDER	<ul style="list-style-type: none"> Household (family) Individual Collective (village common lands)

Certification is the most common way that women have formalised a right to their plots of land, though generally low levels of information about land rights and the complex process and limited benefits of registration combined with structural limitations to accessing certification processes continue to limit women's land ownership (FAO, 2008; Boubacar, 2021).

While registration bears a low cost for villagers, the process of developing and maintaining this register is relatively costly for the Land Commission. It is estimated that running a Land Commission costs around 40 million CFA francs (US\$ 74,000) per year per district, or about 1,000 CFA francs (US\$ 1.85) per plot of land. Plot-holders have affirmed that this is money well spent, however, as it confers firm rights and avoids conflicts with neighbours and kin (Quan and Toulmin, 2004).

3.2 PROGRESS OF IMPLEMENTATION

The 1993 Rural Code aimed to increase women's and men's land security by decreasing the influence of village chiefs in favour of individualising and enabling registration of customary land-use rights. As noted above, the decree to directly register customary land rights through the land tenure reform led to a surge in demand for registration and land titling (Cotula et al., 2004). Yet, as of 2004, only 3,100 total sales, gifts, mortgaging, loans, rents and customary freeholds (*détention coutumière*) had been processed and recorded by the Land Commissions for the entire country (Benjaminsen et al., 2008; FAO, 2008; Gnomou and Bloch, 2003).

In the district (*arrondissement*) of Mirriah in the department of Zinder, almost 600 demands for deeds were initiated during the first few months after the Rural Code was adopted in 1993. However, five years later (by 1998), fewer than 50 title deeds had been finalised, and villagers stopped requesting title deeds, as they did not believe that the Land Register would deliver them (Benjaminsen et al., 2008).

This slow rollout can be attributed to the administration's limited organisational capacities and the challenge of measuring the fields in each claim. Moreover, too few government officials were assigned many land registration tasks (Benjaminsen et al., 2008; Diarra and Monimart, 2006).

This rate of registration does appear to be increasing, however. While there were only 2,901 land titles registered in Niger (excluding the cities of Niamey and Agadez) between 2000 and 2008, 1,479 land titles were registered in 2009 alone (MCC, 2017). The process in recent years has become more organised and active, with institutional representatives more aware of their roles and responsibilities in land registration (Boubacar, 2021).

3.3 OUTCOMES OF LAND TITLING REGISTRATION AND CERTIFICATION FOR RECOGNITION OF WOMEN'S RIGHTS

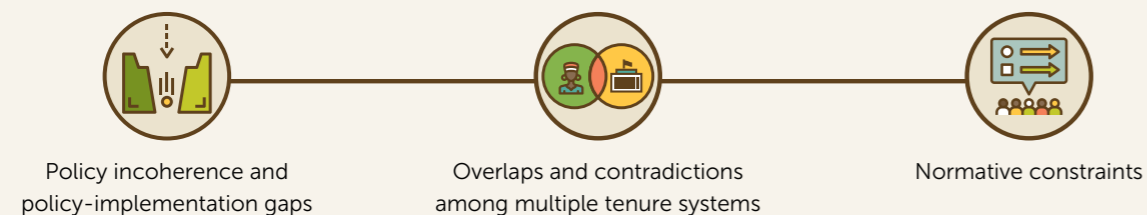
The outcome of land registration and certification, particularly for women, has been complex, with specific weaknesses in the mechanisms creating land and tenure insecurity (Deininger, 2003). Although the Rural Code includes provisions that are favourable to women's land rights formalisation, implementation of these provisions has been challenged by persistent customary norms and a lack of clarity among village chiefs and local councils about their roles (Benjaminsen et al., 2008; Diarra and Monimart, 2006).

Diarra and Monimart (2006) noted that in the Maradi and Zinder regions of Niger, the most documented modes of formal land access by women were sales, pledges, inheritance/customary holdings, and donations. About 5.9 per cent of women in the Sherkin Hausa communities gained access to land through sales, documenting over 300 sales within five years. Barely 0.9 per cent were registered in the formalisation of customary rights. However, the authors note that borrowing, which was the most common customary practice of land access for women, was not among formally documented modes of land access (ibid).

04_ Barriers to the Recognition of Women's Land Rights in Niger

Although progress has been made on land policies in Niger, interventions remain weak. The inefficiency of land institutions coupled with a lack of information on land tenure interventions make it difficult to assess how much progress has been made thus far.

Women's land rights are primarily constrained by three types of barriers, discussed in this section:



4.1 POLICY INCOHERENCE AND POLICY-IMPLEMENTATION GAPS

Land tenure interventions on titling registration and certification are mostly hindered by institutional, legal, and operational shortcomings related to ineffectiveness of implementing institutions and the lack of harmonised texts on land and other resources (Table 2). Land Commissions face difficulties determining and recording land ownership and rights due to insufficient training, capacity, and funding (Benjaminsen et al., 2008). Very few government officials and support staff were dedicated to the task of registering demands and resolving disputes; and those assigned to these tasks, including volunteers, were inadequately trained to do so (Diarra and Monimart, 2006; Benjaminsen et al., 2008). It was initially unclear, even to land administrators, which rights in the customary bundle of rights could be registered, which opened doors for land grabbing (Benjaminsen et al., 2008; Boubakar, 2021).

Originally conceived as a simple reform, the registration process stirred up old and new conflicts (Benjaminsen et al., 2008). A complex tenure system had been reduced to simplified categories of primary rights holders, who claimed exclusive rights to land, and weaker groups of secondary rights holders (Boubakar, 2021). Institutional competition emerged between rights holders likely to benefit from the reform and others who relied on undocumented means to secure land, such as informal agreements for land recognition (Benjaminsen et al., 2009). Land claims by men, sedentary agriculturalists, and 'first comers' held more weight than claims by women, transhumant cattle herders or 'late comers'. Insufficient or lacking working tools such

as GPS receivers for land registry and transportation further impeded the implementation of land reforms (Issoufou et al., 2020).

The Land Commissions found it challenging to clearly differentiate between urban and rural lands (Benjaminsen et al., 2008), and implementation of the Rural Code was affected by the lack of harmonisation of land texts, which raises confusion on what text is applicable (Benjaminsen et al., 2008). For example, the Pastoral Code aligns with the Rural Code in determining the legal status of rural water supplies and enabling pastoralists' mobility by legitimising herd access even to private water sources, provided that the load capacity of the infrastructure allows it (art. 27, 30 and 31). However, the Pastoral Law seems to have raised conflicts between pastoralists and farmers favouring the needs of crop cultivators (Quan and Toulmin, 2004). Ambiguities or conflicting laws have encouraged encroachment by farmers into herding zones and their assertion of secure, exclusive ownership rights, including to clear land for agriculture, thereby cutting off livestock access to water resources, with profound environmental and livelihood implications (Quan and Toulmin, 2004). Pastoral herders who have historically relied on established secondary rights to stubble, water, and pasture resources, are thus impeded by crops planted in former cattle tracks and by the privatisation of previously common grazing lands as they attempt to move their animals seasonally (Benjaminsen et al., 2008; Boubakar, 2021).

Table 2. Barriers to the recognition of women's land and resource rights in Niger

POLICY INCOHERENCE AND POLICY-IMPLEMENTATION GAPS	
BARRIER/CONSTRAINING FACTOR	REFERENCE
Ineffectiveness of implementing institutions to implement provisions that protect women's land rights, mainly due to the lack of capacity to put in place many decentralised institutions.	Gnomou and Bloch, 2003; Cotula et al., 2004; Benjaminsen et al., 2008 USAID, 2010; Issoufou et al., 2020
Creation, increase, and surfacing of latent conflicts due to land registration in a context of institutional competition and limited administrative capacity.	Diarra and Monimart, 2006; Benjaminsen et al., 2008; Issoufou et al., 2020
Inability to differentiate between urban and rural land in the Rural Code, which makes it difficult for Land Commissions to effectively implement their tasks. Gaps in the harmonisation of texts related to land tenure stall implementation by land structures.	Diarra and Monimart, 2006; Benjaminsen et al., 2008
Lack of clarity in statutory laws on marriage, divorce, and separation, as these are often subject to customary laws, religion, and social norms.	Gnomou and Boche, 2003; Diarra and Monimart, 2006
Lack of clarity on pastoral and agricultural regulations hinder implementation in the management of grazing, agricultural, and water resources.	Boubakar, 2021

OVERLAPS AND CONTRADICTIONS AMONG MULTIPLE TENURE SYSTEMS

BARRIER/CONSTRAINING FACTOR	REFERENCE
Hybrid land tenure systems in Niger blur the distinction between customary and statutory land laws, resulting in conflicts across different groups, with acute implications for women in pastoralist communities already affected by transhumance conflicts.	Cotula, 2007; Hughes, 2014; Boubakar, 2021
The application of legal (Rural Code) and religious texts, which are favourable to women, conflict with customary law, which is favourable to men.	Mamadou and Salaou, 2013
Ambiguous position of local chiefs vis-à-vis the state. Contradictions between customary systems and the Rural Code make implementation difficult.	Benjaminsen et al., 2008; Issoufou et al., 2020

NORMATIVE CONSTRAINTS

BARRIER/CONSTRAINING FACTOR	REFERENCE
Persistence of unfavourable customary and religious practices, such as the confinement of women within a small family space, affects women's access to and control over land.	Diarra and Monimart, 2006; Issoufou et al., 2020.
Limitations on women inheriting land due to virilocality reduce women's access to and ownership of land. Contingency of women's access to land based on their marital status does not confer land security if the marriage comes to an end.	Diarra and Monimart, 2006; Issoufou et al., 2020



4.2 OVERLAPS AND CONTRADICTIONS AMONG MULTIPLE TENURE SYSTEMS

The diversity of land tenure systems in Niger has blurred the distinction between customary and statutory land laws, resulting in conflicts among different groups (pastoralists and agriculturalists), with nuanced implications for women in pastoralist communities (Cotula, 2007; Hughes, 2014). The lack of a single land law makes it challenging to handle conflicts between pastoral and agricultural communities. Although formal policies (Rural Code) and religious texts are more favourable to women's land rights (Mamadou and Salaou, 2013), customary law remains the best-known and most frequently applied system (FAO, 2008).

Regarding land rights formalisation, the position of the local chief vis-à-vis the state is ambiguous, as roles are not clearly defined. This makes it difficult for them both to address questions that fall under their respective jurisdictions (Diarra and Monimart, 2006; Benjaminsen et al., 2008).



4.3 NORMATIVE CONSTRAINTS

Aside from the lack of clarity on marriage, divorce, and separation in statutory law, religion and social norms contribute to women's tenure insecurity in Niger. For example, a woman who moves away from her village when she marries, which is standard practice in Niger, may lose all rights to her family land through inheritance or inter vivos gifts² (Diarra and Monimart, 2006). Similarly, her access to land and credit during her marriage depends on the stability of her marital relationship; and in the event of a divorce, separation, or widowhood, she may lose her access to land under customary law (Issoufou et al., 2020).

Some religious practices, such as seclusion or confinement, which confine women to a domestic space and prevent her from leaving the home, result in women's inability to work outside the house and limit their access to land and other productive resources (Diarra and Monimart, 2006). Some women also withhold from demanding their property rights because they are unaware of the statutory land laws or afraid of retaliation by men and families (FAO, 2008).



“Some women also withhold from demanding their property rights because they are unaware of the statutory land laws or afraid of retaliation by men and families.”

² Inter vivos gifts are those that a person receives from another person while they are still alive.

05_ Access to Justice and to Land Dispute Resolution Mechanisms

Although general statistical data is lacking on rural land conflicts in Niger, land is often cited as the primary source of conflict in the country.³ The majority of land conflicts take place in rural Niger, where increasing pressure on land has led to an increase in disputes among family members, farmers, farmers and herders, traditional chiefs, and villagers (Gnoundou and Bloch, 2003).

The constitution recognises both formal and customary institutions in the settlement of a land dispute. Disputes over land that is registered or governed by the provisions of the Civil Code are addressed by the civil courts, while customary land disputes, which make up the majority of land disputes, are handled by the judge in charge of customary affairs. This judge is also responsible for hearing other types of cases such as matrimonial disputes or small civil and commercial claims.

Different procedures arbitrate disputes between herders and farmers through a Joint Conciliation Commission⁴ at the village, district, province, and sultanates levels (Rural Code, art. 66). Land Commissions, though tasked with identifying and recording land rights and registration, do not have authority to receive or resolve competing land claims (Gnoundou and Bloch, 2003; FAO, 2008). Such claims need to be resolved before the land can be registered. These challenges increase tenure insecurity for women and other vulnerable groups, who often lack the means to pursue cases of competing land claims (Gnoundou and Bloch, 2003).

Organic Law No. 2004-050 of July 22, 2004, establishes the organisation and jurisdiction of rural land courts (*les tribunaux du foncier rural*) to handle rural land disputes. According to article 88 of the 2004 Law: “The rural land courts hear: (i) cases concerning ownership or possession of real estate and the rights arising therefrom where the dispute relates to an immovable registered in the Rural File; (ii) cases concerning customary ownership or possession of land (fields) and the rights to land not registered in the Rural File; iii) cases concerning disputes relating to access to rural land resources (water point, pasture or grazing areas, corridors, etc.); and iv) in general, all disputes relating to possession and ownership [...]”. Unfortunately, the courts have yet to be effectively implemented and implementing legislation has not yet been adopted (Saadou, 2014).

Conflict resolution is mostly done by administrative institutions such as the Divisional Officer (*préfet*), the Senior Divisional Officer (*sous-préfet*), and the Head of the Unit (*chef de poste*).

³ For example, see: Analysis of conflict factors in Niger, UNDP and High Authority for the Consolidation of Peace, Niger Research Office Horizons, October 2014.

⁴ The Joint Conciliation Commission is tasked to clarify issues in disputes between herders and farmers and bring them on mutually acceptable terms.

Legal institutions are represented by the courts and police (through the gendarmerie). Customary chiefs hold the power to mediate customary conflicts. This mediation authority is a traditional role, which is recognised under the law. Traditional or customary authorities relevant for land dispute resolution include the sultan, the canton chief, village chiefs (for sedentary farmer zones), Tribute Chief (pastoralists zones), and the religious head (the *Alkali*). Village and canton chiefs play significant conflict resolution roles as they operate under both traditional and formal systems (Gnoundou and Bloch, 2003).

Matters relating to customs fall into two groups: 1) persons and the family, which concerns all disputes relating to the family, marriage, divorce, filiation, successions, gifts and wills, as well as legal actions taken by the State; 2) disputes related to the ownership or possession of unregistered immovable property and the rights thereto. In these matters, custom constitutes the common law (Boubacar, 2009).

By leading to an increase in land conflicts, pressure on land makes the adjudication authority of customary leaders – the first authorities to intervene in land conflict management – all the more important. Mediation by customary chiefs is mandatory before recourse to the courts (Bron-Saïdatou, 2015). As the number of land transactions increases, so does the role of customary authorities, who are usually involved in guaranteeing that a prospective seller is the owner of land, and who serve as witnesses to and participants in land transactions (Bron-Saïdatou, 2015).

There is a need for more research regarding land disputes resolution for women. Little information is available in the literature regarding gender outcomes in land dispute and land settlement. One study found that the continued co-existence of statutory, customary, and Koranic systems creates difficulties, particularly in the administration of land by the Land Commissions (Bron-Saïdatou, 2015). Although the legislative framework establishing the Land Commissions is based on formal equality between women and men, Land Commissions are run by men who seem to be unaware of or unconcerned with gender and land issues and who sway more towards customary norms (Bron-Saïdatou, 2015). There is some evidence that women and their heirs are increasingly invoking Koranic law in bringing inheritance claims over agricultural land, with some positive outcomes for women (Diarra and Monimart, 2006).

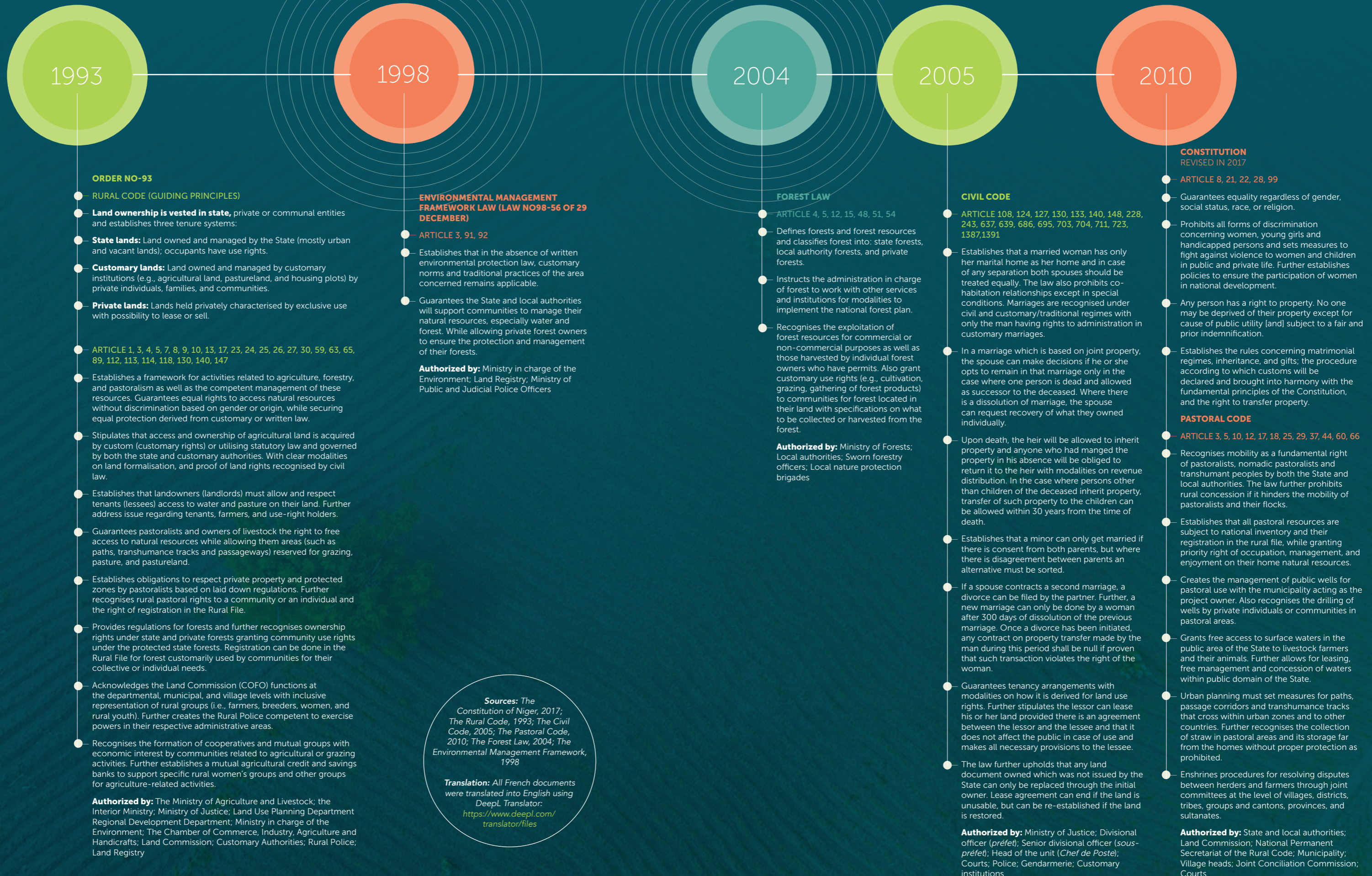
06_ Conclusion

This review of tenure dynamics in Niger, with an emphasis on women's rights to land and resources, highlights that the implementation of the Rural Code has created conflicts resulting in primary and secondary rights holders benefitting unequally, with persistent implications for women's land tenure security. The process of implementing the Rural Code and related reforms has been hindered by inefficiencies of land administrators and a lack of clarity between functions of state and traditional authorities. Social norms and religious customs also present challenges to women's ability to exercise their rights to land.

07_ References

- Benjaminsen, T. A., Holden, S., Lund, C., and Sjaastad, E. (2008). Land use policy formalisation of land rights : Some empirical evidence from Mali, Niger and South Africa. *Land Use Policy*, 26, 28–35, <https://doi.org/10.1016/j.landusepol.2008.07.003>
- Boddaert, M. (2017). *Women Empowerment in Niger : from Markets to Households to Communities - VAM Gender and Market Study #11*.
- Boubacar, M. B. (2009). *A look at the legal and judicial system of Niger*.
- Boubacar, Y. (2021). *Les acquis de la loi pastorale ordonnance 2010-029 relative au pastoralisme et ses décrets d ' application - Document de réflexion dans le cadre de l'élaboration de la politique foncière rurale de la République du Niger*, <https://doi.org/https://doi.org/10.4060/cb2822fr>
- Bron-Saïdatou, F. (2015). *La gouvernance foncière au Niger : malgré des acquis, de nombreuses difficultés* (No. 7 ; FICHE PAYS).
- CEDAW (2007). 'Responses to the list of issues and questions with regard to the consideration of the initial and second periodic reports of Niger', CEDAW/C/NER/Q/2/Add.1, CEDAW, New York, NY, <http://www2.ohchr.org/english/bodies/cedaw/cedaws38.htm>
- Comité National du Code Rural (2021). Plan d'actions 2021-2027, politique foncière rurale du Niger, <https://duddal.org/files/original/0fd11dbf8d533fb28a384d232cc5a4ca89060e7b.pdf>
- Cooper, Barbara. (2010). Secular states, Muslim law and Islamic religious culture : gender implications of legal struggles in hybrid legal systems in contemporary West Africa, *Droit et cultures*, 59 | 2010-1, <http://droitcultures.revues.org/1982>
- Cotula, L. (ed). (2007). *Changes in "customary" land tenure systems in Africa*. IIED.
- Cotula, L., Toulmin, C., and Hesse, C. (2004). *Land tenure and administration in Africa : lessons of experience and emerging issues*.
- Deininger, K. (2003). Land policies for growth and poverty reduction. In K. Deininger (Ed.), *The Lancet Neurology* (Vol. 2, Issue 9). World Bank and Oxford University Press, [https://doi.org/10.1016/s1474-4422\(03\)00523-4](https://doi.org/10.1016/s1474-4422(03)00523-4)
- Diarra, M., and Monimart, M. (2006). Landless women, hopeless women? Gender, land and decentralisation in Niger. In *IIED October Report* (Issue 143).
- FAO. (2008). *Land access in rural Africa : Strategies to fight gender inequality* (Issue September).
- FAO (2021). Niger – Analysis of conflicts over transhumance in the Diffa region, <https://www.fao.org/3/cb6957en/cb6957en.pdf>
- FAO (2022). "Passage of long-awaited tenure reform in Niger," *Governance of Tenure*, <https://www.fao.org/tenure/news/news-articles/long-awaited-tenure-reform-in-niger/en/>
- Gavian, S., and Fafchamps, M. (1996). Land tenure and allocative efficiency in Niger. *American Journal of Agricultural Economics*, May, 1–24, <https://doi.org/10.2307/1243717>
- Gnoundou, Y., and Bloch, P. C. (2003). Niger country brief : Property rights and land markets. In *Report Brief* (Issue March).
- Hughes, O. (2014). *Literature Review of Land Tenure in Niger, Burkina Faso, and Mali : Context and Opportunities* (Issue August).
- International Crisis Group (29 April 2021). South-western Niger : Preventing a new insurrection, Africa Report No. 301 <https://reliefweb.int/sites/reliefweb.int/files/resources/301-south-western-niger.pdf>
- Issoufou, M., Amadou, O., Lawali, D., Saidou, O. M., Habibou, I., and Boubacar, Y. (2020). Constraints and strategies for women's access to land in the regions of Maradi and Zinder (Niger). *Cogent Social Sciences*, 6(1712156), 1–16, <https://doi.org/10.1080/23311886.2020.1712156>
- 'Land Tenure and Development' Technical Committee. (2015). *Formalising land rights in developing countries : moving from past controversies to future strategies* (Issue March).
- Mamadou, A., and Salaou, A. (2013). Women's land rights in a changing climate : a case study from Maradi, Niger. *Hunger, Nutritiom, Climate Justice*, 1–4.
- Millennium Challenge Corporation (2017). MCC Niger Threshold program design : Constraints analysis final report, https://assets.mcc.gov/content/uploads/2017/05/Niger_CA_withCover.pdf
- Monimart, M. and M. Diarra Doka (2021). Les paysannes nigériennes de 2021 sont-elles ou non plus ignorantes que leurs mères ? , *Grain de Sel* 80 :1, Inter-Réseaux Développement Rural, <https://www.inter-reseaux.org/wp-content/uploads/GDS80-16-17-Enjeux.pdf>
- Quan, J., and Toulmin, C. (2004). Formalising and securing land rights in Africa. In *Land in Africa : market asset, or secure livelihood?* (No. 8–9 ; Session One).
- RECA Niger (2016). L'accès des femmes et des jeunes au foncier [Access of youth and women to land], Réseau National des Chambres d'Agriculture du Niger, Niamey, www.recaniger.org/IMG/pdf/2016-01_Droit_foncier_des_femmes.pdf
- Saadou, A. (2014). La réforme innovante du tribunal du foncier rural au Niger, *Liaison Energie-Francophonie* : 98(3) : 71-72.
- USAID. (2010). *USAID country profile : Property rights and resource governance in Niger*.
- World Bank (n.d.). World Development Indicators, <https://databank.worldbank.org/source/world-development-indicators>

08_Key Regulations in the Analysis of Women's Land Rights in Niger



09_ List of Regulations



Key Legislation

- Civil Code, 2005
- Niger's Constitution of 2010 with Amendments through 2017.



Policy Documents

- Loi cadre relative à la gestion de l'environnement.
- Loi n°98-56 du 29 décembre 1998



Sectorial Laws

- Ordonnance N° 93 - 015 du 2 Mars 1993 fixant les principes d'Orientation du Code Rural.
- Ordonnance 2010-029 du 20 Mai 2010 relative au pastoralisme.
- Loi n° 2004-040 du 8 juin 2004 portant régime Forestier au Niger
- Loi cadre relative à la gestion de l'environnement. Loi n°98-56 du 29 décembre 1998
- DECRET No -97-367-/PRN/MAG/EL du 02 octobre 1997 déterminant les modalités d'inscription des droits fonciers au Dossier Rural.

These regulations were retrieved from the following sites:

- **Lanklinks:** <https://www.land-links.org/country-profile/niger/>
- **FAO:** FAOLEX Country Profiles
- **FAO:** FAO Gender and Land Rights Database

INITIATIVE CONSORTIUM



The Center for International Forestry Research (CIFOR) and World Agroforestry (ICRAF) envision a more equitable world where trees in all landscapes, from drylands to the humid tropics, enhance the environment and well-being for all. CIFOR and ICRAF are CGIAR Research Centers.

Alliance



Climate change, biodiversity loss, environmental degradation, and malnutrition. These four interconnected global crises have put at stake the wellbeing of our planet for years. Fueled by COVID-19, their impact on agriculture, landscapes, biodiversity, and humans is now stronger than ever. Reversing this negative trend is a challenge, but also an opportunity for bold choices and integrated solutions. Established in 2019, the Alliance of Bioversity International and the International Center for Tropical Agriculture (CIAT) was created to address these four crises, maximizing impact for change at key points in the food system.



INTERNATIONAL
FOOD POLICY
RESEARCH
INSTITUTE

The International Food Policy Research Institute (IFPRI) provides research-based policy solutions to sustainably reduce poverty and end hunger and malnutrition in developing countries. Established in 1975, IFPRI currently has more than 600 employees working in over 50 countries. It is a research center of CGIAR, a worldwide partnership engaged in agricultural research for development.

INITIATIVE CONTACTS



Anne Larson,
Theme lead for Governance,
Equity and Wellbeing

a.larson@cifor-icraf.org

Alliance



Ana María Paez-Valencia,
Social Scientist,
Gender

a.paez-valencia@cgiar.org



Investing in rural people

Steven Jonckheere,
Senior Technical Specialist
for Gender and Social
Inclusion

s.jonckheere@ifad.org

Harold Liversage,
Lead Technical Specialist,
Land Tenure

h.liversage@ifad.org



<https://www.cifor.org/wlr>

https://www.ifad.org/en/gender_transformative_approaches

