

Part II

Written contributions by the participants:
Dimitra's partners and FAO colleagues



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NIGER

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His reading of the rural environment and of rural women is an integrated part of his daily existence. The education of his children and the activities which mark his commitment to development are all oriented towards the rural areas.

As he says: "I am rural, and I love being rural!"

ONG-VIE is Dimitra's partner organisation in the Sahel, covering Benin, Mali, Niger, Tchad and Togo.

Rural women and farmland in Niger



1. Introduction

Niger is a large Sahelian country in West Africa with an area of 1,267,000 km² and a population of around 14 million (in 2006), of whom 80% live in rural areas. The country's national priority is fighting poverty.

Agriculture is the main economic activity practiced by the population of Niger and it accounts for 19% of the GDP. In spite of this, food insecurity has structural effects on over 30% of households and there is a food production deficit of 100,000 to 300,000 tonnes almost every two years. This situation results from the fact that over 60% of the population lives below the poverty line.

Agricultural production, which amounts to 3,000,000 tonnes per year, is generated by only 36% of land parcels, although there are 15 million hectares of land which could be cultivated. Around 1.6 million farming households are responsible for this production, and only 6.5% of these have women in charge.

This situation shows that although the causes of food insecurity include climatic and technological issues and the low rate of land development (36%), which is the result of serious problems regarding land, there is also extreme inequality between men and women. Our analysis focuses on the latter factor.

There are various different land ownership systems for agriculture in Niger. These are applied to varying extents:

- the system based on customary law, which is the most frequently applied system;
- the system based on Islamic law, which is normally referred to in disputes about inheritance;
- the system based on civil law.

Given that poverty and food insecurity are escalating, it is increasingly necessary to make women responsible for meeting their families' needs as regards food. If we want to gradually achieve autonomy for rural women without

overturning traditional values, we must consider the issue of women's management of agricultural production. It is especially important that their right to access and own the land they have operated for so long is recognised.

The fact is that over 50% of the working population are rural women, and the way they are marginalised and viewed as inferior when it comes to managing agricultural resources is a part of the reason that around 64% of potentially cultivable land is not being exploited. This situation explains the chronic deficits in food production that leave over 30% of households facing food insecurity.

Recurrent questions arising from this are as follows:

- Are there any strategies and opportunities for rural women to be able to own land, rather than just having access to it? If so, what are they?
- Could any local traditions, administrative rules or legal principles allow rural women to benefit from advantages regarding land rights and if so, are they aware of this?
- Is it only necessary to launch agricultural reforms or should there be concrete initiatives at local level to ensure that rural women are involved in obtaining their rights?

This article constitutes a layman's analysis of the land ownership situation. We will attempt to highlight the position of Niger's rural women as regards agricultural land, then we will focus on the Djerma-Songhai tradition and the Hausa tradition of Maradi, while also considering Islamic law and in Niger's civil law.

2. What land rights do women in Niger have?

Society in Niger, whose cultural diversity is the result of the presence of several ethnic groups (Hausa, Djerma-Songhai, Fulani, Tuareg, Kanuri, Buduma, Arab, Toubou and Gurma), is organised along traditional, patriarchal lines in most communities. Farming land generally belongs to



the families who founded the village or canton, and it is the village or canton chief who allocates land belonging to the community.

Land can be accessed through inheritance, though this is normally limited to men. There are other ways to access land, which differ depending on the customs in the area. They include purchase, rental, bequest, borrowing or land use in exchange for a deposit. However, the right to non-permanent ownership varies according to the traditions of different ethnic groups (Djerma-Songhai tradition and assimilated groups, and Hausa tradition and assimilated groups) and according to how much influence Islam has in the area.

Very few women have access to land property, despite provisions in both Islamic and civil law that grant women such rights. And although Islamic law seems to be spreading rapidly from the towns into the countryside, the same cannot be said of civil law – most people seem to be unaware of civil law and in any case, it is very rare for it to be used or applied.

Customary law does not allow women to own property in land because it is assumed that they have little or no time to tend it (as they spend most of their time looking after children and doing household chores) or because they marry outside the family and may sell their precious heritage to someone outside the family.

According to customary law, women's opportunities for accessing land are limited to user rights over plots of land of a few square metres (home gardens, plots for market gardening) covering less than half a hectare (*gamana*). These plots are allocated by the person in charge of exploiting them, the woman's husband. If women organise themselves into a group, they may receive permission from the village or canton chief (who is in charge of allocating the land in the area) to borrow and work collective irrigated or rain-fed land (on sites where off-season crops are grown).

The field or home garden is the area surrounding the house and is used during the rainy season to grow intensive crops or cash crops such as maize, sesame, bambara groundnuts, okra, sorrel or moringa. In the dry season, it is used as a garden, provided there is enough water. In these cases, most of the food produced is used to feed the household, so rural women cannot do as they please with their produce. In some traditions, this area, which is generally very fertile because of the household waste and animal dung

that permeate it, is exploited by the head of the household himself.

Community land for growing off-season crops is allocated to women's groups by village chiefs or other such officials for seasonal use only. They may only use the land to grow annual herbaceous crops and can only grow crops one season per year (not during the rainy season). Their entitlement to this land can be withdrawn if the group breaks up, if the owner decides to withdraw it or once the exploitation period as set out in the oral agreement permitting use of the land has ended. If an agreement has been made, the women may make some investments in the land (market garden wells, irrigation canals, fencing), but they may not plant fruit trees, as these are a symbol of land ownership.

a) Djerma-Songhai customary law and women's access to farmland

The village chief may bequeath some of the community's land to descendants of the families that founded the village. Members of these founding families may lend plots of land to families wishing to settle in the village, or they may sell the land.

In fact, the inheritance system makes it difficult to buy or sell farmland. In Djerma-Songhai culture, only male heirs can inherit farmland, which is distributed on a pro rata basis depending on the heirs' position in the family. One section of the inherited land is kept for the use of all the sons of one mother if they decide to continue working together for the time being. Possible and common speculations on farmland are purchase, lending, rental and use in exchange for a deposit, which only allows the user to use the produce from the land for a set period.

In Djerma-Songhai tradition, women are usually exempted from ploughing and hoeing the land for major cereal crops, but they are involved in sowing. Nevertheless, they have to tend the plot of land allocated to them by their husbands or third parties for growing cash crops.

Although this system protects small farmers' access to land, the flipside is that it excludes women (i.e. over 50% of the working population) from taking decisions relative to the development and working of farmland. This reduces the amount of land that can be developed, since women may only use the land or, in some cases, they may only use the land's produce. This largely explains why so much land – even the most fertile land – remains undeveloped in these areas.





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b) Hausa customary law regarding access to farmland

In Hausa culture, the village’s founding families (zara’a) divide up the land and the village chief manages the community’s land, as in Djerma-Songhai tradition. The village chief may not sell the community’s land, but he may lend or give it to families from the village or families who wish to move to the village. Unlike in Djerma-Songhai tradition, farmland can be subject to various commercial transactions (rental, use in exchange for a deposit, sale or trade).

The Hausa define entitlement to land using the gandu/gamana system. The gandu is made up of all the large fields belonging to one family. The gandu chief (who is in charge of farming the land) is the owner of family land inherited from his parents. He is allowed to use the land, benefit from its produce and dispose of it if he wishes. The family, which is made up of several households (the gandu chief’s household, his younger brothers’ households, his sons’ households, and so on), can use the produce of the gandu for some of the year. As a result, the gandu chief’s right to dispose of the land is limited by the social control imposed by the rest of his family, though he may still sell some of his land.

The gandu chief grants his sons (aged 15 or over), his wives, his younger brothers, his younger brothers’ wives and his sons’ wives the right to operate small plots of his land, gamanas (covering around 0.25 ha). They can use this land and its produce. During the main agricultural season, the members of the gandu have to work in the gandu’s main fields five or six days a week. Women and young people only have one or two days a week to tend their gamanas.

The produce harvested from the large fields in the gandu is the exclusive property of the gandu chief, who mainly uses it to feed himself (i.e. only himself, not his wives or children). He can also sell produce and use it to satisfy other needs (e.g. weddings, baptisms, journeys). The family can only use the produce of the gandu for food for three to four months of the year, during the main agricultural season. For the remaining eight or nine months, the women and children must feed themselves with the produce from their gamana and the remainder of the harvest from the gandu’s fields.

A man inherits his part of the gandu when his father dies or when he is old enough to claim it, which is normally when he has sons old enough to have gamanas. At this point, he is given full rights (i.e. to use the land, use the pro-

duce and dispose of the land) over his own individual share of the *gandu*. He is then independent and a *gandu* chief in his own right.

Traditionally, women do not inherit land. They may only operate the *gamana* allocated to them by the land chief (their husbands), but they can own fields if they purchase them. When working in the fields, women are assisted by their sons-in-law (their daughters' husbands or fiancés), who must help them for a set number of years.

This system, since it allows land to be bought, favours larger operators who can expand and modernise their farms at the expense of small producers who, pressurised by poverty, may be expropriated.

c) *Islamic law and ownership of farmland*

Islamic law allows women to inherit: a woman may inherit half of what a man inherits, and this applies to all property, including farmland. A woman may also inherit a quarter of her husband's land.

However, Islamic law remains largely theoretical, especially in rural areas, even though the people are Muslim. Transfers in the framework of Islamic law normally only take place in urban areas and outlying suburbs, and usually apply to property other than farmland. However, it is largely due to Islamic law that, according to the census, 6.5% of agricultural land is farmed by women.

d) *Civil law on ownership of farmland*

The system for property law, as set out in the Niger Civil Code, defines three different types of ownership right to land: *usus* (the right to use the land); *fructus* (the right to use the produce from the land) and *abusus* (the right to dispose of the land). As far as farmland is concerned, we are most interested in *abusus*, which is not granted to women under customary laws.

The Niger Civil Code, which was based on Niger's constitution and some of the country's other laws, lays down a certain number of provisions to ensure that women have the right to access and own farmland.

We must reiterate that the political desire to break with certain exclusivist traditions has been put to the test since 1974, when the head of state declared that "land belongs to those who cultivate it". Although the state's adoption of this position allowed several minority communities to access land, it has had no significant positive effect for women.

Worse still, landowners have discovered the trick of refusing to let or lend land for more than five consecutive years.

Within the framework of its development policies, the state is making major investments in developing land for agricultural production. Since it owns this land, it is also distributing it to producers' groups or cooperatives under management agreements. Groups of women have been the main beneficiaries of this new system.

Since the law laying down the principles of the rural code was enacted in 1993, land committees have been set up to simplify the process of recognising and registering rights to rural land and other natural resources. Ownership is recorded in the rural land register after conducting surveys and hearing testimonies from witnesses. If no-one is opposed to the registration, the committees deliver property ownership registration certificates that differ depending on whether the land has been inherited, gifted, bought or allocated. Registering land has helped owners to protect their rights and safeguard the investment they made to develop and operate the land. A small number of women have been able to use this system to register their plots of land, but the level of information and the fact that the committees are effectively run by men limit women's opportunities of becoming landowners.

3. *Overview of strategies to boost women's access to owning farmland in Niger, particularly in VIE's areas of activity*

Niger has already created a national gender policy, which was drawn up by the Ministry for the Promotion of Women and the Protection of Children. The government is expected to submit it to the national assembly for approval in 2008. The document outlines a number of strategic guidelines, including the "fair promotion of the potential and position of both women and men in the household economy and the market economy", or more specifically, "boosting women's participation in sectors generating growth, as defined in the sustainable poverty reduction strategy".

From a practical point of view, there are also initiatives, some of which have proved useful, for promoting women's access to ownership of farmland and the fair management of natural resources:

- Increase efforts to guarantee gender equality when drawing up agricultural development projects and ensure that any activities planned are implemented and evaluated.

- Develop agricultural projects exclusively for women and/or women's groups and provide them with specialised technical training enabling them to create suitable conditions giving them access to funding and inputs. This will allow them to increase the yields and production of their gamanas, home gardens or the fields they may acquire through purchase. It could even help them to buy new land.
- Establish an allocation system to ensure that plots of land are distributed fairly between men and women and their organisations within the framework of the projects' work to develop land for agricultural production.
- Where land has been allocated to groups of women for market gardening or use as a communal field, legalise the groups' use of the land through a transfer document from the local land committee. The document will aim to safeguard land investments by female farmers.
- Ensure that the principles of Islamic law are respected as regards inheritance of farmland. This could help increase the amount of farmland that is developed.
- Set up literacy projects, programmes on rural radio stations, information strategies on legal provisions and practices promoting women's access to property in land.

4. Conclusion

Land rights are not clear enough in Niger because, in practice, there are a great many different systems and they often contradict one another. Despite everything, customary law remains the best-known and most frequently applied system. The protagonists in a dispute over land can use a legal system that suits one party and puts the other, usually a woman, at a disadvantage. Women do not demand their property rights because they are unaware they have any or they are afraid of retaliation by men or by their families.

Nevertheless, the situation is now changing for the better, and the process is running relatively smoothly. The change is backed up by the creation of a Ministry for the Promotion of Women and the Protection of Children, whose activities are based on a national gender policy.

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