

PAPER N°3 : THE RURAL CODE : DEFINITION, HISTORY AND OBJECTIVES

Land tenure, agropastoralism and food security are central issues for Niger. In order to effectively manage land and natural resources, and to tackle food insecurity and environmental degradation, Niger introduced an original and groundbreaking instrument : the Rural Code. What is the Rural Code ? Why and how was it developed ? What are its objectives ?

CREATION AND DEVELOPMENT OF THE RURAL CODE

During the colonial era, there was no policy for the management of natural resources. Development strategies for the rural sector focused mostly on cash crops such as cotton and groundnuts. Traditional chefferies owned the land and distributed use rights among the local population. Independence didn't radically change this state of things : Niger kept favoring crops that brought export opportunities.

However, the first independent governments soon declared a political will to question the supremacy of traditional chefferies over land tenure management, and to promote fair access to land for local populations. Rules and regulations were passed in order to secure the rights of rural farmers, among which the May 1961 law that sets a northern limit for cultivation, defines the pastoral zone, and forbids the practice of rain-fed agriculture north of the 350 mm isohyet.

In the 1980s, Niger initiated discussions about land tenure issues. Several national-level conferences were organized, involving political and administrative authorities, the State's technical services and their local representatives, customary leaders, and representatives of different categories of farmers. These meetings led to the identification of some key issues for the management of land and natural resources : the rarefaction and degradation of farmable lands, the reduction of pastoral areas (while farmland extends in the south and dryland in the north), land tenure insecurity and a risk of widespread land disputes.

Preliminary debates for drafting the Rural Code	
1982	National conference on intervention strategies in rural areas (Séminaire national sur les stratégies d'intervention en milieu rural) - Zinder
1984	National debate on stopping desertification - Maradi
1985	National debate on livestock breeding - Tahoua
1986	National pooling workshop on the management of natural resources - Niamey
1986	Creation of an ad hoc committee in charge of drafting a rural code
1989	The ad hoc committee becomes the National Rural Code Committee
1990	National conference on pooling the work of regional ad hoc committees
1991	Sovereign national conference organized by the first democratic transition government

WANT TO LEARN MORE ?

Watch the film "From conflict to consultation: The Rural Code experiment in Niger"

To learn more about the Rural Code's drafting process, watch the first bonus "Drafting the Rural Code : elements of context". It explains why it was difficult to develop the participation of the civil society in the drafting process. It also shows how the inclusive and on-going aspect of the process means it can permanently draw lessons from criticism, and adapt.

Following these conferences, a cross-departmental committee was appointed to draft the basic principles for an ambitious land policy that would curb environmental degradation and conflicts about access to natural resources. A National Rural Code Committee (Comité National du Code Rural) was established in 1989. It promoted a framework ordinance (ordonnance cadre) that defined the guiding principles of the Rural Code. This ordinance was passed in March 1993 and laid the foundations for a Nigerien land policy for the rural world.

The first article of the ordinance (Ordonnance portant les principes d'orientation du Code Rural) sets the following objectives: "to define a legal framework for agricultural, forestry and pastoral activities, in the perspective of land management and planning, of environmental protection and human advancement" and "to protect rural actors by recognizing their rights, and to promote development through a rational organization of the rural world".

FOUR KEY OBJECTIVES FOR THE RURAL CODE

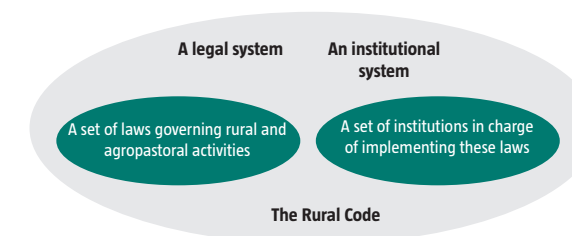
1. Providing land tenure security for rural stakeholders.
2. Organizing the rural world.
3. Promoting sustainable management of natural resources.
4. Land-use management and planning.

THREE MISSIONS FOR THE RURAL CODE

1. To define and register all existing rights over land and natural resources.
2. To register land transactions and rights transfers.
3. To act as a mediator in disputes over land and natural resources governance.

The 1993 ordinance defines the fundamental principles that govern each rural and agropastoral activity. A whole set of legislation complements it, acting as an operational arm to these principles.

What is now called the Rural Code is actually a corpus of legal texts : the 1993 ordinance (ordonnance cadre), complemented with specific legislation for each aspect of the rural world (natural resources, activities, land, societies, etc.) The term « Rural Code » also refers to the institutions that are in charge of implementing all established laws and standards. (for more details about the legal and institutional instruments that make up the Rural Code, see paper #4).



THE RURAL CODE : AN ORIGINAL AND GROUNDBREAKING INSTRUMENT FOR THE MANAGEMENT OF LAND AND NATURAL RESOURCES

Several reasons make the Rural Code a fairly unique instrument for land tenure regulation and natural resources management. First, it results from a comprehensive consultation process carried out at both village and national level, through which Nigerien people were able to speak up and voice their concerns about land tenure and the management of natural resources. The Rural Code was designed as a practical, iterative and multi-level process, and is meant to be developed and strengthened in the long term.

Moreover, a specificity of the Rural Code is its inclusion in the country's global political strategies. Land and agricultural policies are not separated, but fully incorporated into Niger's economic development policies. For instance,

the guiding principles of Niger's 1992 Rural Development Strategy (RDS) promote 5 strategic lines that emphasize the Rural Code's objectives : integrated natural resources management, organization of the rural world, food security, production escalation and diversification, funding for the rural world. The same way, the 1997 economic recovery program (Programme de Relance Économique) declares the rural sector a driving force for the national economy, and refers directly to the Rural Code's guiding principles. Finally, the 1998 law on environmental management outlines the importance of land tenure security and land planning.

But there is also a social and cultural dimension to the Rural Code, another important specificity. It claims that land is a unique resource, and that it should be considered a national collective heritage. However, while promoting an open and participatory approach that includes women, youth and minorities, the Rural Code does not frankly challenge customary law, still very influential in Niger : on the contrary, traditional chefferies have an important role in the implementation process of the Rural Code. In this process, positive law intends to emphasize positive aspects of customary law while counterbalancing its traditional supremacy.



Millet fields in the farming zone