

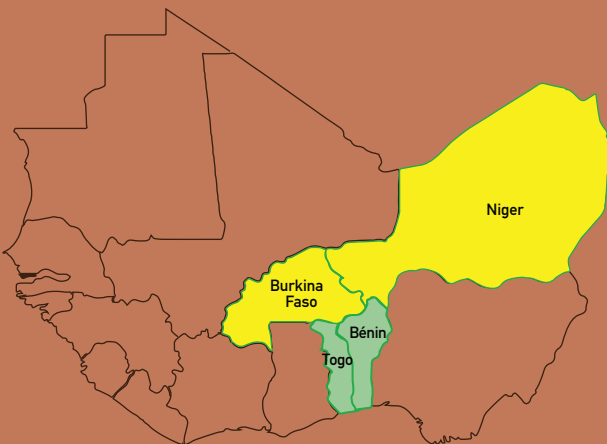


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Integrated and Secure Livestock and Pastoralism Project in West Africa (PEPISAO)

Informative directory on regulations and agreements related to the prevention and management of pastoral conflicts in the Sahel and West Africa

VOLUME 1 : ECOWAS AND CENTRAL COULOIR COUNTRY OF TRANSNUMANCE (Bénin, Burkina Faso, Niger et Togo)



Introduction

Pastoralism and transhumance are livestock production practices in Africa in general and West Africa in particular. Moreover, continental, sub-regional and national organisations consider that pastoralism is useful for preserving and increasing livestock production. On the whole, this practice is faced with various difficulties, notably clashes between the different users of natural resources.

In order to maintain social peace, which contributes to the promotion of regional development and integration, continental, supranational and national bodies have enacted legal texts and policy guidelines to enable pastoralists to carry out their activities in peace alongside the other economic actors. As a reminder, it can be noted that "a regulation is a legal concept that covers a set of legal instruments in the form of laws, decisions, rules and regulations, and other legal texts that frame a social and economic activity, etc. It is, in fact, about subjecting an activity to regulations". Regulations govern activities related to the movement of people and their economic activities.

To this end, the African Union, ECOWAS, UEMOA, States and communities, through legislative and regulatory measures, have laid down strong legal and institutional foundations to facilitate the movement of animals in their sub-regional and national areas.

Between 1998 and 2004, ECOWAS, UEMOA and other partners adopted several legal texts and policy documents to regulate cross-border transhumance and reduce conflicts between farmers and herders, and then to protect public health, in the light of the global health environment (resurgence of animal diseases transmissible to humans). In order to control transhumance and reduce conflicts between herders and farmers, the States have adopted, since independence, laws that have been adapted to regional regulations.

Despite this body of legislation, conflicts remain and the management of transhumance is still a major concern in the States and at the cross-border level.

In order to contribute to better application of the regulations, the Integrated and Secure Livestock Farming and Pastoralism Project (PEPISAO), financed by the Agence française de développement (French Development Agency) (AFD) and coordinated by ECOWAS, which has delegated the implementation of Components 1 and 2 to CILSS, is working to promote the most relevant texts and also to facilitate their accessibility.

The elaboration of the information directory of regulations required a process that helped to identify regulations relating to the prevention and management of pastoral conflicts with regard to the measures to be taken before going for, during and after transhumance, procedures for settling cases of field damage, natural resource management, access to resources, etc. The main regional and national texts have been compiled to extract relevant information to facilitate accessibility, better understanding and application by field actors.

This document is presented in the form of fact sheets at the regional level, in this case ECOWAS and countries including Benin, Burkina Faso, Côte d'Ivoire, Mali, Niger and Togo. The information is presented under 12 main themes, namely

- Taking transhumance into account in development policy documents;
- Conditions to be fulfilled before leaving for transhumance;
- Entry requirements (periods, border crossings);
- Keeping animals during transhumance;
- Penalties/sanctions in the event of non-compliance with transhumance requirements;
- Reception conditions of transhumant animals;
- Conflict management mechanisms;
- Terms/conditions of access to natural resources (water, grazing);
- Terms/conditions of access to livestock feed;
- Terms/conditions of access to veterinary services;
- Access to social services for herders (education, health, other...);

ECOWAS and CILSS would like to sincerely thank the livestock and transhumance focal points in the countries for collecting existing regulations, as well as the regional pastoralist organisations (APESS, RBM and ROPPA) for their contribution to the elaboration of this directory. ECOWAS and CILSS are grateful to AFD for its financial support to the implementation of PEPISAO.



Integrated and Secure Livestock and Pastoralism Project in West Africa (PEPISAO)

BENIN

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Taking transhumance into account in development policy documents	Article 4 of Act N° 2018-20 dated 23 April 2019 on the Pastoral Code in the Republic of Benin stipulates that "Pastoralism is a livestock farming method which is recognised and guaranteed by the State and local authorities" .	<i>In Benin, transhumance is taken into account by the State and local authorities, which guarantee its management.</i>
Conditions to be fulfilled before leaving for transhumance	Article 52 of Act N° 2018-20 dated 23 April 2019 on the Pastoral Code in the Republic of Benin stipulates that "...Candidates for cross-border transhumance in the Republic of Benin shall be required to comply with the requirements of obtaining an International Transhumance Certificate, to meet the obligations to cross borders during the day, to respect transhumance corridors and tracks and to have their herd accompanied by at least two herdsman, while respecting a minimum of one (01) herdsman for every fifty (50) head of livestock "	<i>In Benin, all transhumant herders are required to have an International Transhumance Certificate for their herds and to respect all the conditions set out therein.</i>
Entry requirements (Periods, border crossings)	Article 52 of Act N°2018-20 dated 23 April 2019 on the Pastoral Code in the Republic of Benin stipulates that "...Candidates for cross-border transhumance in the Republic of Benin shall be required to comply with the requirements of obtaining an International Transhumance Certificate, to respect the obligations to cross borders during the day, to respect transhumance corridors and tracks and to have their herd accompanied by at least two herdsman while respecting a minimum of one (01) herdsman for every fifty (50) head of livestock" .	<i>In Benin, cross-border transhumant herders are required to respect:</i> <ul style="list-style-type: none"> - entry points, obligations to cross borders during the day, transhumance corridors and tracks, and conditions for guarding animals (at least two herdsman, and a ratio of one herdsman for every 50 head of livestock) - the dates of arrival and return set each year by inter-ministerial order; - the payment of an entry deposit of one thousand (1,000) CFA francs per head of small ruminants and five thousand (5,000) CFA francs per head of large livestock.

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Keeping animals during transhumance	Article 46 of Act N°2018-20 of 23 April 2019 on the Pastoral Code in the Republic of Benin stipulates that «"The minimum age required for keeping domestic animals within the limits of the village territory is set at fourteen years. The minimum age required for herding domestic animals outside the village area is set at eighteen years of age..... "	<i>In Benin, the minimum age for keeping animals during cross-border transhumance is eighteen (18) years with a requirement of at least two herdsmen, while respecting a minimum ratio of one (01) herdsman for every fifty (50) heads of livestock.</i>
Penalties/Sanctions in case of non-compliance with transhumance conditions	Chapter 3 of Title 8 of Act N° 2018-20 dated 23 April 2019 on the Pastoral Code in the Republic of Benin deals with "Infringements and sanctions".	<p><i>The following penalties or sanctions are applicable as appropriate:</i></p> <ul style="list-style-type: none"> - <i>confiscation of surplus livestock not declared at the time of establishing the ITC and whose ownership is not established;</i> - <i>the compulsory systematic vaccination of the herd at the entry point for animals without proof of vaccination;</i> - <i>imprisonment from three (03) to twelve (12) months and a fine of fifty thousand (50,000) to three hundred thousand (300,000) CFA francs in the event of animals running at large causing any damage or depredation to crops;</i> - <i>imprisonment from one (01) to twelve (12) months, without prejudice to civil compensation in the case of alteration of agricultural equipment, pastoral infrastructure, farmers' or livestock keepers' houses;</i> - <i>a fine of fifty thousand (50,000) to two hundred thousand (200,000) CFA francs against any person guilty of deliberate assault and battery on the animals of others; or imprisonment for a period of two (02) months to six (06) months, and a fine of one hundred thousand (100,000) to five hundred thousand (500,000) CFA francs, or one of these penalties only in the event of the death of the wounded animal;</i> - <i>a fine of five hundred thousand (500,000) to one million (1,000,000) CFA francs, payment of the costs of the herd quarantine and health control as well as payment of the entry deposit in case of violation of the entry points;</i> - <i>a fine of between five hundred thousand (500,000) and one million (1,000,000) CFA francs and systematic expulsion from the territory in the event of cumulative violation of the entry dates and points;</i> - <i>loss of half or all of the deposit followed by systematic deportation in case of late exit from the national territory.</i>

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Reception conditions for transhumant animals	Article 59 of Act N° 2018-20 dated 23 April 2019 on the Pastoral Code in the Republic of Benin stipulates that "The reception areas for transhumant herds shall be defined by joint order of the ministers in charge of livestock, public security, the environment and local governance" .	<i>In Benin, transhumant herds are directed to reception areas defined by inter-ministerial decree, the list of which is updated as necessary.</i>
Conflict management mechanisms	Article 89 of Act N°2018-20 of 23 April 2019 on the Pastoral Code in the Republic of Benin stipulates that "Actions and prosecutions before the territorially competent court can only be exercised after an attempt at conciliation by the local branch of the ANGT has failed."	<i>In Benin, pastoralism-related disputes are first settled amicably between the parties; in case of failure, they are brought before the competent branch of ANGT and, in the event of conciliation, result in compensation for the victim. In the event of failure to reconcile, the dispute shall be brought before the ordinary courts of the Republic of Benin. In December, the Government decided to entrust the settlement of conflicts to the Republican Police.</i>
Terms/conditions of access to natural resources (water, pasture)	Article 89 of Act N°2018-20 of 23 April 2019 on the Pastoral Code in the Republic of Benin deals with "Fodder resources"	<i>In Benin, access to grazing land is a right of the transhumant and his herd, along the tracks and in well-defined reception areas. The right of grazing as well as access to post-cultivation areas is subject to the prior agreement of the farmer of the cultivated area.</i>
	Article 27 of Act N°2018-20 dated 23 April 2019 on the Pastoral Code in the Republic of Benin stipulates that The specific principles of water management defined by the texts in force in the Republic of Benin shall be applicable to pastoralism. The present Code regulates the management of natural water bodies and developed water bodies, for pastoral activities."	<i>Access to natural water bodies is free, respecting the rights of other users and using appropriate and demarcated access routes. Access to managed water points is in accordance with the terms of use established by the owner or any other structure in charge of its management.</i>
Terms/conditions of access to livestock feed		<i>The terms or conditions of access to livestock feed are not explicitly addressed in Benin's current legislation. In practice, access to feed is at will and at the expense of the transhumant. The government relies on public-private partnerships</i>
Terms/conditions of access to veterinary services	Article 58 of Act N°2018-20 of 23 April 2019 on the Pastoral Code in the Republic of Benin stipulates that "Before entering the national territory, transhumant pastoralists must provide proof of the vaccination of their herds" .	<i>In Benin, the code requires transhumant pastoralists to provide proof that their herds have been vaccinated before entering the national territory; the herds of any person violating this requirement will be systematically vaccinated at the entry points at the owner's expense.</i>

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Access to social services for livestock farmers (education, health, other...)		<i>No legal provision explicitly addresses the issue of access of transhumant herders and their families to social services, notably health and education.</i>
Existence des structures de gestion de la transhumance	L'art. 62 de la loi n°2018-20 du 23 avril 2019 portant Code pastoral en République du Bénin stipule qu'« Il est créé un établissement public dénommé Agence Nationale de Gestion de la Transhumance (ANGT) chargée de mettre en œuvre la politique de l'Etat en matière de transhumance »	<p><i>In Benin, the , l'Agence Nationale de Gestion de la Transhumance is the national structure with branches responsible for preparing transhumance, monitoring its progress and providing solutions to the problems it causes. The creation of a Pastoralism Support Funde to finance pastoralism is also envisaged.</i></p> <p><i>In practice, pending the establishment of the Agency and its branches, transhumance is managed by committees at national, départemental, communal and district level (art. 1. Arrêté 2016)</i></p>



BURKINA FASO

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Taking transhumance into account in development policy documents	Article 4 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso stipulates that "The Burkinabe State shall cooperate with neighbouring States for sustainable pastoral development at the regional level, particularly in the areas of animal health, transhumance, marketing, the safety of transhumant herders and their property and the settlement of disputes."	<i>Burkina Faso recognises transhumance as an instrument of development and cooperation; as such, pastoralists and their herds are guaranteed the right to mobility and access to pastoral areas in the fundamental principles of sustainable pastoral development</i>
Conditions to be fulfilled before leaving for transhumance	Article 38 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso stipulates that "Any transhumant pastoralist is obliged to comply with the legislation in force relating to animal health, in particular with regard to the general measures of prevention against contagious animal diseases. The transhumant pastoralist is also required to comply with the administrative provisions, particularly with regard to the holding of a transhumance certificate. "	<i>In Burkina Faso, the International Transhumance Certificate is compulsory for pastoralists and their herds, as well as compliance with all the obligations listed therein. They are also required to have official health documents as provided for by Burkinabe legislation and international agreements on transhumance.</i>
Entry requirements (Periods, border crossings)	Article 41 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso stipulates that "Herds in international transhumance must respect the entry and exit points provided for by the regulations in force, as well as the entry and exit periods, and the reception areas if applicable."	<i>In Burkina Faso, foreign herds are allowed to cross national borders subject to reciprocity. Cross-border transhumant pastoralists are obliged to respect the entry and exit points and periods, which result from consultations between local authorities and pastoralist organisations. Pastoralists are obliged to respect the conditions required for the keeping of animals (at least 1 adult herdsman/50 head of cattle) and any other conditions required.</i>

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Keeping animals during transhumance	Article 40 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso stipulates that "Transhumant herds must necessarily be accompanied by a sufficient number of adult herdsmen in consideration of the size of the herd. The texts implementing this law shall specify the standards applicable for keeping transhumant animals in accordance with the sub-regional transhumance agreements in force."	<i>The keepers of transhumant herds in Burkina Faso must be at least eighteen (18) years of age, with a requirement of at least two herdsmen while respecting a minimum ratio of one (01) herdsman for every fifty (50) heads of livestock, in accordance with decision A/DEC/5/10/98</i>
Penalties/Sanctions for non-compliance with transhumance requirements	Chapter 1 of Title 3 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso deals with "Infringements and penalties"	<p><i>depending on the case, without prejudice to damages and increased to twice the amount in the event of a repeat offence:</i></p> <ul style="list-style-type: none"> <i>- quarantine or expulsion of herds not accompanied by the required documents;</i> <i>- a fine of 1,000 to 5,000 francs for national transhumant herders and 10,000 to 15,000 francs for international transhumant herders who do not hold a transhumance certificate;</i> <i>- a fine of 1,000 to 15,000 francs in the event of insufficient number of herdsmen;</i> <i>- a fine of 15,000 francs to 50,000 francs in the event of moving animals without supervision;</i> <i>- a fine of 5,000 to 15,000 francs for crossing a border without respecting the entry and exit points provided;</i> <i>- a fine of 50,000 to 500,000 francs and imprisonment for between 11 days and two months, or one of these two penalties only, in the event of access to the fields with one's animals before the period when the fields are open to animals for grazing;</i> <i>- a fine of 50,000 francs to 5,000,000 francs and imprisonment for eleven days to two months or one of these two penalties only in the event of poisoning a water source;</i> <i>- a fine of 1,000 francs to 15,000 francs in the event of non-compliance with the livestock tracks;</i> <i>- a fine of between 5,000 and 15,000 francs, without prejudice to the obligation to clear the area immediately at one's own expense, for any obstruction of a livestock track;</i> <i>- a fine of between 5,000 and 50,000 francs, without prejudice to the obligation to restore the site, in the event of the destruction of markers, beacons and other means of demarcating pastoral areas and livestock tracks;</i>

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		<p>- a fine of 50,000 to 100,000 francs for unauthorised use of special development areas for pastoral activities;</p> <p>- a fine of 100,000 francs to 300,000 francs and imprisonment for one month to three months, or one of these two penalties only, in the case of clearing and/or cultivation of a portion of land within the boundaries of a special pastoral management area registered in the name of the State; these fines run from 50,000 francs to 100,000 francs and imprisonment for fifteen days to two months in the case of pastoral areas belonging to a territorial authority;</p>
Reception conditions for transhumant animals	Article 41 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso stipulates that "Herds in international transhumance must respect the entry and exit posts provided for by the regulations in force, as well as the entry and exit periods, and the reception areas if applicable."	<i>In Burkina, international transhumant pastoralists and their herds enter or leave the country through well-defined points and at well-defined times; their movement must respect the transhumance routes at all times of the year towards the existing reception areas;</i>
Mécanismes de gestion des conflits	Paragraph 2 of article 67 Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso stipulates that, "Before any litigation procedure starts, the settlement of disputes related to pastoral activities shall be subject to a mandatory conciliation procedure. This procedure shall take place before a local conciliation commission, in which representatives of farmers and pastoralists participate."	<p><i>In Burkina Faso, disputes related to pastoralism are first settled through conciliation before a local conciliation commission in which Representatives of farmers and pastoralists participate.</i></p> <p><i>In the event of non-conciliation, the dispute is brought before the ordinary courts and any criminal dispute is brought directly before the competent courts.</i></p>
Terms/Conditions of access to natural resources (water, pasture)	Chapter1 of Title 2 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso deals with "Access to pastoral resources" .	<p><i>In Burkina Faso, pastoralists have free access to pastoral resources in the areas reserved for grazing, while respecting any local measures for accessing these resources.</i></p> <p><i>During the period when the fields are open to animals, grazing is permitted after the crops have been removed and also in fallow land, with the prior agreement of the owners;</i></p> <p><i>Pastoralists can also benefit from a right to use the areas of the forest estate open to grazing, which consists of grazing their animals in compliance with forest legislation.</i></p>

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	Section 3 of Chapter 1 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso deals with "Access to water" .	<i>Animal access to natural water sources is free and unrestricted through easements; Animal access to artificial water bodies, wells and public boreholes is subject to regulation and may be subject to payment of fees; Access to private wells, boreholes and water bodies is subject to prior authorisation by the owner according to terms to be negotiated;</i>
Terms/conditions of access to livestock feed		<i>The terms or conditions of access to livestock feed are not explicitly covered by the legislation in force in Burkina Faso. In practice, livestock feed is purchased at will and at the expense of the transhumant.</i>
Terms/conditions of access to veterinary services	Paragraph 1 of article 38 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso stipulates that "All transhumant pastoralists are obliged to comply with the legislation in force relating to animal health, in particular with regard to the general measures for the prevention of contagious animal diseases" .	<i>Transhumant animals must be systematically vaccinated and prove it before entering Burkina or a host country (for national herds) The competent structures must always be informed and notified of any herd health situation on Burkinabe territory for any necessary action to be taken</i>
Access to social services for the benefit of livestock farmers (education, health, etc.)	Paragraph 5 of article 1 of DECREE N° 2007-407/PRES/PM/MRA 3 July 2007 on the creation, powers, composition and functioning of the National Transhumance Committee stipulates that "the National Transhumance Committee shall be responsible forseeking ways and means necessary for the gradual sedentarisation of livestock farming in accordance with the national policy" .	<i>Sedentarisation could be a policy that would guarantee social services to herders at all times; however, this is only a vision and in practice, the issue of access of transhumant herders and their families to these social services, in particular health and education, is not yet clearly taken into account by Burkinabe legislation.</i>
Existence des structures de gestion de la transhumance	Article 11 of Act No.034-2002/an on the orientation law on pastoralism in Burkina Faso stipulates that "Pastoralists' organisations, in consultation with other producers' organisations and customary authorities, must contribute to the identification, preservation and management of pastoral areas, water points and livestock tracks. They shall also contribute under the same conditions at national and local levels, to actions for the prevention and resolution of disputes related to pastoral activities."	<i>Transhumance in Burkina Faso is managed in a multi-stakeholder framework (State-local authorities-herders-producers-customary authorities).</i>

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
	<p>Article 1 of DECREE N° 2007-407/PRES/PM/MRA of 3 July 2007 on the creation, attributions, composition and functioning of the National Transhumance Committee stipulates that that 'A National Transhumance Committee, abbreviated as CONAT, shall be established pursuant to the provisions of decision A/DEC-5/10/98 of 31 October 1998.'</p>	<p><i>The National Transhumance Committee, which is made up of representatives of the State, herders and customary authorities, is responsible for promoting national and inter-State dialogue and consultations on transhumance.</i></p>



NIGER

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Taking transhumance into account in development policy documents	Article 3, paragraph 1 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "Mobility is a fundamental right of herders, nomadic and transhumant pastoralists. This right is recognised and guaranteed by the State and local authorities"	<i>In Niger, the right to transhumance is recognised and guaranteed by the State and local authorities. Therefore, the population and the administrative and customary authorities are obliged to facilitate the movement of pastoralists and their herds.</i>
Conditions to be fulfilled before leaving for transhumance	Article 42 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "Within the framework of the Economic Community of West African States, transhumance from one Member State to another shall take place under the regime of Decision A/DEC/5/10/98 and, possibly, of bilateral agreements established between these States" .	<i>In Niger, the International Transhumance Certificate is compulsory prior to leaving for transhumance, as is compliance with all the obligations set out therein.</i>
Entry requirements (Periods, border crossings)	Article 45 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "To enter the host countries, animals on international transhumance must enter through the posts provided for this purpose by the legislation in force in the host country."	<i>As Niger is a country of departure, cross-border transhumant herders are obliged to respect the entry points of the target host country, as well as the dates of arrival and return, while respecting the conditions required for keeping animals (at least one adult herdsman/50 head of livestock) and any other conditions required.</i>
Livestock keeping during transhumance	Article 43 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "Moving herds must be placed under the supervision of sufficient numbers of herdsmen based on the standards accepted at national and sub-regional level. Herdsmen are obliged to present, at any requisition, the administrative and zoo-sanitary documents provided for in the regulations in force" .	<i>Niger's adherence to Decision A/DEC/5/10/98 requires from the herdsmen leaving for cross-border transhumance to be at least eighteen (18) years old, with a requirement of at least two herdsmen, while respecting a minimum ratio of one (01) herdsman for every fifty (50) head of livestock. A verbal or written contract between the herdsman and the owner of the herd is required in case of need.</i>
Penalties/Sanctions for non-compliance with transhumance requirements	Chapter 2 of Title 7 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism deals with "Infringements and sanctions"	<i>The following penalties or sanctions are applicable as appropriate: - imprisonment of fifteen (15) days to three (3) years and a fine of ten thousand (10,000) CFA francs to one hundred thousand (100,000) CFA francs, or one</i>

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
		<p>The following penalties or sanctions are applicable as appropriate:</p> <ul style="list-style-type: none"> - imprisonment of fifteen (15) days to three (3) years and a fine of ten thousand (10,000) CFA francs to one hundred thousand (100,000) CFA francs, or one of these two penalties only, for failure to respect the dates of closure and release of fields or obstruction or development of grazing areas or tracks; - application of the principle of compensation for damage caused to crops and abuse of livestock in civil liability matters; - any obstacle to the mobility of animals is punishable by a penalty of ten thousand (10,000) Francs per day until the obligation to release is satisfied; - failure to comply with the burning period of fallow land and fields at the approach of the rainy season is punishable by a fine of fifty thousand (50,000) francs to five hundred thousand (500,000) francs and imprisonment for three (3) months to two (2) years, or one of these two (2) penalties only; - Any sanctions applicable in the host countries for failure to comply with the ITC and its obligations will be applicable to Nigerien cross-border transhumants on the host territory.
Reception conditions of transhumant animals	Article 29 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "The allocation of pastoral areas shall be determined by the Schéma d'Aménagement Foncier (S.A.F.) under the conditions provided for by law."	<p>Transhumant herds are directed to the defined reception areas, in the host countries.</p> <p>Internally, a northern limit of cultivation is defined beyond which any agricultural development or any form of rural concession for livestock purposes is prohibited and rendered null and void.</p>
Conflict management mechanisms	Article 69 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "As long as a criminal offence has not been committed, interventions by the gendarmerie and the police can only take the administrative form"	<p>In Niger, pastoralism-related disputes are first settled through conciliation before the joint conciliation commissions sitting at the level of villages, neighbourhoods, tribes, groups and cantons, provinces or sultanates and, if necessary, up to the level of the highest traditional chieftaincy level commission in the area.</p> <p>In the event of non-conciliation, the dispute is brought before the competent courts and any criminal dispute is brought directly before the competent courts.</p>
Terms/conditions of access to natural resources (water, pasture)	Article 40 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "Pastoralists shall have the right to freely access the spaces and resources of their rangelands. It is forbidden to occupy these spaces in such a way as to hinder the progress or stay of pastoralists on the move."	<p>In Niger, the transhumant and his herd have free access to grazing during the transhumance; the same is true of unclassified forest domains where grazing is authorised without the collection of any taxes or fees.</p> <p>Access to bourgoutieres and saline lands under the control of local authorities is subject to the payment of remunerative taxes or user charges.</p>

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	<p>Article 14 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "Access of pastoralists and their herds to water resources, be they developed water points or natural water points (ponds, rivers, lakes, pools, etc.) is guaranteed by the State, public authorities and the private sector."</p>	<p><i>Access to surface water by herdsmen and their animals is through access roads opened for this purpose. Access to wells for pastoral use and to wells drilled by individuals or communities is subject to the modalities defined by each owner or the managing community.</i></p>
<p>Terms/conditions of access to livestock feed</p>	<p>Article 34 of Act N° 2004-048 of 30 June 2004 on the Framework Law on Livestock Farming stipulates that "Specific feed and fodder may only be imported after authorisation by the Minister responsible for livestock, who shall have a statistically significant sample check carried out to ensure compliance...."</p>	<p><i>Specific livestock feeds are purchased under State control in the case of imports. Their local preparation is carried out in the State-approved establishments.</i></p>
<p>Terms/conditions of access to veterinary services</p>	<p>Article 51 of Law N° 2004-048 of 30 June 2004 on the Framework Law on Livestock Farming stipulates that "The Veterinary Administration shall design and implement an official control programme for the purpose of controlling a pathogen or disease through the application of specific measures throughout the country or within one or more zones."</p>	<p><i>In accordance with the ITC, animals leaving for transhumance must be systematically vaccinated. In the event of an epizootic disease or a threat thereof during transhumance, control measures and a ban on movement may be imposed because of the risk of disease transmission to which these movements give rise. Each herdsman is under the obligation to declare all diseases deemed to be rapidly contagious; animals suffering from such diseases are also prohibited from being sold or traded.</i></p>
<p>Access to social services for livestock farmers (education, health, other)</p>	<p>Article 136, paragraph 1 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "The State and local authorities shall ensure conditions conducive to the physical, intellectual and moral development of the rural populations "</p>	<p><i>In general, all social services for national pastoralists that are compatible with their mobility status should be guaranteed by the State; in practice, the issue of access of transhumant herders and their families to these services, including health and education, remains unresolved.</i></p>
<p>Existence of transhumance management structures</p>	<p>Article 39 of Ordinance No. 2010-29 of 20 May 2010 on Pastoralism stipulates that "Local authorities, institutions implementing the rural code, pastoralist organisations and local populations must ensure the use of the roads, tracks and passageways provided for in Article 38 above and contribute to their maintenance. "</p>	<p><i>In Niger, the National Committee of the Rural Code, assisted by the permanent secretaries, the local authorities and the pastoralists' organisations, is familiar with transhumance issues. Certain State structures, particularly the courts and the armed forces, are called upon in specific circumstances</i></p>



TOGO

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Taking transhumance into account in development policy documents	In the foreword to the Plan Opérationnel de Gestion de la Transhumance (Operational Plan for Transhumance Management) (POGT 2019), Koutéra K. BATAKA , Minister of Agriculture, Animal Production and Fisheries stated the following: "Our mission must continue with a coherent operational plan for transhumance management (POGT) aligned with the orientations of the different programmes and projects, so that transhumance can be a real tool for community integration and an engine for developing rural economies."	<i>The importance given to transhumance as a driver for development led Togo to adopt a 7-year Transhumance Management Plan in 2014.</i> <i>Each year, an Operational Plan is generated from this strategic plan, the implementation of which should foster social cohesion between the communities, and allow the promotion of livestock and pastoralism, which can contribute to economic development and the improvement of the animal health environment.</i>
Conditions to be fulfilled before leaving for transhumance	Article 1 of the Inter-ministerial Order N°001/MAEP/MAEIR/MATDCL/MEF/MCDAT/MSPC dated 22 May 2008 Organising Transhumance in Togo stipulates that "Foreign transhumant herds are subject to their owners holding an International Transhumance Certificate (ITC)/ECOWAS signed by the administrative authorities of the country of origin."	<i>In Togo, all foreign transhumant herders are required to give at least 60 days' notice to the Togolese authorities prior to their arrival, and to have an International Transhumance Certificate for their herds and comply with all the conditions set out in it.</i>
Entry requirements (Periods, border crossings)	Article 3 of the Inter-ministerial Order N°001 /MAEP/MAEIR/MATDCL /MEF/MCDAT/MSPC dated 22 May 2008 Organising Transhumance in Togo stipulates that "Livestock breeders from countries in the sub-region who wish to come to Togo for transhumance shall be required to notify the Togolese authorities, at least 60 days in advance, of the itinerary, the border crossing points and their destination" .	<i>In Togo, respect for border crossing points is compulsory, as are the entry periods set each year by the Minister in charge of Livestock and also the conditions for keeping animals (at least two herdsman and a ratio of one herdsman per for every 50 head of cattle). The transhumance period is from 31 January to 31 May of each year, with some exceptions. Entry into Togolese territory is subject to the payment of entry taxes set at 5000 CFA francs/head of animals and 500 CFA francs per head of animals in each host prefecture.</i>

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Animal herding during transhumance	Article 7 of the Inter-ministerial Order N°001 /MAEP/ MAEIR/MATDCL /MEF/MCDAT/MSPC dated 22 May 2008 Organising Transhumance in Togo stipulates that "Grazing animals must be supervised by their owners" .	As Togo is a party to Decision A/DEC.5/10/98, it is compulsory for a herd to be led by at least two herdsman, each of whom must be at least 18 years old, with a minimum ratio of one herdsman for every 50 head of livestock.
Penalties/Sanctions for non-compliance with transhumance conditions	Decree N°2008-033/PR of 11 March 2008 governing the Transhumance Management Plan in Togo.	<p>The following penalties or sanctions are applicable as appropriate:</p> <ul style="list-style-type: none"> - Prohibition of stay in the event of non-possession of an International Transhumance Certificate; - Compensation to third parties in the event of damage to the fields or mistreatment of an animal; - Quarantine of the transhumant herd at the owner's expense and without prejudice to the application of the sanctions provided for by the regulations in force, in the event of illegal entry into Togo. After 15 days without presentation of an ITC, the animals shall be sold by auction after notification to the owner; - Damage due to epizootic diseases caused by transhumant animals is punishable under articles 44, 45 and 47 of Act 99-002 of 12 February 1999 on the health police in Togo; - Non-access to pastures or reception sites in case of non-payment of related taxes; - All other sanctions or penalties provided for by Decision A/DEC.5/10/98.
Reception conditions of transhumant livestock	Paragraph 3 of Article 2 of Decree No. 2007-089/PR of 26 July 2007 on the Creation, composition and attribution of the National Committee and the Prefectural Transhumance Committees stipulates that "The task of the National Committee and the Prefectural Transhumance Committees shall be to.....channel transhumant herdsman and their animals to the selected reception areas using the transhumance routes defined for this purpose.... "	Reception areas have been selected on the territory of Togo, and the resulting map gives an overview of the existing potential, which should naturally be secured. Thus, the role of the Transhumance Committees is, amongst other things, to channel transhumant herdsman and their animals towards these selected reception areas by using the transhumance routes defined for this purpose.
Conflict management mechanisms	Decree N°2008-033/PR of 11 March 2008 governing the Transhumance Management Plan in Togo.	<p>The Transhumance Management Plan is a central instrument for conflict prevention in Togo. It was drawn up in 2014 for a period of 7 years and is broken down, each year, into an Operational Transhumance Management Plan (POGT).</p> <p>Disputes related to pastoralism are first settled amicably through conciliation.</p> <p>In the event of failure, the conciliation team refers the matter to the damage repair group (made up of law enforcement officers, legal agents and départemental agents), which assesses the damage with the support of the relevant technical services until a solution is found to the dispute, in accordance with the legislation in force.</p>

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Terms/conditions of access to natural resources (water, pasture)	Article 11 of the Inter-ministerial Order N°001 /MAEP/MAEIR/MATDCL /MEF/MCDAT/MSPC dated 22 May 2008 Organising transhumance in Togo stipulates that “Grazing of foreign herds throughout Togo shall be subject to the payment of a grazing tax of five hundred (500) francs per cattle in each prefecture crossed or reception site.”	<i>The transhumant and his herd have the right of access to grazing in Togo during day time along the tracks and in the reception sites. Access to grazing for foreign animals is conditional on the payment of a grazing tax of five (500) FCFA per bovine species in each prefecture crossed and in each reception site. The tax is collected by the competent services of the Prefecture. The right of access to water derives from the satisfaction of the above conditions. Grazing at night or in crop fields and protected areas is prohibited.</i>
Terms/conditions of access to livestock feed		<i>The terms or conditions of access to livestock feed are not explicitly taken into account in the legislation in force in Togo. In practice, access to feed is at will and at the expense of the transhumant.</i>
Terms/conditions of access to veterinary services	Article 5 of the Inter-ministerial Order N°001 /MAEP/MAEIR/MATDCL /MEF/MCDAT/MSPC of 22 May 2008 Organising transhumance in Togo stipulates that “Veterinary control is mandatory at border veterinary posts” .	<i>Cross-border transhumant animals are subject to veterinary control at border posts. Once on Togolese territory, transhumance committees are entrusted with the task of monitoring the health of the animals and providing technical supervision of the accompanying transhumant herders.</i>
Access to social services for livestock farmers (education, health, other)		<i>No legal provision explicitly addresses the issue of access of transhumant herders and their families to social services, particularly health and education; However, some initiatives have emerged through the Regional Programme for the Education and Training of Pastoral Populations in Cross-Border Areas (PREPP), which gives transhumant herders aged 15 and over the chance to access a relevant education and vocational training system.</i>
Existence of transhumance management structures	Article 1 of Decree N°2007-089/PR of 26 July 2007 on the Creation, composition and attribution of the National Committee and the Prefectural Transhumance Committees in Togo stipulates that “A National Committee and Prefectural Transhumance Committees shall be created to control and manage livestock movements throughout the national territory” .	<i>The National Transhumance Committee and the Prefectural Transhumance Committees are structures set up to manage transhumance. They include local authorities and are responsible for organising transhumance in Togo. At canton and village level, there are focal points or guides responsible for helping these committees in their mission.</i>



CEDEAO

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Taking transhumance into account in development policy documents	The 5th visa and article 3 of Decision A/DEC.5/10/98 dated 31 October 1998 regulating transhumance between ECOWAS Member States, provide that, "... Convinced also that under the present conditions of the ECOWAS Member States' capabilities, transhumance is useful for safeguarding and increasing livestock production....." and that "the crossing of land borders for the purpose of transhumance is authorised between all Community countries for the bovine, ovine, caprine, camel and asinine species under the conditions laid down in this Decision" .	<i>In 1998, the Economic Community of West African States recognised pastoralism, and specifically cross-border transhumance, as a mode of production and a system of livestock rearing of paramount importance because of its ability to integrate the West African regional economy and market. Consequently, Decision A / DEC.5/10/98, which was adopted at the 21st Ordinary Session of the Assembly of Heads of State and Government clearly defines the conditions for moving livestock, keeping transhumant animals and receiving transhumant livestock</i>
	The ECOWAS regional agricultural policy (ECOWAP – ECOWAS Common Agricultural Policy) makes "Improved management of other natural resources, including (i) organisation of transhumance and rangeland management.... " one of its six priority areas.	<i>The ECOWAS regional agricultural policy document (ECOWAP) focuses on cross-border transhumance as a means of making efficient use of natural resources and agro-ecological complementarities between Sahelian and coastal countries.</i>
Conditions to be fulfilled before leaving for transhumance	Article 5 of Decision A/DEC.5/10/98 dated 31 October 1998 on transhumance regulation between ECOWAS Member States stipulates that "The movement of transhumant herds shall be subject to the possession of an International Transhumance Certificate (ECOWAS ITC) when entering and leaving each country"	<i>In the ECOWAS region, transhumance to another host country is conditional on the possession of an International Transhumance Certificate for one's herds and on compliance with all the conditions set out therein.</i>
Entry requirements (Periods, border crossings)	Article 14 of Decision A/DEC.5/10/98 dated 31 October 1998 on the regulation of transhumance between ECOWAS Member States stipulates that "Each host country shall determine the period of entry and exit of transhumant livestock on its territory and shall inform the other States."	<i>In the ECOWAS zone, each country sets the period and points for the entry and exit of transhumant livestock on its territory, which must be publicised and are binding on all cross-border transhumant herders; Border crossing is only authorised during daytime and for herds with a ITC and sufficient herdsmen</i>

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Animal keeping during transhumance	Article 11 of Decision A/DEC.5/10/98 dated 31 October 1998 on transhumance regulation between ECOWAS Member States stipulates that "The transhumant herd shall be kept by a sufficient number of herdsmen. The number of herdsmen shall be determined according to the number of heads of livestock. The number of herdsmen per herd must be at least one (1) for every 50 head of livestock. In any case, any herd crossing a border must be accompanied by at least 2 herdsmen."	<i>In the ECOWAS region, the minimum age required for keeping animals during cross-border transhumance is eighteen (18) years with a requirement of at least two herdsmen while respecting a minimum ratio of one (01)herdsman for every fifty (50) heads of livestock. Herdsmen are required to hold an authentic and enforceable identity document as well as the identity information of the owner of the herd being kept</i>
Penalties/sanctions in case of non-compliance with transhumance requirements	Article 9 of Decision A/DEC.5/10/98 dated 31 October 1998 on transhumance regulation between ECOWAS Member States stipulates that "Herds without an international transhumance certificate will be quarantined at the owner's expense, without prejudice to the application of the sanctions provided for by the laws of the country concerned" .	<i>The penalties or sanctions are specific to each country; the ECOWAS decision only provides for general guidelines for infringements, including:</i> - Quarantine of the herd at the owner's expense in the event of non-possession of the International Transhumance Certificate, followed by the application of the sanctions provided for by the laws of the host country. - Impounding of wandering animals.
	The last paragraph of article 2 of Regulation C/REG.3/01/03 on the implementation of the transhumance regulation between ECOWAS Member States provides for «"Taking the necessary steps to urgently convene a high-level meeting between the countries concerned in order to find a lasting solution to the presence of foreign animals that have entered the host countries irregularly."	<i>Application of the high-level emergency inter-state meeting decision in case of the presence of animals having illegally entered a host country.</i>
Reception conditions of transhumant animals	Article 15 of Decision A/DEC.5/10/98 of 31 October 1998 on transhumance regulation between ECOWAS Member States stipulates that "Each State shall define the reception areas for transhumant livestock and shall assess the maximum reception capacity of each area. The transhumant herder is required to take his herd to the reception area designated to him by the officers on duty at the entry post" .	<i>In the ECOWAS region, transhumant herders, who are regularly admitted, benefit from the protection of the host country's authorities. Once on the soil of the host country, their herds must be directed towards the reception areas defined by the host State and indicated to them by the officers on duty at the entry post.</i>
Conflict management mechanisms	Article 17 of decision A/DEC.5/10/98 dated 31 October 1998 on transhumance regulation between ECOWAS Member States stipulates that "Conflicts between transhumant herders and farmers shall be first referred to a conciliation commission for assessment on the basis of information gathered by the commission" .	<i>According to the ECOWAS decision, disputes related to pastoralism are first settled through conciliation; a dispute is only brought before the competent courts if conciliation is not achieved.</i> <i>It is required that the conciliation commission be inclusive and composed of herders, farmers, state officers and decentralised local administrations.</i>

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
Terms/conditions of access to natural resources (water, pasture)	Article 7 of decision A/DEC.5/10/98 of 31 October 1998 on transhumance regulation between ECOWAS Member States stipulates that "The movement of transhumant animals must take place along the transhumance routes defined by the States, in accordance with the itinerary specified in the ECOWAS international transhumance certificate."	<i>Access to grazing land is a right of the transhumant herd in the host countries; this right is exercised along the livestock tracks with well-marked itineraries in the ITC. However, this right must be exercised in compliance with the laws and regulations of the host country, particularly those relating to the conservation of classified forests and wildlife resources, and those relating to the management of water points and pastures.</i>
	Point Vi of Article 2 of ECOWAS Regulation C/REG.3 3 provides that "Technical and financial support from ECOWAS to Member States would be used to carry out pilot actions of a cross-border nature with a view to developing new modes of concerted management of rangelands and reception areas".	<i>Member States are expected to benefit from technical and financial support for the concerted cross-border management of rangelands and reception areas.</i>
Terms/conditions of access to livestock feed		<i>In practice, in the absence of an explicit legal framework, access to feed for transhumant herds is at the discretion and expense of the owners and according to the regulations and customs of the host country.</i>
Terms/conditions of access to veterinary services	Article 21 of R 02/2006/ UEMOA stipulates that "No veterinary medicinal product may be given away free of charge or in return for payment, nor may it be administered by a veterinarian to an animal unless a marketing authorisation has been issued by the UEMOA Commission."	<i>In ECOWAS countries, cross-border transhumant animals benefit from the health surveillance or coverage of the host country's specialised structures. However, in the UEMOA region, the use of any medicine is subject to its being placed on the market; however, in the event of serious epizootics, a Member State may temporarily allow the importation of veterinary medicines on its national territory, without a marketing authorisation, by a veterinary pharmaceutical establishment and their use by a doctor or doctors.</i>
Access to social services (education, health, etc.) for pastoralists		<i>No sub-regional legal provision explicitly addresses the issue of access of transhumant herders and their families to social services, in particular health and education.</i>
Existence of transhumance management structures	Article 18 of Decision A/DEC.5/10/98 dated 31 October 1998 on transhumance regulation between ECOWAS Member States provides that "The commission provided for in Article 17 of this decision shall be composed of representatives of herders, farmers, livestock, agriculture, water and forestry officials and local political and administrative authorities"	<i>The ECOWAS decision provides for the establishment of a multi-stakeholder and inclusive conciliation commission in each member country to manage disputes.</i>

TOPICS	POLICIES, OTHER LEGAL INSTRUMENTS AND EVIDENCE	EXPLANATIONS
	<p>Paragraphs 5 and 6 of Article 3 of Regulation C/REG.3/01/03 on the implementation of transhumance regulations between ECOWAS Member States provide for «"The establishment of a ministerial committee to monitor transhumance" and that "ECOWAS Member States shall also take measures to ensure that a regional transhumance observatory is established to monitor the implementation of Community provisions"»</p>	<p><i>The establishment of a ministerial committee and a regional observatory to monitor transhumance is planned within ECOWAS member countries.</i></p> <p><i>Each State is also urged to set up strong herders' organisations that can help to manage transhumance and disputes.</i></p>

About PEPISAO

The Integrated and Secure Livestock Farming and Pastoralism in West Africa Project is implemented by ECOWAS, which has delegated the implementation of Components 1 and 2 to CILSS with the financial support of the Agence française de développement (French Development Agency) (AFD), to deploy approaches for securing pastoral mobility and integrating modes of livestock production (i) within a shared regional vision, (ii) offering maximum guarantees for peaceful co-existence of the various users of natural resources. It is designed to be integrative in terms of its approach.

Its overall objective is to "strengthen the resilience of the populations and contribute to the economic and social development of the region" and specifically, to reduce conflicts related to pastoralism through the construction of a shared regional vision on the different modes of ruminant breeding. Through these specific objectives, the project aims to support and complement the various initiatives underway to develop a sustainable regional capacity to manage issues related to the various livestock production systems, particularly in the transhumance reception areas of the three major corridors in West Africa and the Sahel (Eastern, Central and Western corridors) in order to build a sustainable social fabric of peaceful coexistence and regional integration.

PEPISAO is implemented in the 15 ECOWAS countries as well as Mauritania and Chad. The key partners are ECOWAS, CILSS, UEMOA and AFD.



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