



ECOWAS COMMISSION
COMMISSION DE LA CEDEAO
COMISSÃO DA CEDEAO

August 2020

Evaluation of the regulatory framework for pastoralism and cross border transhumance in West Africa and the Sahel

FINAL REPORT



This study was carried out as part of the implementation of the agricultural policy of ECOWAS, ECOWAP, and more specifically the Project “Integrated and Secure Livestock and Pastoralism in West Africa” (PEPISAO), implemented by the ECOWAS Commission through its Directorate of Agriculture and Rural Development (DARD) and whose components 1 and 2 have been delegated to the Executive Secretariat of CILSS.

This publication was produced with the financial support of the French Development Agency (AFD), the African Union (AU) and GIZ, and the technical support of CILSS and IRAM-ISSALA-LARES Joint Venture.



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To cite this document

ECOWAS Commission. *Evaluation of the regulatory framework for pastoralism and cross-border transhumance in West Africa and the Sahel*. 2020

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Contents

SUMMARY OF THE STUDY	8
SYNTHESIS REPOR	13
1. General Introduction	13
1.1 Contextual elements	13
1.2 Objectives of the study	16
1.3 The methodological approach	17
2. Background on transhumance and the regulation of mobile farming systems	19
2.1 Characteristics of cross-border transhumance	19
2.2 Challenges and issues of cross-border transhumance	20
3. Brief overview of experiences in regulating cross-border transhumance in Africa	21
4. Regional regulations in West Africa put to the test of the practices of States and actors	24
4.1 Case of the A/DEC decision. 5/10/98	24
4.1.1. The International Certificate of Transhumance (CIT)	24
4.1.2 Transhumance corridors	26
4.1.3. Transhumance and border crossings are only allowed on the day of the journey.	28
4.1.4 Animal Care: Ratio and Age of Caretakers	29
4.1.5. Reception period for breeders and their herds	30
4.1.6 Herd Reception Area	32
4.1.7. Protection of breeders and animals	33
4.1.8. Conflicts between farmers and stockbreeders submitted to the appreciation of a conciliation commission.	34
4.2 Case of Regulation C/REG.3/01/03 (2003)	37
4.2.1. Infrastructures/securing access to routes	37
4.2.2. Awareness raising and communication	39
4.2.3 Monitoring and observatories	41
4.3 Adaptations/dysfunctions introduced by States and Actors	42
4.3.1. Natural resource management: land tenure	42
4.3.2. Taxation of transhumance	44
4.3.3. The management of the security of goods and people	45
4.3.4. Management of agropastoral infrastructures	46
5. Conclusion and Recommendations	47
5.1 Elements of conclusions	47
5.2 Elements of recommendations	48
NATIONAL MONOGRAPHS ON REGULATORY FRAMEWORKS FOR TRANSHUMANCE MANAGEMENT	51
1. Benin	51
1.1 Presentation of the main legislative texts and management instruments of transhumance in Benin	52
1.2 Analysis of legislative texts and management instruments for transhumance in Benin	56
1.3 Harmonization of Benin's legislative texts with ECOWAS regulations on transhumance.	57
1.4 Appreciation of the implementation of ECOWAS measures by Benin	59

2. Burkina Faso	63
2.1 Dynamics of transhumant pastoralism in Burkina Faso	63
2.2 National legislation and policies on transhumant pastoralism in Burkina Faso	70
2.3 Implementation of ECOWAS regulations by Burkina Faso and its neighboring countries	73
2.4 Conclusions on the effect of regional and national policies on conflicts related to pastoral transhumance in Burkina Faso	74
3. Ivory Coast	75
3.1 Presentation of the main legislative texts and instruments for managing transhumance in Côte d'Ivoire	76
3.2 Analysis of legislative texts and instruments for managing transhumance in Côte d'Ivoire	78
3.3 Harmonization of Côte d'Ivoire's legislative texts with ECOWAS regulations on transhumance	80
3.4 Assessment of the implementation of ECOWAS measures by Côte d'Ivoire	81
4. Ghana	83
4.1 Dynamics of transhumant pastoralism in Ghana	83
4.2 National texts on transhumance	86
4.3 Conclusions on the Effect of Regional and National Policies on Pastoral Transhumance Conflicts in the Republic of Ghana	88
5. Guinea	89
5.1 Dynamics of transhumant pastoralism in Guinea	89
5.2 Legislation and policies on pastoralism in Guinea	93
5.3 Conclusions on the impact of regional and national policies on related conflicts to transhumant pastoralism in Guinea	98
6. Mauritania	100
6.1 Dynamics of transhumant pastoralism in Mauritania	100
6.2 Legislation and policies on pastoralism in Mauritania	104
6.3 Conclusions on the impact of regional and national policies on conflicts related to transhumant pastoralism in Mauritania	112
7. Senegal	113
7.1 Dynamics of transhumant pastoralism in Senegal	113
7.2 Legislation and policies on pastoralism in Senegal	120
7.3 Conclusions on the impact of regional and national policies on conflicts related to transhumant pastoralism in Senegal	128
8. Togo	129
8.1 Presentation of the main legislative texts and instruments for managing transhumance in Togo	130
8.2 Analysis of legislative texts and instruments for managing transhumance in Togo	132
8.3 Harmonization of Togo's legislative texts with ECOWAS regulations on transhumance	133
8.4 Appreciation of the implementation of ECOWAS measures by Togo	134
Production of cowherds and badges for the identification of sedentary and transhumant breeders.	134
APPENDICES	138
Annex n°1 - Synoptic analysis of the consideration and implementation of ECOWAS regulatory measures by the legislations of Benin, Côte d'Ivoire and Togo	138
Appendix n°2 - List of actors met	140
Appendix 3 - Bibliography	146

List of tables

<i>Table 1 - Results of the last three transhumance campaigns in Benin</i>	59
<i>Table 2 - Strengths and weaknesses of transhumance campaigns in Benin</i>	59
<i>Table 3 - Ruminant livestock numbers in Burkina Faso (in thousands of head)</i>	63
<i>Table 4 - Number of transhumant animals from Burkina Faso to Ghana</i>	64
<i>Table 5 - Burkina Faso: List of key players</i>	68
<i>Table 6 - Numbers of ruminants in Ghana (in thousands of head)</i>	84
<i>Table 7 - Ghana: List of Key Players</i>	86
<i>Table 8 - Guinea: List of Key Players</i>	92
<i>Table 9 - Guinea: Summary analysis of the level of compliance with Regulation C/REG.3/01/03</i>	96
<i>Table 10 - Mauritania: List of key players</i>	103
<i>Table 11 - Mauritania: Summary analysis of the level of compliance with Regulation C/REG.3/01/03</i>	109
<i>Table 12 - Senegal: List of key players</i>	119
<i>Table 13 - Senegal: Summary analysis of the level of compliance with Regulation C/REG.3/01/03</i> ...	126
<i>Table 14 - National warning system on problems related to transhumance in Togo</i>	131
<i>Table 15 - Results of the last three transhumance campaigns in Togo</i>	134
<i>Table 16 - Strengths and weaknesses of transhumance campaigns in Togo</i>	135

List of figures

<i>Figure 1 - Map of circuits, transhumance zones and livestock markets in Benin</i>	51
<i>Figure 2 - Map of animal movements from Burkina Faso to Ghana</i>	65
<i>Figure 3 - Host regions in Ghana for Burkinabe transhumant herders</i>	65
<i>Figure 4 - Map of Transhumance Movements in Côte d'Ivoire</i>	75
<i>Figure 5 - Map of administrative areas and map of ecological zones in Ghana</i>	83
<i>Figure 6 - Map of the natural regions of the Republic of Guinea</i>	89
<i>Figure 7 - Simplified geography of cross-border transhumance in Mauritania</i>	100
<i>Figure 8 - Senegal's seven agro-ecological zones</i>	115
<i>Figure 9 - Togo: Map of transhumant herd reception areas</i>	129

List of acronyms and abbreviations

ABN	Niger Basin Authority
ACAD	Association of Municipalities of Atacora-Donga
AEBRD	Association of Cattle Breeders of the Bounkani Region
AFD	French Development Agency
AFL	Acting For Life
AGRHYMET	Regional Agro-Hydro-Meteorological Center
AJEAMO	Association of Young Modern Farmers of Odienné
ALG	Liptako Gourma Authority
ANAT	National Agency of Territorial Development
ANDF	National Estate and Land Agency
ANOPER	National Association of Professional Ruminant Breeders' Organizations
APESS	Association for the Promotion of Livestock Breeders in the Sahel and Savannah
AU-IBAR	African Union, Inter-African Bureau for Animal Resources
BIRA	Inter-African Bureau for Animal Resources
BRACED	Building Resilience and Adaptation to Climate Extremes and Disasters
ECOWAS	Economic Community of West African States
CEMAC	Economic Council of Central African States.
ESCWA	Sahel and West Africa Club
CIKOD	Centre for Indigenous Knowledge and Organizational Development
CILSS	Permanent Inter-State Committee for Drought Control in the Sahel
CIRAD	Center for International Cooperation in Agricultural Research for Development
CIT	International Certificate of Transhumance
CLGA	Local Transhumance Management Committee
CNT	National Committee of Transhumance
COFENABVI	Confederation of National Federations of the Livestock Meat Industry
CoGeF	Land Management Commission
COMESA	Common Market for Eastern and Southern Africa
COMIFAC	Central African Forest Commission
COPAX	Peace and Security Council for Central Africa
CORAF	West and Central African Council for Agricultural Research and Development
CORET	Confederation of Traditional Livestock Organizations of the Sudano-Sahelian and Saharan regions.
CROASP	Regional Agro-Sylvo-Pastoral Orientation Committees
CRSP	Bamako Regional Center for Animal Health
CSLP	Strategic Framework for the Fight against Poverty
CSOASP	Higher Council for Agro-Sylvo-Pastoral Orientation
DDSICC	Department of Social Development Social Institutions and Climate Change
DGEAP	General Directorate of Pastoral Spaces and Facilities
DGSV	Veterinary Services Branch
DNAGEP	Direction of Animal Nutrition and Management of the Pastoral Space
DSV	Direction of Veterinary Services
DZNE	Northeast Zone Direction
ECOWAP	Economic Community of West African States Agricultural Policy
FAO	Food and Agriculture Organization of the United Nations
FCFA	Franc African Financial Community
IFAD	International Fund for Agricultural Development
FUPRO	Federation of Producers' Unions

GCRPC	Ghana Cattle Ranching Project Committee
GDCA	Ghana Developing Communities Association
GEVAPAF	Management of the Environment and Valorization of Agricultural and Forestry Products
GIS	Ghana Immigration Service
GIZ	German Society for International Cooperation
GLPDS	Ghana Livestock Policy Development and Strategy
GNACAF	Ghana National Association of Cattle Farmers
GoBFA	Government of Burkina Faso
GPDPS	Ghana Livestock Sector Development Policy and Strategy
GRAD	Groupe de Recherche Action pour le Développement
IGAD	Intergovernmental Authority on Development
IIED	International Institute for Environment and Development
INSAH	Sahel Institute
<u>IOM</u>	World Immigration Organization
IPAR	Agricultural and Rural Foresight Initiative
ISRA	Senegalese Institute of Agricultural Research
LDGPS	Livestock Development in Ghana Policies and Strategies
NDA	National Domain Act
LOASP	Agro-Sylvo-Pastoral Orientation Law
APRM	Ministry of Agriculture, Livestock and Fishing
MDGL	Ministry of Decentralization and Local Governance
MEDD	Ministry of Environment and Sustainable Development/Mauritania
MEEF	Ministry of Environment, Water and Forests/Guinea
MEPA	Ministry of Livestock and Animal Production
MINADER	Ministry of Agriculture and Rural Development
MIRAH	Ministry of Animal Resources and Fisheries
MMDAs	Metropolitan Municipal District Assemblies
MoFA	Ministry of Ministry of Food and Agriculture
MoI	Ministry of the Interior
MoLNR	Ministry of Lands and Natural Resources
MoNS	Ministry of National Security
MRHA	Ministry of Animal Resources and Fisheries
NGO	Non-Governmental Organisation
OECD	Organization for Economic Cooperation and Development
OIE	World Organization for Animal Health
OIPR	Office Ivoirien des Parcs et Réserves
NGO	Non Governmental Organizations
OPEF	Professional Organization of the Breeders of Ferkessédougou
CSO	Civil society organizations
PACBAO	Support Project for the Marketing of Livestock Meat in West Africa
PEAP	Associative Platform of Livestock Breeders and Pastoralists of Togo
PAGEFCOM	Project to support the management of communal forests Project to support the management of communal forests
PAMOBARMA	Livestock Mobility Support Project for Improved Access to Resources and Markets in West Africa
CAADP	Detailed Program for the Development of Agriculture in Africa
PEPISAO	Integrated and Secure Livestock and Pastoralism in West Africa Project

PFAG	Peasant Farmers Association of Ghana
PPFSPA	Policy Framework for Food Security in Pastoralist Areas
PGT	Transhumance Management Plan
GDP	Gross Domestic Product
PNC	Comoé National Park
NADP	National Agricultural Development Policy (Guinea)
NADP	National Agropastoral Development Plan (Mauritania)
PNDE	National Livestock Development Plan
PNDES	National Economic and Social Development Plan
NIPA	National Agricultural Investment Programs
PNIASAN	National Agricultural Investment and Food and Nutritional Security Program
PNOPPA	National Platform of Peasant and Professional Agricultural Organizations
UNDP	United Nations Development Programme
CAMAP	Agricultural Productivity Program in West Africa
PPCB	Contagious bovine pleuropneumonia
PPR	Peste des petits ruminants
PPZS	Pastoralism and Dry Zones cluster
PRAPS	Regional Project to Support Pastoralism in the Sahel
PREDIP	Regional dialogue and investment project for pastoralism and transhumance in the Sahel and coastal West African countries
PRIA	Regional Agricultural Investment Programs
PRIASAN	Regional Program for Agricultural Investments and Food and Nutritional Security
PRIDEC	Regional Program for Investment and Development of Livestock in Coastal Countries
PSE	Emerging Senegal Plan
PTT	Pastoralism and Transboundary Transhumance
RBM	Billital Maroobé Network
RCA	Central African Republic
EWC	Democratic Republic of Congo
RIM	Islamic Republic of Mauritania
ROPPA	Network of Farmers' Organizations and Agricultural Producers of West Africa
RPCA	Food Crisis Prevention Network
CFDC	Southern Africa Development
SDSR	Rural Sector Development Strategy
SIPSA	Information System on Pastoralism in the Sahel
SODESP	Société de Développement de l'Élevage dans la zone Sylvopastorale (Society for the Development of Livestock in the Sylvopastoral Zone)
SRID	Statistics Research and Information Directorate
TT	Transboundary Transhumance
AU	African Union
UCAD	Cheikh Anta Diop University of Dakar
UDOPER	Departmental Union of Professional Organizations of Breeders of
EU	European Union
UEMOA	West African Economic and Monetary Union
IUCN	International Union for Conservation of Nature

UNOWAS	United Nations Office for West Africa and the Sahel (UNOWA)
UP	Pastoral Units
VSD	Veterinary Services Directorate
WASCAL	West African Scientific Service Center on Climate Change and Adapted Land Use
ZAGROP	Agro Pastoral Zone.
ZIPA	Animal Production Intensification Zones

SUMMARY OF THE STUDY

- i) The Economic Community of West African States (ECOWAS) is a pioneer in establishing regulations for the exercise of cross-border transhumance, a somewhat controversial livestock production system in relation to its economic, social and environmental impacts, and the conflicts of access to natural resources that are sometimes associated with it.
- ii) Since 1998, ECOWAS has been experimenting with a set of legal and technical instruments to provide a framework for the exercise of this multi-functional credited activity, which makes it a powerful means of strengthening the resilience of populations in general, and pastoralist and herder households in particular, on the one hand, and promoting social and regional integration in West Africa, on the other.
- iii) Decision ADEC.5/10/98 laying down the conditions for the exercise of transhumance, and Regulation C/REG.3/01/03 /2003 which accompanies its implementation, as well as other regulations on the health level, have three specific objectives: (i) to improve animal production and productivity by building on the dominant livestock system (pastoralism and transhumance); (ii) to strengthen regional integration through the promotion of intra-community transactions of animal products; and (iii) to strengthen the resilience of pastoral and agro-pastoral populations by minimizing the occurrence of conflicts between users of natural resources.
- iv) An in-depth analysis of the scope and limitations of the current regulatory framework for cross-border transhumance allows, twenty-two years after its adoption, to draw a number of strong conclusions, lessons and experiences:
 - a. All the actors in the region, state public administration officials, heads of herders' and pastoralists' associations and a large number of farmers are aware of the existence of the regulatory framework. But very few of these actors have internalized its content and the real implications of its various clauses.
 - b. All the countries have adopted an arsenal of national legislations which, although seeking to align with the regional framework, are sometimes antinomic and do not perpetuate discrimination in terms of access to natural resources between the crop production sub-sector and pastoralism. Even in countries with a livestock vocation, land laws for example are rarely in favor of this mode of livestock production. New national legislations thus tend, in host countries, to amplify this phenomenon by introducing clauses restricting transhumance.
 - c. The International Certificate of Transhumance (CIT), the cornerstone of the regulatory framework, is adopted by all countries, but struggles to fully play its role for at least three reasons: (i) it is in duality with the health clearance required by some countries, (ii) the data in the forms are unreliable, hampered by false declarations by farmers, (iii) it is subject to virtually no monitoring. The implementation of the CIT is imperfect and some breeders do not obtain it because they are unaware of its existence or because they are not familiar with its contents.
 - d. The implementation of the provision which provides that *"the movement of transhumant animals must be carried out on the transhumance tracks defined by the States, in accordance with the itinerary prescribed on the ECOWAS international transhumance certificate"* suffers from the weakness of track development by the countries (lack of markings, absence of pastoral water infrastructure). Moreover, the tracks are often obstructed by crops. The difficulty of complying with this provision is exacerbated by animals that have returned illegally.

- e. Similarly, many pastoralists tend not to comply with the provision that *"crossing borders is only allowed during daylight hours"* mainly for reasons related to pastoral practices based on the freedom of choice and timing of crossing by pastoralists. It is also often less painful for pastoralists and their animals to move around at night than during the day, taking advantage of the relative coolness of the weather at this time of year. Some of the recorded conflicts and the resulting verbalizations come from crossing borders at night.
 - f. With respect to the provision that prescribes that herds are kept *"by at least one shepherd for every 50 head of cattle"* and that *"the shepherd must be at least 18 years of age"*, there is a shift in favour of its application. Livestock breeders are increasingly resorting to salaried shepherds to accompany the herds. However, they have reservations about the 18-year old clause, which denies them the right and responsibility to train their children as shepherds.
 - g. With regard to the periods of entry into and exit from the territory of transhumant livestock left to the free choice of the host country, the stakeholders encounter numerous difficulties that make it difficult to apply this provision. The seasonal shift in agricultural seasons and the development of crops whose production is spread out until January push host countries to continually postpone the start of transhumance. The result is not only early arrivals, but above all a massive influx of livestock at the borders awaiting the opening of the borders to transhumance.
 - h. In the same vein, the decision prescribing that *"each State shall define the reception zones and carry out the evaluation of the reception capacity and that the breeder is obliged to bring the animals into the zones indicated to him"* is respected by almost all the States. However, the zones identified are rarely developed and pastoralists consider them as areas with very limited potential, a situation that pushes them to insufficiently respect this clause.
 - i. The issue of the protection of breeders, regularly discussed by the authorities of host countries, is variously appreciated. The functioning of various committees in charge of conflict prevention and management is a guarantee of compliance with this provision. However, its application is increasingly coming up against two phenomena: (i) the corruption that is plaguing certain authorities, and (ii) the deterioration of the security situation in the region. The latter phenomenon creates the risk of confusion between the imperatives of the transhumance issue and security concerns, to the detriment of taking into account the vital economic and social needs of pastoral mobility.
 - j. These security concerns undermine the remarkable work being done by local committees and other community cooperation dynamics for the prevention and management of conflicts between farmers and herders. The stigmatization of pastoralists, who are all too often equated with those who violate the security of citizens (acts of robbery, armed robbery, rape...) not only complicates conflicts, but also complicates the mechanisms for mediation and settlement of agro-pastoral disputes and creates precedents.
- v) The level of implementation of the provisions of the Regulation accompanying the operationalization of Decision ADEC 05/10/98 is no better. In fact, Regulation C/REG.3/01/03 /2003 provided for a dozen or so supporting measures to facilitate the implementation of the Decision:
- a. *The elaboration and implementation of sub-regional programs for the development of pastoral areas or the realization of cross-border infrastructures in favor of transhumance (Article 2).* Over the last six years, a dozen or so sub-regional projects have been implemented for an amount of nearly half a billion US dollars; however, these projects do not yet make it possible to satisfy the concerns of all the countries, especially the host coastal countries which are only partially covered.

- b. *The implementation of pilot actions of a cross-border nature with a view to developing new methods of concerted management of the routes and the host areas (Article 2).* The emergence of agreements or cooperation between cross-border communities has led to the creation of some pastoral hydraulic infrastructures around which local actors have developed social engineering tools. However, the generalization of such initiatives is hampered by the limited resources available to these structures in view of the high demand. The rules for the management of pastoral infrastructures have not yet been harmonized by the States.
- c. *The realization of a prospective study on the future of livestock farming, particularly transhumance in West and Central Africa.* Several highly localized initiatives, carried out either by research institutions (CIRAD, FAO) or by States (Burkina Faso) are underway. ECOWAS is in the process of launching, with the financial support of the AFD, a prospective reflection on the future of mobile livestock farming systems. The implementation of this clause is confronted with the complexity of the issue and the very strong divergence of perception and vision of the actors involved in pastoralism and transhumance. This remains an important issue on which the actors must urgently invest themselves.
- d. *Carrying out studies to update transhumance tracks and rangelands in collaboration with WAEMU, CILSS and other concerned organizations (Article 2).* This activity is far from being effective. There is some scattered data at the level of some countries, but there has never been regional coordination to build and update a complete and evolving cartography of pastoral infrastructures, tracks, rangelands and water points. The States have defined new transhumance tracks on which they communicate little, due to the lack of a regional platform/observatory type device for mobile livestock systems.
- e. *The establishment by ECOWAS Member States of an information and communication system, a pastoral management program, a ministerial transhumance committee, and a regional natural resource management strategy.* None of the measures recommended by this clause of the regulation is actually implemented. There is no robust information and communication system for the pastoral sub-sector. Existing systems are either incomplete (as in the case of the one managed by the CRA in Niamey) or are being experimented with (RBM OPTIMAOC). Similarly, there is no ministerial committee dedicated to transhumance, let alone a regional natural resource management strategy. These inadequacies are detrimental to the sharing of credible information and decision support.
- f. *Taking into account all existing transhumance axes in the subregion (Article 3).* In the absence of an updated base of transhumance axes and especially a lack of communication from countries on the new developments carried out, it is impossible to have an exact idea of the functional transhumance axes. In many cases, the transhumance tracks end up at a dead end in cross-border areas, due to a lack of consultation between the countries on their development, whereas the transhumance axes must integrate not only the transhumance tracks, but also the grazing areas, water points, rest areas and market services.
- g. *The design and implementation in each Member State of a pastoral management programme (establishment of systematic mapping of grazing areas, transhumance areas and water networks) (Article 3).* Most of the States in the region have pastoral management programmes, allowing clear identification of grazing and transhumance areas, but for the most part these suffer from a lack of adequate infrastructure.
- h. *The establishment and/or dynamization of pastoral organizations at the national level so that they contribute to a better management of transhumance, as well as to the prevention and management of transhumance-related conflicts.* In the subregion there are a large number of pastoralist and herders' organizations, some of which are structured into regional networks: RBM, APSS and CORET. These organizations play a key role in sensitization, advocacy and

conflict prevention actions related to competition for access to resources. Their functioning depends on external financial resources, which vary from one year to the next. Due to their status, neither the States nor the Regional Economic Communities (RECs) have yet formally recognized the public utility of these organizations. For the time being, these organizations cannot access public resources, which limits the scope of their actions.

- i. *The organization of information, communication, sensitization, training and education campaigns or sessions in favor of transhumant herders and the various actors involved in transhumance at the level of the departure, transit and reception areas of transhumant herds.* This provision is relatively well implemented in host countries with functional national transhumance committees. Campaigns sometimes include missions to neighboring countries.
 - j. *The promotion of dialogue and consultation between countries on transhumance issues.* This is undoubtedly the area in which the regional community and stakeholders have been most involved in recent years. Three levels of dialogue are functional in West Africa : (i) the local level, facilitated by local committees and other inter-community committees; (ii) the national level through national transhumance committees and (iii) the regional level, made up of networks of POs, States and ECOWAS. The last level is now organized in the three main transhumance sub-areas of the West Africa and Sahel region. However, the sustainability of such a high-level dialogue mechanism that is so fundamental for peaceful transhumance between coastal and Sahelian countries is highly questioned. Indeed, its annual facilitation has so far remained dependent on external and not very sustainable sources of funding.
 - k. *The creation of a regional observatory on transhumance to monitor the application of community provisions.* This measure is still relevant today. The weakness of national transhumance committees, particularly in countries that provide livestock for transhumance, does not yet facilitate the establishment of such a mechanism at the regional level. The absence of such an observatory deprives the region of credible data and information to assist in decision-making. The need to monitor the effects and impacts of the COVID pandemic on animal mobility could be a decisive trigger for the implementation of such a system.
- vi) The ECOWAS regulatory framework for cross-border transhumance has been and remains a valuable and relevant instrument for regulating the exercise of an activity marked by profound differences of opinion between herdsmen/pastoralists and farmers, on the one hand, and between Sahelian countries that supply animals and coastal countries that host them, on the other. As an expression of the real place accorded to pastoralism in the economies of the different countries, some new national legislations are introducing more and more restrictive regulatory provisions to animal mobility, while refraining from violating the ADEC Decision 05/10/98. In this context, the implementation of the regulatory framework on transhumance suffers from :
- a. The weakness of the political commitment of the States, which allocate only small budgetary resources to the livestock sub-sector.
 - b. The orientation of national legislations clearly giving priority to agriculture over livestock, without developing an evolutionary vision that integrates a better agriculture-livestock association.
 - c. The absence of an appropriate regional policy or strategy for natural resource management that takes into account the land tenure consequences of the sedentary nature of livestock farming systems that allowed the superimposition of rainfed crop systems and livestock farming systems that make use of agricultural residues and fertilize the land.

- d. The impasse made on other sources of livestock feed, notably on forage production and the economic feasibility of such artificial fodder production.
 - e. The increasingly important place of security issues in the treatment of pastoralism in general and cross-border transhumance in particular.
 - f. The absence of a mechanism for monitoring and evaluation of the framework, or even for steering transhumance at the regional level.
- vii) All these weaknesses call for a review of the governance model of pastoralism and cross-border transhumance in West Africa, considering this livestock production system no longer as a constraint, but as one of the credible alternatives for promoting sustainable and integrated development in the region, in relation to the growth of land pressure and climate change. An essential prerequisite for taking these recommendations into account would be to succeed, through the consultations undertaken both at the level of the terroirs and the region (high-level consultation for peaceful transhumance), in building a genuine shared vision on pastoralism and transhumance, between the States and grassroots actors, which is fully in line with the strategic framework of the African Union.
- viii) Actions are thus proposed to the regional community, the States and local authorities, in order to implement a number of strategic measures:
- a. **Ensure equitable access to natural resources through the implementation of** an updated and finalized Land Tenure Directive;
 - b. To set up **a real mechanism for monitoring and evaluating the application of regulations** by the States and institutional actors;
 - c. **Strengthen bilateral cooperation between States and communities** by promoting : (i) the conclusion of agreements between the parties involved, (ii) the stimulation of consultation frameworks at different levels and (iii) exchanges between communities;
 - d. To **secure the different actors, especially the breeders and pastoralists in their activities and to facilitate cohabitation between communities**. One of the major thrusts in this area should be to support the critical analysis of the practices of actors with regard to the law in the settlement of agro-pastoral and transhumance-related disputes. This would constitute practical training for these actors as well as for pastoralists and farmers in understanding the proper application of the legislative and regulatory framework.
 - e. **Actively strengthen social, economic and cultural links between farming and pastoral communities on the one hand, and anticipate environmental effects and impacts on the other, by promoting and financing local inter-community initiatives in cross-border territories** and host areas for the benefit in particular of young people and women.

SYNTHESIS REPORT

1. General Introduction

1.1 Contextual elements

1. Transhumance is an essential component of pastoralism, which itself is defined as *"a way of life and a production system for a large number of Africans living in arid and semi-arid zones"* (AU, 2013). Transhumance is seen as a livestock production system characterized by seasonal, cyclical movements of varying amplitudes of pastoralists and part or all of their herds from an area lacking pasture and water to another that has it. Movements aim to adapt to the seasonality of natural resources, particularly pasture and water in the areas where pastoralists prefer to keep livestock: the desert and the Sahel. It is a practice as old as livestock farming which, beyond the economic, environmental and social dimensions, is first of all utilitarian (ensuring the animals' subsistence) but also economic (access to markets) and cultural (participating in social gatherings, maintaining strong relationships). It is a way of life that is characteristic of pastoralist peoples and that is perpetuated over the years.
2. Pastoralism would involve between 70 and 90% of the cattle herd and 30 to 40% of the small ruminant herd in the Sahelian zone of West Africa (SWAC-OECD, ECOWAS, 2008)¹. Intensive farming systems are still in the minority, even though they tend to be emerging as models in many terroirs, particularly in the Sudanian and peri-urban areas. More than 20 million people are totally or partially involved in this way of life in the Sahelian zone of West Africa.
3. Beyond its characteristics as a livestock production system, transhumance has two variants linked to the territorial dimension and the amplitude of its exercise.
 - a. Sub-territorial transhumance, which takes place within the territory of the States, both in the Sahelian and Sudanese zones. This form, generally of low amplitude, is by far the most important. The majority of the ruminant herd is subject each year to these movements, of varying length, which make it possible to efficiently provide for the feeding of the animals. This mobility is facilitated by the demarcation of pastoral zones by some countries.
 - b. Cross-border transhumance generally involves the seasonal movement of animals and pastoralists from the Sahelian zones to the Sudanese regions, but also vice versa. This form is often intertwined with trade flows, some of which is conveyed on foot from the livestock areas to consumer markets. Several countries are involved in these movements, the extent of which is still poorly known. Recent work (FAO and CIRAD, 2012; IRAM, 2015) indicates a volume of flows ranging between 2 and 3 million animals, including mainly cattle, goats, sheep and a small number of camels. These cross-border movements mainly involve Burkina Faso, Mali, Mauritania, Niger, Nigeria and Chad as sending countries and Benin, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Nigeria, Senegal, Sierra Leone and Togo as receiving countries. This direction of travel is far from static. There are reports of movement from coastal to Sahelian countries on the one hand and between coastal countries on the other.

¹ CSAO-OCDE / ECOWAS, 2008. Livestock and regional market in the Sahel and West Africa. Opportunities and challenges. Study carried out within the framework of the partnership between the ECOWAS Commission and the SWAC/OECD Secretariat on the future of livestock in the Sahel and West Africa. <http://www.oecd.org/fr/csao/publications/40279092.pdf>; SWAC edition, 157 pages + appendices

4. The transhumances are thus exerted in a more or less cyclic way, of more or less important amplitudes. The strategies followed by pastoralists, numerous and diverse, are often guided by taking into account the geographical context, conditions of access to natural resources and economic considerations. Some pastoralists carry out small transhumance operations on the scale of one or more administrative entities, without leaving the country. Others, on the contrary, practice large, more or less regular movements and, for often quite long periods, they leave their country of origin. As an example, we can cite the M'Bororo transhumant herders who travel from Chad to the Central African Republic (CAR), or even the Democratic Republic of Congo (DRC) before making the return movement. Some Arab pastoralists in Chad also practice this type of movement. In Niger, Woodabe and Ouddah pastoralists frequently travel to Nigeria. In Somalia, some Afar pastoralists do not hesitate to cross vast deserts with their animals to reach some Ethiopian valleys. These long journeys are extremely stressful for the animals. Not that this causes problems of access to resources. Some Tanzanian herds also go up to neighboring Kenya to benefit from more abundant resources. Transboundary transhumance is nevertheless more limited in Southern Africa where territorial borders are much more marked and where animal movements are often restricted at the national level (e.g. Namibia).
5. Cross-border transhumance is undoubtedly the form of mobility that attracts the most attention from actors (socio-professional organizations and decision-makers at different levels) in relation to its multifunctionality and the impacts for which it is credited. Cross-border transhumance is credited with four main essential functions:
 - a. *The development of vast areas of arid land that are not conducive to other human activities, especially agriculture.* By facilitating complementarity between regions where vast expanses of pastureland are accessible only a few months of the year and those that benefit from higher rainfall, cross-border transhumance contributes to land use planning and rational management of natural resources. In all cases, pastoralism is considered to be the only livestock production system capable of sustainably developing the region's vast semi-desert territories.
 - b. *The contribution to the economic activity of territories both in the areas of departure and those of reception.* Cross-border transhumance contributes to the structural transformation of many terroirs on at least two aspects: (i) the facilitation of the creation and operation of numerous livestock markets, the main source of animal protein supply for the populations, (ii) the recognition of the importance of the value chain around animal products (milk, skin and leather, horns) and livestock feed as an important economic vector. All these activities are sources of improvement in the tax revenues of local and state governments, on the one hand, and income and job creation for women and youth, on the other.
 - c. *Strengthening the resilience of pastoralists' and farmers' households and family farms.* Transhumance makes it possible (i) to promote the integration of agricultural and animal production systems, which are still extensive in their immense proportion, with the promotion of agropastoralism, a production method that minimizes competition for access to natural resources, particularly land; (ii) to generate annually for the region some five (5) billion liters of milk, which is² indispensable for minimizing the risks of malnutrition to which a large proportion of the region's children are exposed. This last impact is all the more important because it strengthens the position of women in the household, since they still largely control the milk.

² ECOWAS, 2019, regional strategy document for the promotion of local milk value chains.

- d. *The strengthening of relations and social and economic ties between the communities of herders, often considered as allogeneic, and those of farmers, indigenous.* This strengthening often takes the form of oral agreements between farmers and herders, such as manure contracts, the sale of crop residues and animal confinement/guarding. In many terroirs, a large part of the livestock managed by herders belongs to the "natives". This practice has generated "kinship jokes" in many areas, the basis of many endogenous mechanisms for conflict prevention and management.
6. But transhumance, both infra-territorial and cross-border, is sometimes a source of disputes that can turn into latent or open conflicts of varying magnitude between the different users of natural resources, particularly between pastoralists, herders or agropastoralists and farmers. Generally resulting from a lack of governance at different scales, and mainly from the low level of implementation and compliance with regulations, these conflicts undermine the coexistence between farming and herding communities and tend to generate a negative perception of transhumance. These conflicts seem to have reached their peak in 2017 and 2018, necessitating the convening of a regional conference in April 2018 in Abuja.
7. It is these capital gains brought about by cross-border transhumance that led the Heads of State and Government of the Economic Community of West African States (ECOWAS), at the twenty-first ordinary session of their Conference held in Abuja from 30 to 31 October 1998, to take measures to regulate its exercise, and this, in full knowledge of the causes³. Decision ADEC.5/10/98 laying down the conditions for transhumance, and the 2003 regulation accompanying its implementation, as well as other regulations on the health front, have three specific objectives: (i) to improve animal production and productivity by relying on the dominant livestock system (pastoralism); (ii) to strengthen regional integration through the promotion of intra-community transactions in animal products; and (iii) to strengthen the resilience of pastoral and agro-pastoral populations.
8. More than twenty-two years after the adoption of the ADEC Decision 05/10/98, the original objectives are obviously still valid, but they are increasingly faced with the exacerbation of competition for access to natural resources. This is the result of multiple factors: (i) strong population and livestock growth, (ii) expansion of agricultural fronts, (iii) accentuation of climate variability and change, (iv) very high valuation of individual land to the detriment of common land in recent decades, and (v) expansion of terrorism. This competition leads to disputes and sometimes even deadly conflicts. These conflicts culminated in 2018, causing numerous losses in human lives and significant material damage. They seem to be at the root of many measures restricting the exercise of transhumance taken by certain countries: prohibition of the activity in certain parts of the territories, closure of borders, prohibition of foot transport, taxation of animals in transhumance... These developments raise many questions from actors and other analysts, three of which are frequently raised:
 - Are Decision ADEC 05/10/98 and Regulation C/REG.3/01/03 /2003 which accompanies its implementation fully internalized and applied by ECOWAS States?

³ The Heads of State and Government expressed their "*conviction that livestock development is an integral part of a food security policy; (ii) CONSCIOUS that livestock in the country of the community faces many difficulties of a technical, climatic, legal and socio-economic nature; (iii) CONVINCED also that in the current conditions of the means available to ECOWAS Member States, transhumance is useful for safeguarding and increasing livestock production; (iv) AWARE that transhumance is however the source of many problems; (v) AWARE that transhumance is however the source of many problems; (v) DESIRING to improve livestock rearing conditions in Member States, and to this end, to put in place a harmonious regulation of transhumance in the community space; (vi) WISHING to improve livestock rearing conditions in Member States, and to this end, to put in place a harmonious regulation of transhumance in the community space*".

- Is the current regulatory framework still adapted to the changing socio-economic, environmental, health and security context in West Africa and the Sahel?
- What are the main weaknesses of the current regulatory framework and are subject to appropriate reforms or adjustments, if necessary?

1.2 Objectives of the study

9. The overall objective of this study is to assess the effectiveness of the regional regulatory framework governing cross-border transhumance in West Africa and the Sahel. This involves an in-depth assessment of the achievements and shortcomings in the implementation of the legal and operational instruments of the regional regulatory framework, as well as the root causes of poor compliance with its application (including national legislation on pastoralism). The aim is to clearly identify and pinpoint the gaps, sources of inefficiency, in the implementation of the regional regulatory framework and national legislations with a view to a possible future renegotiation of these texts.
10. The study aims at analyzing the entire regulatory framework of pastoralism and cross-border transhumance in force in West Africa and the Sahel; more precisely, it is :
 - To assess the level of knowledge of key actors, both regional and national, about the regulatory framework on pastoralism⁴ and cross-border transhumance⁵;
 - Assess the state of implementation of regional measures (incentives and other measures) to accompany the application of the regulatory framework;
 - Assess the effectiveness and efficiency of legal instruments deployed at the regional level to secure cross-border transhumance ;
 - To carry out an in-depth diagnosis of the root causes of the problems that both sending and receiving countries experience in order to operationalize the regulatory framework ;
 - Analyze the level of consistency between the regional regulatory framework and the legal and fiscal instruments deployed by ECOWAS Member States (pastoral code, land code, transhumance taxation, etc.);
 - To take stock of the countries that are actually implementing the regulatory framework in force in order to capitalize on their experience for the benefit of other countries;
 - To point out the shortcomings and grievances that stakeholders (States, local authorities, producer organizations) criticize the current regulatory framework;
 - Analyze the compatibility of certain strategies of the actors (carrying weapons of war, taxing transhumance, etc.) with regional and national legislation;
 - To propose (on the basis of an in-depth diagnosis of the problems) corrective measures (political, financial, regulatory, investment in facilities, etc.) to be implemented in order to improve the effectiveness of the regulatory framework;

⁴ Pastoralism is defined here as "a mode of extensive livestock farming practiced involving interdependence between the farmer, his herd and the environment he exploits. This system of breeding responds to the climatic and fodder context that prevails in semi-arid and arid areas".

⁵ Transboundary transhumance involves movements of varying degrees of amplitude of livestock, allowing for the best use of pastoral resources (fodder and water) while taking seasonal climatic variability into account. The distances covered sometimes require herds to go beyond the borders of the country of origin (Inter-réseau, 2012).

- To propose a regional system for monitoring and follow-up and evaluation of the effectiveness of the application of community regulations on pastoralism and cross-border transhumance.

1.3 The methodological approach

11. With the exception of the Republic of Cape Verde, all the other States of the West Africa and Sahel region are involved to varying degrees in the exercise of trans-border transhumance, either as countries mainly of herd departure or mainly of herd reception. Some of these countries, depending on the climatic context, can also play a dual role, such as Burkina Faso, which receives herds from Mali but whose own herds move further south, to Ghana, Togo or Benin. Since it is impossible to cover all 16 countries that are really involved in cross-border transhumance⁶, the methodological approach has been reasoned in terms of transhumance corridors.
12. Three transhumance corridors were targeted. For each of them, a consultant specializing in pastoralist issues was contracted. The corridors are as follows:
 - a. The Central Corridor involving Burkina Faso and Ghana, which was the subject of an in-depth analysis to understand how both sending and receiving countries are experiencing the implementation of the regional regulatory framework.
 - b. The corridor located in the eastern part of the subregion, functioning as both a reception and transit area for animals. This corridor involves Benin and Togo. For operational reasons, Côte d'Ivoire has been included in this subset even though it may in fact be attached to the "central" corridor. This corridor is open to animals from Nigeria, Niger and Burkina Faso. The choice of this corridor responds to the fact that some host countries (Benin and Côte d'Ivoire) have adopted new pastoral codes that restrict the exercise of transhumance.
 - c. The Western Corridor which mainly involves four countries: Senegal, Mauritania, Mali and Guinea. In this corridor, specific bilateral agreements - more or less functional - governing the exercise of transhumance have been, or are in the process of being concluded, between the countries⁷.
13. In the countries mentioned above, the consultants conducted interviews with policy makers, managers of administrative and technical services, representatives of socio-professional organizations of pastoralists, farmers and other users of natural resources. Officials of national and local transhumance committees and other community cooperation initiatives were also interviewed.
14. It was then a question of analyzing the legal dimensions of the regulatory framework on pastoralism, i.e. the scope and limits of the different clauses and their coherence with the current context and national legislations. Specifically, it was a question of analysing the essence of pastoral laws or codes, land laws, water codes, forestry codes and their internal and external coherence. This dimension of the study has thus led to the exploitation of texts and laws adopted by all the countries of the region.
15. These various investigations were reinforced by an in-depth documentary research that targeted:
 - (i) all the regulatory texts enacted at the national and regional levels to regulate pastoralism and cross-border transhumance, (ii) evaluative studies of national laws and texts, (iii) experiences in

⁶ That is, the 15 ECOWAS Member States minus Cape Verde, to which Chad and Mauritania should be added.

⁷ The choice of these countries is intended to complete the scope of a study carried out in 2015 by the IMO. This study covered Nigeria, Niger and Mali.

other regions of the world, mainly in Africa. This last analysis focused on the experiences of other Regional Economic Communities (RECs) in Africa, with a focus on East and Southern African countries.

2. Background on transhumance and the regulation of mobile farming systems

2.1 Characteristics of cross-border transhumance

16. Pastoralism is a way of life and a production system for a large number of Africans living in arid and semi-arid, even Sudanese, areas. This activity is both an economic and demographic heavyweight, due to the number of people involved in it. The FAO (2008, taken over by the African Union in its regulatory framework in 2013) estimates the pastoral population in Africa at about 268 million people. They would live in an area that represents about 43% of the total area of the continent (FAO, 2008).
17. The contribution of mobile livestock systems to the agricultural GDP of sub-Saharan African countries is estimated at between 10 and 40% depending on the latitude and geographical location of these countries (FAO, 2008). These differences are notable between countries. According to the FAO, mobile livestock systems contribute more than 5% to overall GDP, with peaks of 15% in three Sahelian countries (Burkina Faso, Niger and Mali), i.e. between 20 and 40% of agricultural GDP. Pastoral livestock farming is the main source of supply for the populations, not only in meat, milk and other animal products (hides and skins), but also in transport, fertilization and traction power. Pastoralism thus plays a central role in the economy of many countries on the African continent. This is the case for all countries in the Sahelo-Saharan zone (from Mauritania to Somalia), including Sudan, Ethiopia and Kenya, and in more humid countries such as Central African Republic, Southern Sudan, Mozambique, Democratic Republic of Congo and Rwanda.
18. Transboundary transhumance, a centuries-old system of livestock rearing, took on a significant scale following the droughts that hit the Sahel in the 1970s and 1980s. Many herds in Sahelian countries had to seek refuge in countries with better fodder resources. As a result, many pastoralists were able to develop social ties in the host countries that they sought to maintain and chose to remain in these countries (the case of Central African Republic and the case of Southern Sudan where pastoralists from more northern regions chose to settle).
19. In West Africa, extended to Chad and Mauritania, transhumance would concern, according to the SWAC⁸ as stated in the introduction, 70-90% of cattle breeding and 30-40% of sheep and goat breeding. The share of this transhumant pastoralism in the supply of animal products is estimated at 65% for beef, 40% for sheep and goat meat and 70% for milk. Pastoralism constitutes an important source of income for millions of people directly or indirectly involved in the operation of the cattle-meat chains in West Africa. Cross-border transhumance allows pastoralists to have access not only to fodder resources to feed their herds, but also to more lucrative markets.
20. More than elsewhere, in West Africa, cross-border transhumance is seen as a factor of integration, mainly at three levels : (i) at the level of the regional economy, by promoting animal transactions in markets near the consumption centers of the large cities of the coastal countries; (ii) at the level of production systems, by enabling farmers to improve the health of their livestock by

⁸ CSAO-OCDE / ECOWAS, 2008. Livestock and regional market in the Sahel and West Africa. Opportunities and challenges. Study carried out within the framework of the partnership between the ECOWAS Commission and the SWAC/OECD Secretariat on the future of livestock in the Sahel and West Africa. <http://www.oecd.org/fr/SWAC/publications/40279092.pdf>; SWAC edition, 157 pages + annexes

entrusting them to transhumants during cultivation periods, to have access to fertilizers for their fields, and to obtain animals at attractive prices for the draught; (iii) at the level of socio-cultural groups, through agreements allowing for property transfers.

2.2 Challenges and issues of cross-border transhumance

21. Over the years, cross-border transhumance has intensified, involving a large number of animals and based on increasingly complex strategies: early movement, longer stay of transhumants, and sedentarization of certain herds. At the same time, transhumants have developed economic activities in the host areas: markets for livestock and animal products, demand for fodder crops, and the use of crop residues. This dynamic has transformed the middle belt of the region, i.e., the zone located between the 7th and 14th parallel of north latitude, into the main focus of livestock concentration.
22. The growing number of animals (the livestock population of some host countries has also increased in recent years), strong population growth and the extension of cultivated areas in the region, the increase in climate variability and change, and the development of terrorist acts have made the exercise of cross-border transhumance more complex. Transhumance today faces two main challenges:
 - a. The first challenge is that of the place of livestock in general and mobile systems in particular in natural resource management policies, the main source of livestock feed. Through this challenge is the challenge of space management, both at the national and regional levels. How to ensure equitable access to natural resources, especially land for the two extensive systems of production, traditional agriculture and pastoral livestock? The problem is all the more acute since *"most land tenure codes are part of a logic of implicit privatization of land..."*. (Blein, 2015).
 - b. The second challenge relates to the safety of livestock and pastoralists, in connection with the development of two relatively new phenomena: (i) the spread of terrorist acts and (ii) the increase in the number of livestock thefts. These two scourges create amalgams in the treatment of the first challenge.
 - c. Historically managed using endogenous mechanisms, conflicts have become more complex and metamorphosed into inter-community confrontations against a backdrop of prejudice and stigmatization. How can peaceful coexistence be restored between populations condemned to exploit the same living space and natural resources? This is one of the delicate questions that public policies must resolve.
23. In view of these two challenges, one is tempted to reduce the stakes facing mobile livestock systems to the quality of governance of public policies, their coherence and their adequacy with the needs of the region, particularly those related to :
 - a. The economic and commercial dimensions related to the capacity of this livestock system to contribute to satisfy the demand for animal proteins (milk/dairy products, meat) and to strengthen the regional integration process, based on the exploitation of the comparative advantages of the different agro-ecological zones.
 - b. The management of spaces, territories and natural resources and the cohabitation of the different users of the resources;
 - c. To the resilience of pastoral populations, which are increasingly exposed to multiple shocks (climate variability and change, continuous reduction of grazing areas, terrorism, etc.).

3. Brief overview of experiences in regulating cross-border transhumance in Africa

24. Transboundary transhumance is a highly sensitive activity due not only to its economic, social and environmental impacts, but also to the differentiated perception that actors have of its relevance, which most often leads to conflict. In order to limit the occurrence of the latter, the actors deploy at different levels a set of legal instruments, in the form of laws, decisions, directives, rules and other regulations to frame or even regulate this activity.
25. To date, there are four kinds of mechanisms that regulate transhumance and pastoralism (framework and policy at the continental level, directives at the international level, decisions and regulations at the regional level, and legislation on many aspects (pastoral code, land code, water code, forest code, etc.) at the national level.
26. In the first place, these are the directives and strategic frameworks developed at the continental level:
 - a. At the international level, the Food and Agriculture Organization of the United Nations (FAO) has developed "*Voluntary Guidelines for Responsible Governance of Land, Fisheries and Forestry Tenure in the Context of National Food Security*" which have the guiding principles to "*provide reference and guidance for improving governance of land, fisheries and forestry tenure with the overarching aim of achieving food objectives*". These guidelines serve as a basis for many land tenure initiatives in developing countries in general and sub-Saharan Africa in particular.
 - b. The African Union has a policy framework for pastoralism in Africa. This framework aims to secure, protect and improve the lives, livelihoods and rights of pastoralist communities (Addis Ababa, 2010). This framework is complemented by a Livestock Development Strategy for Africa (LiDeSA) for the period 2015-2035. This aims at transforming the livestock sector in Africa for accelerated equitable growth (Nairobi, 2015).
27. More and more inter-governmental organizations, and more specifically the Regional Economic Communities, are equipping themselves with instruments to manage transhumance. The agreement on livestock tracks, initiated on 27 October 1978 by the Economic Community of West Africa (CEAO), appears to be the first protocol of this kind.
28. Then there is national legislation: land codes, pastoral codes, forestry codes, water codes, etc. Many countries have equipped themselves with these instruments, whether they are coastal or Sahelian countries. In West Africa, all the States have equipped themselves with these instruments. The same is true of large livestock countries such as Ethiopia, Kenya, Uganda and the Central African Republic.
29. Bilateral memorandums of understanding between States also follow. Since the conclusion of the first agreements signed on several dimensions of cross-border transhumance as early as 1988, more than twenty bilateral conventions have been promoted⁹. These protocols rarely function well due to the lack of monitoring mechanisms.

⁹ (i) Mauritania-Senegal Cooperation Protocol signed on April 25, 2006, revised in 2013, 2014 and 2019; (ii) Agreement on transhumance between the Islamic Republic of Mauritania (RIM) and the Republic of Mali from 1989, revised in 2005 and 2016

30. Regional regulations on cross-border transhumance are therefore not legion.

- a. **At the level of the Economic and Monetary Community of Central Africa (CEMAC)**, the Convention of 22 December 1972 of the Customs and Economic Union of Central Africa (UDEAC) on the free movement and right of establishment of nationals of the community in the CEMAC area is supplemented by three sectoral rules: (i) Decision N°1/94- CEBEVHIRA-018-CE-29 of March 16, 1984, authorizing the circulation of livestock passports and the international transhumance certificate (CIT); (ii) Act 31/84-UDEAC-413 of December 19, 1984, adopting the agreement on the harmonization of zoo-sanitary legislation and regulations in the UDEAC zone; (iii) zoo-sanitary regulations in the CEMAC zone (elaboration in progress). At the level of this REC, a specialized institution, the Economic Commission for Livestock and Fishery Resources (CEBEVIRAH), was created to steer the regional policy in this area. CEMAC and, more generally, the Economic Community of Central African States (ECCAS) are moving towards the adoption of a community regulation on pastoralism in Central Africa. The aim is to fill a regulatory void and address the sometimes obsolete or incomplete laws of member countries.
- b. **COMESA (Common Market for Eastern and Southern Africa)**,¹⁰ which has a herd of about 135 million head of cattle, or 54 percent of the total number of cattle on the continent and 10 percent of the world total (COMESA, 2008 according to FAOSTAT 2006), does not have a regional regulation on cross-border transhumance. The regulatory frameworks developed in most COMESA member countries are based on the assumption that pastoralism is "irrational and inefficient". The emphasis is therefore on ranching or, in any case, "modern livestock". This REC is considering the implementation of a *green pass*, i.e. a certification system that would allow to accompany the agricultural market (COMESA policy brief n°5, 2009). This system would be valid for all COMESA member countries. It aims to develop international trade by focusing mainly on the quality of agricultural and other animal products (implementation of sanitary rules and technical conduct for example). It is intended to pave the way for various agricultural products (including livestock products) to more remunerative markets (CBT - Commodity Based Trade), where quality would be rewarded with high prices. Livestock products fully fall within this framework. The *green pass* (under development) would serve as a selection between animals that can theoretically access these remunerative markets and those that would be excluded.
- c. **IGAD - (Intergovernmental Authority on Development)**, created on March 21, 1996, comprises seven East African States. The organization has set itself the ambition to promote: (i) agriculture, natural resources and the environment; (ii) economic cooperation, integration and social development; (iii) peace and security; (iv) humanitarian affairs and organizational development services. Since 2018, it has been in the process of formulating regional regulations similar to those governing the livestock system in the ECOWAS zone. Discussions are currently stumbling over the reticence of some countries, such as Ethiopia.

and currently being renegotiated ; (iii) Protocol of zoo-sanitary agreements between the Government of the Republic of Mali and the Government of the Republic of Senegal of 2 April 1993, supplemented in 2005 by an agreement regulating cross-border transhumance between the two countries; (iv) Memorandum of understanding establishing a framework for consultation between Burkina Faso and the Republic of Niger on cross-border transhumance (Tillabéry, 26 January 2003); (v) Regulated transhumance agreement between the Republic of Mali and the Republic of Côte d'Ivoire (Abidjan / Bamako, 1994); (vi) Memorandum of Understanding establishing a consultation framework between Burkina Faso and the Republic of Côte d'Ivoire on cross-border transhumance signed on 30 July 2013 in Yamoussoukro; (vii) Memorandum of Understanding and Cooperation on Transboundary Transhumance between the Ghana Cattle Breeding Committee (GCRC) and the National Transhumance Committee (CNT) of Togo signed in 2018.

¹⁰ COMESA member countries (2019): Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Eswatini (Swaziland), Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Uganda, Zambia, Zimbabwe.

- d. On the other hand, **the SADC (Southern Africa Development Community)**, which is composed of several countries with very strict and controlled legislation on animal movement, does not formally consider adopting a regulatory framework at the regional level: the rules that currently prevail at the SADC level are stricter than those proposed by IGAD.
- e. **ECOWAS** is probably the regional economic community that has invested the most in the regulation of cross-border transhumance. Its action falls within the framework of the implementation of the clauses of the protocol on free movement, right of residence and establishment, adopted in June 1979 in Dakar by the Conference of Heads of State, and it has equipped itself with several instruments. The first is Decision A/DEC.5/10/98 of 1998 adopted in Abuja, which lays down the conditions for the exercise of transhumance and Regulation C/REG.3/01/03 on the implementation of the regulation on transhumance among ECOWAS Member States adopted in Dakar in 2003. In its essence, Decision A/DEC.5/10/98 provides for rights and duties for pastoralists, States of departure and host States. It is based on the issuance of an International Transhumance Certificate (CIT) containing information on the size and composition of herds, dates of vaccination and points and periods of entry into the host country. The host countries determine the points of entry and exit; the number of animals authorized, the reception areas and undertake to protect the transhumants admitted to their territory. They oblige transhumants to respect the legislation of the host country; herds not accompanied by an ITC must be quarantined at the border at the owner's expense. Finally, the decision provides for a number of conflict resolution mechanisms, including disputes between different users of natural resources. This decision, which takes the form of a legal and sanitary regulation, is reinforced by the specific accompanying actions provided for, not only in Regulation C/REG.3/01/03; but also by the instruments for the implementation of the regional agricultural policy: (i) the Strategic Action Plan for the Development and Transformation of the Livestock Sector in the ECOWAS Region (2011-2020), (ii) the first and second generation regional agricultural investment, food security and nutritional security plans, and (iii) more than ten regional programs and projects mobilizing nearly half a billion US dollars in 2019.
- f. In addition to this ECOWAS arsenal, there is also Regulation No. 07/2007 on plant, animal and food safety, the main idea of which is to ensure animal health protection.

4. Regional regulations in West Africa put to the test of the practices of States and actors

31. ECOWAS has, since 1998 with Decision A/DEC.5/10/98, followed in 2003 by Regulation C/REG.3/01/03, put in place a regulatory framework specific to the practice of pastoralism and transhumance. This framework covers several aspects related to this practice: the holding of an International Transhumance Certificate, the materialization of corridors, the conditions for the movement and guarding of animals, etc. This chapter thus takes up the different aspects taken into account in the regulations and compares them with the different practices of pastoralists and their families within the different corridors identified for the movement of animals.

4.1 Case of the A/DEC decision. 5/10/98

4.1.1. The International Certificate of Transhumance (CIT)

Specific regulatory device

32. Article 5 of Decision ADEC 05/10/98 stipulates that *"the movement of transhumant herds is subject to the entry into and exit from each country, to the holding of the ECOWAS International Transhumance Certificate (CIT), a model of which is annexed to this Decision"*.

33. The CIT governs the control of transhumance and the sanitary protection of local and transhumant herds. Its implementation has several objectives: i) the control of animal departures, ii) the protection of local herds, iii) the timely information of the populations of host countries of the arrival of transhumant herds.

34. The certificate includes the composition of the herd, the vaccinations carried out, the route the herd intends to take, the border posts it plans to pass through and the final destination. It is issued by the livestock services in each of the countries of departure and endorsed by the local administrative authority.



35. Article 9 of the same decision states that *"Herds not carrying the 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"*.

Status of the use of the decision in the ECOWAS region

36. The establishment of the CIT is one of the key provisions of Decision A/DEC/98. The CIT is innovative for several reasons: on the one hand, it makes it possible to list herds and, on the other hand, to better understand (and in principle anticipate) herd movements. Compliance with the provisions related to the CIT varies greatly from one ECOWAS member country to another:

- a. The Beninese Pastoral Code explicitly stipulates in its Article 52 that candidates for cross-border transhumance in the territory are required to comply with ECOWAS requirements

and, in particular, to have an ILC. Currently, according to the National Transhumance Committee (Benin), only 32.6% of transhumants hold a CIT when they travel.

- b. In Togo, Article 14 of the interministerial decree specifying the organization and management of transhumance also stipulates that foreign transhumant herds are subject to the holding by their owners of the CIT signed by the administrative authorities of the country of origin. According to the breeders' associations in Togo, transhumant herders are informed about the holding of the CIT, but the system for distributing this document is said to be poorly functional (shortage of CIT cards).
- c. In Côte d'Ivoire, the reception and movement of transhumant cattle are regulated by Articles 8 and 10 of Law N°2016-413 of June 15, 2016. This law provides that transhumant herders, before being authorized to enter the national territory, may be in possession of the CIT. This provision is very little respected.
- d. In Mauritania, Decree 75-111, which regulates transhumance and the export of animals and animal products, specifies that breeders need an authorization to leave or enter the national territory (art. 26). This authorization must obligatorily specify the border post of exit or entry of the herd (art. 28). These two articles therefore do not explicitly refer to the CIT but envisage that there should be an authorization to transhumance in neighboring countries (without specifying its contours). Similarly, the bilateral agreements developed between Mauritania and its neighbors (Mali and Senegal), sometimes prior to the establishment of the CIT do not explicitly mention it.
- e. In Senegal, Decree 2002-1094 of 4 November 2002 on animal health regulations specifies that *"transhumance is subject to the issue of a health pass issued by the animal husbandry officer in charge of health inspections at entry or exit points"* (art. 196). *"The return of animals to Senegal is effected through the post through which they have issued the pass"* (art. 200). There is no explicit mention of the CIT, even though the text speaks of "sanitary pass" and was established in 2002, therefore after the adoption of Decision ADEC 05/10/98.
- f. In Guinea, Decree D/97/215IPRG/SGG of 23 September 1997 regulating transhumance explicitly mentions the need for foreign transhumant pastoralists to have *"a health pass, a valid vaccination certificate against epizootic diseases that occur, or a CIT"* (art. 7).
- g. In Burkina Faso, the need for an ILC seems to have been well publicized. In fact, each year, the Government produces 3,500 copies of these certificates, which are made available to the regional animal resource departments, which distribute them to the provincial directorates and veterinary posts, which in turn give them out at 1,000 FCFA per unit to herders who wish to go on transhumance. This number of copies seems to be underestimated in relation to the number of herds that transhumance, but it provides a good basis for extension.

Analysis of problems / issues

37. As presented above, the application of the decision concerning the filling of an ITC is not respected in a homogeneous way by all countries. Some national regulations do take this directive into account and have formalized it in their national regulations. However, implementation is nevertheless little or not effective (lack of knowledge of the texts by agents, shortage of cards, etc.). Other countries mention, without specifying the outlines, authorizations or passes that leave room for interpretation by the authorities. Finally, some legislations do not mention it at all ...
38. More than formalization within regulatory texts, which certainly constitute a frame of reference, it is often the application of these texts that is imperfect, at all levels of responsibility. In this order of idea, the responsibility of the countries of departure of the herds is very committed. In a good

number of them, the non-functioning of national transhumance committees constitutes a major constraint to the issuing and monitoring of the effectiveness of these regulations. Similarly, the filling of the CITs leaves something to be desired. The number of animals making up the herd is often underestimated in the declarations made by the breeders.

39. There are also certain forms of competition between directives, which in the countries leave room for approximations. Thus, in its Regulation C/REG.21/11/10 of 26 November 2010, ECOWAS provides for the establishment of a zoo-sanitary pass issued for animals admitted to the territory of the community. It is provided that this pass must be presented for visa at the veterinary control posts for animal health control. However, this regulation seems to be very close to the provisions of Decision ADEC 05/10/98 on the establishment of the CIT and its holding by transhumant breeders. It seems that these two directives tend to compete with each other even if their objectives overlap or are complementary. This process could be alleviated if the CIT directly integrated the elements provided for in the zoo-sanitary pass. Such standardization will avoid the hassle for breeders in host countries.
40. It can also be noted that the sanctions provided for against herds that do not have CITs leave room for potential abuse by host country authorities against the owners of offending animals. In fact, in addition to the quarantine of the animals at the expense of the owner of the herd, one of the clauses leaves latitude to the host countries to resort to other "... *sanctions provided for by the laws of the country concerned*".
41. All in all, the CIT could be a real instrument for regulating cross-border transhumance if :
 - a. It integrated all the zoo sanitary conditions harmonized between countries;
 - b. The countries of departure made a greater effort to monitor its delivery to avoid underestimating the number of transhumant animals;
 - c. Host and sending countries were better reporting on the number of certificates issued ;
 - d. The sanctions against the herds are more precise and unequivocal.

4.1.2 Transhumance corridors

Specific regulatory device

42. Article 7 of Decision ADEC 05/10/98 stipulates that "*the movement of transhumant animals must be carried out through the transhumance tracks defined by the States, in accordance with the itinerary prescribed on the ECOWAS International Transhumance Certificate*".

State of play

43. Member countries have integrated this regulatory framework into their legislation and practices in various ways:
 - a. In Burkina Faso, on the cross-border routes leading to Ghana (the main routes used by the herds), the transhumant herders interviewed said they encounter many difficulties. The corridors are frequently questioned: their routes are uncertain and the sections are often occupied by fields. Crop residues, which are essential for feeding the animals, are also made inaccessible by fences or local bans. Violent conflicts often occur along these routes. A work of census and development of transhumance tracks has recently been initiated through PREDIP (Projet REgional de Dialogue et d'Investissement pour le Pastoralisme et la Transhumance au Sahel et dans les pays côtiers de l'Afrique de l'Ouest).
 - b. In Ghana this directive seems to be difficult to comply with: pastoralists regularly use illegal or at least unrecorded entry points. This practice is much more due to a lack of knowledge

of the rules than to a desire to conceal them. On the corridor from the center of neighboring Burkina Faso, there is no marked road layout and information on compulsory crossing points is not disseminated. Parallel tracks are thus used in good faith by pastoralists, according to the needs of their herds for water points and pastures. In this way, they escape any official control by the veterinary services. Some of these tracks used by pastoralists pass through protected areas.

- c. In Côte d'Ivoire, the last recorded development of transhumance corridors dates back to 1977 (900 km developed). Since then, there has been no more intervention of this type. These tracks are currently obstructed or in the process of being obstructed (occupation of reception areas by fields or hunting areas). Moreover, they are not precisely referenced. The law on transhumance also prohibits a certain number of practices deemed harmful, such as the raving of animals or the movement of animals off transhumance trails. These "in principle" prohibitions are not accompanied by precise mapping and, above all, are unknown to transhumant pastoralists: the administrative directives do not correspond to the practices of pastoralists. The local authorities often use these rules in a disproportionate and arbitrary manner.
- d. In Benin, in its Article 43, the Pastoral Code stipulates that the movement of transhumant herds must take place "through the transhumance tracks". Decentralized local authorities have a list of transhumance tracks and routes. Unfortunately, these lists are not updated and are not popularized among pastoralists. Article 52 of the Pastoral Code also stipulates that candidates for trans-border transhumance in the Republic of Benin *"are required to respect the compulsory passage for transhumance corridors and tracks"*. 1,000 km of transhumance axes would have been mapped and developed in Benin and an additional 1,200 km would also be planned. Professional organizations deplore the fact that they are not sufficiently integrated into these operations.
- e. In Mauritania, the development of pastures and corridors (tracks and corridors) is underway. These developments were notably initiated by the BRACED (Building Resilience and Adaptation to Climate Extremes and Disasters) project and are being continued through the PRAPS (Regional Program for Support to Pastoralism in the Sahel). The cohabitation of pastoralists with farmers in the valley takes place in a relatively peaceful climate despite the increasing and almost permanent monopolization of space along the Senegal River (irrigated and flood recession agriculture). Both in the livestock refuge areas and along the traditional or official transhumance corridors and tracks, facilities are insufficient. Most of the transhumance corridors are not marked out and the channelization of herds in these areas becomes difficult for the herders, who are thus exposed to damage to the fields along the routes as well as to harassment of all kinds.
- f. In Guinea, efforts to identify tracks and corridors and their development are underway in some places, but a huge amount of work remains to be done. These censuses and developments are more the work of private operators (development projects or programs) than government actions.

Analysis of problems / issues

44. These provisions resulting from the ADEC Decision 05/10/98 are, as can be seen through some examples, among the most complicated to be applied by the countries. The first problem lies in the fact that the registers are often static and "fixed": they do not take into account the continuous evolution of the occupation of space, the competition between activities and the seasonal evolution of the occupation of space. The second problem relates to the adequacy between the corridors identified and the response to the real needs of the herds: the "official"

corridors must allow the herds, certainly to move around safely, but also to provide the necessary fodder and water.

45. The actions relating to the layout of the tracks, starting with a prioritization of "test" areas to be developed have not been carried out despite what is provided for in the decision ADEC 05/10/98. Pastoralist organizations deplore, when this is done, their lack of involvement. As a result, the transhumance axes are, in almost all countries, poorly known (not mapped, little surveyed) and, as a result, they are frequently called into question.
46. Laws, if they exist, are not sufficiently respected, the materialization of agropastoral spaces and especially their development is very poorly achieved (transhumance tracks or corridors, water reservoirs, grazing areas, rest areas, etc.). This recognition of pastoral use, if it is not practiced in time, leads to the sometimes-irreversible monopolization of these spaces for other uses. A census of transhumance tracks should not lock pastoralists into rigid corridors and ultimately hinder their mobility.
47. Finally, it is pointed out:
 - a. The lack of consultation between the countries during the layout of tracks and other transhumance corridors, a situation that leads to dead-ends and discontinuity of infrastructure;
 - b. Weak pastoral infrastructure, including the lack of markings for transhumance corridors and tracks, rest areas, grazing areas, and water points.
48. The problem of managing these infrastructures is acutely acute. Is it possible to turn them into "community public goods" and under what conditions? Are local authorities capable of ensuring project management of these infrastructures, in the context of decentralization? Is it possible to conceive of a public-private partnership as a means of managing these infrastructures? These are all questions that a re-reading of the regulatory framework must seek to answer.

4.1.3. Transhumance and border crossings are only allowed on the day of the journey.

Regulatory system

49. Article 8 of Decision ADEC 05/10/98 states that "*crossing the border is only permitted during daylight hours*".

State of play

50. Pastors generally do not comply with this provision. This non-compliance is attributable both to a lack of knowledge of the texts and to their pastoral practices, which require continual adaptation. In the hot dry season, travel is mostly at night. Some pastoralists also deplore the fact that, even if they are in good standing and respect the crossing points, they have to pay something before crossing borders. This issue was raised in Ghana, where it was noted that there is no official tax at the border, yet it is common practice for local government authorities to tax pastoralists. It is only in the host areas that transactions exist due to the nature of land governance in Ghana. Land is managed by communities, families and customary authorities and some taxes are payable.
51. In Benin, the Pastoral Code stipulates in Article 52 that "pastoralists are obliged to cross the border during the day. Benin's National Transhumance Committee (CNT) reported that less than 40 percent of transhumant pastoralists complied with this measure in 2019.
52. In Côte d'Ivoire, Articles 8 and 10 of Law N°2016-413 of June 15, 2016 respectively provide that "the crossing of national borders by transhumant herds shall be done in daylight at the

checkpoints provided for this purpose and the administrative documents to be held by transhumant herders". According to the managers of the POs of pastoralists, this measure is poorly respected by pastoralists. This practice leads to recurrent disputes with the authorities. The authorities sometimes apply "pastoral taxes" set up locally without a consensual decision having been taken with transhumant herders in Sahelian countries and professional organizations.

Analysis of problems / issues

53. These provisions, which should lead to a better control by the administrative authorities on the movement of herds, are very little applied by pastoralists. The local administrative authorities seem to be very aware of these directives to facilitate their control, but pastoralists do not apply these provisions. The first cause is undoubtedly related to the pastoral practices of transhumance with a relative freedom of mobility with a choice of places and times of movement.
54. The regulation is silent on how to deal with non-compliance with this provision of the regulatory framework, which gives rise to abuses, including the ransoming of pastoralists by local authorities in host countries.

4.1.4 Animal Care: Ratio and Age of Caretakers

Regulatory system

55. Articles 11 and 12 of the decision ADEC 05/10/98 specify the modalities of herd guarding. Article 11 stipulates that *"the transhumant herd shall be kept by a sufficient number of herdsmen. The number of herdsmen is determined according to the number of head. The number of guardians per herd shall be a minimum of one (1) for every 50 head of cattle. In all cases, any herd crossing a border must be accompanied by at least 2 herdsmen"*.
56. Article 12 states that *"Custodians must be in possession of identity documents regularly issued by the competent services of their country of origin. They must at all times be able to prove the identity and domicile of the owner(s) of the herd or flock. The guardians must be at least 18 years old."*

State of play

57. Most national legislations do not provide for specific provisions on guarding, the establishment of guardian/animal head ratios and obligations related to the age of guardians. The national regulations only stipulate the need not to let the animals wander, without any further details, the obligation of result being left to the herders themselves.
58. Only Benin, in its Pastoral Code, provides that *"the minimum age required for keeping domestic animals outside the village area is eighteen years"* (Article 46). The code also sets *"the number of herdsmen per herd, which must be at least one for every 50 head of cattle,"* and states that *"any herd crossing a border must be accompanied by at least two herdsmen."*
59. Some countries such as Côte d'Ivoire, in order to stick as closely as possible to the real practices of pastoralists, have lowered the minimum age of transhumant herdsmen for driving animals to 16 years old¹¹.

Analysis of problems / issues

¹¹ Presence of at least one young person of 16 years of age but who can be accompanied by younger people.

60. The measures relating to the supervision of herds, provided for in Decision ADEC 05/10/98, are not, in the majority of cases, respected by transhumant farmers. The latter always travel with young people under 18 years of age who help them daily in leading the animals to the pastures. The organization and distribution of tasks among young pastoralists is very standardized. These young people are often responsible for leading the entire herd to pasture on a daily basis, regardless of the species. This task devolved to the youngest is indeed part of the learning process of the "trade" of pastor. Children between the ages of 8 and 10 years old are true "pasture drivers". These practices are a basis for the transmission of knowledge and can hardly be changed by pastoralists.
61. We are also witnessing a new phenomenon, which is de facto in line with the A/DEC/98 regulation, with the recruitment of salaried shepherds for herd management. These recruited shepherds and herdsmen are generally over 18 years old. While this solution allows children to be freed for schooling and turns the family pastoral farm into a real pastoral enterprise, it entails significant risks for the owners of the herds. Many salaried shepherds simulate the disappearance of animals to the point of ruining the herders. Some herders do not hesitate to attribute the upsurge in livestock theft to the complicity of the thieves with the salaried herders.

4.1.5. Reception period for breeders and their herds

Regulatory system

62. Article 14 of the directive leaves the choice to each country to apply reception periods for breeders and their herds: *"each host country shall determine the period of entry and exit of transhumant livestock on its territory and shall inform the other States thereof."*

Practical

63. All member countries and particularly the host countries, which are more concerned than the Sahelian countries, plan to set each year the dates of entry and departure of cross-border transhumants on their territories. These periods are set by ministerial orders on the proposal of the NTCs or their equivalents. These calendars shall be based as much as possible on agricultural calendars.
 - a. The law L/95/51/CTRN of August 29, 1995 on the pastoral code in the Republic of Guinea specifies transhumance and its conditions of exercise, in particular the periods of departure and return of animals, and the periods of tolerance for the divagation of livestock. These transhumance management arrangements, in particular the negotiation of the date of descent of herds to the coastal plains seem to be difficult to carry out and difficult to apply in an optimal manner. Pastoralists or their representatives have little or no involvement in these decisions.
 - b. Herd entry and exit periods are also provided for in the bipartite negotiations between Mauritania and Senegal. They are reviewed annually in a concerted manner between the administrations of these two countries.
 - c. In Togo, the periods of entry and exit are fixed each year by the Minister in charge of livestock (Article 4 of the interministerial decree of 2008). The transhumance period selected extends, with some exceptions, from January 31 to May 31 of each year. Pastoralists must theoretically notify the Togolese authorities at least 60 days in advance of their transhumance project and the route they wish to take. This provision is not applied.
 - d. In Benin, the dates of arrival and return of cross-border transhumant herds are set each year by order of the Minister in charge of livestock, taking into account the agropastoral zones, the state of crops and the seasons. These dates are often out of step with the needs of the

herds, particularly those from Sahelian countries that need access to resources because they are not abundant in their country.

- e. In Côte d'Ivoire, the law N°2016-413 defines agropastoral regions. Each agropastoral region is called upon to establish a calendar which specifies the dates of the beginning and end of the annual cropping cycles, including the period of storage of crops in the fields and the pastoral period (Article 14). The definition of agropastoral calendars is not yet common practice in many regions. In general, in those regions that do, the calendar runs from January to April.

Analysis of problems / issues

64. In the host countries, the problem lies in the overlap between the transhumance period and the ripening and harvesting period (cashew nuts, vegetable crops, food crops such as yams, maize and cassava). Some crops such as millet and sorghum are harvested late and are still in the fields during the beginning of the transhumance period. The expansion of perennial cash crops such as cashew nuts also makes progress difficult. The definition of a calendar authorizing transhumance is therefore very complex, very complicated to enforce. These calendars are often set up on an arbitrary basis, favouring agriculture at the expense of animal husbandry. Above all, these decisions are often unilateral, based on the agricultural calendar and not on the pastoral calendar: they are not, in any case, the subject of a successful consultation process.
65. When decisions are made, the dissemination of this information to pastoralists upstream is generally not or only to a limited extent: pastoralist organizations that have not been involved upstream in the decisions are sometimes reluctant to communicate around these dates to their members.
66. Despite the bilateral consultations that Togo, Benin and to a lesser extent Côte d'Ivoire have organized over the last three years with Niger and Burkina Faso, it has proved difficult to harmonize the dates for the start of the transhumance campaign. This situation partly explains the phenomena that have been observed in recent years:
 - a. Early transhumance to escape the rigidities imposed by the fixing of the dates of the period of the beginning and end of the campaign;
 - b.** Transfer with the beginning of "sedentarization"/mobility within the host countries, of entire sections of herds from the Sahelian countries to the host countries. Many Nigeriens are in Benin, Nigeria and Togo, while those from Burkina Faso are in Togo, Ghana and Côte d'Ivoire where they benefit from a strong community of Burkinabé.

4.1.6 Herd Reception Area

Regulatory system

67. Article 15 of Decision ADEC 05/10/98 specifies that *"each State shall define the zones for the reception of transhumant livestock and shall evaluate the maximum reception capacity of each zone. The transhumant herder is required to lead his herd into the reception zone designated by the agents serving at the entry point"*.

State of play

68. In Guinea, Law L/95/51/CTRN on the Pastoral Code stipulates that the conditions of access to pastoral zones are free (art. 14) and gives legal entities under public law the possibility of creating managed pastoral zones (ZAP) and decentralized communities the possibility of constituting communal pastures for the benefit of local herders (art. 24). It further specifies that these pastures are freely administered by the local authorities to which they belong, subject to any specific rules that may be laid down by regulation (art. 27).
69. In Benin, the national services evaluate the carrying capacity of the reception areas and must distribute, on this basis, the number of transhumant livestock by country of origin before each transhumance season (Article 22). Communal management plans shall also provide in advance for areas intended for grazing. The law also provides that *"fallow land and private arable land are open to grazing by herds subject to the owner's consent"*.
70. In Côte d'Ivoire, the law N°2016-413 (of June 15, 2016) instructs the State to create and develop exclusive grazing areas called "transhumant reception areas" in respect of environmental balance (articles 6 & 11). Historic zones have been reserved within the framework of SODEPRA. At the time, SODEPRA set aside a certain number of areas in the reception zones occupied by fields or hunting zones that continue to be used by transhumants. A draft decree is being studied to formalize the status of these areas and ensure their sustainability.
71. Togo has specifically identified three transhumance zones (Kara and Plateau) that are the subject of specific development approaches.
72. In Senegal, there are no officially dedicated and materialized places for the reception of transhumants except at Le Ferlo, in the area of the large boreholes. Arrangements are made on a case-by-case basis and in all cases on the basis of local negotiations. Many Mauritanian pastoralists, for example, have settled in Senegal or have ties on either side of the border. It is difficult, in this context of dual nationality, to distinguish between national and non-resident herds. This practice probably leads to a temporary overstaffing of animals on Senegalese territory. To remedy this situation, the joint committee has decided on a moratorium during which herds of camels from Mauritania are no longer accepted in Senegal. Cattle herds are not concerned by this directive.
73. In Burkina Faso, this provision is difficult to enforce: the CIT should theoretically allow to assess the number of animals crossing the inter-State borders. Many breeders continue to bypass official veterinary posts more or less voluntarily to cross into neighboring countries such as Togo and Ghana, which is the cause of an underestimation of animals going on transhumance.

Analysis of problems / issues

74. Decision ADEC 05/10/98 provides for the definition of reception zones for herds. These zones are very rarely identified, rarely correspond to the needs of pastoralists and their animals in terms of access to pasture and access to water: they are the least exploitable zones, with limited potential and facilities are almost non-existent. There is also a lack of communication around these areas

dedicated to pastoralism on the part of the authorities as well as pastoralists and their organizations, which often have not been integrated upstream in the choices.

75. Pastoral logic is precisely built on the need to be able to move to places where resources are best and to be able to adapt to situations (rainfall, absence of conflict, etc.). The designation of "sanctuaries" does not fit into this logic of opportunism. The dialogue around these choices and their modes of implementation, which guarantees the successful implementation of the guidelines, is often not effective.
76. Bilateral agreements between countries, as is the case between Senegal and Mauritania, normally allow countries to monitor the flow of foreign animals and to limit their numbers according to the capacity of local pastoral natural resources. Some countries have difficulties in enforcing this directive: they are unable to register herds or do so only partially, so some herds enter the territories without respecting the official registration procedures and entry points, and finally they move without taking into account the directives put in place in the host countries.
77. In any case, the trend is towards restricting transhumance areas and zones, both for domestic animals and those from neighboring countries. This is an implicit way of denying pastoralism its right of access to a fixed land for its exercise, on the one hand, and to transhumants from neighboring countries, on the other hand, the right of settlement and residence prescribed by the protocol on the free movement of citizens of the community.

4.1.7. Protection of breeders and animals

Regulatory system

78. Decision ADEC 05/10/98 provides for the protection of breeders and their animals. Article 16 specifies that *"transhumant breeders, who are regularly admitted, benefit from the protection of the authorities of the host country, and their fundamental rights are guaranteed by the judicial institutions of the host country. On the other hand, transhumant herders are obliged to respect the laws and regulations of the host country, notably those relating to the conservation of classified forests and wildlife resources, and those relating to the management of water points and pastures"*.

State of play

79. In Mauritania, strong land use pressure in the south of the country is driving the agricultural front towards the pastoral zone. The conflicts inherent in this situation are most often resolved by favoring the traditional route. They affect the vast majority of Mauritanian pastoralists, as Mauritania is more a country of departure than a host for transhumants.
80. In Guinea, Law L/95/51/CTRN on the Pastoral Code provides at the local/community level for the establishment of local transhumance committees and inter-prefectoral transhumance committees. The institutions (Rural Development Communities) also try to ensure free access to pastoral areas and to prevent conflicts upstream. The analysis of the actors' discourses shows that it is not always easy for these decentralized structures to reconcile the interests of the groups of actors who, each at his own level, try to make the most of the advantages provided by the texts for his group while rejecting provisions that are unfavorable to him.
81. In Benin, areas where conflicts were too violent, too recurrent, have been forbidden to transhumants. This is the case in the southern part of the country and in particular in many communes in the departments of Ouémé and Zou.
82. Other countries, such as Togo and Ghana, also manage conflicts by traditional means, involving representatives of both parties in conflict.

Analysis of problems / issues

83. Measures to protect transhumant pastoralists, when they are third country nationals, are not successful in many ECOWAS countries. When a problem, a conflict breaks out, pastoralists are treated theoretically on the same footing as citizens of the country in which they find themselves. In reality, being "foreigners" and not having the same means of defence as the opposing parties (less developed networks, little local support ...).
84. It would not necessarily be a question of creating a "special" status for these transhumants that would tend towards impunity, but rather of guaranteeing them fair treatment of cases when they occur. This is often far from being the case. Pastoralists assume that they are being held for ransom, while other actors accuse them of having a strong propensity to corrupt the various bodies responsible for resolving conflicts.
85. This issue of securing transhumant pastoralists also concerns the capacity of the actors, whoever they may be, to anticipate problems and disputes, always giving priority to raising awareness of regulations after the event.

4.1.8. Conflicts between farmers and stockbreeders submitted to the appreciation of a conciliation commission.

Regulatory system

86. Article 17 of the ADEC decision 05/10/98 provides that *"conflicts between transhumant herders and farmers shall be submitted beforehand to the assessment of a conciliation commission on the basis of the information gathered by the latter"*.

State of play

87. In Guinea, Law D/97/215IPRG/SGG of September 23, 1997 regulating transhumance provides, in Article 12, for the creation of transhumance management committees (local and inter-prefectoral) to rule on conflicts that may result from this practice.
88. In Ghana, a governance mechanism for the transhumance monitoring mechanism (Ghana Cattle Ranching Committee) has been set up. It has two important functions: (i) collecting the views and grievances of citizens on transhumance and its practices; and (ii) producing interactive programs for the general public hosted by members of the mechanism. There has been a positive development in the involvement of the authorities.
89. In Burkina Faso, the governorates have conflict management committees responsible for anticipating and resolving the various crises that may arise between transhumant pastoralists and farmers in villages and communes under the application of the Pastoralist Orientation Law (LORP).
90. In Benin, the Pastoral Code, although favourable to pastoral land tenure, is not explicit on the procedures and modalities of management or co-management of pastoral spaces, pastoral reserves: conflicts are numerous and sometimes take violent forms. There is also a kind of opposition between the content of the Pastoral Code and the Land Code: the two texts make a different analysis of priorities. In Benin, conflict prevention is the responsibility of livestock breeders' associations such as ANOPER, and their departmental (UDOPER), communal (UCOPER) and local (GPER) branches. These structures carry out conflict prevention activities by setting up negotiation initiatives and preparing for the arrival of transhumant herders in the communes. The State does not intervene at all in the area of prevention, even though it has undertaken training in this area during 2019. On the other hand, because of the scale of the phenomenon, it intervenes rather on the "conflict resolution" aspects.

91. In Togo, there is a central instrument for conflict prevention: the Transhumance Management Plan (the PGT, governed by decree n°2008-033/PR of March 11, 2008) which is broken down each year into the Transhumance Management Operational Plan (POGT). The PGT was elaborated in 2014, for a period of 7 years. It aims to limit conflicts between transhumance actors. It aims to stimulate a better valorization of the opportunities offered by cross-border transhumance. Its main objective is to *"secure transhumance in Togo and contribute as a factor of peace to social cohesion given its contribution to the improvement of the national economy"*. To achieve this objective, the PGT is structured around two strategic areas of intervention, the significant reduction of conflicts related to transhumance, and the integration of transhumance into the national economy.
92. Despite the efforts made in Togo by the legal instruments on pastoralism and transhumance, there are important aspects that are not taken into account, notably the procedures for prevention and management of conflicts between third parties and transhumant herders, and, in the case of the resolution of these conflicts, the types of sanctions around the different infractions committed in transhumance practices. Decree No. 2007-089/PR on the creation, composition and attribution of the national and prefectural transhumance committees favors the amicable settlement of conflicts between third parties and transhumant herders. In theory, the CNT will take care of herders or farmers who are victims of conflicts by means of funds collected from transhumant herders during transhumance. In addition to this more or less functional system, depending on the area of intervention, the involvement of pastoralist POs in information and sensitization of pastoralists is a key element.
93. In Côte d'Ivoire, the law on transhumance makes the public administration, local authorities and other actors involved in agropastoral activities responsible for conflict prevention and management (Article 17). Thus, any damage caused to crops, harvests or any other property by livestock gives rise to compensation (Article 19). Conversely, any slaughter of livestock by others gives rise to compensation for the owner of the animals (article 20). The law provides for the presence of a sub-prefectural commission for the settlement of disputes. The technical services of MINADER's regional directorates try to archive conflicts between farmers and herders that are settled at the regional or sub-prefecture level. Amicable conflict resolution committees are in fact provided for at the level of each sub-prefecture. Sub-prefects and departmental directors of MIRAH play an important role in these committees.
94. In some countries, such as Côte d'Ivoire, there are certain contradictions between the pastoralism law and the laws on land and forests, particularly with regard to pastoral land. The texts on pastoralism law promote access to pastoralist facilities. The texts on land and forests, on the other hand, do the opposite. These contradictions are sometimes exploited in the field and can lead to conflicts.
95. In Mauritania, Law 2000-044 on the Pastoral Code of July 26, 2000, and its implementing decree explicitly address these conflicts. This composite code refers to Koranic law and customary rights. It advocates pastoral mobility and free access to resources as a strategy for exploiting pastoral resources. It defines the practical modalities for organizing pastoralists and settling conflicts between farmers and herders.
96. In Senegal, the 1996 laws transfer responsibility for nine areas of competence to local authorities, including land and natural resource management and land use planning, including conflict management. These texts complement the content of Decree 80-268 of 10 March 1980 on the organization of rangelands and conflict management. This decree was considered by some pastoralists and their representatives to be too focused on the resolution of conflicts between herders and farmers and did not pay sufficient attention to certain essential issues relating to the preservation of pastoral use rights (mobility of animals and access to natural resources). The 1996

Law therefore complements the components that were previously considered non-existent or undervalued.

97. In Guinea, Law L/95/046/CTRN of August 29, 1995, on the Livestock and Animal Products Code, takes into account traditional techniques and ancestral methods for resolving conflicts or combating cyclical or structural difficulties that arise (Article 3). It provides the basis for the settlement of farmer-breeder conflicts. Decree D/97/215IPRG/SGG of September 23, 1997 regulating transhumance provides for the creation of transhumance management committees (local and inter-prefectoral) to rule on conflicts that may result from this practice (art. 12). In practice, instruments are put in place for their management: conflict management committees, transhumance committees, CRD.
98. Finally, Niger has set up specific mechanisms with the Non-Violent Conflict Management (GENOVICO) network and the presence of a Rural Code with ramifications at the local level. Joint conflict resolution sessions involving senior traditional leaders are also set up with neighboring Nigeria if necessary. An agreement has been signed between representatives of actors in the Federated State of Katsina and those in the Maradi region.

Analysis of problems / issues

99. Land dedicated to grazing, including strategic pastures, is regularly occupied due to the push of the agricultural front. Traditional or official transhumance corridors are often threatened with obstruction: this situation is observed in many countries and creates significant tensions. In order to slow down and stabilize the phenomenon, joint actions including the different social groups are most often set up by pastoralists' associations with, in rare cases, the support of certain States and technical partners. Strong actions to pacify relations between resource users and to secure pastoral resources, preceded by sensitization and consultation, are carried out.
100. The main challenge encountered, whatever the country, concerns the organization of campaigns or information sessions upstream, communication and awareness raising, the organization of training in favor of transhumant herders and the various actors involved in transhumance at the level of the departure, transit and reception areas of transhumant herds. The aim of these measures is to avoid conflicts as far upstream as possible. When conflicts break out, in the vast majority of cases, it is the traditional conflict management bodies that take over: States only intervene if conflicts become too serious or cannot be managed by traditional means (maintaining law and order, initiation of legal proceedings).
101. In addition to the adoption of the contents of the ADEC Decision 05/10/98, the States were able to develop various tools and instruments specific to their context and capable of managing the problems they face: the management committees of pastoral units and boreholes in Senegal, the conflict and transhumance management committees in Guinea... Bilateral frameworks were also developed, for example between Senegal and Mauritania, making it possible to provide a framework for conflict resolution.
102. The instruments put in place advocate inclusiveness of all parties, promotion of dialogue and conflict management. The mechanisms generally provide for pastoral communities to take part in them in order to ensure that their interests are taken into account. This dimension is, in many cases, still too symbolic to be truly effective.

4.2 Case of Regulation C/REG.3/01/03 (2003)

103. Regulation C/REG.3/01/03 accompanies decision ADEC 05/10/98. It provides for the strict observance and implementation, both by States and by users, of Community texts (management of transhumance between Member States, respect for the free movement of persons and goods, establishment of mechanisms for the prevention, management and resolution of conflicts, maintenance of peace and security, access to pastoral resources).

4.2.1. Infrastructures/securing access to routes

Contents of the rules

104. Regulation C/REG.3/01/03 provides, on this subject, actions in favor of :
- The elaboration and implementation of sub-regional programs for the development of pastoral areas or the realization of cross-border infrastructures in favor of transhumance (Article 2);
 - The implementation of pilot actions of a cross-border nature with a view to developing new methods of concerted management of rangelands and reception areas (Article 2);
 - The realization of a prospective study on the future of livestock farming, particularly transhumance in West and Central Africa ;
 - Carrying out studies to update transhumance tracks and rangelands in collaboration with WAEMU, CILSS, and other relevant organizations (Article 2);
 - The establishment by ECOWAS Member States of an information and communication system, a pastoral management program, a ministerial transhumance committee and a regional natural resource management strategy;
 - Taking into account all existing transhumance axes in the subregion (Article 3);
 - The design and implementation in each Member State of a pastoral management programme (systematic mapping of grazing areas, transhumance zones and water networks) (Article 3) ;
 - The multiplication and dissemination of the ECOWAS International Certificate of Transhumance (CIT) (Article 2).

State of play

105. While it is possible to note that the States have made commendable efforts to include the elements constituting the decision in their legal arsenal, even if this has, in many cases, given rise to practices that are sometimes out of step with the decision, the accompanying measures contained in the 2003 regulation are little or not respected.

106. The recommendation of article 2, which concerns *"the elaboration and implementation of sub-regional programs for the development of pastoral areas or the realization of cross-border infrastructures in favor of transhumance"* is implemented in a partial and not very coherent way. In fact, since 2015, the region has recorded a dozen regional projects and programs worth nearly half a billion US dollars which unfortunately do not take into account the whole issue of pastoralism in all the countries of the region. They cover only the countries of departure of the herds and to a lesser extent the border areas of those receiving them. There is still no regional initiative that includes all the countries involved in cross-border transhumance. The host countries of the herds feel little involved in programs aimed at securing pastoralism; a situation

that contributes to a feeling of anti-pastoralism and anti cross-border transhumance in these countries.

107. As regards *"the implementation of pilot actions of a cross-border type with a view to developing new modes of concerted management of the routes and the host areas"*; the observation is the same. There are some initiatives promoted by certain local committees and cross-border inter-communities around pastoral water infrastructures and tracks, with the support of NGOs and some programs and projects. Several local cross-border committees, (i) Tuesday - Katsina between Niger and Nigeria, (ii) the inter-community North Togo-North / North West Benin and South Central Benin - (iii) North East Benin, Kebbi State in Nigeria, Gaya Department in Niger, have been developing initiatives for several years, which it would be interesting to capitalize on. On the borders of Mauritania and Senegal there are also committees that contribute to the implementation of the cooperation agreement on the management of transhumance between the two countries. But there is not yet a regional strategy to promote pilot actions in a coordinated manner.
108. The recommendation concerning *"the realization of studies to update transhumance tracks and rangelands in collaboration with WAEMU, CILSS, and other concerned organizations"* has not been implemented. The States are content to take initiatives that are not coordinated. The region does not have a complete mapping of functional transhumance tracks and rangelands. This problem is taken into account in several projects like the PRAPS. The extent of these networks of transhumance tracks, their mapping and updating is only possible on the scale of cooperation between programs. It is indeed very difficult for one and the same program, however vast its influence may be, to achieve such an objective.
109. The regulation also recommended *"the establishment by ECOWAS Member States of an information and communication system, a pastoral management program, a ministerial transhumance committee, and a regional natural resource management strategy"*. The observations that can be made on this subject are as follows:
 - a. There is not yet a structured information system on pastoralism and transhumance. Some States and socio-professional organizations such as RBM with the support of NGOs (ACF, SNV) are trying to develop information systems on pastoralism (OPTIMAOC). In Mali, the GARBAL tool is also being developed by SNV in collaboration with the cell phone company ORANGE. These initiatives remain fragmented. The data provided by the AGRHYMET center give an idea of the state of the pastures, but not of the number of animals engaged in transhumance each year.
 - b. There is also no ministerial committee on transhumance. This shortcoming has caused the issue of transhumance to shift from a concern for the security of an animal production system to the more pernicious concern for the security of people and property.
 - c. Finally, the region does not have a natural resource management strategy, although this problem is one of the Achilles heels of agricultural and pastoral production systems that are still very extensive.
110. With regard to *"taking into account all existing transhumance routes in the subregion"* (Article 3), it was noted that there is a lack of credible information on their current state and the way in which the States maintain them.
111. With regard to the recommendation on the *"design and implementation in each Member State of a pastoral management programme (establishment of systematic mapping of grazing areas, transhumance zones and water networks)"* (Article 3), appreciable efforts have been made by all countries:

- a. In Senegal, as in Mauritania, several development projects, particularly BRACED, have supported social mobilization activities (raising awareness on the shared governance of natural resources), participatory and inclusive identification (social agreements documented in minutes) of transhumance corridors and access roads, and their securing (management committees and marking). PRAPS was able to take over by building additional infrastructure. The objective of these achievements is to encourage the transhumants to follow these secure routes and that these really meet their needs.
 - b. In Guinea, the transhumant areas are considered sufficiently developed to keep livestock there long enough and keep them away from the fields. Most transhumance corridors are not marked out and channelling herds into cropping areas becomes difficult for herders, who are thus exposed to damage to the fields on the edges of the rangelands as well as to risks of all kinds. Law L/95/51/CTRN of August 29, 1995 on the pastoral code proposes the establishment of a pastoral development fund for the improvement of traditional livestock to support development efforts.
 - c. Ghana plans to continue its ranching strategy based on community-based management of pastoral resources.
 - d. A more ambitious strategy can be found in Nigeria, which through its plan for the transformation of livestock systems wants to develop pastoral lands, integrating ranches and animal production systems based on mobility.
 - e. Benin and Togo have also embarked on pastoral management programs through the identification of grazing areas for transhumant herders, the management of which, in the case of Benin, would be partly the responsibility of local communities.
112. Nevertheless, much remains to be done in terms of identifying and developing these transhumance routes, of which only a small minority have been taken into account by the various States.
113. *"The multiplication and dissemination of the ECOWAS International Certificate of Transhumance (CIT)"* (Article 2) is effective in all countries, with more or less pronounced variations. However, it is less the multiplication of the CIT that poses a problem than its distribution. The distribution is insufficient and marred by false declarations that do not allow the tool to fully play the role that is expected of it.

4.2.2. Awareness raising and communication

Contents of the rules

114. Regulation C/REG.3/01/03 provides, with respect to awareness and communication, the following elements:
- a. The organization of information campaigns or sessions, communication, awareness raising, training and education in favor of transhumant herders and the various actors involved in transhumance at the level of the departure, transit and reception areas of transhumant herds (Article 1).
 - b. The establishment and/or dynamization of pastoral organizations at the national level so that they contribute to a better management of transhumance, as well as to the prevention and management of transhumance-related conflicts (Article 1).
 - c. The financing of information, training and awareness operations for transhumant herders and local populations involved in cross-border transhumance (Article 2).

- d. The establishment of an information and communication system on transhumance and animal disease surveillance (Article 3).
- e. The establishment of training programs on pastoralism and agro-economics at the level of institutions specialized in livestock education in the subregion.
- f. The promotion of dialogue and consultation between countries on transhumance issues.
- g. The circulation of zoo health information between the veterinary services of the Member States.

State of play

115. Several West African countries have adopted national pastoral laws that are articulated with community regulatory measures and highlight the specificities of cross-border transhumance. Several States seem to want to develop the "sensitization" component of the actors by including POs to a greater or lesser extent. Several countries also, such as Benin, Togo and Nigeria, organize annual sensitization missions in cross-border and conflict-generating regions. These meetings mobilize representatives of the ministries concerned with transhumance, prefects, sub-prefects, mayors, breeders' associations, and customary authorities present on both sides of the borders.
116. The way in which transhumance is currently managed in Senegal seems to be positively appreciated by the herders who transhumance there. Stakeholders particularly appreciate the equity with which nationals of neighboring countries are treated. Herders who decide to go to this country, in fact, enter without any particular tax and can access inputs and veterinary services under the same conditions as their national counterparts.
117. In Guinea, the management of pastoral animal husbandry is essentially based on internal texts that more or less cover the provisions of the regulations. The Guinean State has a fairly comprehensive legal arsenal, which is relatively consistent with each other and is generally in line with the spirit of community texts.
118. In Ghana, several national organizations seem to be regularly involved in awareness-raising and conflict prevention activities.
119. In Benin, the government regularly organizes information missions to Oyo State (Nigeria), Burkina Faso and Niger to explain Benin's position on the issue of transhumance on its territory and the need to raise awareness among pastoralists on these issues.
120. Bilateral agreements between countries also establish, in several cases, a framework for consultation and make it possible to anticipate the awareness-raising/prevention activities to be implemented. The agreement on cross-border transhumance between Mauritania and Senegal, set up in 2006, works rather well thanks to the presence of a joint committee and the dialogue maintained between the neighboring regions of the two countries. These actions make it possible to assess the pastoral situation, redefine the areas of implementation of the clauses of the agreement and envisage possible solutions to the obstacles and difficulties observed.
121. Burkina Faso has also signed agreements with Côte d'Ivoire, one of the host countries of its transhumants, as well as with Mali and Niger, both countries of departure. These agreements seem to operate unevenly: they depend essentially on whether or not a commission / permanent committee is set up to monitor the provisions initiated.
122. With regard to the dynamization of pastoralists' organizations :
 - a. There are nowadays in almost all the countries of the region, organizations of breeders and pastoralists structured by the regional networks APSS, RBM, CORET and to a lesser extent

by ROPPA¹². These organizations, in addition to those not affiliated to these regional networks, conduct advocacy, lobbying and dialogue on conflict prevention and management at different scales. RBM is the initiator of the high-level consultation framework for peaceful cross-border transhumance in West Africa and the Sahel, an event of high political significance that mobilizes every year, public decision-makers, RPOs, development partners, NGOs and civil society actors.

- b. Finally, the training of actors, especially pastoralists, is taken into account in various ways by the States in question. In addition to the classic training courses of very short duration, carried out during the workshops organized by the projects, NGOs and certain specialized institutions on conflict prevention tools, some countries and OPRs have set up training courses leading to diplomas. In the northern federated states of Nigeria, such as Borno, schools for the children of pastoralists are operating. Niger, like Chad, has also instituted nomadic schools that provide schooling for the children of pastoralists without taking them out of their environment and tradition. In this connection, APSS has piloted a Regional Education Program for Pastoralist Populations (PREPP) with funding from Swiss cooperation. Finally, the AGRHYMET Regional Centre of CILSS, based in Niamey, in collaboration with the Abou Moumouni University of Niamey, is running a master's degree on pastoralism.

4.2.3 Monitoring and observatories

Contents of the rules

123. Regulation C/REG.3/01/03 provides the following framework:
 - a. The establishment of national bodies (committees, networks or any other structure) for the management, monitoring and evaluation of transhumance (Article 1);
 - b. The organization of annual transhumance assessment and programming meetings between border States and biennial meetings on sub-regional transhumance under the aegis of ECOWAS, in collaboration with WAEMU, CILSS and other concerned organizations (Article 2);
 - c. The realization of a prospective study on the future of livestock farming, particularly transhumance in West and Central Africa (Article 2);
 - d. The creation of a regional observatory on transhumance to monitor the application of Community provisions (Article 3).

State of play

124. These four specific recommendations are subject to a very differentiated level of implementation:
 - a. Many countries have promoted three types of conflict prevention and management structures: local committees, inter-community and national transhumance committees, or similar organizations. The degree of functionality of these structures varies. Evaluations carried out by CILSS with PRAPS funding show that national transhumance committees are more functional in host countries than in countries of herd departure. In the coastal countries, these committees benefit, like the CNT in Togo, from a funding line in the national budget. The local committees function thanks to the support of NGOs. But everywhere, these committees are inclusive of almost all the actors involved in the transhumance field. Finally,

¹² The latter network has a framework for consultation with breeders.

it should be pointed out that the African Union has through its border program, established in all countries cross-border cooperation commissions that integrate the management of transhumance in their agenda.

- b. Since 2015, the region has been organizing a regional multi-stakeholder meeting, not biannually as prescribed by the regulations, but annually, for consultation and dialogue. These meetings known as high-level conferences for a peaceful transhumance includes four sessions: (i) a session of RPOs, (ii) a session of country experts, (iii) a session of technical and financial partners, (iv) a ministerial session. Long confined to the central corridor involving five coastal countries (Nigeria, Benin, Togo, Ghana and Cote d'Ivoire) and three Sahelian countries (Burkina Faso, Mali and Niger), the high-level conferences have been extended to two other corridors. These are the Lake Chad Basin (Nigeria, Niger, Cameroon, Central African Republic and Chad), and the Western Corridor involving seven countries (Senegal, Guinea, Guinea Bissau, Liberia, Sierra Leone, Gambia, Mali and Mauritania). These bodies appear to be the only ones where some concerns related to cross-border transhumance are discussed. However, it will be necessary to improve their functioning to enable them to constitute fora where States can negotiate bilateral arrangements for a real and better security of cross-border transhumance.
- c. ECOWAS, in collaboration with UEMOA and CILSS, is in the process of launching a prospective reflection on the future of mobile livestock systems. Some States such as Burkina Faso have made similar attempts. Action research work is being conducted in local areas to better understand the trajectories of agropastoral systems (the case of CIRAD on the border between Benin, Togo and Burkina Faso); but the recommendation remains a vast undertaking to be invested in West Africa.
- d. The same applies to the establishment of a regional observatory on transhumance to monitor the application of community provisions. The weak capacity of the National Transhumance Committees, particularly in the Sahelian countries of the central corridor, and the shift in the center of gravity of transhumance from the ministries of agriculture and livestock to that of security, have not made it possible to lay the foundations for a real regional observatory on transhumance. The absence of this instrument does not provide the community with reliable information and data on this way of life and animal production system.

4.3 Adaptations/dysfunctions introduced by States and Actors

125. This section analyzes a number of phenomena that, although not explicitly provided for in the regulatory framework at the regional level, are introduced into national legislation and presented as tools for adaptation to the new context in the region. They touch upon very sensitive issues, which in many cases are variously experienced and interpreted by stakeholders, including pastoralists, herders and their organizations.

4.3.1. Natural resource management: land tenure

126. There is a great dichotomy between Sahelian and coastal countries regarding land issues and their impact on herd movements. Coastal countries, but also some Sahelian countries such as Niger, are facing a strong demographic growth. The areas previously devoted to livestock farming, or at least where herds could graze, are less and less accessible. The rise of the agricultural front is visible everywhere, including in places where it was inconceivable even a few years ago to grow crops. This rapid progression of the agricultural front would be estimated between 3 and 6% per year according to the FAO (2010) to the detriment of rangelands. The

colonization of sylvo-pastoral areas is increasing in the Sudano-Sahelian regions located south of the Sahelian countries and north of the coastal countries. Agricultural surpluses and especially crop residues, previously the subject of tacit agreements between stakeholders (food - manure), are often monetized or used by local livestock farming, further increasing pressure on resources.

127. Land tenure and access to natural resources have therefore become a major issue. Struggles for influence are frequent with their share of conflicts. Faced with this recurrence of conflicts, States and certain actors from traditional chieftaincy or professional organizations have set up systems for conflict prevention and management. In the majority of cases, the aim is to be able to anticipate conflicts upstream of the large herd movements at the beginning and end of the dry season. Consultation frameworks, committees or joint commissions involving both pastoralists and farmers are thus set up. These mechanisms, like the committees set up on the border between Niger and Nigeria and between Mauritania and Senegal, have a cross-border vocation. These mechanisms bear fruit locally on condition that they receive support or at least recognition from the States concerned and their local administrations.

128. It can be noted from this assessment that most of the ECOWAS member countries concerned by the investigation have made efforts to take into account the regulatory measures of Decision ADEC 05/10/98 related to pastoral land and to anticipate problems related to access to it. Thus, Benin, Togo, Senegal and Niger seem to be ahead in integrating the various ECOWAS measures on pastoralism into their legislations. However, improvements need to be made as not all countries are at the same level of implementation. They sometimes have very old regulations that do not or no longer correspond to current realities, particularly demographic and land use-related (privatization, etc.). National legislations sometimes have difficulties in following the movements and initiatives put in place by the actors.

129. The rapid annual progression of the agricultural front is a constant feature of almost all countries, including the Sahelian countries. The pastoral use of land is often minimized in favor of agricultural use. In coastal countries, the development of perennial crops (cashew nuts, cotton) tends to freeze access to historically accessible areas. The situation in these areas thus becomes highly conflict-prone.

130. Overall, the establishment of a regulatory framework at the sub-regional level has resulted in the following advances:

- The definition of rules to govern the access of transhumant livestock to pastoral resources in the reception areas (transhumance trajectory, reception areas for herds etc. ...);

Box n° 1: The challenges of pastoral developments

Pastoral livestock farming is at the crossroads of several crucial issues that must be integrated into the definition of a pastoral management policy:

-Taking into account the economic stakes involved in securing pastoralism and its mobility, which allow the development of important natural resources that vary from one year to the next. This valorization of pastoral resources not only enables pastoralist families to generate income, but also stimulates a wide range of actors and institutions that succeed one another in the value chain: the State, communes and socio-professional organizations working in the livestock trade.

-Land use planning issues. According to Bonnet and Guibert (2011), the design of pastoral infrastructures, water points, travel routes, and grazing areas is a crucial step in the development of municipal space, but also requires coherence on a broader scale, either at the intermunicipal level or even at the regional or cross-border level.

-Legal stakes with a framework that must favor, at the same time, the application of the texts but also their coherence within the same state but also between states (directive A/DEC/1998 meets this objective).

-Socio-economic context characterized by the increasing demand for food products, especially animal proteins, especially in coastal countries. The development of pastoralism represents a real challenge for food security, sustainable economic growth, development of pastoral areas and social peace.

- The impulse of a dynamic of cooperation between certain neighboring countries (particularly through bilateral agreements) to take charge, in a concerted manner, of cross-border transhumance flows;

131. But there are still important challenges:

- The concerted delimitation of the spaces necessary for transhumant livestock rearing without enclosing this activity in closed spaces: it is this capacity to adapt, to adapt routes and itineraries that is the very basis of transhumance. Similarly, there is great seasonal variability in the use of space: some areas that are inaccessible in the rainy season because of crops become, on the contrary, a highly prized area for herds in the dry season;
- Give legal status to areas used for livestock farming: such areas will only be preserved if there is legal recognition in the first instance;
- Non-harmonization between the pastoralism law and the land and forest laws, especially regarding pastoral land. The Pastoralist Law favours access to pastoralist developments while the Land and Forest Management Laws do the opposite. They carry within them the seeds of conflict in their execution in favour of pastoralist developments;
- Put in place infrastructures and facilities that truly encourage pastoralists to frequent these areas (grazing areas, rest areas, transhumance tracks, access tracks to grazing areas and water points, control posts for transhumance movements (veterinary, police and customs and forestry).

4.3.2. Taxation of transhumance

132. Breeding represents an important financial windfall. One of the founding protocols of ECOWAS provides for the free movement of persons and goods. More specifically, the trade liberalization scheme adopted in 2003 provides for the free movement of raw animal and vegetable products, as well as handicrafts, free of customs duties and other taxes. These major regional principles sometimes come up against measures taken locally, when crossing borders, in a more or less arbitrary manner and materialized by the imposition of taxes on livestock. Initially levied in an anarchic manner by local communities and security forces (gendarmerie, police, water, forestry and hunting agents), these taxes have sometimes been "legalized" by certain countries, such as Benin, which has explicitly included them in its pastoral code.

Box 2: Livestock taxes in Benin

Four different taxes (including a deposit) are provided for in the Pastoral Code:

The head tax to which cross-border transhumants are subject once on the national territory. This tax will be fixed by finance law and is not known for the moment.

The entry deposit is FCFA 1,000 per head of small ruminant and FCFA 5,000 per head of large cattle. It constitutes a guarantee and is refundable by the receiver at the exit of the national territory on presentation of the original receipt and a certificate of good end of transhumance issued by the ANGT.

A grazing tax established per animal in the name of the owner of the transboundary transhumant herds

A local development tax collected by the tax authorities for the benefit of local authorities

A decree issued by the Council of Ministers determines the modalities for levying grazing and local development taxes, including the mechanism for retrocession of resources from these taxes to the Pastoralist Support Fund.

133. The levying of these taxes is sometimes the subject of subtlety on the part of local authorities. Since transhumance flows are confused with commercial flows, animals identified as non-indigenous are systematically directed to livestock markets where they are subject to the various animal transaction taxes. Instead, this strategy is adopted by the local authorities to

compensate for the loss of revenue resulting from the legalization of the taxes, which are now integrated into the national treasury.

134. The use made of "legally" collected taxes varies from country to country. In Benin, the resources collected in this way are used to operate the transhumance management systems put in place by the public authorities. In the Gambia, they would be used for the restoration of the country's forests.
135. In any case, the existence of these taxes on live cattle poses the thorny problem of the transgression of Community rules by the States. According to the leaders of Pastoralist Organizations and herders' organizations we met, these taxes are partly responsible for the failure of transhumants to cross borders during the day. They prefer to go unnoticed at night to avoid paying the taxes. For the authorities in Benin, the management of transhumance is becoming increasingly expensive. There is therefore a need to rethink the entire transhumance management system at the regional level to limit the occurrence of such practices that are contrary to regional regulations.

4.3.3. The management of the security of goods and people

136. Decision ADEC 05/10/98 aims to protect pastoralists and their herds when they are outside their national borders. The texts provide that foreign pastoralists must comply with the laws of the country where they are and from which they benefit from protection.
137. Local conventions or charters relating to pasture management at the local level have been drawn up in most of the countries concerned by the investigation (Senegal, Mali, Benin, etc.). The application of their content meets a certain number of constraints: the absence of a legal basis (no reference texts) and a certain reluctance on the part of the administrative authorities to endorse these documents, the poor dissemination of the convention leading to a lack of knowledge of its various clauses by users (too partial involvement of professional or traditional organisations which could contribute to the popularisation of their content), difficulties in implementing a truly participatory approach involving users, and finally, the low effectiveness of the mechanisms for monitoring and evaluating the impacts/respect of these agreements.
138. Local conventions have shown positive impacts: they contribute to a strengthening of social cohesion in the areas where they are implemented, they help to consolidate the sustainability of rangelands (involvement of users), the phenomena of degradation of pastoral resources and, in the end, reduce conflicts between uses.
139. However, these arrangements that allow for the amicable settlement of conflicts are being undermined by the new security context in the region. The rise of insecurity in West Africa: terrorism, banditry has completely distorted the interpretation of the protection that host countries are supposed to provide to pastoralists. In many cases, there are amalgams that weaken social cohesion between the groups of actors involved. In fact, faced with thefts and other assaults to which they are often indiscriminately subjected, some pastoralists, particularly employees recruited by herders, illegally arm themselves to defend themselves. This phenomenon, which is difficult to control in the context of the region's insecurity, is very badly experienced and interpreted by other actors. It is increasingly used by some actors to accuse the pastoralist communities of spreading banditry, if not jihadism.
140. These amalgams that complicate relations between pastoralists and other socio-cultural groups are often put forward by some governments to take restrictive measures for the exercise of transhumance. This situation has completely distorted transhumance management policies, which in some countries now fall under the presidency of the Republic or the security ministries.

4.3.4. Management of agropastoral infrastructures

141. The importance of securing the vital spaces for pastoralism and the corresponding mobility of people and herds remains central to peace. This security is achieved both through social agreements, as mentioned above, but also, when the context permits, through pastoral arrangements that make transhumance safe.
142. The prerequisite is implicit or formalized agreements recognizing the existence of transhumance routes for animals (local, communal, departmental, international) serving pastoral areas and rest areas adjacent to the corresponding water points. With this prerequisite in place, facilities will make it possible to "physically" secure the routes.
143. Pastoral developments are provided for in one way or another by the texts relating to pastoralism and in certain sectoral strategic plans. Unfortunately, their implementation is often lacking. The intervention of a project or a development partner often compensates for this situation. The developments carried out on transnational transhumance corridors are a good illustration of the management problems: some States are not inclined to invest in the development of corridors on the pretext of the often high costs (they are sometimes landlocked or difficult to access) and also because they would serve beneficiaries who are often foreign. In fact, these facilities are mainly used by pastoralists from neighboring countries, but their management is the responsibility of local administrations and communities.
144. For pastoralists, facilities (especially water points) are a good thing, but only if they are well thought out and inclusively planned. The pastoral infrastructures put in place by the different States have in principle a universal vocation in terms of their use (nationals or non-nationals) but in fact, due to their geographical positioning, their use is rather focused on transhumants from neighboring countries.
145. Some countries produce an annual evaluation report of the transhumance campaign that provides information on elements of the measures of the Community and national regulations (holding of CIT, possession of valid identity documents, minimum age of 18 years for transhumant herdsman, the extent of damage to crops by transhumant animals, the harm caused to humans and animals during transhumance, etc.). These evaluations make it possible to improve the actions to be implemented later.

5. Conclusion and Recommendations

5.1 Elements of conclusions

146. The regulation of cross-border transhumance is one of the major advances in the regional integration process in West Africa. It is in fact a kind of laboratory for two dimensions of regional integration policy in West Africa: on the one hand, the optimal exploitation of the comparative advantages of the different agro-ecological zones of the region and, on the other hand, the concretization of the principle of free movement of goods and people within the community space.
147. As a legal framework adopted in a consensual manner by the Heads of State of the region, the regulatory framework for cross-border transhumance has largely contributed to the access of Sahelian livestock to the pastoral resources of the coastal countries. At the same time, it has enabled the latter to benefit from the fairly significant economic, food and nutritional spin-offs of the presence of Sahelian livestock on their territory. It has also strengthened the regional integration process, the mixing of populations and the circulation of goods. Specifically, it has contributed to positioning live animal transactions in the second rank of intra-community trade within the ECOWAS area.
148. However, the low level of internalisation of certain clauses of the regulatory framework by many actors, in a regional context marked by profound structural transformations (strong demographic growth, accentuation of climate change, strong pressure on natural resources due to anthropic action, multiplication of acts that undermine the security of populations and property, social cohesion and the peaceful cohabitation of communities) lead to practices that are sometimes out of step with the community legislation in force.
149. Indeed, the regulatory framework for cross-border transhumance has not fully succeeded in building a shared vision around this production system, in getting it accepted by all stakeholders as a model of development profitable to the region, a regional heritage to be preserved and enhanced. The States have often taken liberties with regard to certain clauses of Community regulations, which constitute either infringements or restrictions on the mobility of animals and pastoralists. Similarly, faced with certain administrative rigidities, farmers and pastoralists have developed strategies to circumvent them: minimizing declarations on the International Certificate of Transhumance forms, entering host countries on unmarked tracks, crossing borders at night, etc. These practices often lead to conflicts of varying scope from one area to another. These conflicts peaked in 2018, to the point that a regional ministerial conference was held on the issue. This situation leads many actors to question the effectiveness of the regulatory framework as an instrument for "regulating" and supervising the exercise of cross-border transhumance.
150. Finally, the current inadequacies in the regulatory framework are essentially the result of the weak commitment of the States in the governance of the livestock sub-sector in general, pastoralism and cross-border transhumance in particular. There is a significant discrepancy between the degree of political will displayed at the time of the launch of Decision ADEC 05/10/98 and the level of financial commitments by the States in favor of the livestock sub-sector, pastoralism and cross-border transhumance.
151. The low allocation of budgetary resources to the sub-sector has not made it possible to implement the support services for the exercise of peaceful cross-border transhumance as prescribed by Regulation C/REG.3/01/03 of 2003, in particular : (i) the creation of infrastructures to secure mobility, (ii) the issuance of the International Transhumance Certificate, (iii) the conduct of communication and awareness raising activities, (iv) the conduct of studies on the

future of mobile livestock farming systems, and (v) the establishment of a regional observatory for this system.

152. Despite the enactment of ADEC Decision ADEC 05/10/98 and Regulation C/REG.3/01/03, cross-border transhumance has suffered from failures in the overall governance of the livestock sub-sector which have resulted in :
- a. **Political inertia in the design of a regional strategy for natural resource management commensurate with the current social land issues.** Access to these resources gives rise to increasingly fierce competition between different users in general, and between farmers, pastoralists and agro-pastoralists in particular. The regional directive on land tenure, which is supposed to provide broad guidelines on the management of this agricultural and livestock production factor, has been on the drawing board of the ECOWAS Specialized Ministerial Committee on Agriculture, Environment and Water Resources since 2013;
 - b. **Increasingly marked deviations of national legislation from the regional regulatory framework.** These clearly give priority to agriculture over livestock breeding without defining a process of transformation of the systems that truly takes into account the demographic, agro-ecological and climatic stakes of the moment. They abruptly restrict livestock mobility, both within national territories and within the European Union (prohibition of transhumance in certain areas of the countries, closure of borders). To these practices are added other measures, such as the taxation of animals in transhumance, which is in contradiction with the clauses of the liberalization of trade and the free movement of people and goods within the community space;
 - c. **The increasingly important place of security issues in the treatment of pastoralism in general and cross-border transhumance in particular.** In recent years, there has been a strong tendency on the part of host countries to reduce pastoralism and transhumance issues to a security issue. This attitude, which is often the result of amalgamations between the dynamics of pastoralism (carrying of arms by some pastoralists) and the occurrence of new phenomena (massive cattle thefts, kidnapping of people followed by ransom demands, terrorism, etc.), leads to stigmatization that is detrimental to intercommunity cohesion ;
 - d. **The absence of a policy or at least a regional strategy for securing livestock production systems,** including pastoralism and cross-border transhumance, for which the regional regulatory framework would be the legal instrument of implementation. This absence is the result of another strategic deficit, that of a rigorous assessment of the scope of pastoralism and transhumance as an integrated productive system and a proven model for developing and strengthening the resilience of populations in general, pastoralists and herders in particular, but also as a major contributor to employment throughout the livestock/meat sector.

5.2.5.2 Elements of recommendations

153. All the weaknesses listed above (not exhaustively) require a review of the governance model of pastoralism and cross-border transhumance in West Africa, considering this livestock production system no longer as a constraint, but as one of the credible alternatives for promoting sustainable and integrated development in the region. This model of governance must form the basis of a shared vision between States and grassroots actors (farmers, herders, pastoralists and other users of natural resources) and be in line with the strategic framework of the African Union. Indeed, in its specific objective 2, the AU framework prescribes "the need to recognize the rights, current contributions to development and the potential for future economic contributions of nomadic pastoralists, with the necessary

processes to develop pastoralist policies and to fully integrate pastoralism into national and regional development plans and programmes". This framework builds on the development potential of this sub-sector, a potential that was effectively highlighted by the study on the future of African livestock¹³.

154. In this context, it is important, both for the regional community and for the States and local authorities, to implement a number of strategic measures:
- a. Ensure equitable access to natural resources for the various users involved, in particular herders, pastoralists, farmers. This implies : (i) for the region, **re-reading and finalizing its directive on land tenure, a project that has been at a standstill since 2013**; (ii) for the States, ensuring greater consistency in national legislation (pastoral code and land tenure code) and (iii) for local authorities, promoting sustainable land tenure regulation bodies and the prevention of agro-pastoral disputes, drawing inspiration, for example, from the land tenure commissions promoted by the Niger Rural Code;
 - b. To set up **a real mechanism for monitoring and evaluating the application of regulations** by States and institutional actors. This recommendation suggests strengthening the means of action, in addition to national transhumance committees, local committees and other information systems deployed by the socio-professional organizations of pastoralists and herders, but above all the deployment of a regional transhumance observatory under the leadership of ECOWAS ;
 - c. Strengthen cooperation between States and communities by (i) **intensifying high-level dialogue for peaceful transhumance between** coastal and Sahelian countries, (ii) facilitating the conclusion of bilateral agreements on transhumance between States and (iii) boosting **cross-border cooperation initiatives between communities to** ensure better governance of transhumance and cross-border trade;
 - d. To secure the different actors, especially the breeders and pastoralists in their activities and to facilitate cohabitation between communities. In view of the persistent and fairly generalized observations on the obstacles and hassles denounced by the actors of trade and transhumance, it is essential to develop **actions to strengthen the capacities of actors for a better understanding of the legislative and regulatory framework of agro-pastoral and trade and the respect and implementation of these rights**. In addition, the implementation of **legal assistance mechanisms for professional livestock breeders, farmers and livestock traders** will be encouraged;

¹³ AU-IBAR, 2014; The Future of African Livestock, Realizing the Potential of Livestock for Food Security, Poverty Reduction and Environmental Protection in Sub-Saharan Africa, study report, 122 pages. Among other findings, this study showed that : (i) "smallholder mixed crop-livestock production systems are and will remain the main producers of ruminant products until 2050, However, in shared socio-economic trajectories 1 and 2, pastoral systems in all regions and smallholder mixed production systems in the most humid areas will be able to increase meat and milk production by a factor of four to eight compared to production in the year 2000 ...", (ii) "Sustainable intensification of livestock production alone ... is not sufficient to meet the growing demand for livestock products ..."; the expansion of cropland and pasture is necessary in all scenarios to increase the production of livestock products by 2050", (ii) "The expansion of cropland and pasture alone is not sufficient to meet the growing demand for livestock products; the expansion of cropland and pasture is necessary in all scenarios to increase the production of livestock products by 2050", (iii) "The expansion of livestock production is necessary in all scenarios to increase the production of livestock products by 2050".

- e. **Actively strengthen social, economic and cultural links between farming and pastoral communities on the one hand, and anticipate environmental effects and impacts on the other, by promoting and financing local inter-community initiatives in cross-border territories and host areas for the** benefit in particular of young people and women. It is essential that these initiatives be supported by local organizations (POs, associations, NGOs, local authorities, etc.) in these strategic territories.

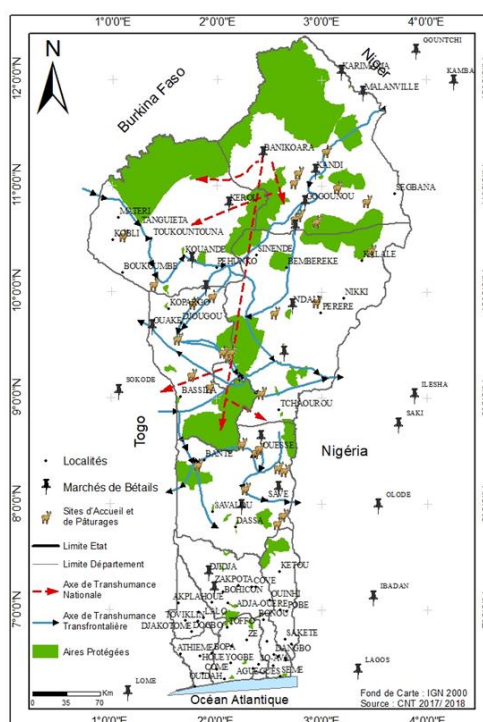
National Monographs on Regulatory Frameworks for Transhumance Management

1. Benin

Benin is a country in West Africa, located in the intertropical zone, between 6°30' and 12°30' parallel north latitude. It covers an area of 112 620 Km². With a tropical climate, its population is estimated at 12.13 million inhabitants in 2020¹⁴.

Livestock is an important component of rural activities, particularly in the northern regions where most of the country's livestock is concentrated. The number of cattle present on the national territory amounted to 2,812,000 head in 2018, including 2,462,000 head of Benin cattle and 350,000 head of cattle in cross-border transhumant systems; i.e. 88% for the national agropastoral, pastoral and agro-livestock systems and 12% for the cross-border transhumant system respectively. There are 958,333 head of sheep and 1,916,667 head of goats according to the Livestock Directorate in 2018. The country hosts animals mainly from Niger, Burkina Faso, Nigeria and sometimes Togo.

Figure 1 - Map of circuits, transhumance zones and livestock markets in Benin



¹⁴ <https://www.worldometers.info/world-population/benin-population/>

1.1 Presentation of the main legislative texts and management instruments of transhumance in Benin

Long considered insufficient to take into account the challenges of animal husbandry and pastoralism, Benin has recently adopted a law on pastoralism (Law No. 2018-20 of April 23, 2019 on the Pastoral Code in the Republic of Benin). It repeals all other previous provisions to the contrary, notably those of law n°87-013 of 21 September 1987 regulating vain grazing, the keeping of domestic animals and transhumance. Pastoralism is also regulated through other legal texts in force in Benin (see below).

Key legal texts on transhumance in force in Benin

- *Law n°2018-20 Carrying Pastoral Code in the Republic of Benin (of April 23, 2019)*
- *Law n° 93-009 on the forest regime in the Republic of Benin (July 2, 1993)*
- *Law n° 2013-001 Carrying the land and state code in the Republic of Benin (August 14, 2013)*
- *Law n°97-028 on the organization of territorial administration in the Republic of Benin (of January 15, 1999)*
- *Law n° 97-029 on the organization of communes in the Republic of Benin (January 15, 1999)*
- *Interministerial decree n°010/MISAT/ MDR/D-CAB on the creation, organization, attributions and functioning of transhumance committees (January 20, 1992).*
- *Interministerial Order N°2016-269/MISP/MAEP/MDGL/MCVDD, establishing the organization and functioning of transhumance committees.*
- *Interministerial decree setting the modalities for the conduct of the transhumance campaign of 2019-2020 in the Republic of Benin*
- *Decree No. 2016-681 of November 7, 2016 on the institutional framework for agricultural development.*
- *Limitation of cross-border herd movements by decision of the Council of Ministers of 13/12/17*

Inter-ministerial decrees on transhumance committees

It is since 1992 that the Transhumance Committees were established to accompany the regulation of transhumance. For a long time they remained partially functional, but were revitalized with the advent of decentralization. Many efforts have been made by the projects and certain communes to make these committees functional as "spaces for dialogue" in order to facilitate the regulation of transhumance and relations between farmers and herders. Following the reforms of the Beninese agricultural sector, the Inter-ministerial Order N°2016-269/MISP/MAEP/MDGL/MCVDD, establishing the organization and functioning of transhumance committees (25 November 2016) made it possible to review the composition, attributions, functioning and roles of the transhumance committees from the national level to the local (village) transhumance local level: CNT, CDT, CCT, CAT and CLT. This arrangement constitutes an interesting channel for the circulation of information on transhumance from the national level to the local level and vice versa. The decree of the town hall of Dassa-Zoumè, creating the organization and functioning of the transhumance committees has instituted the organization of a weekly meeting to monitor this activity during the transhumance campaign. A report is made to the prefectural authority at the end of this meeting. At the village level, the village chiefs, assisted by the other members of the village council, are required to inform and sensitize the population on the measures taken by the government to ensure the smooth running of the transhumance campaign and to pass on the information to their hierarchies.

Law n°2018-20 Carrying Pastoral Code in the Republic of Benin (of April 23, 2019)

In this law, the State of Benin declares that it distinguishes and recognizes national transhumance and trans-border transhumance (Article 50). It similarly recognizes and distinguishes nomadism on the national territory (Article 65). It emphasizes regulatory measures structured around the following points:

- Conditions for moving livestock on Beninese soil
- Development and management of pastoral resources

- The care of pets and the organization of transhumance
- The Pastoralist Support Fund and the Pastoralist Tax
- Conflict prevention and management

In its Article 43, the Pastoral Code provides that the movement of transhumant herds is obligatory through the transhumance tracks. Decentralized local authorities have a list of transhumance tracks and routes.

The State will define the policy for the development of pastoral areas and contribute to its operationalization. On this basis, the communal authority will have to integrate pastoral areas into the master plan for the development of its territory (article 39). The local authorities have a period of two years to comply with the provisions of the present law (article 103).

In its article 21, the Pastoral Code prohibits users from carrying out any clearing, cultivation or any other non-pastoral activity within a distance of one hundred meters around pastures, corridors, transhumance routes and tracks, rest areas, livestock markets and livestock assembly points.

Competent national services shall assess the carrying capacity of the reception areas and, on this basis, shall distribute the number of transhumant cross-border livestock by country of origin before each transhumant season (Article 22).

Fallow land and private cropland areas are open for grazing by herds subject to the consent of the owner.

The use of water resources for pastoral purposes is done with respect for the rights of other users.

The Pastoral Code specifies that the roaming of domestic animals is prohibited throughout the national territory. Thus, the minimum age for keeping domestic animals outside the village area is set at eighteen years (Article 46). The number of herdsmen per herd must be at least one for every fifty head of cattle, and any herd crossing a border must be accompanied by at least two herdsmen. The dates of arrival and return of trans-border transhumant herds shall be fixed each year by order of the Minister in charge of livestock, taking into account agropastoral zones, cropping seasons and climatic changes.

Article 52 of the Pastoral Code stipulates that in accordance with Decision A/DEC.5/10/98 on the regulation of transhumance between ECOWAS Member States; candidates for cross-border transhumance in the Republic of Benin are required to comply with the following requirements:

- Obtain an international certificate of transhumance (CIT)
- To respect the compulsory passage for the corridors and tracks of transhumance
- Comply with the obligation to cross the border during daylight hours
- Respect the obligation to have shepherds in sufficient number according to the number of animals in the herd.

The Pastoral Code provided for the creation of a public institution called the National Transhumance Management Agency (ANGT) responsible for implementing the state's transhumance policy. It provides for the creation of a public institution called the Pastoralist Support Fund responsible for financing pastoralism (Article 71) under the authority of the APRM.

Four different taxes (including a deposit) are provided for in the Pastoral Code :

- The head tax to which cross-border transhumants are subject once on the national territory. This tax will be fixed by finance law and is not known at the moment.
- The entry deposit is FCFA 1,000 per head of small ruminant and FCFA 5,000 per head of large livestock. It constitutes a guarantee and is refundable by the receiver/collector at the exit of the national territory on presentation of the original receipt and a transhumance completion certificate issued by the ANGT.

- A grazing tax established per animal in the name of the owner of cross-border transhumant herds.
- A local development tax collected by the tax authorities for the benefit of local authorities.
- A decree issued by the Council of Ministers determines the modalities for levying grazing and local development taxes, including the mechanism for retrocession of resources from these taxes to the Pastoralist Support Fund.

In its Article 43, the Pastoral Code provides that the movement of transhumant herds is obligatory through the transhumance tracks. Decentralized local authorities have a list of transhumance tracks and routes.

At the beginning of each transhumance season, ANGT and its (deconcentrated) branches are to organize consultation and exchange sessions on the rules of transhumance management in the transit and reception areas for transhumants.

Disputes related to pastoralism are settled amicably between the parties. If this method of settlement fails, disputes are brought before the competent branch of the ANGT.

In case of non-conciliation, disputes related to pastoralism are brought before the ordinary law courts of the Republic of Benin.

The Pastoral Code guarantees cross-border transhumant pastoralists who are regularly admitted to the territory their protection and fundamental rights. Consequently, the carrying of firearms is prohibited (Articles 53 & 54).

Decree No. 2016-681 of November 7, 2016 on the institutional framework for agricultural development

Zoo-sanitary protection in the field is one of the main missions of the DDEAPs. They are called upon to ensure phytosanitary and zoo-sanitary protection, and to monitor the agricultural sector in the field. This regalian work of the DDEAPs is entrusted to one of its services: the Service de la réglementation et du Contrôle (SRC) which will have to work in connection with the service (articles 13 & 17). The SRC/DDEAP works in close collaboration with the Direction de l'élevage, some of whose missions are to ensure the surveillance and sanitary protection of domestic animals and wildlife, and to control foodstuffs of animal origin and animal production factors (animal feed, veterinary products and other inputs).

Law n° 97-029 on the organization of communes in the Republic of Benin (January 15, 1999)

This law requires communes to plan the use of their land by establishing a Schéma directeur d'aménagement communal (SDAC). The latter must plan the different zones of occupation and affection of the Commune's territory, particularly the areas of use and livestock (rainfed crops, controlled grazing areas, transhumance corridors, etc.). There are about 30 communes that have developed their SDACs with technical support from projects/programs (including PAGEFCOM). None of these SDACs have been implemented, even though they could be a tool for securing agro-pastoral areas (transhumance corridors, grazing areas). To put an end to this lethargy, the Pastoral Code makes the central government responsible for taking the lead in defining and operationalizing pastoral management policy. Thus, the communal authorities are expressly requested to integrate pastoral areas into the master plan for the development of their territory (Article 39) within the next two years (i.e. until 2021 at the latest).

Law No. 2013-01 on the Land and State Code in the Republic of Benin, as amended and supplemented by Law No. 2017-15

Law No. 2013-01 on the Land and State Code in the Republic of Benin, as amended and supplemented by Law No. 2017-15, is unfavorable to pastoral livestock farming. It admits the rural land plan (PFR) as a tool for confirming land rights in rural areas (Article 192). These are carried out in more than 320 villages. The finding is that they omit the fact that corridors, herders' camps, grazing areas and lowlands are areas to be taken out of areas of private appropriation and agricultural use. They are attributed in the land registers as the property of individuals in the communities. It is therefore not conducive to agropastoral integration. However, the present Pastoral Code requires communities to ensure agropastoral integration in their land use plans (art.67). It recognizes the public utility of pastoral camps and will be the object of security by local authorities in relation with farmers' and breeders' organizations.

The land code also provided for the creation in each rural commune of a land management commission (CoGeF) and village level divisions called Village Land Management Sections (SVGF), which have an advisory role and assist the mayor in the management of land issues (Article 428 new). Communal and local elected officials or their representatives (including the district chief and the village chief) are ex officio members of these local land management bodies. Some communes have begun the process of setting up CoGeFs and SVGFs and establishing LICs with the support of the TFPs in collaboration with the National Agency for Land and Property (ANDF). The SVGFs are responsible for "supporting the village populations in formalizing land transactions and transfers" and, as a result, they are restrictive with respect to issues related to pastoralism. These institutions should be integrated into the consultation committees on pastoralism issues at the local level.

Law n° 93-009 on the forest regime in the Republic of Benin (July 2, 1993)

National parks and wildlife reserves are prohibited from all rangeland rights as well as in class forests. The possibility of exploiting the vain grazing of these forest entities by domestic animals or in transhumance is subject to authorization from the forest administration (article 59). The lighting of bush fires is also regulated by this law.

Limitation of cross-border herd movements by decision of the Council of Ministers of 13/12/2017

The examination of the results of the cross-border transhumance campaigns by the Council of Ministers on December 13, 2017, has enabled the Beninese government authorities to take the following measures :

- Limit the movements of herds to the latitude of the Commune of Dassa-Zoumè ;
- Prohibit the arrival of transhumant herds to the southern region where the human damage is more serious in view of the experiences of the past years;
- Ensure that all herd passageways are free of crops;
- To sensitize the local population on the behaviors to adopt;
- Set up a system of reception, health control, registration and orientation of transhumants;
- Better follow the movements of transhumant herds.

Inter-ministerial decree setting the terms and conditions for the transhumance campaign

An interministerial decree fixing the modalities of the transhumance campaign is taken each year to organize the transhumance campaign. It sets the dates of entry and exit of the transhumant herds and makes the choice of entry gates and priority routes, itineraries and sites for the transhumant herds in the departments of the country. A manual of administrative procedures for transhumant actors is written on this subject.

1.2 Analysis of legislative texts and management instruments for transhumance in Benin

Strong points

It can be said that with the law on the Pastoral Code in Benin, the country has taken a strong step that reflects the will of the Beninese state to give special importance to pastoralism and cross-border transhumance. It has made it possible to update the management rules for pastoralism in Benin and has embarked on a process of cleaning up cross-border transhumance.

The law on the Pastoral Code has made the basic structures (communes, intercommunalities, herders' organizations) responsible for managing transhumance. It advocates for the protection of pastoral land (herders' camps, passageways, grazing areas), unlike the Land Code, which was unable to address these issues.

The law envisages the creation of key institutions for the "sustainable" and "equitable" management of pastoralism. These include the Agence nationale de gestion de la transhumance (AGNT) and a Pastoralist Support Fund.

A guide for marking livestock corridors is being developed by the Direction de l'Elevage with financial support from the SDC.

A guide of practical advice to transhumance actors in Benin is elaborated (National Directorate of Livestock, ANOPER, POTAL MEN, GERED NGO, 2013) with the financial support of GiZ ZFD.

Weaknesses

After its adoption by the National Assembly and its promulgation by the President of the Republic of Benin, the law on the Pastoral Code has not benefited from any decree implementing legal measures within it.

On the other hand, this law has not developed a chapter for animal health safety. Certainly, the legislator has reserved this chapter for the Animal Husbandry Code currently under consideration. Indeed, the draft Code of animal husbandry in its articles 206 and 207 deals with the questions of animal health for domestic animals. Twenty-five (25) animal diseases are notifiable in Benin.

Article 207: The sanitary police force of the domestic animals is ensured by the veterinary surgeons inspectors and the sworn para-veterinarians, under the responsibility of the veterinary surgeons inspectors.

The pastoral law of Benin did not know :

- Valorize the technical and managerial know-how of the pastoral communities, in particular, the experience of the "Garso" or traditional leaders/coaches of the young herdsman in the camps. The "Garso" could be trained and serve as local relays in the education, information and training of young herdsman;
- Develop manuring contracts between farmers and breeders to improve soil fertility;
- Valorize livestock products through support for the construction and management of "self-managed" livestock markets in the host zones;
- Promote IGAs focused on the production and sale of fodder plants by the transhumant populations;
- Helping young people and women to benefit from transhumance by creating new jobs, particularly around cattle fattening (as is done in Fada N'gourma in Burkina Faso);
- To develop jobs around the sales of agro-industrial by-products (cotton seeds) ;
- Engage farmers in initiatives to improve degraded pastures and forage production.

The Pastoral Code, although favorable to pastoral land tenure, is not explicit on the procedures and

modalities for the management or co-management of pastoral areas or pastoral reserves (camps, corridors, grazing areas, etc.) that it plans to safeguard in conjunction with local communities. In fact, certain presumed landowners are opposed to corridors of passage materialized in a "consensual manner", claiming that they should be compensated: there is a risk of conflict between the Pastoral Code and the Land Code around pastoral land.

Although they are increasingly dynamic in the field, transhumance committees do not appear in any article of the Pastoral Code, and nothing is said about their fate since the advent of the ANGNT.

The Pastoral Code provides for the levying of several taxes that can cause confusion and administrative and fiscal hassles. The members of the committees themselves have difficulty in informing and popularizing all these taxes to the breeders. For the moment they only collect the deposit of 5,000 FCFA/head of cattle and 1,000 FCFA/head of small ruminants, which is normally a refundable deposit. However, the current trend in the field is to make this deposit the only pastoral tax, following the example of Togo.

Recommendations

- Quickly propose and have signed decrees for the application of the various legal measures of the pastoral code after studies and consultations, particularly with regard to AGNT, the Pastoralist Support Fund, the levying of pastoral taxes, the securing of pastoral spaces, etc.
- Draft a policy document on the "sustainable management" of transhumance in Benin.
- Carry out a study on the identification and methods of management or co-management of public and/or private pastoral areas and, make proposals for new rules of compensation for landowners and local authorities who have ceded their "land properties" for the benefit of these "pastoral reserves".
- To guide the development of new SDACs or the updating of old SDACs so that they contribute to the security of pastoralism. This process should be based on a bottom-up consultative approach with local institutions (including herders' representatives and landowners, etc.).
- Prepare the implementing decree of the law on the establishment of AGNT and its dismemberments by seeking to enhance the achievements of transhumance committees at various levels.
- Reread the Land Code in order to bring it into harmony with the Pastoral Code, particularly with regard to pastoral land. The Land Code must be revised to integrate the opportunities that are in the Pastoral Code in favor of pastoral land tenure.
- Refocus (in a decree implementing the levying of pastoral taxes) the various taxes and deposits into a single tax (as is done in Togo) and establish a dispatching service at all levels (national, departmental, communal, local, etc.).

1.3 Harmonization of Benin's legislative texts with ECOWAS regulations on transhumance.

Strong points

The Beninese Pastoral Code shows very clearly its alignment with ADEC Decision 5/10/98 and the accompanying Regulation C/REG.3/01/03. Indeed, it stipulates in its Article 52 that in accordance with Decision A/DEC.5/10/98 on the regulation of transhumance between ECOWAS Member States; candidates for cross-border transhumance in the Republic of Benin are required to comply with the following requirements:

- Obtain an international certificate of transhumance (CIT);

- To respect the obligatory passage for the corridors and tracks of transhumance ;
- Respect the obligation to cross the border during the day ;
- Respect the obligation to have shepherds in sufficient number according to the number of the herd.

As required by By-law C/REG. 3/01/03, each year the Government of Benin plans the organization of transhumance campaigns. It fixes the dates of entry and exit of the breeders, the entry gates, corridors and pasture areas to be used.

The CNT and its branches in the field (CDT, CCT, CAT, CLT) are instructed in the decrees on which they are based to manage information, communication, awareness raising, training and education sessions in favor of transhumant herders and the various actors involved in transhumance in the areas of departure, transit and reception of transhumant herds.

The texts provide for the establishment of a system for welcoming and guiding transhumants. This involves teams of 10 specialists made up of veterinarians, public treasury agents, law enforcement officials, foresters, livestock breeders' representatives and representatives of the town hall. One team is planned for each transhumant's entry gate into the country.

In its Article, the Pastoral Code promotes the creation and development of representative pastoral organizations capable of participating in good governance, the defense of the rights and interests of pastoralists, and the better dissemination and application of legislation related to the sustainable management of pastoral resources (Article 15).

Weaknesses

The Pastoral Code did not take into account the health issue recommended in Regulation C/REG.21/11/10 of 26 November 2010 harmonizing the structural framework and operational rules on plant, animal and food safety in the ECOWAS region. The measures of this regulation are taken into account in the draft livestock code that is currently being examined by the National Commission on Legislation and Codification before its submission to the Council of Ministers and the National Assembly. Chapter 4 of the draft code deals with the import and export of animals and animal products, and Title 8 deals with animal disease control issues. However, what about the free movement of goods and persons and the taxation of transhumance?

Recommendations

- Support the Direction de l'Élevage (DE-Benin) in its process of finalization, adoption and promulgation of the Livestock Code in Benin. This would enable the country to better comply with ECOWAS regulations on policing and security mechanisms for transhumant herds and farms.
- Ensure better integration of community measures on transhumance management in the draft decrees implementing the pastoral code in Benin.
- Support the Directorate and the CNT to rapidly propose and submit to the Government, decrees for the application of the Pastoral Code for signature.
- Simplify pastoral taxes for transhumant pastoralists. Simply reduce the various taxes and deposits to a "single tax" that will take into account all the fees to avoid administrative hassles and confusion.

1.4 Appreciation of the implementation of ECOWAS measures by Benin

Results of transhumance campaigns in Benin

The table below is a summary of the results obtained by the National Committee for the Management of Transhumance in the monitoring and conduct of transhumance campaigns from 2016-2018 in Benin.

Table 1 - Results of the last three transhumance campaigns in Benin

Elements of appreciation of the campaign	Transhumance campaign		
	2016-2017	2017-2018	2018-2019
Evolution of the number of transhumant breeders	4934	6918	1140
Evolution of transhumant cattle flows	370 000	320 000	5,995 (payment of taxes)
Evolution of flows of small transhumant ruminants	ND	ND	15,705 (payment of taxes)
Payment of taxes	Free	Free	Recovery
Evolution of crop damage	775	1153	519
Prejudices on Animals	Not estimated	176	29
Changes in loss of life	Not estimated	46	3
Number of multidisciplinary agents deployed	Not estimated	Not estimated	112
Tracks and corridors (km)	600	400	1200 (in progress)
Developed reception sites	6000	4000	-
Possession of identity documents	-	-	80% of T
Detention CIT		2%	25%
Respect for the obligation to provide a sufficient number of shepherds		3,04%	75%
Respect doors itineraries and reception sites		2,06%	32,6%
Crossing borders during the day		2,48%	40,35%
Respect for authorized agropastoral areas		0,61%	33%

Source: DE/CNT Benin

CNT's views on the results obtained during transhumance

Table 2 - Strengths and weaknesses of transhumance campaigns in Benin

Campaign Highlights	Weaknesses of the campaign
<ul style="list-style-type: none"> • Promulgation of the pastoral code • Setting of the pastoral calendar 2018-2019 (December 15 to May 31) • Continuation of efforts to set up infrastructures and pastoral facilities • Realization of diagnostic studies on pastoralism and transhumance • Strong participation of decentralized authorities and POs • Intensification of awareness-raising-communication-information of targets • Training and follow-up of the teams of reception and orientation of transhumants • Sharp reduction in casualties during the last campaign • Crop damage halved during the last transhumance season • Sharp decline in harm caused by farmers to animals • During the last campaign; there is more discipline of transhumant herders in : <ul style="list-style-type: none"> ○ The respect of authorized zones ○ Crossing borders during the day ○ Respect of itineraries and sites of welcome ○ Of the ratio: No. of Cattle/Heads of Animals ○ Possession of identity documents 	<ul style="list-style-type: none"> • Early arrival of transhumants in mid-October, contrary to the officially set date of 15 December. • Poor respect of the official entrance gates of transhumant herds by their drivers. • Persistence of canvassers or intermediaries of transhumant breeders

<ul style="list-style-type: none"> • Start of payment of taxes by cross-border transhumants • Workshop-assessment of the transhumance campaign with the participation of border countries such as Togo and Niger. • Low respect of minimum age (18 years): children continue to follow the animals. 	
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Source: DE/CNT Benin

Appreciations by the actors of the respect of the measures (results of the interviews in Benin)

Compliance with ECOWAS measures	Assessment by the actors of the respect of the measures (results of the interviews in Benin) and documentation data
Possession of CIT by transhumant breeders	<ul style="list-style-type: none"> • According to CNT-Benin, 32.6% of transhumants held CIT during the last campaign, unlike the previous ones. We note the beginning of collaboration between transhumants and the administration.
Possession of identity documents by transhumant breeders	<ul style="list-style-type: none"> • According to CNT-Benin, several transhumants (80%) recorded during the last campaign had their identity papers with them. This is a record, since in previous years, the majority of transhumant herders operate without their identity documents.
Respect of agropastoral (transhumance) calendars	<ul style="list-style-type: none"> • Agropastoral calendars are set by interministerial decree each year. The 2019-2020 decree (dated October 2019) sets the calendar between December 15, 2019 and May 31, 2020. • The fact is that cross-border commuters arrive earlier than before December 15 (October-November). In the return (even on the right date), they encounter the installation of early fields (off-season crops, in the lowlands, near water points) by farmers, which generates a lot of conflict.
Respect for transhumance corridors	<ul style="list-style-type: none"> • According to herders' leaders, few transhumant herders follow the corridors materialized because of the observations of the populations in some places. Indeed, the monitoring committees of these corridors are not functional due to a lack of material (motorcycle) and financial (purchase of gasoline) resources. • According to CNT-Benin statistics, 32.6% and 33% of transhumant herders respected the formal transhumance corridors and authorized agropastoral zones, respectively.
Requirement for farmers to cross borders within one day	<ul style="list-style-type: none"> • The CNT counted at least 40.35% of transhumant herders who complied with this measure during the last campaign, unlike in previous campaigns during which no provision was made to receive transhumant herders.
Respect of the ratio of the number of cattle/number of cattle driven	<ul style="list-style-type: none"> • According to CNT figures, 75% of transhumant herders presented a sufficient number of herdsmen to lead their herds during the past season. This was not their usual practice, since for the 2017-2018 campaign, only 3% of transhumant herders complied with such a provision. • There are therefore feats of prowess (at this level) that deserve to be maintained. Indeed, the respect of this measure allows transhumant breeders to improve their capacity to control animals during their movements.
Protection of breeders in the host country	<ul style="list-style-type: none"> • Since the last campaign, CNT-Benin has been working to better accompany the transhumance campaign and to give confidence to transhumant herders. The functionality of its transhumant reception and orientation system (composed of specialists: veterinarian, security forces, foresters, herders' representatives, mayor's representative, treasury agent) has had positive effects on the management of the transhumance campaign (2017-2018) compared to that of the : <ul style="list-style-type: none"> ○ 93.47% reduction in human deaths ○ 83.52% reduction in harm to animals ○ Crop damage reduced by 54.98%.
Peaceful resolution of conflicts	<ul style="list-style-type: none"> • Breeders' organizations/associations, federated by ANOPER with departmental (UDOPER), communal (UCOPER), and local (GPER) branches. These young corporatist structures are involved in conflict prevention by taking initiatives to negotiate and prepare for the arrival of transhumant herders in the communes. • Conflicts (related to crop damage) are settled either amicably between the different parties, or by local administrative bodies (village chiefs, district chiefs, mayors, etc.) or by judicial bodies (gendarmeries, police stations, courts) for those brought to their level. • Increasingly, farmers and ranchers are favouring out-of-court settlements that are seen as fairer and more reassuring for all parties to the conflict.

<p>Respect of the minimum age of 18 years for herdsmen driving transhumant herds.</p>	<ul style="list-style-type: none"> • According to livestock managers, this measure is not yet respected by transhumant herders. The latter always travel with young people under 18 years of age who help them daily in leading the animals to the pasture.
<p>Implementation of an information system on transhumance</p>	<ul style="list-style-type: none"> • A transhumance evaluation mission takes place every year. It increasingly brings together all the structures concerned with transhumance, in particular, the Directorate of Livestock (DE), the Ministry of the Interior, the Ministry of Foreign Affairs and Cooperation, the Ministry of Local Government, the Ministry of Living Environment, the APRM, NGOs and POs active in transhumance. • This mission, which is carried out with the financial support of the SDC, makes it possible to : <ul style="list-style-type: none"> ○ Exchange with key players at the official entrance gates and some host sites ○ Appreciate the local system of reception and orientation of pastoralists and their herds. ○ To exchange with the communal actors to appreciate the conditions of stay and cohabitation of the pastoralists with the populations; ○ <u>Take stock of the transhumance campaign with transhumance committees and pastoral organizations at various levels;</u> ○ Exchange with CSOs (NGOs and POs) active in ruminant breeding and in the management of transhumance campaigns. • A chapter is devoted to cross-border transhumance in the annual activity report of the Direction de l'Elevage. • A manual of administrative procedures for transhumance actors is developed, as well as a welcome and orientation booklet for the transhumant and a guide for marking out livestock corridors in Benin.
<p>Circulation of zoo-sanitary information and functioning of the animal health administration</p>	<ul style="list-style-type: none"> • Animal diseases (foot-and-mouth disease, peste des petits ruminants and African swine fever) are enzootic and are caused by cross-border movements. Contagious peripneumonia occurs sporadically. These outbreaks are linked to cross-border movements • These are the services of the Direction of the Breeding which ensures the regalian work of the surveillance, the sanitary protection of the domestic animals. They are based on the Order n°72-31 of September 27, 1972, regulating the Animal Health Policy and the inspection of foodstuffs of animal origin. The implementing decree of article 10 of this ordinance (decree n°2005-637 of October 13, 2005 on zoo-sanitary regulation of animal diseases with compulsory declaration in the Republic of Benin) and the order n°2176/MAEP/MSPCL/D-CAB/SGM/DRH/DE/SA of July 7, 2006 make compulsory and synchronous the vaccination of animals against haemorrhagic septicaemia and contagious peripneumonia in bovine species throughout the national territory. • The organization of vaccinations is done in Benin within a framework of fruitful collaboration between private (approved) and public veterinary service agents and ANOPER. • According to the ED (2018), vaccination coverage rates were estimated at 33.71% for bovine pasteurellosis (1st edition of June-July), 30.11% for bovine pasteurellosis (2nd edition of November-December), and 29.02% for CBPP. These results are low and well below the projected vaccination targets of 60% to be achieved by 2020.
<p>Pastoral zone management efforts</p>	<ul style="list-style-type: none"> • Pastoral management efforts are carried out through development projects and programs (Transhumance Pressure Reduction Project on the WAP Complex (PRPT-WAP), Project on Livestock Marketing in West Africa (PRAPE), Project to Support the Milk and Meat Sector (PAFILAV). The actions of the PAFILAV project (financed by the ADB) made it possible to achieve 1000 km of transhumance tracks and 15000 ha of pastures in 22 communes of Benin (Cf. annex 10). According to the CNT, 1200 km of (additional) transhumance corridors would be in the process of realization. • The PADAC project (financed by the AFD) has just launched a study in the hills and plans to support the SIX (06) communes of the hills in this area of development of animal passage corridors and grazing areas. • The actors met during this study reported that portions of these developments are already in difficulty (towards Djidja) due to a lack of monitoring and compensation for landowners. • More than 200 water reservoirs and dams are spread throughout the country. These water resources for animal husbandry suffer from obsolescence due to lack of maintenance. • For the time being, the role of town hall planning assigned to town halls in the context of decentralization is not effective. The latter organize the collection of various rents from transhumance and do not yet perceive their interest in developing socio-economic infrastructures for the reception or transit of cross-border transhumants (grazing areas, rest

	<p>areas, water reservoirs, drawing corridors, etc.) in order to better promote the benefits of transhumance and take charge of its pacification.</p>
Support for the dynamization of POs	<ul style="list-style-type: none"> • In Benin, ruminant breeders are organized from the local level to the national level through the departments: GVPER-UCOPER-UDOPER-ANOPER (the National Association of Professional Organizations). • ANOPER is affiliated to the Network of Peasant and Agricultural Producers' Organizations of West Africa (ROPPA), the Pan-African Agricultural Producers' Platform (PAFFO) and the International Federation of Agricultural Producers (IFAP). ANOPER is affiliated to the regional network of breeders (Billital Maroobe/RBM Network). • ANOPER is involved in all actions of organization and monitoring of transhumance at various levels; local, communal, national and sub-regional. It is supported in its actions by several TFPs, and has contributed to the advent of the new national regulatory framework for the management of agropastoralism and transhumance (Law No. 2018-20 of April 23, 2019 on the Pastoral Code in the Republic of Benin). • The representativeness of ANOPER's membership is low in the regions of South Benin compared to those of North and Central Benin because of its young age, the low means at its disposal, and the low capacity of the technical agents it deploys in advocacy. • However, because of their own interests in livestock activities as herders, the leaders of herders' FOs appear vulnerable to local administrations, and therefore cannot undertake certain advocacy, information and awareness raising initiatives without encountering the adversity of local authorities and public administrations.
Organization of awareness-raising campaigns for transhumance actors	<ul style="list-style-type: none"> • Every year, the National Transhumance Committee (CNT) organizes awareness-raising campaigns for transhumance actors in the transboundary communes (Kandi, Malanville, Nikki, Parakou, Tanguiéta, Natitingou, Matéri, Bantè), The following are some of the areas of conflict during the weeks before the official start of transhumance (Dassa-Zoumè, Pobè Kétou, Djidja, Abomey, Aplahou, Lokossa, Athiéme, Zogbodomey, Covè, Zangnanado, Ouinhi) and the conflict zones (months of September, October, November). • As mentioned above, the CNT organizes the participatory evaluation of the transhumance campaign every year. • Under the aegis of the Ministry of Foreign Affairs and Cooperation, Benin has been undertaking since last year, bilateral meetings on cross-border transhumance. These include those of Ibadan in Nigeria on August 27, 2018, those of Kopinga/Burkina Faso, and Dapaong in Togo. These are meetings financed by the national budget, during which the two countries reaffirm their commitments to pacify transhumance. They allowed the representatives of the Beninese state to tell the regulatory measures taken by Benin for a better control of transhumance (taxes levied on cattle and small ruminants, ages of herd drivers, the ban on carrying weapons, the transhumance calendar, etc.). • The commune of Malanville often organizes tripartite meetings on transhumance with its counterparts in Niger and Nigeria. But the communes of South Benin have difficulties to get in touch with their Nigerian counterparts for exchanges on the organization of cross-border transhumance.
Establishment of an observatory on transhumance	<ul style="list-style-type: none"> • There is not yet a specific observatory for transhumance in Benin. This work could be entrusted to ANAT, which already has an observatory for spatial analysis and is responsible for assisting town halls in the elaboration of master plans for communal development (SDAC).
Other measures	<ul style="list-style-type: none"> • Carrying of weapons by transnational transhumants (without authorization)

2. Burkina Faso

Burkina Faso is a Sudano-Sahelian country in West Africa with a surface area of 274,222 km², its population estimated in 2020 at 20.9 million inhabitants with a growth rate of 3.1% per year. The country is organized into 13 regions. Burkina Faso's economy is strongly linked to agriculture and livestock. These two activities, long separated for a long time, are converging towards their association. The transhumance of Burkinabe herds is mainly to Ghana, Côte d'Ivoire, Togo, Benin but also to neighboring Sahelian countries (Niger and Mali).

2.1 Dynamics of transhumant pastoralism in Burkina Faso

2.1.1 Burkina Faso's livestock industry is undergoing major changes and the number of livestock is increasing

The "stockbreeder" population, i.e., all producers who practiced stockbreeding as a primary or secondary activity, was mostly the preserve of Fulani pastoralists. Today this is no longer the case; the Fulani now only own 44% of the livestock, compared to more than 70% in the 1970s. With the advent of the droughts of the 1970s and 1980s, the animals passed into other hands, those of the farmers who knew how to invest during drought periods in livestock by reinvesting the income from cotton crops and market gardening in livestock breeding.

Productive systems are tending towards sedentarization and the integration of agriculture and livestock. Only the Fulani still practice transhumance on a large scale outside the territory. There is a certain resilience in Burkina Faso's livestock industry, which, despite the climatic crises, continues to grow, as shown in the table below over the last five years.

Table 3 - Ruminant livestock numbers in Burkina Faso (in thousands of head)

Type of livestock	2011	2012	2013	2014	2015
Cattle	8,566	8,738	8,912	9,091	9,273
Sheep	8,491	8,745	9,008	9,278	9,556
Goats	12,713	13,094	13,487	13,891	14,305

Source: MRAH, 2017

The geographical distribution of these ruminant animals varies according to animal species. The bovine species is most represented in the Sahel and Hauts-Bassins regions, with 20.6% and 16.6% of the total number of animals, respectively. The Sahel (14.0%) and Central West regions (11.1%) have the largest numbers of sheep. For the goat species, the largest numbers are recorded in the Sahel (16.8%) and Central West (12.1%) regions (MRHA, 2015).

2.1.2 Economic Contribution of Livestock Farming

At the macroeconomic level, the livestock sub-sector contributes more than 18% (12% for live animals and 6% for hides and skins) to the formation of national value added. The share of animal products, including hides and skins, in the value of exports is about 26% and is the third largest export item in the country after gold and cotton (MRA, 2011).

2.1.3 Developmental Constraints Related to the Physical Environment and Climate

The productivity of Burkina Faso's livestock industry is confronted by the inadequacy of natural resources (pasture and water), which are essential for feeding and watering them all year round. The

land issue prevents the movement of animals easily to reach the pasture areas that are random in the Sahel. It is necessary to move towards the agro-climatic zones where there is more biomass.

In view of the difficult ecological conditions and declining security in the northern part of the country (Sahel), the North and North Central, the cattle, sheep and goat populations are tending to gradually decline towards the East Central, the High Basins, the Cascades and the South Central. From these regions, many progress towards Ghana and other countries such as Benin and Togo where they are welcomed by relatives who left several years earlier and are identified today as citizens of these countries who welcomed them yesterday. The PTT in Burkina Faso is in a dynamic phase of transformation.

2.1.4 Retrospective of transhumant pastoralism in Burkina Faso

Successive governments since independence in 1960 have developed different policies and strategies for the development and transformation of the livestock sector. Several legislative and regulatory texts have also been taken to facilitate the livestock activity and other forms of its practice. The general trend today is towards sedentarization and the integration of agriculture and livestock. The public authorities to encourage sedentarization and the agriculture-livestock association had created several pastoral zones, but transhumance movements seem to resist the passage of time and the orientations of national policies. The bulk of the livestock belonging to the Fulani social groups is still in the transhumant pastoral system, which is conducted in two main forms as shown in the following box:

Box: The two main forms of transhumance in Burkina Faso

Internal transhumance called national transhumance continues to be practiced with great difficulty. It is regulated by the orientation law on pastoralism, adopted in 2002.

Transnational transhumance that drains animals in neighboring countries such as Côte d'Ivoire, Ghana, Togo and Benin. Transnational transhumance, on the other hand, falls under the scope of the texts promoted by ECOWAS to regulate the cross-border movement of livestock. These are the 1998 decision of 30 October 2008 organizing transhumance (ECOWAS, 1998) and its implementing text, the 2003 regulation dated 28 January 2003 giving the practical modalities and the roles of the different regional and national stakeholders in the host countries as well as the countries of departure, and the pastoralists and their different national and regional umbrella organizations (ECOWAS, 2003).

Burkina Faso's transnational transhumant herders are moving in four main directions: Benin, Côte d'Ivoire, Ghana and Togo. There is no long statistical series on transhumance; services are beginning to work on this and information aggregated by the Ministry of Animal and Fishery Resources for the 2017-2018 campaign indicates that a total of 106,223 cattle and 4,685 sheep have crossed the borders with documents such as the CIT towards the four countries mentioned above, which are reputed to be the recipients of Burkinabe animals (MRAH, 2018).

Of this total, 31,850 cattle and 1,406 sheep went to Ghana, while 74,373 cattle and 3,279 sheep went to Côte d'Ivoire, Togo, and Benin. Ghana is the country of predilection for Burkinabe pastoralists if one considers the data provided by Ghana on transhumants from Burkina Faso. Indeed, in a report by the Ministry of Agriculture and Food of Ghana (MOFA) the figures are much higher than those aggregated by the livestock services of Burkina Faso¹⁵. For the years 2017, 2018 and the first half of 2019, the data are as follows.

Table 4 - Number of transhumant animals from Burkina Faso to Ghana

Periods	2016-2017		2017-2018		2018-2019	
	BF	GH	BF	GH	BF	GH

¹⁵ The difference between the two countries' data results from the underestimation of the livestock recorded in the CITs in the countries of departure.

Cattle		93.256	31.850	91.618		42.839
Sheep			4.685			

Source: MARHA and MOFA

As can easily be seen, the country of predilection in terms of the number of head of cattle crossing the borders each year is Ghana. This contradiction between the statistical data of the two countries is related to the fact that many transhumant pastoralists do not present themselves to the veterinary services to obtain CIT before leaving for Ghana.

Discussions with national pastoralist leaders in Ghana and some pastoralists in Kumasi help to give the origin of pastoralists who are currently either settled or in the process of being settled in Ghana. The following box gives the situation of the direction in which they transhumance.

These itineraries clearly show that the East Central, South West and Cascade regions are the real outlets for landing on the territory of the Republic of Ghana as shown on the map below.

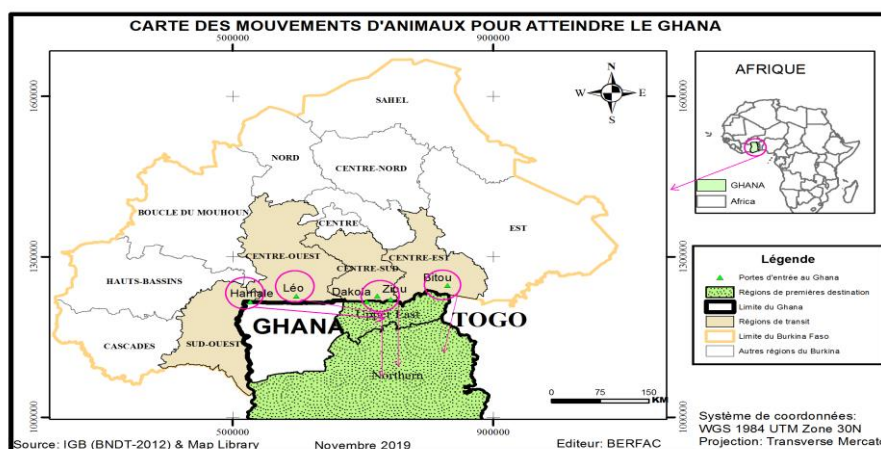
Box: The transhumance routes of Burkina Faso's smugglers

The animals leave from the North by crossing the Boucle du Mouhoun region, they pass through the Hauts Bassins, Cascades and South-West regions before returning to Ghana;

Animals that leave the North Central region go in two main directions, the West Central region through the Sissili province, while others go directly to the South Central regions through the Nahouri province or through Zabré with Ziou as the exit door. Many pass through the Central East region via the provinces of Boulgou and Koulpelgo from where they head for Ghana ;

Some animals of the Boucle du Mouhoun pass through the Bougouriba province in the Southwestern region to return to Ghana through the Hamilé Gate.

Figure 2 - Map of animal movements from Burkina Faso to Ghana



From these Burkinabe regions, pastoralists enter through the gates defined by Ghana which are located in eight (08) localities in the three border regions of the Republic of Ghana bordering Burkina Faso. The following table indicates the said official gates.

Figure 3 - Host regions in Ghana for Burkinabe transhumant herders

Regions	Districts	Locations
Northern	Gonja Central	Tuluwe
		Yapei
Upper East	Kassena Nankana	Paga
	Kassena Nankana	Pusiga
	Bongo	Namoo
Upper West	Lambusie	Hamile
	Sissala	Fimoa
		Kupulma

Source: MOFA, Ghana

Once the entry gates indicated in the table are crossed, the pastoralists disperse to different regions of Ghana based on the guidance given by the scouts. Most of the scouts have arrived before them. They are close relatives who left a few years or even decades ago. They are sedentary people who have official documents of residence in Ghana.

It is common to see that some new transhumant pastoralists do not have any national identification documents or have not taken the International Transhumance Certificate (CIT) before leaving Burkina Faso. They fraudulently enter the country through illegal gates, i.e., entry points where there are no health controls or border police. It appears that this is done with the complicity of certain local populations in exchange for cash payments (cattle or sheep).

Ultimately, the differences between the figures for transhumant cattle reported by Burkina Faso and those given by Ghana are certainly related to these cases. However, it is difficult, in view of Ghana's decentralization system, to avoid counting animals and new arrivals, who must necessarily be counted by the village assembly for security reasons but also for counting new economic resources.

In addition, field surveys suggest that pastoralists who return for seasonal transhumance do not return with all their livestock. If they decide to leave, they do so with a small portion of the livestock, with the bulk of the herd remaining with other family members.

2.1.5 Current trends influencing transhumant pastoralism in Burkina Faso

Transhumant pastoral livestock farming on large expanses of pasture is no longer possible in Burkina Faso. The population density is very high, 77.08 inhabitants per km², which implies a high demand for land for cultivation and for various development activities. The spaces formerly reserved for animals are being occupied by new actors who are investing in agriculture and arboriculture, leaving little or no space for animals.

Livestock farmers with land ties in some regions of the central-eastern, western and south-western regions are becoming sedentary agropastoralists again appelé mixed farming-livestock system. This process of sedentarization is taking place both inside and outside Burkina Faso, as shown by the interview with a herder who settled in Ghana more than 20 years ago. On this point, this sedentary breeder in Ghana confided in clear terms summarized in the following box

Sidebar: Interviews with a settled pastoralist in the Tamal region of Ghana

"You know the situation is very difficult in Burkina Faso, there are no more grazing areas, everything has been taken over by the fields, you can't even move around with the animals when you go on transhumance. You always fall into a tree plantation or long cement brick fences. For this reason, when a pastor returns to Ghana with 60 head, he returns after one or two years with about 30. The rest of the herd, that is the 30 and grows over the year spent in Ghana or the two years stay there and are kept by family members.

In the opinion of the actors met in the South-Central region, the current trend among herders is no longer an annual transhumance, but real flight migrations towards Ghana and Togo essentially. There is therefore a shift of Sahelian livestock to countries such as Ghana and Togo.

2.1.6 Conflicts and violence linked to transhumant pastoralism

On the Burkina Faso route even before reaching Ghana, the transhumant herders interviewed said they encounter many difficulties. There are practically no corridors, all the routes are occupied by fields, and farmers no longer allow grazing on crop residues as in the past. It is not uncommon for animals to consume the bundled crop residues that are still on the fields, resulting in brawls that have led to violent conflicts between transhumant pastoralists and farming populations over the past three years.

2.1.7 Key actors involved in transhumant pastoralism in Burkina Faso

The livestock sector in Burkina Faso mobilizes many stakeholders, state institutions, civil society organizations (producers, traders, butchers, customary authorities, etc.), input suppliers (private veterinarians, livestock breeders) and research and international cooperation organizations. The following table gives indications on all the main actors who are the stakeholders.

Table 5 - Burkina Faso: List of key players

Government	<ul style="list-style-type: none"> ▪ Ministry of Animal and Fisheries Resources <ul style="list-style-type: none"> ○ General Secretariat ○ General Directorate of Veterinary Services (DGVS) ○ Direction générale des aménagements pastoraux et du foncier (DGAPF) ○ DRRAH-Centre South ○ Veterinary posts of Dakola, Tiébé and Zécco ▪ Ministry of Agriculture and Hydraulic Works, ▪ Ministry of the Environment, Living Environment and Green Economy <ul style="list-style-type: none"> ○ Forestry Departments ○ South Central Regional Directorate of the Environment ▪ Ministry of Security <ul style="list-style-type: none"> ○ Border Police of Dakola and Zecco ▪ Ministry of Territorial Administration <ul style="list-style-type: none"> ○ South Central Governor ○ Prefect of Tiébélé ○ Tiébélé City Hall ○ Dakola City Hall ▪ Ministry of Economy, Finance and Development ▪ Ministry of Foreign Affairs
Civil society	<ul style="list-style-type: none"> ▪ Association for the Promotion of Livestock in the Sahel and Savannah (APESS) ▪ Billital Maroobé Network (RBM) ▪ Fédération des Eleveurs du Burkina (FEB) National Office of the Ruggas of Burkina Faso ▪ Network of Communication on Pastoralism (RECOPA)
Research Institutes	<ul style="list-style-type: none"> ▪ INERA ▪ CORAF/WECARD
Service Providers	<ul style="list-style-type: none"> ▪ Private veterinarians' offices ▪ Veterinary treatment rooms ▪ Feed Suppliers
International institution	<ul style="list-style-type: none"> ▪ Food and Agriculture Organization of the United Nations (FAO) ▪ International Union for Conservation of Nature (IUCN) ▪ World Bank through PRAPS ▪ German cooperation through GIZ ▪ Swiss development cooperation ▪ SNV Netherlands ▪ Vétérinaire sans frontières-Belgium (VSF-B)

2.1.8 Policies and strategies developed for the transformation of livestock in Burkina Faso

Following Burkina Faso's independence, the livestock sub-sector was placed under the supervision of the Ministry of Agriculture and Rural Development. The tendency has been to perceive livestock farming as a factor of production, notably the use of animals in harnessed traction or the production of organic manure, forgetting the other segments (milk and meat production) and the contribution to foreign trade which is very important as mentioned above.

From 1984 onwards, the data changed with the creation of a department in charge of livestock issues and its gradual transformation towards more stable, land-saving and space-saving systems. From then on, new eyes were fixed on the sub-sector through the creation of pastoral and agropastoral zones to settle part of the herd and let the other part continue a controlled transhumance within the country or abroad until the advent of the ECOWAS decision on transhumance in 1998.

Orientation Note of the Action Plan of the Livestock Development Policy (NOPAPDE) adopted in 1997

This note, which was approved by the government, clearly defined the major axes to be explored to achieve livestock development that would be in line with natural resources and consistent with national political and economic orientations⁶.

Action Plan and Investment Program for the Livestock Sector (PAPISE), [SEP] adopté in 2000 and revised in 2004.

The PAPISE draws its essence from the NOPAPDE. It is the operational tool of the National Policy for the Sustainable Development of Livestock (PNDE). It aims to improve the contributions of livestock to the balance of payments, added value and food and nutritional security of the population. In addition, it affirms the strategic position of livestock farming as an essential basis for the socio-economic development of Burkina Faso and takes into account the constraints of all kinds facing the sector in order to propose areas of intervention leading to the definition of priority programs and projects. Consequently, it constitutes a reference framework at the national level for development initiatives and interventions in the field of livestock. The objectives retained by the PAPISE are :

- Improve animal productivity,
- Strengthen the link between production and market,
- Strengthen the capacities of the actors and,
- Managing crises and vulnerabilities in the livestock sector.

National Policy for Sustainable Livestock Development in Burkina Faso 2010-2025

The chosen strategic option is the promotion of growth and strategic sectors (livestock meat, milk, poultry and hides and skins) in order to allow a greater contribution of livestock to : (i) wealth creation and income growth, (ii) improvement of food security, (iii) sustainable preservation of natural resources.

The challenges that are essential for the production of wealth for the benefit of the national economy and household welfare are as follows:

- Ensure sustainable growth in the national supply of livestock products: The increase in the supply of livestock products should reach very high levels to meet domestic demand and export opportunities. Interventions will have to follow two main paths, namely : (i) support for the emergence of promoters oriented towards agribusiness through the realization of structuring investments based on the modernization of production tools and the marketing of growth and strategic products such as meat, milk, poultry and hides and skins and (ii) the preservation of livestock and natural resources within traditional sedentary or semi-intensive systems (ranching). The major actions of this preservation are : (i) securing the food needs of the animals (a guarantee of sedentarization and intensification); (ii) control of reproduction and management of the genetic heritage; (iii) and the fight against major epizootics and parasitic diseases. [SEP]
- Ensuring that livestock farming makes a sustainable contribution to food security: The various estimates of animal protein consumption indicate that the contribution of livestock farming to covering the needs of the population still remains far below international nutritional standards. [SEP] Cette situation is further complicated by the rate of growth in production, which is below the rate of growth in demand for animal products, as a result of strong population growth and increasing urbanization. The country is already a net importer of milk and risks, if nothing is done, also being a net importer of meat, for which the government will find it increasingly difficult to channel the import wishes of certain traders who want to take advantage of the market for subsidized and cheap meat of dubious quality from northern countries. [SEP] It is therefore essential to provide the population with quality animal products at a lower cost. This will only be possible if : (i) losses due to youth malnutrition and disease decrease, (ii) exploitation rates increase, and (iii) production costs are controlled. In addition, given that livestock contributes to food security, it is advisable

to promote agriculture-livestock integration by supporting equipment and the adoption of appropriate technological packages. [SEP]

- Increasing and improving the competitiveness of animal products and sectors: Increasing and improving the competitiveness of livestock products concerns both the production link and the other links of the animal sectors. They will depend on sanitary, hygienic and, to a lesser extent, commercial qualities (conformity of the product to consumer expectations, absence of fraud) and necessarily on the control of production costs.
 - At the level of the production link, it is a question of mastering the management of farms in the areas of: food, health protection, reproduction, genetics, supply of inputs (zootechnics and veterinary), habitat, etc.. This should consist of: (i) strengthening the capacities of producers for the technical and economic optimization of the use of production factors, (ii) ensuring access to and use of information on prices and markets for inputs and products.
 - Downstream of production, the aim is to improve marketing by: (i) the development of structuring market infrastructure (rehabilitation and new construction in accordance with international standards and in conjunction with production centers), (ii) strengthening the technical capacities of professionals to ensure perfect control of processes and compliance with standards, (iii) regulatory monitoring.
- Sustainable management of natural resources exploited by the livestock sub-sector: Burkina Faso's dominant livestock system is closely linked to the state of the environment. In recent decades, however, there has been significant degradation of natural resources due, in part, to overgrazing due to a lack of land-use planning and anarchic clearing of land for crops (advance of the agricultural front). Ultimately, the degradation of natural resources is likely to have a negative impact on the livestock sub-sector in particular and on the environment in general. It is therefore essential to restore a balance between the livestock system and natural resources with a view to sustainable development. This requires the promotion of ranching and the development of Animal Production Intensification Zones (ZIPA).
- Promote a more efficient marketing system at the national, sub-regional and international levels: The existence of a good commercial strategy, both internal and external, is the main driving force behind the reorganization and development of the livestock sub-sector, both by improving livestock productivity and the quality of the products offered. Outside the traditional marketing channels, which have some limitations, Burkina Faso's livestock sector is struggling to find new outlets, especially with a view to product diversification. This situation is mainly due to the lack of a real marketing strategy for the livestock sub-sector. It is essential that PNDEL take up this challenge, which is one of the gateways to the socioeconomic revival of the sub-sector. It will have to rely on the principle of "downstream management of the commodity chains".

2.2 National legislation and policies on transhumant pastoralism in Burkina Faso

The policy framework of the livestock sub-sector is based on legislative and regulatory texts as well as development orientations and strategies.

2.2.1 National texts on land, livestock and pastoralism in Burkina Faso

For more than twenty years after independence in 1960, Burkina Faso had little legislation on livestock and pastoralism. The same is true for land tenure, decentralization, water and forest management, etc. In all these areas, it was the texts adopted during French West Africa (AOF) that

were used to manage public interventions in these different rural sectors. But from 1984 onwards, with the advent of the People's Democratic Revolution (RDP), there were many changes in terms of regulations and the definition of policies and strategies for the agricultural sector, livestock, land, water, wildlife and forest management.

With regard to the management of land, forests, water and the decentralisation of the territory, several legal texts were adopted by the revolutionary authorities and then by parliamentarians in order to regulate all these issues. The majority of these texts also cover the livestock sector and, in particular, the transhumance of animals and the creation of zones set aside for the social and economic sedentarisation of a large part of the herd, giving free rein to certain animals to continue to practice transhumance.

The box below gives an overview of the different texts that have been taken for a better shared management of natural resources among the different users in Burkina Faso.

LEGISLATIVE TEXTS ON LAND, WATER, FORESTS, DECENTRALIZATION, ETC.
<ul style="list-style-type: none"> • National Assembly, (2011). Law n°003-2011/AN on the Forestry Code in Burkina Faso , 53p • National Transition Council, (2015). Law No. 016-2011/CNT amending Law No. 055-2004/AN of 21 December 2014 on the General Code of Territorial Collectivities in Burkina Faso, 5p • National Assembly, (2017). Law No. 027-2017/AN amending Law No. 055-2004/AN of 21 December 2004 on the general code of territorial collectivities in Burkina Faso, 7p. • National Assembly, (2004). Law No. 055-2004/AN on the General Code of Local and Regional Authorities in Burkina Faso, 72p. • National Assembly, (2012). Law n) 034-2012/AN on the reorganization of agrarian and land tenure in Burkina Faso, 86p • Assembly of People's Deputies (1997). Law N°005/97/ADP on the environment code in Burkina Faso. • National Assembly (2001). Law N°002-2001/AN on the orientation law relating to water management, Ouagadougou^[1]_[SEP] • National Assembly (2004). Law n°055-2004/AN of December 21, 2004 on the General Code of Territorial Communities, Ouagadougou^[1]_[SEP] • National Assembly (2011). Law N°003-2011/AN on the Forest Code in Burkina Faso, 53p^[1]_[SEP]

Although these various regulatory texts mentioned above take into account livestock breeding and pastoralism, the Government submitted the Law of Orientation on Pastoralism (LORP) to the parliamentarians who voted it in order to better take into account the specificities of pastoral breeding and national and cross-border transhumance.

In the context of its implementation, of the LORP, several regulatory texts have also been taken. The table below gives an overview of all the texts that have been taken and which are of direct interest to the livestock sector and national and cross-border transhumance

LEGISLATIVE TEXTS ON PASTORALISM
<ul style="list-style-type: none"> • National Assembly, (2002). Law No. 034-2002/AN of 14 November 2002 portant^[1]_[SEP]Loi of orientation relating to pastoralism in Burkina Faso, 19p
REGULATORY TEXTS ON PASTORALISM
<ul style="list-style-type: none"> • Joint Raabo N° AN-VI/FP/AGRI-EL/MET/ME/MAT/MF of 05 September 1989, determining livestock tracks. • Joint Order No. 000/30/MRA/MEE/AGRI/MEF/MATS/MEM/MHH of July 21, 2000, regulating livestock grazing and transhumance in Burkina Faso. • Joint Order No. 2000-1/MRA/AGRI/MEE/MEF/MATS/MEM/MIHU, on the settlement of disputes between farmers and herders.

- Decree No. 2002-572/PRES of December 13, 2002, promulgating Law No. 034-2002/AN of November 14, 2002 on the orientation law relating to pastoralism in Burkina Faso.
- Decree No. 2007-407/PRES/PM/MRA of July 3, 2007 on the creation, attributions, composition and functioning of the National Transhumance Committee.
- Decree No. 2007-408/PRES/PM/MRA/MAHRH/MATD of July 3, 2007 on the conditions of exploitation of water resources for pastoral purposes.
- Decree No. 2007-410/PRES/PM/MRA/ MFB of July 3, 2007 on the general conditions of allocation, occupation and exploitation of developed pastoral zones.
- Decree No. 2007 415PRES/PM/MRA/MAHRH/MATD/ SECU/MFB/ MEDEV/MCE/ MID/MECV of July 10, 2007 on the conditions for exercising pastoral usage rights.
- Decree No. 2007-416/PRES/PM/MRA/MAHRH/MATD/ MEDEV/MECV of July 10, 2007 on how to identify and secure pastoral areas for special development and land areas reserved for cattle grazing.
- Order N°2009-20/MRA/SG/DGEAP relating to technical standards for livestock tracks.
- Order N°2009-20/MRA/SG/DGEAP relating to technical standards for livestock tracks.

In the context of a production system that is mobile, national regulatory texts alone are not enough. First of all, it is necessary within the national territory of the breeders and pastoralists to ensure that the distribution of land is equitable and that the various users have access to natural resources without discrimination before considering making up for the difficulties by signing agreements with neighboring countries in order to facilitate the peaceful reception of transhumant herders by third countries. In this spirit, Burkina Faso has signed agreements with some of its immediate neighbors.

2.2.2 Bilateral agreements between Burkina Faso and its neighbors

Burkina Faso is both a country of departure because the animals leave the national territory to enter the territories of the coastal countries. But Burkina Faso, because of its crossroads character on the western corridor, is also a recipient; several herds that leave Niger and Mali transit through Burkina Faso before continuing their transhumance movement towards Côte d'Ivoire, Benin and Togo. Thus very early on, even before transhumance became very important and caused many clashes between populations, Burkina Faso and Mali had already signed agreements in this area. The following box summarizes the situation between Burkina Faso and its neighbors.

Bilateral agreements between Burkina Faso and its Sahelian (Mali, Niger) and coastal (Côte d'Ivoire) neighbors
<p>Burkina Faso - Republic of Mali</p> <ul style="list-style-type: none"> • Memorandum of Understanding on the Seizure of Livestock (December 05, 1989) • Agreement on the creation of a consultation framework on cross-border transhumance of (May 24, 2006) • Agreement between Faso and Mali on transhumance (18 July 1988).
<p>Burkina Faso - Republic of Niger</p> <ul style="list-style-type: none"> • Memorandum of Understanding establishing a framework for consultation between Burkina Faso and the Republic of Niger on cross-border transhumance (Tillabéri, 26 January 2003)
<p>Republic Burkina Faso - Republic of Côte d'Ivoire</p> <ul style="list-style-type: none"> • Memorandum of Understanding on the creation of a consultation framework between Burkina Faso and the Republic of Côte d'Ivoire, July 30, 2013

Given the failure of some pastoralists to respect the transhumance routes determined from Burkina Faso to Togo and Ghana; Ghana and Togo have recently signed a bilateral agreement to better

control the movements, their origin but also to deal with a situation of transhumants who are often armed with weapons of war.

In tracing their trajectory with the national technical services of Ghana, it emerged that some transhumants from Burkina Faso, return to Togo from the Cinkansé gate. From there, they follow the Togolese and Ghanaian borders to the Central region of Togo and then enter the territory of the Republic of Ghana in the former territory of Volta region which was split in two in the new territorial division giving rise to Oti region and Volta. The most significant is that Nigerian transhumant pastoralists cross Benin and Togo to reach the Republic of Ghana in these two regions following the example of those coming from Burkina Faso, Niger and Mali.

These new routes used by transhumants cause difficulties for the security services. This is the obvious reason for the signing of the Memorandum of Understanding on transhumance by two countries that are not "generators" of transhumants, but host countries.

On the other hand, Ghana, which is a country of predilection for Burkinabe transhumants, has not yet signed a specific agreement with Burkina Faso. Because of the importance of transhumance for Burkina Faso, the Burkinabe authorities have submitted a proposal which is currently under discussion between the authorities and technical services of the two countries. If it is signed, it should enable better management of the TTP between the two States and reduce clashes and suspicion of introduction into Ghana of diseases such as Contagious Bovine Pneumonia (CBPP), Symptomatic Anthrax and Peste des petits ruminants (PPR) by transhumants from Burkina Faso among others.

It can be noted that with some countries like Togo, there is no written agreement for the moment. But annual consultations are regular and the Togolese authorities, as the transhumance season approaches, are diligent in carrying out missions to border countries such as Burkina Faso and Niger to give indications on the modalities of entry and exit, taking into account the agricultural calendar.

There is also the channel of regional consultations between the Central East region (Tenkodogo) and the Savannah region (Dapaong). During these regional meetings, issues of transhumance are discussed and problems are ironed out.

In addition to the legal framework for cross-border transhumance, there are strategic orientations and policies for the development of livestock farming, which is the subject of the following section.

2.3 Implementation of ECOWAS regulations by Burkina Faso and its neighboring countries

Burkina Faso in view of its geographical position is both a transit country for transhumants from Mali and Niger and a departure country for transhumants to coastal countries. It signed agreements with neighboring Sahelian countries at an early stage in order to minimize clashes between populations.

The main purpose of these agreements is to facilitate a peaceful PTT between the signatory countries. They have helped to improve regional cooperation in this area. However, the lack of knowledge of these texts by the main actors concerned due in part to their low involvement in the elaboration process and the absence or ineffectiveness of the financing mechanisms of the committees or consultation frameworks set up for the monitoring and evaluation of these agreements limit their impact on the ground. Tacitly, transhumance is managed with the Togolese authorities without any agreement being signed. It would be interesting if Burkina Faso and Togo as well as Ghana could reach agreements to better manage transhumance as soon as possible.

2.4 Conclusions on the effect of regional and national policies on conflicts related to pastoral transhumance in Burkina Faso

Transboundary Transhumance has important land aspects because land is the natural support for all natural resources that are sought after by transhumant herders as well as by farmers, fishermen and the many operators of edible wood products. Regional policies and regulatory references had provided for developments and routes that pastoralists should use to avoid conflicts of interest. These developments have either not been carried out or when they are carried out, they are occupied by other users such as farmers or miners. This has the effect of making it difficult for animals to move around and thus generating conflicts during transhumance movements. This applies to both the countries of departure and the host countries.

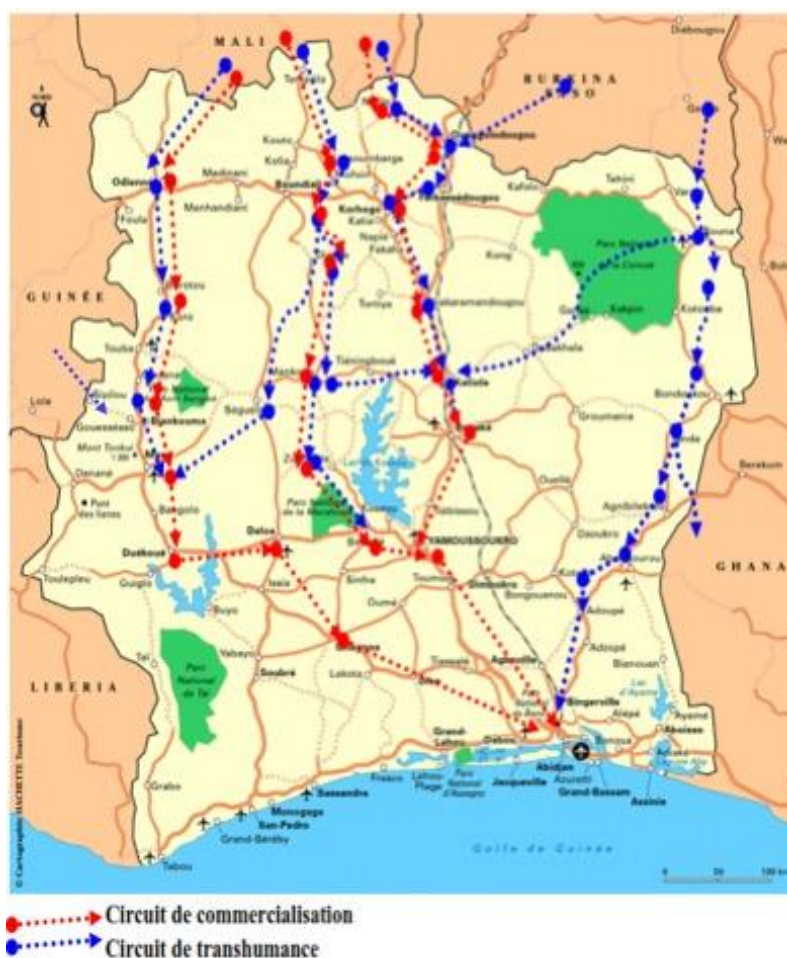
It can be said that Decision 98 and its Regulation 2003 and the various policies that have been implemented have had many limitations in their application and implementation. As proof, transhumant herders in Burkina Faso interviewed in Ghana and the national leader of the Ruggas complain about the occupation of transhumance tracks and corridors in the host areas (Benin, Côte d'Ivoire, Ghana, Togo). This overloading of animal routes through the fields is not unrelated to the conflicts that can erupt as a result of crop damage. Efforts remain to be made so that regional and national policies can have an impact on the reduction of conflicts linked to cross-border transhumance.

3. Ivory Coast

Coastal country of West Africa, the Republic of Côte d'Ivoire is located in the northern hemisphere between the Tropic of Cancer and the Equator. The country covers 322,462 km² for a population of 26.4 million inhabitants in 2020. It is bordered to the southwest by Liberia, to the west-northwest by Guinea, to the north-northwest by Mali, to the northeast by Burkina Faso and to the east by Ghana; to the south, it opens onto the Gulf of Guinea.

The ruminant herd is made up of 1,579,000 cattle, 1,796,000 sheep and 1,387,000 goats in 2012¹⁶. The sub-sector's contribution to GDP formation is estimated at 2%. Côte d'Ivoire hosts animals mainly from Burkina Faso and Mali, both for transhumance and for marketing purposes.

Figure 4 - Map of Transhumance Movements in Côte d'Ivoire



Source: T. AMALAMAN (Regional Concertation on transhumance in Bouna) August 2017

¹⁶ FAO, 2016, review of the livestock/meat & milk sectors and the policies that influence them in COTE D'IVOIRE, study report, 82 pages

3.1 Presentation of the main legislative texts and instruments for managing transhumance in Côte d'Ivoire

Ivorian pastoral law is governed by several legal texts:

Key legal texts in force on transhumance in Côte d'Ivoire (Laws, Decrees, Orders)

- Law n° 2015-537 of July 20, 2015 of Agricultural Orientation of Côte d'Ivoire (LOACI)
- Law N°2016-413 of June 15, 2016 relating to transhumance and movement of livestock
- Decree No. 96-431 of June 3, 1996 regulating grazing and livestock movements
- Decree No. 96-433 of July 3, 1996 on the settlement of disputes between farmers and breeders
- Decree No. 96-434 of June 3, 1996 establishing the principles of compensation for damage caused to farm animals
- Decree No. 95-817 of September 29, 1995 establishing the rules for compensation for crop destruction.
- Decree No. 96-432 of July 3, 1996 on the census of breeders, herdsman, shepherds and flocks and organizations of pastoral associations.
- Decree No. 98-70 of February 13, 1998 establishing the general rules for the establishment of livestock farms.
- Interministerial Order n°453/MINADER/MIS/MIRAH/MEF/MCLU/MMG/MEER/MEER/ MPEER/SEPMBPE of 01/08/2018 setting the compensation scale for the destruction or proposed destruction of crops and other investments in rural areas and the slaughter of livestock
- Law No. 96-766 of October 3, 1996, on the Environment Code
- Law No. 63-323 of July 25, 1963 on animal health in the Republic of Cote d'Ivoire
- Law n°98-750 of December 23, 1998 relating to the rural land estate Modified by law n°2004-412 of August 14, 2004
- Law No. 2014-427 of July 14, 2014 on the new Ivorian Forestry Code

Law n° 2015-537 of July 20, 2015 of Agricultural Orientation of Côte d'Ivoire (LOACI)

This law is the basis of the agricultural legislative framework in Côte d'Ivoire. It covers several sub-sectors of activities including that of animal resources. It includes several provisions relating to the animal and fisheries resources sector (Articles 86 to 88 and Articles 136 to 144). Its article 87 advocates social cohesion between farmers, breeders and foresters, and the rational, equitable and sustainable management of agro-sylvo-pastoral resources. It reinforces the institutional and regulatory framework for transhumance in Côte d'Ivoire".

Law N°2016-413 of June 15, 2016 relating to transhumance and movement of livestock

It is a law specific to transhumance, which contributes to the achievement of the objectives of the LAW. It aims at a peaceful cohabitation between farmers and breeders through a better control of animal mobility and an integration of agricultural and pastoral activities. It revolves around the following key points:

- The definition of the modalities of development and management of the pastoral agropastoral resources ;
- The obligations of the State, local authorities, breeders, farmers, pastoralists, herdsman, cowherdsman and any person involved in pastoral activities, in the context of animal mobility;
- The prevention of conflicts between farmers and breeders ;
- The definition of the modalities of management of these conflicts ;
- The fight against the raving of animals in all its forms on the national territory;
- The creation of the conditions for the emergence of a stabilized and modern breeding.

In order to facilitate access of transhumant livestock to agro-pastoral resources, this law instructs the State to create and develop exclusive grazing areas known as the "transhumant reception zone" in respect of environmental balance (Articles 6 & 11). It also authorises local authorities, professional organisations and natural or legal persons to create grazing sites (i.e. private areas) that can accommodate transhumants. Each agropastoral region is called upon to establish a calendar that

specifies the start and end dates of the annual cropping cycles, including the period of crop storage in the fields and the grazing period (article 14).

The reception and movement of transhumant livestock across national or cross-border borders are regulated by Articles 8 and 10, which respectively provide for the crossing of national borders by transhumant herds during the day at checkpoints provided for this purpose and the administrative documents to be held by transhumant herders before being allowed to enter the national territory :

- To be in possession of identity documents regularly issued by the competent services of the country of origin;
- Proof of identity and domicile of the pet owners ;
- To be in possession of sanitary documents regularly delivered by the competent veterinary services of its country of origin attesting to a sanitary status of the animals in conformity with the regulations in force in Côte d'Ivoire ;
- Be in possession of the International Transhumant Certificate (CIT) duly signed by the competent authority of the country of origin.

The transhumance law prohibits a number of practices that are detrimental to the peace. These include:

- Conveyance on foot of commercial and butcher's animals ;
- The raving of the animals ;
- Night-time movement of livestock ;
- The movement of animals off the transhumance tracks ;
- The movement of livestock on foot outside the transhumance tracks laid out for this purpose ;
- Occupation of a transhumance trail or grazing area;
- Exploitation of pastoral resources contrary to the regulations in force ;
- Pollution of water resources.

For the prevention and management of conflicts between farmers and herders, the law on transhumance makes the public administration, local authorities and other actors involved in agropastoral activities responsible for the prevention and management of conflicts (Article 17). Thus, any damage caused to crops, crops or any other property by livestock gives rise to compensation to the farmer or owner (article 19). And, any slaughter by others of livestock for damage to crops, harvests or any other property in retaliation, gives rise to compensation to the owner of the animals (article 20).

Due to the lack of implementing decrees for the law on transhumance, the old decrees concerning the management of transhumance in Côte d'Ivoire are still in force. These include :

<u>Decree No. 96-431 of June 3, 1996</u> regulates the movement of livestock throughout the national territory, establishes an agropastoral calendar that specifies the start and end dates of annual cropping cycles, regulates external transhumance and finally establishes the impoundment and penalties for all stray domestic animals.
<u>Decree No. 96-432 of June 3, 1996 requires</u> breeders, herdsmen and shepherds to be registered in their sub-prefecture of attachment; calls for the creation of departmental and sub-prefectoral pastoral associations under the conditions provided for by the regulations in force.
<u>Decree No. 96-433 of June 3, 1996</u> on the settlement of disputes between farmers and herders provides for the establishment of village commissions for amicable settlement, creates a sub-prefecture commission in each sub-prefecture and a prefecture commission for appeal and arbitration in each prefecture.
<u>Decree No. 96-434 of June 3, 1996</u> establishes the principles of compensation for damage caused to farm animals. Interministerial Order No. 28 MINAGRA/MEF of March 12, 1996 sets the compensation scales for destroyed crops.
<u>Order n°21/MINAGRA/MININT of January 22, 1997</u> creating the National Commission for Monitoring the Cohabitation of Farmers and Breeders.

MPEER/SEPMBPE of 01/08/2018 setting the compensation scale for the destruction or proposed destruction of crops and other investments in rural areas and the slaughter of livestock

It is on the basis of this decree that the Minister in charge of agriculture provides that the travel of agents in charge of reports for destruction of crops or harvests cost 60,000 CFA francs for an area of one (1) to ten (10) hectares.

Law No. 96-766 of October 3, 1996, on the Environment Code

First, the Act strengthens the land status of parks and reserves. Section 11 of the Act prohibits all forms of logging, wildlife, agricultural, mining and grazing in national parks. Transhumance is therefore systematically prohibited.

Law No. 63-323 of July 25, 1963 on animal health in the Republic of Cote d'Ivoire

This law lays down the basic animal health policy regime, which is carried out by sworn animal husbandry officials. The animal health measures include: declaration of the disease, isolation and confinement, the decree declaring the infection, inspection.

Its Decree No. 63-328 on Animal Health Regulations in the Republic of Côte d'Ivoire, amended by Decree No. 67-413 of September 21, 1967, established measures (prefectoral orders) to be taken to declare infected areas where certain diseases such as foot-and-mouth disease, contagious bovine pleuropneumonia, anthrax, trypanosomiasis, etc., are prevalent. (Cf. Title 2). A health pass is required at each veterinary station of the routes followed during the movement of animals (Article 95).

Law n°98-750 of December 23, 1998 relating to the rural land estate

It is the legal instrument of the rural land policy of Côte d'Ivoire. It takes little account of pastoralism. It is Decree 98-70 of 13 February 1998, which is more in favor of sedentary livestock farming, by laying down the general rules for the establishment of livestock farmers on rural land: *"throughout the entire rural land area, livestock farms shall be established on the basis of a simple declaration made to the services in charge of animal resources, which shall keep a register of them"* (Article 4).

Law No. 2014-427 of July 14, 2014 on the new Ivorian Forestry Code

This law hardly includes transhumant farms. However, it specifies that the rights to use classified forests are limited, among other things, to the grazing of domestic animals provided they do not present any danger to forest stands, to forest generation and plantations (article 46, paragraph 6) and, that bush fires likely to spread in the forest domain are prohibited (article 64). Early fires are authorized by prefectoral decree, on the proposal of the local forestry administration (article 65) with the aim, among others, of regenerating pastures.

3.2 Analysis of legislative texts and instruments for managing transhumance in Côte d'Ivoire

Strong points

The law n°2016-413 of June 15, 2016 relating to transhumance and livestock movements is structured around the main dimensions of livestock mobility. However, its application decrees are slow to be put in place for its implementation. Nevertheless, since recently, decrees for the application of this law have been in the process of being adopted. The first series of draft regulatory texts prepared and transmitted to the General Secretariat of the Government for review and inclusion in the adoption circuit concerns :

- The draft decree on the creation, attributions, composition and functioning of the National Committee and the regional transhumance committees;
- The draft decree on grazing and livestock movements ;
- The draft decree relating to the modalities of creation, development and exploitation of "transhumant reception areas" and private grazing sites.

Three new draft decrees¹⁷ are currently being drafted, including the :

- Draft decree setting the terms of amicable settlement of conflicts between farmers and breeders ;
- Draft decree regulating the impoundment of domestic animals ;
- Draft decree regulating agropastoral tandems.

The law on animal health, although old (1963 and 1967), includes key measures for the security of national and cross-border livestock moving on Ivorian territory.

Weaknesses

Law n°2016-413 of June 15, 2016 on transhumance and livestock movements is adopted, but its implementing decrees are slow to be put in place.

The laws on land tenure and the Forestry Code hardly integrate cross-border transhumance.

The compensation paid to officials of the agricultural services administration in charge of investigating damage caused by transhumant herds appears high and is paid to the detriment of transhumant herders.

Law No. 96-766 of October 3, 1996, on the Environment Code, specifies access to pastureland in national parks. The latter include quality pastures and water reserves during the dry season. They are much coveted by transhumant and sedentary herders during the dry season. The pastures in the immediate vicinity of the Comoé National Park (PNC) are (each year) exploited by herds of oxen.

Côte d'Ivoire does not have a national strategy document for the management of cross-border transhumance.

The rural land law does not take into account transhumant pastoral livestock farming.

Recommendations

- Accelerate the signing of decrees implementing the law on transhumance and draft new decrees, taking into account the current and future context of agricultural and livestock development.
- Revise the interministerial order n°453/MINADER/MIS/MIRAH/MEF/MCLU/MMG/MEER/MPEER/SEPMBPE of 01/08/2018 (setting the scale of compensation for the destruction or proposed destruction of crops and other investments in rural areas and the slaughter of livestock) by means of a new draft decree setting new compensation (for administrative officials) to be borne by offenders (particularly livestock breeders).
- Provide the country with a national strategy document for the management of transnational transhumance to avoid the dispersion of actions to be implemented.
- Revise the Forestry Code and the law on rural land, taking into account pastoralism and cross-border transhumance.

¹⁷ GAGO Chelom Niho (September 2019)

- Revise the law on the environment by making openings to encourage the sustainable exploitation of national parks for the benefit of livestock. The cutting of grass for silage could be encouraged for the benefit of riverside herds of cattle, under the vigilant control of the DZNE/OIPR.

3.3 Harmonization of Côte d'Ivoire's legislative texts with ECOWAS regulations on transhumance

Strong points

The drafting of Law No. 2016-413 of June 15, 2016 on transhumance and livestock movements in Côte d'Ivoire was inspired by the key elements of the ADEC decision.

The Ivorian law on domestic animal health is in line with the animal health security measures suggested by ECOWAS Regulation C/REG.21/11/10 of 26 November 2010.

Weaknesses

The Ivorian legislation on transhumance does not display strategies in relation to the dynamization of POs, the circulation of information on transhumance, the formality of transhumance campaigns, the initiation of inter-country consultations, even if in practice, some of these actions begin to be put in place little by little.

The protection strategy for transhumant herders, who are regularly admitted to practice transhumance in the country, is not clearly defined in the transhumance management laws. The latter do not guarantee the fundamental rights of transhumant herders, even if this is done in the event of conflicts.

Recommendations

- Integrate into the Ivorian legislation on transhumance and any other measures recommended by ECOWAS that are not yet included:
 - The dynamization of breeders' POs ;
 - The system for collecting and circulating information on transhumance;
 - The establishment of transhumance orientation and monitoring teams to guarantee the safety of transhumant breeders;
 - The formalization of transhumance campaigns (IEC, sensitization, etc.);
 - Formalizing the promotion of dialogue and consultation with neighboring countries on transhumance issues.
- Give force of law to the materialization of agropastoral spaces (transhumance tracks or corridors, water reservoirs, grazing areas, rest areas, etc.) in order to avoid their permanent colonization by farmers.

3.4 Assessment of the implementation of ECOWAS measures by Côte d'Ivoire

Results of transhumance campaigns in Côte d'Ivoire

Transhumance campaigns in Côte d'Ivoire are not very well documented. Similarly, the various summary reports of the activities of MIRAH's external services (RASE) do not take into account data from transhumance campaigns. The assessment of the implementation of ECOWAS measures in Côte d'Ivoire focused mainly on interviews with civil society and MIRAH actors concerned with transhumance.

Appreciations by the actors for the respect of the measures (results of the interviews in Côte d'Ivoire)

Compliance with ECOWAS measures	Acknowledgements by stakeholders of compliance with measures (results of interviews in Côte d'Ivoire) and documentation data
Possession of CIT by transhumant breeders	<ul style="list-style-type: none"> • Taking either CIT or CIT is not yet in the habits of transhumants (few of them have this important document).
Possession of identity documents by transhumant breeders	<ul style="list-style-type: none"> • Most of these breeders also do not have identification documents.
Respect of agropastoral calendars	<ul style="list-style-type: none"> • Agropastoral calendars are not yet in use in many regions. In general, it goes from January to April • The transhumance period overlaps with the ripening and harvesting of cashew nuts, as well as the period of off-season market gardening on the banks of rivers (dams) and lowlands. • Some food crops such as yam, millet/sorghum are still in grass during the transhumance period. • A situation that favors crop damage by transhumant and even sedentary livestock, and thus conflicts between farmers and herders.
Respect for transhumance corridors	<ul style="list-style-type: none"> • It is difficult for farmers to respect traditional transhumance corridors. These are not respected in places by the farmers (landowners) who occupy them with cashew nut fields. • There is a lack of knowledge of the national and sub-regional texts governing transhumance by farmers. • The surroundings of the water reservoirs for agro-pastoral use are taken over by cashew tree planters and/or market gardeners.
Requirement for farmers to cross borders within one day	<ul style="list-style-type: none"> • According to the leaders of the herders' POs, this measure is poorly respected by cross-border transhumant herders.
Respect of the ratio of the number of cattle/number of cattle driven	<ul style="list-style-type: none"> • The ratio of 1 cowherd per 50 head of beef is often not respected.
Protection of breeders in the host country	<ul style="list-style-type: none"> • In general, transhumant herders do not feel protected. At the risk of being expelled by the population, they abandon the funds to be received when farmers cause harm to their herds. • The deadly conflicts (February-March 2016) between farmers and herders still frighten transhumant herders who have almost no voice to defend their "rights".
Peaceful resolution of conflicts	<ul style="list-style-type: none"> • In general, the two parties (farmers and herders) are unable to reach an amicable settlement of their conflicts. They often resort to the sub-prefectoral commission for the settlement of disputes. • However, in some places there has been a decline in the number of conflicts handled by the sub-prefecture commission. This is the case in the sub-prefecture of Bouna and Tehrini in the region of Bounkani (peripheral localities of the PNC/OIPR) /Cf. Annexes 8 and 9. Between 2013 and 2017, there is a general downward trend in conflicts between farmers and herders settled by the sub-prefectoral dispute settlement commission (conflicts between farmers and herders). This is due to the results of the sensitization and advice provided by the sub-prefects to farmers and herders to prevent them from paying excessively high amounts.

Respect of the minimum age of 18 years for herdsmen driving transhumant herds.	<ul style="list-style-type: none"> • According to the PO managers of the herders, transhumant herders do not yet comply with this measure. They are still accompanied by young people under 18 years of age.
Implementation of an information system on transhumance	<ul style="list-style-type: none"> • The non-effectiveness of the National Transhumance Committee (CNT) does not facilitate the collection and dissemination of information on transhumance. It is difficult for the moment to obtain reliable statistics on the numbers of transnational transhumants moving to Côte d'Ivoire. • Nevertheless, the technical services of MINADER's Regional Directorates are trying to archive conflicts between farmers and herders that have been settled at their level, as are the Sub-prefectures, who are members of committees for the amicable settlement of conflicts (there are focal points on transhumance in the sub-prefectures). • Breeders' PO members are together in a fleet of MTN telephones and inform their hierarchy of the difficulties encountered by transhumant breeders. • Within the framework of the PROFIAB II (GIZ) project, tools for recording statistics on cross-border transhumance (on a small scale) are provided to the agropastoral management committees (CLGA) in the localities bordering the NCP. • The sub-prefects and the Departmental Directors (MIRAH) take advantage of conflict settlements to sensitize both parties (farmers and herders) to settle disputes amicably.
Circulation of zoo-sanitary information	<ul style="list-style-type: none"> • Weak circulation of zoo-sanitary information due to the administrative burden of the technical services for animal husbandry (point of view of the POs)
Pastoral zone management efforts	<ul style="list-style-type: none"> • The livestock sub-sector has benefited in the past (within the framework of SODEPRA's activities) from agropastoral developments (dams, livestock reception area, etc.). However, most of these facilities are obsolete and inaccessible to herds. • Since 2017, the OIPR, with the technical and financial support of KFW, has been preparing the rehabilitation of several dams in the riparian zones of the NPC, the development of grazing areas, and herd passage corridors. • In the framework of the EU-funded PREDIP implemented by Acting For Life, improvements (alignment of transhumance corridors, construction of livestock markets) are planned.
Support for the dynamization of POs	<ul style="list-style-type: none"> • The leaders of POs of breeders such as AJELAMO, OPEF and AEBRB are not (for the moment) supported by the technical services of the State. They are opposed in their dynamics by public agents who do not share their vision of concerted management of cross-border transhumance.
Organization of awareness-raising campaigns for transhumance actors	<ul style="list-style-type: none"> • Since 2012, MIRAH has been organizing awareness missions on the peaceful management of transhumance in conflict regions. In this year 2019 (month of November), the sub-prefectures (concerned by transhumance issues) of the : Abidjan-Touba-Odiénné-Boundiali, Abidjan-Korhogo-Béoumi, Abidjan-Bouna-Doropo were visited. The points developed during these meetings aim to strengthen the peaceful coexistence between farmers and breeders: <ul style="list-style-type: none"> ○ Dissemination of community and national texts relating to transhumance and livestock movements, and legal procedures for settling disputes. ○ Taking into account the concerns of the population to offer sustainable solutions to farmer-herder conflicts. ○ Discussions around the main problems to be solved for a better integration between agriculture and livestock farming. ○ Recommendations for sustainable management of pastoral resources from transhumance and livestock movements are formulated; ○ etc.
Establishment of an observatory on transhumance	<ul style="list-style-type: none"> • No observatory of transhumance in Côte d'Ivoire yet.

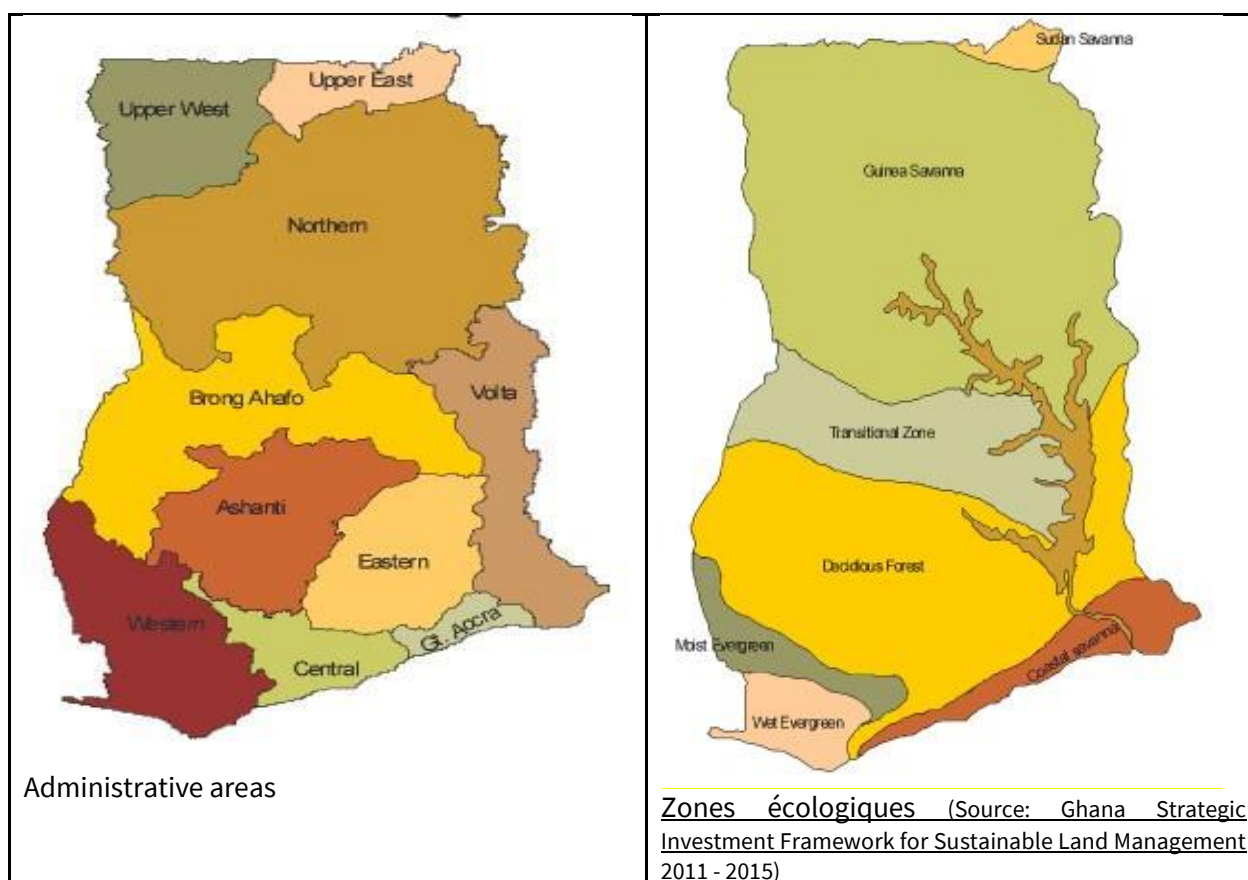
4. Ghana

4.1 Dynamics of transhumant pastoralism in Ghana

4.1.1 General characteristics of the country

Ghana is a West African country embedded between three neighbors, Burkina Faso, Togo and Côte d'Ivoire, with an area of 239,440 km². The country is organized into 16 regions as shown on the following map and has a population of 31 million. The population is predominantly urban (56%) and is growing at a rate of 2.7% per year.

Figure 5 - Map of administrative areas and map of ecological zones in Ghana



Ghana is essentially an agricultural country. It produces export crops like cocoa, cereals, tubers and roots. Fishing is also present as well as the breeding of domestic animals formerly represented mainly by short-cycle animals like poultry, pigs and ruminants such as the short bulls, sheep and dwarf goats.

The climate is favorable for the development of agriculture and animal husbandry. In fact, pastures exist in abundance due to the fact that rainfall is good, 750 mm in the north and 2000 mm when we go down to the south, where we find forested areas of the country testifying to this. The map above shows the biomass of the areas in the southern part of the territory. The abundance of biomass shows that animals can live scattered throughout the territory in all agroecology zones indicated in the map.

Livestock farming, which was dominated by bulls, sheep and goats of the Guinean breed with low meat production, is currently undergoing profound changes. The government has developed bold

organizational policies for the actors of the livestock sector with orientations directed towards intensification with space for the practice of agropastoralism.

The Government of Ghana took on the task of planning for ruminant livestock development in the 1990s, following the strong penetration of Fulani pastoralists from Burkina Faso with numerous zebu and small ruminants.

4.1.2 Status of transhumant pastoralism in Ghana

Pastoralism is a new sociological and technical-economic fact for the people of Ghana who are basically farmers and fishermen. Its practice began with the advent of the second wave of drought in the 1980s which caused the massive arrival of several pastoralists in the country over the period from 1990 to 2000 and this process continues today.

Thanks to the supervision of the technical services in charge of animal production and veterinary services, as well as the gradual integration of pastoral populations among indigenous farmers, a change in pastoral practices has been observed. With these human mergers, we observe a trend towards sedentarization, the development of agropastoralism and the increase in Ghana's livestock population as shown in the following table

Table 6 - Numbers of ruminants in Ghana (in thousands of head)

Type of animals	2011	2012	2013	2014	2015
Cattle	1,498	1,543	1,590	1,657	1,734
Sheep	3,887	4,019	4,156	4,335	4,522
Goats	5,137	5,435	4,855	6,044	6,352

Source: MOFA, from SRID (2017).

Between 2011 and 2015, animal populations increased by 21.16% for cattle, 22.05 for sheep and 31.20% for goats, respectively. These ruminant animals are spread mainly in four of the five agro-ecological zones in the following proportions: Rainforests (8.48%), Guinean Savannah (5.70%), Sudanian Savannah (27.20%) and the coastal zone (4.27%) (MoFA, 2019).

4.1.3 Trends influencing transhumant pastoralism

The policy of the Government of Ghana is clearly geared towards the sedentarization of pastoralists in order to train farmers to integrate livestock into their agricultural activities on the one hand, and on the other hand, to train pastoralists who tend not to leave Ghana anymore towards agropastoralism.

In order to encourage pastoralists to change their mode of production, three sites have been identified and they are in the process of being demarcated with a view to providing hydraulic equipment, vaccination parks, animal passage corridors, creating fodder reserve banks for the herders and promoting ranching. The sites selected are in the box below. The government's choices are guided, among other things, by the concern to reduce conflicts and increase national production, which currently covers only 50% of national demand (Beaujeu, 2014).

Box: Intensification and sedentarization zones in Ghana

Afram Plains North District to initially set 6,000 cattle with the possibility of up to 10,000 cattle ;

Sekyere Afram Plains, in the municipality of Asante Akim North which is a preferred area for transhumant herders from the Sahel;

Fanteakwa North District in Eastern Region, near Volta Lake. The Volta Lake area is planned on this site, approximately 76,133 hectares are planned.

4.1.4 Conflicts and violence linked to transhumant pastoralism

Within Ghana's territory, cases ranging from low-to-violent conflicts were reported during interviews with Ghanaian authorities and officials of the Embassy (Accra) and Consulate of Burkina Faso (Kumassi) to the Republic of Ghana.

Interviews with the heads of the Directorate of Animal Production, Veterinary services Directorate, the Chairman of the Ghana National Committee on Pastoralist Management and Ranching Development in Accra, the national leaders of Ghana's farmers', pastoralists' and herders' associations, and the RBM National Focal Point indicate that the high level of conflict that existed some 20 years ago has now been significantly reduced. They link this positive development to the fact that the authorities under the protocol on free movement and implementation of transhumance regulations are working towards a good coexistence between the two economic groups, transhumant pastoralists and agropastoralists on the one hand and peasant farmers on the other.

But it is not uncommon for conflicts to arise because, according to some interviewees, young shepherds sexually assault young girls and sometimes married women; in addition to these moral issues, there is the eternal damage to cultures that persists. The committees set up in the districts and local assemblies make it possible to smooth the way and, if necessary, to resort to the police when the pastoralists at fault flee or if they do not acknowledge their wrongdoing.

The leaders of the breeders' associations and the pastoralists we met in Kumassi and Tamalé are a bit nuanced about certain conflicts. They do not recognize all the grievances, particularly the rapes, without totally denying them. They say that most often it is apans who are handed out to young shepherds to trap and thus force parents or owners to make compensation in live animals.

On the other hand, as far as damage to fields is concerned, they do exist, but their frequency has decreased, although the populations refuse, despite awareness raising, to leave the road tracks for the animals. In fact, the pastoralists' movement corridors that have been agreed upon have not yet been materialized due to lack of funding.

The reason for these clashes is said to be related to the fact that the village had decided to build a secondary public school. In this case, all the inhabitants had to contribute. The agropastor leader of the Burkinabe pastoralist community refused to contribute, claiming that these children are not in school and that those who are, attend in a large center other than the village.

The brawls that arose from this behaviour by one family head almost rubbed off on several other families. The sanction adopted by the indigenous communities was the expulsion of all the Fulani pastoralists from the village of Bakurigu. It was necessary for the Consul General, the notables and the Fulani leader covering the Ashanti region (Kumassi) and the Northern region to travel to the field to mediate.

4.1.5 Key actors involved in transhumant pastoralism in the Republic of Ghana

The livestock sector in the Republic of Ghana mobilizes many stakeholders such as state institutions, civil society organizations, producers, traders, butchers, customary authorities, input suppliers, private veterinarians, livestock breeders and international cooperation agencies. The following table gives indications on all the main actors who are the stakeholders.

Table 7 - Ghana: List of Key Players

Structures	Key players
Government	<p>MoFA</p> <ul style="list-style-type: none"> ✓ Animal Production Directorate ✓ Veterinary Services Directorate ✓ Ghana Cattle Ranching Project ✓ Pastoral Management Committees ✓ Agricultural Development Divisions of the Metropolitan Municipal and District (MMDAs) <p>Ministry of Interior</p> <ul style="list-style-type: none"> ✓ Ghana Immigration Service (GIS) <p>Ministry of Land and Natural Resources</p> <ul style="list-style-type: none"> ✓ Lands Commissions <p>Publics and private Media, Local Government</p>
Civil society	<ul style="list-style-type: none"> ▪ Traditional Authorities ▪ Peasant Farmers Association of Ghana (PFAAG) ▪ Ghana National Association of Cattle Farmers (GNACAF) ▪ Ghana National Federation of Livestock Inter-Professional ▪ Reseau Billital Marobè (RBM), Tamalé ▪ Ghana Developing Communities Association (GDCA); ^[11]_[SEP] ▪ Pong-Tamale Breeding Station in the Northern region; ^[11]_[SEP] ▪ Bawku Livestock Traders and Producers Association; ▪ Tabitaal Pulaku Association, representation of Ghana, ▪ Center for indigenous Knowledge and Organisational Development
Research Institutes	<ul style="list-style-type: none"> ▪ University of Ghana, ✓ Department of Animal sciences, Legon ✓ Department of the University for Development studies (UDS) ^[11]_[SEP] ▪ West African Science Service Centre on Climate Change and Adapted Land Use (Wascal)
Service Providers	<ul style="list-style-type: none"> ▪ Private Vet. ▪ Provendiers
International institution	<ul style="list-style-type: none"> ▪ FAO ▪ SNV-Netherlands ▪ Care International

4.2 National texts on transhumance

Ghana has not yet legislated on the issue of transhumance. However, there are ideas to submit to parliament a text that will regulate mobile livestock farming with reference to community provisions. But the country has established agreements with its neighbors to manage transhumance.

4.2.1 Bilateral agreements between Ghana and its neighbors

Ghana borders Burkina Faso to the north, Côte d'Ivoire to the west and Togo to the east. It is entirely a host country for transhumant pastoralists from Burkina Faso and other countries such as Niger and Nigeria. Herders from Niger and Nigeria return to Ghana through the Togolese borders after crossing Benin, a country bordering Nigeria. To this end, Ghana signed a Memorandum of Understanding¹⁸ with Togo in December 2019 with the aim of supporting each other in controlling the security aspects with the proliferation of small arms and war weapons. The MOU defines two

¹⁸ Memorandum of understanding on cooperation in transboundary transhumance between the Ghana cattle ranching committee (GCRC) and Togo national transhumance committee (CNT)

objectives: i) to control transhumance and ii) to ensure the control of small arms and light weapons of war.

On the other hand, Ghana, which is the main recipient of Burkinabe transhumant pastoralists, has not yet signed a specific agreement on cross-border transhumance with Burkina Faso. A project is under discussion between the two States.

In addition to the laws and legal texts of application which are necessary for the conduct of transhumance and the development of livestock farming. It is true that on the legal level, Ghana has not made much effort to include ECOWAS regulations on cross-border transhumance in its legal arsenal, but it has nonetheless set up a National Transhumance Committee which is functioning well. It is led by a former retired civil servant. Although Ghana has not enacted regulations to better manage pastoralism and transhumance, it should be noted that the promotion of a productive sector implies clear policies. What is the situation in this area in Ghana? What are the policies and technical orientations for the development of the livestock sub-sector?

4.2.2 National policies for the development of livestock development and supervision of transhumant pastoralism in Ghana

Ghana's medium-term national development policy framework has been guided since 2010 by the Ghana Shared Growth and Development Agenda (GSGDA). Covering the period 2010-2013, the first GSGDA focused on a structural transformation of Ghana's economy based on the country's industrialization, modernization of agriculture and development of natural resources. It was followed by a second GSGDA for the period 2014-2017 (UNECA, 2017). The Medium Term Agricultural Sector Investment Plan (METASIP) is the framework for the operationalization of the GSGDA in the rural sector. It provides all actors in the sector with a reference framework that allows them to include their actions in a shared national program and to assess their respective contributions to its implementation. METASIP is also the implementation framework for the Comprehensive African Agriculture Development Programme (CAADP) and the Agricultural Policy of the Economic Community of West African States (ECOWAP/ECOWAS). It identifies livestock as one of the priority sectors and as such, since 2000 for the three decades upto 2029, Ghana has formulated three policy documents for livestock development. The three development policy documents set the main orientations of the sector in terms of production, intensification, and organization and capacity building of stakeholders.

The government's vision for livestock is to create the conditions for the establishment of *"a well-developed, modernized, efficient and profitable livestock industry capable of meeting all the nation's livestock needs in a sustainable manner and in harmony with human livelihood support for poverty reduction and national economic growth"*.

The government's objectives for the livestock sub-sector by 2015 were to increase the production of livestock products. It was indicated that by 2015, an increase of 10% for sheep, 15% for goats and pigs, 10% for poultry and only 5% for beef was to be achieved (Beaujeu, 2014).

The main arguments in favor of increased livestock production that were raised in discussions with MoFA officials were:

- The contribution of agro-pastoralism to the reduction of vulnerability;
- The negative effects of massive imports on the exchange rate;
- The irregularity of intra-regional supplies.

The major directions provided in the two policy documents, the completed and the recently developed one, are listed below.

MOFA, (2004). Livestock development of Ghana, policies and strategies, 2004 et 2019
<ul style="list-style-type: none"> - Focus on animal health - Improving access to inputs - Improving the performance of local breeds through genetic selection programs - Priority should be given to developing the poultry trade to increase meat production in the short term, while measures are taken to transform small producers into profitable businesses. - Improve operators' access to technologies and financial instruments in order to improve their competitiveness vis-à-vis imports - Improve processing and marketing of animal products - Raise awareness on livestock transport regulations - Develop livestock statistics and information systems.

Source: PFA and GNACF, (2016). Ghana pastoral development policy and strategies, Accra, 49p

Two rural movements are very dynamic in promoting their activities and defending their interests. They are the National Farmers' and Peasants' Association of Ghana and the National Farmers' and Livestock Breeders' Association of Ghana. They have cells throughout the country. They have federated their views to formulate a policy document that guides their action and is an advocacy tool with the State and donors for the financing of their activities. The areas of intervention are grouped into 13 points in the following box

PFA and GNACF, (2016). Ghana pastoral development policy and strategies, Accra, 49p
<ul style="list-style-type: none"> • Improvement of Sedentary Ruminant Production; • Education/Awareness of Pastoralism ; • Trans-boundary/Cross Border Management (Entry and Departure of Pastoral Herds); • Corridor for Pastoral Herds; • Pastoral Grazing Reserves; • Trans-boundary Livestock Diseases ; • Input and Service Delivery ; • Marketing and Trade; • Pastoral Stakeholder Capacity Building; • Pastoral Conflict Prevention, Mitigation and Management; • Pastoral Support Fund ; • Pastoral Entry Deposit and Taxation; and • Enforcement of Pastoral Regulations.

4.3 Conclusions on the Effect of Regional and National Policies on Pastoral Transhumance Conflicts in the Republic of Ghana

Land is the main source of natural resources, and in Ghana 80% of the land is owned by Families and Communities, headed by Customary Chiefs who have the role of coordinating the distribution of land (Yeboah, E. and Kakraba-Ampeh, M. 2016). It is therefore clear that access to natural resources is subject to agreements with the communities and families who are the various land holders. Pastoralists seem to have well assimilated this functioning of land management in Ghana, therefore, in recent years the numerous skirmishes and deaths of men and livestock in the 1990s and 2000s are no longer important. These positive developments in the cohabitation between pastoralists and indigenous people have been possible also thanks due to the commitment for the social and economic development of the country by the government, which is peace-loving.

Consequently, the services of the Ministry of Agriculture and Food Security, the national structures in charge of land management and the regional governments are conducting sensitization missions in the areas where transhumant pastoralists are concentrated.

5. Guinea

The Republic of Guinea lies between 7°30' and 12°30' north latitude, 8° and 15° west longitude, and covers an area of 245,857 km²; its population will reach 13.1 million in 2020¹⁹. It is bordered to the north by Senegal and Mali, to the east by Côte d'Ivoire and to the south by Sierra Leone and Liberia. It is a host country for transhumant herds, mainly from Mali.

5.1 Dynamics of transhumant pastoralism in Guinea

5.1.1 Context of transhumant pastoralism in Guinea

Livestock farming provides income for about 30% of the rural population and contributes 20.9% to agricultural GDP and 4.5% to national GDP (2012). According to the FAO, 2017, the Guinean livestock is composed of 7.1 million cattle, 2.6 million sheep and 2.9 million goats.

Geographic and climatic conditions: Guinea presents a great diversity of landscapes related to the physical conditions that characterize them.

Guinea is divided into two climatic zones: the tropical zone for most of the territory and the sub-equatorial zone for South East Guinea. The annual rainfall regime is uni-modal with cumulative annual rainfall ranging from 1000 mm to 5000 mm throughout the country. (MEEF, 2018).

The evolution of annual average temperatures and rainfall over the last three decades indicates that Guinea has been experiencing since the 1970s a gradual decline in annual rainfall and the number of wet days is decreasing with changes in rainfall patterns leading to an increase in the frequency of droughts and floods (MEEF, 2018).

Figure 6 - Map of the natural regions of the Republic of Guinea



Source: Ministry of Agriculture, Livestock, Environment, Water and Forestry, 2006.

Agropastoral production systems in Guinea: The livestock production system in Guinea is an extensive system characterized by animal feeding based mainly on natural pastures. Fodder crops are very little practiced. Agricultural and agro-industrial by-products like cotton seeds in Upper

¹⁹ <https://www.worldometers.info/world-population/guinea-population/>

Guinea and Middle Guinea, peanut husks in Upper, Middle and Lower Guinea, palm oil cake in Forest Guinea are not used by the breeders that much. Middle Guinea (Gaoual and Boké zone) has the highest number of herders and livestock, followed by Upper Guinea.

In Fouta Djallon, essentially Fulbe-Fulani, the population is sedentary and agropastoralism is the norm in rural areas. A distinguishing characteristic is that the livestock is without herders. According to the Guinean Pastoral Code, farmers are responsible for fencing their fields (made of natural materials) to prevent livestock from entering and to monitor their farms. Similarly, shepherds are responsible for putting their livestock in pens at night if they are near farms. Land is used for agriculture and pastoralism and can be rotated from year to year.

Pastoralism exists in the four geographical regions of Guinea but is more present in Middle and Lower Guinea, especially in the strip bordering Guinea Bissau. It is also in this band, which is essentially foulaphone, that Guinean cattle are concentrated and where the largest herds are found (around Gaoual in particular).

Pastoral transhumance in Guinea: Although less important in comparison to what happens in the Sahel, Guinean livestock is also subject to cyclical movements that can take the form of simple seasonal relocations (cattle usually present in the plains move upwards during the rainy season, as observed in the prefecture of Koundara), small transhumance on an inter-communal scale or large transhumance (between regions), including across borders.

Internal transhumance is westward from Middle Guinea to Maritime Guinea (Boké, Boffa) and can continue to the Sierra Leonean borders. It is also carried out towards the East in Upper Guinea and also from this region (around Kankan) towards Faranah and even Kissidougou and Beyla in the forest region. Because of pressure on dry season grazing around Boké and Boffa, aggravated by mining, fewer herders transhumance to the maritime areas and more to Gaoual and Koundara (UNOWAS, 2018).

Transboundary transhumance of Guinean herds was traditionally carried out mainly from the Boké region (Boké, Gaoual) to Guinea-Bissau (vast Kankelafa pastures). This transhumance also affects Télimélé, in the central highlands southwest of Fouta Djallon (UNOWAS, 2018). Such an important corridor, which originates in the Mamou area, allows transhumant cattle to be transported via Forécariah to Sierra Leone. Also, marginal cases of cross-border transhumance of animals from Guinea are encountered at the Senegalese (animals coming from Koundara and Mali to Salemata, Linkering) and Sierra Leonean borders (from Kissidougou, Faranah region).

While Guinea was an uncommon destination for Sahelian pastoralists, due to unfavorable climatic and animal health conditions for these animals, a massive influx of transhumants has been observed for some time with climate change, coming mainly from Mali but also from Burkina Faso and Côte d'Ivoire. The herds coming from Burkina are transiting through Côte d'Ivoire, particularly in the Odienné region; it is believed that the herd declared as Ivorian also comes from this country and Mali. The Malian herds generally follow the Siguiri, Mandiana (Upper Guinea) corridor towards Kissidougou and the different regions of the forest region, in particular Beyla, Lola, Macenta, Guekedou. The arrival peaks of these transhumants are between March and April for returns in June-July. Some of them settle there temporarily (up to 5 years) or permanently. This transhumance is the cause of resource degradation and various conflicts (with the administration, farmers and resident herders) that sometimes take on dramatic proportions. On the northern side of the country in Middle Guinea, temporary incursions of sheep herds from Senegal (Mali commune) are observed in an episodic and calm manner.

5.1.2 Recent Trends Affecting Transhumant Pastoralism in Guinea

Pressures on natural resources

Guinea is today faced with a degradation of natural resources characterized by the retreat of the forest, the progressive drying up of rivers, the degradation of agricultural land, the reduction of pastoral resources and the overexploitation of fishing resources. In addition, the generally fertile soil is being degraded by agricultural practices that negatively affect the vegetation cover (bush fires, deforestation, slash-and-burn agriculture, shortening of fallow periods) (Ministry of Agriculture, 2012).

The increase in the population has led to a strong pressure on natural resources causing a frantic race for land capital. Reports of occupation of grazing land and obstruction of livestock tracks have been made for various activities such as market gardening, irrigated farming, the installation of farms and urbanization. This situation is aggravated by the practice of bush fires that destroy the vegetation cover. All this considerably reduces and degrades both pastoral spaces and pastoral resources. A fodder deficit is then observed in some places, leading to conflicts between farmers and herders.

The scarcity of pastoral resources and the difficulties of watering are especially accentuated during the dry season, a period during which feeding is based on pastures located along rivers and streams and in the lowlands where transhumant herds converge.

Guinea suffers from water shortages in the dry season, in the grazing areas and along the routes. Villages, whether devoted to cultivation and/or livestock breeding, also face water shortages. Water scarcity is one of the main factors encouraging transhumance in the dry season.

Weakness of the facilities

Both in the livestock refuge areas and along traditional or official transhumance corridors and tracks, facilities are inadequate. In the commune of Koundara, for example, the alternative pastoral zones²⁰ serve as refuges in the rainy season for cattle from the flood plains, but these zones have not been sufficiently developed to keep the cattle there long enough and keep them away from fields that are not always fenced off despite the prescriptions of the pastoral code. Also, most transhumance corridors are not marked out and channelization of the herds becomes difficult for the herders, who thus expose themselves to damage to fields located on the edges of the grazing areas and to all kinds of harassment.

Livestock theft

Cattle theft, which is of different types, is rampant on livestock farms in Guinea. They have sometimes been described as perpetrated by opportunists taking cows left unattended (as in Fouta Djallon during the dry season) and others by gunmen shooting cattle along transhumance routes and selling their meat. Guinea has a well-developed system of marking animals for security purposes so that owners can be easily traced. This helps reduce livestock theft and facilitates the traceability of thieves.

5.1.3 Conflicts related to pastoral transhumance

These conflicts are recurrent and generally minor throughout the country; but they are becoming worrying in Upper Guinea and especially in Forest Guinea (Beyla, Lola, Macenta, Guekedou) because of the increasing presence of Sahelian transhumants, which is accompanied by bad practices (lack of identity documents and transhumance, corruption, aggressiveness, reduction of declared numbers, complicity with certain local officials, etc.), some of which are not compatible with local

²⁰ Alternative pastoral zones are areas identified by the administration in consultation with the communities, developed and serviced with the support of development projects.

cultural convictions in resource management. The religious and spiritual beliefs of forest peoples, in relation to the natural environment, may not always be known or respected by the predominantly foreign and Muslim herders. Also, in this region where only small ruminants and pigs were reared and where only perennial cola farming was practised, transhumant herders are perceived as invaders. This is why, in some localities such as Mankountan, the inhabitants only allow transhumants to come and go without their livestock (UNOWAS, 2018). In 2016 and 2017, in the forest zone, clashes were thus recorded in 2016 and 2017, with significant material damage, imprisonment and numerous human victims. The role of the judicial and local administration in managing relations between farmers and herders can also be contentious in circumstances where the community's confidence in the state is limited.

5.1.4 Key actors in the field of transhumant pastoralism in Guinea

The table below presents the main actors involved in the governance of pastoralism in Guinea. It is particularly noteworthy that in this country, civil society actors in the livestock sector in all its diversity including cattle-meat, pork, dairy and poultry sectors are united in a common framework, namely the National Confederation of Socio-professional Organizations in the Livestock Sector in Guinea (CONASEG), which is structured into regional federations and prefectural unions by sector.

Table 8 - Guinea: List of Key Players

Category and Key Players
Government Institutions
Ministry of Animal Husbandry
BSD
Regional Livestock Inspections
Prefectorial Directions for Livestock
Breeding stations
Transhumance committees
DRB
Civil society
CONASEG
Regional federations of the cattle-meat sector
Prefectorial unions of the livestock-meat sector
Regional federations of the milk sector
Prefectorial unions of the milk sector
Research Institutes
Veterinary schools
International Community
FAO
European Union
IFAD

5.2 Legislation and policies on pastoralism in Guinea

5.2.1 The policy framework on pastoralism in Guinea

- Vision 2040 for an emerging and prosperous Guinea
- National Plan for Economic and Social Development (PNDES: 2016-2020)
- National Agricultural Development Policy (PNDA, 2017) ;
- National Agricultural Investment and Food Security Plan (PNIA-SA)
- Land policy in rural areas.

Vision 2040 for an emerging and prosperous Guinea: aims to build by 2040 an emerging and prosperous country, master of its destiny, ensuring a high level of well-being for its people and guaranteeing the future of future generations.

National Economic and Social Development Plan (PNDES: 2016-2020): operationalizes the "Guinea Vision 2040" with the overall objective of "promoting strong and quality growth to improve the well-being of Guineans, bring about the structural transformation of the economy, while putting the country on a sustainable development path".

National Agricultural Development Policy (PNDA, 2017): aims to make "Guinea an emerging agricultural power in 2025, with an economically and socially viable mode of production", it aims overall to "increase the contribution of the agricultural sector to food security, nutrition and poverty reduction of Guinean populations".

Rural Land Policy (Decree D/2001/37/PRG/SGG): aims to promote economic and social development by securing rural land rights, foster the development of agriculture, improve sustainable resource management and enable the development of a transparent and equitable land market (Art. 2).

5.2.2 The legislative framework on pastoralism in Guinea

On the legal front, the Government has undertaken important legal and institutional measures, with the support of development partners. Global and sectoral laws and regulations have been adopted and promulgated, including the following:

- Ordinances 045/PRG/87 and 022/PRG/89 on the code for the protection and development of the environment adopted in 1987;
- Order 0/92/019 of March 30, 1992 on the land and state code promulgated by the 29/08/1995;
- Order n° 075/PRG/SGG/89 of December 12, 1989 on animal health policy
- Law L/94/ 005/CTRN of 15 February 1994 on the water code
- Law L/95/036/CTRN of June 30, 1995, on the Mining Code
- Law L/95/046/CTRN of August 29, 1995, on the Code of Livestock and Animal Products;
- Law L/95/51/CTRN of August 29, 1995 on the pastoral code;
- Decree D/97/215IPRG/SGG of 23 September 1997 regulating Transhumance.
- Law L/99/013/AN on the Forestry Code (adopted in 1989) revised in 1999

Order 0/92/019 of March 30, 1992 on the land and state land code

This code enshrines the private appropriation of land in Guinea. It constitutes the legal basis for the administration and management of both private and public lands. It contributes to the improvement of the legal risk of ownership.

Law L/94/ 005/CTRN of 15 February 1994 on the water code

The law establishing the water code is taken to rationally manage the permanent quantitative and qualitative inventory, protection, development and optimal use (art.1) of all the continental waters of the Republic of Guinea considered as belonging to the natural Public Domain of the State (art.4). The law admits free use (inalienable access) to water resources to any person for domestic purposes (human food, hygienic care, washing, plant and animal productions reserved for family consumption) (art. 6). However, the user is obliged to exercise his right in such a way as to preserve the availability of the resource in quantity and quality and not to harm other users. No priority in principle is established between different uses other than the supply of drinking water, including human consumption. Customary priorities within local communities are required (art. 20).

This law has a globalist vision because it does not clearly define the usage rights of the different users of water resources and is based on customary management which often marginalizes the rights of pastoralists. This could lead to conflicts between different users.

Law L/95/036/CTRN of June 30, 1995 on the Mining Code

This law defines the conditions for obtaining mining and quarry titles as well as the conditions for operating mines and quarries. This law stipulates that mining or quarrying operations must be conducted in such a way as to ensure the rational exploitation of natural mining resources (art. 15) and to ensure environmental protection in accordance with the Environmental Code (art. 16). Companies are also enjoined to take the necessary measures for the prevention of environmental pollution, for the treatment of waste, emanations and effluents, and for the prevention of forest and water resources. In spite of these provisions, in practice, many mining companies have been found to be in breach of their obligations and have monopolised large areas of land, including grazing land, particularly in mining areas (Boké, Boffa, etc.).

Law L/95/046/CTRN of August 29, 1995, on the Code of Animal Husbandry and Animal Products

The law L/95/046/CTRN of August 29, 1995 enacts the provisions relating to animals, their products and, in general, veterinary public health. It aims, among other things, (i) the movement of animals and the problems posed by grazing and watering, (ii) the monitoring of animal health and the control of animal diseases transmissible to humans or detrimental to the country's economy, and (iii) the safeguarding of the natural environment of animals (art. 2). It takes into account (art. 3) the traditional techniques and ancestral methods of conflict resolution or the fight against natural or structural difficulties that arise.

The Livestock Code deals with the custody of animals (ownership and responsibility) (Title II), animal production (feed, breeders' groups, breeds and breeders) (Title III), and their movement (movement, trade/exchange, import/export) (Title IV). In addition, in its Book II, this law deals with animal health.

This law deals with transhumance (art. 28) only to refer to the health risks that can result from it and the measures that should be taken in these circumstances.

Law L/95/51/CTRN of 29 August 1995 on the pastoral code

The present Code aims to provide traditional Guinean livestock farming with an appropriate legal framework that will give it greater security in its existence, and to promote its development through more rational management of pastoral areas and better integration with agriculture. It lays down the legal principles relating to the organization and exploitation of natural resources for breeding

purposes, the guarantee of pastoral use rights and the settlement of disputes between breeders and farmers. The document also defines transhumance and its conditions of exercise (periods of departure and return of animals, the keeping of animals in transhumance, periods of tolerance of livestock raiding), gives the basis for the settlement of farmer-livestock farmer conflicts and finally proposes the establishment of a pastoral management fund for the improvement of traditional livestock farming and to support the management efforts initiated by the approved livestock farmers' groups. The law stipulates that the conditions of access to pastoral zones are free (art. 14) and gives legal entities under public law the possibility of creating managed pastoral zones (ZAP) and decentralized communities the possibility of establishing communal pastures for the benefit of local herders (art. 24). It further specifies that these pastures are freely administered by the local authorities to which they belong, subject to any specific rules that may be laid down by regulation (art. 27). This law improves the water code by specifying that animal access to water points is by delimited routes. A safety zone is delimited by local authorities around each livestock watering point in order to facilitate access and to avoid animal intrusion into neighboring farms (art. 45).

Also, in its articles 75 and 76, the pastoral code recognizes the use of natural resources for pastoral purposes and defines the real rights of pastoralists with the restriction of not overexploiting resources and respecting the customary rights of users.

Adopted at the same time as L/95/046/CTRN on the code of animal husbandry, there is no proven contradiction between these two texts, which appear to be complementary (Touré, 2004). However, there are two contradictory logics regarding livestock farmers' access to natural resources: on the one hand, an option to preserve the principle of community access, and on the other hand, that of privatizing pastureland (Touré, 2004).

Decree D/97/215IPRG/SGG of 23 September 1997 regulating transhumance.

This decree, following a typology of transhumance, sets out the conditions for the exercise of internal transhumance (chap. II, arts. 4 to 6), which must be carried out in compliance with the provisions of the pastoral code and those of the code for livestock and animal products, and cross-border transhumance (chap. III, arts. 7 to 10). The law admits transhumance in all its forms and the conditions for exercising it are clear. For example, the reception of foreign transhumants is subject to various conditions, including the duty for them to have a health pass, a valid vaccination certificate against epizootic diseases that occur, or an international transhumance certificate (art. 7). Penalties are provided for any deviation from the provisions (arts. 9 and 10).

Finally, decree D/97/215IPRG/SGG of September 23, 1997 regulating transhumance provides (art. 12) for the creation of transhumance management committees (local and inter-prefectoral) to rule on conflicts that may result from this practice.

Law L/99/013/AN on the Forestry Code (adopted in 1989) revised in 1999

This law makes Guinean forests of national interest (art. 1) and provides for their management according to a national forest plan (art. 3) to be applied to the regions, prefectures and communes (arts. 4 to 12). There are four forest estates (art. 17): (i) the State forest estate, (ii) the forest estate of decentralized communities, districts and villages, (iii) the private forest estate, and (iv) the unclassified forest estate.

Common rules for the exploitation of forests exist and article 58 makes any cutting of trees outside enclosed land and housing areas conditional on the issue of a cutting permit subject to the prior payment of a stumpage fee (art. 62).

Recognising the customary rights of the populations traditionally living in or near the forest estate (art. 94), Law L/99/013/AN defines measures to protect forests against any form of degradation or destruction caused, in particular, by over-exploitation, over-grazing, fires, burning, abusive clearing,

diseases, the introduction of unsuitable species and desertification (art. 71), and criminal and pecuniary penalties are provided for.

The provisions of this law are generally consistent with those of the Guinean pastoral code.

5.2.3 Implementation of the ECOWAS protocol on transhumance (1998) in Guinea

Cooperation frameworks for cross-border transhumance between Guinea and its neighbors and their functionality

According to the results of our interviews, the texts regulating pastoralism are not well appropriated by the actors, especially the main concerned, whether they are Guineans or foreign transhumants. The technicians are well aware of the community texts on transhumance, but few of them have seen them and even fewer are aware of their content. Many farmers, on the other hand, have never heard of them. One can therefore think that the management of pastoral livestock in this country is essentially based on internal texts. Fortunately, and despite the absence of formal bilateral agreements with neighbors on the subject, the Guinean State has a fairly rich legal arsenal in the area of pastoralism (pastoral code, livestock code, decree regulating transhumance, etc.), which is relatively consistent with each other and is generally in line with the spirit of community texts. However, the management of transhumance takes place in a context where, even though the legal texts try to give it its place as a production system in its own right, the political strategies (PNDA, land policy) are not sufficiently clear on the subject. At the local/community level, instruments (local transhumance committees, inter-prefectoral transhumance committees) and institutions (Rural Development Communities; CRDs) try to ensure free access to pastoral areas and to define pastoral zones and alternative pastoral zones for their development. However, it is not always easy for these decentralized structures to reconcile the interests of groups of actors (farmers, small herders, large herders) who, each at their own level, try to make the best possible use of the advantages provided by the texts for their group while rejecting provisions that are unfavorable to them. These structures are, moreover, entangled in contradictions among themselves. For example, while the committees, which include technicians, are the technical arms of the DRBs, the former sometimes find that decisions are taken in contradiction to the texts without their opinion. Also, their technical opinions are often ignored by the local authority, which may enter into agreements with transhumants, particularly foreign transhumants, in exchange for benefits that are kept secret. Besides, even if the State has made relative efforts in supporting pastoralism (pilot project for the development of transhumance in Maritime Guinea from 1992, support project for the management of the peripheral zone of the Badiar Park from 1994, support project for integrated resource management (AGIR) from 1997, etc.), the weak spatial planning further complicates the situation. Thus, herders, especially foreign transhumant herders, concerned about the welfare of their animals, stay close to fields that are not usually fenced off as required by law. Situations of conflict, sometimes violent such as those in Ténifily and Mankountan (the transhumance route linking Téliélé to Boffa and Boké) between 1991-1992 or those between 2016-2017 in the forest zone, can result and the process of resolving them follows the same pattern both for internal transhumants and those coming from third countries.

Application of ECOWAS regulations in Guinea :

The following table summarizes the level of compliance with EU regulations in this country.

Table 9 - Guinea: Summary analysis of the level of compliance with Regulation C/REG.3/01/03

State obligations	Level of implementation
Article 1	
Organize information, communication, awareness raising, training and education campaigns/sessions for	This is not effective in a formal way because many actors, sometimes even technicians, do not have a good

State obligations	Level of implementation
transhumant herders and the various actors involved in transhumance in the areas of departure, transit and reception of transhumant herds.	knowledge of community texts. Awareness raising can be conducted occasionally.
Establish or revitalize pastoral organizations at the national level, particularly herders' associations, so that they contribute to better management of transhumance, as well as to the prevention and management of transhumance-related conflicts.	The National Confederation of Socio-professional Organizations of the Livestock Sector in Guinea (CONASEG) is the federative framework for all actors in the livestock sector in Guinea. It is increasingly interested in the issue of transhumance.
Create national bodies (committees, networks or any other structures) for the management, monitoring and evaluation of transhumance.	There is no national body but local and inter-prefectoral transhumance committees.
Ensure strict compliance by States, pastoralists, transhumant herders, farmers and other components of rural society with the decision of the Heads of State relating to the regulation on FT as well as ECOWAS protocols, conventions and decisions: free movement of persons and goods, mechanism for conflict prevention, management, resolution, peacekeeping and security;	The spirit of the national texts is in line with Community decisions. In fact, distortions have been noted in connection with the rejection of transhumants, bad practices (cultivation on pastoral land, zoning not favorable to herders, scattering of plots in areas reserved for livestock, corruption of local authorities by transhumants, decisions of the CRDs that are at odds with the texts, grazing on the edges of fields, non-rigorous guarding of animals, unfenced fields near tracks and watering points for animals, etc.), the lack of a clear definition of the term "transhumant", and the lack of a clear definition of the term "transhumant".
Ensure strict compliance by States, herders, transhumant herders, farmers and other components of rural society with the laws and regulations in force in the countries as well as bilateral and multilateral commitments: conservation and sustainable management of natural resources and the environment.	Many transhumants come to Guinea illegally and some of them engage in bad practices (corruption of law enforcement and local authorities, grazing on the edge of fields causing damage to the countryside, disrespect for local customs, etc.). Also, they do not always respect dedicated areas and may sometimes frequent protected areas (e.g. Badiar Park).
Article 3	
To inventory all the transhumance corridor in the sub-region.	Not effective
Set up an information and communication system on transhumance and animal disease surveillance	This is only effective for animal disease surveillance. A formal network for monitoring animal diseases exists and starts from the veterinary posts (EMA-i system) to the national level (database) through the regional delegations (MBRESA-i system). Bulletins (weekly and monthly) are then produced from the database and shared with the OIE and neighboring countries.
Involve farmers, professional associations and other stakeholders in the implementation of the ECOWAS decision	Herders through CONASEG are more and more involved in events and forums where cross-border transhumance is discussed.
Design and implement a pastoral management program in each Member State (systematic mapping of grazing areas, transhumance areas and water networks).	Such a national development program is not yet effective.
Set up a ministerial committee to monitor transhumance.	This is not yet effective
Create a regional observatory on transhumance to monitor the implementation of community provisions.	Not effective but under consideration in the framework of the High Level Concertation on Trans-border Transhumance
To design a regional strategy for the management of pastoral resources within the framework of the implementation of the Sub-Regional Action Programme to Combat Desertification (SRAP) adopted by the Conference of Heads of State and Government and the	Not effective

State obligations	Level of implementation
initiatives of the New Partnership for Africa's Development (NEPAD) in West Africa.	
Include training programs on pastoralism and agro-economics in the curricula of West African training institutions specialized in animal husbandry.	Staff (Master Pastoralism at AGRYMETH)
Promote dialogue and collaboration among member states on transhumance-related issues	The only known framework for dialogue is the one that is starting at the level of the Western Corridor through the "High Level Regional Concertation for a Trans-border Transhumance Peacefulness".
To circulate information on animal health among the veterinary services of the Member States.	The information produced by the animal health surveillance network is then shared with neighboring countries and other states.

Guinean perceptions on the implementation of the ECOWAS Protocol on transhumance

As a country with significant fodder resources, Guinea is now a popular destination for Sahelian livestock, particularly Malian livestock, despite the health risks to which these Sahelian zebus are exposed. Cooperation with neighboring states did not exist, because for a long time apart from livestock trade at the western border (Boké Region) with Guinea Bissau, there was no real need for it. However, it is beginning to emerge, and the first signals are beginning to be seen with the participation in the high-level regional meeting on cross-border transhumance organized at the end of 2019 in Dakar. Also, with the recurrent conflicts in forest areas due to the now cyclical arrival of transhumants and the resulting problems, the first signs of cooperation with Mali are beginning to emerge. It is to be hoped that with the integration of coastal countries including Guinea into community projects (PREDIP, PACBAO), allowing greater interaction between them and those of the Sahel, from where the transhumants depart, this cooperation will continue and be strengthened while opening up to other countries bordering the Western and Central Corridor.

5.3 Conclusions on the impact of regional and national policies on related conflicts to transhumant pastoralism in Guinea

Conflicts related to pastoralism and particularly transhumance in Guinea are, except for a few nuances, similar to other countries in the subregion, of three kinds: conflicts between transhumants and farmers in transit and host localities, conflicts between transhumants and other resident herders, and conflicts between transhumants and the administration, particularly the forestry administration. The most recurrent conflicts are those related to (i) damage caused by animals within cultivated plots due to failure to respect zoning and provisions for monitoring animals and fields, or (ii) failure to apply the transhumance management system, in particular the negotiation of the date for herds to descend to²¹ the coastal plains (Touré, 2004). Since these conflicts thus relate to resources and their governance, the state, concerned about social peace, has put in place a political and legal arsenal (water code, livestock code, pastoral code, Transhumance regulation, pastoral code), which is on the whole fairly coherent, ambitious and in line with community texts. Notwithstanding this political will, which must be qualified given the discourse that is sometimes out of step with the texts, these conflicts can take on violent proportions, especially when the instruments put in place for their management (conflict management committees, transhumance committees, CRD) are unable to assume their role for various reasons. While the conflict

²¹ Usually, in principle, the DRBs, to whom the herders notify their desire to go transhumance, will contact the destination communities to open negotiations and agree on the arrival period and places of stay.

management and transhumance committees, despite their legitimacy, do not always have sufficient authority to ensure that their opinions prevail, the DRBs, particularly in the forest region, can enter into compromising relations with transhumants, which sometimes leads to conflict. Committee members accuse certain DRB officials of exceeding their prerogatives by enacting rules of access to natural resources that do not conform to the provisions of pastoral legislation (Touré, 2004).

The fodder production of the rangelands depends largely on climatic hazards. The extensive breeding method characterized by nomadism and transhumance is linked to the constraints of watering and the existence of pastures. The scarcity of natural fodder resources observed, the decline of extensive livestock farming obliges herders to adapt to ecological conditions. Watering remains the main constraint because it conditions the exploitation of rangelands. Animals are increasingly fed with imported concentrated feed and, thanks to the development of irrigated crops, with agricultural and/or agro-industrial by-products (rice straw, flour and bran, etc.). Semi-intensive or even intensive animal husbandry is gaining importance. This is noticeable in Rosso and Nouakchott, where dozens of cooperatives or dairy units (camels and cattle) are established.

Transhumance is a centuries-old practice in Mauritania, an arid country with poor pastures. Mainly dry-season and north-south oriented, it is practiced in the dry season by all populations of herders, mainly to Senegal but also to Mali. The transhumant animals in Senegal, once they have crossed the Waalo River, initially head for the sylvopastoral zone (reserve of the six boreholes and Ferlo) before moving further down in the second half of the transhumance season (from February-March) towards the regions further south (Tambacounda, Kédougou, Kolda). Some may even continue from there to the western and southwestern regions of Mali.

In the past, Mauritanian transhumant herds would initially stay (from November to early April) in the pastoral zone of El Atf in the Wilaya of Gorgol in the Senegal River valley and sometimes stay there until they moved northwards with the first rains (from July). Transborder transhumance to Mali and Senegal only took place in bad years and much later between April and May.

6.1.2 Recent Trends Affecting Transhumant Pastoralism in Mauritania

Evolution of pastoral production systems

Pastoral production systems in Mauritania are characterized by a degradation of pastoral conditions due to the strong degradation of pastures and the monopolization of space by agribusiness in the agropastoral zone.

The agropastoral zone of Mauritania (South and South-East of the country) is the area par excellence for agricultural and pastoral production. For pastoralists and herders in general, it is the fodder reservoir for their livestock. In recent years, this area has been experiencing :

- i) A degradation of its routes due to climate change, the reduction of space in connection with agricultural changes (privatization and fencing of land, 2 seasons of irrigated production along the river, etc.) and the strong presence of Malian refugees in the East (Bera and Fassala). These refugees in fact, have a very large livestock population which contributes significantly to the pressure on pastures in this part of the country;
- ii) Notable changes have been observed in agricultural landscapes and the occupation of space by stakeholders, particularly farmers, in agropastoral areas. A kind of land grabbing can be observed there, which manifests itself through the installation of agribusiness actors (traders, managers and government officials) who occupy and fence off vast spaces, including formerly strategic pastures, often in one piece. The movement of transhumant animals towards the pastures of the Senegal River valley for various reasons (exploitation of pasture relics, watering, crossing) is thus disrupted, sometimes hindered. Also, in recent years (especially from the 1990s), the situation has worsened further with the exploitation of a wide strip of land along the river by irrigated rice cultivation and various flood recession crops, marking the decline of rainfed agriculture. Thus, rice cultivation (see Photo 1), practiced in two cycles of at least 3 months in the year, frees up space only a few months in the year. The pressure is so great that the transhumance corridors and access roads, even those secured and developed by BRACED/GNAP and PRAPS (markers, water points, vaccination parks, cattle feed stores), are

ignored in places, which sometimes generates conflicts between actors in the area. These situations combined explain the increasingly early departure of Mauritanian transhumants to the two neighboring countries (Senegal, Mali) that are relatively better endowed with fodder resources.

- iii) A commodification of post-crop forages. Whereas in the past, farmers in the region, including those practising irrigated crops in the valley, used to let their fields graze freely after the harvest, now this is done against payment of cash and in a fairly short time of the year (1 month in general) because of the double cropping of rice. Some farmers no longer allow this; they pack the crop residues (rice straw) into bales that they export and sell outside the valley.

Theft and loss of livestock

The transhumance campaign exposes herders to loss and theft of their livestock. These problems, sometimes internal to the herders, are recurrent and become more important from year to year. Also, Mauritanian herds frequenting Mali are frequently (every 2 to 4 weeks) exposed to armed robberies around the town of Nara (Koulikoro Region, Mali). This occurs mainly in Timbedra, 200 km from Nara, a town with a large regional livestock market to which many merchants from different ECOWAS countries converge (about 10,000 cattle and 100,000 small ruminants are sold every week in Nara). Armed attacks by traders generally take place on the roads to and from the market.

Transhumance, a changing practice

Mauritania's pastures, due to recurrent drought, declining rainfall and pressure from animal and human exploitation, are in constant degradation. In addition, with the land grabbing of the Senegal River Valley, much of which was once reserved for pasture, animals are running out of space. The accumulation of these factors gives rise to a distressing food situation that pushes pastoralists to bring forward their transhumance season, which thus becomes long, early, and increasingly clandestine. In fact, pastures that are not yet invaded by agricultural activities in this country are quickly exhausted, especially in years of poor rainfall, and herders are forced to leave very early (sometimes as early as December) for Mali and the Ferlo in Senegal, from where they move on to southern Senegal (Tambacounda, Kédougou, Kolda regions), sometimes without preparation and without worrying about meeting all the conditions. By doing so, these breeders expose themselves in this country to the racketeering of which the local breeders and some administrative and technical managers are the authors. Also, whereas in the past, herders moved in groups of families (in small camps) in order to have a sustained mobility allowing them to exploit dispersed plant resources sometimes located at great distances, nowadays, the herds are rather led by recruited herders, some of whom, as far as cross-border transhumance to Senegal is concerned, may be nationals of this country.

Facilities to prevent conflicts

With the strong pressure of land use of diverse origin including demographic and the installation of new actors in agribusiness that induces the progression of the agricultural front in pastoral areas (South and Southeast of the country), grazing land, including strategic pastures, are occupied and traditional or official transhumance corridors are threatened with obstruction, particularly in this area. In order to slow down and stabilize the phenomenon, the herders, with the support of the State and its technical partners, are conducting strong actions to pacify relations between resource users and to secure pastoral resources, preceded by awareness-raising and consultations. This is especially visible in Senegal and with the project to strengthen the resilience of pastoralists and agropastoralists by securing cross-border mobility of the BRACED²³ program (2015-2018) which has

²³ Building Resilience and Adaptation to Climate Extremes and Desasters

accompanied in this region, actions of social mobilization (awareness on the shared governance of natural resources), participatory and inclusive identification (social agreements materialized by minutes) of transhumance corridors and access roads, their security (management committees and marking). This important work continues and is being strengthened with the Regional Program to Support Pastoralism in the Sahel (PRAPS), which also ensures the viability of resources that have already been secured by building infrastructure (animal feed and veterinary product stores, pastoral hydraulics works, vaccination parks, etc.). The ultimate objective of these projects is to encourage transhumant herders to follow these secure routes to avoid encroaching on fields and exposing themselves to conflicts with farmers.

6.1.3 Key actors in the field of transhumant pastoralism in Mauritania

Various actors in this country intervene and accompany the practice of pastoral animal husbandry. Table 2 lists them.

Table 10 - Mauritania: List of key players

Government Institutions
<ul style="list-style-type: none"> • Ministry of Animal Husbandry • Direction de développement des filières animales (DDFA) (Directorate for the development of animal sectors) • Directorate of Veterinary Services (DSV) • Directorate of Policy, Cooperation and Monitoring and Evaluation (DPCSE) ; • Regional Delegations (14) • Departmental inspections (45) • Société des Abattoirs de Nouakchott (SAN), • Central Livestock Input Supply Plant (CAIE) • Mauritanian Network for Epidemiological Surveillance of Animal Diseases (REMEMA)
Civil society
<ul style="list-style-type: none"> • National Grouping of Associations of Agro-Sylvo-Pastoral Cooperatives (GNAP) ; • Fédération Nationale Corporative des Bouchers de Mauritanie (FNCBM) ; • Elwowz, a new federation of butchers was created in 2013 ; • Fédération Nationale des Commerçants de Bétail (FNCB); • National Federation of Breeders (FNE); • Fédération Nationale des Professionnels des Cuirs, Peaux et Dérivés (FNPCPD) ; • Association for the Promotion of Breeding (A.P.P.E); • Association of Milk Producers of Mauritania (APLM); • Association of Milk and Meat Producers of Brakna (APLV); • Groupement National des Aviculteurs de Mauritanie (GNAM). • National Antenna of the <i>Billital Maroobé</i> Network (Role assumed since 2009 by the GNAP) ; • Platform of Livestock Breeders' Organizations of Mauritania (POEM).
Research Institutes
<ul style="list-style-type: none"> • National Center for Livestock and Veterinary Research (CNERV)
International Community
<ul style="list-style-type: none"> • Projet d'appui régional au pastoralisme au Sahel (PRAPS), World Bank; • FAO • AFD (French Agency for Development) • European Union (PARC/PACE/SPINAP-AH) ; • OPEC Fund (PADEL) ; • Chinese Cooperation (Center for Breeding Techniques) • IFAD (ProlPräf) • BRACED

6.2 Legislation and policies on pastoralism in Mauritania

6.2.1 The policy framework for pastoralism in Mauritania

Mauritania has various policy and strategy documents such as the Rural Sector Development Strategy (SDSR, Horizon 2025), the National Food Security Strategy (SNSA, Horizon 2015 and Vision 2030), the Livestock Policy Letter and the Pastoral Code. Thus, in 2012, the Ministry of Rural Development (MDR) has developed action plans for the development of sectors (milk, meat, hides and skins and poultry). The sector option has also been concretized through the creation in 2014 of a Ministry of Livestock (ME) and a Directorate for the Development of Animal Sectors (DDFA).

- Rural Sector Development Strategy (SDSR, Horizon 2025) ;
- National Food Security Strategy (NFSS, 2015 horizon and vision 2030) ;
- Livestock policy letter and pastoral code ;
- National Strategy for Shared Growth and Prosperity (SCAPP: 2016-2030) ;
- The law of agropastoral orientation n°2013-024.

The elaboration of the SRHR focused on the intrinsic and autonomous development of the livestock and agriculture sectors as the basis for rural sector development. It also focuses on the sustainable development of the country's natural resources.

In short, the sector's missions and responsibilities provide the institutional framework necessary for the implementation of the strategic orientations defined in the SRHR, all of which are clearly in line with the objectives of the Poverty Reduction Strategy Paper (PRSP). In addition, the actions planned under the new National Strategy for Accelerated Growth and Shared Prosperity (SCAPP) for the period 2016-2030 are perfectly in line with the strategic orientations for livestock development defined in the SRHR. These reference frameworks of the country's livestock policy aim at reducing poverty and improving livestock productivity.

The law of agropastoral orientation n°2013-024, determines the political orientations constituting the frame of reference for the development of plant and animal productions. It provides for the elaboration of a National Agropastoral Development Plan (PNDA) which will be executed by the State on the basis of the orientations and objectives of this law and the national strategy for the development of the rural sector. This plan will determine in time and space the actions to be undertaken in the agropastoral sector, the means to be implemented for their realization and the modalities for their implementation.

The Local Plans of Agropastoral Development can be designed by sector, by production basin, by agro-ecological zone, by commune or by wilaya.

6.2.2 The legislative framework on pastoralism in Mauritania

There are several Elements of the legal framework that frame the practice of pastoralism in this country, the main ones being :

- Decree 65-087 of May 19, 1965, regulating the import and export of animals and animal products ;
- Decree 69.132 /PR/ MP/ DR/ EL, regulating the animal health policy;
- Decree 75-111, regulating transhumance and the export of animals and animal products;
- Ordinance 83-127 of June 5, 1983 on land and property reorganization and its implementing decree promulgated in 2000.
- Order 85-144 of July 4, 1985 and circular n° 90 31/MINT/MHE relating to the water code ;
- Law 97-007 of 20 January 1997 on the forestry code ;
- Law 2000-045 of July 26, 2000 setting the framework for the environment ;
- Law 2000-044 on the Pastoral Code in Mauritania and its implementing decree N°2004-024 ;

- Order 1056 of September 24, 2002, creating the Mauritanian Animal Disease Epidemiology Network (REMEMA).
- Law 2004-024 of July 13, 2004, bearing code of the breeding ;
- Memorandum of Understanding regulating transhumance between the Islamic Republic of Mauritania and the Republic of Mali of January 26, 2005 ;
- Memorandum of Understanding regulating transhumance between the Islamic Republic of Mauritania and the Republic of Senegal of April 25, 2006 ;
- Memorandum of Understanding on cooperation in the fields of health and animal production between the Islamic Republic of Mauritania and the Republic of Mali of February 8, 2016.

A study and analysis of the existing legal framework on pastoralism in Mauritania (laws, ordinances, decrees, circulars, etc.) reveals (i) a political will since 1986 (the starting date of the Livestock Project II)²⁴ to involve local communities in the management of their environment, and (ii) some ambiguities as to the application of the texts and the effective accountability of associations or cooperatives in land management (Pastoral Code, circular of the Ministry of the Interior, law on the environment).

Law 67-171 on the status of Cooperatives

This law, supplemented by that of 93.15, is the basis for the creation of associations of agro-sylvo-pastoral cooperatives. It is within this framework that the Livestock Project II created the Pastoral Associations (PA) which should be empowered in the management of natural resources.

Decree 75-111, regulating transhumance and the export of animals and animal products

This decree sets out the procedures for the exit and entry of transhumant cattle into the national territory. Authorization for transhumance abroad or upon entry into the national territory is issued by a competent commission of the locality at the request of the breeder (Art. 26). This authorization must obligatorily specify the border post of exit or entry of the herd (art. 28). The Herd exiting through a given border post must return through this post on the return journey. This is contrary to the spirit of the breeders who follow the availability and accessibility of resources either to avoid conflicts related to field damage or to protect the herd from certain diseases (Trypanosomiasis, anthrax).

²⁴ The Livestock Project II, carried out between 1987 and 1995, notably set up associations of pastoral cooperatives (42 PAs created at the end of the Project the National Group of Associations of Agro-Sylvo-Pastoral Cooperatives - GNAP). The aim was to empower pastoralists in their pastoral areas and give them the means to manage them in a rational manner while improving the productivity of their livestock through the implementation of micro development projects. However, although they have brought a broad awareness at the level of surveillance and exploitation of pastures, the activities of these pastoral cooperatives have been limited mainly due to the lack of substantial legal support.

Law 83-127 on land and state reorganization

This law and its implementing decree contain some (not exhaustive) elements defining the land tenure of pastoralist communities. Under this regime, almost all of the pastoral domain belongs to the State since it is not private property and is not considered to have been developed outside of wells or boreholes made outside of private property. Indeed, its articles 9 and 22 stipulate that "dead lands" are the property of the State and that "all wells and boreholes located outside private property are declared of public utility and use".

Law 97-007 of January 20, 1997 on the Forestry Code

Law 97-007 repealing and replacing Ordinance 82.174 on the Forestry Code stipulates that the State and local government forest estate must be subject to management establishing easements enforceable against users, private owners and the public authorities. It also prohibits livestock from grazing or passing through classified forests and reforested areas.

Law 2000-044 on the pastoral code of July 26, 2000 and its implementing decree.

This Code (5 chapters, 35 articles) refers to "Sharia" and customary rights and advocates pastoral mobility and free access to resources as a strategy for exploiting pastoral resources. It defines the practical modalities for the organization of pastoralists and the settlement of conflicts between farmers and herders.

In its article 4, the decree cites pastoralism as an activity that contributes to the satisfaction of the economic and social needs of the populations and to the preservation of ecological balances through the sustainable management of natural resources.

Law 2000-045 of July 26, 2000 on the framework law on the environment

The framework law for the environment establishes the general principles of the national environmental protection policy and guarantees the rational use of natural resources.

Law 2004 - 024 of July 13, 2004 on the code of livestock farming.

The purpose of this law is to define the rules applicable to activities relating to veterinary public health, animal health and production.

The following activities are covered by the present law (art. 2): i) feeding of animals, ii) monitoring of animal health and control of animal diseases detrimental to the national economy, iii) organization of the veterinary profession, iv) veterinary medicine and pharmacy, v) hygiene, sanitary and qualitative control and inspection of products derived from animals, particularly those intended for human consumption, and vi) internal and external trade in animals and products derived from animals in their particularity is sanitary.

Law 2005-030 of February 02, 2005 on the water code

This law defines the legal regime for continental, surface and groundwater, in particular the rules relating to the planning, use and preservation of water (art.1). Considering water resources as a national heritage (art. 2), the law states that its management must be comprehensive, sustainable and balanced (art. 3) aiming in particular to ensure: i) protection against pollution, preservation of aquatic ecosystems, ii) its equitable distribution so as to satisfy or reconcile different requirements such as the supply of drinking water (health and safety) and the needs of socio-economic activities (livestock, agriculture, forestry, fish farming, mining, energy production, tourism, navigation, inland fishing, etc.).

6.2.3 Implementation of the ECOWAS protocol on transhumance in Mauritania

Cooperation frameworks between Mauritania and its neighbors and their functionality

Mauritania, a non-ECOWAS Member State from which it withdrew in 2000, is in principle not concerned by Community texts relating to cross-border transhumance. However, the country does share important interests with its two neighbors to the south (Senegal) and to the southeast and east (Mali), which have greater pastoral resources and with which significant herd flows are observed. To this end, Mauritania has opportunely signed agreements with them (see box) to regulate and support the practice of transhumance in their common space. Moreover, with a view to deepening and broadening this cooperation with these two countries and, beyond that with ECOWAS, in May 2017 it signed a four-point agreement with this sub-regional entity, including the free movement of persons and goods, the application of a common external tariff and the fight against terrorism.

- **Memorandum of Understanding on transhumance between the Islamic Republic of Mauritania - Republic of Senegal**

), the conditions of movement and stay of the herd (compliance with the legislation of the host country, agreed itineraries, periods and entry points, conditions of access to veterinary services and local inputs, identity documents, guarding, prohibited practices, health control during the stay, etc.), and the conditions of the herd's movement and stay (compliance with the legislation of the host country, agreed itineraries, periods and entry points, conditions of access to veterinary services and local inputs, identity documents, guarding, prohibited practices, health control during the stay, etc.), conditions for receiving the transhumant herd (entry and exit periods, possibility of changes, notification of changes, access to resources according to the rules of the host country, etc.), conditions for settling disputes (conciliation commission, inter-ministerial commission, justice of the host country, written communication to both States), conditions for sanctions for breaches, as well as final provisions.

- **Memorandum of Understanding on cooperation in the field of animal health, veterinary public health and animal production between RIM and the Republic of Senegal of February 26, 2013**

This agreement (6 articles), which aims to prevent the transfer of diseases due to the movement of livestock between the two countries, specifies, among other things, its scope of application, the establishment of technical, scientific and economic cooperation between the health structures of the two countries, the establishment of a technical committee for the implementation and monitoring-evaluation of the agreement, the composition of the said committee, the mechanisms for financing actions and the general provisions.

- **Revised Agreement on transhumance between the Islamic Republic of Mauritania (RIM) and the Republic of Mali**

The agreement includes 19 articles divided into 4 chapters and was signed on January 26, 2005. It revises a previous agreement that had been in force since September 19, 1989. This agreement on transhumance is explained by the desire of the two countries to facilitate the movement and stays of large herds crossing their common border, which can generate ecological, sanitary, socio-economic and legal problems. It specifies the practical modalities of transhumance (duration, period, numbers of animals to be received, itineraries and crossing points, conditions for the exploitation of resources, compliance with the regulations of the host country, compliance with the animal health agreement (vaccines of the host country), driving and guarding of the herd, administrative formalities, etc.) and the conditions of the transhumance (duration, period, numbers of animals to be received, itineraries and crossing points, conditions for the exploitation of resources, compliance with the regulations of the host country, compliance with the animal health agreement (vaccines of the host country), driving and guarding of the herd, administrative formalities, etc.).

- **Memorandum of Understanding on Cooperation in the fields of Health and Animal Production between the Islamic Republic of Mauritania and the Republic of Mali**

This agreement, signed on February 08, 2016, demonstrates the willingness of the two States Parties to strengthen their cooperation in the areas of animal health and animal production (Art. 1). This cooperation, which is intended to be dynamic and productive, will be done through exchanges of experiences between structures of the two countries (Art. 2). A coordination committee composed of five persons from each country, and which will meet at least once a year, will ensure the implementation, monitoring and evaluation of actions planned within the framework of an action plan that it will propose to the Ministers of Livestock of the two States for validation (Art. 3 and 4).

An analysis of the status of bilateral agreements, which appear to be local variations of the regulatory framework (agreement and regulation) of cross-border transhumance in several of their provisions, reveals a contrasted situation in cooperation between Mauritania and Senegal on the one hand and between the same country and Mali on the other:

- The agreement on cross-border transhumance with Senegal, set up in 2006, is working well, thanks to regular consultations between the States (joint committee) and the neighboring regions of the two countries (Trarza, Brakna, Gorgol, Guidimakha on the Mauritanian side and St Louis, Louga, Tambacounda, Matam on the Senegalese side). The joint committee meets regularly (once a year) and is an opportunity to assess the situation regarding the implementation of the clauses of the agreement and to consider possible solutions to the blockages and difficulties observed. Unanimously on both sides, this agreement is considered to be exemplary in terms of cross-border cooperation. The excellence in this cooperation has enabled it to be extended to an agreement enabling Senegal to benefit from an exceptional and important supply of livestock (up to about 700,000 head in this year 2019 according to a Rosso town councillor) by Mauritania on the occasion of important holidays such as Tabaski and Korité (Ramadan).
- With Mali, cooperation on cross-border transhumance, which is relatively older (agreement document signed in January 2005), is not very active although this country is a privileged destination for Mauritanian transhumants from the neighboring regions of Assaba, Guidimakha, Hodh el Gharbi and Hodh el Cherqui. In fact, for about eight years there have been neither consultations nor any other act that would allow us to assess the situation in this zone, which is nevertheless subject to various conflicts between Mauritanian transhumants and Malian farmers in the host zones, which are exacerbated by the insecurity that prevails in this zone, particularly in the Wagadou forest, which has meanwhile been occupied by AQIM. This situation of insecurity is said to be the main cause of this inertia. The Malian side, although not lacking interest in the subject, has indeed more urgent concerns (insecurity and institutional instability) to manage. However, recovery initiatives are in sight, and the very first high-level sub-regional consultation meeting for peaceful cross-border transhumance in the Western Corridor (Dakar: 19-20 November 2019) served as a framework for the Malian side to announce its desire to revive exchanges with the Mauritanian side. A meeting between the Ministers in charge of animal husbandry of the two countries should be held soon in Nouakchott to relaunch the process.

In addition, a process of setting up a tripartite cross-border consultation framework (Mauritania-Mali-Senegal) was initiated in 2016 in Dakar (Senegal) and continued in Rosso (Mauritania) in 2018. An RBM initiative with the support of PRAPS, this framework, which has become sub-regional with the participation of the Mano River countries (Guinea, Liberia, Sierra Leone) as well as The Gambia and Guinea Bissau, is presented as a monitoring structure for the prevention, management and control of public security, animal and human health, access to natural resources, livestock and animal products trade in order to reduce conflicts between actors as much as possible. Now entitled "High Level Regional Concertation for Peaceful Transboundary Transhumance in the Western Corridor", the framework held its third meeting in Dakar in November 2019.

Application of ECOWAS regulations in Mauritania :

The table below summarizes the level of application of the provisions of the Community Regulation on cross-border transhumance.

Table 11 - Mauritania: Summary analysis of the level of compliance with Regulation C/REG.3/01/03

State obligations	Level of implementation
Article 1	
Organize information, communication, awareness raising, training and education campaigns/sessions for transhumant herders and the various actors involved in transhumance in the areas of departure, transit and reception of transhumant herds.	This is not formally effective at the state level. However, it is noted that the technical services at the borders (veterinary posts and regional delegations) make an effort to provide all the information (vaccines to be administered, necessary documents) to the pastoralists who come to them. On the side of the umbrella organizations, particularly the GNAP, sensitization sessions are organized at both borders to prepare the pastoralists and deliver the appropriate information.
Establish or revitalize pastoral organizations at the national level, particularly herders' associations, so that they contribute to better management of transhumance, as well as to the prevention and management of transhumance-related conflicts.	Efforts have been made in this regard with the strengthening of pastoral civil society, particularly the national grouping of associations of agro-sylvo-pastoral cooperatives (GNAP) and the awareness-raising activities supported by BRACED and PRAPS.
Create national bodies (committees, networks or any other structures) for the management, monitoring and evaluation of transhumance.	Not effective.
Ensure strict compliance by States, pastoralists, transhumant herders, farmers and other components of rural society with the decision of the Heads of State relating to the regulation on FT as well as ECOWAS protocols, conventions and decisions: free movement of persons and goods, mechanism for conflict prevention, management, resolution, peacekeeping and security;	The conventions with neighboring countries (Mali and Senegal) are in the spirit of the ECOWAS agreement and regulations, but some shortcomings are observed, especially at the border with Mali.
Ensure strict compliance by States, herders, transhumant herders, farmers and other components of rural society with the laws and regulations in force in the countries as well as bilateral and multilateral commitments: conservation and sustainable management of natural resources and the environment.	Breeders who officially transhumance make the effort to meet the obligations may not always have all the information. In addition, the size of the herd is usually reduced when transhumance documents are drawn up. This poses problems of load management and maintains the rejection of transhumants in certain reception areas, particularly in the pastoral units of the Ferlo.
Article 3	
To inventory all the transhumance axes in the sub-region.	This is underway thanks to the actions of BRACED and PRAPS.
Set up an information and communication system on transhumance and animal disease surveillance	In 2002 the Mauritanian Network for Epidemiology and Surveillance of Animal Diseases (REMEMA) was set up with active representatives in all the communes.
Involve farmers, professional associations and other stakeholders in the implementation of the ECOWAS decision	OPAs (GNAP, REMEMA) and umbrella organizations (RBM) are involved in efforts to popularize texts on pastoralism and transhumance.
Design and implement a pastoral management program in each Member State (systematic mapping of grazing areas, transhumance areas and water networks).	Pastoral development efforts (mapping, development and securing of pastoral resources) have been noted in recent years, particularly in the Senegal River Valley area with the support of BRACED and PRAPS.
Set up a ministerial committee to monitor transhumance.	Such a structure does not yet exist. However, this role is assumed by the joint committee in charge of monitoring cross-border transhumance between Mauritania and Senegal.
Create a regional observatory on transhumance to monitor the implementation of community provisions.	Not effective but under consideration in the framework of the High Level Concertation on Trans-border Transhumance
Design a regional strategy for the management of pastoral resources within the framework of the implementation of the Sub-Regional Action Programme to Combat Desertification (SRAP)	Not effective

State obligations	Level of implementation
<p>adopted by the Conference of Heads of State and Government and the initiatives of the New Partnership for Africa's Development (NEPAD) in West Africa.</p>	
<p>Include training programs on pastoralism and agroeconomics in the curricula of West African training institutions specialized in animal husbandry.</p>	<p>Staff (Master Pastoralism at AGRYMETH)</p>
<p>Promote dialogue and collaboration among member states on transhumance-related issues</p>	<p>The dialogue is effective with the protocols on animal health and transhumance with Senegal implemented through the joint cooperation framework on cross-border transhumance. Dialogue is also effective with Mali (protocols on transhumance and animal health) but is not very active. There is also a more global dialogue at the level of the Western Corridor through the "High Level Regional Concertation for a Trans-border Transhumance Peacefulness".</p>
<p>To circulate information on animal health among the veterinary services of the Member States.</p>	<p>Collaboration on animal health is effective with neighboring countries especially Mali and Senegal.</p>

Perceptions by Mauritanian stakeholders of the implementation of the ECOWAS Protocol

Mauritanian pastoralists who go on cross-border transhumance by the legal channels in Mali or Senegal, must first obtain a pass issued by the first veterinary post located on their itinerary in these countries²⁵ after presentation of the required documents which are the vaccination certificate, the international health certificate and the transhumance certificate stamped by the authority of the place of departure (Prefect). However, the conditions of stay in the two countries are not the same, they are related to the level of bilateral cooperation and also to the delicate security context on the Malian border.

In Mali, for example, under the sometimes-unfounded pretext of bad practices (bush fires, abusive pruning/cutting, grazing in protected areas, etc.) for which pastoralists are allegedly responsible, the security forces in particular, forestry agents impose illegal taxes on them, most often paid in cash. Also, cohabitation with farmers in this country is not perfect. Some farmers in this country, in fact, show hostility towards Mauritanian transhumants whom they accuse of bad behaviour (damage to fields, carrying weapons, failure to respect dedicated areas, etc.) and to whom they can refuse access to certain pastures and watering points for their herds. In the face of these persistent shortcomings, despite concerted action by herders' organizations on both sides of the border, the general feeling among transhumance actors in Mauritania is that the situation could be improved on the state showed more commitment to the issue. According to these actors, there is a kind of laissez-faire that feeds all the exactions observed in the area, which aggravates the social climate.

On the Senegalese side of the border, Mauritanian actors (authorities, technical services and transhumants) positively appreciate the way transhumance is currently managed. Already at the entrance to the country, apart from the fees that transhumants pay to have their herds vaccinated,²⁶ there are no taxes linked to obtaining a pass, a sine qua non condition for transhumance in Senegal. As soon as transhumant herders legally enter Senegal, they enjoy the same treatment as those in the country. They thus have access, under the same conditions as their counterparts in the host country, to inputs and veterinary services. Furthermore, Mauritanian transhumants appreciate the fact that the technical services, administration and livestock breeding facilities in this country are sufficiently sensitized to work to promote shared and peaceful access to resources. Also, they are inclined

²⁵ The transhumant breeder in Senegal moves first in this country without his herd to be delivered the pass by the head of the veterinary service.

²⁶ Vaccines for transhumant animals are subsidized.

towards the amicable resolution of disputes that arise during the transhumance campaign. All this spirit of conciliation is a reflection of the state of mind that animates the stakeholders in the Mauritania-Senegal parity framework that is held annually to take cognizance of the difficulties and propose corrective measures.

However, this good general arrangement is not without its dissonances. In fact, the harassment and racketeering on the part of the security and forestry administrations continues despite regular and ongoing consultations between the two countries. This is attested by a Mauritanian transhumant encountered between Kougheul and Koumpentoum in south-eastern Senegal. In the same way, the resentment of the populations, in particular resident farmers and stockbreeders, towards transhumants is perennial in places because of the risks of over-exploitation of resources that their presence engenders. Also, some situations of inequity between Mauritanian transhumants and their counterparts in Senegal are reported. For example, access to water boreholes for pastoral units²⁷ established in the sylvopastoral zone is much more expensive (150-250 FCFA/ herd/day) for them by the management committees (COGES) of the pastoral units than for their Senegalese counterparts (250 FCFA/herd/month). Similarly, sometimes access to certain pastoral units in the sylvopastoral zone is refused by the SMCs on the grounds that the maximum acceptable load of the unit or the quota for exploiting the boreholes there was exceeded. These measures, of local essence and without legal basis, are however not unknown to the technical services who sometimes seem to understand them. According to some technicians, the SMCs use these measures in order to contain the invasion of their resources and ensure their sustainability.

These situations added to others such as damage to fields caused by transhumant herds, cattle theft, rackets and harassment by security forces, etc. very often lead to conflicts between transhumants and local actors. When this is the case, the mechanism for resolving them goes through the conciliation/mediation stage in which different authorities (village chief, mayor, sub-prefects, religious leaders, herders' leaders) are involved, depending on the scale (simple altercation, major damage, human deaths) and territorial scale.²⁸ Most often, conflict resolution committees are set up (by the mayor's office) or committees in charge of rangeland and conflict management²⁹ (by the sub-prefectures) which, on the basis of an assessment of the situation by technicians (veterinarians), will lead the conciliation process, which may include a compensation component. The security forces, particularly the gendarmerie, as well as the justice system are only

²⁷ The pastoral units are tools for the concerted management of natural resources in the Ferlo. They are managed by the populations organized in management committees as well as in commissions for the reception and settlement of transhumants. Equipped with a management plan, their operation is supported by the technical services and supervised by the administration (mayor and sub-prefect).

²⁸ Composition: one representative of the village chief, one municipal councilor, one transhumant herder leader, one herder representative and one farmer representative.

²⁹ Composition: the sub-prefect, the veterinarian, the forester, the gendarmerie and any other contact person.

seized as a last resort when the conciliation stage is not successful or when the dispute is serious enough, such as in cases of murder.

6.3 Conclusions on the impact of regional and national policies on conflicts related to transhumant pastoralism in Mauritania

Transhumant livestock farming in Mauritania evolves in a changing socio-political context that impacts the system. In the southern part of this country, Senegal (at the level of political actors and technicians) shows a state of mind favorable to the arrival of transhumant herds on which the country depends a lot for its supply of red meat, especially during the great Muslim festivals. All the actors on this side, including the populations of stockbreeders and farmers, thus manage to maintain the friction that can arise from bad practices attributable to both sides, in bearable proportions. Also, with the development of pastures and corridors (tracks and corridors) initiated by the BRACED project and continued through PRAPS, the cohabitation of pastoralists with farmers in the valley is taking place in a relatively peaceful climate despite the increasing and almost permanent monopolization of the space along the Senegal River (irrigated and flood recession agriculture), a zone of convergence and passage of transhumant herds.

In the eastern and southeastern part of the country bordering Mali, however, because of the prevailing insecurity, transhumance is taking place in difficult conditions, especially since political and technical cooperation with Mali is at its lowest level for the same reason. The management of pastoral natural resources is also less important there than in the southern part of the country.

7. Senegal

7.1 Dynamics of transhumant pastoralism in Senegal

Senegal, located between 12° and 16°30 north latitude and 11°30 and 17°30 west longitude, is bordered to the north and northeast by Mauritania, to the east and southeast by Mali, to the south by Guinea and Guinea Bissau, and to the west by the Atlantic Ocean. The Republic of The Gambia constitutes an enclave of 10,300 km² within the Senegalese territory. The Senegalese territory has an area of 196 722 km² with 700 km of coastline. Senegalese waters cover a continental shelf of nearly 30 000 km² (FAO, 2009).

Livestock is an important sector of the Senegalese economy, for its contribution to income and job creation. Livestock activities that affect a large majority of rural families are, for these populations, a source of food, cash income (role of savings), risk insurance, safety net and support to agropastoral systems (PNDE, 2016). In 2013, livestock farming accounted for about 35% of value added in the agricultural sector and 7.5% of national GDP (MEPA, 2013).

Large herds and cattle for sale are partly concentrated in the Ferlo in the north-east of the country. The livestock population is estimated at more than 3,573,000 head of cattle, more than 4,000 head of camels, more than 5,723,000 head of goats, and more than 6,036,000 sheep (FAOSTAT, 2017). In 2011, the poultry sector reached 23,300,000 head for traditional poultry and 19,900,000 head for industrial poultry.

7.1.1 Context of transhumant pastoralism in Senegal

Facts and figures on pastoralism in Senegal :

The breeding system in Senegal can be divided into three main types:

- Pastoral livestock farming essentially in the northern zone (sylvopastoral zone, the largest in the country; 1/3 of the country), characterized by its mobility, its extensive nature, and its weak integration with markets;
- Agro-pastoral livestock farming is less visible, but more valued, because it is associated with an integration between agriculture and livestock farming that guarantees intensification and sustainability. It is present in the groundnut basin of the Centre and in the rest of the country;
- Finally, intensive urban or peri-urban breeding, consisting of milk production (farms around the cities, especially Dakar and Thies) and urban sheep farming.

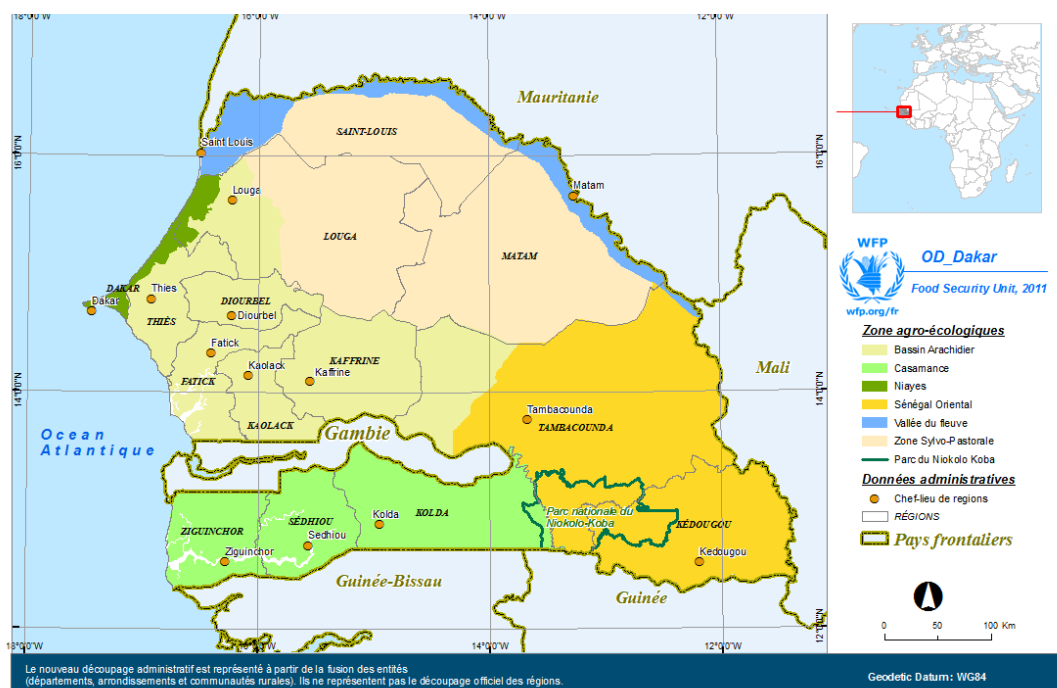
Geographic and climatic conditions:

The environment in Senegal is characterized by an arid climate, vulnerability to rainfall variations and strong pressure on natural resources by a poor population. The country has five types of climatic domains belonging to the tropical climate (DDSICC, 2010) :

- The Sahelian zone, north of the Saint-Louis region, is the domain of the steppe with trees or shrubs.
- The Sahelo-Sudanian zone, comprising the regions of Dakar, Thies, Diourbel, Louga, Matam, has a dry, wooded savannah.
- The Sudanian zone, with the regions of Fatick, Kaolack, the north and the center of the region of Tambacounda, has a savannah type vegetation.
- The Sudano-Guinean zone, with to the north the regions of Ziguinchor, Kolda, and to the south the region of Tambacounda, is an area of forests as well as large and very dense savannas.
- The Guinean zone, with the south of the Ziguinchor and Kolda regions, is the most humid zone, with fairly dense forests.

Senegal is generally divided into seven agro-ecological zones, based on biophysical and socio-economic criteria, as follows: (i) Senegal River Valley; (ii) Niayes; (iii) Northern Groundnut Basin; (iv) Southern Groundnut Basin; (v) Sylvopastoral Zone; (vi) Eastern Senegal and Upper Casamance; and (vii) Lower and Middle Casamance (see figure below).

Figure 8 - Senegal's seven agro-ecological zones



Source: WFP, Senegal 2008)

Population growth and expansion of pastoral and agricultural areas:

Mobile livestock farming appears to be threatened in Senegal by climatic crises, agricultural pressure, the extension of protected areas, urbanization and the accompanying imported consumption patterns, as well as by public policies favorable to its intensification and sedentarization. Escaping by its fluid logics from modern territorial control, this breeding is suspected of not really contributing to the development of national resources. It would be, at best, a transitory form destined to take more intensive forms. However, animal husbandry has undergone mutations that break with the old images attached to "contemplative" pastoral husbandry (Faye, 2006). In various forms, it now largely supplies national towns with meat, and small dairy belts have been signalling a new attitude of agro-pastoral systems in recent years in the face of the previously hegemonic importing model. If pastoral livestock farming appears residual in its canonical forms, it is redeploying itself in agricultural areas, diversifying and connecting to markets.

Pastoral transhumance in Senegal :

Senegalese livestock farming is extensive and pastoral, as in all other Sahelian countries. This pastoral livestock farming, which is best adapted to arid and semi-arid contexts with scattered resources, has always included a large contingent of transhumants, especially internal ones. In the past, transhumance in the dry season was limited to small movements from the dry areas of the Jeeri to the Waalo plains (Delta and valley of the Senegal River), thus benefiting from the fresh grass. In the wet season these animals moved up the Jeeri, some of them being able to cross the river to find themselves in Mauritanian territory to exploit the vast pastures and salt cures that can be found there. Descents to the agricultural south of the country, below the Ferlo, were rare.

Since the climatic crises of the 1970s, the trends have been reversed due to a combination of several factors (more accentuated degradation of the pastures of the sylvo-pastoral zone, agricultural occupation of the entire valley for flood recession crops, etc.), the amplitudes of transhumance have increased with a front now oriented north-south.

The southernmost front of Senegalese transhumants coming from the North (St Louis, Matam, Louga, Podor), is located in the center of the country in the regions of Diourbel, Kaolack, Kaffrine (Department of Kounghoul) and in the Southeast in the Department of Koumpentoum (Region of Tambacounda). Contrary to their Mauritanian counterparts who descend further down (South Tambacounda, Kédougou and Kolda), Senegalese transhumants are limited in these regions and only move northwards (towards the reserve of the six boreholes, Ferlo North and South) with the first rains. It sometimes happens that transhumants go further down, in which case their herds are generally made up of sheep.

Transhumance of Senegalese livestock is also observed, but only slightly towards Mali (a greater reverse flow of Malian livestock towards Senegal is also observed) from the neighboring regions of Matam and Tambacounda, but with the more southern states (Guinea, Guinea Bissau), with hostile climates and health risks for Sahelian zebu, livestock exchanges are residual or even non-existent.

Finally, it should be noted that according to the actors in the trade, a proportion of the animals that enter Senegal through transhumance are found in commercial channels generally to enable transhumants to meet various cash needs that arise during the stay. In addition to these motives, transhumance may appear to be a roundabout way for some livestock traders to circumvent trade-related taxes.

7.1.2 Recent trends affecting transhumant pastoralism in Senegal

A temptation to sedentary life quickly put into perspective

In Senegal, more than elsewhere in the Sahel, livestock policies for a long time reflected a constant concern: sedentarization and intensification. Thus, from the 1950s, investments in favour of pastoral hydraulics in the Ferlo reorganized mobility around the network of boreholes, grazing became possible all year round and no longer only during the rainy season, but mobility was partially redefined in the service area of each borehole (Barral, 1982; Diop et al., 2003). In the 1990s, the Pastoral Units (PU) promoted by the Livestock Support Project in a large part of the Ferlo consecrated this territorialization by drilling wells. Over a radius of 20 km around them, the UPs constitute the framework for the management of pastoral resources (rangeland and pastures, water points) by the herders. The other pillar of this policy is animal health, including vaccination campaigns. For the State, these campaigns are a means of controlling livestock breeders and their herds. They are also a cause of strong growth in livestock numbers. At the end of the 1960s, the spread of the Malthusian ideas expressed by Hardin's famous theory (1968) (*the tragedy of the commons*) led to the experimentation with ranches, such as Dolly's ranch. The aim was to modernize livestock farming by managing the adequacy between animal load and pastoral resources through fencing, as well as to specialize breeding areas (Thébaud, 2002).

A monopolization of space by agriculture

On the other hand, livestock farming is threatened by the advance of the agricultural front to the south of the sylvopastoral zone. The space occupied by fields is expanding under the effect of population growth, the persistence of extensive agricultural models, and reactions to changes in rainfall. In the 1970s and 1980s, the agricultural front crossed the Gambia and attacked the forests and pastures of Upper Casamance (Fanchette, 1999). The rise in isohyets in the decade 2000-2010 saw it progress towards the Ferlo (Tangara, 2006). However, the relationship of farmers to space places them in a strong position in relation to pastoral livestock farming: agriculture's hold on the land is visible and sustainable. Farmers are granted rights by an administration whose logic is sedentary and whose agents are sometimes culturally close.

In the Ferlo, Dolly's ranch has indeed been threatened many times, and the pastoral space has been considerably reduced by the expansion of the agricultural front in the groundnut basin and around

Lake Guiers. In the Senegal River delta, the development of hydro-agricultural perimeter developments and the establishment of new private companies in recent years threaten the future of livestock farming in the area. In the South, the saturation of space and the development of cashew tree plantations also raise many questions.

In addition, as in Mauritania, the phenomenon of collecting and selling post-harvest residues, the prohibition of access to fallow land and fields for futile grazing, and the planned mowing (a mowing campaign has been established for this purpose) of natural straw is developing.

All these situations, some of which are recent, have the effect of pushing pastoralists southwards, and force them to modify their transhumance routes.

An active support of the State to the expansion of the agricultural front

For several decades, the extension of the Senegalese agricultural domain has been to the detriment of rangelands. All areas that could be developed through crop production have been gradually transformed into fields, without consideration of old uses that favor the shared use of natural resources, as well as the preservation of certain rural areas intended to serve as fallback areas for livestock.

This logic of annexation of space by agriculture has led to the downgrading of several sylvopastoral reserves such as that of Khelcom, most of which (45,000 hectares) was downgraded in 1991 for agricultural purposes. In March 2003, the Government allocated part of the Dolly ranch to allow its agricultural development, even though the ranch is a vital space for livestock in several regions of the country. More recently, the political authorities decided to relocate SENETHANOL's project, which was originally intended to be located in Fanaye, to Ndiael (rural community of Gnith). The decision to downgrade the Gnith reserve, which was adopted in October 2012, calls into question the right of pastoral use exercised by the 37 riparian villages. Under the effect of the public policies implemented in the Senegal River Valley, the vocation of this area has undergone a transmutation which has resulted in the monopolization of space by the cultivation system and the marginalization of livestock. In the same vein, the project to strengthen the resilience of the Ferlo ecosystems (PREFERLO), which will see the opening of two open-air pipelines that could lead to the monopolization of pastoral land.

A legal and political arsenal not always favorable to pastors

For several decades, the action of public authorities, despite some variations, was part of a global logic of sedentarization of pastoralists first, then of regional stratification of livestock (through the intervention of SODESP) and the creation of ranches (experience of Widou Thiengoly). These experiences did not lead to improved rangeland management or increased income for pastoralists. On the contrary, they resulted in a destabilization of land management methods and increased marginalization of pastoralism (Touré O., 2004).

Decentralization has accentuated the precarious land tenure of pastoral systems. Law No. 96-07 of March 22, 1996 transfers responsibility for nine areas of competence to local authorities, including land management, natural resource management and land use planning. This vision is recalled and confirmed by the agro-sylvo-pastoral law of 25 May 2004 in its Article 1 which states that "*The policy conducted by the State in the area of agro-sylvo-pastoral development is marked by its gradual withdrawal and is in conformity with the principles of refocusing its missions on regalian functions, pursuing the policy of decentralization, improving the framework and living conditions in rural areas, and creating an environment conducive to private investment in rural areas*". This dynamic that puts rural communities at the forefront, in fact, reinforces the power of farmers in terms of control over space, as they are more numerous in most rural communities. However, they validate land use rights, settle conflicts, and define the rules of land use. This would mean, if the necessary safeguards

are not imagined, a race for land registration, processes of concentration that would benefit rich nationals (rural and urban) and foreign investors, a compartmentalization of space through fencing, and the disappearance of pastoral livestock from the most coveted spaces, i.e. those richest in resources and best connected to urban markets (Touré O., 2004).

Legislation relating to pastoral resources is reflected in three texts, two of which are relatively old: Decree 80-268 of March 10, 1980 organizing livestock grazing and setting the conditions for using pastures; Decree 86-320 of March 1986 regulating the breeding, introduction, transhumance and use of camelids in Senegal; and the Agrosylvopastoral Law (LOASP) of May 25, 2004. However, in its livestock development component, the LOASP refers to Decree 80-268. This decree 80-268 defines four types of pastures: natural pastures, fallow land, artificial pastures (fodder crops) and crop residues. The provisions of the text require the delimitation/materialization of natural pastures (firebreaks, white and blue concrete posts or hedges of trees planted every 100 to 200 meters). The classification or downgrading of all or part of the natural pastures can only be done following a detailed study leading to the establishment of a file by a departmental commission for the conservation of pastures; this file must be examined by a regional and then national commission. It should be emphasized that this decree is too focused on resolving conflicts between herders and farmers and does not pay sufficient attention to certain key issues related to the preservation of pastoral use rights (animal mobility and access to natural resources). In addition, the text is cumbersome and difficult to apply, particularly with regard to the demarcation of grazing lands.

The land reform projects initiated successively in 1996, 2001,³⁰2004³¹ and 2008 did not always take into account the challenges of pastoral land tenure. Thus, the Land Action Plan developed at the request of the government in 1996 focused on three possible options, none of which took into account the requirements related to preserving pastoral mobility and guaranteeing pastoralists' access to natural resources. The agro-sylvo-pastoral orientation law that was approved in 2004 limited itself to mentioning that "*pastoralism is recognized as constituting a mode of development of the rural space and natural resources*" (Article 44). The document that was drawn up by the National Commission for the Reform of the Right to Land in 2008 focused exclusively on agricultural land. It advocated "*the privatization for the benefit of the State of certain dependencies of the national domain*", with as its main modality of implementation "*the creation of large areas of intensive investment*".

Theft and loss of livestock

The phenomenon of cattle theft to which Mauritanian herds in Senegal are exposed is also experienced by resident Senegalese herders. The Ministry of Livestock estimates the financial impact of this phenomenon at about 2 billion FCFA per year. The problem is so crucial that a law (Law No. 2017-22 of May 22, 2017) has been passed to repress and criminalize it. To minimize the phenomenon, the "Daral" application (<https://www.do4africa.org/projects/smart-environnement/7087/daral/>), which allows the traceability of livestock with the possibility of geolocation thanks to electronic chips in case of disappearance of animals, has been created and proposed to livestock breeders thanks to a partnership between Microsoft and Coders4Africa. "Daral" is a technological application composed of two Web and SMS platforms communicating with a centralized database. The farmers who adhere to it, receive in addition to information in the form of sms on thefts, information on epidemic risks and preventive actions to adopt.

³⁰ A land reform project has been initiated by the government of the alternation of power but its proposals have remained unknown.

³¹ Year of establishment of a thematic group on land reform within the framework of the implementation of the LOASP

The pilot deployment phase of "Daral" was launched on January 28, 2014 and is taking place in the Fatick and Kaolack regions.

A pastoral code soon available

The actors (institutions in the sector, livestock breeders and their representatives) noted that, despite the acute challenges related to the cohabitation of agricultural and pastoral activities in rural areas, the existing legal arsenal and the actions and processes initiated so far (PAF of 1996, LOASP of 2004, National Commission for the Reform of Land Law set up in 2005, etc.), have taken little or no account of the pastoral land tenure issue in Senegal.

In an effort to curb the process of marginalization of livestock activity, the Government decided to meet the demands of pastoral civil society organizations for the development of a pastoral code. On March 12, 2013, the Ministry of Livestock organized a day of validation of the terms of reference for the elaboration of the pastoral code. The purpose of this process is to enable Senegal to have an updated and appropriate legal framework. The document presenting the terms of reference of the process emphasizes that *"to be realized, pastoralism needs space and mobility, given the variability that characterizes pastoral areas. The pastoral land tenure security must then take into account this dimension and it remains important to define an appropriate framework for full operability of the law of agro-sylvo-pastoral orientation"*.

To date the pastoral code has been finalized and introduced into the circuit for its adoption. In addition to the code that is already almost available, a public animal health and veterinary health code is being prepared that will merge and contextualize all the texts that have existed until now on the subject, including decree 2002-1094 on animal health policy.

7.1.3 Key actors in the field of transhumant pastoralism in Senegal

The table below presents the main actors involved in the governance of pastoralism in Senegal.

Table 12 - Senegal: List of key players

Category and Key Players
Government Institutions
<ul style="list-style-type: none"> • Ministry of Livestock and Animal Production (MEPA) • Direction of the breeding • Regional Service for Livestock and Animal Production (SREPA) • Departmental Service for Livestock and Animal Production (SDEPA) • Veterinary positions (CPV) • Border authorities
Civil society
<ul style="list-style-type: none"> • ADENA (Namarel and Environ Development Association) • FAED (Federation of Breeders' Associations for Development) • DENTAL BAMBARE • National Union of Breeders' Organizations of Senegal (UNOES) • National Association of Livestock Meat Professionals (ANPROVBS) • Directory of Women in Breeding (DINFEL) • New Generation Breeders' Union (SENG) • RBM National Chapter • Association for the Promotion of Livestock in the Sahel and Savannah (CRIPA of Thies) • Boaters and Guides • Security (Customs/Police/Gendarmerie)
Research Institutes

<ul style="list-style-type: none"> • UCAD • IEMVT • ISRA
International Community
<ul style="list-style-type: none"> • CILSS • FAO • Regional Support Project for Pastoralism in the Sahel (PRAPS)/World Bank • AFD (French Agency for Development) • European Union; • IFAD • PARSAs • BRACED

7.2 Legislation and policies on pastoralism in Senegal

There are several elements of the legal and political framework that frame the practice of pastoralism in this country, the main ones being :

7.2.1 The political framework of pastoralism in Senegal

Senegal's policy in the livestock sector has undergone, since independence, many changes in line with current trends. Whereas in the 1970s, with the major Ferlo projects (PDES and SODESP), the country was divided according to a stratification of animal production by zone (breeder breeder in pastoral zones, maintenance and reproduction in agro-pastoral zones and fattening in peri-urban areas), later (late 1980s) we witnessed the creation of silvipastoral reserves accompanied by a parallel downgrading of sometimes large areas (Déaly, Boulal, Mbeggé, etc.) in favour of farmers. The 1990s saw the appearance of pastoral units (UP) promoted by the Livestock Support Project (PAPEL) in the silvipastoral reserve, modern ranches and livestock farms, as well as large industrial dairy projects such as Nestlé. From 2004 to 2008, the launch of the New Sectoral Initiative for the Development of Livestock (NISDEL) will focus on the promotion of private farms through the establishment of the Center for the Impetus and Modernization of Livestock (CIMEL) and the creation of the support fund for animal husbandry (FONSTAB) (2007). Nowadays, livestock policy is based on three reference documents (see box)

- National Agricultural Investment Program for Food Security and Nutrition (PNIASAN: 2018-2022) ;
- Emerging Senegal Plan (PSE 2035) ;
- National Livestock Development Plan (PNDE), 2016;
- Livestock Development Policy Letter (LPDE), 1999

National Agricultural Investment Program for Food Security and Nutrition (PNIASAN) 2018-2022

PNIASAN, the national version of the Regional Agricultural Investment Program for Food Security and Nutrition (PRIASAN/ECOWAS) and the WAEMU Agricultural Policy (PAU), aims to significantly increase agro-sylvo-pastoral and fisheries production and their contribution to food security and improved nutrition. It provides in its strategic axis 2 a sustainable increase in productivity and agro-sylvo-pastoral and fisheries production. To support this strategic option, it is planned in the pastoral livestock sector :

(i) to improve animal health and the genetic potential of livestock by strengthening the actions under way to combat epizootics and diseases, with a focus on improving the genetic potential of livestock in order to increase their productivity; and

(ii) to improve rangelands and access to concentrated feed with a view to supporting the diversification of livestock systems, securing the mobility of livestock considered as one of the most efficient livestock systems, but also facilitating access to concentrated feed for livestock. This action will be based on a strategy of strengthening pastoral infrastructure and equipment on the one hand, and improving access to animal health care for herders and pastoralists on the other.

The Emerging Senegal Plan (PSE) 2035

The PES, whose vision is "*an emerging Senegal in 2035 with a solidary society under the rule of law*", is the reference document for Senegal's development policy and is the basis for all other sectoral plans and policies. In the field of livestock, the PES has defined strategic objectives which are structured by the following five programs have been retained in the PES for the livestock sector :

- Program 1 "Modernization and intensification of animal production", which aims to improve the competitiveness of the animal sectors, through gradual intensification and modernization of production systems.
- Program 2 "Animal Health" which aims at the prevention, control and eradication of priority animal diseases.
- Program 3 "Securing Livestock" aimed at creating a secure and favorable environment for the development of livestock systems.
- Program 4 "Improvement of the conditions of marketing of animal products" whose main objectives are to strengthen the safety of food of animal origin and to promote the marketing of quality animal products.
- Program 5 "Support to Ministry Policies" which aims to ensure better management of the sector, through strengthening the intervention capacities of the livestock services, reviewing and adapting the legislative and regulatory framework to the sector's environment, and setting up an information and management system.

National Livestock Development Plan (PNDE), 2016

The National Livestock Development Plan (PNDE) is the reference document for livestock policy in Senegal from which projects and programs emanate. It operationalizes the emerging Senegal Plan in the livestock sector and has, consequently, recently been revised for its good linkage to the PES. It includes four strategic axes of intervention which are :

- Improvement of the productivity and competitiveness of the sectors, through the preservation of livestock health and the modernization of animal production systems.
- Creation of a favorable environment for the development of livestock systems, by securing pastoral livestock systems, managing pastoral resources, identifying livestock, combating livestock theft, promoting agricultural insurance and strengthening pastoral infrastructure and equipment.
- Improvement of the marketing of animal products, through the strengthening and modernization of processing and marketing infrastructure and equipment and the strengthening of the safety of food of animal origin.
- Strengthening of the institutional framework of intervention, by strengthening the intervention capacities of the livestock services, setting up an operational system for collecting and managing livestock data and providing institutional support to professional organizations in the sector.

7.2.2 The legislative framework of pastoralism in Senegal

Various laws have been designed by the Senegalese legislator to legislate the practices of livestock farming, particularly mobile livestock farming in Senegal. The box below summarizes the main points of these laws.

The legislative framework of pastoralism in Senegal

- Law 64-46, known as the National Domain Law of 1964 and its implementing decree 64-573;
- Decree 80-268 of March 10, 1980 on the organization of livestock routes and the use of pastures;
- Law 81-13 of 4 March 1981 on the water code of Senegal;
- Decree 86-275 of March 10, 1986 regulating the impoundment of stray animals
- Decree 86-320 of March 1986 regulating the breeding, introduction, transhumance and use of camelids in Senegal;
- Law 96-07 of March 22, 1996 on the transfer of powers to the regions to the municipalities and rural communities ;
- Law 2001 - 01 of January 15, 2001 on the environment code and its application decree (2001-282 of April 12, 2001);
- Decree 2002-1094 of November 4, 2002 relating to the Animal Health Policy;
- Law 2004-16 of June 4, 2004 on the law of agro-sylvo-pastoral orientation (LOASP);
- Decree 2007-1147 of October 4, 2007 on the organization and functioning of the Superior Council and the Regional Agro-Sylvo-Pastoral Orientation Committees;
- Law 2017-22 of May 22, 2017 on the Penal Code (amending Law No. 65-60 of July 21, 1965) ;
- Law 2018-25 of November 12, 2018 on the Forestry Code.

Law 64-46 of 1964 on the National Domain (LDN) and its implementing decree 64-573

The law on the national domain of June 17, 1964 is the main text that regulates the use and uses of agropastoral areas in rural areas. This NDA did not improve access to pastoral resources. The restrictive interpretation of the notion of "development" in fact occludes pastoralists in their access to land and consequently to certain important pastoral resources. The law considers pastoralism as collective development (no allocation to families but possibility of allocation to groups of pastoralists) and promotes the criterion of residence, whereas mobility is the main characteristic of pastoralism. This law therefore does not give a specific place to livestock farming activity.

Decree 80-268 of March 10, 1980 on the organization of livestock routes and the use of pastures.

The only text concerning pastoralism remains the decree 80-268 of March 10, 1980 on livestock routes, which has limited effects and has never been revised. Focused on settling conflicts between stockbreeders and farmers without paying much attention to certain essential questions relating to the preservation of pastoral use rights (mobility of animals and access to natural resources), this text limits itself to defining 4 types of pasture: natural pasture, fallow land, artificial pasture (fodder crops) and crop residues. It imposes the delimitation of natural pastures and organizes their classification and downgrading. This decree contains limits because it is drawn up as if its sole purpose was to settle farmer/pastoralists conflicts. It is cumbersome and remains difficult to apply, especially on issues of demarcation of natural pastures.

Law 81-13 of 4 March 1981 on the water code of Senegal

Law 81-13 of 4 March 1981 considers non-maritime waters, including estuary and mangrove deltas, and the regime of hydraulic works as public property (arts. 1&2). This law gives priority to human needs for water (Art. 75), followed by those of livestock and other uses (Art. 76), but does not clearly define the rights of use for activities related to pastoralism.

Decree 86-320 of March 1986 regulating the breeding, introduction, transhumance and use of camelids in Senegal.

This decree was taken following an observation on the threat that camels pose to the fodder resources and the capacity of regeneration of the plant cover in Senegal. Aimed mainly at foreign camelids, especially Mauritanian camelids, whose numbers had become significant, the law aims (i) to prohibit access to the territory by foreign camelids and (ii) to regulate the breeding of Senegalese camelids. Also, in addition to enjoining the owners of this type of herd to respect the Forest Code and the Hunting and Plant Protection Code (art. 2), this law confines the camel herd to the Senegalese part situated north of the Potou-Louga-Dahra-Linguère-Ranérou-Ourossogui-Matam road (art. ¹).

Law 96-07 of March 22, 1996 on the transfer of powers to the regions to the municipalities and rural communities

This law transfers nine (09) areas of competence of the State to the regions, municipalities and rural communities, including the field of Environment and Natural Resource Management; and that of Spatial Planning. These entities are given different degrees of competence over the management, protection and maintenance of forests, protected areas and natural sites of regional interest; the implementation of defences and other local measures for the protection of nature, the management of continental waters excluding watercourses of international or national status, the creation of woodlands, forests and protected areas, the creation of firebreaks and early fire, within the framework of the fight against bushfires, the elaboration, implementation and monitoring of regional environmental action plans or schemes; the elaboration and implementation of regional environmental action plans; the issue of authorisation for land clearing after the opinion of the rural council. However, difficulties remain with regard to its application because of the difficulties in mobilizing local and national financial resources to set up management programs and monitor the use of resources.

Decree 2002-1094 of November 4, 2002 on animal health policy

Within the framework of pastoralism, the measures taken at the borders with neighboring countries are in conformity with the Community decision and its regulation. Indeed, the crossing of the land border for transhumance is authorized in both directions (entry and exit) for animals of the horse, donkey and their crossbreeds, for bovine, ovine and caprine species (art. 197). It is subject to the issuance of a health pass issued by the livestock officer in charge of the health inspection at the entry or exit points (art. 198). The return of animals to Senegal is effected through the post through which they have issued the pass (sec. 200). On entry and exit, quarantine is imposed on animals that are not accompanied by a health certificate (sec. 201). If one or more animals of the species are affected by contagious diseases during the regularly authorized movement, the entire herd must be immobilized on the spot and the sanitary prophylactic measures immediately applied.

Law 2004-16 of June 4, 2004 on the law of agro-sylvo-pastoral orientation (LOASP)

The agro-sylvo-pastoral orientation law (LOASP) promulgated in 2004 is in line with the implementation of sub-regional directives, particularly the policies of WAEMU, ECOWAS and NEPAD. Although it focuses on the intensification of agro-sylvo-pastoral production to the detriment of the extensive forms of family farming, according to the explanatory memorandum, the LOASP has nonetheless brought about a historical evolution by officially insisting that livestock farming should be considered as "a mode of development of the rural space and natural resources" (Article 44). Also, in its Article 9, LOASP gives breeders and their organizations a recognized and protected status. It recognizes the economic function of pastoralism, its contribution to the management of natural resources, the protection of the environment and the balanced and coherent development of the territory (art. 17). It thus announces that "pastoralism will be the subject of specific provisions in the

land reform law referred to in Article 22-23" and the updating of Decree 80-268 of March 10 on livestock grazing.

Although the planned texts have been slow to be drawn up, many initiatives in the field have emerged and have made it possible to establish concerted rules for the management and occupation of space (land use and land use plan, pastoral units). More than sixteen years after the LOASP, the texts on pastoralism have still not been revised, but a new dynamic is emerging, with a new land policy and a pastoral code currently being drawn up. There are also plans to set up an observatory on transhumance.

Decree 2007-1147 of October 4, 2007 on the organization and functioning of the Higher Council and the Regional Agro-Sylvo-Pastoral Orientation Committees (CSOASP)

This decree specifies the organization, composition and mode of operation of the Higher Council and Agro-sylvo-pastoral Orientation Council (CSOASP) and the Regional Agro-sylvo-pastoral Orientation Committees (CROASP). The Council participates in defining the Government's policies and orientations and in monitoring and evaluating their implementation through the strategies, action plans, programs, projects and actions decided upon. In this capacity, it decides on various issues such as the allocation of resources, particularly those provided for in the law on agro-sylvo-pastoral orientation for financing, support measures (research, agricultural advice, training, information), improvement and development of agro-sylvo-pastoral production; coordination and coherence of the activities of intervention companies and recognized professional organizations; the organization of producers, the creation of inter-professional organizations and the facilitation of contractual relations between producers and their partners. The CSOPSP as well as the CROASPs may set up specialized commissions created for this purpose by interministerial or Governor's order and call upon any expertise useful for the accomplishment of their work.

Law 2017-22 of May 22, 2017 on the Penal Code (amending Law No. 65-60 of July 21, 1965)

In recent years, cattle theft has become one of the brakes on private investment in the livestock sector. A unit to combat livestock theft, whether resident or transhumant, national or foreign, has been set up within the Ministry of Livestock and Animal Productions (MEPA) to coordinate the interventions planned as part of the implementation of the action plan that was developed in 2013.

The National Assembly passed Law No. 2017-22 of May 22, 2017, amending Law No. 65-60 of July 21, 1965, by removing the restrictive conditions of Article 368 of the Penal Code, thereby broadening the scope of the criminalization of livestock theft, which is, to date, the most severely punished offense in the category of property crimes, with penalties ranging from 5 to 10 years.

To accompany the implementation of this law, the National Livestock Day was organized on December 23, 2017, in Kolda, around the theme "What effective strategies for the eradication of livestock theft for greater economic and social stability".

When a resident or transhumant farmer is a victim of theft, he can initiate proceedings to recover the stolen animals. To do so, he must file a complaint with the defense and security forces station (police station or gendarmerie brigade) closest to the location of the crime.

Law 2018-25 of November 12, 2018 on the Forestry Code

This law authorizes the right of use of the pastoralists bordering the forests of the national domain to graze their livestock and prune fodder species. In the same domain, the harvesting of fruits, leaves, roots, bark, gums, resins and honey for food or medicinal purposes (human and animal health) is authorised as well as the collection of straw. But in no case does this right of use apply to reforestation and restoration areas, national parks, integral nature reserves, private forests, selected seed trees, seed orchards and conservation plots. The limit of this law at the level of

pastoralism is that it does not address the right of use of transhumant pastoralists, although the Departmental Council could decide on access to these transhumant pastoral resources.

7.2.3 Implementation of the ECOWAS protocol on transhumance in Senegal

Cooperation frameworks for cross-border transhumance between Senegal and its neighbors and their functionality

Cooperation on transhumance exists and works between Senegal and Mauritania. The implementation of the two bilateral memoranda of understanding put in place (see box) is made effective and supported by a joint committee, which brings together all the actors who rely on the subject (authorities, technical services, security, herders' representatives) and which meets regularly to assess the situation and take decisions. The meeting takes place each year in two stages, a first stage under the authority of the governors of the neighboring regions of the two countries, and a second stage (the day after the first meeting) between the two supervisory ministers of the two countries. The meeting is generally held after Senegal, the host country par excellence, has taken stock of its fodder biomass availability and its capacity to accommodate livestock (this is not always effective given the means that this requires). This technical information is fed into the exchanges of the members of the joint committee who, while evaluating the past transhumance campaign, will make informed resolutions on the one to come.

The most discussed issues relate to non-compliance by transhumants, especially cross-border transhumants, with the rules laid down (places and times of entry, numbers, health certificate, transhumance certificate, passes, identification documents, itineraries, destinations, sedentarization, etc.) and bad practices (reduction in numbers, livestock theft, pruning, bush fires, grazing in classified/protected areas, etc.).

- **Memorandum of Understanding between the Islamic Republic of Mauritania - Republic of Senegal**

), the conditions of movement and stay of the herd (compliance with the legislation of the host country, agreed itineraries, periods and entry points, conditions of access to veterinary services and local inputs, identity documents, guarding, prohibited practices, health control during the stay, etc.), and the conditions of the herd's movement and stay (compliance with the legislation of the host country, agreed itineraries, periods and entry points, conditions of access to veterinary services and local inputs, identity documents, guarding, prohibited practices, health control during the stay, etc.), conditions for receiving the transhumant herd (entry and exit periods, possibility of changes, notification of changes, access to resources according to the rules of the host country, etc.), conditions for settling disputes (conciliation commission, inter-ministerial commission, justice of the host country, written communication to both States), conditions for sanctions for breaches, as well as final provisions.

- **Memorandum of Understanding on cooperation in the field of animal health, veterinary public health and animal production between RIM and the Republic of Senegal of February 26, 2013**

This agreement (6 articles), which aims to prevent the transfer of diseases due to the movement of livestock between the two countries, specifies, among other things, its scope of application, the establishment of technical, scientific and economic cooperation between the health structures of the two countries, the establishment of a technical committee for the implementation and monitoring-evaluation of the agreement, the composition of the said committee, the mechanisms for financing actions and the general provisions.

- **Memorandum of Understanding regulating cross-border transhumance between Senegal and Mali, Bamako, April 12, 2005**

This agreement, like the one with Mauritania, defines the administrative formalities to be fulfilled for transhumance, the conditions of movement and stay of livestock; the species concerned as well as the numbers; the nature, period, official entry posts as well as the duration of transhumance; the reception of transhumants.

- **Draft Animal Health Agreement between the Government of the Republic of Mali and the Government of the Republic of Senegal of April 2, 1993**

Although at times, the Mauritanian livestock population in Senegal is massive (more than 150,000 ruminants in 2017/18), with various consequences on resources and local populations, the pooling of intelligence through permanent exchanges, have so far allowed relatively calm transhumance

seasons. However, actors on both sides of the border must redouble their efforts to raise awareness among herders and to manage the situation transparently in order to continue to maintain this climate.

Cooperation with Mali is formalized through agreements, but their functionality remains to be desired due to the lack of regular and documented exchanges such as those observed with Mauritania.

There are no bilateral agreements between Senegal and the southern states of Guinea, Guinea Bissau and the Gambia. As a reminder, with these countries, due to climatic conditions and health risks, transhumance flows are low (Gambia) or almost non-existent (the two Guineas).

The table below summarizes the status of implementation of the ECOWAS Community regulation on transhumance in Senegal and between Senegal and its neighbors.

Table 13 - Senegal: Summary analysis of the level of compliance with Regulation C/REG.3/01/03

State obligations	Level of implementation
Article 1	
Organize information, communication, awareness raising, training and education campaigns/sessions for transhumant herders and the various actors involved in transhumance in the areas of departure, transit and reception of transhumant herds.	This is done regularly thanks to the investment of national and sub-regional breeding organizations (ADENA, ³² RBM National Antenna ³³ , DINEL, ³⁴ ANPROVBS, ³⁵ UNOES, ³⁶ SENG, ³⁷ CNMDE ³⁸ , APSS CRIPA of Thiès).
Establish or revitalize pastoral organizations at the national level, particularly herders' associations, so that they contribute to better management of transhumance, as well as to the prevention and management of transhumance-related conflicts.	Efforts are noted in this direction with the strengthening of the pastoral civil society, in particular the national antenna of RBM and the APSS RCAP of Thiès, which, through advocacy and various projects (e.g. PRAPS) work for a peaceful transhumance.
Create national bodies (committees, networks or any other structures) for the management, monitoring and evaluation of transhumance.	This is not effective.
Ensure strict compliance by States, pastoralists, transhumant herders, farmers and other components of rural society with the decision of the Heads of State relating to the regulation on FT as well as ECOWAS protocols, conventions and decisions: free movement of persons and goods, mechanism for conflict prevention, management, resolution, peacekeeping and security;	An effort is being made in this direction both internally and with neighboring countries, particularly Mauritania and Mali.
Ensure strict compliance by States, herders, transhumant herders, farmers and other components of rural society with the laws and regulations in force in the countries as well as bilateral and multilateral commitments: conservation and sustainable management of natural resources and the environment.	Senegalese pastoralists are not used to cross-border transhumance. Most of the rare pastoralists who practice it are equipped with the necessary precautions (required documents and respect for the laws) of the host countries;
Article 3	
To inventory all the transhumance axes in the sub-region.	This has been initiated by various pastoral projects, the most recent of which is PRAPS.

³² Billital Maroobe Network

³³ Association for the Development of Namarel and Surrounding Villages

³⁴ Directory of women in animal husbandry

³⁵ National Association of Livestock Meat Professionals

³⁶ National Union of Breeders' Organizations of Senegal

³⁷ Syndicat d'Éleveurs de la Nouvelle Génération (New Generation Breeders' Union)

³⁸ National Council of the House of Breeders of Senegal

State obligations	Level of implementation
Set up an information and communication system on transhumance and animal disease surveillance	There is a network for animal diseases. A national epidemiological surveillance system whose data are generated at the grassroots level from the farmers, auxiliaries and agents of the veterinary posts to the national level (Veterinary Services Directorate and National Laboratory). The data are then transmitted to the OIE and shared with neighboring countries.
Involve farmers, professional associations and other stakeholders in the implementation of the ECOWAS decision	RBM (national branch) and APSS (CRIPA of Thies) are actively advocating in Senegal for the implementation of ECOWAS texts on cross-border transhumance.
Design and implement a pastoral management program in each Member State (systematic mapping of grazing areas, transhumance areas and water networks).	Pastoral development efforts (mapping, development and securing of pastoral resources, development, planning and organization of management) are noted particularly in the agro-silvo-pastoral zone (North and North-East zones of the country).
Set up a ministerial committee to monitor transhumance.	Such a structure does not yet exist. However, this role is assumed by the joint committee in charge of monitoring cross-border transhumance between Mauritania and Senegal.
Create a regional observatory on transhumance to monitor the implementation of community provisions.	Not effective. This is under consideration in the framework of the High Level Regional Concertation for a peaceful cross-border transhumance.
Design a regional strategy for the management of pastoral resources within the framework of the implementation of the Sub-Regional Action Programme to Combat Desertification (SRAP) adopted by the Conference of Heads of State and Government and the initiatives of the New Partnership for Africa's Development (NEPAD) in West Africa.	Not effective
Include training programs on pastoralism and agro-economics in the curricula of West African training institutions specialized in animal husbandry.	Staff (Master Pastoralism at AGRYMETH)
Promote dialogue and collaboration among member states on transhumance-related issues	The dialogue is effective with the protocols on animal health and transhumance with Senegal implemented through the joint cooperation framework on cross-border transhumance. Dialogue is also effective with Mali (protocols on transhumance and animal health) but is not very active. There is also a more global dialogue at the level of the Western Corridor through the "High Level Regional Concertation for a Trans-border Transhumance Peacefulness".
To circulate information on animal health among the veterinary services of the Member States.	Collaboration on animal health is effective with neighbors and other ECOWAS States.

Perceptions of Senegalese stakeholders on the implementation of the ECOWAS Protocol

Thanks to the bilateral agreements on animal health and transhumance and the exchanges that take place within the framework of the parity framework, transhumance in Senegal of Mauritanian herds has been carried out for some time without major incidents. Nevertheless, this seems to be more a matter of the fact that Senegal, learning from the unfortunate events of the past (89-91 farmers-breeders conflict, 2018 fisheries conflict), is doing everything possible to avoid overflows. The Senegalese side believes that good faith in the monitoring of Mauritanian transhumants is not effective in this country. They suspect that Mauritania does not rigorously monitor the numbers leaving the country. Even the joint inventories conducted in the two countries to evaluate the numbers of herds from each country present in the neighboring country have not given satisfactory

answers, so much so that the exploitation of cultural continuity coupled with the kinship between the populations of the two shores make the exercise complicated.

While community and bilateral agreements allow countries to monitor the flow of foreign animals and limit their numbers according to the capacity of local pastoral natural resources, Senegal has difficulty asserting this right given the camouflage/circumvention strategies put in place by Mauritanian transhumant herders. Indeed, many Mauritanian pastoralists, some of whom have settled in Senegal, with local complicity (including through corruption), manage to pass themselves off as nationals, thus subtracting their herds from the non-resident population. This practice has led to an over-staffing of Mauritanian camelid herds on Senegalese territory, the management of which is a problem between the two countries today. To remedy this situation, the joint committee has decided on a moratorium during which, camelid herds from Mauritania are no longer accepted in Senegal, the time to find a way out of the numbers already present and to operationalize rigorous monitoring tools (transhumance observatory) to prevent future situations.

7.3 Conclusions on the impact of regional and national policies on conflicts related to transhumant pastoralism in Senegal

The cooperation policy on cross-border transhumance in Senegal is driven by three major concerns: (i) to respect the spirit of community cooperation as promoted by ECOWAS, (ii) to maintain good relations with its neighbors, particularly Mauritania, and (iii) to ensure the preservation of current pastoral natural resources that are deteriorating due to several factors.

Thus, the fairly extensive legal arsenal and current practices tend to promote free access on reasonable terms to all resources by foreign transhumant herds in the country. Also, thanks to ongoing cooperation with Mauritania (an inclusive joint committee that meets regularly), a country from which it receives many transhumant herds and which is its main supplier of red meat, the country is currently managing the bad practices that threaten relations between transhumants and local groups as well as the natural resources themselves. Thus, with the agreement of this neighboring country, the entry of Mauritanian camel herds into Senegal has been frozen to settle the case of those who have settled in the country and who threaten to degrade wood resources as a result of their feeding behavior. Apart from this specific issue related to camelids, the joint committee deals with all the conflicting subjects (rejection of transhumants around certain boreholes and pastoral units, livestock thefts, damage to fields, obstruction of livestock crossings, clandestine transhumance, racketeering/harassment, etc.) and thus manages to mitigate their impacts on relations between the actors between the two States.

Flows with other neighboring countries are lower than with Mauritania. They are, however, notable (especially inflows) with Mali and, to a lesser extent, with The Gambia. With Mali, the basis for cross-border cooperation exists (agreement on transhumance and draft agreement on animal health). Bilateral cooperation with the Gambia and countries further south (Guinea, Guinea Bissau) is officially almost non-existent, reflecting the low animal flows observed between Senegal and these countries, particularly the two Guineas.

In addition, to follow up on ECOWAS recommendations and maintain the watch in its own interest, Senegal plans to set up a national transhumance observatory that will enable documented monitoring of the practice and the issuance of sufficiently informed opinions.

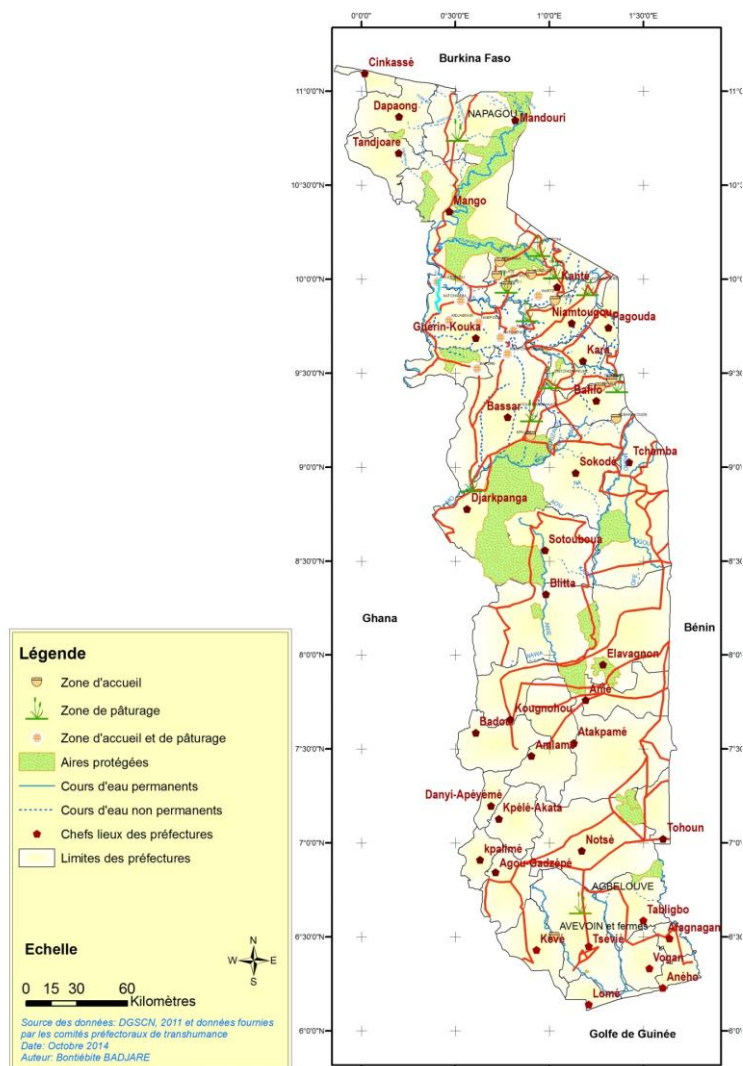
8. Togo

The Togolese Republic is located in West Africa. It stretches in the interior of the continent for 579 km between the 6th and 11th degrees of latitude north. Its greatest width is 167 km. Covering an area of 56,785 km², the Togolese Republic is credited with a population of 8.5 million inhabitants in 2020.

In 2012, Togo's cattle population is estimated at 313,269 head, goats at 2,009,897 head, and sheep at 1,750,671 head. The contribution of the livestock sub-sector represents 16.56 percent of agricultural GDP and 6.73 percent of national GDP³⁹.

Togo hosts animals in transhumance from Burkina Faso, Niger and Nigeria, via Benin.

Figure 9 - Togo: Map of transhumant herd reception areas



³⁹ FAO, 2017, review of the livestock/meat & milk sectors and the policies that influence them in Togo, study report, 53 pages.

8.1 Presentation of the main legislative texts and instruments for managing transhumance in Togo

Togolese pastoral law is governed by several legal texts:

Key legal texts in force on transhumance in Togo (Laws, Decrees, Orders)

- *Law n°2018-005 of June 14, 2018 on the Land and Public Lands Code*
- *Transhumance Management Plan (TMP) 2014-2020*
- *Law No. 2008-09 on the forestry code*
- *Interministerial Order n°001/MAEP/MAEIR/MATDCL/MEF/MCDAT/ MSPC of May 22, 2008 on the organization of the transhumance movement in Togo*
- *Decree No. 2008-033/PR of March 11, 2008 amending Decree No. 2007-089/PR of July 26, 2007 on the creation, composition and attribution of the national and prefectural transhumance committees,*
- *Decree n°2007-089/PR on the creation, composition and attribution of the national and prefectural transhumance committees,*
- *Order n° 21/MAEP/SG/DEP of October 02, 2003 on the creation, attribution, organization and operation of the animal disease epidemiosurveillance network in Togo*
- *Law n° 99-002 of February 12, 1999 on animal health in the territory of the Togolese Republic*
- *Law n° 98-019 of December 23, 1998 relating to the exercise of the veterinary profession*

Interministerial Order n°001/MAEP/MAEIR/MATDCL/MEF/MCDAT/ MSPC of May 22, 2008 on the organization of the transhumance movement in Togo

The organization and management of transhumance in Togo is regulated by interministerial order n°001/MAEP/MAEIR/MATDCL/MEF/MCDAT/MSPC on the organization of the transhumance movement in Togo. It is a decree of 14 articles which are articulated around the main points below:

- ✓ Foreign transhumant herds are subject to the possession by their owners of an International Transhumance Card (CIT)/ECOWAS; signed by the administrative authorities of the country of origin (Article 1);
- ✓ Owners of herds under transhumance must notify the Togolese authorities at least 60 days in advance before coming to Togo (Article 3) ;
- ✓ The periods of entry on the Togolese territory are fixed each year by the Minister in charge of livestock (Article 4);
- ✓ Veterinary checks are obligatory at border veterinary posts (Article 5);
- ✓ Night grazing and grazing in fields and protected areas are prohibited (Article 6);
- ✓ The sedentarization of transhumant herds must be subject to authorization (Article 7);
- ✓ Entry fees are fixed at 5000 F CFA/head of animals and 500 F CFA per head of animals in the host Prefectures (Article 10). These taxes collected are distributed as follows (Article 12):
 - 1/3 for landowners ;
 - 1/3 for the layout of passageways;
 - 1/3 reserved for the operation of the CNT and CPT.

Decree No. 2007-089/PR of July 26, 2007, amended by Decree No. 2008-033/PR of March 11, 2008, on the creation, composition and powers of the national and prefectural transhumance committees.

It is a decree that updated the composition of the National and Prefectural Transhumance Committees which are the key institutions mandated to manage transhumance in the country. Togo's CNT is composed of 13 ministers (or their representatives) and the directors of the central services concerned with the organization of transhumance.

The law n° 99-002 of February 12, 1999 relating to animal health in the territory of the Togolese Republic

Its purpose is to provide Togo with an efficient text in the field of animal health, to ensure Togo of an effective protection of animals and the livestock economy against epizootic diseases and to regulate animal health in the territory of the Republic of Togo (Article 1).

Transhumant animals are subject to the sanitary regulations in force in the country (article 32). For the movement of their animals (whatever the reason), breeders are required to take a health pass at the veterinary station nearest to their area of origin (Article 29). The Act provides for quarantine in case of declared contagious diseases. It also provides for the construction of quarantine stations at each veterinary station.

Transhumance Management Plan (TMP)

The legal arsenal for regulating transhumance in Togo is accompanied by a Transhumance Management Plan (TMP) which is broken down each year into POGTs (Operational Plan for Transhumance Management). The TMP was elaborated within this framework in September 2014 for a period of 7 years: 2014-2020. Its total budget is 6,867,912,000 FCFA. It aims to limit conflicts between transhumance actors (farmers and herders) and to stimulate a better use of the opportunities offered by cross-border transhumance. Its main objective is to *"secure transhumance in Togo, and contribute as a factor of peace to social cohesion given its contribution to the improvement of the national economy"*. To achieve this objective, the TMP is structured around two strategic areas of intervention: (i) significant reduction of conflicts related to transhumance and (ii) integration of transhumance into the national economy.

The transhumance management strategy in Togo is based on nine (09) guiding principles, namely :

- The recognition of transhumance as an activity contributing to the improvement of the rural economy and by ricochet of the national economy;
- The promotion of the breeding of large ruminants through crossbreeding, transactions ;
- The elaboration of a code of conduct for this activity ;
- The securing of all activities related to transhumance ;
- The routing of the animals, if necessary, in the cattle racks to avoid the occasional raving observed;
- The validation of the transhumance map ;
- The marking out of the corridors and the construction of the water points;
- The permanent sensitization of the actors ;
- The strengthening of local transhumance management committees.

Alert and information flow on pastoralism (POGT, 2018)

A process of alert and circulation of information on pastoralism is put in place and allows the authorities and other actors, at any time, faced with a given situation, to assess the gravity, to see the provisions made for this purpose, as well as the people in charge of responding to it.

Table 14 - National warning system on problems related to transhumance in Togo

Threshold	Description	Arrangements to be made	Responsible persons
1	Damage noted 2 or ++ successive damages	Start awareness raising Accelerate awareness Stop the progress of the animals Investigation	CPT CNT MSP/MI/CPT/CNT
2	Blows and wounds on persons (farmers or other persons)	Immediate care of the interested parties Travel of the CNT to the site	CNT/ MSP/MI/CPT
3	Open conflicts between farmers and breeders	Protect exposed persons	CNT/ MSP/MI/CPT

4	Conflicts with human death (linked to the passage of breeders)	Compassion / appeasement Pushing herds out of the country	CNT/ MSP/MI/CPT
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Source: POGT (Togo, 2018)

Valorization of the strengths of the traditional Fulani authorities in sensitizing herders and in collecting information on transhumance.

In Togo, the Ruuga and Garso are Fulani chieftains present in various localities of the country. The Garso are chosen from among the Fulani communities. They are in charge of issues related to livestock and transhumance. These traditional actors work in concert with members of official bodies (Veterinary Services, CPT, CNT, etc.) for feedback and the assurance of peaceful management of transhumance.

8.2 Analysis of legislative texts and instruments for managing transhumance in Togo

Strong points

One of the great riches of Togo's legislative framework is its pragmatism and the synthetic form of its main management decree for the livestock sub-sector. Indeed, this *interministerial Order n°001/MAEP/MAEIR/MATDCL/MEF/MCDAT/MSPC of May 22, 2008* of 15 Articles did not allow itself only to enact rules for the management of transhumance, it provided at the same time for the mobilization of funds to manage transhumance campaigns. In its article 10, one notes the levying of a pastoral tax and its article 12 indicates how these funds will be dispatched between the different institutions for their functioning and to guarantee the security of the actors and transhumant herds. In the spirit of this regulation, there is a tendency to "self-finance transhumance campaigns"; the objective being that transhumance management activities should be financed by transhumance itself without relying too much on external funding. And we did not wait for political-administrative tractions to instruct its collection and its expenditure for the purposes of transhumance.

In Decree No. 2008-033/PR of March 11, 2008, the Togolese authorities established the main institutional pillars (CNT, CPT, etc.) for the monitoring and control of transhumance campaigns, and, in order to promote the collection and rapid circulation of information and to limit the damage and conflicts linked to transhumance

One of the interesting instruments for transhumance management in Togo is the PGT (2014-2020), which has been elaborated with an operational and annual transhumance management plan (POGT) and budgets. With these documents, Togo has acquired a clear vision of its perception, appropriation and valorization of cross-border transhumance. This allows the country to gradually implement these ambitions on conflict reduction and the integration of transhumance into its economy. The TMP/POGT documents valorize the livestock producer organizations and the Peulh customary institutions in the management of transhumance.

Togo has legislated on the sanitary police of animals circulating on its territory with its Law No. 99-002 of February 12, 1999. It allows for the protection of both domestic animals and animals in transhumance against epizootics. Article 5 of Inter-ministerial Order n°001/MAEP/MAEIR/MATDCL/MEF/MCDAT/ MSPC subjects transhumant animals to veterinary control at border veterinary posts.

Weaknesses

Law No. 2008-09 on the Forestry Code and Law No. 2018-005 of 14 June 2018 on the Land and State Land Code make very little mention of pastoralism and transhumance in Togo.

In Togo, despite the efforts made by legal instruments on pastoralism and transhumance, there are important aspects that are not taken into account, notably the procedures for preventing and

managing conflicts between third parties (fisher-farmers, etc.) and transhumant herders, and the sanctions around the various infractions committed in transhumance practices. It is Decree No. 2007-089/PR on the creation, composition and attribution of the national and prefectural transhumance committees that favors the amicable settlement of conflicts between third parties and transhumant herders (see Article 2, paragraph 5).

Recommendations

- Complete the legislative framework for transhumance management in Togo, with legal measures that it lacks, notably: the prevention and management of conflicts between third parties and transhumant herders, and new elements deemed relevant in view of the experiences acquired in the implementation of the PGT/POGT (sustainable management of agropastoral areas, etc.): fluidity in the dispatching of the pastoral tax and management of sedentarization, etc.
- Proceed with the revision and adaptation of land and natural resource legislations in order to take into account the specific needs of pastoralism in view of the weaknesses in taking pastoralism into account. In particular, these laws should recognize and guarantee pastoralists collective use rights over spaces allocated for pastoral development (pastures, animal passage corridors, rest areas, water reservoirs, etc.).

8.3 Harmonization of Togo's legislative texts with ECOWAS regulations on transhumance

Strong points

Most of the articles of Chapter 1 (general provisions) of Inter-Ministerial Order No. 001/MAEP/MAEIR/MATDCL/MEF/MCDAT/ MSPC of 22 May 2008 revolve around the legal measures advocated by ECOWAS. Thus, the entry and exit of foreign transhumant herds on Togolese territory are subject to the possession by their owners or herdsmen of an ECOWAS International Transhumance Certificate (CIT) duly signed by the administrative authorities of the country from which the animals originate, in accordance with Decision ADEC 5/10/98 (Article 1). The Minister in charge of animal husbandry is instructed to fix each year the periods of entry and exit of herds (Article 4). Night grazing and field grazing are prohibited (Article 6), and grazing animals must be supervised by their owners (Article 7). A period of two months is given to foreign transhumant herders to notify the competent institutions in Togo of their arrival on Togolese territory.

The health policy for animals circulating on Togolese territory is taken into account in Law No. 99-002 of February 12, 1999 and Interministerial Order No. 001/MAEP/MAEIR/MATDCL/MEF/MCDAT/ MSPC (in its Article 5). It provides guidelines to promote the circulation of zoo-sanitary information in the country.

It is in the TMP that strategies for organizing cross-border transhumance are developed, namely the establishment and capacity building of transhumance management committees at different levels, permanent sensitization of actors, initiatives for cross-border consultations with transhumance actors from border countries in Togo, etc.

Weaknesses

Weak consideration of Togolese legislation on pastoralism, mechanisms for prevention, management, conflict resolution, maintenance of security, even if in practice something is being done.

Weak consideration of pastoralism in Togo's land and forestry legislation.

Weak consideration of pastoralists' POs and customary institutions in pastoralist legislation in Togo, even though in practice these institutions are increasingly integrated into transhumance management mechanisms. Togo has also not Yet this is required by regulation C/REG.3/01/03 on the implementation of transhumance regulations between ECOWAS member states.

Recommendation

Review and adapt legislation on pastoralism, land and natural resources to take into account the specific internal and community (ECOWAS) needs of pastoralism.

8.4 Appreciation of the implementation of ECOWAS measures by Togo

8.4.1 Results of transhumance campaigns according to CNT Togo

The table below is a summary of the results obtained by the National Transhumance Management Committee in monitoring and conducting transhumance campaigns in 2016-2018 in Togo.

Table 15 - Results of the last three transhumance campaigns in Togo

Balance sheet indicators	Comparative results of the transhumance campaigns 2016, 2017 and 2018		
	2016	2017	2018
Enumeration of transhumant herds		37400 heads	30,077 heads
Collection of the single tax of 5 000 FCFA/animal	30 million	62 million	65 million
Number of conflicts recorded	5 conflicts with the death of men	0 conflicts + 0 human deaths	0 conflicts + 0 human deaths
Minor Incidents	38	16	09
Field devastation	219	105	85 + amicable settlement of 12 million euros
Infrastructures and pastoral works carried out		<ul style="list-style-type: none"> • 5,000 beacons manufactured and installed • 15 pastoral drillings carried out • 20 road signs on major highways • 3 "water holes", made in the reception areas: Tetetou, Tchapossi-Dantessi and Yanda. 	
Production of cowherds and badges for the identification of sedentary and transhumant breeders.		<ul style="list-style-type: none"> • 12,000 badges manufactured to identify sedentary herdsmen and transhumant herders 	

Source: CNT-Togo

8.4.2 CNT's views on the results obtained during transhumance

Table 16 - Strengths and weaknesses of transhumance campaigns in Togo

Highlights	Weaknesses
<ul style="list-style-type: none"> • Workshop-assessment of the transhumance campaign with the participation of border countries such as Benin, Burkina Faso and Niger. • Existence of a transhumance management plan (drawn up in 2014) which is broken down each year into an operational transhumance management plan (POGT). • Exchange visit of delegations from the national transhumance committees of Ghana (GCRC) and Benin in July and August 2018 == new horizon in cross-border collaboration (towards the implementation of the regional POGT will be a real tool for integration) 	<ul style="list-style-type: none"> • Development of the sedentarization of transhumant animals with the complicity of local chiefs. • Collection of taxes by local authorities on inter-prefectural movements of sedentary and transhumant herds in addition to the taxes collected by the CNT. • Early entries and their management • Discontinuity of transhumance corridors between regions

Source: CNT-Togo

8.4.3 Appreciations by the actors of the respect of the measures (results of the interviews in Togo)

Compliance with ECOWAS measures	Acknowledgements by stakeholders of compliance with measures (results of interviews in Togo) and documentation data
Possession of CIT by transhumant breeders	<ul style="list-style-type: none"> • According to livestock managers in Togo, transhumant herders are informed about the holding of the CIT, but the distribution system for this document in this country is poorly functional (shortage of CIT cards). • Most transhumant pastoralists in Togo do not have this coin.
Possession of identity documents by transhumant breeders	<ul style="list-style-type: none"> • Most of these breeders also do not have identification documents.
Respect of agropastoral calendars	<ul style="list-style-type: none"> • The transhumance period starts from January 31 to May 31 of each year. • This schedule seems difficult to respect by transhumants who enter Togo early.
Respect for transhumance corridors	<ul style="list-style-type: none"> • According to the breeders, the corridors are drawn on paper, but very little really materialized. CNT-Togo also acknowledges that the corridors have been identified but not marked out and no specific developments along them. It also recognizes the discontinuity of transhumance corridors between regions and plans to eventually secure all transhumance corridors. • Some breeders avoid using official corridors because of taxes and the lack of amenities to put the herds at ease (water point, rest areas, etc.). • Also, some farmers cultivate in places on passageways. These fields are called "trap fields". This diverts the transhumants from the formal routes.
Requirement for farmers to cross borders within one day	<ul style="list-style-type: none"> • Several breeders continue to cross borders at night.
Respect of the ratio of the number of cattle/number of cattle driven	<ul style="list-style-type: none"> • Non-compliance with the ratio of one cowherd per 50 head of cattle Number of animals by transhumants
Protection of breeders in the host country	<ul style="list-style-type: none"> • Increasingly, transhumant herders are confident about their protection in Togo, particularly with the implementation of the TMP (and its annual POGT) by the National Transhumance Committee in Togo, which shows strong political will at various levels. • Herders or farmers who are victims (wounded) of conflicts are quickly taken care of by the CNT using funds collected from transhumants

	<p>during transhumance.</p> <ul style="list-style-type: none"> The involvement of farmers' POs in the information and sensitization of breeders is a major element that reassures breeders about the high level of security they have once they are in Togo with their herds.
Peaceful resolution of conflicts	<ul style="list-style-type: none"> The settlement of conflicts is increasingly done amicably between farmers and herders since the last 3 campaigns (2016, 2017, 2018), contrary to the many violent conflicts recorded in 2012-2014. There is a trend towards the sedentarization of transhumant herders with the complicity of farmers who form informal tandems with them.
Respect of the minimum age of 18 years for herdsmen driving transhumant herds.	<ul style="list-style-type: none"> Non-compliance with the minimum age of 18 years required for herdsmen. They travel with young people under the age of 18 years who help them daily in leading the animals to the pastures.
Implementation of an information system on transhumance	<ul style="list-style-type: none"> The functionality of the transhumance committees from the central level to the local level through the prefectures is a great asset for the rapid circulation of information on transhumance in Togo. It allows the regular collection of information and the daily monitoring of the transhumance campaign. Three indicators are mainly monitored and aggregated by region per week (Savannah, Kara, Central, Plateaux and Maritime): numbers of transhumant herds, taxes collected, conflicts recorded and their amicable settlement. Awareness-raising campaigns and transhumance workshops are means of collecting and analyzing data on transhumance in Togo.
Circulation of zoo-sanitary information	<ul style="list-style-type: none"> The diseases recorded during transhumance are mainly: foot-and-mouth disease (between November and May), dermatophylosis, brucellosis. Togo also has thirty-five (35) outbreaks of anthrax, particularly in Bolou and alocogbé in the prefecture of Zio For the farmers interviewed, the APRM/Togo has a dynamic animal health policy for small ruminants.
Pastoral zone management efforts	<ul style="list-style-type: none"> Identification and targeting of three main transhumance areas: Kara (Dimori area), Plateau (Yanda area) on the Benin-Togo border and Plateau (Tététou area) with 344.51 ha, 6675.79 ha and 15257.23 ha to be secured respectively. 3 water holes, made in the reception areas: Tetetou, Tchaposi-Dantessi and Yanda. 5,000 beacons manufactured and installed 15 pastoral drillings carried out 20 road signs on major highways Much remains to be done in terms of the development of pastoral areas.
Support for the dynamization of POs	<ul style="list-style-type: none"> It is the APRM that hosts the office of the Plateforme Associative des Eleveurs et Pasteurs du Togo (PAEP). It is largely responsible for its structural costs (rent, electricity, water and communication, etc.). This effort of the Togolese government towards the breeders is very much appreciated by them. It gives visibility and administrative legitimacy to this farmers' organization so that it can carry out its activities of organizing local forums during the transhumance period, especially in the problem cantons (Canton of Asraman for example), of sensitizing herdsmen and farmers in collaboration with the Cantonal Chiefs and the leaders of the herders in order to limit conflicts. The federation benefits from the financing of other TFPs and ROPPA for the sensitization and education of breeders.
Organization of awareness-raising campaigns for transhumance actors	<ul style="list-style-type: none"> Togo has set up a regional intervention group under the coordination of the DRAEH and the authority of the prefects. It is made up of agents from observation posts, ICAT, foresters and all state agents in the field. Their first mission is to organise daily outings during the campaign to raise awareness among the stakeholders. Togo also undertakes sensitization of farmers and other stakeholders in the different border countries every year. An alert and information circulation system on transhumance is put in

	place to inform the authorities at different levels fairly quickly when there is a serious situation (conflicts, injuries, deaths of men, etc.) during the transhumance campaign.
Establishment of an observatory on transhumance	<ul style="list-style-type: none">• There is not yet an observatory of transhumance in Togo.

APPENDICES

Annex n°1 - Synoptic analysis of the consideration and implementation of ECOWAS regulatory measures by the legislations of Benin, Côte d'Ivoire and Togo

The two tables below show, on the one hand, the consideration of ECOWAS regulatory measures on pastoralism by the countries under investigation and, on the other hand, its implementation.

It can be noted from this assessment that each of the three countries has made efforts to take into account ECOWAS regulatory measures on pastoralism. However, improvements need to be made:

- Benin and Togo are ahead in integrating the various ECOWAS measures on pastoralism into their legislations.
- The three countries will have to make adjustments and harmonization of their Laws on land, forests and pastoralism regarding pastoral land. Pastoralist developments are provided for in one way or another by the texts relating to pastoralism. But the legal texts on land tenure do not include them. The latter do not defend the right to pastoral land. They say nothing about the rapid annual progression of the agricultural front to the detriment of rangelands; with the all-azimuth development of cashew nut plantations in northern Côte d'Ivoire and the development of cotton cultivation in Benin. At the limit, the application of these two laws could be conflicting. Nothing is said in these two laws about possible compensation for landowners.
- Côte d'Ivoire and Benin should have their policy for sustainable management of pastoralism
- Côte d'Ivoire will also have to make efforts on the integration in its legislation of :
 - Professional organizations of breeders
 - The organization of inter-country consultations
 - Cross-border pilot actions on transhumance management
- Countries can improve their legislation on pastoralism by taking the points into account in the texts of decrees implementing pastoralism laws in their country.

Synoptic analysis of the consideration of ECOWAS regulatory measures by the legislations of Benin, Togo and Côte d'Ivoire

Elements of the measures of the ECOWAS legal framework taken into account in the country's legislation	Country		
	Benin	Togo	Ivory Coast
CIT required for transhumant breeders			
Identity documents required for TTs			
Agropastoral calendars			
Definition of T corridors			
Definition of reception areas			
Crossing borders during the day			
Ratio No. of Cattle to No. of Cattle			
Protection of breeders T			
Dispute Resolution			
Age of the herdsmen (+ 18 years old)			
Information system			
Animal health safety			
Animal health pass			
Zoo-sanitary information			

Alert system set up	Medium	Good	Medium
Development of pastoral areas	Low	Low	Low
Dynamization of the POs	Very Good	Good	Low
Organization of transhumance campaigns	Very Good	Good	Medium
Cross-border pilot actions	Good	Good	Low
Interdepartmental Committee for the Management of T	Very Good	Very Good	Medium
National T Management Strategy	Medium	Good	Low
Inter-country consultation	Good	Good	Low
Study for updating T tracks	Medium	Medium	Medium
Annual review of the T	Very Good	Very Good	Medium

Source: Consultant's analysis

Legend

	Very Good
	Good
	Medium
	Low
	Very low

Synoptic analysis of the implementation of ECOWAS regulatory measures by transhumance stakeholders in Benin, Togo and Côte d'Ivoire

Elements of the measures of the ECOWAS legal framework taken into account in the country's legislation	Country		
	Benin	Togo	Ivory Coast
Possession of CIT by transhumants	Medium	Low	Low
Possession of identity documents by transhumants	Good	Low	Low
Respect of agropastoral calendars by transhumants	Low	Low	Low
Definition of state corridors of passage	Good	Medium	Low
Definition of reception areas by the State	Good	Good	Very low
Respect of border crossings by TTs during the day	Good	Very low	Low
Ratio No. of Cattle to No. of Cattle	Medium	Low	Medium
Protection of transhumants by the State	Medium	Good	Low
Dispute resolution according to regulations	Medium	Good	Medium
Age of the herdsmen (+ 18 years old)	Medium	Medium	Medium
Operation of the T information system	Good	Good	Medium
Compliance with animal health safety measures	Medium	Medium	Low
Possession of animal health passes by breeders	Medium	Medium	Medium
Circulation of zoo-sanitary information	Medium	Good	Low
Operation of the alert system	Medium	Good	Low
Development of pastoral areas	Medium	Medium	Medium
Dynamization of the POs	Good	Good	Low
Organization of transhumance campaigns	Very Good	Very Good	Medium
Cross-border pilot actions	Medium	Medium	Medium
Existence of inter-ministerial transhumance committee	Very Good	Very Good	Medium
Existence of a transhumance management strategy	Medium	Very Good	Low
Facilitation of inter-country meetings/concertations	Good	Good	Medium
Updating study/implementation of transhumance tracks	Medium	Medium	Medium
Annual assessment of the transhumance campaign	Good	Good	Low

Source: Consultant's analysis

In general, it is perceived that the implementation of regulatory measures for transhumance in the three countries of investigation is very weak in Côte d'Ivoire, but is starting to take in Benin and Togo for the last three years, although efforts are still needed.

Appendix n°2 - List of actors met

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Documents by country

Burkina Faso

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