

CASE STUDY

Niger: Bridging Customary and Formal Systems Women's Land Rights and Grievance Resolution

OVERVIEW

Submitting Organization	GIZ-Niger / Projet ProPFR-Niger
Type of Grievance Mechanism	Integrative: state-based judicial and informal/non-judicial
Level of Operation	National/ Provincial/Municipal
Geographic Scope	Republic of Niger

SYNOPSIS

The study illustrates grievance handling for women's land rights within and through national land governance systems (Politique Foncière Rurale du Niger), supported by women's mobilization and project-facilitated processes.

BACKGROUND

The emergence of accountability and grievance mechanisms for women's land rights in Niger was driven by a problematic land tenure context characterized by high levels of **tenure insecurity**. Women frequently lacked formal titles to the land they occupied, making them vulnerable to dispossession and eviction, especially during family or community conflicts. Recurrent land disputes between farmers and herders, alongside systemic inequalities in property rights, created an urgent need for equitable resolution mechanisms.

A primary root cause of this necessity was the persistence of **discriminatory customary practices** and patriarchal norms that favored men in land possession and transmission, effectively marginalizing women. Although Islamic law provides for women's inheritance, local customs often limit their share or deny it entirely. Furthermore, women faced structural challenges such as:

- **Lack of awareness** regarding their legal land rights.
- **Difficulty accessing financing** to acquire or develop land.
- **Overlapping land claims** and the absence of formal recognition for customary lands, which are often governed by undocumented traditions.
- **Marginalization in decision-making**, where vulnerable groups like women and displaced persons were excluded from land-related dialogues.

In response to these conditions, the **College of Women of the Niger Peasant Platform** (comprising over 23 associations) and the **Network of Women for Peace (REFEPPA)** mobilized to demand reforms.

Supported by international partners like **GIZ-Niger** and the **FAO**, these groups advocated for the integration of women's concerns into the **Rural Land Policy of Niger (PFRN)**. This mobilization was complemented by government initiatives to improve gender equality in land management and international donor support focused on gender equity.

MECHANISM

Formally established in **2016**, the mechanism for women's access to land in Niger operates as an established procedure allowing individuals or groups to raise concerns regarding the negative impacts of land projects. It is a hybrid system, functioning at national, provincial, municipal, and village levels, and it integrates **state-based formal/judicial** processes with **informal/non-judicial** customary practices.

The mechanism is supported by several institutional frameworks:

- **Legal and Policy Framework:** It is backed by national land laws and the Rural Land Policy (PFRN), specifically "Orientation n°2," which aims to secure legitimate land rights for rural populations. This policy includes a specific mandate to grant at least 35% of plots in state-developed hydro-agricultural areas (AHA) to women, youth, and persons with disabilities.
- **Governing Bodies:** The mechanism is overseen by a mixed management committee including local authorities, traditional chiefs, civil society members, Land Commissions (CoFo), and land experts. One weakness of the Rural Code is that roles, responsibilities, processes and decision making procedures are not set in writing.
- **Participating/Supporting Institutions:**
 - **Land Administration:** The decentralized Rural Code structures, the General Directorate of Domains and the urban cadaster.
 - **Traditional Authorities:** Village and traditional chiefs who consult on customary rights and mediate disputes.
 - **Ministries:** The Ministry of Agriculture (oversight of the Rural Code), the Ministry of Justice (legal formalization), and the Ministry for the Promotion of Women (gender policy alignment).
 - **International Donors:** Significant technical and financial support is provided by GIZ (via the Pro-PFR-Niger project), the World Bank, UNDP, UN Women, FAO (through Dimitra clubs), and the EU (through initiative 3N, project CRSANAD).

The mechanism was designed through a participatory process. Before its setup, extensive consultations were held with land users, indigenous communities, women's groups, and pastoralists during the development of the PFRN. These consultations led to the recognition of customary rights within the formal mechanism and the development of participatory protocols for data collection and validation.

PROCESS

The grievance registration and resolution process is designed to be accessible and transparent, following these specific steps:

1. **Identification of the Grievance:** The complainant identifies an issue such as expropriation or dispossession. Awareness campaigns are used to inform women of their rights to submit these disputes.
2. **Consultation and Sensitization:** Women can consult local Land Commissions (CoFo), NGOs, or women's associations like **Collège de femmes, REFEPPA, RDFN**, for advice before formal registration.
3. **Registration:** The complaint is filed at a local office, such as the **Land Commission (CoFo)**, or with a **Traditional Chief**. This involves filling out a standardized form detailing the dispute. Registration is ideally free or low-cost to remain accessible to low-income women.
4. **Acknowledgement of Receipt:** Complainants receive a formal document confirming their submission, which is vital for tracking the case.
5. **Mediation:** A mediation session is organized where the parties discuss the dispute before a mediator, often a traditional chief. This process is generally faster and less expensive than formal litigation.
6. **Decision and Application:**
 - If mediation succeeds, a signed agreement is documented and can be validated by authorities.
 - If mediation fails, the chief issues a certificate of non-conciliation, and the case is transferred to a formal court. A complaint cannot be directly and orally filled at the court.
 - Legal assistance is provided by the **National Agency for Legal Assistance (ANAJ)** for women taking cases to court.
7. **Monitoring and Evaluation:** Women's organizations and Land Commissions conduct joint follow-ups to ensure that decisions are respected and implemented.

While the mechanism aims for inclusivity, barriers such as geographic distance, language differences (documents not always being in local languages), and socio-cultural pressures (fear of family stigma) still limit access in some rural areas.

OUTCOMES

The implementation of this mechanism and the associated Rural Land Policy (PFRN) has led to significant tangible results for women in Niger:

- **Increased Land Access:** Access to land for women increased from an initial reference point of **6.6% to 40%** for vulnerable women within the 35% quota reserved for specific groups (women, youth, and the disabled) in hydro-agricultural development areas (AHA).
- **Economic Impact:** Beneficiary women of the RDFN project saw an average increase in household agricultural income of 22%, according to HEA studies.
- **Legal Reforms:** A specific decree was adopted to implement the 35% quota, prioritizing female heads of households and orphans.

- **Conflict Resolution:** Numerous cases have resulted in positive resolutions, including amicable mediation agreements that allowed women to recover land or receive compensation for illegal expulsions and damages.
- **Systemic Changes:** The process has triggered changes in customary practices, encouraging local leaders to better protect women's rights and informing further legislative revisions to integrate gender-sensitive land policies.
- **Relationship Building:** The mechanism has fostered better dialogue between women, traditional leaders, and local authorities, building trust and allowing concerns to be addressed before they escalate into serious conflicts.

However, the outcomes are not always positive. Some complaints are rejected as unfounded, and in some instances, women can face reprisals from family or community members for asserting their rights, which can deter others from using the mechanism.

LESSONS LEARNED

The experience of establishing and operating this mechanism in Niger has highlighted several critical insights:

Enabling Conditions:

- **Institutional Cooperation:** The success of the mechanism relies heavily on the cooperation of the Rural Code structures and traditional chiefs.
- **Legal Backing:** Having an explicit legal framework, such as the PFRN and specific quotas for vulnerable groups, provides the necessary legitimacy for women to claim their rights.

Challenges and Barriers:

- **Socio-Cultural Obstacles:** Patriarchal norms remain a major barrier; women often fear disrupting "family harmony" or facing social stigmatization by filing a grievance.
- **Communication Gaps:** There is a persistent lack of awareness about the mechanism and legal rights. Information often does not reach the most remote rural areas, and complex administrative language can be a barrier for those with limited literacy.
- **Bureaucracy and Corruption:** Administrative procedures can be slow and complex, and there are risks of political interference or favoritism in decision-making.
- **Financial Constraints:** While the mechanism is intended to be free, "hidden costs" and the lack of dedicated financial support for complainants (beyond legal aid) can hinder access.

Areas for Improvement:

- **Institutionalization:** There is a strong need to formalize the mechanism further, including the development of specific internal rules (règlement intérieur) to clearly define member responsibilities and procedures.
- **Proximity Services:** Establishing mobile legal clinics and proximity centers in rural areas would reduce the geographic barriers for women.

- **Digitalization:** Developing simplified, smartphone-accessible registration forms in local languages could enhance transparency and ease of use.
- **Better Tracking:** There is a need for a time-tracking system for complaints to ensure they are processed within reasonable deadlines and to provide clear feedback to complainants.
- **Public Transparency:** Regularly publishing decisions and success stories would help build community trust and encourage more women to utilize the system.