



**Country Review Report  
Republic of Niger**

**Report N°...  
January 2022**

## **PREFACE**

**COUNTRIES PARTICIPATING IN THE AFRICAN PEER REVIEW MECHANISM  
AND  
THE APRM PANEL OF EMINENT PERSONS**

**APRM participating countries**

As of 1 January 2022, the APRM participating countries are:

South Africa, Algeria, Angola, Benin, Botswana, Burkina Faso, Cameroon, DRC, Republic of Congo, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, Gabon, Gambia, Ghana, Equatorial Guinea, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritius, Mauritania, Mozambique, Namibia, Niger, Nigeria, Uganda, Rwanda, São Tome & Príncipe, Senegal, Seychelles, Sierra Leone, Sudan, Tanzania, Chad, Togo, Tunisia, Zambia and Zimbabwe

**Composition of the panel Eminent Persons of the APRM (2019-2021)**

Amb. Ombeni Yohana SEFUE, Chair, Tanzania  
Dr. Ali Abderahman HAGGAR, Vice-Chair, Chad  
Prof. Fatima Zohra KARADJA, Member, Algeria  
Dr. Ousmane DIALLO, Member, Mali  
Bishop Dinis SALOMÃO SENGULANE, Member, Mozambique  
Amb. Mona OMAR ATTIA, Member, Egypt  
Hon Hope Kivengere, Member, Uganda  
Dr. Honore Mobonda, Member, Congo  
Amb. Inongue Mbikusita-Lewanika, Member, Zambia  
Mr. Abdoulaye Janneh, Member, Gambia

**APRM Secretariat**

Prof. Edward Maloka, Director General

**Post Office Address:** Private Bag X09, Halfway House, Midrand, 1685, South Africa

**Location:** No.230 15th Road; Randjespark Midrand

Tel: +27 (011) 256 3401

Fax: +27 (011) 256 3456

[www.aprm-au.org](http://www.aprm-au.org)



## ACKNOWLEDGMENTS

The APRM Panel of Eminent Persons would like to start by expressing sincere appreciation to the President of the Republic of Niger, H.E. Mohamed Bazoum, for his leadership and openness in conducting the peer review of Niger. The Panel also thanks the national team led by Mr. Oumar Moussa, Deputy Chief of Staff of the President of the Republic and APRM Focal Point, his predecessor, H.E. Madame Hadizatou Yacouba Ousseini, current Minister of Mines, the National Governance Commission, led by Prof. Mankolanché Mayaki, and the APRM National Secretariat, led by Mr. Hamzata Idrissa. Congratulations go to the members of the national and continental teams, who worked tirelessly to ensure that the review was conducted under the best possible conditions.

The Panel also expresses its gratitude to the government, institutional leaders, the private sector, civil society organisations and all the other stakeholders in Niger for their availability, openness and participation in the entire review process. Their involvement at each stage of the process, particularly in the frank and constructive discussions in Niamey and in the regions was crucial for the success of the review.

This report is the result of the collective effort of a team of high-level African experts from ten African countries, led by Prof. Fatima Zahra Karadja, Member of the APR Panel of Eminent Persons. The Panel commends the members of the Country Review Team comprising: the staff of the Continental Secretariat, led by Professor Edward Maloka, whose efforts ensured that the review exercise met the highest technical standards. The team of experts, whose members come from several African countries, and is composed of Prof. Fatima Karadja; Dr. Rachel Mukamunana; Mr. Jean Yves Adou; Ms. Lydie Bokoko; Ms. Hadje Ache Seid Abakar; Mr. Hassan Mahamat Ahmat; Prof. Lath Yedo Sebastien; Prof. Saliou Faye; Prof. Akpo Juste Emmanuel Pasteur; Prof. Babacar Ndiaye; Prof. Maher Gassab; Prof. Karim Ben Kahla; Mr. Miangotar Yode; and Mr. Koutou Mahamoudou.

This review would not have been successful without the invaluable support of the APRM's strategic partners: the African Development Bank (AfDB), the Regional Bureau for Africa of the United Nations Development Programme (UNDP) and the United Nations Economic Commission for Africa (UNECA). The APR Panel wishes to thank these three institutions for their valuable contribution, not only to the Niger country review, but also for the constant and much appreciated support they have given the APRM since its inception.

Finally, the APR Panel expresses its sincere gratitude to all those who worked behind the scenes to translate, revise and improve the initial draft and to produce the final report which you hold in your hands. This report is the result of their generous collaboration. Their efforts and dedication to the successful completion of this report are highly appreciated.

## **TABLE OF CONTENTS**

- Acknowledgments
- Map of the Republic of Niger
- Country fact sheet
- Social and economic indicators
- Acronyms et abbreviations
- Report Summary

## **CHAPTER ONE**

### **1. INTRODUCTION: THE APRM AND ITS IMPLEMENTATION IN NIGER.**

#### **1.1 The APRM and its implementation**

#### **1.2 Implementation of the APRM process**

#### **1.3 Country Review Mission (CRM).**

## **CHAPTER TWO**

### **2. EVOLUTION OF NIGER AND GOVERNANCE CHALLENGES**

#### **2.1 Brief historical background.**

#### **2.2 The postcolonial political context**

#### **2.3 Situation today and development challenges**

## **CHAPTER THREE**

### **3. DEMOCRACY AND POLITICAL GOVERNANCE**

#### **3.1 Challenges of democracy and political governance**

#### **3.2 Ratification and implementation of international instruments**

#### **3.3 Performance assessment in relation to set objectives**

## **CHAPTER FOUR**

### **4. ECONOMIC GOVERNANCE AND MANAGEMENT**

#### **4.1 Economic governance and management challenges**

#### **4.2 Ratification and implementation of international instruments**

#### **4.3 Performance assessment in relation to set objectives**

## **CHAPTER FIVE**

### **5. CORPORATE GOVERNANCE**

5.1 Corporate governance challenges in Niger

5.2 Ratification and implementation of international instruments

5.3 Performance assessment in relation to set objectives

## **CHAPTER SIX**

### **6. SOCIOECONOMIC DEVELOPMENT**

6.1 Socioeconomic development challenges

6.2 Ratification and implementation of international instruments.

6.3 Performance assessment in relation to set objectives.

## **CHAPTER SEVEN**

### **7. CROSSCUTTING ISSUES.**

7.1 General overview

7.2 Corruption in Niger

7.3 Education and human capital in Niger

7.4 Road infrastructure and mobility: a necessary condition

7.5 Niger: a country with great energy potential but poor in power supply and services

7.6 Insecurity, a global, political and geostrategic challenge

## **CHAPTER EIGHT**

### **8. GENERAL CONCLUSION**

8.1 Great potential

8.2 Challenges with serious consequences

8.3 Opportunities and risks

## **ANNEX I: PEER REVIEW REPORT ON NIGER**

## **ANNEX II: OBSERVATIONS OF THE GOVERNMENT**

## **ANNEX III: NATIONAL PLAN OF ACTION**

## **BEST PRACTICES**

**Best practice 1:** Bringing justice closer to the people: mobile courts

**Best practice 2:** The AU Conference an opportunity for development

**Best practice 3:** Regulation of transhumance: a judicious distribution of land between farmers and breeders

## **TABLES**

**Table 1:** International instruments on democratic governance

**Table 2:** Regional and sub-regional conventions on democratic governance

**Table 3:** Laws and instruments on democratic governance

**Table 4:** Women in decision making bodies

**Table 5:** Instruments adopted by ECOWAS

**Table 6:** International instruments on economic governance

**Table 7:** Regulations on transparency and the fight against corruption

**Table 8:** Evolution of Niger's public debt, in billion FCFA

**Table 9:** Evolution of the WAEMU convergence criteria

**Table 10:** Evolution of the FDI balance from 2013 to 2019 (in billion FCFA)

**Table 11:** Niger's trade balance

**Table 12:** International instruments on corporate governance signed or ratified by Niger

**Table 13:** Regional instruments on corporate governance signed or ratified by Niger

**Table 14:** Information on instruments on corporate governance

**Table 15:** Other laws, orders and regulations on corporate governance

**Table 16:** Some characteristics of Niger's formal business sector



**Table 17:** Some performance indicators of enterprises

**Table 18:** Main weaknesses of the business sector in Niger

**Table 19:** Evolution of Niger's ranking in "Doing Business, 2020"

**Table 20:** Main obstacles to business

**Table 21:** Competition from the informal sector

**Table 22:** Access to bank financing in Niger

**Table 23:** Some indicators of financial inclusion in Niger

**Table 24:** Problems in access to water and electricity

**Table 25:** Power supply

**Table 26:** Taxation challenges

**Table 27:** Taxation procedures

**Table 28:** Logistics performance in Niger

**Table 29:** Logistics difficulties

**Table 30:** Delays due to bureaucratic bottlenecks

**Table 31:** Vocational training

**Table 32:** Enterprises and security issues

**Table 33:** Setting up a company in Niger

**Table 34:** Evolution of the number of enterprises (2008-2018)

**Table 35:** Main reforms of the business environment (2008-2020)

**Table 36:** Women entrepreneurship and employment in Niger

**Table 37:** Strengths and weaknesses of handicraft support structures

**Table 38:** Management accountability, shareholder rights and corporate transparency

**Table 39:** Corruption in Niger, in sub-Saharan Africa and globally

**Table 40:** Execution of contracts

**Table 41:** Settlement of insolvency

**Table 42:** Socio-economic indicators

**Table 43:** Women in the National Assembly

**Table 44:** Women in local councils

**Table 45:** Women in regional councils

**Table 46:** Women in appointed positions (ministers) in government

**Table 47:** Evolution of indicators on primary education

**Table 48:** Evolution of indicators in secondary education (1<sup>st</sup> cycle)

**Table 49:** Evolution indicators in high school (2<sup>nd</sup> cycle)

**Table 50:** Evolution of the literacy rate (%) of people aged 15 and over

## **BOXES**

Box 1: Niger's debt is still sustainable

Box 2: Resilience of the Nigerien economy to shocks

Box 3: SDDCI-Niger, Niger's vision for 2035

Box 4: Food security and cross-border trade in the Kano - Katsina - Maradi zone (K<sup>2</sup>M)

Box 5: ECOWAS fairs: a tool for the integration of peoples

Box 6: Criteria for the classification of companies in Niger

Box 7: Entrepreneurship in Niger

Box 8: Child rights and labour in Niger

Box 9: Corporate responsibility in Niger (the case of AREVA/ ORANO)

Box 10: Free healthcare for children under 5: a policy to be consolidated

## **GRAPHS**

Graph 1: Main export products of Niger (% of total exports)

Graph 2: Share of each WAEMU country in trade with Niger

Graph 3: Constraints and obstacles to business

Graph 4: Credit to the private sector

Graph 5: Evolution of access to electricity

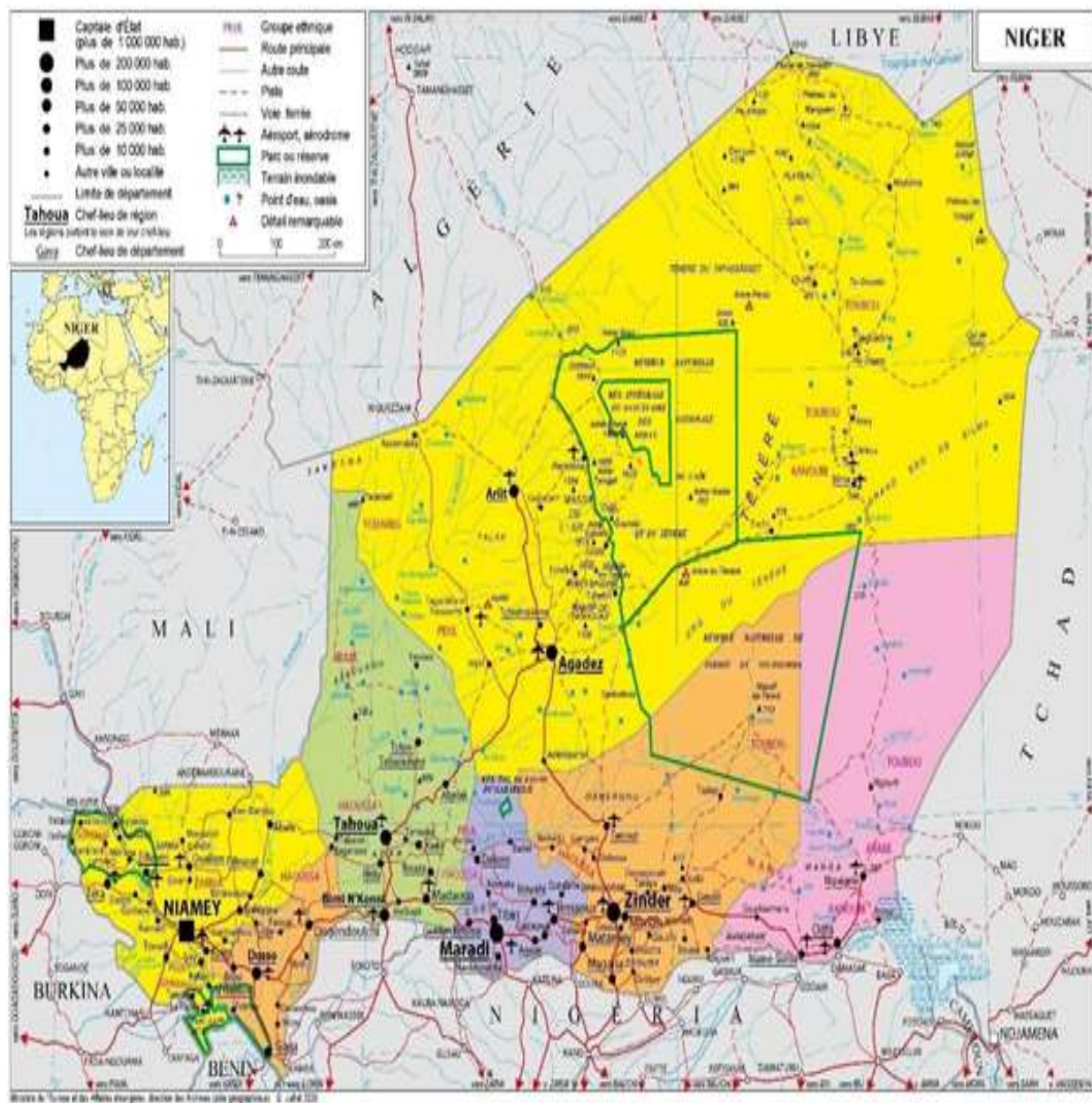
Graph 6: Logistics Performance Index

Graph 7: Share of companies with a female manager, by region

Graph 8: Business leaders and women entrepreneurs in Niger

Graph 9: Women's job insecurity

## MAP OF NIGER



Source: Country Self-assessment Report

## COUNTRY FACT SHEET

<b>Geographical location</b>	<ul style="list-style-type: none"> <li>Niger is a landlocked country in the heart of West Africa. It is bordered by Algeria and Libya to the north, Mali to the west, Burkina Faso and Benin to the southwest, Nigeria to the south and Chad to the east.</li> <li>Niger's climate is tropical and hot, alternating between two main seasons: a long dry season from October to May and a short rainy season from May to September.</li> <li>Niger has only one main river, the Niger River, which flows through the western part of the country for about 500 km. Lake Chad and the Komadougou Yobe are located in the southeast.</li> <li>The capital, Niamey, is a city with five (5) communal districts.</li> </ul>
<b>Surface area</b>	<ul style="list-style-type: none"> <li>Niger has a total surface area of 1 267 000 km<sup>2</sup>.</li> </ul>
<b>Independence</b>	<ul style="list-style-type: none"> <li>The country gained independence from France in 1960 (National Day is celebrated on 3 August).</li> </ul>
<b>Population</b>	<ul style="list-style-type: none"> <li>At the last general population and housing census (RGPH) in 2012, Niger had a population of 17.1 million. The country had approximately 23,310,715 inhabitants in 2019 according to the World Bank.</li> <li>Women account for 50.1% of the population</li> <li>Urbanisation rate is 16.6 %.</li> <li>The average annual population growth rate is 3.8%.</li> <li>Life expectancy is 62 years.</li> <li>The official language is French and the main national languages are Hausa, Djerma-Sonhrai, Touareg, Peulh, Kanuri, Toubou, Gourmantché and Arabic.</li> <li>Main religions are: Islam (97%), Christianity (2%) and Animism (1%).</li> </ul>
<b>Administrative set up</b>	<ul style="list-style-type: none"> <li>Niger has 8 regions, whose capitals are the country's main cities. These are Niamey (the capital), Agadez, Diffa, Dosso, Maradi, Tahoua,</li> </ul>

	<p>Tillabéry and Zinder.</p> <p>- The country is divided into administrative districts (8 regions, 63 departments) and territorial communities (255 communes, 37 of which are urban and 214 rural; 4 communes with special status, namely Niamey, Maradi, Tahoua and Zinder, bringing together 15 communal districts and 7 regional councils).</p>
<b>The judicial system</b>	<ul style="list-style-type: none"> <li>• The Constitution protects the separation of powers and the independence of the judiciary.</li> <li>• Judicial power is exercised by the Constitutional Court, the Court of Cassation, the Court of Auditors, the High Court of Justice, the Council of State, the Courts of Appeal and the Courts of First Instance.</li> </ul>
<b>Political governance</b>	<ul style="list-style-type: none"> <li>• Regime: Republic with a semi presidential multiparty regime</li> <li>• Institutions: Presidency of the Republic, Government, National Assembly, Court of Cassation, Constitutional Court, Council of State, Court of Auditors, Economic, Social and Cultural Council, Superior Council of Communication.</li> </ul>

Source: Country Self-assessment Report

## SOME SOCIO-ECONOMIC AND FINANCIAL INDICATORS (2016-2021)

ECONOMIC INDICATORS	2016	2017	2018	2019	2020	2021
---------------------	------	------	------	------	------	------

### Gross Domestic Product

GDP at market prices (current CFAF billion)	6083.0	6494.70	7183.60	7610.40	8045.70	8641.90
GDP at market price excluding oil (current CFAF billion)	5855.1	6274.2	6931.2	7398.4	7857.5	8467.7
GDP at market price excluding natural resources (current CFAF billion)	5576.5	5949.2	6668.1	7069.8	7491.2	8127.4
Share of GDP of the informal sector (in % GDP)	80.9%	80.10%	80.50%	79.00%	79.10%	80.10%
Real GDP growth rate	6.4%	5.00%	7.2%	5.90%	3.50%	5.50%
- Primary sector GDP	17.4%	7.00%	18.10%	4.10%	14.80%	7.10%
- GDP of the secondary sector	-2.7%	4.50%	-0.60%	12.50%	4.2%	3.40%
- Service sector GDP	5.7%	4.1%	6.10%	6.50%	-1.10%	6.10%
- GDP natural resources	-10.8%	0.10%	13.70%	14.90%	2.60%	7.20%

### SAVINGS AND INVESTMENT

Domestic savings (in billions of CFA francs)	903.1	847.2	1033	1096	1184.9	1106.7
External savings (in billions of CFA francs)	714.4	842.4	1029	1125.4	1265.9	1402.9
Investments (in billion CFA francs)	1630.9	1689.6	2062	2221.8	2450.8	2509.6

### BALANCE DE PAIEMENT

Balance of goods and services (in billions of CFA francs)	-768.5	-874.1	- 1065.70	- 1165.70	-1266	- 1403.80
Balance of trade in goods (in billions of CFA francs)	-405.4	-434.2	-599.5	-703.2	-767.3	-856.7
Balance of trade in services (in billions of CFA francs)	-363.1	-439.8	-466.2	-473.6	-498.7	-547.1
Balance of goods and services as % of GDP	-12.6%	-13.50%	- 14.90%	- 15.50%	- 15.70%	- 16.20%
Current account (excl. transfers) as % of GDP	-16.0%	-16.30%	- 16.65%	- 18.86%	- 19.72%	-20%
Degree of openness (import and	13.4%	14.10%	13.60%	13.30%	12.90%	12.90%

export of goods to nominal GDP)						
Rate of coverage of imports by exports	60.1%	61.80%	52.70%	48.40%	46.00%	44.50%

#### PUBLIC FINANCES

Tax rate (=tax revenue/GDP)	10.0%	9.50%	11.00%	10.30%	9.40%	11.50%
Tax rate (budget revenues, excluding grants)	10.6%	10.50%	12.10%	11.10%	10.60%	12.10%
Total expenditure and net lending (% of GDP)	19.5%	19.50%	21.10%	21.40%	22.50%	22.70%
Overall balance, (commitment basis), (=total income - total expenditure excluding grants)	-8.9%	-9%	-9.00%	- 10.30%	- 11.90%	- 10.60%
Overall balance including grants as % of GDP	-4.5%	-4.1%	-3.00%	-3.50%	-5.20%	-4.30%
Total revenue (TOFE)	643.8	680.8	862.4	848.4	852.4	1047.8
Tax revenues (in billions of CFA francs)	606.9	619.9	787.7	783.5	760.1	989.6
Non-tax revenues (in billions of CFA francs)	27.9	48.6	66.8	50.9	74.1	34.2
Total expenditure (in billions of CFA francs)	1187.9	1267.1	1505.3	1631.8	1810.5	1961.1
Current expenditures (in billions of CFA francs)	609.5	666.9	707.1	723.4	813.2	870.5
Capital expenditures and net loans (in billions of CFA francs)	201.4	600.2	798.2	908.4	997.3	1090.6

#### CONVERGENCE CRITERIA

##### FIRST ORDER CRITERIA

Overall budget balance ratio with grants (in billions of CFA francs) $\geq -3$	-4.5%	-4.10%	-3.00%	-3.50%	-5.20%	-4.30%
Inflation rate (HICP Niamey) $\leq 3\%$ .	0.2%	2.40%	2.70%	2.50%	2.90%	2.00%
External and domestic debt stock/GDP ratio $\leq 70\%$ .	33.3%	34.60%	35.30%	39.10%	51.20%	43.20%
External debt outstanding / GDP	21.2%	24.20%	24.30%	25.90%	28.60%	29.30%

##### SECOND ORDER CRITERIA

Ration of payroll to tax revenue $\leq 35\%$	43.70%	43.50%	34.70%	36.00%	39.20%	-
Tax rate (=fiscal / GDP) $\geq 20$	10.0%	9.50%	11.00%	10.30%	9.40%	11.50%



Social indicators	2016	2017	2018	2019	2020	2021
-------------------	------	------	------	------	------	------

#### EVOLUTION OF ACCESS INDICATORS FOR PRIMARY EDUCATION

Gross Enrolment Ratio (GER)	76.70%	74.80%	70.60%	69.80%	73%	-
Primary school completion rate	74.80%	65.80%	62%	65.40%	53.90%	-
Gross Admission Rate (GAR)	84.40%	88.80%	79.10%	82.40%	95.90%	-

#### EVOLUTION OF ACCESS INDICATORS TO SECONDARY EDUCATION

Gross Intake Rate (GER) Basic Cycle II	47.30%	47.70%	44.10%	28.50%	39.80%	-
Gross Admission Rate (GAR) Average Cycle	9.30%	7.70%	7.90%	9.90%	8.50%	-
Gross Enrolment Ratio (GER) Basic Cycle II	34.20%	36.40%	36.80%	30.10%	34.40%	-

#### EVOLUTION OF THE INDICATORS OF THE QUALITY INDICATORS OF SECONDARY EDUCATION

Survival rate (SR) baseline II	39.70%	42.50%	49.50%	47.40%	46.40%	-
Survival rate (SR) average cycle	79.50%	42.50%	101.10%	73.20%	70.70%	-

#### EVOLUTION DES INDICATEURS DE COUVERTURE SANITAIRE

Evolution of indicators of access to health care and services	48.40%	50.13%	50.63%	51.53%	52.74%	-
Rate of health coverage	54.06%	52.10%	47.95%	43.86%	49.44%	-

#### CURATIVE CARE UTILISATION RATES

Evolution of in-hospital lethality and mortality rates	0.39%	0.20%	0.24%	0.32%	0.19%	-
In-hospital obstetric case fatality rate	0.53%	0.41%	0.43%	0.36%	0.47%	-

#### EVOLUTION OF COMMUNICABLE DISEASE INDICATORS

Adults on ARVs (%)	39.8	53.3	54.5	63.2	52.4	-
Children on ARVs (%)	38.26	39.3	53.4	40.8	44.4	-
Tuberculosis treatment success rate (%)	79	81.03	82.6	82	81.2	-
Malaria incidence (per 100,000 population)	8.050	11.066	15.699	17.093	19.759	

#### EVOLUTION OF MALNUTRITION PREVALENCE

Overall acute malnutrition rate	7.10%	10.70%	15%	10.70%	12.70%	
Rate of severe acute malnutrition	2%	1.90%	3.20%	2.70%	2.60%	

## POPULATION

Population (in millions)	19.7%	20.4%	21.1%	21.9%	22.7%	23.6%
Population growth rate	3.8%	3.8%	3.8%	3.8%	3.8%	3.8%
Poverty rate	45.4%	45.4%	45.4%	40.80%	40.30%	-
Rural poverty rate	52.4%	52.4%	52.4%	46.8%	46.8%	-
Poverty rate in urban areas	09.0%	09.0%	09.0%	11.8%	11.8%	-

Source: National Self-assessment Report

## ACRONYMS AND ABBREVIATIONS

ACGSCGRA	<i>Agence Centrale de Gestion des Saisies, des Confiscations, des Gels et des Recouvrements des Avoirs</i>
ACP	Africa Caribbean Pacific
AECID	Spanish Agency for International Development Cooperation
AFD	French Development Agency
AGOA	African Growth Opportunities Act
AJE	Agence Judiciaire de l'Etat
ACHPR	African Charter on Human and Peoples' Rights
AfCFTA	African Continental Free Trade Area
AIPO	African Intellectual Property Organization
AfDB	African Development Bank
ANFICT	National Agency for the Financing of Local Authorities
AN2PI	National Agency for the Promotion of Innovation and Industrial Property
ANVD	National Agency of Volunteers for Development
AMLCFT	Anti-Money Laundering/Combating the Financing of Terrorism
APRM	African Peer Review Mechanism
ARCEP	<i>Autorité de Régulation des Communications Electroniques et de la Poste</i>
ARMP	Public Procurement Regulatory Agency
ARSE	Regulatory Authority of the Energy Sector
ARST	Transport Sector Regulatory Authority
AUCPCC	African Union Convention to Prevent and Combat Corruption
AU	African Union
AUDA	African Union Development Agency
AUSC/GIE	Uniform Act of Commercial Company Law/ Economic Interest Grouping
BC	Banking Commission
BCEAO	Central Bank of West African States
BDRN	Development Bank of the Republic of Niger
BEC	Bon d'Enlèvement et de Commercialisation
BRMN	Bureau de Restructuration et de Mise à Niveau de l'Industrie du Niger
BTC	Belgian Technical Cooperation
CRWC	African Charter on the Rights and Welfare of the Child
CADD	Cellule d'Appui à la Décentralisation et à la Déconcentration
CAPPP	Cellule d'Appui aux Partenariat Public/Privé
CARENI	Caisse Autonome des Retraités du Niger
CARFI	Arbitration Committee for Tax Appeals

CATI	Technology and Innovation support centres	
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	
CCD	Consultation Framework on Decentralization	
CCJA	<i>Cour Commune de Justice et d'Arbitrage</i>	
CRC	Convention on the Rights of the Child	
CRPD	Convention on the Rights of Persons with Disabilities (CRPD)	
CDSMT	Cadre des Dépenses Sectorielles à Moyen Terme	
CEGIB	State Accounting and Integrated Budget Management	
CENI	Independent National Electoral Commission	
CEN-SAD	Community of Sahel-Saharan States	
CENTIF	Cellule Nationale de Traitement des Informations Financières	
CESOC	Economic, Social and Cultural Council	
CFGCT	Centre de Formation en Gestion des Collectivités Territoriales	
CGCT	Code Général des Collectivités Territoriales	
CGI	General Tax Code	
CIJ	International Court of Justice	

CNCA	Caisse Nationale de Crédit Agricole	
CNDH	National Human Rights Commission	
CNDP	National Council for Political Dialogue	
CNG/APRM	National Governance Commission	
CNJ	National Youth Council	
CNS	National Security Council	
CRS	Corporate Social Responsibility	
CSO	Civil Society Organisation	
COFO	Land Commission	
CRA	Coordination de la Résistance Armée	
CSC	Communications Council Communication	
DB	Doing Business	

DGD	General Directorate of Customs	
DGI	General Directorate of Taxation	
DONGAD	Directorate of NGOs and Development Associations	
DOS	Suspicious Operations Files	
DPBEP	Multi-year Budgetary and Economic Programming Document	
DPPD	Multi-Year Expenditure Planning Document	
DEU	Delegation of the European Union	
ECA	African Economic Community	
ECF	Extended Credit Facility	
ECOWAS	Economic Community of West African States	
ECVMA	Survey on Living Conditions of Agricultural Households	
EIG	Economic Interest Group	
EITI	Extractive Industries Transparency Initiative	
EPA	Economic Partnership Agreement	
EFCC	Economic and Financial Crimes Commission	
EFJN	Ecole de Formation Judiciaire du Niger	
ENISED	National Socio-Economic Demographic Indicators Assessment Study	et
EPA	Para-state establishment	
EPT	Education for all	
EVIAM	National Survey on Food Insecurity of Rural Households	
EU	European Union	
FARS	Forces Armées Révolutionnaires du Sahara	
FCFA	Franc of the African Financial Community	
FIU	Financial Intelligence Units	
GDP	Gross Domestic Product	
GER	Gross Enrolment Ratio	
GUCI	One-stop-shop of the Investment Code	
HACP	<i>Haute Autorité à la Consolidation de la Paix</i>	
HALCIA	Higher Authority for the Fight against Corruption and Related Offences	
HCIN	High Council for Investment in Niger	
HCME	Haut-Commissariat à la Modernisation de l'Etat	
HCRP	Haut-Commissariat à la Restauration de la Paix	
HIPC	Heavily Indebted Poor Countries Initiative	
HLI	Highly labour-intensive	
HDI	Human Development Index	
IACS	Interbank Automated Clearing System	
ICP	Interim Consolidation Program	
I3N	Nigériens Nourish Nigériens Initiative	
IGA	Income Generating Activities	

LCBC	Lake Chad Basin Commission	
ILO	International Labour Office	
ILO	International Labour Organization	
IMF	International Monetary Fund	
IPSAS	International Public Sector Accounting Standard	
ISA	International Standard Accounting	
ISO	International Standard Organisation	
ITR	Institut Thématique de Recherche	
LOSEN	Law on the Orientation of the Nigerien Educational System	
MATDC	Ministry of Regional and Community Planning	
MCC	Millennium Challenge Corporation	
MDG	Millennium Development Goals	
NBA	Niger Basin Authority	
NDPFD	National Decentralization Policy Framework Document	
NEPAD	New Partnership for Africa's Development	
NGC	National Governance Commission	
NGO	Non-Governmental Organization	
NGO/DA	Non-Governmental Organizations and Development Associations	
NRM	Natural Resource Management	
NSA	Non-State Actor	
NSI	National Statistics System	
NSSF	National Social Security Fund	
OCAM	Common African and Malagasy Organization	
OCB	Organisations Communautaires de Base	
OCDE	Common Organization for Economic Development	
OIC	Organization of the Islamic Conference	
OHADA	Organization for the Harmonization of Business Law in Africa	
ONIMED	Observatoire Nigérien Indépendant des Médias pour l'Ethique et la Déontologie	
ONPG	Observatoire National pour la Promotion du Genre	
OAU	Organization of African Unity	
PARCA	Projet d'Appui aux Réfugiés et Communautés d'Accueil	
PNAT	National Policy of Territorial Development	
PND	National Local Development Policy	
PRSP	Poverty Reduction Strategy Paper	
PASOC	Civil Society Support Program	
PDC	Community Development Plan	
PDDE	Ten-Year Education Development Program	

PDES	Economic and Social Development Plan
PDR	Regional Development Plans
PDS	Health Development Plan
PEF	Economic and Financial Program
PNG	National Gender Policy
PPPC	Public-Private Partnership Contracts
PRGF	Poverty Reduction and Growth Facility
REC	Regional Economic community
PNLP	National Malaria Control Program
PNPE	National Child Protection Policy
PPP	Public-Private Partnerships
PROSEHA	Water, Sanitation and Hygiene Sector Program
PRS	Poverty Reduction Strategies
PSEF	Education and Training Sector Program
PTSEF	Programme de Transition du Secteur de l'Education et de la Formation
SAP	Structural adjustment programs
SME	Small and Medium Enterprise
SMI	Small and Medium Industry
RCCM	Trade and Personal Property Credit Register
ReNSE	Réseau Nigérien de Suivi-Evaluation
RESEN	Rapport d'Etat du Système Educatif Nigérien
RGPH	General Population and Housing Census
SAF	Schéma d'Aménagement Foncier
SAN/DAD	Food and Nutrition Security and Sustainable Agricultural Development
SDDCI	Sustainable Development and Inclusive Growth Strategy
SDR	Rural Development Strategy
SDG	Sustainable Development Goals
SDRP	Accelerated Development and Poverty Reduction Strategy
SIGMAP	Automated public procurement management system
SNP	National Permanent Secretariat
SNU	United Nations System
SONARA	Société Nigérienne de Commercialisation de l'Arachide
SYDONIA	Automated Customs System
SYSCOHADA	OHADA Accounting System
TGI	Courts of First Instance
TFP	Technical and Financial Partner
TI	District Courts
TIN	Tax Identification Number
UFN	Union des Femmes du Niger
UN	United Nations



UNCTAD	United Nations Conference on Trade and Development	
UNODC	United Nations Convention Against Corruption	
VAT	Value Added Tax	
WAEMU	West African Economic and Monetary Union	
WHO	World Health Organization	
WTO	World Trade Organization	
ZD	Enumeration area	

## **EXECUTIVE SUMMARY**

### **1. THE APRM PROCESS AND ITS IMPLEMENTATION**

1. The African Peer Review Mechanism (APRM), set up after the Abuja Declaration, is a voluntary instrument for assessing political, economic and corporate governance, and socio-economic development. It is open to Member States of the African Union.
2. The APRM has as objective to ensure that the policies and practices of participating States are consistent with the values, principles and standards of good governance contained in the Declaration on Democratic, Political, Economic and Corporate Governance, adopted on 9 March 2003 in Abuja, Nigeria.
3. The APRM promotes good governance in Africa by encouraging Member States to adopt policies and practices that boost political stability, strong and inclusive economic growth, sustainable development and accelerated sub-regional and continental integration. To achieve this goal, participating States are expected to, among other things, share successful experiences and good practices.
4. The APRM review is conducted in accordance with the values, principles and standards contained in the Abuja Declaration. This report assesses Niger's governance in the following four thematic areas:
  - Democracy and Political Governance;
  - Economic Governance and Management;
  - Corporate Governance;
  - Socio-economic Development.
5. Niger joined the APRM in July 2012 after accepting to assess and improve its political and economic governance. This undertaking reflected the country's willingness to align its visions with those defined by NEPAD. This alignment was facilitated by the similarity between the visions and values of the APRM and those of the Renaissance Programme Acts I and II, the Economic and Social Development Plans of Niger (PDES) 2012-2016 and the 2017-2021 Sustainable Development and Inclusive Growth Strategy (SDDCI) Niger 2035.
6. The Niger National Governance Commission (CNG-Niger) was set up by Decree No. 2017-06 of 6 January 2017. Its mission is to define strategic orientations for the implementation of the APRM process. It is also in charge of steering, supervising and administering Niger's evaluation process, and of producing a country self-assessment report and an action programme. It also implements policies to promote stakeholder participation and ownership of the evaluation process. It operates under the supervisory authority of the Deputy Director of the Office of the President of the Republic.
7. CNG-Niger is made up of forty-eight (48) members representing the various governance stakeholders, including:
  - The Central Administration;

- Local governments;
  - political parties;
  - civil society organisations;
  - women's organisations;
  - Youth organisations;
  - Professional organisations (trade unions and employers);
  - Organisations of disabled people;
  - Customary and religious authorities.
8. The National Governance Commission has four (4) organs, namely, the General Assembly, technical sub-commissions, the Steering Committee and the Bureau. The NGC has an administrative support structure which is the National Permanent Secretariat. The latter is the technical, administrative and financial arm of the APRM in Niger. It serves as an interface between the APRM's continental structures and the national structures, and implements the guidelines prescribed by the NGC/APRM. It also manages the evaluation process, prepares the technical aspects of surveys, manages data, and organizes seminars and workshops. The NGC has a focal point in each of the regions of Niger. It has organized workshops and implemented awareness-building initiatives for governance stakeholders.
  9. The APRM process in Niger was conducted under the supervision of the National Governance Commission (NGC). The Commission recruited four technical research institutes to conduct studies on the four APRM themes for the country self-assessment report.
  10. At the end of the work, based on surveys and qualitative studies, the National Governance Commission organized validation sessions in each of the 8 regions of Niger. Using the amended and validated documents, a country self-assessment report and a national action plan were drawn up, approved at national level and sent to the APRM secretariat.

## **2. GOVERNANCE CHALLENGES IN NIGER**

### **2.1 Historical background**

11. Located in West Africa, Niger is situated between the Sahara and the Sahel regions. During the pre-colonial period, the country was divided geographically into kingdoms: the West was ruled by the Songhay Empire, the North by the great Tuareg confederations, the Centre by the Hausa and the far East (around Lake Chad) by the Kanem. The latter was subsequently ruled by the Bornou under Idris Alaoma (1580-1617).
12. Between the 17th and 18th centuries, the Songhay Empire broke up into several principalities on both side of the Niger River. Gorouol and Anzourou, created after the fall of the Soni, merged with Kourmey, Téra, Djamare, Karma and Dendi. In contrast, some Hausa states, such as Gobir in the Centre asserted themselves as rising powers. Further west of the Hausa cities, the Ader experienced a boom which enabled them to impose their suzerainty on the Aïr.

13. Nomadic tribes dominated the region in the 19th century. The entire southern strip was under the control of the Fulani and the Tuareg. In the west, in the Zarma-Songhay area, the Fulani controlled the right bank of the Niger River in the first half of the century. It was only in 1844 that the Songhay, supported by the Tuareg, broke free from their dominance, only to be ruled later by the Tuareg. In the Hausa states, Ousman Dan Fodio (1754 and 1817) launched a holy war (jihad), which destabilized the Gobir, Kano and Sokoto states and brought them under his control. In the East, the new dynasty founded by Mohammed El-Amin El Kanemi in Kanem replaced that of the Seyfawa; and in the North, Azawagh was rocked by a series of internal wars throughout the 19th century. On the whole, only the Damagaram lasted as a major power, reaching its peak around 1885 with Sultan Tanimoune.
14. France colonized Niger from the mid-19th century and set up a military and administrative structure. On 25 July 1900, it created the third military territory. Between 1900 and 1906, France bolstered its power with additional military bases. On 1 January 1905, the military territory of Niger was created with Niamey as the seat of government. This lasted until 1911. On 4 December 1920, the military territory of Niger became the territory of Niger with administrative and financial autonomy and, on 13 October 1922, it became known as the autonomous Colony of Niger.
15. After the Second World War, African leaders started the fight for independence by creating political parties, trade unions and grassroots organizations. In Niger, the *Parti progressiste nigérien* (PPN), created on 12 May 1946 and affiliated to the *Rassemblement démocratique africain*, was the first political party in the territory. It was followed by the *Union nigérienne des indépendants sympathisants* (UNIS) in 1948, the *Union progressiste nigérienne* (UPN) in 1953, the *Union démocratique nigérienne* (UDN) in 1954 and the *Bloc nigérien d'action* (BNA) in 1955. After the 2 January 1956 elections, the PPN and the UPN sent representatives from the colony to the National Assembly in Paris for the first time.
16. Political parties prepared for elections following the Framework Law of 23 June 1956 that set up the Territorial Assembly. The elections of 31 March 1957 were won by the Sawaba (a 19 November 1956 merger of the UDN and the BNA). Its leader, Djibo Bakary, who was pro-independence, formed the first governing council. The workers' unions joined the struggle for independence by demanding an end to the colonial system.
17. In France, General de Gaulle was faced with increasing demands from Niger for independence. He organised a referendum for Niger to choose between remaining in the Union with France and becoming independent immediately. On 28 September 1958, the yes to remaining within the Union, advocated by the opposition, won with 78.43% of the votes. The winners, notably Hamani Diori's PPN, demanded and obtained new elections which they won in December 1958. On 18 December of the same year, the Republic of Niger was proclaimed as part of the Union with France. The Territorial Assembly then became a constituent body, and then the National Assembly after independence on 3 August 1960. Hamani Diori became the first President of the Republic of Niger.

## 2.2 The post-colonial period

18. After independence, Niger had its first Republic from 1960 to 1974. During this period, the country adopted the single party system, a common trend in Africa at the time. The duo, made up of Hamani Diori and Boubou Hama (Speaker of the National Assembly) kept a firm grip on the country. In the absence of opposition parties (after Djibo Bakary went into exile), the PPN alone remained in control of the National Assembly for almost fifteen years.
19. A dominant figure in Niger's politics even before independence, President Diori became influential in international forums, maintaining excellent relations with most of the countries in the region. However, he started facing problems from the mid-1970s: he became increasingly authoritarian following demonstrations by students; strained relations with France over the price of Nigerien uranium and steadfastly refused to support the attempted secession of Biafra from Nigeria. He became even more unpopular after a famine that severely affected rural populations in 1973-74. On 15 April 1974, a group of soldiers led by Lieutenant-Colonel Seyni Kountché, Chief of Staff of the army, took advantage of the situation to overthrow the regime and establish a Supreme Military Council (SMC).
20. After General Seyni Kountché's death in November 1987, the new president, Colonel Ali Saïbou, initiated a policy of détente in August 1988 and announced the creation of a single party, the *Mouvement national pour la société de développement* - MNSD (National Movement for the Development Society). The Constitution of the Second Republic, adopted in September 1989, enshrined the principle of a single-party system. Legislative and presidential elections were held on 10 December 1989.
21. On 9 February 1990, students, under the *Union des Scolaires Nigériens* (USN), organised a demonstration in Niamey to demand better living conditions as well as political reforms. In an attempt by the police to stifle the demonstration, three people died. This became a turning point as civil servants joined the strike. The President finally accepted a multi-party system and a national conference was organized from 29 July to 3 November 1991. In March 1993, the Constitution of the Third Republic was adopted, establishing a semi-presidential regime. The first multiparty elections brought Mahamane Ousmane to power. However, from September 1994, disagreements between the two heads of the executive led to the dissolution of the Parliament and to a call for fresh legislative elections, which resulted in a political cohabitation. This cohabitation was so strained that in January 1996, the military seized power, ending the short-lived experience of the Third Republic.
22. The *Conseil de salut national* (CSN), led by Colonel Ibrahim Baré Maïnassara, used the pretext of a institutional crisis, the uneasy political cohabitation and the risk of civil war to seize power, promising a return to civilian rule after the adoption of a new constitution. The new constitution, which established a presidential regime, was adopted in May 1996. In July of the same year, a presidential election was organised and won by Ibrahim Baré Maïnassarae.
23. The opposition challenged the election results and called for a general insurrection and civil disobedience. On 9 April 1999, Squadron Leader Daouda Mallam Wanké seized the opportunity to lead another coup d'état in which General Maïnassara was

- assassinated. A national reconciliation council was set up and elections were announced, after the adoption of a new constitution.
24. The country returned to a semi-presidential regime after adopting a new constitution by referendum in July 1999. After general elections in October and November 1999, Mamadou Tandja became President of the Republic. He was re-elected in the 2004 general elections. However, the political and social climate worsened in 2005 with the serious food crisis, and in 2007 with the resurgence of kidnappings by Al-Qaeda in the Islamic Maghreb, and the return of the Tuareg rebellion led by the Movement of Nigeriens for Justice (MNJ). The situation was further aggravated by President Tandja's stated intention to extend his second term of office by three years. Over opposition protests, a referendum was organized in August 2009, resulting in yet another constitution that established a presidential regime and authorized the president to remain in power until December 2012. This only served to amplify the political crisis.
  25. It was in this volatile political climate that, on 18 February 2010, President Tandja was overthrown in a military coup by Commander Salou Djibo. A military junta called the Supreme Council for the Restoration of Democracy took power and suspended the contested 2009 Constitution.
  26. The return to civilian rule took fourteen months. A new Constitution was approved through a referendum on 31 October 2010. It provided for a return to a semi-presidential system and a five-year presidential term renewable once. It also contained innovations such as provisions for the development of mining and oil resources and the allocation of revenue from the extractive industry to the country's development.
  27. At the same time, a number of other texts were adopted, including the Charter of Political Parties, the status of the opposition and the Electoral Code.
  28. On 12 March 2011, after a second round of voting, Mahamadou Issoufou was elected President of the Republic. He immediately launched a new and ambitious initiative known as the Renaissance Programme. The objectives of this programme included: food self-sufficiency through the 3N initiative (Nigériens Nourrissent les Nigériens – Nigeriens Nourish Nigériens), revival of the agro-pastoral and irrigation sectors, construction of the Kandadji hydroelectric dam on the Niger River on the border with Mali, construction of a railway between Benin and Niger and construction of the Gorou Banda thermal power plant on the outskirts of Niamey.
  29. After his re-election in 2016, the President announced that the program would continue under the new name "Renaissance II". However, the country continued to be wracked by social and political unrest as well as security challenges that led to the declaration of a state of emergency in several regions including Diffa on the border with Nigeria and Chad, where the sect and Islamist terrorist group Boko Haram was active. Because of these security challenges the government authorized the deployment of French, American and German troops in Niger as part of the international coalition against terrorism.
  30. The presidential elections of 21 February 2021 brought Mr. Mohamed Bazoum to power. These elections were considered historic in that they marked the first time

since Niger's independence in 1960 that a democratic transition was taking place between two elected presidents.

### **2.3 The situation today and new development challenges**

31. To accelerate and consolidate economic growth and social progress, the government of Niger initiated an ambitious five-year economic and social development plan (PDES 2017-2021) in September 2017. The plan has as objective to boost development by transforming the country's economy to encourage strong, sustainable, resilient and inclusive growth and to raise the living standards of the population. The PDES is built around five (5) major strategic pillars that address the structural reforms needed to diversify the economy and strengthen the private sector, and to address high population growth and gender inequality. These are: (i) cultural renaissance; (ii) social development and demographic transition; (iii) accelerated economic growth; (iv) improved governance, peace and security; and (v) sustainable management of the environment.
32. The ESDP aims to achieve a number of key objectives by 2021, including:
  1. Reduction of the poverty rate from 39.8% in 2016 to 31.3 %;
  2. Structural reforms to raise the economic growth rate to 7%;
  3. Mobilisation of domestic revenue to raise the revenue/GDP ratio to 20%, in line with the WAEMU convergence criteria;
  4. Reduction of the population growth rate from 3.9% in 2015 to 3.06%.
33. Many major infrastructure projects are included in the 2017-2021 PDES, notably construction of the Cotonou-Niamey-Ouagadougou-Abidjan railway loop, construction of a 2,000 km pipeline by the China National Petroleum Corporation to transport crude oil to the port of Seme Terminal in Benin, the Salkadamna energy project and continuation of the construction of the Kandadji hydro-agricultural dam at a total cost of CFAF 155 billion (3% of GDP), which will take three years to complete. By 2022, oil will be a driver of investment since Niger will increase production from 20,000 to 110,000 barrels per day, an increase that will account for 24% of GDP. The PDES also provides for continued investments in the agricultural sector under the 3N Initiative and the Millennium Challenge Corporation (MCC).
34. The PDES 2017-2021 is an offshoot of the reference framework for all development actions known as the Sustainable Development and Inclusive Growth Strategy - SDDCI Niger 2035 which sets out the long-term vision of Nigerien society and its development. The overall objective is to turn Niger into "a modern, peaceful and prosperous country that is proud of its cultural values in a united and interdependent Africa" by 2035.
35. In addition, the third renaissance programme of the new President lays emphasis on seven key areas: (i) security and social peace; (ii) good governance and consolidation of republican institutions; (iii) development of human capital; (iv) modernisation of the rural world; (v) development of economic infrastructure; (vi) development of economic potential; (vii) solidarity and socio-economic inclusion of the vulnerable.

36. However, many difficulties remain. These include: financing development through improved budget transparency and greater efficiency in resource allocation and expenditure execution; mobilising the resources needed to finance strategic sectors and priority projects; pursuing social and infrastructure investments through improving the quality of education, increasing education infrastructure, improving health coverage, and boosting land and livestock productivity and the resilience of production systems.

### 3. UNDER DEMOCRACY AND POLITICAL GOVERNANCE

37. Niger, with its geostrategic location in the West African region, is an open country. Since the national conference, it has faced many democratic, economic and socio-cultural challenges.
38. The CRM notes that the country will only be able to achieve development and stabilize its constitutional institutions by addressing its political governance challenges.
39. ***Niger has ratified many agreements, protocols and conventions.*** Indeed, in compliance with the preamble to its constitutions, which proclaims the attachment of the Nigerien people to the principles of pluralist democracy and human rights, the Republic of Niger has ratified all relevant international conventions. However, despite this ratification, these agreements are generally not being implemented by the country's institutions and in socio-cultural practices.
40. ***Niger's major challenge now is to consolidate constitutional democracy and the rule of law.*** The Constitution of 25 November 2010 establishes full multiparty democracy as approved by the Sovereign National Conference of July 1991. The CRM noted that Niger's political parties are very active and dynamic. Unfortunately, this dynamism often results in fragmentation of the political class, instability of circumstantial alliances, and political radicalization. These negative effects of pluralism often lead to fratricidal tensions between political actors. This is the reason for the repeated military takeovers in the country.
41. The CRM is therefore concerned about the current political context characterized by lack of political dialogue and a resurgence of power struggles between the ruling majority and a radicalised opposition. One of the signs of this political fracture was the attempted coup d'état of 31 March 2021, the eve of the inauguration of the newly elected President. As we have already seen above, Niger's history has always been marred by constitutional and political instability. From 1991 to 2010, Niger had one civilian and three military coups. During the same period, seven Heads of State succeeded each other under five ephemeral republics. The main cause of this chronic instability is the absence of a culture of compromise which seems to be inherent to the Nigerien political system.
42. The Nigerien political class must therefore urgently resume dialogue and consultations to build a strong political consensus around the republican ideal. In this respect, the decision of the outgoing President to respect the constitutional term limit



- should be saluted as a historic political act which has enabled Niger to experience its first peaceful and democratic transition.
43. ***The separation of powers is the only way to develop and sustain a culture of democratic change in Niger.*** However, the *Syndicat Autonome des Magistrats du Niger* (SAMAN) believes that the presence of representatives of the executive and legislative branches of government in the body that manages the careers of magistrates violates the sacrosanct principle of the separation of powers enshrined in Article 116 of the Constitution of the Republic of Niger. In addition, Nigerien stakeholders reported to the CRM that magistrates are often subjected to pressure, rendering their independence ineffective. Similarly, the National Chamber of Bailiffs reported difficulties encountered by its members in the enforcement of court decisions, notably the refusal to make the police available and the pressure exerted by some public authorities.
  44. ***The government of Niger has set up a number of mechanisms to prevent and reduce conflict.*** Niger has achieved encouraging results in reducing land and intercommunity conflicts. However, despite the multiplicity of structures and mechanisms, Niger has not been able to stop terrorist attacks on its territory. The ineffectiveness of counter-terrorism mechanisms is the result of poor coordination of actions within the G5 Sahel, insufficient financial resources, inadequacy of the counter-terrorism strategy in the Sahel region and weaknesses in political governance.
  45. ***Because of the persistent security crisis, Nigerien authorities must take the necessary steps to promote and protect the civil and political rights enshrined in African and international human rights instruments.*** A number of measures have been taken in this regard, but the challenges remain enormous, particularly with regard to the protection of vulnerable groups and access to basic social services such as education, health, justice and security.
  46. The need to provide effective and efficient public service at both national and local levels was one of the reasons for the setting up of the High Commission for State Modernisation (HCME), the adoption of the national policy for the modernisation of the state and the initiative to develop remote and isolated areas, in this case the nomadic areas of the Tillabéry, Diffa and Tahoua Regions.
  47. From the findings of the survey in the regions, the CRM noted that the most worrying challenge for local elected officials is the transfer of financial resources. Most local authorities are unable to mobilise the financial resources provided for in their budgets. Financial support from the state, notably the decentralisation support fund and the equalisation fund, does not always come on time.
  48. ***Considerable efforts have been made to promote and protect the rights of women, children and youth, as well as other vulnerable groups.*** However, some specific rights require vigorous action by the State, notably the rights of children to education and security, the right of young people to decent employment, and the rights of people with disabilities and the elderly.

49. The CRM noted that Niger has ratified the relevant international instruments on the protection of these rights. The country has also internalised a number of human rights conventions by incorporating them into specific legislative texts. However, it is clear that much still needs to be done to concretely implement these rights in practice.
50. Since the people of Niger have expressed their desire to build a democratic, secular and social state, the CRM encourages all the active forces to take up the challenges of democratic and political governance in a spirit of national solidarity.

## **5. UNDER ECONOMIC GOVERNANCE AND MANAGEMENT**

### **5.1 The state of economic governance and management in Niger**

51. Since independence, the main pillar of the economy has been agriculture (40% of its GDP). However, the country will now be able to rely increasingly on the boom in oil production from the new oil fields and the development of services.
52. From 2015 to 2019, Niger's main average annual macroeconomic aggregates were as follows:
  1. GDP growth rate: 5.64%
  2. GDP (real, base 2015): USD 45.465 billion;
  3. GDP per capita per year: 450,368 USD; and
  4. Population growth rate: 3.9% (RGPH 2012).
53. At the end of December 2020, the outstanding public debt was estimated at CFAF 3,510.4 billion, or 44.8% of GDP. It was made up of 69.8% external debt, i.e. CFAF 2,450.6 billion or 31.3% of GDP and 30.2% domestic debt, i.e. CFAF 1,059.8 billion or 13.5% of GDP. Compared to the end of 2019, the outstanding public debt increased by CFAF 532.2 billion (+17.9%) at the end of 2020. External debt rose from CFAF 1,974.4 billion to CFAF 2,450.6 billion, an increase of CFAF 476.2 billion (+24.1%). This increase was due, in part, to the budgetary support received as part of the Covid-19 response, the loan from the Deutsche Bank to restructure the debt and the update, in April 2021, of IDB disbursements over the 2016-2021 period. Domestic debt rose from CFAF 1,003.7 billion to CFAF 1,059.8 billion, an increase of CFAF 56.1 billion (+5.6%) (Ministry of Finance, April 2021).
54. The country is also suffering from ills such as corruption, non-compliance with texts and money laundering. Money laundering is particularly common in Niger for various reasons: the country is a trade hub for North Africa and countries south of the Sahara; it is also suffering from numerous attacks by armed groups operating in the east (Lake Chad) and west (the border with Mali and Burkina Faso) that take advantage of the porous borders and security lapses. Some of its neighbouring countries are suspected of financing international or Islamic terrorism.
55. Despite progress in economic growth, Niger remains a poor country (41.2% in 2020), even though the unemployment rate is relatively low (0.7%). There is also high inequality and a low level of education.
56. Because of the nature of the Nigerien economy, the country is particularly vulnerable and fragile. Indeed, three things can easily hurt its economic performance: a new

wave of COVID-19, a worsening of the security situation, vulnerability to climate shocks and fluctuations in international prices of non-oil commodities.

## 5.2 Progress made

57. The country is experiencing fairly strong and sustained GDP growth, with commendably low inflation and a declining budget deficit, reflecting efforts to control expenditure.
58. It is also important to note the efforts made by the country to implement far-reaching reform of its economic policy to make it more efficient. In addition, the country has provided for and put in place consultation processes to involve stakeholders, notably, civil society organisations, the private sector and traditional rulers in economic decision-making. The government has also reorganised the tax administration and overhauled the tax system to boost mobilisation of domestic resources.
59. At institutional level, Niger has a Chamber of Commerce, Industry and Handicrafts, the *Agence Nigérienne de Promotion des Investissements et des Projets* (Niger Investment and Project Promotion Agency) and the *Agence Nationale de la Propriété Industrielle et de la Promotion de l'Innovation* (National Agency for Industrial Property and Innovation Promotion - ANA2PI). Two very important institutions have also been set up. The first is the *Centre de Gestion Agréé*, whose role is (i) to provide members, at their request, with management assistance as well as with information and training services, (ii) to keep the accounts of its members and to provide technical assistance in tax matters. The second is the Arbitration and Mediation Centre which saves time and money for businesses through the rapid and inexpensive settlement of disputes.

## 5.3 Challenges faced by the country

60. One of the main characteristics of economic governance in Niger is its unpredictability as a result of the numerous and rapid regime changes that have taken place since independence. These sudden changes have had repercussions on the main orientations of economic policies.
61. The country is facing many economic governance and management challenges:
62. **The first challenge** is corruption. Although the country has significantly improved its governance and strengthened its anti-corruption framework, corruption is still rampant at all levels of the administration. Indeed, there is an acute shortage of personnel and resources to combat this scourge. The lack of material, financial and human resources, and the ease with which dirty money can be laundered have made it difficult to achieve significant results. If, in addition to these constraints, there is a lack of autonomy in decision-making and lack of political will to overcome them, the fight against corruption will always be problematic.
63. **The second challenge** concerns the need to accelerate financial decentralisation and to strengthen the human and technical capacities of regional and council administrations. Such decentralisation would allow local governments, especially the poorest ones, to receive resources directly from the state, which they would use to

boost local development. The pace of decentralization is too slow even though the country is clamouring for it. This delay has been criticized by the local elected officials and citizens interviewed by the CRM.

64. **The third challenge** is the need to reduce the high financial dependence of the Nigerien economy on its partners to balance its budget.
65. **The fourth challenge** is the country's inability to stick to its 2035 vision, which is to "build a modern, democratic and united country, well governed and peaceful, open to the world, as well as an emerging economy, based on a balanced sharing of the fruits of progress". The country is still struggling to make its growth inclusive, break out of the vicious cycle of poverty, build large-scale economic infrastructure, increase its energy independence, ensure regional balance and initiate a relevant and sustainable development.
66. **The fifth challenge** is controlling inflation. Indeed, with the Covid-19 pandemic, the government has taken several measures. Its market intervention policy has made it possible to moderate the price of cereals, stabilise the price of fuel and distribute free food to vulnerable populations. This strategic choice reflects the level of poverty in the country and the threat of food insecurity.
67. **The sixth challenge** is to reduce the structural trade balance deficit. Indeed, the balance of trade in goods and services has deteriorated as a result of the decline in the value of exports, particularly of agricultural and livestock exports.
68. **The seventh challenge** is the supply of electrical power. The government has made efforts to develop the country's energy infrastructure. However, these efforts are still insufficient in the face of high demand for power, which is increasing on average by 15% per year. This power deficit is more acute in rural areas than in urban areas. The country's growth is thus impacted by losses in productivity especially as only 14.7% of households had access to electricity in 2020.
69. **The eighth challenge** concerns the poor inter-urban road infrastructure. In Niger, the poor and dilapidated nature of inter-urban roads is sufficient evidence of the lack of investment in the road network. These dilapidated roads are one of the main causes of road accidents. They also account for the difficulty in transporting imports from neighbouring countries.
70. **The ninth challenge** is cross-border security. The country's fragile security situation, especially with neighbouring countries such as Mali and Nigeria, is very conducive for illicit trade, drug trafficking, smuggling and terrorist movement.

#### **5.4 Emerging challenges**

71. When designing and implementing economic policies to promote sustainable development, it is necessary to involve all other stakeholders to ensure that their needs and aspirations are taken into consideration. It is also necessary for these stakeholders to participate in all monitoring and evaluation processes to guarantee the effectiveness of these policies.
72. Concerning regional integration in trade and investment, the report raises concerns about monitoring of transactions with cross-border countries, and highlights the low competitiveness of Nigerien products compared to those from Nigeria.

73. It is also necessary to monitor economic activities in the country to prevent the uncontrolled and artisanal exploitation of minerals such as gold and the illicit sale of fuel. There is therefore an urgent need to implement a policy that can develop the country's potential sources of wealth and effectively combat all activities used to finance terrorism. Increased sub-regional cooperation will certainly boost this effort.
74. Finally, Nigeriens are very optimistic that the implementation of trade and investment policies, and especially the export of petroleum products in 2023, will promote economic growth. Even though major investments are being made with the construction of the Niger-Benin Export Pipeline, the continued increase in debt and government expenditure on the assumption that oil revenue will generate significant resources are risky policy choices in the face of possible external macroeconomic shocks.

## 6. UNDER CORPORATE GOVERNANCE

75. Based on the analyses of the RNAE and the findings of the survey with stakeholders in the regions, the CRM concluded that some progress is being made in the area of corporate governance in Niger. However, significant challenges still remain.
76. **Compliance with laws and conventions.** Although Niger has ratified many international agreements and conventions, the CRM noted that these are not being effectively or consistently implemented. This concerns in particular the convention on child labour and the agreement on corporate social responsibility.
77. **Business environment.** The CRM notes with satisfaction that there has been an improvement in the business climate in Niger over the past few years. According to *Doing Business*, Niger was ranked 22<sup>nd</sup> on the African continent in 2020 and its global ranking improved by 11 places between 2019 and 2020. This performance is the result not only of the political stability experienced over the past decade, but also of the economic and institutional reforms undertaken.
78. Despite these obvious advances, there are still many obstacles to creating and developing businesses in the formal sector in Niger. The main obstacles are: stiff competition from the informal sector; high transportation costs; limited access to electricity; costly cross-border trade, made worse by informal trade practices, and the poor quality telecommunication and banking services. The regulatory system and the fiscal policy are also very cumbersome and complex. This is further aggravated by a flawed judicial system despite the significant progress made in the area.
79. **Transparency and preparing of accounts.** In Niger, the accounting and auditing obligations of enterprises and financial sector entities (banks, insurance companies, etc.) are contained in the Uniform Act on the Organisation and Harmonisation of Business Accounting, supplemented as appropriate by provisions of the BCEAO and the insurance code (CIMA).
80. However, these texts need to be updated because of the difficulties in applying certain clauses and the need to progressively align them with international standards.

- In addition, the statutory audit of financial statements (*commissariat aux comptes*) is mandatory for all public limited companies, limited liability companies above a certain size, and for companies with majority public participation, banks and insurance companies. This is in line with international practice, especially in countries with a civil law tradition.
81. However, the main problem seems to be non-compliance by a number of companies with the obligation to submit audited accounts and the absence of a monitoring mechanism to ensure compliance. In addition, the accounting profession in Niger is not credible. As a result, financial information in relatively low quality financial statements is unreliable. Moreover, no public administrative structure has complete information on all companies in Niger.
  82. The CRM also learnt of the "politicisation of corporations", especially with regard to appointments at the head of state-owned enterprises.
  83. In short, there is an urgent need to strengthen human capital in Nigerien companies, particularly at the level of top management and accounting services.
  84. **Business ethics in Niger.** As in many West African countries, the code of ethics governing companies and other organisations in Niger is based on the ethics provisions of the Uniform Act for Commercial Companies and Economic Interest Groups, AUSC-GIE/OHADA. In Niger, the code of ethics is closely aligned with the public procurement code. There is no separate code of ethics.
  85. However, although Niger has institutional and regulatory bodies that combat corruption and promote good governance (*Cour des Comptes*, *Inspection Générale de l'Etat* -IGE- and *Inspection Générale de la Gouvernance Administrative* (-GGA-), companies are still involved in serious ethical problems such as corruption and the financing of terrorism. These practices discourage foreign investment.
  86. In spite of all the anti-corruption regulations, the reforms to promote accountability and transparency in public finance management, and the reform of the public procurement code, corruption is still widespread and affects businesses in Niger.
  87. The financing of terrorism also undermines business in Niger. Terrorist groups launder large sums of money generated from a combination of licit and illicit activities through some NGOs, and transfer these resources through formal and informal channels to fund their activities.
  88. Finally, the policy on corporate responsibility in Niger is at odds with all codes of ethics, and remains disconnected from fundamental principles such as respect of environmental standards, the fight against corruption, labour law and inclusive social dialogue.
  89. **Justice, equity and corporate stakeholders.** Mechanisms to ensure fair treatment of stakeholders in Niger's private sector enterprises are defined by the Uniform Act on Commercial Companies and Economic Interest Groups (AUSC/GIE).
  90. The Nigerien economy is dominated by the informal sector. Businesses in the formal sector are few and focused more on commercial activities. Niger does not have a National Business Register. Thus, neither the National Institute of Statistics (INS) nor

- the Chamber of Commerce is in a position to give the exact number of Nigerien companies operating in the formal sector.
91. This is the reason very few businesses are aware of good corporate governance requirements, particularly requirements on the fair and equitable treatment of all stakeholders. Worse still, Niger does not have legal instruments to protect the rights of stakeholders.
  92. As a result, trade union rights are often violated, although this is less frequent in public enterprises. Women are almost completely absent from the formal business sector and from modern economic activity; they are not aware of their rights and are mostly confined to the informal sector. Child labour is legal from the age of 14.
  93. **Corporate responsibility.** A responsible corporate entity is an organisation that respects its ecosystem. Thus, it must: (i) preserve the environment; (ii) implement good governance (fight against corruption, reduce wage gaps, etc.); (iii) improve working conditions; (iv) ensure respect for human rights; (v) cohabit and cooperate harmoniously with local communities and other stakeholders. All these obligations make up the core of what is referred to as corporate social responsibility.
  94. Despite the fact that Niger has ratified many conventions on corporate responsibility, the CRM noted many shortcomings. It was observed that, in terms of environmental protection, the expectations of the population are not being met by companies operating in the extractive industries. Also, there is lack of transparency in the granting of authorizations to companies exploiting mineral resources.
  95. In Niger, a lot of work still needs to be done to improve corporate responsibility on other issues like corruption, respect for human rights and working conditions.

## 7. UNDER SOCIO-ECONOMIC DEVELOPMENT

96. Niger has signed and ratified many agreements and conventions on socio-economic development. These cover, among others, the protection and promotion of human rights including the rights and welfare of women and children and other vulnerable segments of the population, climate change and sustainable development, employment and poverty reduction, security, development and inter-state cooperation. However, these conventions and agreements are not often taken into account in national legislation and development policies and programmes. The CRM noted that there is little awareness of these legal instruments which are often poorly translated into national languages. There is no official mechanism to monitor their implementation.
97. On gender equality, the government of Niger has adopted and/or ratified most international instruments to promote gender equality. In compliance with the provisions of these instruments, the country has adopted new legal instruments or adapted existing ones. However, in spite of the fact that the government has ratified the Convention on the Elimination of Discrimination against Women (CEDAW), it is yet to ratify the Protocol to the African Charter on Human and Peoples' Rights and the Rights of Women in Africa. Much still needs to be done to improve the legal instruments protecting the rights of women in a socio-cultural context marked by the

strong influence of religious and customary values. Social and religious factors have continued to delay the drafting of the family code.

98. Since independence, Niger has designed and implemented many development strategies, plans and programmes to promote and accelerate socio-economic development. The mixed results of these strategies and programs led the government, in 2017, to adopt a long-term vision in the Sustainable Development and Inclusive Growth Strategy (SDDCI Niger 2035). The Economic and Social Development Programme (PDES) for the 2017-2021 period is the first five-year implementation segment of the SDDCI Niger 2035.
99. The PDES has had encouraging results. Niger has improved its socio-health indicators through vaccination. Life expectancy rose significantly from 43 years in 1990 to 64.5 years in 2017. The health coverage rate rose from 45.3% in 2010 to 50.6% in 2018. Access to drinking water increased from 64.3% in 2010 to 70.9% in 2017. The gross enrolment ratio improved from 35% in 2001 to 76.2% in 2016. However, the situation is not as rosy in the other sectors. From 2011 to 2018, the open defecation rate remained very high (at 70.8%) and less than 11% of Nigerien households have access to electricity. Niger has more than 36,000 schools operating in straw huts. Food insecurity is still widespread; acute malnutrition affects 15% of the population. In 2020/2021, Niger experienced an unprecedented cereal deficit, plunging 2 million inhabitants into food insecurity.
100. The government of Niger has made great efforts to combat environmental degradation and climate change, improve the business environment, support the modernisation of agriculture through the 3N Initiative and mobilize revenues from natural resources to promote economic diversification. This is being done, among other things, through recovery of degraded land, development of irrigated land, zoning of the territory, free vaccination of livestock against major epizootic diseases, construction of kiosks for the sale of "cliché" (dried meat), training, conflict management, facilitation of access to credit through the Investment Fund for Food and Nutritional Security (FISAN) and the Niger Agricultural Bank (BAGRI), and subsidizing of improved seeds and fertilizer. Unfortunately this government support does not cover the needs of rural producers. This can be explained by the low mobilization of internal resources and the high dependence of government services on external support.
101. To promote stakeholder participation in the design and implementation of development policies, the government has set up a number of mechanisms, including multi-stakeholder consultation frameworks. Decentralization has played a key role in improving grassroots involvement in development through regional consultation frameworks and participatory budgets. This makes ownership of development initiatives by local population easier.



102. The government of Niger is banking on investment in agro-pastoral production and access to basic social services to combat poverty, unemployment and inequality. The country has adopted a Rural Code on land ownership. The production capacities of rural actors have been greatly improved through, among others, the 3N Initiative, FISAN and BAGRI. The government's determination to combat poverty has led to the proliferation of support structures for the rural world, which, unfortunately, are not able to function effectively due to lack of resources and coordination. It will be necessary to coordinate these structures in such a way that they can benefit fully from government initiatives.
103. Niger has achieved remarkable results in the fight against poverty and mortality in recent years. The poverty rate declined steadily from 62.1% in 2005 to 40.3% in 2019. However, the level of poverty is still high. Women and the rural areas remain the most affected. Life expectancy at birth has risen significantly thanks to government's efforts, especially in child and maternal health and the fight against major endemic diseases. The government's programme of free care for children under 5, caesarean sections and prenatal consultations has contributed to this. However, the effectiveness of this programme has been eroded over the years by the lack of resources in health centres and the delay by government to pay for expenses incurred by health structures for patients admitted to this programme. Unfortunately, improvements in social and health indicators may be compromised by the recent security challenges that have forced the government to prioritise spending on the security sector.
104. The government of Niger has been particularly dynamic in improving the rights and socio-economic conditions of people with disabilities. This has been done through reform of the legal framework and the setting up of specific support programmes and initiatives. A National Fund for the Support of Persons with Disabilities has been established. Other initiatives have been implemented to promote housing for the blind and other disabled persons. However, despite these efforts, the situation of people with disabilities remains precarious because of the limited resources at the disposal of government structures and communities. Also, people with disabilities continue to suffer discrimination, particularly in the area of employment.
105. Unemployment is increasing in Niger; it is more common among young people and women. Underemployment affects the active population and is mainly prevalent in rural areas. This situation is likely to worsen in the medium and long term. Indeed, with a rapidly growing population, providing social services, creating jobs and combating gender inequality are some of the major challenges facing the country. The government is therefore doing all it can to modernize agriculture and mobilize natural resource revenues to promote economic diversification and employment.
106. The development of the National Gender Policy to fight against gender inequality, which takes into consideration social, economic, political, legal and cultural issues, should be commended. An important step has also been taken to involve women and

vulnerable groups in the implementation of development policies, by including gender as one of the guiding principles of the 3N initiative "Nigériens Nourish Nigériens". The government has also set up gender units in many ministries, a National Observatory for the Advancement of Women, a Central Service for Minors and Women, and a national coordination committee to promote the marriage of girls after the age of 18. However, those in charge of these institutions are complaining of the inadequacy and delays in the provision by government of material, technical and financial resources.

107. Niger is one of the countries with a high gender inequality index (0.713 compared to 0.635 for the Sahel countries and 0.575 for sub-Saharan Africa). These inequalities can be seen in access to education despite significant improvements in recent years. In 2018, the gross intake rate for boys was 79.4% compared to 73.6% for girls. The gross enrolment rate (GER) for boys was 84.7 compared to 73.5 for girls. Also, inequalities against women persist in economic and political participation. Women face difficulties in accessing, managing and controlling resources. There is a huge gender gap in the various political and administrative decision-making structures. To correct this weakness, the government, through Law N°2000-008 of 7 June 2000, instituted a quota system for elective office, in the government and in the state administration. The implementation of this law has led to a significant improvement in the number of women in elective positions.
108. Overall there has been a positive trend in the enrolment of children, although it remains unequal for boys and girls. In the "Vocational and Technical Education" sub-sector, significant investments were made during the 2010-2018 period. Many young people were recruited and trained with the support of institutions such as the *Fonds d'Appui à la Formation Professionnelle Continue et à l'Apprentissage* (FAFPCA), the SNP, the *Centre des Métiers de Cuir et d'Art du Niger*, PRODEC, FOPROR and the NIG-017 programme. Gender inequality is still a problem in spite of this progress. In the 15-20 age group, the girl/boy parity index is less than 1. Also, the majority of girls are found in training courses that are mainly oriented towards the home economy.
109. The gender situation and the status of women in Niger are far from the equality advocated in the various texts of positive law. There are still many challenges resulting mainly from socio-cultural constraints and the social roles attributed to girls. Indeed, traditional social organisation in the country is patriarchal, and communities have a differentiated perception of male and female roles. Achieving substantial gender equality will require a transformation in the power relations between men and women in both the public and private spheres.

## 8. CROSS-CUTTING ISSUES

110. There are six (6) cross-cutting questions: These are:
  1. Corruption ;
  2. Education ;
  3. Road Infrastructure and transportation;

4. Power; and
5. Security.

## **9. GOOD PRACTICES**

111. The CRM has identified three good practices:

1. Bringing the public service of justice closer to the people: Mobile courts;
2. The AU conference as an opportunity for development;
3. Regulation of livestock migration: harmonious management of land use for farmers and herders.

---

## CHAPTER ONE

---

### 1. INTRODUCTION: THE APRM AND ITS IMPLEMENTATION IN NIGER

#### 1.1 Description of the APRM process

1. The African Peer Review Mechanism (APRM), a voluntary self-assessment instrument for Member States' governance performance, was established in 2003 by the Heads of State and Government Committee (HSGIC) responsible for implementation of the New Partnership for Africa's Development (NEPAD).
2. The APRM is a voluntary mechanism for African states to systematically assess and review governance at the level of Heads of State to promote political stability, accelerated sub-regional and continental economic integration, economic growth and sustainable development. By acceding to the APRM, Member States agree to independently assess compliance of their actions with their African and international governance commitments.
3. The APRM aims to develop and disseminate best practices and correct underlying deficiencies in the governance and socio-economic development processes in AU Member States. The APRM encourages policies, standards and best practices to promote political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration.
4. The APRM process is based on the principles of transparency, accountability and freedom from political or diplomatic pressure and manipulation. Performance and progress are measured in four thematic areas as follows:
  - Democracy and political governance;
  - Economic governance and management;
  - Corporate governance;
  - Socioeconomic development.
5. Each review is followed by a national programme of action for the State concerned to address the problems identified. A national monitoring body prepares semi-annual and annual progress reports on the implementation of the national programme of action for the APRM Heads of State and Government Forum.
6. The APRM has several bodies at the continental and national (country) levels.
7. At continental level, these are:

- *The African Peer Review Forum (APRF): a committee composed of all Heads of State and Government of APRM participating countries.* The Forum is the highest decision-making body of the APRM.
- *APRM Panel of Eminent Persons:* it is composed of eminent persons from the five regions of Africa appointed by the Forum to independently oversee the review process and ensure its credibility. Panel members are selected and appointed by the Forum for a maximum term of four years, with the exception of the Chair and Vice-Chair who are appointed for a non-renewable term of one year.
- *The APRM Focal Points Committee:* it is composed of the personal representatives of the Heads of State of participating countries. The Committee is a ministerial body that acts as an intermediary between the African Peer Review Forum and the APRM Secretariat. It is responsible for administrative and budgetary matters and reports to the APR Forum.
- The *APRM Secretariat* provides technical and administrative support and coordinates APRM activities.

8. At National level

- A national Focal point
- A National governance Commission
- A Permanent Secretariat

9. The APRM has entered into special cooperation agreements with five Africa-based institutions designated by the Forum as strategic partners: the African Development Bank (AfDB), the United Nations Economic Commission for Africa (UNECA), the United Nations Development Programme Regional Office for Africa, the Mo Ibrahim Foundation and the African Capacity Building Foundation (ACBF).

**i. The country's commitment to the process**

10. Niger, like the other forty-one Member States, joined the APRM in July 2012.
11. It therefore has to conduct a self-assessment of the effectiveness of its governance process under the supervision of the National Governance Commission established in January 2017 by Decree 2017/06 PRN.
12. Participating in the APRM process was the result of the country's commitment to review and improve its political and economic governance. It reflected the willingness of the President of the Republic, Head of State, to align his vision for Niger with that defined by NEPAD. This alignment was facilitated by the similarity between the visions and values contained in the APRM and those of the Economic and Social Development Plans of Niger (PDES) 2012-2015 and 2017-2021 and the Sustainable Development and Inclusive Growth Strategy (SDDCI) Niger 2035.

13. The National Governance Commission (NGC), under the chairmanship of the interim Prime Minister, was officially installed on 17 April 2015 in the presence of the heads of the institutions of the Republic, members of government, heads of diplomatic and consular missions and representatives of international organizations. After this installation, Niger signed the Memorandum of Understanding with the APRM on 22 January 2018. In addition, the NGC then set up the APRM Regional Committees in the eight (8) regions of Niger in February 2018. A number of training workshops for members of the APRM National Governance Commission and the APRM National Permanent Secretariat and Regional Committees were also organized. Finally, the NGC received a visit from the Eminent Person in charge of the Niger Review, Professor Fatma Zohra Karadja, a member of the APRM Panel of Eminent Persons.
14. In his speech during the installation of the NGC, the Minister of State at the Presidency of the Republic, representing H.E. the Prime Minister, Mr. Albadé Abouba, explained that Niger's membership in the APRM was "the result of a personal commitment by the President of the Republic to governance issues in the implementation of development policies and, in particular, to the proper functioning of public services and their relations with users. In addition, there is the need for our country to join the vast majority of African countries participating in the APRM".
15. *Composition of the National Governance Commission:* the NGC is composed of 48 members from the executive branch, the legislature, the judiciary and court officials, employers, customary authorities, unions, and civil society. It also includes representatives of women, youth, unions, the press and religious groups. As provided for by Decree 2017-06/PRN, the president of the Commission is the representative of universities, in the person of Dr. Mayaki Maikolonché.
16. *Mission of the National Governance Commission:* as provided for by Decree No. 201706 of 6 January 2017 to determine the powers, composition, organization and functioning of the APRM implementation structures, the Commission has as mandate to define the strategic orientations for implementing the APRM, to pilot, supervise and manage Niger's review process, and to produce a country self-assessment report and a program of action. It also promotes stakeholder participation and ownership of the assessment process.
17. It is under the supervisory authority of the Deputy Director of Cabinet of H.E. the President of the Republic.
18. The bodies of the National Governance Commission (NGC) are:
  - The General Assembly;
  - Technical sub-committees;
  - The Steering Committee;
  - The Bureau.

19. The General Assembly, the deliberative body, is composed of all the members of the Commission. It approves the action plan. All draft resolutions are submitted to it for approval. Decisions are taken by consensus or, failing that, by a simple majority of votes.
20. The Commissioners are divided into technical subcommittees corresponding to the four (4) APRM themes. The NGC/APRM Steering Committee is composed of the bureau members of the General Assembly and the chairs of the technical subcommittees. It prepares the draft resolutions that are subsequently submitted to the General Assembly for adoption.
21. The Bureau is the executive body of the Commission. It is composed of 7 members: a Chairperson who is the representative of the Universities; a first Vice-Chairperson who is the representative of civil society organizations; a second Vice-Chairperson who is the representative of women's organizations; a first Rapporteur who is the Permanent National Secretary of the NGC/APRM and a second Rapporteur who is the representative of the Minister in charge of foreign affairs.
22. The Permanent National Secretariat helps the National Focal Point and the NGC/APRM to carry out their missions. This Secretariat is the technical, administrative and financial arm of the APRM in Niger. As such, it serves as an interface between the APRM's continental structures and national structures, and implements the guidelines prescribed by the NGC/APRM. It also manages the evaluation process, prepares the technical aspects of surveys, manages data, and organizes seminars and workshops.

## ii. Implementation of the APRM process by the country

23. To implement its mandate, the NGC recruited four (4) Technical Research Institutes (TRIs) to conduct studies on the APRM themes to provide input and credibility to the country self-assessment report. These include:
  - The *Cabinet Niger-Horizons* for democracy and political governance;
  - The National Statistics Institute (NSI) for governance and economic management;
  - The *Laboratoire de Recherche sur les Dynamiques Managériales* (LARDYM) of the Abdou Moumouni University of Niamey for corporate governance;
  - The *Laboratoire de Recherche et d'Analyse sur le Développement Economique et Social* (LARADES) of the University of Tahoua, for socio-economic development.
  - The National Governance Commission also organized workshops to validate the thematic reports in each of Niger's eight regions. These reports were also submitted directly to certain ministries for review.

24. After amending and validating these documents, the *Cabinet d'Expertise en Développement Economique et Social* (SAHEL DEV) was recruited to prepare the APRM/Niger Country Self-Assessment Report (CSAR) and a National Plan of Action (NPA). This report was finalized after the evaluation phase conducted by the Cabinet and the NGC, under the supervision of the continental APRM Secretariat.
25. The methodology was based on a synthesis of the various thematic self-assessment reports, followed by the presentation of the issues at stake, examination of the ratification and implementation of instruments, results of the assessment in relation to the objectives defined in the APRM questionnaire, identification of good practices and recommendations for the development of the national action program.
26. The Technical Research Institutes (TRIs) used four methodological approaches to conduct the study:
  - A summary of the literature review;
  - A survey;
  - Semi-structured interviews;
  - Collection and analysis of data from consultations with stakeholders.
27. The literature review examined Niger's international commitments on democracy and political governance. More specifically, it looked at the international conventions and agreements that had been adopted, signed and/or ratified by the country. It also examined all the reports and public policies of the Government.
28. The survey provided data for the RTID reports. The questionnaire for the surveys were administered to 4,880 respondents aged 18 and above.
29. This questionnaire was prepared using the APRM sample questionnaire.
30. A sample questionnaire for the survey was developed by the research institutes and then discussed and agreed with the National Statistical Institute team which then conducted the survey.
31. The country self-assessment report also provides important information on Niger, including geographical, political and economic data, Niger's socio-economic indicators for the period 2016-2021 and a description of the APRM process and the approach to its implementation in Niger. It also presents the historical and political context, the current dynamics and the new development challenges.
32. Finally, the country self-assessment report devotes a chapter to cross-cutting issues such as the fight against corruption, gender and gender equality, the challenges of rapid population growth, sustainable development, land governance, migration and refugee issues.



### **iii. Review mission and activities on the field**

33. Led by Professor Fatima Zahra Karadja, Chairperson of the APRM Panel of Eminent Persons, the Niger review mission took place from 15 November to 6 December 2021. Fourteen African experts from ten AU member countries took part. These experts were selected on the basis of their knowledge and experience in the four areas of governance under review.
34. General supervision:
  - Prof. Fatima Karadja, Head of Mission and member of the APRM Panel of Eminent Persons
35. Mission coordination
  - Mr. Jean Yves Adou, Niger Coordinator
  - Mrs Lydie Bokoko, Administrative Assistant, Administration and logistics
  - Dr Rachel Mukamunana, Head of Country Review Division
36. Democracy and Political Governance:
  - Prof. Lath Yedoh Sebastien, Consultant
  - Dr Saliou Faye, Consultant
37. Economic Governance and Management:
  - Prof. Akpo Juste Pasteur, Consultant
  - Prof. Babakar N'Diaye, Consultant
38. Corporate Governance:
  - Prof. Maher Gassab, Consultant
  - Prof. Karim Ben Kahla, Consultant
  - Mr. Hassane Mahamat, Research assistant
39. Socioeconomic Development:
  - Dr Miangontar Yode, Consultant
  - Dr. Koutou Mahamoudou, Consultant
  - Mrs Ache Abakar, Research assistant
40. Crosscutting issues (Gender and the youth):

- Mrs Dianna Moutondo, Research assistant
41. In keeping with the APRM Terms of Reference, the CRM reviewed the results of the self-assessment undertaken by the NGC. In this regard, the mission:
    - Carried out in-depth consultations with all stakeholders to deepen and complete the self-assessment report;
    - Assessed the draft action programme submitted by the country and made appropriate recommendations;
    - Verified the credibility of the country self-assessment report and its freedom from political manipulation;
    - Reached a consensus with stakeholders on the remaining issues and challenges and made recommendations on ways to improve governance.
  42. The CRM met with all the stakeholders of the APRM process in Niger, in particular institutional officials and elected representatives. It also met with representatives of the legislature and the judiciary, faith-based organisations, parastatals, local authorities, political parties, employers' organisations, the private sector, civil society, trade unions, youth movements, women's organisations, groups of disadvantaged people and local elected officials. Press briefings in the national and African print and television media were held during the mission.
  43. To get a clearer picture of the dynamics of the various regions and a better understanding of the expectations of the population, the CRM visited six of the country's eight regions (including Niamey). During these visits, the CRM had fruitful discussions with local stakeholders.
  44. This report can be summarized as follows:
    - Chapter one is the general introduction;
    - Chapter Two discusses Niger's historical milestones and the major challenges the country faces;
    - Chapters three to six present the findings of the CRM in the four governance areas.
    - Chapter seven deals with cross-cutting issues.
  45. The analysis of each governance theme begins with a brief summary of the country self-assessment report on that specific area. This is followed by the findings of the meetings between the Assessment Mission and stakeholders, both at national and departmental level, and then the findings of the Review Mission. The findings are based on desk research and meetings with stakeholders at national and district levels. The analysis concludes with the APR Panel's recommendations on governance issues that are considered important for the implementation of measures

that the authorities themselves are already taking or intend to take as a result of the self-assessment exercise. Given that one of the APRM's objectives is to promote best practices on the continent, Niger's best practices are also mentioned, and boxes present certain governance aspects specific to Niger that deserve to be highlighted.

---

## CHAPTER TWO

---

### 2. EVOLUTION OF GOVERNANCE CHALLENGES IN NIGER

#### 2.1 Brief historical background

46. Located in West Africa, Niger is situated between the Sahara and the Sahel regions. During the pre-colonial period, the country was divided geographically into kingdoms: the West was ruled by the Songhay Empire, the North by the great Tuareg confederations, the Centre by the Hausa and the far East (around Lake Chad) by the Kanem. The latter was subsequently ruled by the Bornou under Idris Alaoma (1580-1617).
47. Between the 17th and 18th centuries, the Songhay Empire broke up into several principalities on both side of the Niger River. Gorouol and Anzourou, created after the fall of the Soni, merged with Kourmey, Téra, Djamare, Karma and Dendi. In contrast, some Hausa states, such as Gobir in the Centre asserted themselves as rising powers. Further west of the Hausa cities, the Ader experienced a boom which enabled them to impose their suzerainty on the Aïr.
48. Nomadic tribes dominated the region in the 19th century. The entire southern strip was under the control of the Fulani and the Tuareg. In the west, in the Zarma-Songhay area, the Fulani controlled the right bank of the Niger River in the first half of the century. It was only in 1844 that the Songhay, supported by the Tuareg, broke free from their dominance, only to be ruled later by the Tuareg. In the Hausa states, Ousman Dan Fodio (1754 and 1817) launched a holy war (jihad), which destabilized the Gobir, Kano and Sokoto states and brought them under his control. In the East, the new dynasty founded by Mohammed El-Amin El Kanemi in Kanem replaced that of the Seyfawa; and in the North, Azawagh was rocked by a series of internal wars throughout the 19th century. On the whole, only the Damagaram lasted as a major power, reaching its peak around 1885 with Sultan Tanimoune.
49. France colonized Niger from the mid-19th century and set up a military and administrative structure. On 25 July 1900, it created the third military territory. Between 1900 and 1906, France bolstered its power with additional military bases. On 1 January 1905, the military territory of Niger was created with Niamey as the seat of government. This lasted until 1911. On 4 December 1920, the military territory of Niger became the territory of Niger with administrative and financial autonomy and, on 13 October 1922, it became known as the autonomous Colony of Niger.
50. After the Second World War, African leaders started the fight for independence by creating political parties, trade unions and grassroots organizations. In Niger, the *Parti progressiste nigérien* (PPN), created on 12 May 1946 and affiliated to the

*Rassemblement démocratique africain*, was the first political party in the territory. It was followed by the *Union nigérienne des indépendants sympathisants* (UNIS) in 1948, the *Union progressiste nigérienne* (UPN) in 1953, the *Union démocratique nigérienne* (UDN) in 1954 and the *Bloc nigérien d'action* (BNA) in 1955. After the 2 January 1956 elections, the PPN and the UPN sent representatives from the colony to the National Assembly in Paris for the first time.

51. Political parties prepared for elections following the Framework Law of 23 June 1956 that set up the Territorial Assembly. The elections of 31 March 1957 were won by the Sawaba (a 19 November 1956 merger of the UDN and the BNA). Its leader, Djibo Bakary, who was pro-independence, formed the first governing council. The workers' unions joined the struggle for independence by demanding an end to the colonial system.
52. In France, General de Gaulle was faced with increasing demands from Niger for independence. He organised a referendum for Niger to choose between remaining in the Union with France and becoming independent immediately. On 28 September 1958, the yes to remaining within the Union, advocated by the opposition, won with 78.43% of the votes. The winners, notably Hamani Diori's PPN, demanded and obtained new elections which they won in December 1958. On 18 December of the same year, the Republic of Niger was proclaimed as part of the Union with France. The Territorial Assembly then became a constituent body, and then the National Assembly after independence on 3 August 1960. Hamani Diori became the first President of the Republic of Niger.

## **2.2 The Post colonial period**

53. After independence, Niger had its first Republic from 1960 to 1974. During this period, the country adopted the single party system, a common trend in Africa at the time. The duo, made up of Hamani Diori and Boubou Hama (Speaker of the National Assembly) kept a firm grip on the country. In the absence of opposition parties (after Djibo Bakary went into exile), the PPN alone remained in control of the National Assembly for almost fifteen years: the Legislative Assembly, which became the National Assembly from independence to October 1965, the second legislature following the October 1965 elections, with the third legislature following the October 1970 elections.
54. A dominant figure in Niger's politics even before independence, President Diori became influential in international forums, maintaining excellent relations with most of the countries in the region. However, he started facing problems from the mid-1970s: he became increasingly authoritarian following demonstrations by students; strained relations with France over the price of Nigerien uranium and steadfastly refused to support the attempted secession of Biafra from Nigeria. He became even more unpopular after a famine that severely affected rural populations in 1973-74. On 15 April 1974, a group of soldiers led by Lieutenant-Colonel Seyni Kountché, Chief of Staff of the army, took advantage of the situation to overthrow the regime and establish a Supreme Military Council (SMC). At the international level, the country remained a member of the organisations to which it belonged, even succeeding in

having Idé Oumarou elected as Secretary General of the Organisation of African Unity (from 1985 to 1989).

55. After General Seyni Kountché's death in November 1987, the new president, Colonel Ali Saïbou, initiated a policy of détente in August 1988 and announced the creation of a single party, the *Mouvement national pour la société de développement* - MNSD (National Movement for the Development Society). The Constitution of the Second Republic, adopted in September 1989, enshrined the principle of a single-party system. Legislative and presidential elections were held on 10 December 1989.
56. On 9 February 1990, students, under the *Union des Scolaires Nigériens* (USN), organised a demonstration in Niamey to demand better living conditions as well as political reforms. In an attempt by the police to break up the demonstration, three people died. This became a turning point as civil servants joined the strike. The President finally accepted a multi-party system and a national conference was organized from 29 July to 3 November 1991. In March 1993, the Constitution of the Third Republic was adopted, establishing a semi-presidential regime. The first multiparty elections brought Mahamane Ousmane to power. However, from September 1994, disagreements between the two heads of the executive led to the dissolution of the Parliament and to a call for fresh legislative elections, which resulted in a political cohabitation. This cohabitation was so strained that in January 1996, the military seized power, ending the short-lived experience of the Third Republic.
57. The *Conseil de salut national* (CSN), led by Colonel Ibrahim Baré Maïnassara, used the pretext of an institutional crisis, the uneasy political cohabitation and the risk of civil war to seize power, promising a return to civilian rule after the adoption of a new constitution. The new constitution, which established a presidential regime, was adopted in May 1996. In July of the same year, a presidential election was organised and won by Ibrahim Baré Maïnassarae.
58. The opposition challenged the election results and called for a general insurrection and civil disobedience. On 9 April 1999, Squadron Leader Daouda Mallam Wanké seized the opportunity to lead another coup d'état in which General Maïnassara was assassinated. A national reconciliation council was set up and elections were announced, after the adoption of a new constitution.
59. The country returned to a semi-presidential regime after adopting a new constitution by referendum in July 1999. After general elections in October and November 1999, Mamadou Tandja became President of the Republic. He was re-elected in the 2004 general elections. However, the political and social climate worsened in 2005 with the serious food crisis, and in 2007 with the resurgence of kidnappings by Al-Qaeda in the Islamic Maghreb, and the return of the Tuareg rebellion led by the Movement of Nigeriens for Justice (MNJ). The situation was further aggravated by President Tandja's stated intention to extend his second term of office by three years. Over opposition protests, a referendum was organized in August 2009, resulting in yet another constitution that established a presidential regime and authorized the

president to remain in power until December 2012. This only served to amplify the political crisis.

60. It was in this volatile political climate that, on 18 February 2010, President Tandja was overthrown in a military coup by Commander Salou Djibo. A military junta called the Supreme Council for the Restoration of Democracy took power and suspended the contested 2009 Constitution.
61. The return to civilian rule took fourteen months. A new Constitution was approved through a referendum on 31 October 2010. It provided for a semi-presidential system and a five-year presidential term renewable once. It also contained innovations such as provisions for developing mining and oil resources and allocating revenue from the extractive industry to the country's development.
62. At the same time, a number of other texts were adopted, including the Charter on Political Parties, the status of the opposition and the Electoral Code.
63. On 12 March 2011, after a second round of voting, Mahamadou Issoufou was elected President of the Republic. He immediately launched a new and ambitious initiative known as the Renaissance Programme. The objectives of this programme included: food self-sufficiency through the 3N initiative (Nigériens Nourrissent les Nigériens – Nigeriens Nourish Nigeriens), revival of the agro-pastoral and irrigation sectors, construction of the Kandadji hydroelectric dam on the Niger River on the border with Mali, construction of a railway between Benin and Niger and construction of the Gorou Banda thermal power plant on the outskirts of Niamey.
64. After his re-election in 2016, the President announced that the program would continue under the new name "Renaissance II". However, the country continued to be wracked by social and political unrest as well as security challenges that led to the declaration of a state of emergency in several regions including Diffa on the border with Nigeria and Chad, where the sect and Islamist terrorist group Boko Haram was active. Because of these security challenges the government authorized the deployment of French, American and German troops in Niger as part of the international coalition against terrorism.
65. The presidential elections of 21 February 2021 brought Mr. Mohamed Bazoum to power. These elections were considered historic in that they marked the first time since Niger's independence in 1960 that a democratic transition was taking place between two elected presidents.

#### **iv. The situation today and new development challenges**

66. To accelerate and consolidate economic growth and social progress, the government of Niger initiated an ambitious five-year economic and social development plan (PDES 2017-2021) in September 2017. The plan has as objective to boost development by transforming the country's economy to encourage strong, sustainable, resilient and inclusive growth and to raise the living standards of the population. The PDES is built around five (5) major strategic pillars that address the

structural reforms needed to diversify the economy and strengthen the private sector, and to address high population growth and gender inequality. These are: (i) cultural renaissance; (ii) social development and demographic transition; (iii) accelerated economic growth; (iv) improved governance, peace and security; and (v) sustainable management of the environment.

67. The PDES aims to achieve a number of key objectives by 2021, including:
  - Reduction of the poverty rate from 39.8% in 2016 to 31.3 %;
  - Structural reforms to raise the economic growth rate to an ambitious 7%;
  - Mobilisation of domestic revenue to raise the revenue/GDP ratio to 20%, in line with the WAEMU convergence criteria;
  - Reduction of the population growth rate from 3.9% in 2015 to 3.06%.
68. Many major infrastructure projects are included in the 2017-2021 PDES, notably construction of the Cotonou-Niamey-Ouagadougou-Abidjan railway loop, construction of a 2,000 km pipeline by the China National Petroleum Corporation to transport crude oil to the port of Seme Terminal in Benin, the Salkadamna energy project and continuation of the construction of the Kandadji hydro-agricultural dam at a total cost of CFAF 155 billion (3% of GDP), which will take three years to complete. By 2022, oil will be a driver of investment since Niger will increase production from 20,000 to 110,000 barrels per day, an increase that will account for 24% of GDP. The PDES also provides for continued investments in the agricultural sector under the 3N Initiative and the Millennium Challenge Corporation (MCC)
- 69.
70. The PDES 2017-2021 is an offshoot of the reference framework for all development actions known as the Sustainable Development and Inclusive Growth Strategy - SDDCI Niger 2035 which sets out the long-term vision of Nigerien society and its development. The overall objective is to turn Niger into "a modern, peaceful and prosperous country that is proud of its cultural values in a united and interdependent Africa" by 2035.
71. In addition, the third renaissance programme of the new President lays emphasis on seven key areas: (i) security and social peace; (ii) good governance and consolidation of republican institutions; (iii) development of human capital; (iv) modernisation of the rural world; (v) development of economic infrastructure; (vi) development of economic potential; (vii) solidarity and socio-economic inclusion of the vulnerable.
72. However, many difficulties remain. These include: financing development through improved budget transparency and greater efficiency in resource allocation and expenditure execution; mobilising the resources needed to finance strategic sectors and priority projects; pursuing social and infrastructure investments through improving the quality of education, increasing education infrastructure, improving health



coverage, and boosting land and livestock productivity and the resilience of production systems.

---

## CHAPTER THREE

---

### v. DEMOCRACY AND POLITICAL GOVERNANCE

*“Even though we are separated from each other by political ideologies, we have a common denominator that unites us all: it is our love for this country, its people and our desire to successfully develop our land”*

***Speech by Mr Diori HAMANI before the National Assembly presided over by Mr Boubou Hama, on Thursday 18 December 1958, shortly before the solemn proclamation of the Republic of Niger.***

#### 3.1 Main challenges

##### 3.1.1. The main challenges

73. Niger in West African geopolitics. With a surface area of 1,267,000 km<sup>2</sup> and an estimated population of 22,788,000 in 2020, Niger occupies a strategic position in West African geopolitics. It is the largest of the West African states and ranks sixth on the continental scale (after Sudan, Algeria, Congo, Libya and Chad). Because of its border with Chad, it is the bridgehead between the Economic and Monetary Community of Central Africa (CEMAC) and the West African Economic and Monetary Union (WAEMU). Bordering Algeria and Libya, it serves as a link between West Africa and North Africa. Niger also has many different natural resources: uranium, oil, gold, coal, iron, phosphate, salt, tin (cassiterite).
74. Paradoxically, this Sahelian country, which is rich in natural resources, is among the poorest in the world and holds the lowest record in terms of development. It is the least developed in the world with the lowest Human Development Index (HDI), which is 0.354 (189th out of 189 countries). It has the highest population growth in the world, at +3.83% per year (2017); indeed, this growth has even accelerated in the last decade (+3.3% in the 1990s). In addition to these poor performances the country is also facing political, territorial and human crises.
75. Recurrent political crises in Niger. The political history of Niger shows that the state is repeatedly challenged either by armed violence or by popular or partisan protests. This places the country in a deleterious, fragile and unstable political situation. In addition to these internal threats, the country is also suffering from organised crime and jihadist (extremist) terrorism in some parts of the country or at different points on its borders with Nigeria and Libya.
76. Because of all these internal and external threats, Niger is unable to fully exercise its sovereign authority in all rural areas, particularly in the Diffa and Tillabéri regions. This has enabled some armed political and religious groups to take control of these

areas. The situation sometimes gets so bad that even foreign military interventions are not able to effectively restore order and peace in the affected areas.

77. Constant insecurity and recurrent political crises have rekindled and strengthened identity-based antagonisms and fuelled the East/West rivalry. This has worsened in recent years with a surge in protests by the Peul minority. The resurgence of ethnic rivalries is compromising national cohesion and peaceful coexistence among the Nigerien population.
78. The CRM concluded that dysfunctional democracy and poor governance are the main challenges facing the country and that these are at the root of Niger's lagging development.
79. This conclusion is confirmed by the Economic and Social Development Plan (PDES 2017 - 2021), which identified eight (8) major challenges, with poor governance being one of the most significant. Similarly, the Government's General Policy Statement of 13 May 2021 highlights good governance and the consolidation of republican institutions as the cornerstones of the seven (7) major strategic axes of government action.
80. Niger will therefore only be able to develop and guarantee the stability of its constitutional institutions by addressing political governance challenges at all levels in the country.
81. The progress made recently by the country proves this. The good economic performance of recent decades could only have been possible within the context of democratic political change. Indeed, following the peaceful accession of President Mahamadou Issoufou to state power in 2011, Niger experienced economic growth (GDP growth of +11.8% in 2012, for example, which has since fallen back to around +5% per year) with investments from abroad and by the government.
82. **Achievements in political governance in Niger.** The Panel noted that Niger has made commendable progress in the area of democracy and political governance, as follows:
  - There are many political parties in Niger. The country has a dynamic multiparty system with 157 parties legally declared and recognized by the Ministry of the Interior. The opposition said that there are 175 political parties in Niger. The opposition has 47 parties, 18 of which are active. The ruling majority is made up of 124 parties<sup>1</sup> ;
  - There have been two democratic political transitions, in 2011 and 2021;
  - The Mo Ibrahim Award for outstanding leadership in Africa was received by Mahamadou ISSOUFFOU. The outgoing President of Niger is the sixth recipient of this award which recognizes outstanding leaders who, during their term of

---

<sup>1</sup> Source: Survey of political parties in Niger on 18 November 2021

office, developed their country and strengthened democracy and the rule of law for the benefit of all their fellow citizens;

- Many institutions have been set up to support democracy: the Independent National Electoral Commission (CENI), the National Council for Political Dialogue (CNDP), the Women's Observatory;
- Progress in the area of press freedom: Niger now ranks 59th in the world and is one of the highest ranked African countries in press freedom.

83. **The main governance challenges in Niger.** In spite of these positive developments, the review mission highlighted some governance issues which deserve special attention. These include:

- Constitutional and political instability. Relative institutional stability made peaceful and democratic political transition possible during the last decade. However, Niger has experienced seven republics and four coups d'états in its recent history. Indeed, two days before the inauguration of the newly elected President, a coup attempt was foiled on 31 March 2021. This instability is a major challenge that the public authorities must take into account in consolidating constitutional democracy and the rule of law;
- The preponderance of presidential power. Although the political system in Niger is considered semi-presidential, constitutional provisions and political-institutional practices make it a presidential system. Indeed, in the Nigerien political system, the President of the Republic enjoys statutory and functional pre-eminence over all other institutions of the Republic;
- Numerous and complex factors that generate conflict. Internally, these factors include: community and identity based frictions, disputes over access to natural resources, political and institutional clashes, social discord and the rise of religious extremism. Externally, there is the risk of inter-State conflicts resulting from the non-demarcation of certain borders, weakness of mechanisms for managing shared waters, porous nature of borders, stagnation of foreign military interventions (particularly French) and lack of access to natural resources;
- Lack of effective civil and political rights. Although civil and political rights are abundantly proclaimed in the texts (international conventions, the Constitution and specific texts), their effective implementation is hampered by cultural, economic and political constraints;
- Excessive centralisation of administrative powers. Because of the shortcomings of the consultation framework on decentralisation, the installation of the deliberative and executive bodies of the 266 communes and the eight regions was not followed by the effective transfer of competences and financial resources necessary for the proper functioning of these local authorities;
- Low participation of women in political and economic life. In spite of laws to protect women, there are still numerous constraints to the effective protection of women's legal rights. These include: discrimination against women, illiteracy, the low level of education of women and girls, especially in rural areas, socio-cultural

and religious stereotyping of women, the non-application of and non-compliance with the law on quotas in political parties (at the local, regional and national levels), insufficient financial and economic empowerment of women and young people, low representation of women in decision-making positions in the public administration and in the Government;

- Negligible economic and professional integration of young people in general and the low school enrolment of girls. Niger's population is predominantly young. However, young Nigeriens have difficulty integrating economically and professionally, largely because of the mismatch between education and market needs;
- Inadequate protection of the rights of vulnerable groups due to the security and migration crisis. Despite the existence of a legal and institutional framework to promote the rights of people with disabilities and the elderly, the situation of these social groups has not changed significantly.

84. Niger's achievements in the area of governance and the challenges it still faces show the importance of political governance in consolidating democracy, the rule of law and the protection of the fundamental rights of citizens.

#### **vi. Main challenges**

85. Niger's major political governance challenge now is guaranteeing the survival of the Nigerien State in the face of the numerous challenges the country has. This can only be achieved by successfully restoring State authority and republican values, and preserving national unity, national cohesion and social peace.

86. The CRM observed that, fortunately, these issues have been taken into account in the government's vision and are also in line with the expectations expressed by all stakeholders. Consequently, the Panel recommended that Nigerien authorities should:

- Manage elections in a consensual manner by strengthening and deepening the existing framework for dialogue;
- Empower local and regional authorities through the effective transfer of the necessary administrative powers and financial resources;
- Guarantee the secular nature of the State by drawing up a national strategy and organising a social dialogue between all the active forces in Niger;
- Promote people's right to a dignified existence by effectively guaranteeing their access to basic social services (education, health, water, electricity, a healthy environment).

### **3.2 Ratification and implementation of the relevant international Instruments**

#### **i. Summary of the CSAR**

87. According to the country self-assessment report, between 2017 and 2019, Niger ratified, in addition to the instruments listed in the tables below, several other relevant

international and regional legal instruments. These ratifications were carried out through some fifteen enabling laws. This shows the willingness of the Nigerien state to respect its international commitments.

88. The CSAR noted that most national legal instruments had to be amended to comply with international conventions and agreements. This adaptation was followed by the setting up of specific bodies to guarantee the effective implementation of the international commitments made by the Nigerien state. Thus, a National Human Rights Commission (CNDH) was established by Law No. 2012-44 of 24 August 2012 in accordance with the Paris Principles. Civil society organisations also play an advocacy role in the implementation of the various international conventions ratified by Niger.
89. The CSAR indicated the important international and regional instruments that Niger still has to ratify. In 2017, following the presentation of Niger's 14th periodic report on the implementation of the African Charter on Human and Peoples' Rights (ACHPR) it was suggested that Niger should ratify:
  - The 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
  - The Additional Protocol to the African Charter on Human and Peoples' Rights on Older Persons of 2016;
  - The Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death.
90. The self-assessment report also mentioned Niger's reservations during ratification of the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW). Some of these reservations are contrary to the objectives and/or purpose of the Convention, while others render it meaningless because they make it difficult or even impossible for women to enjoy the rights in the Convention. According to Nigerien authorities, these reservations are justified by socio-cultural constraints. Indeed, socio-cultural and religious considerations are at the origin of the numerous texts that discriminate against women.
91. The self-assessment report listed the conventions and instruments adopted/ratified as follows:

**Table 1:** International instruments on democratic governance

INSTRUMENT	DATE ADOPTED	ENTRY INTO FORCE	DATE OF RATIFICATION, ACCESSION OR SUCCESSION
United Nations Charter	26 June 1945 in San Francisco	24 October 1945	20 September 1960 (notification of the

			succession of Niger)
Convention on the Prevention and the Punishment of the Crime of Genocide	9 December 1948 in New York	12 January 1951	Not ratified
International Convention on the Elimination of All Forms of Racial Discrimination	7 March 1966 in New York	4 January 1969	27 April 1967
International Covenant on Economic, Social and Cultural Rights	16 December 1966 in New York	3 January 1976	7 March 1986
Optional Protocol to the International Covenant on Civil and Political Rights	16 December 1966 in New York	23 March 1976	7 March 1986
Convention on the Elimination of All Forms of Discrimination against Women	18 December 1979 in New York	3 September 1981	Reservations were formulated through Ratification Ordinance n°99-30 of 13 August 1999. They concern in particular: Article 2, paragraph (d and f), Article 5, paragraph (a), Article 15, paragraph 4, Article 16, paragraph 1 (c, e and g) Existence of implementation reports
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 December 1984 in New York	26 June 1987	5 October 1998
United Nations Convention on the Rights of the Child	20 November 1989 in New York	2 September 1990	Signed on 26 January 1990 and ratified on 30/9/1990.
Convention relating to the Status of Refugees	28 July 1951 à Geneva	22 April 1954	25 August 1961
International Convention for the Protection of All Persons from Enforced Disappearance	20 December 2006 in New York	23 December 2006	
Convention against Discrimination in Education	14 December 1960 in Paris	22 May 1962	Accession on 16 July 1968
Convention on the Political Rights of Women	31 March 1953 in New York	7 July 1954	The notification of succession

			of Niger was made on 07-12-1964
United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted on 21 March 1950 in New York	21 March 1950 in New York	25 July 1951	Niger acceded on 10 June 1977
Supplementary United Nations Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	7 September 1956 in Geneva	30 April 1957	Acceded on 22 July 1963
Slavery Convention	25-09-1926 in New-York	3 October 1930	The notification of succession of Niger was made on 25 August 1961
International Convention on the Suppression and Punishment of the Crime of Apartheid	30 November 1973 in New York	1974	Niger acceded on 28 June 1978
United Nations Convention against Corruption	31 October 2003 in New York	14 December 2005	Ratified following Letter N° 15 of 22/07/2008
The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	November 2000		Ratified on 29 July 2004
Revised General Act for the Peaceful Settlement of International Disputes	28 April 1949 in New York	20 September 1950	
United Nations Convention against Transnational Organized Crime	15 November 2000 in New York	29 September 2003	Signed on 21 August 2001 in New York. Ratified by Law No. 2004-37 of 2 June 2004 ; published in the official gazette of the Republic of Niger (JORN) n° 17 of 1 September 2004



Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	15 November 2000 in New York	25 December 2003	Ratified on 29 July 2004
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against transnational organised crime	31 May 2001 in New York.	3 July 2005	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	25 May 2000 in New York	19 November 2000	Ratified by Law N°2003-37 of 17/11/2003.  Letter of ratification N°042/PRN of 14 September 2004
International Convention for the Suppression of Acts of Nuclear Terrorism	13 April 2005 in New York	7 July 2007	Ratified by Letter N°009/PRN of 3 June 2003
International Convention for the Suppression of the Financing of Terrorism	9 December 1999 in New York	10 April 2002	Ratified on 30 September 2004
International Convention for the Suppression of Terrorist Bombings	15 December 1997 in New York	23 May 2001	Ratified on 26 October 2004
Paris Agreement	12 December 2015 in Paris	4 November 2016	
United Nations Convention on the Rights of Persons with Disabilities and its Protocol	13 December 2006 in New York	3 May 2008	Ratified on 3 June 2008
Convention (No. 135) concerning the protection of workers' representatives in the undertaking and the facilities to be afforded them	23 June 1971	30 June 1973	Ratifiée par le Niger le 5 avril 1972
Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value	29 June 1951	23 May 1953  In accordance with Article 6	Ratified on 09 August 1966, Decree 06-139 of 12 August 1966

Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons, adopted by the General Conference of the International Labour Organisation	20 June 1983 in Geneva	20 June 1985	
Convention 182 of the International Labour Organisation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	17 June 1999 in Geneva	19 November 2000	Ratified by Decree n°2000-334/PRN/MAE/IA of 11 September 2000
Forced Labour Convention No. 29	28 June 1930 in Geneva	1 May 1932	Ratified on 27 February 1961
Convention No. 105 on the Abolition of Forced Labour	25 June 1957 in Geneva	17 January 1959	Ratified on 23 March 1962
Convention (No. 98) on the Application of Principles of International Law	1 July 1949	18 July 1951	Ratified 23 March 1962. Decree n° 62-
Convention on the right to organise and collective bargaining			073/PRN/JO n°7 of 1 April 1962.
Freedom of Association and Protection of the Right to Organise Convention (No. 87)	9 July 1948 in San Francisco	4 July 1950	Ratified on 27 February 1961 ; Not published in the official gazette
Worst Forms of Child Labour Convention (No. 182)	17 June 1999 in Genève	19 November 2000	Ratified on 14 August 2000
Discrimination (Employment and Occupation) Convention (No. 111)	25 June 1958 à Geneva	15 June 1960	23 March 1962
Labour Inspection Convention (No. 81)	11 July 1947 in Geneva	7 April 1950	Niger acceded on 9/1/1979
Tripartite Consultation (International Labour Standards) Convention (No. 144)	21 June 1976 in Geneva	16 May 1978	Ratified on 15 March 2018
Convention concerning Night Work of Children in Industry	28 November 1919 in Washington	13 June 1921	Ratified and published on 27/2/ 1961
Convention concerning the establishment of methods for determining minimum wages	16 June 1928 in Geneva	14 June 1930	Ratified and published on 27/2/ 1961

Protocol of 2002 to the Occupational Safety and Health Convention	20 June 2002 in Geneva	9 February 2005	
Convention for the Protection of Cultural Property in the Event of Armed Conflict, with Regulations	14 May 1954 at the Hague	7 August 1956	Ratified and published on 27/2/ 1961
Convention on the Protection and of the Diversity of Cultural Expression	20 October 2005 in Paris	18 March 2007	Ratified and published on 27/2/ 1961
Convention against Discrimination in Education	14 d December 1960 in Paris	22 May 1962	Acceded on 16 July 1968. Not published in the official gazette : The notification of succession “the Directory of International Commitments of the Republic of Niger”
Agreement on the importation of educational, scientific and cultural materials, with Annexes A to E and Protocol annexed	17 June 1950 in Florence	21 May 1952	Accession on 22/04/1968 Published on 15-06-1968
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	2 December 1949	25 July 1950	Acceded on 10 June 1977, not published
Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	14 November 1970 in Paris	24 April 1972	
Convention concerning the Protection of the World Cultural and Natural Heritage	16 November 1972 in Paris	17 December 1975	Ratified under Ordinance N° 74-28 of 8/11/1974
Convention on the Reduction of Statelessness	30 August 1961 in New York	13 December 1975	Ratification-accession on 17 June 1985. With reservations on Articles 11, 14 and 15
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	19 December 1988 in Vienna	11 November 1990	Ratified on 10 November 1992
International Convention against Hostage Taking	17 December 1979	3 June 1983	Ratified on 26 October 2004

Convention against Torture and Other Inhuman and Degrading Treatment or Punishment	10 December 1984	26 June 1987	Ratified on 5 October 1998
International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations	26 October 1961 in Rome	18 May 1964	Acceded on 5/0/1963
Convention for the Safeguarding of the Intangible Cultural Heritage	17 October 2003 in Paris	20 April 2006	
Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, with Protocol of Signature and Model Certificate under Article IV of the 1948 Agreement	10 December 1948 in Beirut	12 August 1954	
Universal Copyright Convention, with Appendix Declaration on Article XVII and Resolution on Article XI 1952	6 September 1952 in Geneva	September 1955	
Convention concerning the Exchange of Official Publications and Government Documents between States	3 December 1958 in Paris	30 May 1961	
Convention on the Protection of the Underwater Cultural Heritage	2 November 2001 in Paris	2 January 2009	
Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	12 August 1949 in Geneva	21 October 1950	Date of succession 16 August 1964
Convention relative to the Treatment of Prisoners of War	12 August 1949 in Geneva	21 August 1950	Date de succession du Niger : 16 August 1964. Not published in the official journal  : notification of succession in the "Répertoire des engagements internationaux de la République du Niger"
Convention relative to the Protection of Civilian Persons in Time of War	12 August 1949 in Geneva	21 October 1950	Date of succession 16 August 1964

Protocol for the Protection of Victims of International Armed Conflicts	10 June 1977 Geneva	7 December 1978	Signed on 16 June 1978, ratified on 8 June 1979 Published in the OJ of the Republic of Niger No 05 du 13 1979
Convention on Certain Conventional Weapons	10 October 1980 in New York	02 December 1983	Acceded on 10/11/1992 under Ordinance N° 92-27 of 7/7/92
Protocol 1 to the 1980 Convention on Non-Detectable Fragments	10 October 1980 in New York	02 December 1983	Acceded on 10/11/1992 under Ordinance N° 92-27 of 7/7/92
Protocol 1 to the 1980 Convention on Non-Detectable Fragments	10 October 1980 in New York	2 December 1983	Acceded on 10/11/1992 under Ordinance N° 92-27 of 7/7/92
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	26 November 1968 in New York	---	Acceded under Law N°2019-04 of 6 May 2019
Convention banning chemical weapons	13 January 1993 in Paris	29 April 1997	Ratified on 09/04/1997. Ordinance N°96-70 of 28-11-1996
Biological Weapons Convention	10 April 1972 in New York	26 March 1975	Ratified on 21/04/1972
Convention for the Elimination of Mercenarism in Africa	3 July 1977	27 February 2004	Signed on 8-11- 1979 and ratified on 19-06-1980 ; Published in the OJ N°14 of 15-07-1980
Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption	29 May 1993 at the Hague		Acceded on 10/11/1992 under Law No 2018-33 of 24 May 2018.

**Table 2:** Regional and sub-regional instruments on democratic governance

INSTRUMENT	DATE ADOPTED	DATE OF ENTRY INTO FORCE	DATE OF RATIFICATION, ACCESSION OR SUCCESSION
Constitutive Act of the African Union	12 July 2000 in Lome	20 January 2003 in Ouagadougou	Ratified on 26/01/2001 by Law N°2000-20 of 16-12-2000
African Charter on Human and Peoples' Rights	26 June 1981 in Nairobi	21 October 1986	Ratified on 15-07-1986 and deposited on 21-07-1986
African Convention on the Conservation of Nature and Natural Resources	11 July 2003 in Maputo		Ratified on 10-01-1970
OAU Convention governing the specific aspects of refugee problems in Africa	10 September 1969 in Addis-Ababa	10 September 1969	Ratified on 21 September 1971
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	8 June 1998 in Ouagadougou	25 January 2004	Ratified on 17 May 2004 and deposited on 26 June 2004
OAU Convention on the Prevention and Combating of Terrorism	14 July 1999 in Alger	6 December 2002 in accordance with Article 20	Signed on 10/12/2001 and ratified on 14/9/2004
Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament	2 March 2001 in Addis-Ababa	14 December 2003	Signed on 7/7/2003, Ratified on 7/8/2003 ; deposited on 27/8/2003
African Union Convention on Preventing and Combating Corruption	11 July 2003 in Maputo	5 August 2006 in accordance with 23	Ratified through Letter N° 07/PRN of 15 February 2006
Protocol of the Court of Justice of the African Union	11 July 2003 in Maputo	11 February 2009	Signed on 6/7/2004 and Ratified on 15/2/2006
The African Union Non-Aggression and Common Defence Pact	1 January 2005 in Addis-Ababa		Signed on 21-3-2007
African Charter on Democracy, Elections and Governance	30 January 2007 in Addis-Ababa	15 February 2012	Signed on 17/6/2008 and Ratified on 4/10/2011

Protocol to the Organisation of African Unity Convention on the Prevention and Combating of Terrorism.	8 July 2004 in Addis-Ababa	In accordance with Article 10	Signed on 27 January 2005 ; Ratified on 3/3/2006 ; deposited on 10/5/2006
African Charter on the Rights and Welfare of the Child	July 1990 in Addis-Ababa	29 November 1999	Ratified on 11-12- 1999
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women	11 j July 2003 in Maputo	25 November 2005	Signed on 6/7/2004
African Union Convention on Preventing and Combating Corruption	11 July 2003 in Maputo	5 August 2006	Ratified through Letter N° 07/PRN of 15 February 2006
African Youth Charter	2 July 2006 in Banjul	8 August 2009	Law No 2008-14 of 30 April 2008
Constitution of the African Civil Aviation Commission	17 January 1969 in Addis-Ababa	15 March 1972	Amended version signed on 13/05/2010 and ratified on 5 January 2018
Protocol Relating to the Establishment of the Peace and Security Council of the African Union	9 July 2002 in Durban	26 December 2003	Signed on 9/7/2002. ratified on 7/8/2003
Treaty establishing the African Economic Community	3 June 1991 à Abuja	12 May 1994	Signed on 3/6/1991, ratified on 22/6/1992 ; deposited on 22/7/1992
OAU Convention governing the specific aspects of refugee problems in Africa	10 September 1969 in Addis-Ababa	20 June 1974	Signed by Niger on 10 September 1969 and ratified on 16 September 1971 published in the OJN°17 of 1 September 1974
African Nuclear Weapons Free Zone Treaty (Pelindaba Treaty)	11 April 1996 in Cairo	15 July 2009	Signed on 14/4/1996 ratified on 28/6/2016 ; deposited on 22/2/2017
Charter on Maritime Safety and Security and Development in Africa	Lome 15 October 2016		Signed on 15-10-2016
Cultural Charter for Africa, Port Louis,	5 July 1976 in the Mauritius Island	19 September 1990	Ratified on 22/8/1978
Treaty establishing the Economic Community of West	28 Mai 1975 in Lagos	1976	Ordinance N° 75/26/ of 15/6/ 1975

African States (ECOWAS)			
Revised Treaty of the Economic Community  Economic Community of West African States (ECOWAS)	24 July 1993 in Cotonou	23 August 1995	Law N°94-26 of 6-9-1994
Protocol to the African Charter on the Establishment of an African and Peoples' Court	9 June 1998 à Ouagadougou	25 January 2004	Ratified under Law N°2004-5 of 30 March 2004 Published in the OJ N°14 of 15 July 2004
Non-aggression protocol	22 April 1978 in Lagos	1984	Signed on 21/3/2007 and ratified on 29-5-2007
Protocol on Conflict Prevention, Management, Resolution, Peacekeeping and Security	10 December 1999 in Lome	July 2000	Law N° 2008-19 of 23 June 2008.  Ratification letter N°002/PRN of 29/7/2008
Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials	14 June 2006 in Abuja	29 September 2009	Law N°2006-34 of 15-12- 2006.  Ratified on 9-2-2007
Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa	27 July 2005 in Abidjan	27 July 2005	
he ECOWAS/EECAC Multilateral Agreement on Regional Cooperation to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa  women and children in West and Central Africa	6 July 2006 in Abuja	6 July 2006	
Protocol A/SP1/12/01 on Democracy and Good Governance, additional to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security	21 December 2001 in Dakar	21 December 2001	



Treaty on the Harmonisation of Business Law in Africa (OHADA)	17 October 1993 in Port-Louis	18 September 1995	Ratified on 5-6-1995
ECOWAS Protocol on the Free Movement of Persons, the Right of Residence and of Establishment	Le 29 May 1979 à Dakar	29 May 1979	Ratified on 29 May 1979 published in OG N° 24 of 15 December 1979
Agreement on the Establishment of the African Continental Free Trade Area  African Continental Free Trade Area	21 March 2018 in Kigali/Rwanda	---	Ratified on 18 May 2018 ; Deposited on 9 June 2018

## ii. Findings of the CRM

112. The CRM was informed of the following instruments:

**Table 3:** Instruments on democratic governance

International Convention for the Protection of All Persons from Enforced Disappearance	20 December 2006 in New York	23 December 2006	Signed on 6-2-2007 Ratified on 3-7-2015
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	2 December 1949	25 July 1950	Accession of Niger 10 June 1977, not published in the Official Journal: notification of succession in the Directory of international commitments of the Republic of Niger.
Convention for the Safeguarding of the Intangible Cultural Heritage	17 October 2003 in Paris	20 April 2006	Law No 2006-14 of 21-6-2006 J.O. No 21 of 01-11-2006 p.1062
Constitutive Act of the African Union	12 July 2000 in Lome	20 January 2003 in Ouagadougou	Ratified on 16/12/2000 Law N°2000-21 of 16-12-2000
African Convention on the Conservation of Nature and Natural Resources			Ratified on 10-1-1970

Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament	27-6-2014 in Addis-Ababa	14 December 2003	Ratified on 26/7/2018
Protocol of the Court of Justice of the African Union	11 July 2003 in Maputo	11 February 2009	Ratification Law No 2005-40 of 20-12-2005, OJ N3 of 1-2-2006 p.101
The African Union Non-Aggression and Common Defence Pact	31 January 2005 in Abuja		Signed on 21-3-2007
Protocol to the Organisation of African Unity Convention on the Prevention and Combating of Terrorism	27 January 2005 in Abuja	Entry into force in accordance with Article 10	Ratified by Law No 2005-29 of 1-12-2005, J.O. n60 of 15-3-2006 p.268
African Charter on the Rights and Welfare of the Child	July 1990 in Addis-Ababa	29 November 1999	Ratified on 28-11-1996 Ordinance No. 96-73 of 28-11-1996 J.O. No 01 of 1-1-1997
African Youth Charter	2 July 2006 in Banjul	8 August 2009	Law N°2008-14 of 30 April 2008. Letter of ratification on 3-6-2008
Constitution of the African Civil Aviation Commission	17 January 1969 in Addis-Ababa	Entered into force 8-7-1969	Amended version signed on 13/05/2010 and ratified on 05 January 2018
Treaty on the Harmonisation of Business Law in Africa (OHADA)	17 October 1993 in Port-Louis	18 September 1995	Ratified on 05-06-1995 Law No 95-0006 of 04-04-1995 J.O No 8 of 15-04-1995 p.341

92. Based on the findings of the self-assessment report and stakeholder consultations, the CRM noted that Nigerien authorities have ratified and integrated many international treaties and agreements into domestic law. As we have seen above, the instruments ratified by the Nigerien state are many, including:

- *Humanitarian and fundamental rights* (the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the

Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption, ratification of the amendments to the Rome Statute of the International Criminal Court on the crime of aggression, the Additional Protocol A/P/SP1/7/93 supplementing the provisions of Article 7 of the Protocol on the Free Movement of Persons, the Right of Residence and Establishment, the Statute of the Organisation for the Development of Women in the Member States of the Organisation of the Islamic Conference (OIC);

- *Democratic governance, peace and security* (the African Charter on the Values and Principles of Public Service and Administration, the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;
- *Economic governance* (the Agreement on the Establishment of the African Continental Free Trade Area (AfCFTA), the Bangui Agreement Establishing an African Intellectual Property Organisation, the Protocol for the Elimination of Illicit Trade in Tobacco Products);
- *Environmental protection* (the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer).

93. The CRM however notes that much still needs to be done to improve the level of Niger's compliance with its international commitments. Consequently, the CRM encourages Niger to:

- Pass a law on the social protection of the elderly and a law on the protection and assistance to internally displaced persons in Niger;
- Remove endogenous obstacles to the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 2003 that has been signed but not yet ratified ;
- Sign the Additional Protocol to the African Charter on Human and Peoples' Rights on Older Persons of 2016;
- Sign the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
- Reverse the reservations made during ratification of the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).

### **iii. Recommendations**

94. In view of the above, the Panel recommends the following:

The Government should:

- Ratify the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- Sign the Additional Protocol to the African Charter on Human and Peoples' Rights on Older Persons of 2016;

- Sign the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- Reverse the reservations made during ratification of the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).

Civil society should:

- Advocate for the adoption/ratification of the above instruments.

## **vii. Assessment of performance against objectives**

<b>Objective 1: CONSOLIDATION OF CONSTITUTIONAL DEMOCRACY AND THE RULE OF LAW</b>
---

## **viii. Summary of the country self-assessment report**

### **Ensuring political pluralism and promoting good governance**

95. Political pluralism is enshrined in the Constitution of 25 November 2010. This pluralism was further confirmed by Ordinance No. 2010-84 of 16 December 2010 on the Charter on Political Parties. The CSAR identified more than 150 political parties in Niger. This multiplicity of political parties, which should have contributed to strengthening Niger's democracy through the free expression of political ideologies, has instead led to the weakening of the opposition. Worse still, there is a lack of democracy within the parties themselves, and these political parties are even unable to have any sincere dialogue with each other.

### **Political system and promotion of good democratic governance**

96. The CSAR noted that the Independent National Electoral Commission (CENI) is responsible for organizing, conducting and supervising elections and proclaiming provisional results. This role was strengthened by Law N°2017-64 of 14 August 2017 on Niger's electoral code, amended and supplemented by Law N° 2019-38 of 18 July 2019 to define the legal framework for the different types of elections.
97. However, towards the 2021 elections, the CENI was boycotted by the opposition parties. Its performance was also hampered by its refusal to implement the recommendations of election observation missions.
98. To resolve differences over the conditions for organizing elections, Niger set up a National Council for Political Dialogue (CNDP) by Decree No. 2004-030 /PRN/PM of 30 January 2004, amended by Decree No. 2019-500 /PRN/PM of 10 September 2019. However, this conflict management tool has not been functioning effectively due to the non-participation of the opposition.

### **The rule of law and the supremacy of the Constitution in practice**

99. The CSAR indicated that Section 47 of the Nigerien Constitution provides that the President of the Republic is elected by universal, direct, equal and secret suffrage for a five-year term, renewable only once. It explicitly prohibits the extension of the presidential mandate for any reason whatsoever. These provisions cannot in any way

be subject to constitutional revision. The constitution also provides that the Constitutional Court shall review the constitutionality of laws. Section 142 of this Basic Law establishes a High Court of Justice to deal with crimes by the President of the Republic and members of the Government.

### **Effectiveness of laws on the rule of law and the supremacy of the Constitution**

100. The effectiveness of the rule of law and constitutional supremacy is demonstrated by the existence of jurisdictions that protect the rights and freedoms of citizens but also oblige the administration to abide by the law. Subjecting defence and security forces to civilian authority, as reaffirmed by the Constitution, has led to the establishment of a National Security Council to assist the President of the Republic in the exercise of his security functions. This council has held several meetings and taken important decisions on security matters.
101. However, the executive often uses the rule of law to intimidate citizens rather than to protect them against possible abuses by the administration. Overall, the rule of law is hampered in Niger by the non-execution of court decisions and the repression of public freedoms.
102. The self-assessment report recommends that Niger should:
  - Revitalise and strengthen the legal and institutional framework for political dialogue;
  - Improve the legal and institutional frameworks for the electoral process;
  - Improve the organization of the electoral process;
  - Regulate CSOs by developing a CSO charter and improving transparency of grants to CSOs.

### **ii. Findings of the CRM**

103. Information from the CSAR and other documentary sources (Constitution, international conventions, laws, various studies and reports), as well as from information collected by the CRM during its field visits, highlight the efforts by Niger to consolidate constitutional democracy and the rule of law. However, in many cases, these efforts are being negated by certain practices of public authorities.

### **Political system, promoting democratic governance and free and fair competition between political parties**

104. **Consolidating political pluralism.** The current Constitution in Niger which established the Seventh Republic was adopted by referendum on 31 October and signed on 25 November 2010. Along with the Charter on Political Parties and the status of the opposition, this Constitution, enshrines the principle of political pluralism. It is thus in line with the option of a full multiparty system as affirmed by the consensus of the Sovereign National Conference in July 1991. Apart from the Constitution of 8 November 1960 (First Republic) and that of 24 September 1989

(Second Republic), the successive Constitutions of 26 December 1992 (Third Republic), 12 May 1996 (Fourth Republic), 9 August 1999 (Fifth Republic) and 4 August 2009 (Sixth Republic) have perpetuated the tradition of political pluralism in Niger.

105. Under Article 4 of Ordinance No. 2010-84 of 16 December 2010 on the Charter on Political Parties, political parties are free to form and fully exercise their activities throughout the country. Similarly, political parties can freely enter into alliances, regroup or merge.
106. The Ministry of the Interior and Decentralization told the CRM that there are 157 political parties in Niger and about ten groups of political parties. Up until 2014, these groups were divided between the majority in power and the opposition.
107. During the review, the CRM identified approximately 124 political parties in the ruling majority and 47 parties in the opposition, only 18 of which are active. It also noted that political groupings do not generally have formal legal instruments or agreements defining their objectives or political platforms. This is clearly a violation of Article 46 of the Charter on Political Parties. Indeed, groupings of political parties in Niger are often determined by the political circumstances of the moment. This is why these alliances break up easily, sometimes further aggravating interpersonal rivalry between party leaders.
108. On 24 May 2019, Article 51 of the Charter on Political Parties was amended to include non-affiliated parties. These non-affiliates now enjoy the status of a third group after the ruling majority and the opposition. According to the report of the National Assembly, this modification has clarified the political situation of these non-affiliated parties and provided them with a legal basis that allows them to be represented in the Independent National Electoral Commission (CENI). Opposition members of parliament abstained from voting on the bill. They considered the move unconstitutional, arguing that the Constitution should first be revised to recognize non-affiliated political parties.
109. However, the CRM noted that the Constitutional Court, in Ruling No. 03/CC/MC of 11 June 2019, determined that, subject to the interpretation that non-affiliated parties do not claim specific constitutional prerogatives, the law to amend and supplement Ordinance No. 2010-84 of 16 December 2010, on the Charter of political parties, adopted by the National Assembly in plenary session on Friday 24 May 2019, was consistent with the Constitution of 25 November 2010.
110. **Financing of political parties.** The 2010 Charter provides for the financing of Nigerien political parties. The CRM noted two main concerns raised by all political parties. They indicated that funding has not been available since 2014. According to them, this is the result of the inflexibility of the *Cour des Comptes* in controlling the finances of political parties and government's unwillingness to disburse the funds.
111. Opposition parties described the difficulties they often encounter in financing elections, especially the campaigning and the polling processes. This difficulty is

compounded by the requirement for candidates for presidential elections to deposit 25,000,000 FCFA.

112. **Voter turnout and party representation.** The participation rate in presidential elections is generally high in Niger. It was 92.49% in 2015 and 63% in 2020. According to the parties surveyed, women participate more in elections in Niger. However, there are generally fewer female candidates in the various elections.
113. The new framework for political dialogue led to the adoption of a consensual electoral code and a status for the opposition. Considerable progress has been made in the representation of candidates in polling stations, the compilation of election results and the composition of the Independent National Electoral Commission (CENI). Political parties are equally represented in the CENI: the ruling majority and the opposition each has five seats and non-affiliated parties have two seats.
114. However, the CRM noted that the conditions under which general elections are organized often lead to bitter disagreement and protests. For example, shortly before the 2020 elections, opposition parties walked out of the National Council for Political Dialogue (CNDP) and only came back to the CENI on the eve of the elections. Political parties were thus unable to agree on voter's lists and on the list of candidates for the presidential election. To this day, the opposition is still contesting the final results published by the Constitutional Court. It has even lodged two appeals that are still pending before the ECOWAS Court of Justice.
115. Opposition parties told the CRM that they do not recognise the results of the December 2020 presidential elections as proclaimed by the Constitutional Court of Niger. The ruling majority on its part has denounced the attitude of the opposition, calling it a violation of Section 134 of the Constitution, which states: "The rulings of the Constitutional Court are not subject to any appeal. They are binding on public authorities and all administrative, civil, military and judicial authorities. Any discrediting of the Court's rulings shall be punished in accordance with the laws in force".
116. The CRM learned that public demonstrations erupted after the results of the presidential election were published on 23 February 2021, resulting in two deaths and the arrest of 468 people, according to the Minister of the Interior. The Public Prosecutor indicted a number of opposition leaders, including former Prime Minister Hama AMADOU, for "inciting violence and ethnic hatred".
117. The CRM is concerned about the political situation in Niger, which is characterized by a breakdown in political dialogue and a power struggle between the majority in power and a radicalised opposition. One of the first signs of this political friction was the attempted coup d'état of 31 March 2021, on the eve of the inauguration of the President-elect, His Excellency President Mohamed BAZOUM. It should be reiterated that Niger's recent political history has constantly been marred by constitutional and political instability. From 1991 to 2010, Niger experienced one civilian and three military coups. During the same period, seven (7) Heads of State succeeded each other and the country experienced five (5) ephemeral republics. The main cause of



this chronic instability is the absence of a culture of compromise which seems to be an inherent part of the Nigerien political system.

### **Provisions establishing the rule of law and the supremacy of the Constitution in practice**

118. **Constitutional term limits for the President.** Section 47 of the Constitution of 25 November 2010 provides that "The President of the Republic shall be elected by universal, free, direct, equal and secret suffrage for a term of five years, renewable once only. In no case may anyone serve more than two presidential terms or extend the term for any reason whatsoever"
119. The CRM noted with satisfaction that this provision was strictly respected by His Excellency Mahamadou YOUSSEUF during the December 2020 elections. Mahamadou ISSOUFOU, who had been elected in 2010 and re-elected in 2015<sup>n</sup> took the noble decision not to manipulate or creatively interpret the constitutional provisions to extend his presidency beyond its term. This historic political act enabled Niger to have its first ever peaceful political transition.
120. The CRM noted that this decision by the outgoing President of the Republic was welcomed by the entire political elite, Nigerien stakeholders, and African and Western observers. President Mahamadou Issoufou was therefore rightly awarded the prize for outstanding leadership in Africa by the Mo Ibrahim Foundation. The Prize Committee described President Issoufou's "outstanding leadership of one of the world's poorest countries, faced with an accumulation of seemingly insurmountable challenges". The former Nigerien president is the fifth African leader to win the award, which was established in 2007. He is the first Laureate in the last three years and the first President of French-speaking Africa to receive this award for leadership and good governance<sup>2</sup>.
121. **Enforcement of laws by public authorities.** Niger has implemented many reforms to promote democracy and good governance. The country has an impressive constitutional, legislative and regulatory framework that guarantees the rule of law and the supremacy of the Constitution. It has adopted and ratified the main international instruments on the protection of human rights in general and the safeguarding of individual rights. The Constitution of the Seventh Republic contains innovative provisions in Title VII on economic, social and cultural development. It stipulates, among other things, that natural and subsoil resources are the property of the people of Niger.
122. Niger's Constitutional Court ensures that laws passed are in keeping with the Constitution, which is the highest law of the land. The CRM observed that the constitutional court's mandate is appreciated by the people. Indeed Niger's Constitutional Court is held in high esteem in West Africa and among French-

---

<sup>2</sup> Former Mozambican President Joachim CHISSANO was the first to win the award in 2007, followed by Festus MOGAE of Botswana in 2008, PEDRO PIRES of Cape Verde in 2011, Hifikepunye POHEMBA of Namibia in 2014 and Ellen JONHSON SIRLEAF of Liberia in 2017.

speaking high courts. However, its rulings on electoral disputes have been challenged by political actors and even by ordinary citizens.

123. Although Niger has initiated many reforms, Nigerien stakeholders complained about the poor implementation of most of them. Many stakeholders complained to the CRM about the abuse of authority by some magistrates and about the arbitrary application of the law, particularly on the basis of partisan considerations. The CRM received many complaints about violations by defence and security forces of basic human rights and of the laws in force.
124. Stakeholders reported that citizens and even civil society actors have been detained for opposing or denouncing cases of official misconduct.
125. **The coexistence of three legal systems in Niger:** competition or complementarity? The Nigerien legal system is made up of three (3) systems: modern law, customary law and religious law, mainly Muslim law.
126. Customary or religious laws handle two types of dispute:
  - *disputes relating to the ability of the parties to enter into contract and to take legal action, personal status, family, marriage, divorce, filiation, successions, donations and wills;*
  - *disputes relating to the ownership or possession of unregistered buildings, as well as the rights relating to them.*
127. Since independence, Niger has not been able to adopt a family code. This failing has resulted in constant conflicts between modern law, customary law and traditional Muslim law. The CRM noted that this multiplicity of legal systems can easily compromise the equality of citizens before the law and the secularity of the State. Indeed, for most of the population, Muslim law is supreme. This popular belief is certainly the result of religious radicalisation.

### iii. Recommendations

128. The Panel therefore calls for:
  - The consensual management of elections through strengthening and deepening of existing frameworks for dialogue;
  - Strengthening of the independence of the institutions in charge of elections through a consensus between the various stakeholders;
  - Effective implementation of the quota law;
  - The institution of effective citizen oversight over the application of laws by public authorities (Administration, Defence and Security Forces, Magistrates)

•

<b>Objective 2: CONSOLIDATION OF SEPARATION AND MUTUAL CHECKS AND BALANCE OF POWERS</b>
---

**i. Summary of the CSAR**

**Independence of the judiciary**

129. In Niger, the powers of the judiciary are defined by Sections 116 to 119 of the Constitution. Section 116 enshrines the independence of the judiciary from the legislature and the executive, while Section 118 guarantees the independence of magistrates.
130. The *Etats généraux de la Justice*, organized from 26 to 30 November 2012, identified a number of anomalies in the justice sector. The conference highlighted the difficulties encountered by justice institutions and made recommendations to promote efficiency in the administration of justice. To ensure implementation of these recommendations, a committee was set up. This committee drew up a Justice and Human Rights policy document with a ten-year action plan for 2016-2025, which is currently being implemented.
131. An opinion survey in 2017 by the National Institute of Statistics (INS) showed a slight improvement in the public's perception of the independence of the judiciary, with 60% of the population stating that they had confidence in the judiciary, compared with 55% in 2015. Even so, this independence is viewed with mixed feelings by the public. To remedy this, significant improvements must be made in terms of allocating resources, implementing tools to mobilize and manage human resources (career plan, code of ethics), providing information and training and changing the mentality of judicial actors.
132. The self-assessment report noted that placing prosecutors under the Ministry of Justice seriously limits their objectivity in the prosecution and handling of criminal cases. Also, and on a purely technical level, many respondents considered that courts are inefficient: 79.3% of respondents said that legal proceedings are too slow, while 71.2% see the justice system as corrupt.

**Independence of the legislature and parliamentary oversight of government action**

133. The independence of parliament is expressed through the immunity parliamentarians enjoy and through the oversight it exercises over government action. However, the parliamentary majority affiliated to the political authority in place does not favour democracy and renders the National Assembly almost useless with regard to its oversight of government action. One regrettable example of this was the refusal of the parliamentary majority to set up a commission of enquiry into mining and oil

resources. Again, under the Seventh Republic, the immunity of some parliamentarians was lifted, but they were never indicted by the judicial authorities.

134. In Niger, part of public opinion and especially the political opposition thinks that the constitutional judge is influenced by the executive power. For this reason, civil society is seen as the most credible counterforce to the excesses of executive power.
135. The self-assessment report therefore called for actions to:
- Improve the efficiency of the mechanism to enforce the criminal liability of public authorities;
  - Improve implementation of the recommendations of the estates general on Justice;
  - Strengthen citizen oversight of public action;
  - Create more specialised courts and tribunals;
  - Bring justice closer to the people.

#### **ix. Findings of the CRM**

##### **Independence of the Judiciary**

136. **Constitutional provisions on the independence of the judiciary.** The independence of the judiciary is enshrined in the Nigerien Constitution. The relevant provisions stipulate that “justice is dispensed on the national territory in the name of the people and in strict compliance with the rule of law, as well as the rights and freedoms of each citizen”. Judicial power is exercised by the Constitutional Court, the Court of Cassation, the Council of State, the Court of Auditors, the Courts of Appeal and the Tribunals (the high courts, the communal district courts, the magistrates' courts, the communal courts, the labour courts, the commercial courts, etc.). The various texts stipulate that judges are irremovable. In the exercise of their functions, they are independent and subject only to the authority of the law. However, the findings of the survey by the CRM show that these principles on paper do not reflect the reality on the ground.
137. **The ascendancy of the executive over the judiciary.** The Constitution of 25 November 2010 guarantees, in principle, the independence of the judiciary. However, some constitutional provisions have given pre-eminence to the executive over the judiciary.
138. Section 119, paragraphs 1 and 2, of the Nigerien Constitution provides that: “Judges are appointed by the President of the Republic on the proposal of the Minister of Justice, Keeper of the Seals, after consultations with the Supreme Council of the Judiciary. Prosecutors are appointed by the President of the Republic on the proposal of the Minister of Justice, Keeper of the Seals”. Clearly, this provision confers an almost discretionary power on the executive in the promotion and career advancement of magistrates. This can easily undermine the authority and impartiality

of judges when they realise that, regardless of their competence, their professional destiny ultimately depends on the goodwill of the executive.

139. On the criminal liability of political authorities, civil society actors told the CRM that though the immunity of some parliamentarians was lifted during the first legislature of the Seventh Republic, they were not indicted by the judicial authorities. They therefore denounced the impunity that a certain category of political actors benefit from.
140. In keeping with Law No. 2011-24 of 25 October 2011, the High Judiciary Council is chaired by the President of the Republic. When he came to power, President Mohamed BAZOUM chaired the first session of the High Judiciary Council on 27 September 2021 at the Presidential Palace, in the presence of the Minister of Justice, Keeper of the Seals. The Autonomous Union of Magistrates of Niger (SAMAN) complained that the presence of representatives of the executive and legislative powers in the body that manages the careers of magistrates violated the sacrosanct principle of the separation of powers enshrined in Section 116 of the Constitution of the Republic of Niger.
141. Nigerien stakeholders informed the CRM that magistrates are often subjected to pressure, making their independence ineffective. Similarly, the National Chamber of Bailiffs reported difficulties encountered by its members in the enforcement of court decisions, including frequent refusals to make the police available or even pressure exerted by certain public authorities on bailiffs and law enforcement officers in the exercise of their duties.
142. The CRM noted that the highest Nigerien authority has taken note of the gravity of the problem. In his speech at the opening of the session of the Supreme Council of the Magistracy on 27 September 2021, President Mohamed BAZOUM affirmed “the firm conviction that the failure of magistrates to comply with their obligations to prosecute and judge fairly and honestly all cases brought before them because of pressure from others or because of their personal interests, is a terrible injustice, because it is clearly noticed by the citizens and is in fact simply an act of corruption, influence peddling or a form of interference in the sovereign work that the magistrate must perform.”

### **Independence and effectiveness of the legislature**

143. **The National Assembly is the constitutional beneficiary of legislative power.** Title IV of the Constitution deals with legislative power. In Niger, legislative power is exercised by a single chamber called the National Assembly, whose members bear the title of deputy. The National Assembly votes laws, determines taxes and exercises oversight over Government action.
144. However, the CRM noted that there is no strict separation of powers in the Nigerien political system, and that constitutional provisions, particularly Sections 95 to 97, do not exclude collaboration between the powers or even the involvement of the

executive in the exercise of the legislative function. Indeed, the Constitution authorizes collaboration frameworks between the legislative and executive powers:

- The National Assembly informs the President of the Republic and the Government of the agenda of its sessions, its sittings and those of its committees;
- The President of the Republic may, at any time, communicate with the National Assembly either directly or by means of messages which are read out by the President of the National Assembly. These messages do not give rise to any debate;
- Members of the Government have access to the plenary and Committee meetings of the National Assembly. They are heard either at the request of the latter or at their own request;
- To implement its programme, the Government may ask the National Assembly for authorisation to adopt by ordinance(s) for a limited period of time, measures that are normally in the domain of the law. These authorisations are often in the form of enabling acts.

145. This collaboration between the legislative and executive branches creates a certain imbalance in favour of the Government.

146. **The imbalance of power between the Legislative and the Executive.** Although the National Assembly has the right to initiate laws concurrently with the Government, bills initiated by parliamentarians very rare. Most bills submitted to Parliament are by the government. The National Assembly has also not been able to effectively and efficiently implement the mechanisms provided for in the Constitution to monitor government action. This failing of the National Assembly is also the result of the partisan link between the parliamentary majority and the political majority in power. It is also the result of the non-appointment of an opposition leader as prescribed by Ordinance No. 2010-85 of 16 December 2010 on the status of the opposition.

#### x. Recommendations

147. The Panel recommends that:

- Meetings of Higher Council of the Magistracy be held outside the Presidential Palace;
- The law be amended to retain only magistrates in the composition of the Council (in a consultative framework);
- A career plan defining the rules for the appointment, assignment and promotion of magistrate be drawn up;
- The National Assembly's oversight role be strengthened;
- The National Assembly be given the powers to assess public policy implementation;

- An opposition leader be appointed so that dialogue between the ruling majority and the opposition can resume.

<b>Objective 3: PREVENTION AND MANAGEMENT OF INTER- AND INTRA-STATE CONFLICTS</b>
---

#### **xi. Summary of the self-assessment report**

148. Niger is plagued by many internal and external conflicts. According to the CSAR, these are caused by community/identity frictions, lack of access to natural resources and the rise of religious extremism. The country is also beset by political, institutional and social conflicts.

#### **Mechanisms to prevent and manage internal conflicts**

149. Niger has developed a considerable arsenal to prevent and manage internal conflict. The self-assessment report identified the relevant institutions, the most significant of which are:
- The Council of the Republic;
  - The National Security Council and its local branches;
  - The National Council for Political Dialogue;
150. Although, Niger has all these conflict prevention and management mechanisms, the absence of a national strategic framework and synergy hampers the efficiency of these mechanisms.
151. Recommendations include the need to:
- Strengthen the quality of social dialogue and improving citizens' access to information;
  - Provide capacity for local and political actors in conflict prevention and management;
  - Establish synergy between the various internal and external conflict prevention and management mechanisms;
  - Guarantee the independence of the National Council for Political Dialogue;
  - Ensure the effective functioning of all joint committees and set up a joint committee;
  - Finalise the establishment of the regional focal points of the Ombudsman as a conflict prevention mechanism.

#### **xii. Conclusions of the CRM**

##### **Conflict drivers in Niger**

152. From the findings of the self-assessment report and the survey, the CRM was able to assess the complex and multi-faceted nature of the crisis, which affects different strata of the Nigerien state. It considers that any escalation of this crisis could lead to more serious socio-political upheavals.



153. The crisis Niger is the result of a combination of historical, socio-cultural, economic, political and geostrategic factors. It has deep-rooted causes and is manifested in varying degrees on three levels: political-institutional, security and socio-economic.
154. **Persistence of the political-institutional crisis.** Since independence, Niger has experienced many political crises that have resulted in the chronic instability of republican institutions. The main causes of these recurrent crises are the lack of democracy and the constant protests against governing bodies considered illegitimate.
155. In sixty-two years of independence, Niger has not been able to consolidate its constitutional institutions by conferring on them a legitimacy that is unanimously accepted by all social and political forces. To break this endless cycle of protests against governing bodies and repeated military coups, it will be necessary to build consensus around the leadership of political actors, national unity and republican values.
156. **Setbacks in the management of the security crisis.** The security crises that have rocked Libya since 2011, and Mali since 2012, have affected the entire Sahel region and more particularly the so-called three-border zone (between Niger, Mali and Burkina Faso). A climate of insecurity characterised by the presence of uncontrolled armed groups, crime, banditry, trafficking of all kinds and rising tensions between communities has taken hold. The security situation worsened in 2018 and led to the displacement of 207,980 people in the Tillabéri and Tahoua regions (figures from March 2021). Violent attacks were also recorded in Maradi and Diffa.
157. This violence is in two main forms: extremist (jihadist) terrorism and organised crime. The former is particularly deadly and is common in the Tillabéri and Tahoua regions. The second is mainly in the Maradi and Diffa regions, even though the latter region - Diffa - is also particularly exposed to extremist terrorism with the frequent incursions of Boko Haram.
158. During the trips to the Tillabéri, Dosso, Tahoua, Maradi, Zinder and Diffa regions, the CRM learnt that the population is very concerned about the persistent security crisis. Those interviewed complained about the poor management of this crisis by the Nigerien political and military authorities. The people of Diffa were particularly upset by what they considered a lack of determination or will on the part of the armed forces to fight terrorism. They also denounced cases of extra-judicial killings and complained about the impact of the extended state of emergency on their socio-economic activities and the poor conduct of some soldiers.
159. **The effects of the socio-economic crisis.** Niger is facing serious social and economic problems that are potential drivers of conflict.
160. The Nigerien political structure as described by constitutional provisions is out of sync with the social reality experienced by the population daily. According to Section 3 of the Constitution, Niger is one and indivisible, democratic and social Republic. Its fundamental principles are:

- Government of the People by the People and for the People;
  - Separation of state and religion;
  - Social justice;
  - National solidarity.
161. **A democratic society guarantees the full participation and effective involvement of citizens in the management of public affairs.** In Niger, the population is only truly consulted during elections. Citizen oversight of public action is almost non-existent. Some civil society associations informed the CRM of the pressure they are subjected to when they denounce malpractices by public authorities.
162. **In spite of constitutional provisions to the contrary, there is no separation of State and religion in practice.** The CRM observed that official state functions are preceded by religious incantations, and that most administrative sites have a religious building. In addition, the majority of Nigerien society is Muslim with a very high illiteracy rate. The school curriculum is based more or less on the rigorous reading and correct interpretations of the Koran. Combined with multidimensional poverty and the weakness of religious regulation, a certain religious disorder has thus led to the radicalisation of some social groups, particularly the illiterate youth, school dropouts or idle people. Also because of Niger's porous borders and the ease with which financial gain can be made from the absence of the State in some areas, terrorist groups (Boko Haram, AQIM, Al-Mourabitoun) now consider Niger a fertile recruiting ground (high poverty rate and few prospects).
163. Regardless of whether they are jihadist, bandits or insurrectionists, these terrorist groups have imposed a new order and a certain conception of justice on the populations they control. They have imposed laws that are different from those of the Republic, taking advantage of the State's inability to promote social harmony and justice through a fair and equitable distribution of wealth.
164. During trips to the various regions of the country, the CRM learnt of gaps and glaring inequalities between men and women, urban and rural communities, traders close to the ruling political parties and the rest of the population. Similar disparities exist between the country's eight regions. Presidents of regional councils, mayors and authorities of the Ministry in charge of decentralisation also revealed the existence of discrepancies in the delimitation of the boundaries of territorial communities and in the distribution of revenues from the exploitation of the regions' natural resources.
165. The CRM noted that social injustice and lack of national solidarity are the main drivers of the frustrations expressed by some ethnic minorities such as the Tuareg and the Fulani in Niger. This social injustice has been exacerbated by the economic crisis in the country. In spite the growth recorded, Niger has not been able to reverse the economic crisis. The redistribution of the fruits of growth is very low. More than 10 million people (42.9% in 2020) are suffering from extreme poverty.

166. The CRM considers that insecurity in the country is mostly fuelled by the feeling of injustice and abandonment, as well as the lack of prospects for many young people.

### **Conflict prevention, reduction and management mechanisms**

167. **A variety of mechanisms.** Niger has a variety of mechanisms for preventing and managing community and land conflicts. These conflicts are often caused by the appropriation of land by private individuals and the cultivation of pastoral lands.
168. The CRM noted that in some areas of Niger, especially pastoral areas, appropriation of land by private individuals for their own exclusive use is a major issue in the management of pastoral resources. Individuals with the financial means fence off rich pastoral lands and prevent others from accessing them to graze their animals. Again, conflicts often arise between farmers and herders because, increasingly, farmers are encroaching into areas intended for animal grazing. Thus, it is common to see crops growing in the middle of a passageway or pastoral enclave<sup>3</sup>.
169. The government has made significant efforts to prevent and manage land conflicts. Many structures have been set up and awareness campaigns initiated to reduce or to resolve community and land conflicts between herders and farmers. In addition, frameworks for political dialogue have also been established between political actors to ensure that political life is peaceful.
170. Due to security challenges from terrorist threats, the Nigerien government has been forced to build up the operational capacities of the defence and security forces. It has equipped the special intervention battalion located in Dosso, in the south-west of the country, and has set up a command centre of the European task force Takuba, in Niamey. Composed of elite troops. This force will train Nigerien soldiers in combat.
171. Again, Niger has received French assistance in the form of arms and military equipment as part of efforts against terrorism. Other Western countries have also provided Nigerien troops with logistic support and training. One of these is Germany, which has funded a training centre for its anti-jihadist special forces in Tillia, in the Tahoua region (in the west, near Mali). Niger is also receiving support from international organisations such as the United Nations and the European Union
172. **Ineffective mechanisms.** Niger has achieved encouraging results in the reduction of land and intercommunity conflicts. However, despite the multiplicity of structures and mechanisms, Niger has not been able to stop the frequent attacks on its territory. The ineffectiveness of counter-terrorism mechanisms is the result of poor coordination within the G5 Sahel, limited financial resources, poor approaches to counter-terrorism in the Sahel region and weaknesses in political governance.
173. The CRM noted that Niger has become the centre of the fight against terrorism and a major player in military cooperation in the Sahel. This is the result of the failures in the fight against terrorism in the region as well as the differences between the Malian and

---

<sup>3</sup> Food and Agriculture Organization of the United Nations: *A guide for better governance of pastoral land tenure in Niger*, 2019

French authorities. It is also a sign of a change in the initial strategic orientations taken in the framework of the G5 Sahel and the French military operation *Barkhan*.

174. Also, due to certain errors and failures in the fight against terrorism, mistrust has set in and the population is increasingly inclined to express its indignation by demanding the departure of foreign forces accused of inertia in the face of murderous attacks. They even say, particularly in the Diffa region, that the Nigerien forces in the frontlines should be replaced by new recruits who would be more effective in responding to terrorist attacks.
175. The CRM noted that foreign military forces have settled in Niger and established bases there without the authorisation of the National Assembly. Several stakeholders interviewed by the CRM consider this to be a violation of the country's fundamental law, as it does not comply with the provisions of Section 169 of the Constitution. These parties link this presence to an undeclared protection of French geostrategic interests, and go so far as to consider it a return to colonial occupation.

### **xiii. Recommendations**

176. The Panel called on Niger to:
  - Promote frank dialogue between all political and civil stakeholders in Niger that will lead to a new social contract and to adopt a new charter of political ethics which will build consensus around a common vision of the challenges to be overcome and the republican values to uphold;
  - Strengthen security in border areas and intensify the fight against porous borders;
  - Implement a programme to recruit, train and deploy young soldiers in rotating shifts to the various areas experiencing terrorist attacks;
  - Intensify training of the Defence and Security Forces in republican values ;
  - Effectively comply with its obligations on social justice and national solidarity;
  - Equitably redistribute the fruits of economic growth among the regions;
  - Effectively implement the constitutional principle of the secularity of the State;
  - Strengthen the operational capacity of the Nigerien army and gradually withdraw foreign military forces;
  - Respect human rights in the fight against terrorism;
  - Provide support, training and logistics to self-defence groups and monitor them so that they can work under the supervision of and in close collaboration with the military and security authorities;

- Regulate religious activities through better training and support, organise and monitor religious authorities and promote the interpretations of religious texts in ways that fall in line with the universal values advocated by Islam and with human rights.

<b>Objective 4:</b>	<b>PROMOTION AND PROTECTION OF THE CIVIL AND POLITICAL RIGHTS CONTAINED IN AFRICAN AND INTERNATIONAL HUMAN RIGHTS INSTRUMENTS</b>
---------------------	---

**xiv. Summary of the self-assessment report**

**Legal framework for civil and political rights**

177. Niger has ratified most international and regional instruments on human rights. At the national level, the country has adopted specific legal frameworks, in particular Ordinance No. 2010-035 of 4 June 2010 on the freedom of the press, Ordinance No. 2011-22 of 23 February 2011 on access to public information and administrative documents, and Law No. 2019-28 of 1 July 2019 on freedom of religion which determines the modalities for the free exercise of worship in Niger.
178. However, the multiplicity of laws without any harmonization or coordination makes it more complex to implement some legal instruments such as those dealing with the family, the status and capacity of persons, inheritance, and gifts. Indeed, Nigerien legislation recognises both customary law, Muslim law and modern law in these areas. It is obvious that, under these conditions, the lack of knowledge of existing texts and the high level of illiteracy contribute to the difficulty in enforcing the rights enshrined in the laws.

**Measures to facilitate equal access to justice for all**

179. In Niger, the principle of equal access to justice is established by the Constitution. Thus, the country has a hierarchical judicial distribution that is fairly spread out throughout the national territory. The authorities have made efforts to bring justice closer to the people.

**Dynamism, independence and influence of civil society organisations**

180. Generally speaking, freedom of association is effective in Niger and is reflected in the creation of new CSOs by both Nigeriens and non-Nigerians. The involvement of CSOs in the democratic process and in decision-making as well as in the country's development project is a real achievement according to the actors.

**Citizen access to information**

181. Niger's constitution establishes the right of access to information for citizens. It is supplemented by legislative texts, including Ordinance No. 2011-22 of 23 February 2011 on the charter on access to public information and administrative documents.

Administrative mechanisms have also been put in place to ensure citizens' access to information.

### **Access to information on public procurement**

182. Access to information on public procurement is governed in Niger by Law No. 2011-37 of 28 October 2011 on the principles, control and regulation of public procurement and public service delegations. This normative framework is supplemented by the creation of the Agency for the Regulation of Public Procurement and a Body for the Prior Control of Public Procurement and Public Service Delegations.
183. The self-assessment report recommended that the State should:
- Effectively implement the provisions of the political parties' charter on the obligation to educate and train activists;
  - Improve the quality of dialogue with public authorities and the quality of internal governance of CSOs;
  - Improve the framework governing freedom of expression and demonstration.

### **xv. Conclusions of the CRM**

184. Niger has acceded to most international instruments to promote and protect civil and political rights and included them in its Constitution of 2010. However, these rights are not being fully implemented in practice.

### **Civil and political rights are provided for in many legal instruments, but they are not being implemented**

185. Freedom of opinion, of expression and of the media. Section 30 of the 2010 Constitution states that "Everyone has the right to freedom of thought, opinion, expression, conscience, religion and worship. The State guarantees the free exercise of worship and the expression of beliefs". The Nigerien state is making efforts to guarantee freedom of opinion, expression and the media. Even though the country lost points compared to 2020, it was ranked fifty-ninth out of one hundred and eighty (59th/180th) in the 2021 world press freedom index and is still among the best ranked African States. However, the CRM found that the working conditions of journalists are poor. Although Niger is the first African state to have signed the Table Mountain Declaration, "which calls for the abolition of criminal laws on defamation and public insult", some journalists are prosecuted and imprisoned, as was the case of journalists who denounced the embezzlement of funds at the Ministry of National Defence. Similarly, some civil society whistle-blowers have also been arrested.
186. The CRM noted that the private media is flourishing in Niger. This media pluralism, along with the advent of social media and the activism of civil society organisations, has led to increased awareness and critical examination of Nigerien public action. However, the stakeholders complained about the excessive control exercised by the public authorities of the freedoms of opinion and expression, and the lack of

independence of many private media, which are either appendages of the majority in power or instruments of the political opposition.

187. **Protection of the right to information.** The right of citizens to information is protected in Niger by Ordinance No. 2011-22 of 23 February 2011 on the charter on access to public information and administrative documents.
188. Significant efforts have been made to make administrative information and documents available to the public through various platforms. However, according to civil society organisations, there are shortcomings, especially in the area of citizens' access to financial information, particularly due to the lack of transparency in the implementation of the State budget. They denounced the opacity of the defence budget and the conditions under which public procurement is carried out within the military administration. Indeed, the military procurement plan is classified and the 2016 Public Procurement Code excludes certain goods, equipment and services related to defence and security. Although there is a formal oversight mechanism through the Inspector General, his audit reports are irregular, strictly confidential and submitted directly to the president and prime minister. Under these circumstances, it is also unlikely that military procurement will be subject to independent legislative oversight<sup>4</sup>.
189. The CRM observed that this perceived lack of transparency in the management of public resources is increasing even though Niger has put in place an impressive institutional mechanism for internal and external oversight of public finances, including, among others, the ARMP, the DCMP, the IGF, the IGE, the Court of Auditors and the HALCIA.
190. The CRM observed that all these oversight institutions have failed to curb corruption, influence peddling and the misappropriation of public funds. Civil society organisations also noted that lack of financial information is hampering them from effectively exercising their duty to monitor, report and denounce cases of wrongdoing.
191. **Protection of freedom of association, assembly and demonstration.** The State recognizes and guarantees the freedom of movement, association, assembly, procession and demonstration under conditions defined by law. The country has very dynamic civil society associations and organisations, made up, according to sources from the Ministry of the Interior, of about five hundred (500) structures. In Niger, women and young people are very active in civil society organisations.
192. Following meetings with political parties, civil society organisations and some members of the population, the CRM noted that administrative authorities have a tendency to "abusively" ban public demonstrations on the pretext of insecurity or (in the past two years) the Covid-19 pandemic. Opposition parties also indicated that many of their militants are often detained following demonstrations or public challenges to the actions of the authorities.

---

<sup>4</sup> Transparency International, *Government Integrity Index in the Defense Sector - Country Overview: Niger*, 2020.



### ***Poor access of the population to basic social services***

193. **The security challenge.** Because of the numerous terrorist attacks, rural populations are constantly subjected to physical violence and, in many cases, violations of their right to life. Armed gangs carry out systematic or targeted attacks on, and killing and assassination of people living in rural areas. The State, which is supposed to fulfil its obligations to protect the right to life and security, seems to be helpless in the face of these atrocities. On 2 January 2021, 100 people were killed in attacks on two villages in the Tillabéri region in the tri-border area between Niger, Burkina Faso and Mali. In August, Human Rights Watch (HRW) estimated that more than 420 civilians had been killed since the beginning of the year in western Niger. On 2 November 2021, at least 69 members of self-defence groups, including the mayor of the commune of Banibangou, were killed in the west, in the Tillabéri region, in an attack by the Islamic State in the Greater Sahara (EIGS). In the Tahoua region, close to Tillabéri, 141 people were killed in March 2021 by suspected jihadists in several hamlets and camps.
194. **The right to health and the reality on the ground.** In addition to security risks, the CRM noted that the population's right to health remains fragile. Nigerien authorities are certainly determined to guarantee the right of the population to a dignified existence, but the efforts made so far have all fallen short of this objective. The population's right to quality health care is compromised by the lack of health infrastructure and quality human resources. According to some health service users, the free care that was instituted by the Government is not effective and the disabled are not cared for in regional hospitals.
195. **Equal access to justice for citizens.** Equal access to justice for citizens can be looked at from the prisms of geographical accessibility, financial accessibility and procedural or technical accessibility. To these should be added the issue of the integrity of public justice services in Niger.
196. **Geographical accessibility, financial accessibility and procedural accessibility of the public justice service.** The CRM noted that Niger has a relatively balanced judicial map, due to the good territorial distribution of courts, despite the vastness of the territory and the disparate areas of human concentration. However, efforts are needed to bring the public service of justice closer to those who need it. With 449 active magistrates, the population/magistrate ratio is around 49,000 inhabitants to one magistrate. This ratio is far from the standard defined by the United Nations, which is 1 magistrate for 10,000 inhabitants. Secondly, with regard to financial accessibility, the Nigerien populations we met deplored the high cost of justice. The institution of legal aid remains ineffective, in that it is unknown to the essentially rural populations. Finally, procedural or technical accessibility is another obstacle to the population's access to justice. The very high level of illiteracy and the lack of relevant texts in local languages are factors that make the right of access to modern justice illusory for the population.

### **Good practice 1: Bringing the justice administration closer to the people: Itinerant courts**

There are two main ways of bringing justice closer to the people: mobile courts and the recognition of traditional chiefs as auxiliaries to justice.

**Mobile courts.** They are itinerant courts where magistrates travel to areas far from the seat of the courts to carry out specific judicial acts, especially to issue civil status documents or to settle land matters. In Niger, the organisation of mobile court hearings by the High Authority for Peace-building was most welcome. Indeed, given the rise in insecurity in several parts of the country, the vastness of the national territory, the poor road infrastructure and the limited income of the population, particularly in rural areas and in the areas most exposed to insecurity such as the Tillabéri region, the holding of such hearings appeared to be a way to guarantee the rule of law throughout the national territory. These public hearings have helped to promote fairness and equality between citizens. They have also helped to build confidence in State institutions among rural populations and to bring the central State closer to citizens by strengthening the sense of belonging to the nation.

**Conciliation of land conflicts by traditional authorities.** Conciliation is the procedure by which customary authorities resolve a conflict with the agreement of the parties. This agreement is entered into a conciliation report. In the event of disagreement, a procès-verbal de non-conciliation is drawn up.

Only if the conciliation fails can the parties turn to the State courts: conciliation is compulsory before recourse to the modern courts.

Conciliation takes place first before the village or tribal chief, and if it fails at this level, before the canton or group chief or the sultan. The chief entitled to conciliate is the traditional chief who has jurisdiction over the resource (field, garden, grazing area, passageway, well, waterhole) that is the object of the conflict.

For the particular case of conflicts between farmers and herders, a joint conciliation commission is organized. The joint commission is responsible for the conciliation of the conflict. Joint commissions are chaired by the local competent traditional chief and include an equal number of representatives of farmers and herders.

### **iii. Recommendations**

197. The Panel calls on:

#### **The State to:**

- prohibit the detention or conviction of any citizen, journalist or opinion leader for exercising a constitutionally guaranteed freedom.
- strengthen citizen's access to financial information in all public services;
- strengthen the operational capacities of public justice services;

- adopt a family code;

**Civil society organisations to:**

- Build their capacities, taking into account the need to respect public order, social peace and national unity.

<b>Objective 5:</b>	<b>PROMOTE ACCOUNTABLE, EFFICIENT AND EFFECTIVE PUBLIC SERVICE DELIVERY AT NATIONAL AND DECENTRALISED LEVELS</b>
---------------------	--

**i. Summary of the CSAR**

**Measures to strengthen institutions to boost efficient, effective and equitable public service delivery**

198. Niger has been conducting reform of its public administration since 2007. Law No. 2019-26 of 17 June 2019 on the autonomous status of local authority staff is part of this political will. However, the public service is inefficient due not only to administrative and bureaucratic bottlenecks, but also to low qualification of the staff. This makes it difficult to deliver quality services to citizens and compromises the conditions for monitoring implementation of public policies.

**Corruption in the public sector**

199. Niger has made considerable efforts to combat corruption. It has set up the High Authority for the Fight against Corruption and Related Offences (HALCIA) and a hotline for users to report cases of misconduct.
200. Niger has also developed an anti-corruption strategy and set up judicial mechanisms to combat corruption. Despite all of these, the country self-assessment report observed that most people consider some public administrations as corrupt.

**Empowerment of local communities through decentralisation**

201. The decentralisation process in Niger accelerated between 2010 and 2020, especially with:
- Ordinance N°2010-54 of 17 September 2010 on the General Code of Territorial Authorities (CGCT);
  - Decrees N°2016-75 and N°2016-76 of 26 January 2016 to transfer competences and resources from the State to the communes and regions;
  - The setting up in 2016 of a financial support mechanism (the National Agency for the Financing of Local Authorities - ANFICT) to ensure financial support to local authorities;
  - Law N°2019-26 of 17 June 2019 on the autonomous status of local authority staff (enshrining the local authority civil service) and its implementing decree.

202. Unfortunately, these reforms are being hampered by the concentration of resources, particularly human resources, at the central level. Indeed, more than 60% of State employees work in Niamey.
203. The CSAR recommended that Niger should:
- Adopt and implement rules to depoliticise the administration;
  - Improve the administrative environment by strengthening the construction and/or rehabilitation of infrastructure in the various regions;
  - Effectively transfer powers and resources to local authorities;
  - Improve the quality of public services;
  - Implement an action plan to remove constraints to decentralisation;
  - Set up a regulatory mechanism for the elaboration of the participatory budget and involve all local authorities in this mechanism.

## ii. Findings of the CRM

### Efficiency and effectiveness of the administration

204. **Modernisation of the public administration.** The Nigerien government embarked on a policy to modernize the public administration by creating the High Commission for State Modernisation (HCME) by Decree No. 2005-361/PRN/PM of 30 December 2005 and attaching it to the Prime Minister's Office. This High Commission, in conjunction with the ministries concerned, is responsible for designing, supervising, coordinating, monitoring and evaluating all actions aimed at modernising the State and local authorities in accordance with the guidelines defined by the government.
205. In 2013, the High Commission for State Modernisation:
- drew up the National Policy for the Modernisation of the State (PNME), finalised the Dynamic Process for the Modernisation of Public Services (PDMSP);
  - launched the study to change the behaviour of leaders and citizens;
  - drafted manuals of procedures for public administration and started implementing the State Modernisation and Decentralisation project in Niger (MEDEN)
206. **Poor performance of administrative services.** The Nigerien administration is facing countless challenges that prevent it from providing quality services to users. The population identified the causes of the inefficiency and poor performance of public services. These are the same as those identified by the study of the Laboratory of Studies and Research on Social Dynamics and Local Development (LASDEL),

commissioned by the High Commission for the Modernisation of the State (HCME) and made public in May 2021.

207. According to all these analyses, it appears that the Nigerien administration has a weak culture of results, lacks resources, and suffers from abuses (absenteeism, politicisation, nepotism, etc.), managerial shortcomings, and disparate salary systems, which explain its inability to deliver quality public service.
208. The CRM noted with satisfaction the commitment by the Government and the High Commission for the Modernisation of the State (HCME) to improve administrative governance through implementation of the Support for the Modernisation of the State for a Quality Public Service in the Territory (AMESP) project. This project is intended to develop remote and isolated areas, in this case the nomadic areas of the regions of Tillabéry, Diffa and Tahoua. More specifically, it has as objective to improve the technical and managerial conditions of State services at the decentralised and local levels for greater efficiency in providing services to the population.
209. **Modalities for decentralisation.** Niger is implementing the two conventional types of decentralization, namely technical decentralisation and territorial decentralization.
210. **Technical or functional decentralisation.** A public administrative establishment or a public industrial and commercial establishment may be set up on the initiative of the State or of any other public authority to carry out any activity of general interest. Niger has been steadily implementing technical decentralisation. Decree N°316 MF/SG/DGOF/R of 29 August 2019 to determine the list of public establishments, State companies and semi-public companies provides for:
- Seventy public administrative establishments (EPA);
  - Seventeen public industrial and commercial establishments of an Industrial and Commercial nature (EPIC)
  - Ten professional public establishments (EPP);
  - Fifteen scientific, cultural and technical public establishments (EPSCT);
  - Nine public educational establishments (EPS);
  - Three public finance establishments (EPF);
  - Five public establishments without status.
211. In addition to these technically decentralised administrative structures, Niger has set up five State-owned companies, three public capital companies, twelve semi-public companies, twenty-one banks and insurance companies with State participation and companies with minority State participation. Niger has been steadily modernizing public services to its people since 2011 through this large number of structures. However, this work is a long-term effort that must include changing decades-old attitudes and mentalities.

212. During discussions, many stakeholders told the CRM that the appointment of managers to most public establishments and State-owned companies is based on partisan considerations, and that this is the reason for the underperformance and poor results of these structures. Such partisan considerations violate the principle of equal opportunity for citizens in the appointment of heads of public structures. In addition, users of public services, particularly those of basic social services like education and health, complained about the incompetence of most public servants, and also about the lack of specialised personnel to handle certain vulnerable categories such as people with disabilities, women and infants, cardiac patients, etc.
213. **Territorial or geographical decentralisation.** Niger is engaged in a steady decentralisation process that has led to the reorganisation of, and increase in the number of territorial authorities, particularly the communes. Ordinance No. 2010-54 of 17 September 2010 on the general code of territorial authorities of the Republic of Niger set up two decentralised entities: the commune and the region.
214. Niger's territorial administration has three types of communes: the rural commune, the urban commune and the commune with special status called city. In practice, there are 255 communes comprising 214 rural communes, 37 urban communes and four communes with special status or cities. These are the cities of Niamey (divided into five communal districts), the city of Zinder (with five communal districts), the city of Maradi (with three communal districts) and the city of Tahoua (made up of two communal districts). In addition to the communes, the decentralised administration is divided into seven regions (Niamey, Tillabéry, Dosso, Tahoua, Maradi, Zinder, Diffa, Agadez) and the city of Niamey.
215. The adoption of the 2018-2021 Four-Year Plan for the transfer of competences and resources from the State to the Communes and Regions in the areas of education, health, water and the environment is proof of the Government's confidence in the capacities of local governments. However, despite Government's goodwill, the non-implementation of most planned actions has made it difficult to attain the objectives set.
216. The territorial decentralisation process in Niger is being hampered by four major obstacles:
- The uneasy relationship between decentralised bodies, traditional authorities and the central administration;
  - Social stratification in rural communities;
  - The difficulty in demarcating the territorial boundaries of the various local authorities, especially in areas with nomadic traditions;
  - Delays in the transfer of competences and financial resources by the state.
217. During consultations in the regions, the CRM found that the greatest difficulty faced by local representatives is the transfer of financial resources. Most local authorities are unable to mobilise the financial resources provided for in their budgets. Financial

support from the State, notably from the decentralisation support fund and the equalisation fund, does not always come on time. Local authorities themselves are experiencing difficulties both in collecting and paying in revenue (due to the fact that all payments are made into the state's coffers and to the lack of clarity about the territorial limits of the local governments).

### **iii. Recommendations**

218. The Panel recommends as follows:

#### **Government should:**

- Systematically publish calls for candidates for the recruitment of managers of public establishments and State-owned companies;
- Continuously build the capacity of State workers and civil servants and promote specialisation or skills to meet new challenges;
- Systematically assess the performance of public institutions and State companies in accordance with the requirements of result-based management;
- Promote territorial decentralisation through the effective transfer of competences and resources to local authorities;
- Develop and implement a national strategy for the demarcation of the territorial boundaries of local authorities;
- Respect the principles of social justice and national solidarity in the allocation of mining and oil royalties to local authorities.

#### **Local and regional authorities should:**

- Improve relations between decentralised and traditional authorities (customary and religious);
- Effectively implement the participatory budget;
- Develop and implement a strategy to mobilise local resources;
- Strengthen the framework for collaboration between local authorities;
- Continue capacity building for local government staff.



## **Objective 6: PROMOTION AND PROTECTION OF WOMEN'S RIGHTS**

### **i. Summary of the CSAR**

#### **Measures taken to promote and protect women's rights**

219. Niger has developed a significant legal framework for the protection of women's rights. The country has adopted most of the relevant international, regional and community instruments. At the domestic level, the Constitution provides in Sections 10 and 22 respectively that: "All Nigeriens are born and remain free and equal in rights and duties (...) The State shall ensure the elimination of all forms of discrimination against women and girls..."
220. However, because of socio-cultural constraints, this legal framework has not resulted in practices that fully promote women's rights. These include:
- The persistence of discrimination against women;
  - The low level of education of women and girls, especially in rural areas;
  - Socio-cultural and religious stereotyping of women;
  - The non-application of and non-compliance with the law on quotas in political parties at local, regional and national levels;
  - Insufficient financial and economic empowerment of women and youth;
  - Illiteracy among women in general;
  - Low representation of women in decision-making positions in the public administration and in the Government

#### **Women's participation in the political and democratic process**

221. The participation of women in politics is protected under Law No. 2000-008 of 7 June 2000, known as the quota law, which provides for the mandatory representation of a certain percentage of women in Government and in elective and appointment positions. Law No. 2019-69 of 24 December 2019 to amend and supplement Law No. 2000-008 of 7 June 2000 set the quota for women in elective positions in the Government and in the State Administration at 25% for elective positions, and 30% for appointment positions.
222. The CSAR recommended that Niger should:
- Accelerate enrolment of young girls in schools, especially in rural areas;
  - Make sure girls attend school;

- Intensify actions to empower women;
- Implement the quota law.

## ii. Findings of the CRM

### Steady progress in the protection of women's rights

223. **Women's rights in Niger caught between tradition and progress.** Much still needs to be done in Niger to promote women's right because early marriage, violence against women, the high level of women living in extreme poverty and the high rate of illiteracy are still prevalent.
224. Even though women's right to landed property is protected by the principle of equality under Sections 8 and 10 of the Constitution and Article 4 of Ordinance No. 93-015 establishing the guiding principles of the Rural Code, traditional constraints prevent them from enjoying these rights. Even the policy of free caesarean sections is not effective in health centres.
225. However, the CRM noted that, great strides have been made recently to advance the rights of women in Niger. In 1999, Niger ratified the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted on 18 December 1979 and entered into force on 3 September 1981. In 2004, it ratified the Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (adopted on 6 October 1991 and entered into force on 22 December 2002). The country also carried out two main reforms, namely: reform of the penal code to protect women against all forms of physical harm (female genital mutilation, sexual harassment, rape, slavery practices, indecent assault, forced marriage, pimping) and the adoption of a national policy for the emancipation of women, taking into consideration social, economic, political, legal and cultural issues. This dynamic was consolidated by the development, in July 2008, of a National Gender Policy.
226. **A sustained commitment by decision-makers to women's rights.** In 2014, the Nigerien legislator adopted the law amending Ordinance No. 84-33 of 23 August 1984 on the Nigerien Nationality Code. This law now recognises the transmission of Nigerien nationality by a woman to her foreign husband. In addition, Law No. 2006-16 of 21 June 2006 on reproductive health authorises Nigerien women to seek medically assisted procreation and even abortion in cases of incest and rape.
227. The government too has taken many initiatives to effectively promote women's rights. These include the adoption of a national strategy for the prevention of Gender-Based Violence (GBV) in Niger (2017-2021), the Sahelian programme for the economic empowerment of women and the "3N Initiative" programme which aims to involve Nigeriens in agro-forestry-pastoral production, an area where women play a key role.

### The involvement and progressive participation of the woman in decision-making bodies

228. **Women and the management of public affairs.** In recent years, Nigerien women have become more and more active in decision-making processes through their involvement and participation in the management of public affairs.
229. The CRM observed that women have taken action many times to defend their civil, political, social and economic rights. It took note of the dynamism of women's movements in their efforts to consolidate their important role in society through the renegotiation of the Nigerien social contract and the democratic pact.
230. **The mobilisation of women to safeguard their civil and political rights.** Women in Niger are very dynamic in civil society associations and organisations. Most women associations are organised into federations. This enables them to participate in discussions and decision making on the status of women in Niger. One of such is the Coordination of Nigerien Women's NGOs and Associations (CONGAFEN), created in Niamey in December 1994 and legally recognised on 3 July 1995 by Decree No. 140 /MI AT/ DAP/ SA. This Coordination is made up of fifty-one groups.
231. Women and young people make up the vast majority of the electorate in Niger. Because of Law No. 2019-69 of 24 December 2019 to amend quota Law No. 2000-008 of 7 June 2000, the number of women in decision-making bodies is increasing steadily. Currently, there are eight women out of 33 ministers in the Government, i.e. 15%, while in Parliament women represent 30% of the deputies (50 women out of 166). Obviously, these figures are still below the quotas of fifteen percent (15%) to twenty-five percent (25%) for elective offices and twenty-five percent (25%) to thirty percent (30%) for appointments to senior State posts. However, they are quite impressive at the regional and even continental level.

**Table 4:** Women in decision making positions

Institution	Women	Men	Total	Percentage
National Assembly	50	116	166	30.12
Government	8	42	50	16
Governor	0	8	8	0
Prefects	2	52	54	3.7%
Regional Councils	36	224	260	13,84
Municipal Councils	584	3092	3676	15,80

232. **Women's awareness of their social and economic rights.** In addition to defending their civil and political rights, Nigerien women are increasingly aware of their social and economic rights and have been carrying out many agricultural and commercial

activities. The CRM noted with satisfaction the large number of women among health and school education staff. It also noted that some Nigerien women hold important positions in public administrations. Increasingly, they are being elected to city, regional and municipal councils.

233. In short, the findings of the CRM show that in spite of the socio-cultural obstacles to the full development of women's rights and the fierce resistance of Islamic associations to the ratification of the protocol and the lifting of reservations to the CEDAW, the status of women in Niger has changed significantly. However, it is necessary that the efforts undertaken be continued in order to bring Nigerien women out of underdevelopment.

### **iii. Recommendations**

234. The Panel calls on:

#### **The State to:**

- Effectively implement the policy of free caesarean sections.
- Strengthen the effective application of the quota law, particularly with regard to nominative and elective positions;
- Improve women's access to land and finance.

#### **Political parties to:**

- Promote women and women's leadership in political parties;

#### **Civil society organisations to:**

- Organise an information day for parliamentarians on the CEDAW and its protocol.

<b>Objective 7: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN AND YOUNG PEOPLE</b>
---

**i. Summary of the CSAR**

235. In 1990, Niger adopted the Convention on the Rights of the Child (CRC). This Convention is being implemented by an institutional and legal mechanism. In addition to this international legal instrument, several legislative and regulatory norms have been adopted by the Nigerien State to fully guarantee the rights of the child. The CSAR mentions the existence of a National Child Protection Policy and a youth parliament that provides a forum for children to share certain messages with public authorities. In addition, there are many centres that receive and support children in difficulty.
236. However, the implementation of these normative and institutional arrangements is hampered by a number of constraints, including:
- Shortage of social workers to cover all protection services;
  - Lack of funds from the State budget for the new programme approach,
  - Excessive dependence on partners for protection;
  - Non-adoption of the Children's Code.
237. The CSAR called for:
- Improvement of budgetary resources for the promotion and protection of the rights of children and young people;
  - Intensification of actions to promote and advance girl education.

**ii. Findings of the CRM**

**A legal framework to protect the rights of children and young people**

238. **Ratification of the relevant international instruments.** Niger signed the Convention on the Rights of the Child on 20 January 1990 and ratified it on 30 September 1990. It then signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 27 March 2002 and ratified it on 26 October 2004.
239. **Implementation of a domestic mechanism to protect the rights of children and young people.** The 2010 Constitution stipulates that the State and other public authorities have a duty to protect the physical, mental and moral health of the child. Similarly, it provides that parents have the right and duty to raise, educate and protect their children. In addition, Section 24 of the Constitution provides that "Youth shall be protected by the State and other public authorities against exploitation and neglect.

The State shall ensure the material and intellectual development of youth. It shall ensure the promotion of training and employment of young people as well as their professional integration". Many legislative and regulatory texts have also been adopted to strengthen the normative framework for the protection of the rights of children and young people. These include:

- Law N°2014-72 of 20 November 2014 to define the competences, attributions and functioning of juvenile courts in Niger;
- Decree N°2013-344/PRN/MPF PE of 23 April 2013 to adopt the framework document for child protection in Niger and its action plan;
- Decree N°2013-247/PRN/MP/MP/PF/PE of 5 July 2013 to adopt the National Policy for the Integrated Development of Young Children (PNDIJE) in Niger, age group 0 to 8 years;
- Decree N°2017-935 of 5 December 2017 on the protection, support and accompaniment of young girls in school.

### **Factors that undermine children's and young people's rights**

240. **Poor living conditions.** Despite the actions undertaken by the State, civil society organisations and the support from external partners, a significant proportion of Nigerien children and young people continue to live under conditions of extreme social and economic insecurity.
241. The CRM observed during its field visits that many children and young people were beggars in the streets of Niamey and of the main regions. Many of these are abandoned children and young people with no basic rights, in particular the right to education, the right to a dignified existence, the right to a healthy environment, the right to security.
242. During discussions with the stakeholders the CRM found that Niger's heavy dependence on foreign partners for funding makes it difficult for the country properly implement programs for child and youth protection. It also makes it difficult to protect the rights of young girls who are exposed to early marriage, trafficking and slavery or who drop out of school.
243. The CRM further noted that youth unemployment and employability are a major national concern. Indeed, in Niger, the problem of unemployment and underemployment is the first difficulty faced by young graduates when they attempt to enter the labour market. The mismatch between training and the skills required on the labour market has further worsened the situation, leading to an unemployment rate of 23.7% for young people aged between 15 and 29. This phenomenon delays the transition of many young people to financial independence.
244. **Increasing precariousness of the rights of children and young people due to the security crisis.** The insecurity in certain areas of the country such as Tillabéri and Diffa, has made it a lot more difficult to protect the rights of children and young people. According to the actors we met, more than three hundred schools have been

closed in the Tillaberi region because of insecurity from bands and jihadists. Worse still, some children and young people are forcibly enlisted or even recruited by armed groups to carry out illicit activities that are harmful to their moral well-being and personal development.

### **iii. Recommendations**

245. The Panel recommends that

#### **The State should:**

- Update and revitalise the National Child Protection Policy in the new context of the security crisis;
- Strengthen the compulsory education policy;
- Develop a national plan to combat youth unemployment;
- Strengthen Government actions to protect the rights of children and young people.;

#### **Civil Society organisations should:**

- Strengthen advocacy for early childhood care;
- Increase interventions to keep girls in school.

**Objective 8:**

**PROMOTION AND PROTECTION OF THE RIGHTS OF VULNERABLE GROUPS, INCLUDING INTERNALLY DISPLACED PERSONS, THE ELDERLY, REFUGEES AND PEOPLE WITH DISABILITIES**

**i. Summary of the CSAR**

**Promotion and protection of the rights of disabled and elderly people**

246. Niger has ratified the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol. At the national level, the Constitution of 25 November 2010 prohibits all forms of discrimination against persons with disabilities. This protective legal framework is complemented by a large number of legislative and regulatory texts. Similarly, the constitutional and legislative provisions place an obligation on the Nigerien State to look after the elderly through a social protection policy. It is in application of these provisions that the state installed a National Council for the Elderly in October 2016.
247. However, due to a number of difficulties resulting mainly from the lack of synergy and coordination in the interventions of the stakeholders, the legal and institutional framework put in place has not significantly improved the situation of these vulnerable groups.

**Promotion and protection of refugees' rights**

248. The conflicts in some neighbouring countries, such as Mali and Nigeria, have made Niger a host country for refugees. The same is true for the people migrating towards Libya and the central Mediterranean.
249. Niger is making significant efforts to promote and protect the rights of refugees. However, the country is still facing a number of challenges, including the need to quickly amend Law No. 97-016 of 20 June 1997 on the status of refugees in Niger and its implementing decree.
250. Recommendations
- Niger should
- Strengthen the socio-professional and economic integration of the disabled;
  - Encourage a change of mentality to promote the rights of women and young people, the elderly and the disabled;
  - Create conditions to encourage refugees living in Niger to go back home voluntarily;
  - Protect the right to asylum and guarantee a protective environment for refugees;



- Improve access to vocational training and employment for refugees, and encourage good collaboration between the NEC and the UNHCR in documenting refugees and promoting their freedom of movement

## ii. Findings of the CRM

251. The CRM was informed that significant efforts are being made in favour of vulnerable groups in Niger. These include the adoption/ratification of legal instruments, the establishment of an institutional framework for protection and the development of specific programmes.
252. **Considerable efforts to guarantee the rights of persons with disabilities.** Niger has been very active in its efforts to protect people with disabilities. Firstly, the Law on the orientation of the education system (LOSEN) provides for special education for children with disabilities and protects them against discrimination. Secondly, Law No. 2019-062 of 8 November 2019 on the recruitment of persons with disabilities in Niger protects their dignity and their right to full and unfettered enjoyment of fundamental rights and freedoms. Lastly, it prescribes free medical care in public health institutions for people with disabilities. Niger has also set up a National Committee for the Promotion of Persons with Disabilities and a National Fund for the Support of Persons with Disabilities.
253. In addition to the legislative and regulatory framework, Niger has initiated many programmes for the disabled. These include: the 2015-2019 national strategy for the social reintegration of people with disabilities, the national strategy for the education of children with disabilities, rehabilitation of the Directorate for People with Disabilities in the Ministry of Population, and construction of school infrastructure for children with disabilities, in particular schools for the visually impaired. The latter have risen from 13 to 17, and three new schools for the deaf have been built. In addition, the strategy to encourage education for people with disabilities is being implemented using an inclusive and integrating approach, with classes for children with visual or hearing impairments as well as those without disabilities.
254. **Promotion and protection of the social status of the elderly.** To promote and protect the rights of the elderly, Section 25 of the Constitution of 25 November 2010 states: "The State shall look after the elderly through a policy of social protection. The law determines the conditions and modalities of this protection". This is the origin of Law N°2018-22 of 27 April 2018, to determine the fundamental principles of social protection. This law has as objectives to strengthen the resilience of people and communities at risk of vulnerability, contribute to social harmony and reduce poverty. There is also a bill on the social protection of the elderly. This bill takes the specific needs of older people, particularly in the areas of health, food, transport and housing into account.
255. On inclusion and participation, Niger has had a National Council and regional, departmental and communal Councils for the Elderly since 2015. Also on health, retirees receive 90% free medical care as compared to 80% for active civil servants.

A strategic plan for healthcare for the elderly was adopted in July 2019 by the Ministry of Public Health.

256. **Protection of refugees, immigrants, internally displaced persons and some specific vulnerable categories.** Findings on the rights of refugees and immigrants show that Niger has made sustained efforts to protect refugees and immigrants. However, more needs to be done in this regard, particularly in the Tillabéri and Agadez regions. The country will also need to adopt a law to protect and assist internally displaced persons in Niger.
257. To improve actions in favour of vulnerable groups, Niger should:
- Ratify the Marrakech Treaty aimed at facilitating access for the blind, the visually impaired and people with reading difficulties (of printed texts or published works);
  - Implement the 5% quota for recruitment of a minimum of 20 workers into the civil service and private sectors;
  - Increase the number and regional distribution of centres for intellectually deficient or severely disabled children;
  - Provide free treatment of skin cancer for people with albinism;
  - Increase the number of specialised teachers and educators (at primary and secondary level) and promote other skills to support and monitor disabled children;
  - Combat exploitation of disabled children by families who use them as beggars, or where children are used as guides and assistants to disabled people.
258. On the whole the findings by the CRM show that Niger is making considerable efforts to protect vulnerable groups. However, the results are still far from optimal, mainly due to lack of adequate resources.

### iii. **Recommendations by the CRM**

259. The State should:
- adopt a law to protect the elderly;
  - adopt a law to protect and assist internally displaced persons in Niger;
  - effectively implement the law on the 5% quota in the recruitment of at least 20 disabled people into the civil service and private sector;
  - improve the institutional mechanism to promote and assist disabled people, the elderly and refugees;
  - assist refugees and internally displaced persons in their efforts to carry out income-generating activities in their host communities.

---

## CHAPTER FOUR

---

### 4. ECONOMIC GOVERNANCE AND MANAGEMENT

#### 4.1 Challenges

260. Since independence, the main pillar of the Nigerien economy has been agriculture (40% of its GDP). From 2015 to 2019, the main macroeconomic aggregates for the country were as follows: GDP growth rate, 5.64% on average per year; GDP (real, base 2015): USD 45.465 billion; GDP per capita: USD 450.368 and population growth rate: 3.9% (RGPH 2012). However, the country will now benefit from the boom in oil production from the new oil fields and the attendant services.
261. At the end of December 2020, the outstanding public debt was estimated at CFAF 3,510.4 billion, or 44.8% of GDP. It was made up of 69.8% external debt, i.e. CFAF 2,450.6 billion or 31.3% of GDP and 30.2% domestic debt, i.e. CFAF 1,059.8 billion or 13.5% of GDP. Compared to the end of 2019, the outstanding public debt increased by CFAF 532.2 billion (+17.9%) at the end of 2020. External debt rose from CFAF 1,974.4 billion to CFAF 2,450.6 billion, an increase of CFAF 476.2 billion (+24.1%). This increase is due, among other things, to the budgetary support received as part of the Covid-19 response, the loan from Deutsche Bank to restructure the debt and the update, in April 2021, of IDB disbursements over the period 2016-2021. Domestic debt rose from CFAF 1,003.7 billion to CFAF 1,059.8 billion, an increase of CFAF 56.1 billion (+5.6%) (Ministry of Finance, April 2021).
262. The country is also facing a number of challenges such as corruption, non-compliance with legal instruments and money laundering. Niger is a fertile ground for money laundering for a number of reasons: it is the hub for trade between North Africa and Africa south of the Sahara; it is experiencing terrorist attacks by armed groups operating in the east (Lake Chad) and west (on the border with Mali and Burkina Faso) that are taking advantage of the porous borders and poor internal security surveillance; and the country's neighbours are suspected of financing international or Islamic terrorism.
263. In terms of socio-economic development, despite sustained economic growth, Niger remains a poor country (41.2% in 2020), even though the unemployment rate is relatively low (17% in 2014). There is also a high level of inequality and a low level of education.
264. All these have made Niger's economy vulnerable and fragile. Indeed, any of the following factors can hurt economic performance: a new wave of COVID-19, deterioration in the security situation, climatic shocks, drought and the volatility of international prices of non-oil commodities.

### ***Progress in the area***

265. The country has been enjoying fairly strong and sustained GDP growth, with commendably low inflation. Also, efforts to rein in public spending have led to a decline in the budget deficit.
266. The country has implemented many reforms to improve the efficiency of its economic policy. Consultation frameworks and processes have also been put in place to involve stakeholders such as the administrations, civil society organisations, the private sector, traditional chiefs and religious leaders in economic decision-making. To mobilize the necessary domestic resources, the Government has reorganised the tax administration and overhauled the tax code.
267. At the institutional level, Niger has a Chamber of Commerce, Industry and Handicrafts, the *Agence Nigérienne de Promotion des Investissements et des Projets* (Niger Investment and Project Promotion Agency) and the *Agence Nationale de la Propriété Industrielle et de la Promotion de l'Innovation* (ANA2PI). The country has also set up two important institutions: the *Centre de Gestion Agréé*, which (i) provides its members with management assistance, information and training services; (ii) keeps and presents the accounts of its members and provides technical assistance in tax matters; and (iii) the Arbitration and Mediation Centre which helps businesses to save time and money through a quick and inexpensive settlement of disputes.

### ***Challenges facing the country***

268. One of the main characteristics of economic governance in Niger is its unpredictability because of the numerous and sudden regime changes that have taken place since independence. These sudden changes have had repercussions on the implementation of economic policies.
269. The challenges to economic governance and management are nine fold:
270. **The first challenge** is corruption. Although the country has significantly improved its governance and strengthened its anti-corruption framework, corruption is still rampant at all levels of the administration. Indeed, there is an acute shortage of personnel and resources to combat this scourge. The lack of material, financial and human resources, and the ease with which dirty money can be laundered have made it difficult to achieve significant results. If, in addition to these constraints, there is a lack of autonomy in decision-making and lack of political will to overcome them, the fight against corruption will always be problematic.
271. **The second challenge** is the need to accelerate financial decentralisation and to strengthen the human and technical capacities of regional and council administrations. Such decentralisation would allow local governments, especially the poorest ones, to receive resources directly from the State, which they would use to boost local development. The pace of decentralization is too slow even though the population is clamouring for it. This delay has been criticized by the local elected officials and citizens interviewed by the CRM.

272. **The third challenge** is the need to reduce the high financial dependence of the Nigerien economy on its partners to balance its budget. Fortunately, Niger has succeeded to control its public debt.
273. **The fourth challenge** is the country's inability to stick to its 2035 vision, which is to "build a modern, democratic and united country, well governed and peaceful, open to the world, as well as an emerging economy, based on a balanced sharing of the fruits of progress". The country is still struggling to (i) make its growth inclusive, (ii) break out of the vicious cycle of poverty, (iii) build large-scale economic infrastructure, (iv) increase its energy independence, (v) ensure regional balance and (vi) initiate a relevant and sustainable development.
274. **The fifth challenge** is controlling inflation. Indeed, with the Covid-19 pandemic, the government took several measures. Its market intervention policy made it possible to moderate the price of cereals, stabilise the price of fuel and distribute free food to vulnerable populations. This strategic choice is also an indication of the level of poverty and food insecurity in the country.
275. **The sixth challenge** is to reduce the structural trade balance deficit. Indeed, the balance of trade in goods and services has deteriorated as a result of the decline in the value of exports, particularly of agricultural and livestock exports.
276. **The seventh challenge** is the supply of electrical power. The government has made efforts to develop the country's energy infrastructure. However, these efforts are still insufficient in the face of high demand, which is increasing on average by 15% per year. This power deficit is more acute in rural areas. The country's growth is thus impacted by losses in productivity especially as only 14.7% of households had access to electricity in 2020.
277. **The eighth challenge** concerns the poor inter-urban road infrastructure. In Niger, the poor and dilapidated nature of inter-urban roads is sufficient evidence of the lack of investment in the road network. These dilapidated roads are one of the main causes of road accidents. They also account for the difficulty in transporting imports from neighbouring countries.
278. **The ninth challenge** is cross-border security. The country's fragile security situation, especially with neighbouring countries such as Mali and Nigeria, is very conducive for illicit trade, drug trafficking, smuggling and terrorist movement.

### **Emerging challenges**

279. When designing and implementing economic policies to promote sustainable development, it is necessary to involve all other stakeholders to ensure that their needs and aspirations are taken into consideration. It is also necessary for these stakeholders to participate in all monitoring and evaluation processes to guarantee the effectiveness of these policies.

280. Concerning regional integration in trade and investment, the report raises concerns about monitoring of transactions with cross-border countries, and highlights the low competitiveness of Nigerien products compared to those from Nigeria.
281. It is also necessary to monitor economic activities in the country to prevent the uncontrolled and artisanal exploitation of minerals such as gold and the illicit sale of fuel. There is therefore an urgent need to implement a policy that can develop the country's potential sources of wealth and effectively combat all activities used to finance terrorism. Increased sub-regional cooperation will certainly boost this effort.
282. Finally, Nigeriens are very optimistic that the implementation of trade and investment policies, and especially the export of petroleum products in 2023, will promote economic growth. Even though major investments are being made with the construction of the Niger-Benin Export Pipeline, the continued increase in debt and government expenditure on the assumption that oil revenue will generate significant resources are risky policy choices in the face of possible external macroeconomic shocks.

## 4.2. Ratification and implementation of international instruments

### I- Findings of the CSAR

283. Niger has ratified most international and African conventions in an effort to boost economic governance and management. The conventions signed are the following:

**Table 5:** ECOWAS instruments

ECOWAS instruments	Ratified by Niger	ECOWAS Member States that have ratified the instrument
Convention on Mutual Assistance in Criminal Matters, 1992	Ratified on 25/10/2001	10
Extradition Agreement, 1994	Ratified on 08/12/2005	10
Protocol on the fight against corruption, 2001	Ratified by Niger under law No 2006-10 of 22 May 2006	-
Instruments adopted by the Union (AU)	Ratified by Niger	AU Member States
African Charter on Human and Peoples' Rights, 1981	Ratified on 21/07/1986	53

OAU Convention on the Prevention and Combating of Terrorism, 1999	Ratified on 13/01/2005	-
AU Convention on Preventing and Combating Corruption, 2003	Ratified on 10/05/2006	26
Protocol to the OAU Convention on the Prevention and Combating of Terrorism, 2005	Ratified on 10/05/2006	8

284. Major bilateral and regional trade agreements have been concluded between Niger and its economic partners. At the bilateral level, these include agreements with Nigeria, Morocco, Tunisia, China and Libya. In addition to these agreements, there is the agreement on the treatment of the bilateral debt between Niger and Algeria (24 August 2011), the integration agreement in the Community of Sahel-Saharan States (CENSAD) (4 February 1998) and the Treaty on the Organisation for the Harmonisation of Business Law in Africa (OHADA) (17 October 1993).
285. At the regional level, Niger is a member of African Union (AU), the United Nations Economic Commission for Africa (UNECA), the Economic Community of West African States (ECOWAS), the West African Economic and Monetary Union (WAEMU), the Organisation Commune Africaine et Malgache (OCAM), and the Organisation of the Islamic Conference (OIC). Of these organisations, ECOWAS and UEMOA are the most integrated and guide Niger's trade policy.

## ii- Findings of the CRM

286. In addition to the instruments ratified by Niger and identified by the country self-assessment report, the CRM was informed of the adoption and ratification of the following texts on economic governance:

**Table 6:** Additional international conventions on economic management

Agreement	Entry into force	Ratification by Niger
United Nations Convention against Corruption	14 December 2015	Niger ratified this convention with Law n°2008-26 of 3 July 2008.

African Union Convention against Corruption	6 August 2006	Niger ratified the AU Convention with Law No. 2005-39 of 20 December 2005
ECOWAS Protocol against corruption	21 December 2001	Niger ratified the ECOWAS protocol under law 2006-10 of 22 May 2006.

287. The CRM was also informed of the adoption of the following texts to combat corruption and money laundering:

**Table 7:** Regulations to improve transparency and combat corruption

Constitution of 25 November 2010	Illicit enrichment, favouritism, corruption, bribery and influence peddling are punishable under Section 4. Money laundering or illicit enrichment is punishable under Section 41. Obligation to declare the assets of the President of the Republic, the Prime Minister, ministers, presidents of institutions of the Republic and heads of independent administrative authorities (Sections 51 and 78) Appointment to the government conditional on the enjoyment of good character attested by the competent services (Article 80). Transparency in the exploitation and management of natural resources and the subsoil (Section 149) Obligation of full publication in the Official Gazette of the Republic of Niger of contracts for the exploration and exploitation of natural resources and the subsoil, as well as the revenues paid to the State (Section 150)
Law n°2016_44 of 06 December 2016 establishing the HALCIA	This law sets up a permanent body to fight corruption and related offences, called "HALCIA". "HALCIA". Related offences are those closely related to corruption in that they are generators or consequences of corruption, as provided for by the United Nations Convention against Corruption
Law No. 2016-33 of 31 December 2016 on money laundering and the Financing of	This law against money laundering and the financing of terrorism is intended to prevent and repress money laundering and the financing of terrorism and the proliferation of weapons of mass destruction in Niger.
Law N°2003-025 of 13 June 2003 to amend law N°61-27 of 15 July 1961, establishing the Penal Code Penal Code	This amended law deals with corruption and related offences (Articles 38, 60 and 293). Section VII of the Penal Code, in its articles: 130-133, deals with corruption and influence peddling.
Ordinance N°92-024 of 18 June 1992 against illicit enrichment	
Law No. 2001-034 of 31 December 2001 to determine the other public agents subject to the obligation to declare assets	
Law N°2004-41 of 08 June 2004 against money laundering	



Law N°2011-21 of 08 August 2011 to determine the classification of senior State posts and define the conditions of appointment to these posts
Ordinance No. 2011-22 of 23 February 2011, on access to public information and administrative documents
Law n°2011-37 of 28 October 2011 on the general principles, control and regulation of public contracts and public service delegations
Law No. 2012-09 of 26 March 2012 on the organic law on finance laws.

#### 4.3. Assessment of performance against objectives

288. At the macroeconomic level, economic growth rate averaged 5.3% over the period 2015-2020. Due to the COVID-19 pandemic, the 2020 growth rate was estimated at 3.5%. This growth was driven by the primary sector with an average of 35.3% over the period 2015-2020. The weight of the secondary sector remained relatively low, with a slight increase from 19.6% in 2010 to 20.1% in 2020. This situation can be explained by competition from imported manufactured products, the inadequacy of energy supply and the country's landlocked location. These factors contribute to the high cost of inputs. Furthermore, the informal sector has one of the highest shares of the economy in Africa (between 30 and 40% of GDP). This huge share makes it difficult to expand the tax base and reduce the tax burden on the formal sector.
289. This economic growth took place in a context of controlled inflation thanks to the State's intervention to stabilise the prices of basic products. Indeed, the inflation rate averaged 1% over the period 2015-2020, well below the EU standard of 3%.
290. With regard to public finance management, the country still has budget deficits, but these declined over the 2015-2020 period thanks to the contributions of TFPs. In addition, external resources in the form of grants helped to reduce the overall deficit. In fact, including grants, the budget deficit stood at 3.6% in 2019 compared to 6.7% in 2015.
291. Niger's public debt is moderate, representing 43% of GDP, and is below the maximum of 70% set by the WAEMU. The sustainability of Niger's debt reflects its good performance in relation to the WAEMU convergence criteria.
292. Concerning public finances, the basic budget deficit increased to 5.3% of GDP (compared with 3.5% in 2019) due to insufficient revenue and expenditure related to the fight against the corona virus pandemic. As such, Niger does not meet the WAEMU convergence criteria for the overall budget deficit, which is 3% of GDP.
293. On trade with the rest of the world, Niger experienced an overall surplus in its balance of payments for two consecutive years, namely 2019 and 2020, as opposed the 2015 to 2018 period when it recorded deficits. This surplus resulted, among other things, from the improvement in the country's capital account. In contrast, the balance in trade in goods deteriorated as a result of the decline in the value of exports, particularly petroleum and livestock products. The surplus will likely increase in future

from crude oil exports via the pipeline currently under construction between Niger and Benin, which should go operational from 2022.

**Objective 1: DESIGN AND IMPLEMENTATION OF ECONOMIC POLICIES FOR SUSTAINABLE DEVELOPMENT**

**i. Findings of the CSAR**

294. The CSAR noted that Niger's economic policies are contained in the Economic and Social Development Plan 2017-2021, which is an offshoot of the Sustainable Development and Inclusive Growth Strategy (SDDCI) Niger 2035. The overall objective of this first five-year plan is to *"contribute to building a peaceful, well-governed country with an emerging and sustainable economy and a society based on values of equity and sharing the fruits of progress"*.
295. According to the CSAR, over the past ten years, "the State's action in terms of economic and social development policies has been supported by a strategic vision". It is within this framework that the Government has implemented, with the support of its Technical and Financial Partners (TFPs), two Economic and Social Development Plans (ESDPs) covering the periods 2012-2016 and 2017-2021.
296. The CSAR also highlighted that all national strategic development documents integrate the concerns contained in the United Nations' 2030 Agenda and the African Union's 2063 Agenda, as well as other international (Cop 21), regional (ECOWAS) and sub-regional (WAEMU) commitments. Also, during the drafting of the SDDCI, six major challenges to Niger's development were identified: controlling population growth, developing human capital, modernising the rural world, making the private sector more dynamic, modernising the State and ensuring territorial security.
297. **On sectoral economic policies**, significant progress has been made in the agricultural sector. These include the implementation of the 3N initiative strategy "Nigeriens Nourish Nigeriens", which has led to an increase in and diversification of agro-sylvo-pastoral and fisheries production, an increase in irrigated production and flood recession crops and an improvement in the nutritional status of Nigeriens. Thanks to the investments made within this framework, the irrigated areas increased

from 94,733 ha to 207,789 ha, and yielded 1,032,023 tons in 2020 in cereal equivalent compared to 169,166 tons in 2011.

298. **Concerning the country's energy infrastructure**, there have been institutional and legal reforms to (i) create the Energy Sector Regulatory Authority and the *Agence Nigérienne de Promotion de l'Électrification en milieu rural* (ANPER); and (ii) establish major infrastructure (a diesel thermal power plant at Gorou Banda (80 MW), a crude oil thermal power plant at Goudel (89 MW) and a solar photovoltaic power plant at Malbaza (8 MW). As a result, household access to electricity increased from 8.6 percent in 2010 to 14.7 percent in 2020, but this has not satisfied demand for electricity, which is growing by an average of 15 percent per year.
299. **The share of the mining and oil sectors** in the GDP has increased with the start of oil production (in Agadem in 2011) and the Zinder refinery.
300. To promote optimal resource exploitation, legal and regulatory frameworks have been implemented in the mining sector to better guide interventions in this area. A law on Niger's Oil Code and its implementing decree were adopted in 2017 to promote investment in the oil sector and strengthen its resilience. Similarly, the country has adopted a Petroleum Policy document whose objective is essentially to make the oil sector a major driver of economic growth and social development.
301. The report also observes that the period of wealth consolidation was affected by the decline in world commodity prices that affected the secondary sector whose contribution to GDP fell from 15.6% in 2014 to 13.7% in 2015 due to the decline in mining production (-11.7%), crude oil production (-26.9%) and refinery production (-31.2%). The average annual growth rate of the secondary sector was 1.1 percent over the period 2013-2019.
302. At the international level, Niger joined the Extractive Industries Transparency Initiative (EITI) in August 2007, and was declared EITI compliant on 1 March 2011 because of its commitment to improving governance and transparency in the management of the extractive sector. As such, it regularly published its reports; but, on 26 October 2017, it was suspended for insufficient progress and withdrawn from the EITI process. It was later reinstated in 2020 after it set up a National EITI Implementation Facility.
303. **Efforts to promote local governance** have mostly focused on (i) decentralization [establishment of regional and municipal councils, and operationalization of the National Agency for the Financing of Territorial Communities (ANFICT)]; (ii) land use planning [adoption of the National Land Use Planning Policy (PNAT) and revision of the law on land use planning guidelines]; (iii) regional development [development of the National Local Development Policy (PNDL) and launch of the process of preparing Regional Development Plans (PDR) in seven regions] and local development plans (PDR) in seven regions]; and (iii) regional development [development of the National Local Development Policy (PNDL) and launch of the process of developing Regional Development Plans (PDR) in seven regions] and local development [issuance of a directive on planning, training of community trainers to develop Communal Development Plans (PDC)]. In addition, the National Agency of

Volunteers for Development (ANVD) was created by Law No. 2014-10 of 16 April 2014.

304. **On access to healthcare and services**, actions are focused on women and children as well as disadvantaged or vulnerable groups. Over the past two decades, the State has put in place a mechanism that brings health centres closer to the population and improved the health coverage rate from 7.44% to 52.7% in 2020 (1 health centre in about 64% of Niger's villages).
305. Similarly, improvements in healthcare and the continuation of the free care policy have significantly reduced morbidity and mortality among children under 5, and severe acute malnutrition (SAM), which has dropped from 3.2% to 2.6%. These results are due to the institution of a large network of services for the management of malnutrition at the national level and to the distribution of food supplements to children aged 6 to 23 months and to pregnant and breastfeeding women. In addition, vaccination campaigns against polio have enabled Niger to be certified polio free since June 2016).
306. **In the area of education and training**, guidelines have focused on improving access, quality and governance of the sector. An Education and Training Sector Program (PSEF 2014-2024) was developed to ensure the holistic development of the Nigerien education system. In this program, particular emphasis is being placed on maintaining free and compulsory education up to the age of 16, and also on keeping girls in the education system, developing vocational and technical education and training adapted to the real needs of the economy, and developing research and innovation. During the period 2011-2020, major efforts were made in the education sector, which were better than those of the previous decade: on average, 20% of budgetary resources were devoted to spending to improve the education system.
307. The CSAR also noted that, with a population growth rate of 3.8% per year, it will be necessary to take advantage of Niger's demographic potential to ensure sustainable development. It is for this reason that the national population policy, the "Women's Empowerment and Demographic Dividend in the Sahel" and the "Health and Demography" projects were adopted. The National Observatory of the Demographic Dividend (ONDD) was also created. These initiatives were accompanied by the National Strategy for Communication for Social and Behavioural Change (SNCCSC) and by the action plan for the Ulemas, which resulted in the improvement of reproductive health, with the rate of family planning (FP) use increasing from 4.2% in 2010 to 48.9% in 2020. Similarly, to guarantee gender equality, women's leadership was encouraged with the revision of the quota law, increasing the elective rate of women from 15% to 25%, and the appointment rate of women from 25% to 30%.
308. **Protecting women** is also reflected in the adoption of: (i) the National Strategy to Combat Gender-Based Violence and its 2017-2021 action plan; (ii) the National Strategy for the Economic Empowerment of Women; (iii) the National Gender Policy; (iv) the establishment of a National Observatory for the Promotion of Gender, Gender Units in Institutions and sectoral Ministries; and by the creation of six multi-functional

centres for the care of women victims of gender-based violence and 1,288 husband schools. In addition, Convention 183 on maternity protection was adopted.

309. **On investment incentives**, the establishment of a One-Stop-Shop for the Investment Code has contributed to the promotion of industrial investment: 94 requests for approval under the Investment Code were approved by the One-Stop-Shop during the 2016-2018 period, for the first five years of investment and operation. These 94 approvals imply that there will be investments (excluding working capital) of 229 billion CFA francs, several thousand new permanent jobs and an added value of around 200 billion CFA francs to the economy.
310. In 2009, Niger adopted its National Employment Policy (PNE) to promote job creation in an effort to encourage social and economic development at the national, regional and local levels, and to reduce poverty and improve the living conditions of Nigeriens. Thus, many job-creating projects were carried out and, over the last ten years, some 75,000 civil servants and contract workers have been recruited to strengthen the State's human resource capability, particularly in the civil service and to staff the education and health sectors. The private sector also generated jobs over the period through the implementation of infrastructure projects (hotels, buildings and roads). In total, over the 2011-2020 period, more than one million jobs were created in Niger, including about 250,000 permanent jobs. The country is also implementing two major projects, namely the *Programme d'Emploi des Jeunes aux Travaux d'Intérêt Public dans les Communes* (PEJ/TIPC) and the *Projet Emploi des Jeunes et Inclusion Productive* (PEJIP) to strengthen the participation of young people in development.
311. Niger's real GDP is expected to grow by 6.9 percent in 2021 and 7.8 percent in 2022. This return to strong growth will be boosted by the control of the pandemic at the local level, the continuation of major infrastructure and, above all, the exploitation of new oil wells.
312. Public debt remains sustainable. Niger's outstanding public debt was estimated at CFAF 3,313.1 billion (or 42.3 percent of GDP) as of December 31, 2020, compared to CFAF 2,978.2 billion at the same period in 2019, or 35.4 percent of GDP. It is composed of CFAF 2,312.0 billion in external debt and CFAF 1001.1 billion in domestic debt.

**Table 8:** Evolution of Niger's public debt, in billion CFA francs

	2015	2016	2017	2018	2019	2020
Total debt (% of GDP)	27.1	30.6	34.7	35.4	39.3	42.3
Total debt	1550.4	1 867.5	2 248.4	2 523.4	2 978.2	3 313.1
Total external debt	1 138.7	1 366.8	1 569.8	1 737.9	1 974.4	2 312.0
Total domestic debt	411.7	500.7	678.6	785.5	1 003.7	1001.1

Nominal GDP (current price)	5725,2	609.4	6486.0	7121.4	7574	7830.9
-----------------------------	--------	-------	--------	--------	------	--------

Source: *DDP, Ministry of finance*

313. On public finances, the basic budget deficit deteriorated to 5.3 percent of GDP (from 3.5 percent in 2019), due to insufficient revenues and expenditures related to the fight against the corona virus pandemic. As such, Niger does not meet the WAEMU convergence criterion for the overall budget deficit which is 3% of GDP.
314. As of 31 December 2020, 69.8% of the outstanding public debt portfolio was composed of external debt and 30.2% of domestic debt. The weighted average interest rate of the portfolio is 2.9%, including 1.7% for external debt and 5.8% for domestic debt. The proportion of public debt maturing in one year is 14.7%, of which 4.4% is external debt and 39.3% is domestic debt.

## ii. Findings of the CRM:

315. The CRM noted with satisfaction the efforts made by the country to design and implement economic policies that promote sustainable development. The predictability of these policies through Niger's vision for 2035 of being "a modern, peaceful, prosperous country that is proud of its cultural values in a united and supportive Africa" and of the subsequent ESDPs that follow from this vision and which, moreover, integrate the concern for strong, sustainable and inclusive growth is commendable.
316. Unfortunately, there is still the problem of ownership of the development programs and projects by the populations because of lack of information on the national strategic orientations and the specific priorities of each region. Indeed, meetings in the regions showed that, for various reasons (poor coverage by community radio stations in remote areas, lack of outreach, popularisation and communication about the management of regional and local development programs and projects, almost non-existent accountability to the population at the grassroots level), citizens have little or no knowledge of these programs and projects and are therefore unable to monitor or evaluate their implementation.
317. For example, a very small proportion of the population is aware of the existence of shared-cost financing, which provides agricultural producers with access to subsidized financing programs by agricultural credit institutions that offer them a greater possibility to participate in monitoring and evaluation.
318. In some cases, the RDPs and CDPs are not updated in real time, which makes it difficult to take certain pressing concerns of grassroots actors into account, as the latter emphasized during visits to the regions.
319. Furthermore, during discussions with national planners, the CRM found that macroeconomic trends and the prospect of oil exploitation as early as 2023 suggest that a growth rate of 8% will be achieved. However, the country is facing major

challenges in controlling population growth, developing human capital, modernizing the rural world, boosting the private sector, modernizing the State, territorial security, etc. If we couple these with the fall in uranium prices and climate change, we will have reason to doubt whether this objective can be achieved, even if political decisions are taken to overcome all these constraints and improve the country's economic governance.

320. According to the CSAR, the improvement in growth came from the primary and secondary sectors mainly; however, it does not provide information on the contribution of the secondary sector to GDP. This contribution, according to INS statistics (2021), was about 22.53% of GDP over the 2017- 2019 period, with a slight decrease between 2017 and 2018, and a more than proportional increase between 2018 and 2019. Such progress should be strengthened so that this sector can sustainably drive growth and provide employment.
321. Overall, Niger has performed well in the area of macroeconomic policy convergence. Indeed, in the CSAR, we note that, for the year 2018, three of the five criteria were met. These are (i) the first-order criteria relating to the inflation rate and the debt ratio; and (ii) the second-order criteria relating to the wage bill as a percentage of tax revenue. The convergence criteria that were not met concern the overall budget balance, including grants, as a percentage of GDP (the key criterion) and the tax ratio.

#### **Box 1: Niger's debt is still sustainable**

Niger has adopted a medium-term debt strategy (2019-2021) that focuses on reducing the cost of debt, giving priority to concessional borrowing, and making prudent use of non-traditional donors to finance highly profitable projects. This strategy has enabled the government to meet financing needs by integrating the constraints and potential risks in order to avoid making decisions solely on the basis of cost or short-term opportunities.

Niger's public external debt has increased relatively since 2010, due to the investment programs included in the economic and social development plans. Indeed, the external debt ratio as a percentage of GDP increased from 23 percent in 2010 to 42.3 percent of GDP in 2020. A public debt sustainability analysis (DSA) indicates that all external debt solvency and liquidity indicators, with the exception of the PV/export ratio, fall below their corresponding thresholds in the baseline scenario of the IMF's debt sustainability framework and the WAEMU convergence criterion for debt.

In 2020, the external public debt/exports and total public debt/GDP ratios were, respectively, 194.9 percent and 42.3 percent in present value terms, i.e., well below the established thresholds. The IMF therefore considers Niger's risk of external and overall debt distress to be "moderate". However, the corona virus pandemic is a setback that has eroded the country's ability to absorb shocks and the risks of a deteriorating outlook are considerable, underscoring the need to mitigate debt vulnerability.

Finally, Niger's debt strategy also takes into account the uncertainty about the availability of concessional resources in light of the gradual exhaustion of the main funds (IDA and ADF), which were Niger's preferred windows. It should be noted, however, that the government will continue to give priority to concessional resources in its implementation

322. Although implementation of the PDES has made it possible to revive economic growth, this growth is still below the 7 percent minimum rate needed to effectively combat poverty. Indeed, poverty has increased, especially as this growth is clearly not inclusive. The CSAR is silent on this important issue. However, a large proportion of the population, resource persons and groups consulted are of the opinion that this growth only benefits a politically constituted minority.
323. The priorities of the regions are taken into account in the development of the RDP, though not all of them. Floods in some areas (which are sometimes very damaging), the lack of seeds and modern means of production, poor communication networks, for example, are not sufficiently covered in this development framework.
324. The CSAR did not address the impact of the sectoral economic policies developed and implemented to promote economic growth and sustainable development and their effectiveness; however, the CRM noted with satisfaction that these policies in the agricultural, industrial, mining, commercial, banking and financial intermediation, services and retail sectors have, overall, produced encouraging results and, on the basis of the evaluation of their effectiveness, have been strengthened from one SEAP to the next with a view to improving performance. Significant progress has been made in the agricultural and mining sectors and should be continued.
325. However, much still needs to be done in other areas to boost the country's industrialization, to revitalize financial institutions in terms of assistance to wealth-creating initiatives and to ensure that trade plays its proper role, given the country's potential and business opportunities and its geographical location, since it shares a border with seven African countries and has developed long-standing cross-border trade relations with its neighbours. From the findings of the Mission, the country's potential is not well exploited because of the very poor state of most national and rural roads.
326. The CRM also noted that the important issue of financing scientific research and technology was not addressed in the CSAR; however, given the country's potential, it is important to address this issue in terms of capacity building, training and research in potential growth areas like energy, telecommunications, village water supply, medicine, climate change, etc. In this respect, obstacles like lack of funding for programs/projects will have to be overcome. This will enable the country to adopt a forward-looking, proactive and long-term vision that can guide policy action. This is what came out of the meetings in the capital and especially in the regions where these key sectors with great potential for local and national development are very poorly developed.
327. This means that the development initiatives undertaken to improve the country's energy, services, transport and communications infrastructure would benefit from being boosted. This should be the result of a public-private partnership that relies on national partnerships but also on foreign companies (mining companies in particular)



present in the country, as well as on large companies in the sub-region that trade with the country and use some of its economic infrastructure.

328. The CRM also noted the lack of mid-term review and evaluation of public policies. This makes it difficult to carry out the necessary adjustments in a timely manner to keep them on track with the objectives set. For the grassroots population, this is a weakness that needs to be corrected at all levels of socio-economic management to ensure greater transparency, citizen oversight of public action and accountability by the hierarchy and the citizens.
329. The statistics in the CSAR show clearly that Niger's economy was resilient to external shocks, particularly to COVID 19. However, the findings by the CRM from its consultations with stakeholders show the impact of the COVID 19 shock: a drop in the level of activities usually carried out in groups, poor supervision of producers, a drop in outlets and cross-border trade as a result of the closure of borders, etc.

**Box 2: Resilience of the Nigerien economy to various shocks**

The constant and dynamic wealth creation reflects the resilience of the Nigerien economy in recent years. Indeed, GDP grew on average by 5.3 percent over the 2015-2020 period. In nominal terms, wealth increased from CFAF 5,725.2 billion in 2015 to CFAF 7,873 billion. This resilience is mainly due to the Government's enormous efforts to stabilize the macroeconomic and fiscal framework in a context marked by security challenges, the collapse of commodity prices, the growing effects of climate change, as well as health and humanitarian crises. These efforts included optimal targeting of resource allocation through spending on rural development, security and social sectors within a framework of controlled budget deficit and moderate debt. In addition to macroeconomic and budgetary efforts, progress was made in improving the business climate. Indeed, Niger has gained 42 places in the Doing Business ranking, which has earned it the distinction of being one of the most reform-minded countries. The most significant progress was recorded in the indicator relating to business creation, for which Niger gained 112 places. Other notable improvements were in obtaining loans (+78), cross border trade (+51), protecting minority investors (+36), and enforcing contracts (+28). The effects of these reforms, combined with the completion of trade infrastructure, have helped the country to attract more foreign direct investment (FDI).

- 330.
331. The CSAR is silent on support measures by the government. However, meetings with the administrative authorities and other stakeholders revealed that a system had been put in place but with conditions attached that allow only very few actors to benefit from it, whereas in other countries in the sub-region such support is more simplified. For example, economic operators need only provide proof of the losses they have incurred and the conditions under which they are carrying out their activities to benefit from measures such as the assumption of 70% of the gross salary

of declared employees over a period of three months, the reimbursement of VAT credits, exemption from payment of the motor vehicle tax for those who have not yet paid it for the year 2020 or its conversion into a tax credit for the year 2021, payment by the State of commercial rents for three months for declared travel agencies, assumption of full responsibility for electricity bills for three months for hotels and travel agencies, establishment of a zero interest rate subsidy fund for the benefit of targeted economic actors via banking establishments and decentralized financial systems (SFD) allowing the granting of (i) credits via banking establishments at zero percent (0%) interest, repayable over a period of up to three (3) years ; (ii) credits granted by the DFS, repayable over a maximum period of one year.

332. The CRM was informed that a certain lack of flexibility in the implementation of the measures prevented some businesses from receiving the support from the State that would have helped them to improve their financial situation, protect jobs and avoid being trapped in a vicious circle of debt. Moreover, the potential beneficiaries of these measures are wondering what happened to the funds that should have been used to support companies in difficulty. This raises the question of transparency and accountability.
333. On local governance, progress has been made in administrative decentralization, land use planning, and regional and local development. No significant progress has been made in fiscal decentralization.
334. On the quality of policies and institutions, the CSAR noted that Niger's performance has remained stable. According to the World Bank's Country Policy and Institutional Assessment (CPIA) report, Niger scored 3.4 out of 6 in 2017, which placed it above the average of 3.1 points for IDA countries in Sub-Saharan Africa. The country performed best on monetary and exchange rate policy and equity in the use of public resources. On the other hand, the country needs to redouble its efforts in the area of gender, where it recorded its lowest score (2.5 on a scale of 6).
335. Finally, given that the PDES is being drafted at the same time as the APRM National Action Plan, which will be the result of the country review by the CRM, it would be highly beneficial to establish good formal cooperation between the structure in charge of national planning and the structure conducting the APRM process in the country. Even though officials of the Ministry of Planning assured us that the findings the CSAR are being used as input in the formulation of the 2022-2026 PDES, which will be completed in December 2021, this country review will likely modify the initial diagnosis, and it will therefore be necessary for the new recommendations to be taken into account in the said PDES.
336. This is a crucial exercise in a country with a serious shortage in own financing resources. The Ministries of Planning (including the INS and the DPP) and of Finance must therefore work to harmonize the two planning documents within a Medium and Short Term Expenditure Framework (MTEF) to avoid duplication and to rationalize the management of financial resources during the implementation phase of the actions included in these planning documents.

### **Box 3: SDDCI-Niger, Niger's vision for 2035**

Niger's vision is defined by the Sustainable Development and Inclusive Growth Strategy (SDDCI-Niger 2035) adopted in 2017 and which is the long-term vision for economic and social development. Niger's 2035 vision aims to make the country "a modern, peaceful, prosperous country proud of its cultural values in a united and supportive Africa." Indeed, the development objective for 2035 is to "build a modern, democratic and united country, well governed and peaceful, open to the world, as well as an emerging economy, based on an equitable sharing of the fruits of progress".

Drawing lessons from the major development challenges facing the country, the objectives for 2035 are to (i) ensure the security of people and goods on the national territory and its borders; (ii) develop a dynamic private sector that creates and provides jobs; (iii) control the levers of demographic growth; (iv) sustainably increase agricultural production and productivity; (v) increase the performance of human capital; and (vi) provide citizens with quality public services. The Economic and Social Development Plan PDES 2017-2021 is the first tool for implementing this vision. The PDES 2022-2026, which is currently being prepared, will also be in line with the SDDCI vision.

### **iii. Recommendations of the Panel**

337. The Panel calls on the State to :

- Prioritize, in the PDES currently being developed, construct large-scale infrastructure throughout the country that will promote growth and well-being for the population;
- Diversify the sources of growth of the economy and avoid dependence on oil;
- Guarantee transparent management of mining resources, in accordance with the commitments made in the framework of the EITI;
- Develop social engineering from the start of the management process of development programs and projects;
- Promote the principle of accountability of local elected officials to citizens;
- Strengthen communication networks (particularly community radio stations, with emphasis on local languages);
- Harmonize the National Action Plan (NAP) of the MAEP NIGER and the PDES for a more rational and efficient management of resources.

**Objective 2:****INVOLVE KEY STAKEHOLDERS IN POLICY AND PROGRAM DESIGN AND IMPLEMENTATION****i. Summary of the CSAR**

338. At the institutional level, economic policy is designed and implemented by the Ministry of Planning (through its general directorates, including the DGPP and the INS), the Ministry of Finance (through its general directorates, including the DGCPT, DGD, DGI, etc.) and the Economic, Social and Cultural Council (CESOC).
339. Development policies are generally formulated in a participatory and inclusive manner with stakeholders, mainly the public administration, civil society, the private sector, customary authorities, religious leaders, the Diaspora and technical and financial partners.
340. Analyses show that the involvement of stakeholders, particularly in the formulation of the PDES 2012-2015 and PDES 2017-2021, was inadequate. There was no dialogue with the various stakeholders who complained that they had not been directly consulted by the decision-makers during the design and resource mobilization phase. This low involvement was felt even more during the implementation, monitoring and evaluation phases of development policies or programs, so much so that the vast majority of these actors say they were unable to assess the implementation or effectiveness of the policies.

**ii. The findings of the CRM**

341. The CSAR described the mechanism put in place to fully involve stakeholders, but the findings by the CRM showed that such involvement was not always effective at all stages of the management of development programs and projects. This observation made in the capital was corroborated in the other regions. In fact, apart from the State structures, the other stakeholders complained about their low involvement. Indeed, they deplored the fact that they were not involved from the outset in the design of planning documents in order to have their needs or concerns integrated at this stage. But the bodies in charge of planning attributed this feeling to the lack of communication between the umbrella organizations of the invited associations and their bases. However, at this level, it is difficult for the CRM to support the

Administration's point of view insofar as (i) the actors met in the capital were, for the most part, leaders or influential members of the umbrella organizations in question; and (ii) the same comments were made in the regions.

342. Stakeholder involvement seems to be weak and needs to be strengthened at all phases of the process of managing development programs and projects at the national, regional and communal levels.
343. The CSAR did not indicate if the recommendations, analyses and expertise of independent structures were being taken into account in the formulation of economic policies. Like most developing countries, particularly in Africa, Niger receives technical support from its partners in this area, as evidenced by the consultations we had with the TFPs, as well as the numerous studies by the representatives of these partners. This expertise was sought, for example, during the response to the corona virus pandemic (Covid-19). Indeed, the country developed its response plan with support from its partners and presented it to them on 25 March 2020, through a roundtable organized by the COVID19 Inter-Ministerial Committee under the chairmanship of His Excellency the Prime Minister of Niger, Mr. Brigi Rafini. This roundtable brought together representatives of bilateral and multilateral cooperation agencies, representatives of the United Nations system, representatives of international NGOs, as well as members of the government and the inter-ministerial committee.
344. The CSAR also did not indicate the key institutions responsible for producing national data and economic statistics or on the measures to be put in place to strengthen the capacities of these institutions.
345. The CRM held discussions with the National Institute of Statistics (INS), the body in charge of Niger's statistical system, a public administrative institution set up by Law No. 2004-11 of 30 March 2004, and which is now under the supervision of the Ministry of Planning. The Institute's mission is to:
- Coordinate the activities of the National Statistical System (NSS);
  - Produce and provide users with statistical information that meets internationally recognized statistical standards in all areas of national life;
  - Centralize the data produced by all the services and organizations of the National Statistical System (NSS) and ensure their conservation and, if necessary, their dissemination;
  - Promote the development of methodologies and applied research in the areas of collecting, processing and disseminating statistical data, and to ensure the dissemination of quality information by all the services and organizations under the National Statistical System;
  - Promote the training of managers in the areas of collecting, processing, analysing and disseminating information in statistical training institutions, in particular through advanced courses provided by the INS itself or specialized centres.

346. As can be seen, the INS is the central body that conducts large-scale surveys (general population census, household surveys, etc.) and also accompanies and supports, depending on its resources, sectoral statistical departments.
347. The "Second National Strategy for the Development of Statistics (SNDS 2017-2021) of May 2017 set the overall objective of contributing effectively to the formulation, monitoring and evaluation of the implementation of Niger's economic and social development policies, strategies, programs and projects. In this document, it was mentioned that "despite the existence of this institutional framework, statistical coordination has not functioned effectively and statistical production has not evolved significantly due to the many shortcomings and weaknesses highlighted in the five thematic areas, namely: (i) the relative weakness in the production and quality of statistical data; (ii) the weakness in the archiving and dissemination of statistical data; (iii) the poor functioning of the system's institutional and organizational arrangements; (iv) the persistent difficulties in financing statistics; and (v) the lack of statistical professionals in quantity and quality."
348. These shortcomings were addressed in Strategic Area II, which deals with the development of the NSS's human, material and financial resources, as well as its statistical data analysis capacities. In addition, all measures have been taken to increase the performance of the INS through the following six (6) strategic objectives of the above-mentioned axis:
- Implementation of a human resource development plan for the sector;
  - Strengthening of the human resources of the sectoral statistical structures;
  - Development and implementation of an action plan for applied research and the valorisation of NSS productions and studies;
  - Mobilization of internal and external resources on a sustainable basis for the entire NSS;
  - Improvement of the working environment and strengthening of the technical and logistical means of the statistical structures responsible for producing the indicators selected in the PDES 2017-2021;
  - Rationalization of the management and use of the statistical sector's financial and material resources.
349. This is clear evidence of the government's determination to provide the country with an efficient national statistical system. The CRM's discussions with INS officials reinforced this feeling, as the INS has management autonomy (which facilitates the conduct of operations) and, as such, receives subsidies that continue to increase from year to year; this testifies to the State's desire to make statistics an essential tool for decision-making.
350. In addition, these discussions provided the opportunity to refine and update the diagnosis made in the above-mentioned strategy document by identifying the

problems that this structure is currently encountering in carrying out its missions, namely poor statistics culture, which often leads to a gap between supply and demand for statistical data (low use of statistics) and a drop in statistical production; weak human, material and technical capacities; non-availability of statisticians in some sectors; insufficient public funding (most of the funding comes from the TFPs) and delay by the state in sending the allocated funds to the INS for the budget year.

351. This, in fine, means that the political will shown since 2017 has not been followed by significant progress on the ground to date.

### **iii. Recommendations by the Panel**

352. The APRM Panel recommends that the State should:

- Disseminate information in local languages to grassroots populations to facilitate their ownership of development policies, programs and projects;
- Establish a monitoring and evaluation system for stakeholder participation;
- Systematically prepare and adopt budgets in a participatory manner so that all stakeholders can effectively take part in all the phases of management of local development programs and projects;
- Incorporate the objectives defined in Strategic Axis 2 (Development of the NSS's human, material and financial resource capacities, as well as its statistical data analysis capacities) of the Second National Strategy for the Development of Statistics of May 2017 into the PDES currently being developed.

**Objective 3:****PROMOTE EFFICIENT MANAGEMENT OF PUBLIC FINANCES****i. Findings of the CSAR**

353. The CSAR noted that the budgetary situation of the country has been generally satisfactory in recent years: a marked reduction in the budget deficit (from 4.1 percent of GDP in 2017 to 3 percent of GDP in 2018) thanks to the tight control of expenditures financed from domestic resources and the use of grants rather than donor borrowing to finance investment. The report noted that revenue stagnated as a percentage of GDP by 0.1 percent as a result of a series of administrative measures and reforms, revenue losses from the abolition of a major telecommunications tax, and lower natural resource revenues, despite a one-time increase in non-tax revenue.
354. To promote public finance management, major reforms have been undertaken to boost mobilization of tax revenues through domestic taxation, with the implementation of a computerized tax and taxpayer monitoring system (SISIC) that is gradually being rolled out from Niamey to other regions, territorial coverage through the opening of new centres, etc. and customs taxation through the revision and adoption of the General Customs Code and its implementing regulations, automation of the customs declaration system through the use of ASYCUDA WORLD, introduction of a system for the collection and processing of tax returns, etc.), revision and adoption of the General Customs Code and its implementing regulations, automation of the customs declaration system using ASYCUDA WORLD, effective implementation of a customs interconnection program with that of partner countries (Togo and Benin) in 2018, etc. Similarly, reforms of a cross-cutting nature have been carried out: the interconnection of SISIC with ASYCUDA to improve monitoring of international and domestic trade operations of taxpayers, repatriation of all the derogatory provisions in the General Tax and Customs Code and rationalization of tax exemptions.
355. In addition, public spending was reduced following: the incorporation of WAEMU directives on finance laws into the country's legal instruments; adoption, from 2018, of the program budget; finalization of the computerized budget management system; establishment of a State Accounting and Integrated Budget Management (CEGIB) and its interconnection with the systems of other financial (Treasury) and tax authorities (DGI, DGD); banking of salaries, allowances, grants and pensions; modernization of public procurement control through the institution of the Computerized Public Procurement Management System (SIGMAP); modernization of the institutional framework for public debt management; and effective implementation of the Treasury Single Account.



## **ii. Findings of the CRM**

356. The mission found that Niger is facing difficulties managing its budgetary expenditures using own resources. Apart from tax revenues, most resources come from its TFPs. Unfortunately, these do not often arrive on time, making it difficult for the government to honour commitments to its creditors.

### **Underperformance of public services**

357. According to the people the CRM consulted, civil servants can only be appointed to senior positions of responsibility if they belong to political parties, particularly those in the ruling majority. The same is true for most local elected officials. These appointed officials lack credibility and legitimacy among citizens in general and the grassroots population in particular because they do not always share the same concerns and aspirations of the population. In fact, these officials feel more accountable to their political parties than to the populations of the areas under their responsibility. The result is lack of trust towards them and the reluctance by the populations to pay taxes.

### **Inability to address regional concerns and efficiently manage public finances**

358. With decentralization, the transfer of powers should normally enable local authorities to play their full role, especially in terms of delivering services to the population. Unfortunately, because of scarce resources, local authorities are struggling to provide regular services, particularly payment of salaries to workers of decentralized local structures.
359. The Mission was informed of irregularities in the mechanisms for managing and awarding public contracts. Generally, contractors who are close to political power receive all manner of favours in contract awards, and this discourages other contractors who cannot easily win contracts. The financing of projects and the award of public contracts are often based on the benefits that government officials can reap from them.
360. The CRM also found that the resources provided to the local government structures are inadequate and that even these limited resources are often poorly managed. The lack of technical capacity in the said communities often leads to missed development objectives and embezzlement of funds to the detriment of the population. This situation is sometimes worsened by the fact that these funds are not even transferred at all. There is also lack of awareness among the population of their oversight role to ensure a more transparent management of public expenditure.

361. This non-participatory and highly centralised management of resources destined for local decentralized authorities can be observed especially in the provision of stabilization funds to enable communities to implement local development projects. The resources granted by the State do not often take into account the priority areas of the regional or communal development plans. As a result, the central administration continues to have a virtual monopoly on public spending, meaning that there is no budgetary decentralisation.
362. The lack of transparency and integrity in the management of public finances is detrimental to good governance. These shortcomings and the inability of the State to honour commitments to its creditors have damaged the credibility of the State. Indeed, private businesses that supply goods and services consider the State to be a "delinquent payer".
363. The CRM noted that poor public finance management and the inability to promote the private sector are mainly the result of inefficient administrative instruments such as laws and ministerial decrees that are adopted without broad consultations with businesses.

364.

#### **Inadequate structuring and excessive centralisation of the management of the State budget**

365. To guarantee harmonious development at grassroots level, it will be necessary to take the financial resource needs of communities into account. Good budgetary planning would also enable better management of the resources allocated by the State. The following four observations were made about the State budget:
- The general State budget for decentralized structures is not readily intelligible;
  - Management of the state budget is excessively centralised at the level of the ministries;
  - The sectoral priorities of the ministries are given priority over territorial challenges.
  - The solutions that decentralized administrative services provide to the problems faced by population and local authorities cannot adequately address the territorial challenges.

#### **iii. Recommendations of the Panel**

366. The CRM calls on the State to:

- Strengthen the human and technical capacities of local administrations;
- Depoliticise administrative services;

- Promote a culture of citizenship and, in particular, fiscal civic-mindedness among the population and businesses;
- Improve the framework for the management of public finances, especially local ones;
- Honour the commitments of the State to its creditors;
- Reduce the tax burden on formal businesses;
- Strengthen fiscal decentralisation.

<b>Objective 4:</b>	<b>COMBATING CORRUPTION AND MONEY LAUNDERING</b>
---------------------	--

#### **i. Findings of the CSAR**

367. The CSAR found that, at international and sub-regional levels, Niger has made considerable efforts to combat corruption and money laundering. In addition to the ratification of the United Nations Convention against Corruption (by Law N°2008-26 of 3 July 2008) and its entry into force (14 December 2015), the African Union Convention against Corruption (by Law N° 2005-39 of 20 December 2005) and its entry into force (6 August 2006), the ECOWAS Protocol (Law 2006-10 of 22 May 2006) and its entry into force (21 December 2001), Niger has rejoined the Extractive Industries Transparency Initiative process, thus reiterating its commitment to promoting transparency and good governance in the extractive sector, in accordance with the Constitution of 25 November 2010.
368. The CSAR highlighted that, at the national level, Niger has adopted a number of legal instruments. These include: the Constitution of the 7th Republic of Niger; Law N°2016-44 of 06 December 2016 establishing the High Authority for the Fight against Corruption and Related Offences (HALCIA); the National Financial Information Processing Unit (CENTIF); Law N° 2016-33 of 31 December 2016 on the fight against money laundering and the financing of terrorism; Law N°2003-025 of 13 June 2003 to amend Law N°61-27 of 15 July 1961, to establish the Penal Code; Ordinance N°92-024 of 18 June 1992 on the repression of illicit enrichment; Law N° 2001-034 of 31 December 2001 to determine the other public figures who should declare assets; Law N°2004-41 of 08 June 2004 on the repression of money laundering; Law n°2011-21 of 08 August 2011 to classify senior State positions and define conditions for the appointment of their holders; Ordinance No. 2011-22 of 23 February 2011 on access to public information and administrative documents; Law No. 2011-37 of 28 October 2011 on the general principles, control and regulation of public contracts and public service delegations and Law No. 2012-09 of 26 March 2012 on the organic law on finance laws.
369. In addition to these laws, Niger has adopted legal instruments and set up specialised services to fight corruption. These include: the Decree on Niger's membership in the Extractive Industries Transparency Initiative (EITI) since 2005; Decree N°2018-

007/PRN of 5 January 2018 to adopt the National Strategy Document on the fight against corruption and its action plan; and Decree N°56 of 12 August 2011 to set up an Information-Complaints Office, Fight against Corruption and Influence Peddling in the Judiciary within the Ministry of Justice with a hotline (number N°0800111) that has enabled the institution to register 11,000 complaints from Nigeriens who are witnesses or have solid evidence; and the Public Procurement Regulatory Agency (ARMP). These are all measures to fight corruption and money laundering.

370. The National Commission in charge of proposing Anti-Corruption Strategies set up by the government in 2003, recommended, among other things, that the Government should:

- Increase the material, financial and human resources allocated to the institutions in charge of the fight against corruption and related offences, notably HALCIA, CENTIF, the Green Line, etc.;
- Raise awareness among the various stakeholders of the importance of combating corruption;
- Implement the recommendations of the HALCIA investigation reports (including precautionary measures);
- Strengthen institutions such as HALCIA, the General State Inspectorate (IGE), the Court of Auditors and CENTIF;
- Promote use of banking services to protect the financial system against the circulation of illicit capital.

## **ii. Findings of the CRM**

### **The fight against corruption**

371. Niger has made sustained efforts to combat corruption. It has also ratified international and instruments including:

- The Convention against Transnational Organized Crime ;
- The United Nations Convention against Corruption;
- The African Union Convention on Preventing and Combating Corruption;
- ECOWAS Protocol on the fight against corruption.

372. The country has also adopted many anti-corruption instruments, including:

- Law N° 2016-44 of 6 December 2016 to set up and determine the missions, attributions, composition, organisation and functioning of the High Authority for the Fight against Corruption and Related Offences (HALCIA);

- Law No. 2015-02 of 13 January 2015 to set up and determine the composition, organisation and competence of a judicial pole and specialised chambers in economic and financial matters;
- Laws to amend the Criminal Code and Criminal Procedure Code in 2016, 2017 and 2018 to address the evolution of organised crime and international conventions

### **Membership of the Extractive Industries Transparency Initiative (EITI)**

373. To concretize these legal provisions, Niger signed up to the Extractive Industries Transparency Initiative in February 2020, and accepted to comply with the 23 proposed corrective measures. In so doing, Niger reiterated its commitment to promote transparency and good governance in the extractive sector in accordance with the Constitution of 25 November 2010.
374. Niger has been implementing the EITI since 2007. But in 2016, the EITI Board, in Decision 2017-56/BM-38, considered that Niger had failed to meet several standards and had not made sufficient progress in implementing the 2016 EITI. With respect to requirement 1.3, for example, the Board noted that the situation had deteriorated significantly between March and September 2017, such that there was no enabling environment for civil society participation; and that Niger was no longer adhering to the civil society protocol. Again with regard to the Council's report, areas of concern related to industry engagement (1.2), governance of the multi-stakeholder group (1.4), the work plan (1.5), the legal framework (2.1), licensing and registry (2. 2 and 2.3), contract disclosure policy (2.4), State participation (2.6), disclosure of production data (3.2), full disclosure of taxes and revenues (4.1), infrastructure provision and barter agreements (4. 3), transactions related to State-owned enterprises (4.5), sub-national payments (4.6), data quality and verification (4.9), distribution of extractive industry revenues (5.1), sub-national transfers (5. 2), social expenditure per extractive company (6.1), quasi-fiscal expenditure (6.2), the contribution of the extractive sector to the economy (6.3), public debate (7.1) and the results and impact of EITI implementation (7.4). Niger's actions and corrective measures were assessed in a second Validation on 26 April 2019.

### **Lack of prosecution of suspected money laundering cases in Niger**

375. The CRM was informed that 12 suspected money laundering cases were referred to the Public Prosecutor between 2016 and 2019. However, even though all the accused were indicted, there is no evidence that any of the money involved was ever recovered.
376. The Republic of Niger has implemented a number of measures to fight against drugs. These include the establishment of the National Commission for the Coordination of the Fight against Drugs (CNCLD) and the Central Office for the Repression of Illicit

Drug Trafficking (OCRTIS). The regions most affected by drug trafficking are Agadez, in the North, for drugs coming from Maghreb countries; and Zinder, in the South, for drugs coming from Nigeria. Efforts to combat drug trafficking led to the seizure on 2 March 2021 of 17 tonnes of cannabis resin from Beirut (Lebanon). The scourge of drugs mainly concerns young people who end up in delinquency and organised crime. However, in an article entitled "Strange days for Niger's mincemeat trade", the international press group Global Initiative reported suspicions that some of the drugs had been smuggled out. This accusation was the subject of a right of reply by the OCRTIS, in accordance with Article 142 of Order 99-42 of 23 September 1999 on the fight against drugs in Niger.

### **Lack of a regulatory framework to protect whistle-blowers**

377. Niger has legal instruments to fight corruption and money laundering. Also, denouncing cases of, or testifying in an administrative, police or judicial case is considered a civic duty provided for and protected by the Constitution.
378. However, it emerged from discussions with stakeholders that citizens are afraid to report for fear of retaliation or reprisals from offenders. In particular, whistle-blowers and witnesses are sometimes intimidated or attacked physically or have their properties destroyed.
379. The CRM therefore is of the opinion that the State should urgently protect individual freedoms by putting an effective system to protect whistle-blowers and victims in place, in accordance with international conventions on the universal and effective respect for human rights and fundamental freedoms.
380. In principle, reporting cases of corruption was facilitated by the setting up of a green line in 2017. This resulted in 11 000 recorded complaints, a figure that would have been far higher if judicial procedures had been more flexible or if all the reports from Nigeriens that had witnessed such cases or who had solid evidence had been followed up. Many cases have been brought before judges on the basis of verified information. However, slow and complex judicial procedures and the lack of prosecution in most of the cases investigated have led citizens to doubt if the State really wants to apply the law rigorously. This has discouraged even the victims. This situation is caused among others by: (i) the delay in the payment of legal fees to judicial officers; and (ii) the lack of awareness of the rights of citizens before the courts.
381. In short, even though considerable progress has been made on access to justice and the justice system, particularly with the total overhaul of the judicial system by Law No. 2018-37 of 1 June 2018, the people consulted by the CRM are still highly sceptical of the country's justice system and its independence from the executive.

## **Delays in legal proceedings**

382. Delays in judicial proceedings for corruption are structural. Apart from the usual complaints about shortage of court staff and the cumbersome nature of legal procedures, some court clerks, because they are not paid the allowances they are entitled to, sometimes refuse to write court decisions within the prescribed time limits, thus creating a break in the proceedings. In fact, this delay sometimes becomes a new opportunity for corruption as some people can use this to thwart proceedings. According to stakeholders met by the CRM, this situation is difficult to resolve because of lack of political will.

## **The generalisation of the capitation tax: a tax not linked to economic activity.**

383. One of the obstacles to economic activity in Niger is the capitation tax, which is effectively based on the road tax, the municipal tax or the advertising tax. According to the 1993 System of National Accounts (SNA), the capitation tax is an integral part of "Miscellaneous current taxes", the amount of which is determined independently of the income or economic activity performed. In this case, the lump sums paid by businesses are often negotiated between the tax collector and the trader. The absence of a legal framework for this type of tax weakens its collection and results in a situation where the actual amounts paid are generally lower than those estimated.

### **iii. Recommendations**

384. The Panel recommended that Niger should:
- Allocate more material, financial and human resources to institutions in charge of fighting corruption and similar offences;
  - Improve supervision of anti-corruption and anti-money laundering bodies;
  - Make anti-corruption and anti-money laundering bodies independent;
  - Allow the independent and effective prosecution of offenders free from any external pressure;
  - Raise awareness of the various stakeholders on the need to fight corruption;
  - Publish the reports of anti-corruption and anti-money laundering bodies;
  - Prosecute those suspected of embezzling public funds;
  - Establish an effective whistle-blower protection system;

- Effectively monitor and secure financial information against hacking and other attacks

<b>Objective 5:</b>	<b>ACCELERATE AND INTENSIFY REGIONAL INTEGRATION IN THE MONETARY, TRADE AND INVESTMENT AREAS</b>
---------------------	--

#### i. Findings in the CSAR

385. The regional integration process is being implemented at the continental level by the African Union through its 2030 Agenda for Sustainable Development and Agenda 2063. Since its independence, Niger has been engaged in regional cooperation and integration, generally based on the geographical proximity and linguistic community of the countries. These regional groupings share the same objectives, in particular the coordination of programmes and policies to promote economic growth and development. To this end, several policies and programmes have been implemented to strengthen and accelerate regional integration. This desire to belong to the same regional community can be seen in the country's membership in sub-regional and regional economic organizations.
386. Niger is a member of about twenty regional and sub-regional integration organisations. At the continental level, the country is a member of the African Union (AU), the United Nations Economic Commission for Africa (UNECA), the African Development Bank (ADB) and the Economic Community of Sahel-Saharan States (CEN-SAD). At the sub-regional level, Niger is a member of the West African Economic and Monetary Union (UEMOA), the Economic Community of West African States (ECOWAS), the Inter-State Committee for Drought Control in the Sahel (CILSS), the Lake Chad Basin Commission (LCBC) and the Conseil de l'Entente.
387. Membership of the African Union: Niger joined the OAU in 1963 and adopted the Constitutive Act of the African Union on 11 July 2000 in Lomé, Togo. The African Union (AU) is an organisation of African states created in 2002 in Durban, South Africa, pursuant to the Sirte Declaration of 9 September 1999. It replaced the Organisation of African Unity (OAU). Its aims are to work towards the promotion of democracy, human rights and development throughout Africa, especially by increasing external investment through NEPAD.
388. ECOWAS membership: ECOWAS was established in 1975 in Lagos, Nigeria, and has made significant progress in adopting and implementing a community legal framework to regulate the movement of goods and people within the community. The overall objective of ECOWAS is to promote cooperation and integration towards the creation of an Economic and Monetary Union to foster economic growth and development in West Africa.



389. Membership of WAEMU: WAEMU was created on 10 January 1994 in Dakar (Senegal) with the main objectives of unifying national economic areas, transforming the Union into a buoyant and attractive market for investors based on the common currency of the member states (the CFA Franc) and consolidating the macroeconomic framework of the said states through the harmonisation of their economic policies, particularly budgetary. WAEMU uses the same instruments as ECOWAS to accelerate the integration process of its member states. Indeed, the Common External Tariff (CET) and the multilateral surveillance mechanism were implemented by UEMOA before being adopted at ECOWAS level. Niger is playing its part in the major advances made in sub-regional economic integration.
390. To establish a genuine economic community, ECOWAS and UEMOA adopted the Common External Tariff on 12 January 2006 in Niamey (Niger) by Decision A/DEC.17/01/06 during the 29th session of the Conference of Heads of State and Government, as a vehicle for the creation of a customs union and a common market in West Africa. During an extraordinary session on 25 October 2013 in Dakar, Senegal, it was decided that all Member States should start effectively implementing the CET on 1 January 2015.

## ii. Findings of the CRM

### Compliance with the WAEMU convergence criteria

391. Niger generally respected the first and second rank WAEMU convergence criteria over the 2010-2020 period. It, however, faced difficulties meeting the standards on the wage bill/tax revenue ratio and the tax burden rate. Despite efforts to mobilise domestic resources, the tax burden rate is well below the WAEMU average of 10.3%. The covid-19 pandemic led the Union authorities to suspend the application of the WAEMU Convergence Pact in member states on 20 April 2020. Thus, in 2020, the measures taken by the Nigerian authorities (support for businesses and households) led to a deterioration in the various criteria.

**Table 9:** Evolution of the WAEMU convergence criteria

	Standards	2016	2017	2018	2019	2020
First order						
Overall budgetary balance (including grants) / Nominal GDP	-3 %	-4.5	-3.7	-3.0	-3.5	-5.3
Annual average inflation rate	3 %	0.2	0.2	2.7	-2.3	3.1
Outstanding domestic and external public debt / nominal GDP	70 %	33.0	39.5	38.9	41.6	41.9

Second order						
Payroll/tax revenue	35 %	43.7	43.5	34.7	36.0	40.3
Tax burden rate	20 %	10.0	9.6	11.1	10.3	9.3

Source: *INS, WAEMU*

### **Obstacles to the free movement of persons and goods**

392. The Protocol on the Free Movement of Persons and Goods, signed in 1979, provides that all Community nationals have the right to move freely from one State to another without hindrance. Significant progress has been made in the implementation of this protocol and no visa is now required for nationals of Member States to travel within the ECOWAS region. An ECOWAS passport was even introduced in December 2000 and is set to replace national passports. Similarly, a brown motor insurance card has been introduced as an accompanying measure to the programmes on the free movement of persons and goods and the transport programme. Finally, pilot border monitoring units have been set up and made operational to detect all infringements of the free movement of persons at borders. However, it should be noted that defence and security forces are still harassing road users.
393. This 'harassment' is facilitated by the multiplicity of checkpoints along the corridors and on the borders. Defence and security forces often ask people moving from one border to another to pay unauthorized fees or taxes, without issuing proof of payment. To address this situation and facilitate trade in the West African region, increase intra-regional trade and stimulate economic activity, Member States put in place the ECOWAS Trade Liberalisation Scheme (ETLS). Unfortunately, the Scheme is not being implemented.
394. "Transfer of responsibility": a way to circumvent obstacles to the free movement of goods. Because Niger is landlocked, overland transport is the only means of trade with neighbouring countries. However, road harassment, a reality in cross-border trade, reduces the volume of transactions. Therefore, a tacit agreement has been established between Nigerian and Nigerien traders to allow the latter to obtain regular supplies in Nigeria according to the needs of the domestic market. To avoid competition between traders on either side of the border, socio-cultural affinities between traders and Hausa officials in Niger and Nigeria, particularly those in Maradi, Katsina and Kano, this "transfer of responsibility" is crucial for trade between the two countries. Under this strategy traders from one country stop at the border of their counterparts and transfer the goods to them, with the latter being responsible for transporting them to the point of sale, and taking on the responsibility of carrying out the necessary negotiations with their national administration.
395. Insecurity at borders, an obstacle to the free movement of people and goods. Insecurity on the roads and at trade and transaction sites is a major constraint to the

free movement of people and goods. With the recurrent threats and attacks by insurgent and terrorist or jihadist movements, many traders in southern Niger no longer travel to Nigeria or Mali. This insecurity sometimes forces Nigerian or Malian suppliers to take their goods themselves to the border between the two countries. It also forces cereal traders in Maradi to slash the prices of their products to be able to sell them.

396. The exchange rate of the Nigerian currency, the Naira: a determinant of the volume of trade between Niger and Nigeria. One of the key factors in the volume of cross-border trade between the two countries is the exchange rate between the Naira and the CFA franc. The inflation differential that affects exchange rates can sometimes be favourable to Nigerian products. But the recent and frequent fluctuations of this rate cause uncertainty that is detrimental to trade between the two countries. A common policy within the framework of ECOWAS will resolve the currency convertibility constraints.

**Box 4: Food security and cross-border trade in the Kano – Katsina - Maradi area (K<sup>2</sup>M)**

The K<sup>2</sup>M zone is made up of the Nigerian states of Kano and Katsina and the Nigerien department of Maradi. Trade in this area, which covers an area of 83,000 km<sup>2</sup>, is very dynamic, particularly in primary sector products (livestock and cereals) from Niger, and in manufactured products from Nigeria. This product complementarity between the two countries promotes cross-border trade. Niger imports dry cereals (millet, maize, sorghum) from Nigeria to supplement its structural production deficit due to drought, and exports almost all of its livestock exports to Nigeria, where the urban population explosion is putting pressure on the demand for meat products. Exports of live cattle expressed in billions of CFA francs between 2017, 2018 and 2019 were valued at 20 049, 15 400 and 9 815 CFA francs (INS 2019). The Kano-Katsina-Maradi corridor is the axis around which all this trade takes place. The main trade corridor in West Africa, it has long linked the Gulf of Guinea to North Africa and even the Middle East.

**Poor trade and product integration**

397. A number of indices are used to assess the degree of trade integration. In Niger, the index used includes average tariffs on imports within the two regional economic communities (RECs) as well as imports and exports of goods within the RECs. From this point of view, Niger applies tariffs of 5% on average to the two RECs of which it is a member. Also, the country accounts for only 18% of exports and 4% of imports in intra-regional trade; this represents an average share of integration in intra-regional trade of 11% and places Niger in seventh place in ECOWAS.
398. With regard to product integration, the trade complementarity index is used to measure intra-regional trade in goods, including their complementarity and nature. According to the United Nations Conference on Trade and Development (UNCTAD),

this index is 44%. However, there is an imbalance: exports of intermediate goods represent 3% and imports 22% of interregional trade. This shows that Niger has a significant deficit in its production of intermediate goods, which is likely to slow down its integration into regional trade. The country ranks ninth in ECOWAS. Overall, Niger performs well in the areas of free movement of people, financial integration and macroeconomic policy convergence. However, its performance on the other dimensions of the index remains rather weak compared to other countries. It ranks fourth in the ECOWAS region and fifth in the CEN-SAD region.

399. On investment, efforts have focused on removing barriers to the movement of capital and on improving factors of production. A new investment code was thus put in place to stimulate the flow of foreign direct investment (FDI). Available data show that the amounts of FDI in Niger multiplied by 1.4 between 2015 and 2019.

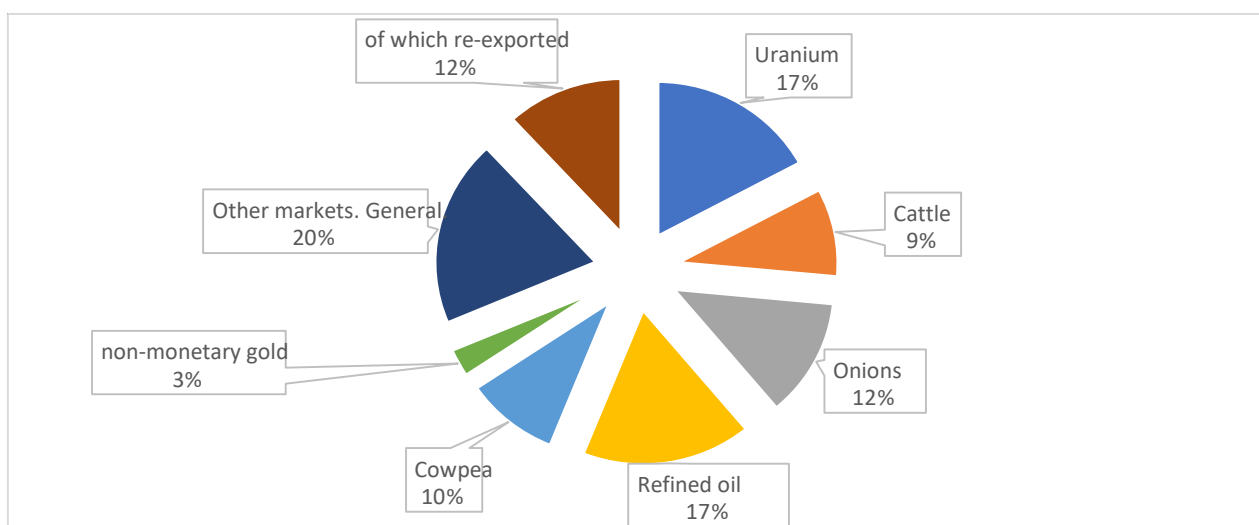
**Table 10:** Evolution of the FDI balance from 2013 to 2019 (in billion CFA)

	2015	2016	2017	2018	2019	2020 (Estimates)
FDI	292.9	157.7	179.8	237.4	401.4	195.5

Source: BCEAO (2019)

400. On trade flows, Niger's foreign trade can be assessed through its trade balance, volume of exports and imports, as well as the main products traded in the sub-region and the direction of this trade. In terms of export promotion, the government has decided to focus its efforts on a few sectors considered to be the most promising in terms of wealth and job creation, particularly for the poorest people. These are the livestock (hides and skins), agricultural (onions, cowpeas, souchet, dates, groundnuts, cotton) and mining (including small-scale mining) sectors.
401. Although membership in the WAEMU provides foreign trade opportunities, Niger does not seem to be taking advantage of its comparative advantages to boost its export products. In 2019, Niger's exports to the WAEMU zone were valued at CFAF 111.3 billion compared to CFAF 93.0 billion in 2018, an increase of 19.7 percent. This increase was partly due to increased exports of petroleum products to WAEMU countries such as Mali and Burkina Faso.

**Graph 1:** Niger's main export products (% total exports)



Source: BCEAO, 2019

**Table 11:** Niger's trade balance

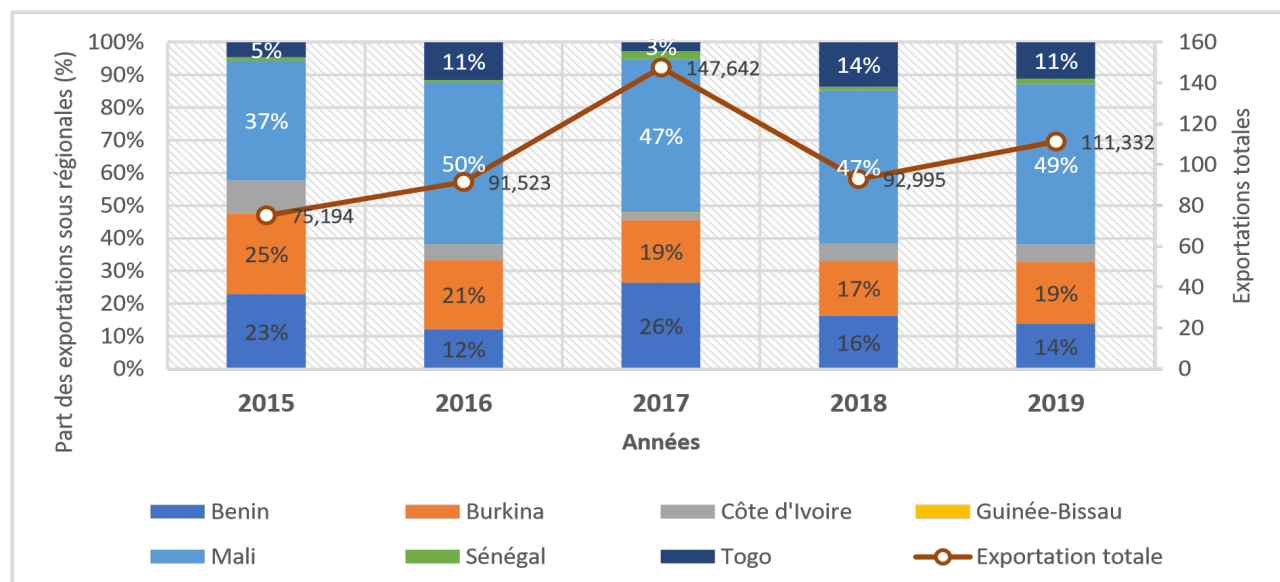
Billion FCFA	2015	2016	2017	2018	2019	2020 (Estimates)	2021 (Projections)	Billion FCFA
Current account balance	-878.7	-700.3	-740.0	-902.6	-921.6	-1 078.0	-1 348.7	Current account balance
Trade balance in goods and services	-963.8	-768.5	-874.0	-1 065.7	-1 187.9	-1 177.0	-1 314.7	Trade balance in goods and services
Exports FOB	643.2	611.7	701.8	668.2	659.7	594.3	640.7	Exports FOB
Including Uranium ...	240.8	177.7	169.6	117.2	128.5	134.4	99.9	Including Uranium ...
Imports CIF	1472.7	1281.9	1431.6	1597.6	1 719.0	1 726.1	2 015.05	Imports CIF
Capital Account	173.9	229.6	237.0	346.6	369.5	426.7	462.8	Capital Account
Financial account	-577.3	-454.5	-373.0	-446.3	-874.5	-670.5	-962.3	Financial account

				-113.9				
<b>Total balance</b>	-132.6	-20.2	-135.0		317.9	-81.5	76.4	<b>Total balance</b>

Source: BCEAO, 2019

402. Exports to WAEMU countries represented 25.0% of the total value of exports. Niger's leading customers are Mali and Burkina Faso, accounting for 62.9% of exports to WAEMU countries. Côte d'Ivoire, with 31.4% of the country's imports in 2019, is Niger's leading supplier, followed by Benin (25.3%) and Togo (24.4%). However, in ECOWAS, Nigeria remains Niger's leading trade partner with import and export trade volumes of 87.3 billion and 116.9 billion respectively in 2019. There was a decline in trade due to the closure of the border with Nigeria from the end of August 2019.

**Graph 2:** Share of each WAEMU country in trade with Niger



Source: BCEAO

403. Informal trade, which is not included in the official statistics, is very significant, accounting for 57.5% of GDP in 2019 (NSI, 2019). This represents a considerable shortfall in terms of tax and customs revenue for a large number of products traded between Nigeria and Niger. Stricter control and better management of informal transaction volumes are therefore needed to combat these practices.

### **Illicit cross-border trade in fuel**

404. Niger and Nigeria share a border of approximately 1,500 km. With insecurity and porous borders, the illicit sale of fuel in the south of the country, particularly in Zinder, is a real public safety issue. In Niger, the Société de Raffinage de Zinder (SORAZ) processes oil-related products for export and, together with the Société Nigérienne des Produits Pétroliers (SONIDEP), ensures domestic consumption. After several years of operation, the illicit sale of oil products, mainly in the southern part of the country bordering Nigeria, is of concern to the country's highest authorities. Nigeriens prefer Nigerian products because they feel that products refined in the country are too expensive. A litre of gasoline at the pump, according to the Ministry of Petroleum, is sold at 590 CFA francs, while street vendors sell the same at 300 CFA francs, a difference of 290 francs per litre, almost half the price. As a result, despite the ban on this practice with the announcement of "crackdowns" that are supposed to follow, mainly at the level of customs and other defence and security forces, this illicit trade is flourishing between the two countries. In Zinder, in particular, this business is very lucrative and creates thousands of jobs, especially for young people. Therefore, the use of consensual solutions by all stakeholders, including Nigerian authorities, will allow for a favourable outcome in the interest of all.
405. On sub-regional and international diplomacy, the government of Niger has developed strategies to emphasize the quality of its democracy. These involve expanding the country's diplomatic map and ensuring top-level presence in international bodies. The holding of the United Nations Security Council in Niamey in September 2020 was an example of the success of this diplomacy.

### **iii. Recommendations**

406. The Panel calls on Niger to:
- Strengthen the institutions responsible for promoting regional integration;
  - Eliminate barriers to the free movement of goods and people;
  - Strengthen the bodies responsible for controlling irregular migration;
  - Improve control of illegal cross-border trade by promoting cooperation between national defence and security forces;
  - Use consensual solutions to combat the illicit sale of fuel.

<b>Objective 6:</b>	<b>DEVELOP AND IMPLEMENT TRADE AND INVESTMENT POLICIES THAT PROMOTE ECONOMIC GROWTH</b>
---------------------	---

## i. Findings in the CSAR

407. Since independence in 1960, Niger has implemented many investment policies and reforms to put investment incentives in place. It has also adopted a number of codes, including the 2014 Investment Code, and streamlined formalities for setting up businesses, especially under Ordinance No. 2010-88 of December 16, 2010, to promote entrepreneurship. These reforms have helped to improve the investment rate, which rose from 26% to 30.4% between 2017 and 2019.
408. The country also carried out institutional and regulatory reforms, and executed development projects to promote industrial development. These reforms since 2011 include: (i) revision of the Investment Code; (ii) setting up of the *Bureau de Restructuration et de Mise à Niveau de l'Industrie du Niger* (BRMN) as a Public Administrative Establishment (EPA); (iii) setting up of two Technology and Innovation Support Centres (CATI) ; (iv) construction of an Intellectual Property Documentation Centre; (v) setting up of a National Agency for the Promotion of Innovation and Industrial Property (AN2PI); and (vi) creation and implementation of the One-Stop Shop for the Investment Code (GUCl). Support to the industrial sector has enabled the development of several private enterprises, including the Malbaza cement plant, the Maradi slaughterhouse, beverage manufacturing units, etc.
409. The construction of roads and interchanges has made it possible to improve the national road network and urban mobility. In fact, over the past 10 years, 1,223 km of paved roads have been built, increasing the number of paved roads from 3,952 km in 2010 to 5,175 km in 2020. In addition, 862 km of paved roads have been rehabilitated.
410. Also, 2,448 km of rural roads have been built and 493 km rehabilitated to open up remote areas and promote trade. The main sections completed are presented in the box below. In addition, three interchanges have been built in Niamey to improve mobility in the capital, and two major bridges have been built on the Niger River. Again, to improve the maintenance system, a new governance mechanism has been put in place, with the creation of the Road Maintenance Fund, the Agency for the delegated management of road maintenance and the Road Maintenance Audit and Control Unit.
411. The CSAR also noted that, from its independence until 2015, Niger did not have an official trade policy document to promote trade integration. Niger's internal trade is governed by national and regional texts such as the Investment Code, the SME



Charter, and laws and decrees governing the exercise of trade in Niger. In 2015, Niger adopted an official trade policy document whose vision is to make Niger an emerging country through modern and dynamic trade, a source of wealth creation and employment by 2035.

412. Niger has also set up the One-stop-shop of the Investment Code to help promote industrial investment.

## ii. Findings of the CRM

### Niger, a pioneer of regional integration

#### Good practice 2: The conference an opportunity for development

413. Niger hosted the AU Conference in 2019. To prepare for this conference, several major projects were carried out. These include the renovation of the Diori Hamani International Airport in Niamey, which was inaugurated on June 11, 2019, and the construction of large-capacity hotel complexes such as Radisson Blu, Noom, Bravia, etc. These infrastructures have helped to boost development of the transport, hotel and trade sectors, and have contributed to the creation of jobs.
414. Domestic trade has been enhanced by the construction of infrastructure, particularly for the marketing of animal products. These include the construction of two livestock markets in the regions of Tillabéri and Zinder to promote agro-sylvo-pastoral exports. Similarly, a number of legal instruments have been adopted to facilitate trade and improve competitiveness. These include Decree No. 94-102/PRN/MCP of June 22, 1994 and Ordinance No. 92-025 of July 7, 1992 to regulate prices and competition.

415. To promote foreign trade and economic freedoms, the country implemented reforms to strengthen the institutional framework. These include: (i) adoption of the law authorizing ratification of the Economic Partnership Agreement (EPA) between West Africa and the European Union; (ii) initiation of the principles of the *Bon d'Enlèvement et de Commercialisation* (BEC) for the facilitation of the export of agro-pastoral products; (iii) creation of trade windows in Niger's embassies; (iv) long-term extension of the African Growth Opportunities Act (AGOA) with the United States; and (v) streamlining of formalities and procedures, as well as reduction in delays, limiting of harassment on roads and abnormal practices in the marketing and export of onions.

416. Niger participates in trade with other ECOWAS countries to promote products from the sub-region. Trade diversification is an important tool in the efforts to cope with droughts and climate change, especially since agriculture was negatively impacted, falling from 9.40% to 2.90% of intraregional trade between 2018 and 2020. To make up for these deficits, it was necessary to strengthen trade within ECOWAS so as to gradually replace food products imported from countries outside the zone with those produced within this community.

**Box 5: ECOWAS fairs: a tool for the integration of peoples**

With a market of more than 300 million consumers and a significant potential for promoting entrepreneurship, the organization of trade events is an effective way to promote the integration of peoples. Through its regular participation in the ECOWAS trade fair, Niger contributes to the promotion of local products. This trade fair is not only a means to promote trade between ECOWAS countries it is also an effective way to support agro-sylvo-pastoral products and crafts. Nigerien economic actors who regularly participate in these fairs are contributing significantly to the development of intra-community trade. These events are all the more important for Niger as the country experienced a decline in the real growth rate of the GDP of the primary sector from 7.80% to 3.40% between 2018 and 2019 (INS, 2019). Greater involvement of States in the organization of these events will remove some of the administrative constraints that private developers face. It is therefore necessary to establish an institutional framework to supervise and better popularize the successive and annual organization of the fair.

417. To reduce the tax burden on investors, it will be necessary to carry out reforms to increase revenue collection without negatively affecting the private sector. These reforms should focus on:
- Strengthening the computerization of services through the completion of the Computerized System for Monitoring Taxes and Taxpayers;
  - Promoting tax justice by aligning the taxation system according to taxpayers' abilities;
  - Broadening the tax base through implementation of measures to systematize the presentation of documents attesting to the regularity of the tax situation and the taxation of tax niches;
  - Using the potential provided by information technology to optimally manage tax information;
  - Modernizing the tax administration, simplifying procedures and clarifying laws;
  - Improving collection of property taxes by developing a complete list of properties and their owners, modernizing the cadastre; and

- Improving VAT collection by strengthening the use of technology to modernize invoicing, with the aim of gradually increasing the tax burden to 20% of GDP by 2026.
418. To promote integration in the sub-region, Niger is participating in the implementation of the FTAA, which is part of the process of building resilient and sustainable economies in West Africa. The country has begun capacity building by focusing, among other things, on the implementation and harmonization of customs codes, training of FTAA national committee members, formulation of a strategy for SMEs, development of guides on rules of origin, capacity building, and sensitization of the private sector and women. In the area of human capital formation, the United Nations Economic Commission for Africa (UNECA) plays an important role in supporting initiatives related to the upgrading and training of public officials.

### **The need for an industrial policy in Niger**

419. Niger has implemented institutional and regulatory reforms to promote its structural industrial development. However, the country does not have an effective industrial policy. To correct this shortcoming, the Government received funding from the African Development Bank (ADB) Group through the African Development Fund (ADF) to develop its industrial policy. This fell within the framework of the Economic Competitiveness and Financial Management Support Project (PACEGEF).
420. At institutional and regulatory level, constraints include: lack of a specific platform for consultation between the State and SMEs; lack of a proper national industrial policy and lack of a post-crisis revival of production; inability of institutional structures to support the development and promotion of the private sector; cumbersome administrative procedures; and the shortage of land for industrial use. In addition, the unattractive nature of the Investment Code and the weak capacity of the justice system to guarantee property rights have had a negative impact on the economy.
421. At the financial level, the private sector is facing difficulties which include: low access to credit, non-payment of bills or delays by government in settling claims and insufficient savings. Similarly, the lack of domestic private capital is a hindrance to the development of this sector.
422. Niger has implemented reforms to boost investments, but sustained efforts are needed to improve the economic environment. Barriers to investment include poor access to credit and the lack of support structures for young Nigerien entrepreneurs. Start-ups are generally insolvent and lack the collateral required by lending institutions.
423. Many constraints and obstacles are preventing implementation of policies to promote national enterprises. At the structural and organizational level, the CRM noted the poor promotion of entrepreneurship, the high cost of factors of production such as electricity, the declining competitiveness of national enterprises, and the mismatch between training and the needs of the economy. In addition to all these obstacles, the

country also has a considerable informal economy, unfair competition and the resurgence of fraud and smuggling through cross-border trade.

### **Energy-related challenges**

424. The construction of the Kandadji hydroelectric dam, the first in the country, located in the Niger River Basin, is one of the major projects in the country's Economic and Social Development Plan. This will produce electrical energy, regenerate the river's ecosystem and create jobs locally. The dam will also increase access to water for agricultural development and improve food security and the living conditions of the population. Construction of the Kandadji dam is supported by the country's technical and financial partners.
425. Niger has set up the Energy Sector Regulatory Authority and the Agence Nigérienne de Promotion de l'Électrification en milieu rural (ANPER) in its effort to overcome the energy-related challenges. With the help of these two agencies, the country has built major infrastructure such as the Gorou Banda diesel power plant (80 MW), the Goudel crude oil power plant (89 MW) and the Malbaza solar photovoltaic power plant (8 MW). Access to electricity for households rose from 8.6% in 2010 to 14.7% in 2020.
426. However, even with the increase in production from these plants, Niger is still unable to meet the needs of the population. The energy shortage has led to load shedding in all the country's major cities, including the capital Niamey. In preparation for the 2019 African Union (AU) Conference of Heads of State and Government in Niamey, during which the Continental Free Trade Area (CFTA) was officially launched, NIGELEC acquired 10 modular diesel generators with a capacity of 16 MW, at a total cost of CFAF 6.9 billion, using own funds. Though considerable, this acquisition is still not sufficient to satisfy demand for power.
427. Employers, the private sector, consumers and trade unionists have all complained about the negative consequences of these power cuts on economic activity. To cope with this shortage and ensure the continuity of their activities, some businesses, particularly those in the informal sector (bakeries and pastry shops, restaurants, butchers, delicatessens, bars and snack bars, etc.) have acquired generators. This increases the cost of inputs, to which is added the price of fuel at the pump, which exceeds 500 f/litre.
428. Estimated at 416,248 Mwh in 2015, the power production capacity of NIGELEC and SONICHAR increased in 2017 (450,087 Mwh) to finally decrease in 2019 to 439,978 Kwh. During the same period, electricity imports increased sharply from 439,978 Kwh in 2015 to 1,056,585.4 Kwh in 2019, more than twice as much as during the same period (Source NIGELEC / SONICHAR). This was the result of increased demand from subscribers and an increase in the number of delivery points in the country. For example, the number of subscribers increased from 268,523 in 2015 to 493,273 in 2019. Power shortage is therefore a major challenge in Niger. Performance indicators

show that the national electrification rate improved from 10.65 percent in 2015 to 13.86 percent in 2019. However, the gap between urban (71.4%) and rural (1.14%) areas is still very high.

429. Data on water management from the Ministry of Water show that there were 250,509 subscribers nationwide with 110,445 in Niamey and 10,310 in Tillabéri. The geographical coverage rate for drinking water in Niger increased from 68.6% in 2015 to 71.8% in 2019. The CRM found at this level that, though considerable efforts are being made, shortages in drinking water have become so great that they have turned into issues of national sovereignty. Indeed, the Niger River is the third longest river in Africa (4,200 km) after the Nile and the Congo. The potential of the Niger River for river transport, irrigation, hydroelectric dams such as that of Kandadji and drinking water is not being fully exploited

### **Challenges in the extractive industry**

430. Data from the Ministry of Mines on the mining sector show that 2,982 tons of uranium were produced exclusively for export, estimated at 128.5 billion. Production of coal and minerals like gold has improved significantly, boosting trade.
431. Construction of the Niger-Benin Export Pipeline and the beginning of exports of petroleum products in 2023 will increase government revenues and improve the living conditions of the population. This is the largest investment ever made in the history of Niger. This project will generate thousands of jobs during the construction phase and permanent jobs during its operation.
432. There is no regulatory framework for artisanal mining. Gold from artisanal mining (797.58 kg) far exceeds industrial gold production (241.93 kg). More than 10% of Niger's population depends on artisanal gold mining (ECOWAS, 2020). The lack of a regulatory framework is at the root of the violence and conflicts between indigenous and non-indigenous people in the mining areas. The CRM also found that insecurity and terrorism are far more prevalent in these areas and that clandestine gold mining is one of the sources of terrorism financing.

### **Inadequate road infrastructure**

433. Niger has a road network of 7,060 km of unpaved tracks and 7,232 km of dirt roads out of a total of 21,240 km of roads, including paved (asphalt) and modern dirt roads. According to the Directorate of Traffic and Road Safety, road accidents claimed 929 lives and injured 6,583 in 2019. Even though accidents are often said to have been caused by speeding, overloading and dilapidated vehicles, the main culprit is the poor condition of the roads, especially inter-city roads. Transportation of agricultural produce to the major urban centres is also very challenging given the condition of the rural roads.

### **iii. Recommendations**

434. The Panel recommended that Niger should:

- Provide the structures implementing the commercial policy with the necessary financial and human resources;
- Provide the structures managing the energy sector with the necessary financial and human resources;
- Regulate artisanal mining and combat insecurity in the mining areas;
- Make drinking water available throughout the country;
- Implement an industrial policy strategy consistent with the country's needs;
- Open up all regions of the country with passable roads;
- Improve access to production areas or sites;
- Develop an oil revenue management strategy with IMF technical assistance.

---

## CHAPTER FIVE

---

### 5. CORPORATE GOVERNANCE

#### 5.1 Overview: Corporate governance challenges and issues in Niger

436. Niger has improved its business environment, but many challenges remain. Specifically, they include:

- Open up the country, by rehabilitating existing roads and overcoming all financial and administrative constraints in order to quickly construct the rail network which has historically been lacking in the country. This will facilitate access by Niger's companies to the main ports in the sub-region.
- Improve access of Niger's businesses to quality electricity by reducing the fairly frequent outages experienced today. Electricity is, in fact, a fundamental factor in business development in Niger.
- Promote the development of the formal sector by facilitating access by private companies to bank loans, but also by establishing a more simplified, fairer and less restrictive tax system for SMEs. Removing these two major barriers is a *sine qua non* for gradually reducing the size of the informal sector.
- Communicate more about the services and incentives provided by various agencies and organizations involved in encouraging business creation in Niger, particularly targeting young people and women.
- Develop a strategy for State shareholding and improve the functioning of the boards of directors of companies in which the State has a stake, by instilling greater transparency on the criteria for selecting their members, ensuring greater independence from political parties and an increased level of accountability to the general public.
- Ensure better respect for workers' rights, and implement a strategy aimed at ensuring better traceability with a view to placing a real and gradual ban on child labour.
- Strengthen the regulatory framework to ensure more effective and efficient involvement of large companies in corporate social responsibility (CSR), especially in the mining and petroleum sectors.

437. The country review mission (CRM) was not able to validate the quality of the business survey that was conducted and which was used to prepare the country self-assessment report (CSAR). Accordingly, the CRM has reservations on some of the findings of the CSAR and considers that it is still necessary to get better knowledge of the corporate (business) world and that such knowledge constitutes both a challenge and an issue for the coming years.

#### 5.2 Ratification and implementation of standards and codes

**i. Summary of the CSAR**

438. Niger has set itself the goal of joining the list of the fifty leading economies in the world and the top five (5) in Africa by 2021.
439. In order to achieve this ambitious goal, it is affirmed in the CSAR that Niger is a party to almost all legal instruments relating to the protection of human rights, the environment and business. Niger has notably adopted the seven Uniform Acts on Commercial Companies of the Organization for the Harmonization of Business Law in Africa (OHADA).
440. The CSAR presents a list of international conventions and agreements that Niger has signed and/or ratified as follows:

**Table 12:** International conventions and agreements relating to corporate governance signed and/or ratified by Niger.

N°	Conventions and agreements	Date of Ratification	Type of document
1	International Convention on the Elimination of All Forms of Racial Discrimination	27 April 1967	
2	International Convention on Civil and Political Rights	7 March 1986	
3	International Covenant on Economic, Social and Cultural Rights	7 March 1986	
4	Convention on the Elimination of All Forms of Discrimination against Women	7 October 1996	
5	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	5 October 1986	
6	Convention on the Rights of the Child	30 October 1990	
7	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	18 December 2009	
8	Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto	2008	
9	United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime.	29 July 2004	
10	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	01 December 1964	



11	ILO Convention No. 182 to Prohibit the Worst Forms of Child Labour	October 23 2000	
12	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	10 June 1977	
13	Convention on the Suppression of the Traffic in Women of Full Age	25 August 1961	
14	ILO Convention No.100 on Equal Remuneration for Men and Women Workers for Work of Equal Value	9 August 1966	
15	ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation	23 March 1962	
16	Slavery Convention	25 August 1961	
17	(b) Protocol amending the Slavery Convention	7 December 1964	
18	Supplementary Convention on the Abolition of Slavery	22 July 1963	
19	Four (4) Geneva Conventions (1949) on international humanitarian law	16 August 1964	
20	Convention on the Political Rights of Women	7 December 1964	
21	ILO Convention 29: Forced Labour	27 February 1961	
22	ILO Convention 105: Abolition of Forced Labour	23 March 1962	
23	Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live	27 January 2009	
24	Convention against Discrimination in Education	16 July 1968	
25	International Convention on the Suppression and Punishment of the Crime of Apartheid	28 June 1978	
26	ILO Convention No. 100 on Equal Remuneration	9 August 1966	
27	United Nations Convention against Corruption	22 July 2008	Law No. 2008-26 of 3/7/2008 Decree No.2009-

			301 of 11/9/2008
28	11 February 1971 Convention on wetlands of international importance especially as waterfowl habitat, known as the RAMSAR convention		
29	United Nations Convention to Combat Desertification	19 January 1996	Law No. 1995-21 of 8/12/1995
30	United Nations Framework Convention on Climate Change (Rio Convention)		
31	Convention concerning the use of white lead in painting	27 February 1961	
32	International Plant Protection Convention	4 June 1985	
33	Convention on the African Migratory Locust Organization	13 April 1963	
34	Treaty - Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water	6 July 1964	
35	Vienna Convention on Civil Liability for Nuclear Damage	24 October 1979.	
36	Cartagena Protocol on Biosafety to the Convention on Biological Diversity	30 May 2000	
37	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	17 June 1998	
38	2015 Paris Climate Agreement	22 April 2016	
39	Kyoto Protocol to the United Nations Framework Convention on Climate Change	29 July 2004	Law No. 2004-8 of 30/3/2004 Decree No. 2004-276 of 17/9/2004
40	Vienna Convention for the Protection of the Ozone Layer	9 October 1992	
41	Stockholm Convention on Persistent Organic Pollutants (POP)	12 April 2006	
42	Montreal Protocol on Substances that Deplete the Ozone Layer	9 October 1992	

43	United Nations Convention on Biological Diversity	25 July 1995	
----	---	--------------	--

**Table 13:** Regional conventions and agreements relating to corporate governance signed and/or ratified by Niger

No.	Conventions and agreements	Date of Ratification	Type of document
1	African Charter on Human and People's Rights	21 July 1986	
2	African Charter on the Rights and Welfare of the Child	11 December 1992	
3	OAU Convention governing the Specific Aspects of Refugee Problems in Africa	21 September 1971	
4	The ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment	29 November 1979	
5	Constitutive Act of the African Union (AU), 2000;	26 January 2001	Law No. 2000-20 of 16/12/2000
6	African Union Convention on Preventing and Combating Corruption and Money Laundering	15 February 2006	Law No. 2005-39 of 20/12/2005  Decree No.2006-87 of 22/3/2006
7	African Convention on the Conservation of Nature and Natural Resources	10 Jan 1970	
8	Phytosanitary Convention for Africa South of the Sahara	17 October 1961	
9	(a) Act regarding to navigation and economic cooperation between the States of the Niger Basin  (b) Agreement concerning the Niger River Commission and the navigation and transport on the Niger River	1 Feb 1966  12 April 1966	
10	Convention and statutes relating to the development of the Lake Chad Basin (and amendment)	22 May 1964	
11	African Convention on the Conservation of Nature and Natural Resources known as the "Algiers Convention"	26 February 1970	

12	Amended WAEMU Treaty of 2003	23 January 2009	Law No. 2008-58 of 24/11/2008  Decree No. 2009-174 of 02/06/2009
13	Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment.	21 March 2018	
14	African Continental Free Trade Agreement  Phytosanitary Convention for Africa (21 March 2018)	28 May 2018	
15	Bangui Agreement (1977) on the African Intellectual Property Organization (OAPI) revised on 25 February 1999 to be aligned on the WTO TRIPS Agreement	28 Mai 2002	
16	African Maritime Transport Charter	9 February 2007	
17	Organization for the Harmonization of Business Law in Africa (OHADA)		
18	Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa.	27 July 1996	

## ii. Findings of the CRM

441. The stakeholders met by the CRM confirmed all the codes, standards and conventions presented in the CSAR. In addition, the following clarifications have been made to the tables:

**Table 14:** Details on corporate governance conventions and agreements

32	International Plant Protection Convention	4 June 1985	Ordinance No. 96-08 of 21-3-1996.  Official Gazette No. 11 of 1-6-1996 p.398.
5	International Plant Protection Convention	26 Janvier 2001	Loi N°2000- 20 du 16/12/2000
17	Constitutive Act of the African Union (AU), 2000		Law No.95-0006 of 04-04-1995 O.G. No. 8 of 15-04-1995 p. 341

18	Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa	27 July 1996	Ordinance No. 96-46 of 24-06-1996. O.G. No. 17 of 01-09-1996 p. 772.
----	---	--------------	---

442. Other instruments also contribute to improve the business environment and promote investment in Niger:

- **The One-Stop Shop for business start-ups (*La Maison de l'entreprise*):** in 2012, in order to help formalize the informal sector, Niger issued Decree No. 2012-247/PRN/MC/PSP/MM/DI of 30 May 2012 to set up the *Maison de l'Entreprise*. It is an institution located within the premises of the Chamber of Commerce and Industry of Niger, with main mission to help strengthen the economic fabric through the emergence of competitive businesses and an improved business environment. Its main objective is to promote entrepreneurship and the creation and development of private businesses.
- **The OHADA Uniform Act:** With respect to formal private sector corporate governance, companies in Niger are governed by the OHADA Uniform Act relating to the law of commercial companies and economic interest groups, the Investment Code and more specifically the SME Charter, the Petroleum Code, the Mining Code, for each sector.
- **The National Customs Code:** Law No. 2018-19 of 27 April 2018 on the National Customs Code offers a host of advantages to both national and foreign investors through a range of economic, suspensive and special regimes.
- **The Labour Code:** Law No. 2012-45 of 25 September 2012 on the Labour Code of the Republic of Niger enacted granting several advantages to investors, including the freedom in hiring and the ease of granting a work visa for foreigners.
- **The Investment Code:** Law No. 2014-09 of 16 April 2014 on the Investment Code of the Republic of Niger adopted to provide innovations in order to stimulate investment and job creation through tax incentives. The code grants several advantages.
- **The Mining Code:** Law No. 2006-26 of 9 August 2006 on the Mining Law defines all the guarantees, advantages and obligations applicable to the activities of prospecting, exploration and research, exploitation and transport of mining products. The Mining Code has simplified procedures for granting prospecting, exploration and research and mining permits and specific tax provisions. It grants particular advantages to investors from exploration and research phase to the mining phase of investments.
- **The Petroleum Code:** Law No. 2017- 63 of 14 August 2017 on the Petroleum Code of the Republic of Niger lays down the legal, fiscal, customs and exchange regime for prospecting, research, exploitation and transport of hydrocarbons on the territory of the Republic of Niger, as well as the related advantages.
- **Approved Management Centre (CGA):** This centre was established by Decree No. 2012-247 to reduce the size of informal activities in the economy. It is an associative body, which aims to

provide its members with technical assistance in accounting, management, IT and taxation; ensure they are trained on management and help businesses to migrate from the informal sector to the formal sector. Members of the CGA benefit from a 25% reduction on profit tax or on the minimum flat-rate tax, a 25% reduction on the yearly amount of professional tax for the year of joining the CGA and the following year.

- **Tax Disputes Arbitration Committee (CARFI):** This committee has been operational since 31 May 2016. This initiative is unique in the countries of the WAEMU zone and is part of efforts to improve the business environment in Niger. It aims, in particular, to enhance transparency in the relations between the tax administration and the taxpayers by offering the latter more possibilities to put forward their arguments, in particular in the conduct of the litigation procedures.
- **The Niger Commercial Court of Niamey:** Created by Law No. 2004-50 of 22 July 2004, this court went operational in April 2016. It is increasingly helping to settle commercial disputes, usually within a few weeks, and a draft instrument was recently adopted to update its governing law.

443. Regarding the **employment of minors**, Niger has signed and ratified several international and regional legal instruments relating to the rights of the child, including:

- The Convention on the Rights of the Child (CRC) of 2 November 1989 ratified by Niger on 30 September 1990;
- The Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, adopted by the United Nations General Assembly (UNGA) on 26 April 2000 and ratified by Niger on 17 November 2003;
- The Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflicts of 2000 ratified by Niger on 17 November 2003;
- ILO Convention No. 138 on the Minimum Age for Admission to Employment of 1973, ratified by Niger in 1978;
- ILO Convention No. 182 adopted on 17 June 1999, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified by Niger in October 2000;
- The African Charter on the Rights and Welfare of the Child (ACRWC) concluded in July 1990 in Addis Ababa, ratified by Niger on 11 December 1996;
- The United Nations Scientific and Cultural Organization (UNESCO) World Declaration on Education For All (adopted in 1990).
- This concerns the international and regional institutional and regulatory framework as well as the national legislative and regulatory framework.

**Table 15:** Other corporate governance laws, ordinances and regulatory instruments

Area	Law / Ordinance	Regulatory instrument (decrees and orders)
Mining	<p>Ordinance No. 93-16 of 2 March 1993 on the Mining Law</p> <p>Ordinance No. 99-48 of 5 November 1999 to supplement Ordinance No. 93-16 of 2 March 1993</p> <p>Law No. 2006-26 of 9 August 2006 to amend Ordinance No. 93-16 of 2 March 1993 on the Mining Law</p> <p>Law No. 2014-08 of 16 April 2014 to amend and supplement Ordinance No. 93-16 of 2 March 1993 on the Mining Law, as amended by Law No. 2006-26 of 9 August 2006</p>	<p>Decree No. 2006- 265/PRN of 18 August 2006 to lay down conditions for the application of the Mining Law</p> <p>Decree No. 2013-580/PRN/MM/DI of 27 December 2013 to amend and supplement Decree No. 2006-265/PRN of 18 August 2006</p> <p>Order No. 70/MME/DM of 5 August 2004 relating to the Code of conduct on small-scale mining sites (EMA) monitored and controlled by the administration</p> <p>Order No. 000073/DEMPEC of 25 June 2010 fixing the purchase and sale prices of gypsum produced on small-scale mining sites.</p>
Oil	<p>Law No. 2007-01 of 31 January 2007 relating to the Petroleum Code, revised by Law No. 2017-63 of 14 August 2017</p> <p>Law No. 2014-06 of 16 April 2014 to amend and supplement Law No. 2007-01 of 31 January 2007 on the Petroleum Code</p>	<p>Decree No. 2007-028 of 28 March 2007 to lay down the conditions for the application of Law No. 2007-01 of 31 January 2007 relating to the Petroleum Code</p> <p>Decree No. 2018-659/PRN of 25 September 2018 to lay down conditions for the application of Law No. 2017-63 of 14 August 2017 on the Petroleum Code.</p>

<p>Environm ent and Health</p>	<p>Law No. 66-33 of 24 May 1996 relating to dangerous, unhealthy or obnoxious establishments</p> <p>Law No. 98-56 on the Framework Law on Environmental Management</p> <p>Law No. 2004-04 of 8 June 2004 to lay down Forestry Regulations in Niger</p> <p>Law No. 98-07 to lay down Hunting and Wildlife Protection Regulations</p> <p>Law No. 2006-17 of 21 June 2006 relating to nuclear safety and security and protection against of ionizing radiation</p> <p>Law No. 2006-18 of 11 June 2006 to amend Law No. 98-01 of 7 May 1998 to establish a public administrative establishment called the National Radio-Protection Centre (CNRP)</p>	<p>Decree No. 2000-397/PRN/ME/LCD of 20 October 2000 to lay down the administrative procedure for environmental impact assessment and review</p> <p>Decree No. 98-295/PRN/MHE of 29 October 1998 on the implementation of Law No. 98-07 of 29 April 1998</p> <p>Order No. 000065/MME/DM of 26 August 1999 to lay down the rules for preventing risks of silicosis in exploration and mining sites, and in quarries and the associated structures thereof</p> <p>Order No. 0000139/MME/DEMPEC of 6 October 2010 to lay down technical requirements for installations of gold washing discharge treatment by use of chemicals, in pursuance of Article 45 of Decree No. 2006-265/PRN of 18 August 2006 the lay down the conditions for the application of the Mining Law.</p>
	<p>Law No. 2014-63 of 5 November 2014 prohibiting the production, marketing, use and storage of low density flexible plastic packaging.</p>	<p>Order No. 000140/MSP/LCE/DGSP/DH of 27 September 2004 to set standards for the dumping of waste into the natural environment</p> <p>Text establishing the list of occupational diseases in Niger, text under revision.</p> <p>Decree No. 2015-321/PRN/MESU/DD of 25 June 2015 to lay down the conditions of application of Law No. 2014-63 of 5 November 2014 to prohibit the production, importation, marketing, use and storage of low density flexible plastic bags and packaging;</p> <p>Decree No. 2021-161/PRN/MESU/DD of 5 March 2021 to lay down the conditions of managing products and activities that pollute or degrade the environment, and fix the related fee</p>



Water	Ordinance No. 2010-09 of 1 April 2010 on the Water Code of Niger	Decree No. 2011-404/PRN/MH/E of 31 August 2011 to determine the nomenclature of projects, concessions, installations, facilities, works and activities subject to declaration, authorization and use of water  Decree No. 2011-405/PRN/MH/E of 31 August 2011 to lay down conditions and procedures of declaration, authorization and concession of water use.
The right to non-discrimination against women in matters of work	Labour Code  Law No. 2012-45 of 25 September 2012 on the Labour Code	No implementing decree
Child labour	Other establishment agreements and protocols to Law No. 2012-45 of 25 September 2012 on the Labour Code	No implementing decree

Source: Source: *Benchmark study on Business and Human Rights: case of extractive industries in Niger, 2014*

### iii. Recommendations

444. In view of the above, the APR Panel recommends as follows:

- Strengthen the implementation of standards and codes signed and ratified by Niger by equipping itself with the necessary control procedures and structures (the Government) ;
- Pursue efforts in Niger's EITI accession process [the Government and Civil Society] ;
- Improve awareness by civil society actors and economic operators of Niger's international commitments (the Government, civil society, Chamber of Commerce);
- Improve the level of information among civil society actors and economic operators on their rights and the advantages offered by the State to support business owners and business development in general.

### 5.3 Performance assessment by objective

**OBJECTIVE 1:** Promote an enabling environment and a regulatory framework

#### i. Summary of the CSAR

445. In the CSAR, it is noted that thanks to the identification work carried out 8579 modern companies were selected, of which about 5069 were already included in the old database (NIS, 2019). The CSAR notes that in 2019, the business register contained 45 724 businesses or establishments, of which 13 719 were considered part of the modern sector. These companies operate mainly in the agro-food processing sector (19%), agriculture (11%) and services (7%). Informal businesses operate primarily in trade (33%) and crafts (30%).

#### **Box 6:** Criteria for classifying businesses in Niger

Under the SME Charter, the following definitions apply: SME, any natural or legal person, producer of market goods and/or services;

**SMEs** comprise micro enterprises, small enterprises and medium enterprises;

**Micro enterprises:** These are businesses which meet the following criteria and thresholds:

- Have a workforce of one to three employees;
- Keep limited internal accounting records;
- Are registered in the trades directory;
- Realize an annual turnover, exclusive of tax, less than or equal to CFAF ten million (10 000 000).

**Small enterprises:** Are those that meet the following criteria and thresholds:

- Have a workforce of four to 10 employees;
- Keep limited internal accounting records or with the help of an approved professional (Approved Management Centre – CGA);
  - Is registered in the Trade and Personal Property Credit Register;
  - Realize an annual turnover, exclusive of taxes, greater than ten million CFAF (10 000 000) and less than or equal to CFAF fifty million (50 000 000);
- Have a minimum investment of CFAF one million (1 000 000).

**Medium Enterprises:** Are all companies that meet the following criteria and thresholds:

- Have a workforce of 11 to 50 employees;
- Keep regular accounting records according to the normal system in force in Niger and certified by a registered member of the National Society of Accountants and Chartered Accountants, consistent with the provisions of the Organization for the Harmonization of Business Law in Africa (OHADA);

- Is registered in the Trade and Personal Property Credit Register;
- Have a minimum investment of CFAF five million (5 000 000);
- Realize an annual turnover, exclusive of taxes, greater than CFAF fifty million (50 000 000) and less than or equal to CFAF five hundred million (500 000 000).

Depending on developments at the national, sub-regional and international levels, the definitions above can be modified in a consensual in order to ensure that, at all times, they reflect the economic realities in which SMEs operate.

446. Niger has put in place measures to promote trade and investment. Among such measures, the CSAR cites the creation in 2012 of the One-Stop Shop for business start-ups (*La Maison de l'Entreprise*), which is an institution located within the premises of the Chamber of Commerce and Industry of Niger and serves as a single window for business creation. It also provides non-financial and/or financial services for SME development and investment promotion. The *Maison de l'Entreprise* also has a shared-cost subsidy fund whose objectives are: to support businesses improve their processes, their productivity and their competitiveness; support SMEs/SMIs to improve their capacity to become service providers to large companies, particularly in agro-industry and extractive industries (local content); take advantage of partnership and business association opportunities (joint ventures, sub-contracting) with large companies, particularly in the extractive industries sector.
447. The establishment of the Approved Management Centre (CGA) by Decree No. 2012-247 with aim to help reduce the size of informal activities in the economy; members of the CGA benefit from a 25% reduction on profit tax amount or on the minimum flat-rate tax, a 25% reduction on the yearly amount of professional tax for the year of joining the CGA and the following year. Furthermore, in order to quickly process complaints, Niger has set up a Tax Disputes Arbitration Committee, which went operational since 31 May 2016, and is a unique initiative in the countries of the WAEMU area.
448. The CSAR recalls the creation of the *Maison de l'Entreprise du Niger*. Its objectives are, on the one hand, to play the role of a one-stop-shop for business creation; and on the other hand to provide non-financial and/or financial services for the development of SMEs and the promotion of investments.
449. The CSAR presents the support structures for business creation in Niger. They include:
- The Niger Small and Medium Enterprise Incubation Centre [*Centre Incubateur des Petites et Moyennes Entreprises du Niger* (CIPMEN)], which was born out of a non-profit public-private partnership, with mission to improve growth opportunities and the survival rate of Niger's SMEs.
  - Abdou Moumouni University Business Incubation Centre (CIUAM) and the Agency for the Promotion of Cultural Enterprises and Industries (APEIC).
450. In terms of business financing, the CSAR notes that only the Bank of Africa (BOA) is listed on the Regional Stock Exchange (BRVM). The government has authorized Niger's microfinance institutions to provide Islamic finance products and services to their customers. On 5 January

2018, the government of Niger consented to a bill amending and supplementing the old law governing decentralized financial systems.

## ii. Findings of the CRM

### Characteristics of formal enterprises

451. The CRM was not able to obtain convincing details as to the size, number, type and geographic distribution of Niger's businesses. Based on a World Bank survey (2017), the following table nevertheless gives an idea of the situation of companies in Niger.

**Table 16:** Some characteristics of Niger's formal businesses

Economy	World	Sub-Saharan Africa	Niger
Age of establishment (years)	18.5	15.1	15
Proportion of national private stakes in a company (%)	88	80	84.7
% of companies with at least 10% foreign ownership	10.7	16	9.6
% of companies at least 10% owned by the government or State.	0.8	1.4	0
% of companies with the legal status of sole proprietorship.	40.4	58.2	81.1
% of companies with internationally recognized quality certification.	15.1	9.8	9.1
% of companies whose annual financial statements are reviewed by external auditors.	46.3	48.1.	41.4

Source : Enterprise Survey, Niger (2017)

### Business performance and competitiveness in Niger

452. By making it possible to compare the answers of economic operators in Niger with those of neighbouring countries, the World Bank's "Enterprise Survey" helps to identify the main weaknesses of enterprises in the formal sector in the region:

**Table 17:** Some business performance indicators

Indicators	Niger 2017	Sub-Saharan Africa	All countries
Production capacity utilization (%)	60.3	71.3	73.2

Annual sales growth (%)	2.5	-0.7	0.7
Annual employment growth (%)	9	6.7	4.4
Annual growth in labour productivity	5.3	- 6.5	-3.2
Percentage of companies having acquired fixed assets	45.1	38.1	40

Source: Enterprise Survey, (World Bank)

453. Compared to other countries in the region, Niger's main weakness is in the use of production capacity. The following table provides a better understanding of the causes of this weakness. It can be realized that Niger's companies are particularly vulnerable because of competition from the informal sector (85.1% against 46.2% in Nigeria for example) and the low proportion of workers with formal training (20.7% in Niger against 44.3% in Nigeria)

**Table 18:** Main weaknesses of Niger companies.

	<b>Niger 2017</b>	<b>Benin 2016</b>	<b>Burkina Faso 2009</b>	<b>Chad 2018</b>	<b>Nigeria 2014</b>	<b>Mali 2016</b>
Capacity utilization (%)	60.3	70.7	72.9	73.7	74	83.6
Number of power outages in a typical month	22	28	9.8	4.5	32.8	4.2
Percentage of companies competing with unregistered or informal businesses	85.1	66.8	75	80	46.2	79.5
Percentage of companies offering formal training	27.5	20	24.8	22.9	30.7	17.7
Proportion of workers with formal training (%)	20.7	42.2	37.4	34.6	44.3	29.8
Percentage of companies that spend on R&D	8	14		12.9	13.8	11.4

Source: Enterprise Survey

### **A relative improvement in the business environment**

454. Between 2014 and 2021, Niger moved 37 places up in the 2021 Doing Business ranking of the World Bank. Out of 190 countries, the country is currently ranked 132nd in the world<sup>5</sup>.

**Table 19: Niger “Doing Business” ranking trends**

Indicators	DB 2020 Ranking	DB 2020 Score	DB 2019 Score	Score change (% points)
Price	132	56.8	52.3	4.5
<b>Setting up a business</b>	56	91.5	91.5	..
<b>Obtaining a building permit</b>	180	44.1	44.1	..
<b>Electricity connection</b>	159	52.7	48.5	4.2
<b>Transfer of ownership</b>	115	58.3	58.1	0.2
<b>Obtaining loans</b>	48	70.0	30.0	40
<b>Protecting minority investors</b>	120	42.0	42.0	..
<b>Paying taxes and fees</b>	169	49.4	49.4	..
<b>Cross-border trade</b>	126	65.4	65.4	..
<b>Enforcement of contracts</b>	114	54.7	54.7	..
<b>Resolution of insolvency</b>	114	39.3	39.4	0,1

Source :Doing Business (2020)

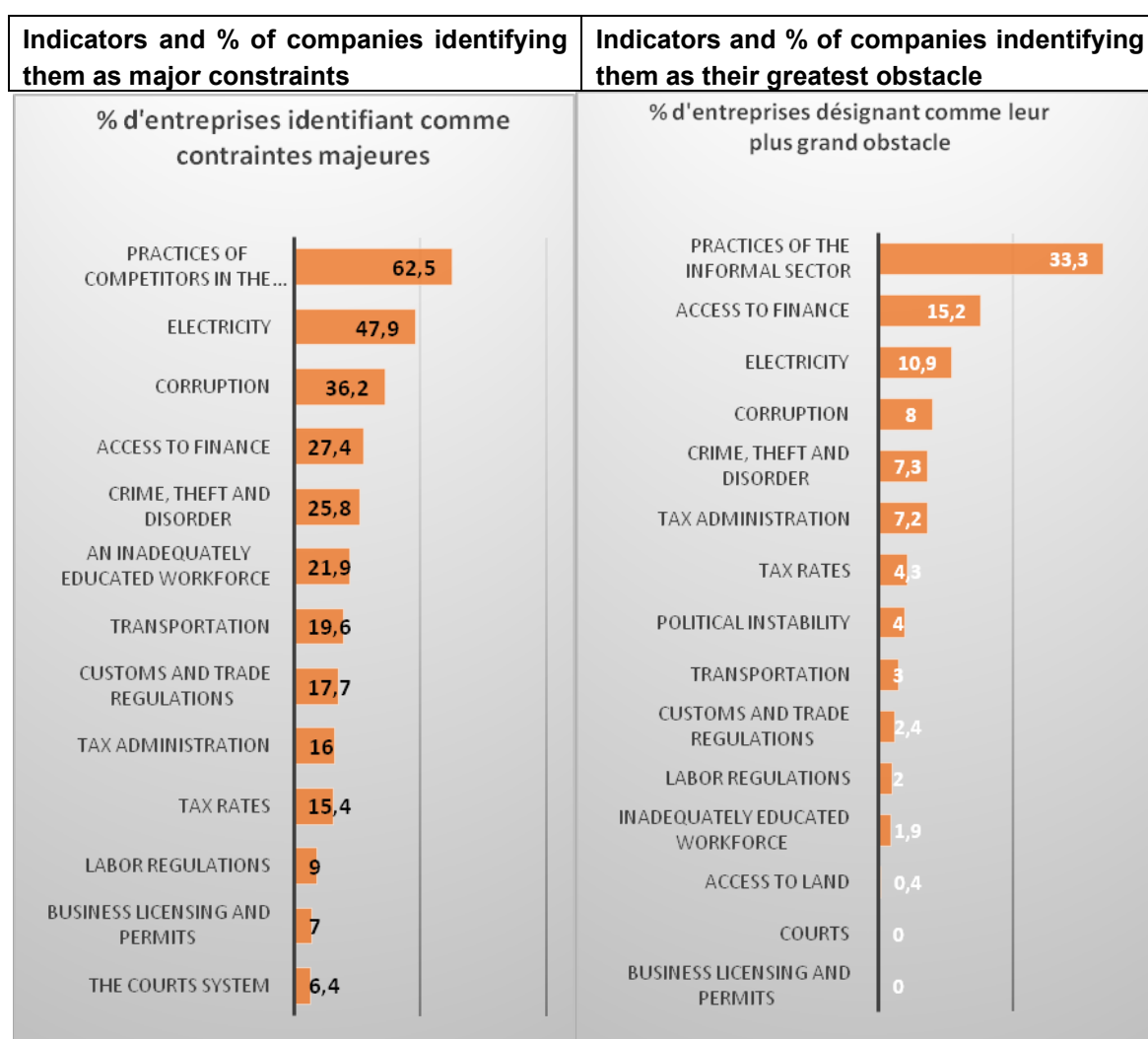
#### 455. **Difficulties encountered by companies**

456. The representatives of the employers' union whom the CRM met deplored the closure of several companies which preferred to move to neighbouring countries. They pointed out that Niger has become a country undergoing deindustrialization and the State must urgently device a plan to rescue industry in Niger.

457. The stakeholders with whom the CRM had discussions identified several difficulties and constraints, and this qualitative diagnostics, based on interviews with business leaders, traders, farmers or government officials concerned about the improvement of the business environment, is confirmed by the findings of the World Bank survey, “Enterprise Survey” of Niger (2017).

#### **Graph 3: Constraints and obstacles to business**

<sup>5</sup> The CRM is aware of the limitations and criticisms that have been leveled at the “Doing Business” ranking. The team nevertheless considers that since the ranking concerns the work of the World Bank in a certain number of countries, it is always useful to refer to this survey for comparison over time, and to have an idea and an understanding of the major trends in the business world in Niger.



Source: Niger, Enterprise Survey (2017)

458. When compared with sub-Saharan Africa and the world average, it emerges that the greatest obstacles for formal enterprises in Niger (in terms of magnitude) are: informal sector practices, access to finance and access to electricity.

**Table 20:** The greatest obstacles to doing business

Obstacles and % of companies identifying them a greatest obstacle	World	Sub-Saharan Africa	Niger
Access to financing	14.3	23.7	15.2
Access to land	3.1	4.2	0.4
Business licensing and permits	2.6	1.3	0
Corruption	6.8	7.3	8
The court system	0.9	0.6	0
Crime, theft and disorder	2.8	3.3	7.3
Customs and trade regulations	3.4	4.6	2.4
Electricity	8.9	14.7	10.9
An inadequately trained workforce	9.5	1.7	1.9
Labour regulations	3.4	1	2
Political instability	11.6	10.6	4
Practices of the informal sector	11.8	10.5	33.3
Tax administration	4	4.2	7.2
Tax rates	13.1	9.5	4.3
Transport	3.7	2.6	3

Source: Enterprise Survey

459. The “Enterprise Survey” was conducted before the outbreak of the COVID-19 pandemic crisis. According to various stakeholders met by the CRM, the State has not provided the necessary support to companies affected by this crisis, thus worsening the impact of the constraints.

#### Problem 1: Practices of the informal sector

460. Out of 157 countries covered by the “Enterprise Survey”, Niger is the fourth country in the world with the highest percentage of enterprises facing competition from informal or unregistered businesses. A situation which requires a rapid reaction by the government.

**Table 21:** Competition from the informal sector

	Niger	Sub-Saharan Africa	World average
Percentage of enterprises facing competition from informal or unregistered businesses	85.1	66.8	49.5



Percentage of companies that were formally registered when starting their activities in the country	86	84.5	89.1
Number of years the company has operated without formal registration	1	0.7	0.7
Percentage of enterprises identifying the practices of competitors in the informal sector as a major constraint.	62.5	37.1	27.7

Source: Enterprise Survey, (World Bank)

461. In Niger, 62.5% of formal enterprises identify the practices of competitors in the informal sector as a major constraint. This figure is more than double the global average and is significantly higher than the average for sub-Saharan Africa. The informal sector competes with and has a crowding out effect on Niger's formal sector. Several private sector actors met by the CRM, told the team that they are tempted to switch to the informal sector.
462. The CRM is of the opinion that Niger must support formal sector enterprises to enable them to comply with and adapt to the laws of the Republic. The CRM also considers that such compliance with the laws of the Republic should not become a reason for all forms of tax avoidance and a source of bottlenecks and frustration for companies that are ready to openly contribute to the country's economy.

## Problem 2: Access to bank financing

463. The CRM noted that the conditions under which banks finance companies in Niger are exorbitant and that this concerns in particular the required guarantees (collateral). Several companies therefore do not have access to credit.
464. In the regions visited by the CRM, some women's cooperatives have been able to develop thanks to microcredit; but this remains rare.
465. The following table shows that, even if Niger's formal sector companies use bank services more than those in other countries in sub-Saharan Africa, they remain well below global averages in this area.

**Table 22:** Use of bank financing in Niger

Economy	World	Sub-Saharan Africa	Niger
% of businesses with a current or savings account	87	86.2	95,4
% of businesses with a bank loan / line of credit	32	19.9	27.6
% of loans requiring collateral (%)	75.7	84.8	87.7
Value of collateral needed for a loan (% of the loan amount)	198.3	213.7	159.5

% of businesses that do not need a loan	49.3	38	38.2
% of businesses whose last loan application was rejected	10.4	15.4	7.3
% of companies using banks to finance their investments	25	18.8	22.1
% of domestically financed investments	72.8	75.2	72.8
% of investments financed by banks	13.8	8.9	14.1
% of companies using banks to finance working capital	28.4	21.8	28.9
% of companies using supplier/customer credit to finance working capital	25.7	24.1	27.9
% of working capital financed by banks	10.9	8	12.6
% of companies which identify access to finance as a major constraint	23.4	38.2	27.4

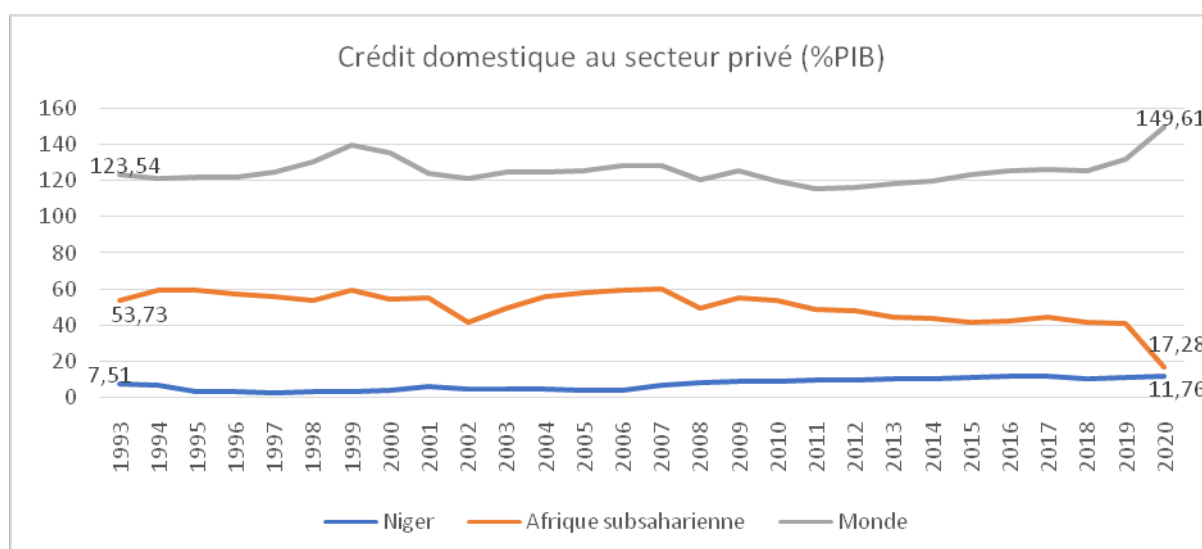
Source: Enterprise Survey, World Bank

466. Although access by formal businesses to bank financing in Niger is relatively encouraging, the CRM notes that such results should not conceal two important aspects, namely:

- The shallow depth of Niger's formal private sector and low level of private sector financing by the banking sector: as a GDP percentage, loans to Niger's private sector do not exceed 11.76% whereas, on average, loans to the private sector stand at 17.28% for sub-Saharan Africa and 149.61% in the world. Niger is today the ninth country in the world with the lowest level of credit to the private sector.

**Graph 4:** Credit to the private sector

Domestic credit to the private sector (GDP%)



Source: World Bank (2021)

- Limited use of bank services in the whole economy: The people of Niger - and especially the women - are far behind the sub-Saharan Africa and the world averages in terms of holding bank accounts, access to bank credit, electronic payments, etc. The CRM considers that the following table illustrates the magnitude of the challenge of financial inclusion in Niger.

**Table 23:** Some indicators of financial inclusion in Niger

2017	Niger	sub-Saharan Africa	World
Account (% above 15 years of age)	16%	43%	69%
Account, men (% above 15 years of age)	20%	48%	72%
Account, women (% aged 15 and above)	11%	37%	65%
Account at a financial institution (% aged 15 and above)	10%	33%	67%
Used the internet to pay bills or buy something online in the past year (% aged 15 and above)	4%	8%	29%
Saved to start, operate or develop a farm or business (% aged 15 and above)	12%	23%	14%
Saving for old age (% aged 15 and above)	4%	10%	21%
Saved at a financial institution (% aged 15 and above)	2%	15%	27%
Saved money in the past year (% aged 15 and above)	25%	54%	48%
Current mortgage (% aged 15 and above)	1%	5%	11%

Possesses a debit card (% aged 15 and above)	3%	18%	48%
Borrowed for health or medical reasons (% aged 15 and above)	24%	13%	10%
Borrowed to start, operate or develop a farm or business (% aged 15 and above)	1%	5%	11%
Borrowed from a financial institution or used a credit card (% aged 15 and above)	4%	8%	23%
Borrowed from relatives or friends (% aged 15 and above)	38%	31%	26%
Borrowed money in the past year (% aged 15 and above)	52%	46%	47%
Use a mobile phone or the Internet to access an account (% aged 15 and above)	8%	21%	25%
Possesses a credit card (% aged 15 and above)	2%	3%	18%
Made or received digital payments in the past year (% aged above 15)	13%	34%	52%

Source: Findex

467. Despite the research it conducted, the CRM was unable to access data on the percentage of non-performing loans<sup>6</sup>.

468. For CRM, the main obstacles to financial inclusion are due to:

- The illiteracy of a large part of the economic actors;
- The low diversification of the financial offer;
- The largely informal economy; and
- Religious considerations (some of the stakeholders met by the CRM described what they see as an Islamic ban on dealing with banks that use an interest rate).

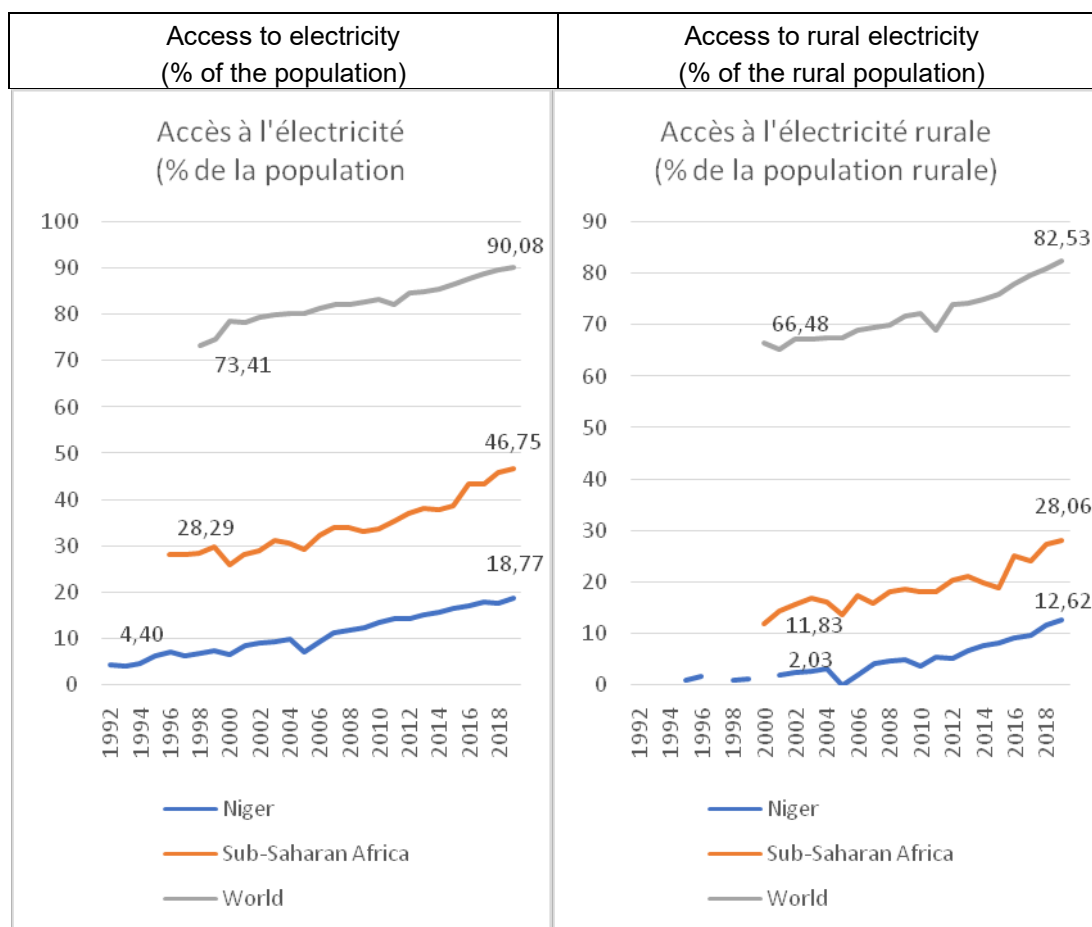
### **Problem 3: Access to electricity and the cost of factors of production**

469. The CRM considers that Niger has the advantage of being located in a highly geostrategic position and of belonging to two rapidly expanding economic zones. Very rich in different energy sources, the country remains poor in electricity. Niger does not only suffer from poor access to electricity, but also from frequent power cuts with significant adverse effects on the productivity of companies.

---

<sup>6</sup> Or “hanging loans”

**Graph 5: Trends in access to electricity**



Source: World Bank (2021)

470. The following table shows that 78% of formal businesses in Niger responded that they experience power outages compared to an average of 77.2% for sub-Saharan African countries and 52.1% as the world average.
471. Niger's companies also suffer from problems of access to water. But these problems are not as severe as those of electricity.

**Table 24: Problems of access to water and electricity**

Economy	World	Sub-Saharan Africa	Niger
Percentage of businesses suffering from power outages	52.1	77.2.	78
Number of power outages in a typical month	5.9	9	22

If there have been outages, average duration of a typical power outage (hours)	4.6	5.7	5.2
If there have been outages, average losses due to power outages (% of annual sales).	4.3	8.5	5.5
Percentage of businesses owning or sharing a generator	33.6.	53.5%	69.4
If a generator is used, average proportion of electricity coming from a generator (%)	18.2	29.9	53.3
Number of days to obtain an electrical connection (on request)	41.7	38.5	28.6
Percentage of businesses which identify electricity as a major constraint	31	40.6	47.9%
Percentage of businesses experiencing water problems.	12.4	21.6	19.1
Number of water cuts in a typical month*.	1	1.8	0.5

Source: Enterprise Survey, World Bank

472. The “Doing business” survey (2021) confirmed the negative impact of electricity supply on the competitiveness of businesses in Niger. Indeed, while the cost of getting an electricity connection varies between 0% and 61% of GDP/capita in OECD countries, it is around 4664% in Niger. In addition, on a scale of 0 to 8, Niger scores zero for the indicator of reliability of electricity supply and transparency of tariffs.

**Table 25:** Electricity supply

Indicator	Niger	Sub-Saharan Africa	OECD High income	Best Global Performance
Procedures (number)	4	5.2	4.4	3 (28 economies)
Lead time (days)	52	109.6	74.8%	18 (3 economies)
Cost (% of income per capita)	4664.2	3,187.5	61	0.0 (3 economies)
Indicator of reliability of electricity supply and transparency of tariffs (0-8)	0	1.6	7.4	8 (26 economies)

Source :Doing Business (2020)

#### Problem 4: Taxation

473. The traders and business owners who met with the CRM complained to the team that the tax system is an obstacle to the growth of businesses. According to them, the high levels of tax rates and the tax administration redtape, encourage companies to take transition to the informal sector and sometimes to resort to corruption. According to these same stakeholders, tax exemptions only concern multinationals and not local Niger SMEs.

474. Drawn from the “Niger, Enterprise Survey, 2017”, the table below shows that in comparison with other countries of sub-Saharan Africa, it is the number of mandatory visits or meetings with tax authorities that is the most problematic in Niger.

**Table 26: Tax constraint**

<b>Economy</b>	<b>World</b>	<b>Sub-Saharan Africa</b>	<b>Niger</b>
Percentage of companies which identify tax rates as a major constraint.	30.5	35.2	15.4
Percentage of businesses that see tax administration as a major constraint.	21.3	28.4	16
If there were any visits, average number of visits or mandatory meetings with tax authorities.	2.5	3.2	3.3

Source: Enterprise Survey, World Bank

475. The CRM would like to recall that these results concern the formal sector, and that the informal sector actors they met during the visits to regions also testified to the conflicting relations between regional tax administrations and traders who generally operate in the regions informally.

476. The findings of the “Enterprise Survey” are also confirmed by the “Doing Business (2021)” survey. Indeed, Niger recorded its worst score on the number of annual payments companies make.

**Table 27: Tax procedures**

<b>Indicator</b>	<b>Niger</b>	<b>Sub-Saharan Africa</b>	<b>High income</b>	<b>Best global performance</b>
Payments (number per year)	41	36.6	10.3	3 (2 economies)
Lead time (hours per year)	270	280.6	158.8	49 (3 economies)
Total payable (% of gross profit)	47.2	47.3	39.9	26.1 (33 economies)
Index after tax returns (0 - 100)	25.6	55.9	86.7%	None in 2018/19

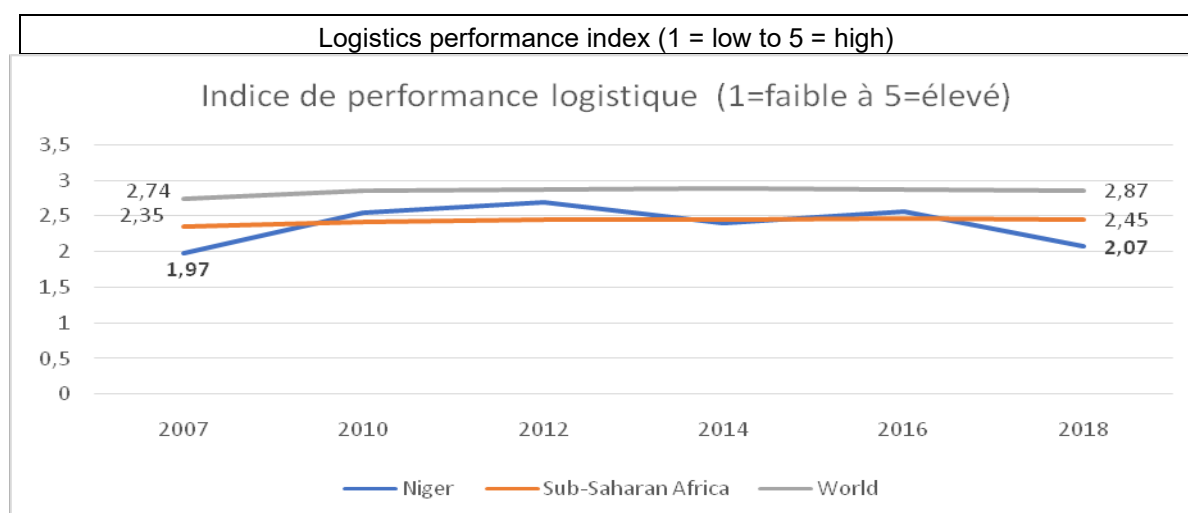
Source: Doing Business

### Problem 5: Transport, logistics and mobility

477. The direct and indirect costs generated by poor access to electricity are exacerbated by the costs of other sources of energy and mobility in Niger. Indeed, endowed with a vast territory, Niger is a landlocked country which depends mainly on land transport of goods and people. The poor state of its roads and limited mobility capacities weigh on the cost of factors and affect the competitiveness of its enterprises.

478. After recording a slight improvement which continued until 2012, Niger's logistics performance index is now declining

**Graph 6:** The logistics performance index



Source: World Bank

479. In 2018, Niger was ranked the fourth country in the world in terms of poor logistics performance. For a landlocked country located in an important geostrategic position (between the Sahara desert and the Sahel), this poor performance shows the extent of missed opportunities.

**Table 28:** Logistics performance of Niger

	Global LPI		Customs		Infrastructure		International shipments		Quality and competence of logistics services		Tracking and tracing		Punctuality	
	Score	Ranking	Score	Ranking	Score	Ranking	Score	Ranking	Score	Ranking	Score	Ranking	Score	Ranking
201	2.0	157	1.7	157	2.00	142	2.0	158	2.1	150	2.2	14	2.33	155



8	7		7				0		0		2	1		
2016	2.56	100	2.59	81	2.22	121	2.63	91	2.50	100	2.35	121	3.02	98
2014	2.39	130	2.49	93	2.08	143	2.38	130	2.28	132	2.36	129	2.76	127
2012	2.69	87	2.67	59	2.45	96	2.91	61	2.49	105	2.49	109	3.07	91
2010	2.54	106	2.06	132	2.28	97	2.66	102	2.42	98	2.45	115	3.28	83

Source: World Bank (2020)

**Table 29:** The logistical constraint

<b>Economy</b>	<b>World</b>	<b>Sub-Saharan Africa</b>	<b>Niger</b>
Proportion of products lost due to breakage or deterioration during shipment to domestic markets (%)*	1.2	1.9	2.2
Percentage of companies that consider transport as a major constraint	18.4	24.2	19.6

Source: Enterprise Survey, World Bank

#### **Problem 6: Challenges related to bureaucracy and adherence to rules and formalities**

480. According to the “Enterprise Survey”, Niger’s senior executives spend 11.4% of their time trying to meet government regulatory requirements and, thus, unlike their peers in sub-Saharan Africa and the world average, they are more occupied by government bureaucracy.

**Table 30:** Waste of time due to bureaucratic procedures

<b>Economy</b>	<b>World</b>	<b>Sub-Saharan Africa</b>	<b>Niger</b>
Time spent by senior executives on government regulatory requirements (%)	8.2	8.5	11.4
Percentage of businesses were visited by or had to meet with tax officials	50.7	71.7%	63.3
Days to obtain a building permit	67.8	45.5	44.1
Days to obtain an import license	17	14.5	18.9
Percentage of businesses that consider operating licenses and permits as a major constraint	13.9	16	7

Source: Enterprise Survey, World Bank

### Problem 7: Human capital and weaknesses in vocational training

481. The CRM learnt that for several trades, workers come from Benin or other neighbouring countries. This is probably due to the absence of vocational training schools (especially in the tourism sector).

482. The challenge of initial professional training of Niger's human capital is coupled with that of inadequate continuing training. Indeed, compared to the world average and the average for sub-Saharan Africa, Niger has the lowest percentage of companies offering formal training to their employees, and the lowest proportion of workers with formal training. Likewise, Niger has more companies which consider the problem of an inadequately educated workforce as a major constraint, than the world average and the average for the region.

**Table 31: Professional training**

Economy	World	Sub-Saharan Africa	Niger
(%) of companies offering formal training	32.9	27.5	27.5
(%) of workers with formal training (%)*	48.9	45.5	20.7
(%) of companies which identify an inadequately educated workforce as a major constraint	20.4	16.3	21.9

Source : Enterprise Survey, World Bank

### Problem 8: Crime and insecurity

483. Although Niger is currently waging a war against terrorism (in its two dimensions of jihadism and organized crime) and more companies in Niger than in the region identify crime, theft and disorder as a major constraint, they are slightly less affected by this insecurity than those in sub-Saharan Africa.

**Table 32: Businesses and security**

	World	Sub-Saharan Africa	Niger
(%) of companies paying for security	56.2	59.7	46
If the establishment pays for security, average security costs (% of annual sales)	3.4	5.3	2.5
(%) of companies with losses due to theft and crime	16.4	22.7	18.9
If there were losses, average losses due to theft and crime (% of annual sales)	4.9	7.8	4.5
Products shipped to supply domestic markets that have been lost due to theft (% of product value)	0.8	1.5	0.2

(%) of companies which identify crime, theft and disorder as a major constraint	16.6	21.2	25.8
---	------	------	------

### Business creation in Niger

484. The tax administration, the chamber of commerce and the national statistics institute each have their own list of companies. The CRM was informed that there is not a single database of companies created.

485. Similarly, since the single window (one-stop-shop) of the Chamber of Commerce is not digitized, Niger does not monitor the survival rate of the businesses created.

486. According to the stakeholders met by the CRM, setting up a business is free and fairly easy. The cost of starting a business was said to have been halved in a few years.

487. By referring to "Doing Business, 2020", it can be seen that this information provided by the stakeholders is confirmed:

**Table 33:** Business creation in Niger

Indicator	Niger	Sub-Saharan Africa	High income	Best global performance
Procedures - Men (number) <sup>7</sup>	4	7.4	4.9	1 (2 economies)
Time - Men (days) <sup>8</sup>	10	21.5	9.2	0.5 (New Zealand)
Cost - Men (% of income per capita) <sup>9</sup>	7.9	36.3	3.0	0.0 (2 economies)
Procedure - Women (number)	4	7.5	4.9	1 (2 economies)
Time - Women (days)	10	21.6	9.2	0.5 (New Zealand)
Cost - Women (% of income per capita)	7.9	36.3	3.0	0.0 (2 economies)
Minimum capital required (% of income per capita) <sup>10</sup>	11.3	9.3	7.6	0.0 (120 economies)

Source: Doing Business (2020)

<sup>7</sup>The total number of procedures required to register a business. A procedure is defined as an interaction between the founders of the business and external partners (e.g. government agencies, lawyers, auditors)

<sup>8</sup>The total number of days required to register a business. The measure highlights the average length of time registration lawyers report as necessary to complete a procedure with minimal follow-up with government agencies and at no additional cost.

<sup>9</sup>The cost is recorded as a percentage of the country's per capita income. It incorporates all official costs and fees paid for legal and professional services if such services are required by law.

<sup>10</sup>The amount the entrepreneur must deposit in a bank or with a notary public before the business is registered and for a period of up to three months after the incorporation of the business and is recorded as a percentage of the country's income per capita.

488. The progress thus achieved in terms of an improved business environment has given rise to a rapid increase in the number of business start-ups over the past ten (10) years:

**Table 34:** Trends in the number of businesses created (2008-2018)

Year	Number of businesses created
2008	1249
2009	1173
2010	1913
2011	2194
2012	2177
2013	1913
2014	2372
2015	4280
2016	4609
2017	4928
2018	4911
<b>Total</b>	<b>32216</b>

Source: National strategy for the promotion of youth entrepreneurship in Niger (2020-2029)

489. Conditions for starting a business are generally more favourable in Niger than in the other sub-Saharan African countries, thanks to efforts made in the country to promote and facilitate entrepreneurship as well as to simplify procedures in the business world.

#### **Box 7: Entrepreneurship in Niger**

A majority of Niger's population is made up of the youth, with persons below 25 years of age accounting for 66% of the country's total population. Given the absence of recruitments in the public sector and the weak diversification of the national economy, entrepreneurship is essential for development and as a means for millions of women and youths to lift themselves out of precarious living conditions.

An evaluation of the decade of implementation of the "Renaissance programme" revealed that *"Various business development initiatives put in place for the youth have led to the establishment of a business ecosystem across the country. Thus, the organization of the Business Plan Competition (CPA) helped to identify and support new companies with a high potential for innovation in identified sectors. It is in this context that 4000 candidates were trained in entrepreneurial awareness, including 729 selected for training in the development of simplified business plans followed by coaching and 102 successful candidates selected. The total cost of training and coaching the 102 finalist projects is estimated at CFAF3 billion with an average of CFAF30 million per project."*<sup>11</sup>

Based on these relatively encouraging results, Niger has developed a national strategy to promote youth entrepreneurship (2020-2029). This strategy is based on an analysis of the strengths, weaknesses, threats and opportunities of the entrepreneurial ecosystem. The results of the analysis are as follows<sup>12</sup>:

##### **Strengths:**

- Youth enthusiasm and interest in entrepreneurship
- The existence of youth associations

<sup>11</sup>Balance sheet of 10 years of implementation of the Renaissance programme, Decembre 2020

<sup>12</sup>National strategy for the promotion of youth entrepreneurship in Niger (2020-2029)

- The youthfulness of the population and its qualification in various fields

#### Weaknesses:

- The low rate of literacy
- The weak entrepreneurial culture
- Inadequate technical and entrepreneurial skills
- The low level of information on opportunities
- Weak financial capacity
- Low rate of use of bank services

#### Opportunities:

- The political will displayed by the government in supporting youth entrepreneurship
- The rich historical and cultural heritage that can be exploited by young people
- The high quality of craft products
- The huge potential in minerals
- The existence of a Ministry in charge of youth entrepreneurship
- The adoption of a private sector promotion policy
- The adoption of the SME Charter
- The setting up of a one-stop-shop for business creation
- The existence of support, advisory and guidance bodies for business projects
- Tax system simplification and tax relief
- The existence of an annual competition for the detection and promotion of young talent.
- The establishment of the commercial court, the Niamey Mediation and Arbitration Centre and the Tax Disputes Arbitration Committee (*CARFI - Comité Arbitrale des Recours Fiscaux*)

#### Threats:

- High exposure to climatic hazards
- Insecurity in some areas of the country
- The landlocked nature of the country
- Insufficient and obsolescent infrastructure
- Socio-cultural prejudices or stereotypes
- The high cost of energy
- Difficult access to funding by young entrepreneurs
- Insufficient support for young entrepreneurs
- Poor coordination of the activities of support bodies
- The absence of the Ministry of Youth Entrepreneurship in the regions
- Insufficient branches of support bodies at the regional, *departmental* and local levels
- Insufficient specific support bodies for young project bearers
- Insufficient financial support for the youth
- The absence of the implementing instruments provided for by the SME Charter
- Inappropriate conditions for access to support by young people
- Insufficient follow up of newly established businesses
- Inappropriate communication channels, considering the target
- The lack of a regional support fund for young entrepreneurs
- Insufficient coordination of the youth entrepreneurship activities carried out in several ministries

This diagnosis led to the development of a Strategy which primarily targets Niger's youth (women and men) at least 18 and at most 35 years of age, individually or collectively, in rural or urban areas, who wish to start or develop an economic activity in the form of a business. This strategy will be implemented over a ten-year period (2020-2029) by the Management Unit of the Youth Entrepreneurship Promotion Fund, while the Interministerial Technical Committee, the National Technical Committee and the Regional Technical Committees will be responsible for its monitoring and evaluation.

The cost of implementing the first five years of the Strategy (2020-2024) is estimated at CFAF18 billion 575 million.

The Strategy has five targeted outcomes, namely:

- Outcome 1: The institutional mechanism and the regulatory framework are strengthened
- Outcome 2: The entrepreneurial culture is developed among the youth

- Outcome 3: Economic and event opportunities are used to promote entrepreneurship
- Outcome 4: Substantial resources adapted to financing of business projects designed by the youth are available
- Outcome 5: The mechanisms for accessing financing resources for young project bearers are strengthened.

### Pro-SME policies

490. Aware of the challenges of this sector, Niger made an attempt to encourage agricultural entrepreneurship, by creating a cereal bank in 2008. Paradoxically, the creation of this bank instead pushed several farmers to become traders. All the more, many youths prefer to make this change because agriculture faces competition from foreign products and is affected by climate change, and it is still possible to operate as a trader in the informal sector.

491. Indeed, during its visits to border regions, the CRM learnt about - and observed - the extent of parallel border trade (especially with Nigeria) as well as the rise of various forms of trafficking which, according to its interlocutors, also concern prohibited products such as weapons and drugs.

492. Regarding the simplification of procedures and reform of the business environment, the table below summarizes the key actions undertaken since 2008:

**Table 35:** Main reforms of the business environment (2008-2020)

- DB2020: Obtaining a loan: Niger improved access to credit information by expanding credit bureau coverage and starting to disseminate the data of public enterprises.
- DB2019: Obtaining a building permit: Niger has reduced the cost of obtaining a building permit. Getting electricity supply: Niger has accelerated the process of connecting to the electricity grid by increasing the stock of equipment of the electricity company and by making it possible to obtain the certificate of conformity of the internal wiring at the same time as the external connection works.
- Property registration: Niger has fast tracked property registration by reducing the time required to transfer and register property.
- Contract enforcement: Niger has facilitated the enforcement of contracts by introducing a simplified procedure for small claims, rules which limit adjournments and mediation as an alternative dispute resolution mechanism.
- DB2018: Business creation: Niger has made it easier to start a business by reducing the minimum capital required for setting up a company, reducing the time required to register a company and posting the notice of incorporation of a company online free of charge.
- Processing of building permits: Niger has increased transparency in the management of building permits by publishing building regulations online free of charge. Niger has also reduced the time and cost of obtaining a building permit and the time for getting a water connection.
- Access to electricity: Niger has reduced the time required to obtain an electricity connection by setting up a single window (one-stop-shop).
- Property registration: Niger has made property registration easier by reducing ownership transfer costs.
- Decree No. 2017-284/PRN/MC/PSP/MJ/MF of 13 April 2017 which provides that "the share capital of a limited liability company (SARL) shall be fixed the shareholders in the articles of association which

shall determine the nominal value of the shares ;

- DB2017: Starting a business: Niger has made it easier to start a business by reducing the time and cost required to register a business. Niger has also abolished the obligation to have the articles of association of a company authenticated by a notary.
- Obtaining a loan: Niger has improved access to credit information by establishing a new credit bureau.
- Protection of minority investors: Niger has strengthened the protection of minority investors by introducing a provision whereby the winning party's legal costs are reimbursed by the losing party.
- Cross-border trade: Niger has facilitated cross-border trade by removing mandatory pre-shipment inspection for imported products.
- Contract enforcement: Niger has facilitated the enforcement of contracts by creating a specialized commercial court in Niamey and by adopting a new civil procedure code which sets timelines for major judicial events.
- Insolvency resolution: Niger has made insolvency resolution easier by introducing a new conciliation procedure for businesses in financial difficulty and a simplified preventive settlement procedure for small businesses.
- Free (but compulsory) registration of company articles of association (Finance Law 2016);
- The abolition of the criminal record requirement when setting up a business and its replacement by a declaration on honour; the abolition of the payment of a contribution to the Chamber of Commerce and Industry of Niger as a requirement for starting a company;
- The exemption from the payment of the contribution of the National council of transport users when starting a business;
- The inclusion of the Chamber of Commerce Newsletter among legal notice newspapers;
- DB2016: Business creation: Niger facilitated business creation by reducing the minimum capital required.
- Processing of building permits: Niger has made it easier to obtain building permits by reducing the time it takes for companies to obtain a water connection.
- Obtaining a loan: Niger has improved its credit information system by introducing regulations governing the licensing and operation of credit bureaus in member states of the West African Economic and Monetary Union (WAEMU).
- Cross-border trade: Niger has increased the time and cost of documentary and border compliance for import by making pre-shipment inspection mandatory.
- The attestation for entry of individuals on the Trade and Personal Property Credit Register (RCCM) is issued at the One-Stop Shop (GU): following instructions issued by the Minister of Justice, the Registry of the High Court (*Tribunal de Grande Instance*) is no longer authorized to issue RCCM attestations; in Niamey, RCCM attestations are issued exclusively at the *Maison de l'Entreprise* since 26 January 2015;
- The appointment of two (2) clerks, an agent of the National Social Security Fund (CNSS) and a Head of the Taxpayer Registration Service, all with delegation of signature to the *Maison de l'Entreprise*; today all the formalities for setting up businesses are carried out exclusively at the single window, *Maison de l'Entreprise*;
- The establishment of electronic interconnections between the Directorate General of Taxes and the *Maison de l'Entreprise*, then between the CNSS and the *Maison de l'Entreprise*;
- The setting up of an advanced counter of a bank within the *Maison de l'Entreprise* where business promoters can open accounts and pay in their share capital;
- The assignment of a revenue officer to the *Maison de l'Entreprise* for the registration of articles of



incorporation;

- DB2015: Protection of minority investors: Niger has strengthened the protection of minority investors by introducing more stringent requirements for the disclosure of transactions between related parties to the board of directors and by allowing shareholders to review documents relating to transactions between related parties and appoint auditors to perform an investigate such transactions.
- The adoption of Decree No. 2014-503/PRN/MC/PSP/MJ which enshrines the application of the new provisions of the Uniform Act relating to the revised law of commercial companies and EIGs, adopted on 30 January 2014, and relating to the adoption of the standard articles of incorporation of limited liability companies (SARL), the reduction of the minimum capital for the creation of a LLC from CFAF 1,000,000 to CFAF100,000 and the optional role of notaries public in the authentication of the articles of incorporation of limited liability companies (SARL),
- The establishment of a template of standard articles of incorporation of LLC by Decree No. 2014-504/PRN/MC/PSP/MJ of 31 July 2014;
- DB2014: Business creation: Niger has made it easier to set up a business by replacing the requirement to provide a copy of the founders' criminal records with a sworn statement at the time of registration of the company.
- Property registration: Niger has made the transfer of property easier by reducing registration fees.
- DB2013: Cross-border trade: Niger has reduced import time by expanding and optimizing the use of an electronic data exchange system for customs clearance.
- Business creation procedures have been reduced to a maximum of four (4) instead of nine (9) and the time for business creation cannot exceed three (3) working days (Decree No. 2012-248 PRN/MC/PSP of 30 May 2012).
- DB2012: Obtaining a loan: Access to credit in Niger has been improved by amendments to the OHADA Uniform Act on Guaranteed Transactions, which broaden the range of assets that can be used as collateral (including future assets), extend the guarantee to the proceeds of the initial asset and introduce the possibility of out-of-court enforcement.
- DB2011: Tax burden: Niger has reduced its corporate tax rate.
- DB2010: Starting a business: Niger has made it easier to set up a business by removing the requirement to be registered with the Niger Council of Public Transport Users (CNUT) and with the Chamber of Commerce.
- Payment of taxes: Niger has made the payment of taxes easier for businesses by removing the tax on interest.
- Ordinance No.2009-26 of 6 November 2009, relating to the Finance Law for the 2010 Fiscal Year provides that "... the stamp duties relating to registration in the trade and property credit register shall be capped at CFAF11,500 and broken down as follows:
- A fiscal stamp of CFAF1,500 instead of CFAF25,000 for entry in the register; a stamp of CFAF10,000 instead of CFAF49,500 for signature fees;
- Abolition of the authorization to exercise for foreigners; the registration of the articles of incorporation of LLCs is done solely at the *Maison de l'Entreprise*.
- DB2008: Setting up a business: Niger has made setting up a business less expensive by eliminating the fees paid to the Chamber of Commerce.
- Property registration: Niger has made property registration faster and cheaper by simplifying the process at the Department of Personal Property (*Direction des Domaines*) and reducing the registration tax.
- Paying taxes: Niger has made paying taxes more difficult for businesses by introducing a tax on advertising.



493. According to several stakeholders met by the CRM, just a minority of large businesses and multinationals are actually benefiting from the measures taken to improve the business environment. Small business owners deplore economic and social injustices, and accuse the laws and regulations, ratified conventions, as well as the actors responsible for interpreting and applying them, of favouritism - in particular on the basis of political affiliation.

494. While the economic operators the CRM met systematically complaint about injustice – in terms of access to public procurement, in their dealings with the tax administration, in terms of access to loans, in the handling of court cases, etc., - they are also and very generally poorly informed about the instruments adopted and the policies implemented by the State. The State's inability to educate and inform citizens may be due issues of public communication and access to rights, but also due to the fact that a majority of business owners are illiterate. To address this situation, it is imperative to give a more important role to umbrella organizations as a link between small traders, large economic operators and the State.

### **Women in business: Female entrepreneurship and the glass ceiling**

495. Compared with the other countries of sub-Saharan Africa, another major characteristic of Niger is that women play a limited role in formal businesses. Probably due to cultural considerations, the fact that women are left behind is a loss and a missed opportunity for the country's businesses. Indeed, the economic literature has shown that companies stand to benefit by ensuring greater involvement of women in their management organs.

**Table 36:** Women's entrepreneurship and employment in Niger

Indicators	Niger	Sub-Saharan Africa	World
Percentage of companies with female participation in the capital	14.5	27.9	33.1
Percentage of companies with a woman as top manager	8.9	13.2	14.8
Percentage of businesses majority owned by women	10.6	16.2	17.8
Proportion of permanent female workers (%)	13.1	26.8	32
Proportion of permanent female production workers (in manufacturing industries) (%)	6.7	19.7	27.4
Proportion of permanent non-production workers of the female sex (%)	12.7	29.9	37.5

Source: Enterprise Survey, (World Bank)

<sup>13</sup><https://www.doingbusiness.org/en/reforms/overview/economy/niger>

<sup>14</sup>National Strategy for the Promotion of Youth Entrepreneurship in Niger (2020-2029)

## **Business support agencies and programmes**

496. The CRM noted that Niger has set up several agencies and programmes to assist and support businesses.

497. In particular, the CRM was informed that some universities and private sector actors (SIPMEN/Orange TIC and Oasis) had business incubators. According to the stakeholders we met, the university incubators suffer particularly from lack of management autonomy and flexibility.

### **The West African Competitiveness Programme (WACOMP)**

498. Funded by the European Union, this programme aims to “support a number of value chains at national and regional levels to promote structural transformation and ensure better access to regional and international markets, while taking into account social and environmental concerns.” WACOMP is “aligned with the priorities of West African policies and programmes, including the West Africa Common Industrial Policy (WACIP), the West Africa Quality System Programme (WAQSP) and the ECOWAS Private Sector Development Strategy<sup>15</sup>. Under the Programme, the following instruments have been adopted and published: the ECOWAS Common Investment Code, the ECOWAS Investment Policy, the ECOWAS MSME Charter, the ECOWAS SME Strategy, the ECOWAS Strategic Framework for Private Sector and Enterprise Promotion, West Africa Common Industrial Policy (WACIP) and the European Union External Investment Plan.

499. In Niger, WACOMP has given priority to the development of the skin, hide and leather value chain. Indeed, “Over 3 million hides and skins are annually produced while 2.5 million are exported with minimum transformation and 600 000 are locally processed with a poor quality”.

500. The CRM considers that for African integration to be effective, it is necessary to formulate common industrial policies. However, the CRM also noted a lack of information and a lack of ownership of these instruments by the private sector actors the mission was able to meet. The deindustrialization of Niger, which was noted by the representatives of the private sector met by the CRM, points to the limitation of this European Union policy.

### **The WAEMU Small Craft Business Support Programme (PAPEA-UEMOA)**

501. The Niger component of PAPEA-UEMOA is managed by the National Federation of Craftsmen of Niger and the Niger Centre for Leather and Art Trades. The aim of the WAEMU Support Programme for Small Craft Enterprises (PAPEA-UEMOA) is to “create favourable conditions for the pooling of equipment and resources that small businesses cannot acquire individually, to develop the production of small series while strengthening handicraft skills in terms of product quality, innovation, design and compliance with standards”. Spread over a period of five years (from 24/03/2011 to 31/12/2016), this Programme was structured around two components:

- Component 1: Create Resource Centres for Handicrafts (CRA): These are places set aside for discussing economic issues, pooling resources and building partnerships in the service of small businesses.

---

<sup>15</sup><https://wacomp.projects.ecowas.int/>

- Component 2: Establish a sub-regional information system on crafts (SIRA) to collect, manage and disseminate data and information on crafts for better knowledge and better planning of the sector's development.

502. A WAEMU review conducted in 2016 revealed that the beneficiary handicraft enterprises and craftsmen were 90% satisfied with the work and services of the Handicraft Resource Centres. Despite the fact that a website has been created, a database has been developed on the server, and the authorities are determined to pursue and operationalize this Programme, the SIRA (Sub-Regional Information System on Handicrafts) is still not operational.

**Table 37:** Strengths and weaknesses of handicraft support bodies

Structure	Strengths	Weaknesses
Handicrafts Resource Centre (CRA)	<ul style="list-style-type: none"> <li>The Centre is accessible</li> <li>The reception capacity has been improved</li> <li>Good quality equipment</li> <li>The Centre runs round the clock</li> <li>The human resources are available and committed</li> <li>There is synergy among craftsmen</li> <li>There is a diversity of trades</li> </ul>	<ul style="list-style-type: none"> <li>Insufficient funding for craftsmen</li> <li>The CRA is found only in Niamey</li> </ul>
Sub-Regional Information System on Handicrafts (SIRA)	<ul style="list-style-type: none"> <li>The equipment to get the SIRA up and running is available;</li> <li>The website has been designed</li> <li>Databases have been created</li> <li>The human resources are available and committed</li> </ul>	<ul style="list-style-type: none"> <li>The SIRA is not yet operational;</li> <li>The website is not hosted;</li> <li>The machines have not been connected to the server</li> </ul>

Source: WAEMU, (2021)<sup>16</sup>

### Trade Facilitation West Africa (TFWA) Programme

503. Managed by the World Bank Group and the German International Cooperation Agency (GIZ), the TFWA Programme strives to reduce the time and cost of trade borne by the private sector, especially by improving the movement of goods along selected corridors, and supporting small-scale traders – including women and other key stakeholders – with trade facilitation reforms and programmes<sup>17</sup>. In Niger, the TFWA Programme works with the National Trade Facilitation Committee (CNFE) of Niger and intervenes through activities such as organizing cross-border trade training; providing support for the development of a National Strategy for the African Continental Free Trade Area (AfCFTA) by identifying priority actions to be undertaken by the government of Niger to effectively realize the potential benefits of the AfCFTA; lending assistance to the Customs Department in validating the Action Plan of the Mutual Assistance and Customs Cooperation Agreement; strengthening capacities in terms of approval procedures for the ECOWAS Trade Liberalization Scheme; ensuring Understanding of the Main Trade Agreements in Niger; capacity building for women; etc.

<sup>16</sup>WAEMU, (2021), FINAL EVALUATION OF THE SUPPORT PROGRAMME FOR SMALL CRAFT ENTERPRISES (PAPEA) IN MEMBER STATES OF THE WEST AFRICAN ECONOMIC AND MONETARY UNION (WAEMU)

<sup>17</sup><https://tfwa.projects.ecowas.int/>

504. The West Africa Trade Facilitation Programme notably developed a study on small-scale cross-border trade in West Africa. The study highlights the many difficulties and harassments traders - and in particular women traders – have to cope with on the Cotonou-Niamey and Lagos-Kano-Niamey corridors. The difficulties particularly concern access to financing; the attitude and behaviour of border control officials; transport and market infrastructure, border crossing procedures; security; illegal payments and limited knowledge of trade rules<sup>18</sup>.

**Organizations for the protection of the interests of private companies: Overview of the situation of the employers' union**

505. Niger's employers' union is made up of the following major organizations:

- The Niger Chamber of Commerce and Industry. Even if it is demanding its independence, the Chamber of Commerce is perceived as a branch of the Ministry of Trade;
- The Niger Chamber of Handicraft Trades (CMANI). Born out of the defunct Niger Chamber of Commerce, Agriculture, Industry and Handicrafts, the CMANI was established in 2014. Following a WAEMU recommendation that each Member State should set up a Chamber of Handicraft Trades, Niger adopted Law No. 2012-33 of 5 June 2012 to establish the Niger Chamber of Handicraft Trades (CMANI) and issued Decree No.2012-447/PRN/MT/A of 9 October 2012 to approve the articles of association of the CMANI. The articles of association of CMANI were drawn up around which an education, information and communication campaign was organized, after which Regional Chambers of Handicraft Trades were set up.
- The National Network of Chambers of Agriculture: the mission of these chambers is to represent farmers, breeders, fishermen, logging companies; providing advisory support/extension services, training and information for agricultural professionals.
- The National Employers' Council of Niger (CNPN): created in 2004, this Council brings together 17 Trade Union Organizations of employers from all sectors, including Women and Business Managers Groupings and Organizations. Most of the activities of this Council are geared towards organizing and protecting the private sector and defending the interests of its members. Following the outbreak of the COVID-19 pandemic, the Council conducted a survey to identify the sectors most affected. The CNPN does not receive State funding and suffers because people confuse it with the chamber of commerce. Indeed, the CNPN finds it difficult to convince administrators, companies and the wider public that the National Employers' Council of Niger (CNPN) and the Niger Chamber of Commerce and Industry are two different organizations<sup>19</sup>.
- The Federation of Employers' Organizations of Niger is a professional employers' organization founded in 2006 and currently has several member employers' organizations that have come together to defend and safeguard their material and moral interests, on the one hand, and to work for the socio-economic development of the country, on the other.

---

<sup>18</sup>TFWA Programme's Small-Scale Cross-Border Trade Survey, World Bank Group [2020], Washington DC, United States

<sup>19</sup>[https://www.lesahel.org/m-saleye-seybou-president-of-the-National-Employers-Council-of-Niger-\(CNPN\): our organization is carrying out advocacy actions with government officials to mitigate the effects/](https://www.lesahel.org/m-saleye-seybou-president-of-the-National-Employers-Council-of-Niger-(CNPN):-our-organization-is-carrying-out-advocacy-actions-with-government-officials-to-mitigate-the-effects/)

- Other organizations, especially the National Federation of Craftsmen of Niger as well as mixed chambers, are trying to develop trade and assist businesses and entrepreneurs.

506. Several stakeholders the CRM met affirmed that Niger's business environment is over politicized.

### **State-owned (Public) enterprises**

507. Regarding public enterprises, the CRM was informed that the appointments at the head of these corporations are more along party lines than the criterion of competence. SOEs record poor performances and do not sufficiently render account to the people of Niger, nor to their elected political representatives.

### **Public-Private Partnership**

508. The CRM was informed that thanks to public-private partnerships (PPP), investment in development projects has increased. Indeed, according to the document "Balance Sheet of 10 Years of Implementation of the Renaissance Programme", eight (8) project files (energy, oil, low-cost housing, slaughterhouse and roads) have been approved by the Public-Private Partnership Orientation Committee for a total amount of nearly CFAF1 000 billion. A high-level public-private dialogue meeting chaired by the President of the Republic was held and five investment promotion events were organized in China, the Russian Federation, Japan, Morocco and South Africa. These events resulted in the materialization of three major projects relating in particular to the Yantala cornice and the urban development of the city of Niamey for an estimated CFAF3 150 billion investment and 30,000 jobs created<sup>20</sup>.

## **iii. Recommendations**

509. Considering the CSAR, field interviews and observations as well as the National Programme of Action, the APR Panel recommends as follows:

- Improve the statistical monitoring of businesses by updating and unifying the list of companies, monitoring the survival rate of businesses created and, in particular, digitizing the one-stop shop of the chamber of commerce.
- Create business incubation centres in the countryside.
- Ensure better promotion of local products and encourage traders and consumers to focus on local products instead of importing.
- Diversify the sectors in which the State invests.
- Strengthen the capacities of craftswomen in terms of financing, training and materials.
- Focus on the production and processing of groundnuts and, more generally, on the diversification of the economy and State support.

---

<sup>20</sup>Balance Sheet of 10 Years of Implementation of the Renaissance Programme, December 2020

- Improve training and support for young entrepreneurs.
- Allow municipalities to play an important role in helping women and young people to set up businesses.
- Quickly address the problem of cost and availability of energy.
- Ensure better application of WAEMU instruments relating to vocational training and improve the gratification offered to trainers.
- Formulate sector-specific policies aimed at protecting formal sector businesses from the practices of illegal companies.
- .

<b>OBJECTIVE 2:</b>	<b>Provide effective leadership and ensure organizational accountability</b>
---------------------	--

**i. Summary of the CSAR**

510. In Niger, as indicated in the CASR, Article 7 of Ordinance No. 86-001 of 10 January 1986 to lay down general rules governing public establishments, State-owned enterprises and semi-public companies relating to the organization and oversight of semi-public enterprises, stipulates that the board of directors of companies shall be made up of at least three (3) members and at most twelve (12) members.

511. The members of the board of directors of SOEs are held liable in the event of gross negligence or misconduct constituting an infringement of criminal law.

512. By stipulating that members of the board of directors of a public enterprise cannot be shareholders thereof and that private companies can appoint directors who are shareholders or not, Niger's regulations allow for so-called independent directors. The CSAR nevertheless recognizes that this concept is not clearly set out in the laws of the country. According to the survey carried out as part of the self-assessment, independent directors are only present in 30% of commercial organizations.

513. It is asserted in the CSAR that in order to improve performance, board members must be competent, present, and involved in the life of organizations. The minutes of the meetings must be drawn up and archived within the company after each meeting. The minutes provide information on the said meetings, the resolutions and the results of voting on all the resolutions submitted before them; the documents and reports presented to them and the summaries of the discussions.

514. The double requirement of transparency of the directors towards the Board of Directors and of the Board of Directors towards the shareholders is one of the basic principles of company oversight and of the organization of relations between these partners. Transparency is not simply about providing information; it requires describing, in annual reports, the mechanisms used to reach decisions; to indicating how it was used and the decisions finally taken.

515. This survey showed that:

- Organizations ensure that there is no conflict of interest, that the person concerned is not related to an executive member or shareholder of the organization and that they have no executive power within the said company.
- Women are virtually absent from boards of directors in both the public and private sectors.
- Over the last 12 months, 69% of board members have not received any capacity building.
- For their part, 82% of non-profit organizations are managed by the General Assembly (GA) and 18% by an executive board.

- About 67.5% of Niger's businesses have a Board of Directors; 55% have set up such a Board and a Management team. In private sector companies, appointment of managers is the preferred method with 22.5% of cases while in 5% of cases the company is run by an administrator. The members of boards of directors are appointed in 77.5% of the companies and only in 12.5% of the companies are Board members elected.
- In commercial companies (67%) and non-profit organizations (82%), the power of dismissal lies with the General Assembly.
- The practice of training members of the governance body is extremely rare in companies.
- Method of remuneration of members of governance organs: Commercial organizations prefer monthly remuneration (40%) and fixed allowances (32.5%); in not-for-profit organizations, mostly have fixed allowances (36.4%) and no remuneration for members of management organs (27.3%).
- Members of the governance body of commercial enterprises and not-for-profit organizations meet at least once per year in 90% of cases and at least thrice per year in nearly 50% of cases.

516. It is recorded in the CSAR that commercial companies and non-profit organizations are setting up statutory audit functions to ensure the compliance, integrity and quality of information, at 58% and 36% respectively. Internal audit and external audit functions are implemented in 45% and 37% of commercial organizations, respectively.

517. There are three main pitfalls of a good transparency and information disclosure framework, namely: (i) manipulation of information with 28% and 18% respectively; (ii) corruption more present in commercial organizations (13%) than in non-profit organizations where the declared corruption rate is 0%, and finally (iii) the cost and quality of communication tools respectively 40 % and 36%.

518. In light of the above, the National Governing Council (NGC) and the CSAR recommended the following actions:

- Initiate a rule for all companies, like banks, to have independent directors to strengthen their governance;
- Encourage the participation of resource persons as well as the presence of independent directors in the boards of directors;
- Evaluate the effectiveness of the oversight and audit systems of organizations.
- Establish performance contracts between the State and public enterprises.
- Adopt measures requiring all companies, like banks, to publish their financial statements on their website, or in a website or newspaper of legal announcements, in order to guarantee transparency in the management of companies;
- Prioritize tax policies that promote the productivity of informal sector businesses and new businesses rather than increasing tax revenue collected from them in the short term;
- Domesticcate the sanctions provided for in community instruments through the Penal Code and other texts.



## **ii. Findings of the CRM**

519. One source of Niger's corporate law is the OHADA Uniform Act applicable in 17 countries in the sub-region. This mechanism is not applicable to the banking and insurance sectors, which are governed by separate regulations of the Central Bank of West African States (BCEAO).
520. The CRM was informed that sole proprietorships and limited liability companies play an important role in Niger's economy, but such firms lack transparency.
521. Banks and insurance companies are required to set up four (4) committees within their boards of directors (audit, compliance, risk management and remuneration committees). These companies are also required to adopt a code or charter of ethics and to train their directors.
522. The procedure for screening candidates for the position of member of board of directors in the banking or insurance sector is relatively transparent. However, the CRM was also informed of the overbearing control of general managers of public corporations over their boards of directors. Thus, instead of the board choosing the general manager, it is often the latter who manages to co-opt who sits on the board.

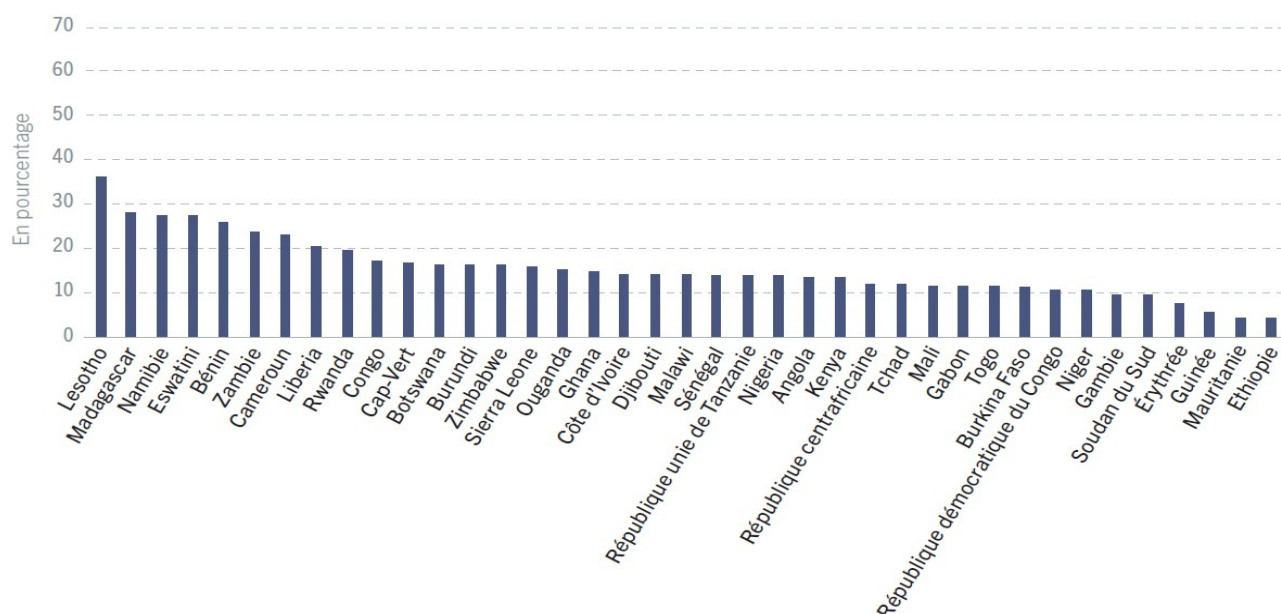
### **No governance code in Niger**

523. The CRM also learnt that there is no corporate governance and ethics code in Niger, and that only the public procurement code contains some articles which make reference to the issue of ethics. The CRM considers that this is a shortcoming that needs to be addressed.

### **Business leadership in Niger**

524. Compared to other countries on the continent, Niger is one of the African countries with the lowest rate of companies headed by women:

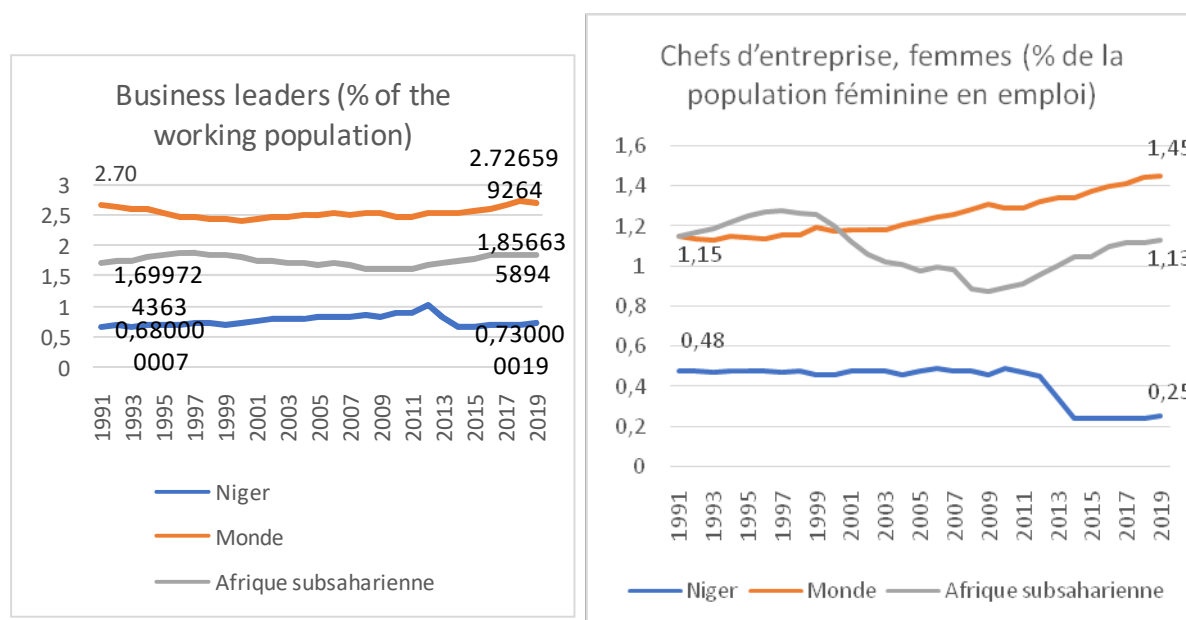
**Graph 7: Proportion of companies with a female manager by region**



Source: ILO (2019) 21

525. While the rate of female business leaders is changing positively in almost all the countries of the world, Niger is one of the few countries where this rate has fallen for ten years now.

**Graph 8: Business leaders and female business leaders in Niger**



<sup>21</sup>Women in Business and Management: The Business Case for Change /Geneva, International Labour Office, 2019

Source: World Bank (2021)

**Table 38:** Director liability, shareholder rights and corporate transparency

Indicator	Niger	Sub-Saharan Africa	High income OECD	Best Global Performance
Extent of information disclosure index (0-10)	7.0	5.5	6.5	10 (13 economies)
Extent of director liability index (0-10)	1.0	3.5	5.3	10 (3 economies)
Ease of shareholder suits index (0-10)	5.0	5.5	7.3	10 (Djibouti)
Shareholder rights index (0-6)	4.0	1.8	4.7	6 (19 economies)
Extent of ownership and control index (0-7)	2.0	1.4	4.5	7 (9 economies)
Extent of corporate transparency index (0-7)	2.0	1.5	5.7	7 (13 economies)

Source: Doing Business, 2020

526. Regarding the profession of chartered accountant, the CRM was informed that the Niger Society of Chartered Accountants was founded in 2003, and is run by a Board elected for a three-year term of office renewable once.

527. There are some sixty accountants and chartered accountants in Niger. This number was found to be sufficient given the small number of large formal enterprises.

528. The CRM was also informed of the current difficulties of the Approved Management Centre which is bedeviled by governance problems and is unable cover its own costs.

### iii. Recommendations

529. The APR Panel recommends as follows:

- Fast track the drafting, validation and dissemination of the governance code for listed companies with the support of the BRVM and the IFC (BRVM, World Bank).
- Set up a body (institute or association) responsible for promoting good corporate governance practices and training company directors (Government, Employers' Union, civil society);

- Initiate regulations for all companies, just like banks, to have independent directors to strengthen their governance;
- Encourage the participation of resource persons as well as the presence of independent directors within boards of directors;
- Evaluate the efficacy of business oversight and audit systems;
- Establish performance contracts between the State and public organizations;
- Adopt measures requiring all companies, just like banks, to publish their financial statements on their websites, or in a legal notices website or newspaper, in order to guarantee transparency in the management of companies;
- Establish an independent agency for the management of State holdings;
- Encourage companies with public stake to adopt codes of ethics;
- Improve the process and criteria for appointing general managers of public corporations to take into account only the competence and programmes of candidates;
- Enhance the independence of directors of public enterprises and assess them periodically;
- Fast track the reform of the Approved Management Centre to give it more autonomy in terms of resources and improve its governance;
- Encourage large companies, particularly those of the banking and financial sector, to appoint women on their boards of directors.

### **OBJECTIVE 3: ENSURE ETHICAL CONDUCT WITHIN ORGANIZATIONS**

#### **Summary of the CSAR**

530. According to the CSAR survey results, 62.5% of firms have a code of ethics and good conduct. Specifically, most firms adopt codes of ethics, but their implementation is far from effective.
531. According to the CSAR, participants in focus groups are unanimous in their view that workers' rights are not respected in firms and other organizations in Niger. This is not due to lack of knowledge, but rather to lack of resources to cover the related costs. Many employees, for example, have no employment contract and no social security, and work in precarious conditions. The situation is relative better in public firms. The survey, however, reveals that some Chinese multinational corporations, as well as informal sector organizations, violate workers' rights and freedom of association.
532. According to the report, religion has no positive impact on the ethical behaviour of firms in Niger. Managers' "good behaviour" can only be attributed to the "sound education" received rather the religion practised.
533. Organizations do not finance political parties. According to the survey, more than 75% of firms have never contributed money to political parties. However, 25% of them support civil or neighbourhood organizations.
534. Regarding terrorist financing, the CSAR states that terrorist groups and their financiers raise large amounts through a combination of legal and illegal activities and transfer them through formal and informal channels to support their activities. NGOs and charities, in particular, are increasingly being used as channels for terrorist financing. The report emphasises that terrorist financing extends beyond the country's borders to rest of the sub-region.
535. The CSAR also indicates that the ethical behaviour of organizations in Niger is influenced by international bodies and institutions (multinational corporations, international organizations and NGOs). This applies to private, public and non-profit organizations.
536. According to the CSAR, multinational corporations introduced corporate social responsibility (CSR) in Niger. CSR reflects the voluntary commitment of firms to consider the social expectations of stakeholders (employees, civil society, NGOs, local authorities, the local population, etc.). The voluntary actions carried out by multinational corporations (AREVA, telecommunications companies, etc.) for the benefit of the local population are analogous to palliative measures taken in view of ethical shortcomings observed and immediate corporate requirements. However, the report indicates the existence of discrepancies between the discourse of organizations regarding their CSR actions and the perception of their actions by the local population and other stakeholders, as well as pollution and environmental degradation.

Consequently, CSR policy in Niger is unrelated with fundamental issues such as environmental compliance, efforts to combat corruption, labour law, and inclusive social dialogue.

537. The CSAR recommends:

- the establishment of mechanisms to monitor the implementation of codes of ethics and professional conduct by the entities required to do so;
- the establishment of a framework for dialogue to promote multi-sector partnerships;
- the promotion of behavioural change to avoid violating rules of ethics and deontology;
- the adoption of actions to ensure the effective application of labour laws and regulations (women, children, young people and vulnerable groups).

## **Findings of the CRM**

### **Business ethics in Niger: Legal codes and instruments**

538. The Codes of Ethics governing firms and other organizations in Niger, like those in many other West African countries, are based on the provisions of the OHADA Uniform Act on Commercial Companies and Economic Interest Groups (OHADA/UACC-EIG).

#### **The Code of Ethics and Conduct for Public Procurement and Public Service Delegations (2018)**

539. The only instrument dealing with ethics in Niger is the one relating to public procurement.

540. Decree No. 2018-496 of 20 July 2018 on the Public Procurement and Public Service Delegation Code of Ethics and Deontology is Niger's new legal framework governing rules of ethics and deontology in public procurement. It is an amendment to the Public Procurement Code of 2016.

541. This code establishes the standards of ethics and professional conduct for public and private sector actors involved in the procedures for awarding, executing, controlling, settling, and regulating public contracts and public service delegations. It specifies the rules governing conflicts of interest, which are an important component of the ethics and deontology values in public procurement and public service delegations, as well as provisions governing lobbying and sponsorship. The code upholds the principles of equality, neutrality and legality.

### **The Public Procurement Regulatory Agency (ARMP)**

542. The agency's missions are to:

- draft regulations;
- train stakeholders;
- disseminate information;
- conduct audits and monitor and evaluate the procurement system;

- handle bidders' complaints

543. Besides the ARMP, Niger has established other regulatory bodies such as the Economic and Social Council, the High Court of Justice, the High Council of Local Authorities, and the Higher Communication Council.

### **Role of enterprises in the fight against corruption in Niger**

544. Niger has established a number of institutional and regulatory oversight bodies to help to combat corruption and promote good governance.

545. The Audit Office is the supreme audit institution (SAI) responsible for verifying the legality of the collection and use of public resources. It therefore has the authority to prevent, detect and report cases of corruption (IMF, 2019). The General State Inspectorate (IGE), which is under the authority of President of the Republic, has a broader mandate to ensure that public funds are used judiciously, while the General Inspectorate of Administrative Governance (IGGA), which reports to the Prime Minister, monitors compliance with laws governing government services.

546. Despite these measures as well as the implementation of public finance management reforms to promote accountability, transparency and efficiency in resource allocation, the amendment of the Public Procurement Code, and the recent announcement of measures to combat the phenomenon by the President of the Republic, the scourge of corruption persists. According to the IMF (2019), a number of factors contribute to this problem in Niger. These include the politicization of public services, lack of administrative control and the deficiencies and weak capacity of the judicial system to enforce the law provide a fertile ground for corruption. This situation is compounded by low public sector salaries, lack of professional integrity and a decline in civic values.

547. The administrative and legal framework established to combat corruption has helped to limit the phenomenon. Niger was ranked 132<sup>nd</sup> out of 180 countries in the 2020 Transparency International Corruption Perceptions Index, outperforming many countries in the sub-region. However, though the standards are inadequate, they do not seem to fully be complied with. This is especially true in negotiations with the French firm, Areva (Orano) which many partners describe as opaque. Areva exports uranium from Niger at a low tax rate without making the contracts between the company and Niger public. Uranium accounts for 70% of Niger's exports, but only 5.8% of its GDP (GAN Integrity Business 2016 Anti-Corruption Portal). Similarly, civil society has challenged the contract signed in 2008 between the Government of Niger and the Chinese company, CNPC. According to the Coordinator of the Network of Organizations for Budgetary Transparency and Analysis (2011), this contract has generated "proceeds that have been paid back (...). At present, the refinery costs USD 980 million, rather than the planned USD 600 million, while the Chadian refinery costs USD 535 million and has more options than that of Niger".

548. Cumbersome regulatory procedures increase the risk of demands for bribes. Businesses interact with government officials when paying taxes, conducting foreign trade transactions, bidding for public contracts, or applying for utility connections, permits, and licences. According to World Bank surveys, the time taken to obtain an import licence and the time spent by managers to

comply with regulations are longer than the average for sub-Saharan Africa. Similarly, private firms are frequently expected to offer gifts or make informal payments to obtain public services, with the number of firms reporting requests for bribes to obtain a business licence being twice as high as the average for sub-Saharan Africa. The risk of corruption is also high among companies trying to win public contracts (IMF, 2019). This last assessment is backed by World Bank data on corruption in Niger. Table 1 shows that corruption is widespread, particularly with regard to obtaining public contracts or licences. Centralized corruption is the most serious form of corruption in Niger, as well as in other countries in the region and around the world. Corruption at the level of decentralized entities appears to be a less serious phenomenon.

**Table 39: Corruption in Niger, Sub-Saharan Africa and the World**

Indicator	Niger	Sub-Saharan Africa	World
Bribery incidence (% of firms experiencing at least one bribe payment request)	7.8	22.3	16.3
Bribery depth (% of public transactions where a gift or informal payment was requested)	6.6	17	12.8
Percent of firms expected to give gifts or informal payments during meetings with tax officials	6.1	16.9	12.5
Percent of firms expected to give gifts to secure government contract	46	33.6	23.6
Value of gift expected to secure a government contract (% of contract value)	4.2	2.4	1.4
Percent of firms expected to give gifts to get an operating license	32.8	16.5	13
Percent of firms expected to give gifts to get an import license	8.1	14.6	12.7
Percent of firms expected to give gifts to get a construction permit	12.6	26.1	20.9
Percent of firms expected to give gifts to get an electrical connection	12.2	22.9	15.1
Percent of firms expected to give gifts to get a water connection	18.8	21.1	13.4
Percent of firms expected to give gifts to public officials to get things done	29.4	28.1	20.4
Percent of firms identifying corruption as a major constraint	36.2	39.1	30.2
Percent of firms identifying the courts system as a major constraint	6.4	17.5	14.8

Source: World Bank (2017 Survey).



## **Firms and terrorist financing in Niger**

549. Terrorism, banditry and the smuggling of all kinds of goods – including human trafficking – undermine the ethical conduct of businesses in Niger. They impose not only unfair competition on legally established economic agents, but also racketeering and “taxes” in exchange for their security. Some terrorist groups also drain, through some NGOs, large amounts of resources generated by a combination of legal and illegal activities and transfer them through formal and informal channels to support their activities.
550. According to a recent study (June 2020) carried out by the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), in five (5) countries (Burkina Faso, Côte d’Ivoire, Mali, Niger, and Nigeria), sources and methods of terrorist financing in the Sahel region have evolved to include the use of funds from both legal and illegal activities. According to the survey, such funds are sometimes transferred through relatively unregulated formal channels and largely unregulated informal channels to support various forms of terrorist activity. The study underscores the close link between money laundering, terrorist financing and the increase in terrorist acts in the region. It also reveals that country-specific socio-cultural and socio-economic constraints contribute to the impeding the effectiveness of efforts to combat terrorist financing.
551. Although Niger has made significant progress in combating terrorist financing in collaboration with neighbouring countries, such efforts require more resources and the participation of social actors such as civil society and religious leaders. \*

## **Ethics and CSR in Niger**

552. Unlike all codes of ethics, the CSR policy in Niger is unconnected with the fundamental issues of compliance with environmental standards, the fight against corruption, labour law, and inclusive social dialogue.
553. Although firms and businesspersons help the poor on a fairly regular basis out of charity, this rarely helps to lift them out of poverty and is not a source of capital accumulation and empowerment for the people concerned. the CSR approach is limited to faith-based charity considerations or the assertion of a local leader's authority.

## **Recommendations**

554. The Panel recommends:

- the more effective dissemination and popularization of CSR principles;

- the intensification of efforts to promote the adoption of codes of ethics by various categories of enterprises;
- the adoption of a code of corporate governance, like in other countries in the region, to strengthen business ethics in Niger through a participatory approach within the framework of public-private sector dialogue;
- the stepping up of efforts to improve the business climate by further streamlining regulatory procedures as part of actions to combat corruption;
- provision of adequate resources to national institutions tasked with implementing counter-terrorism financing standards and involvement of religious leaders in efforts to raise awareness among the population.

**OBJECTIVE 4 : ENSURE THAT ORGANIZATIONS TREAT STAKEHOLDERS FAIRLY AND EQUITABLY**

**Summary of the CSAR**

555. The CSAR indicates that the mechanisms guaranteeing equitable treatment of stakeholders within Niger's private sector enterprises are defined by the OHADA Uniform Act on Commercial Companies and Economic Interest Groups (UACC/EIG). Stakeholders therefore participate in collective decision-making through the right to vote. According to the Business Survey, about 62.5% of commercial companies hold general meetings of all their shareholders. This proportion is higher in non-profit organizations where more than 90% of members are invited to meetings. In at least 45% of cases, these organizations ensure that financial documents are sent to the latter one (1) to two (2) weeks before the general assembly.
556. Concerning mechanisms that allow owners of organizations to maintain control, the report states that several mechanisms for maintaining and improving control exist in Niger. These include the tier structure, shareholder agreements, voting caps, non-voting preference shares, and preference shares.
557. Regarding the protection of stakeholder rights within the framework of corporate governance, the report acknowledges that such protection is not yet guaranteed in Niger. The OHADA law, which governs businesses in Niger, does not yet have an instrument governing stakeholder rights. However, there are some exceptions. An example is LAF SARL, a Niger consulting firm which the CSAR presents as an example of best practice. This firm involves its employees in the design of its annual strategy, using incentive mechanisms to boost their productivity.
558. The CSAR, however, points out that the UACC/EIG and national laws govern stakeholder participation in the life of organizations. According to the APRM business survey, 40% of commercial companies and 81% of non-profit organizations involve stakeholders in the activities of firms in various ways (employee reward scheme; involvement in consumer awareness/protection initiatives; sensitization on counterfeit product risks; dumping of substandard goods; community participation/involvement mechanisms).
559. Law No. 2012-45 of 25 September 2012 instituting the Labour Code of the Republic of Niger ensures that organizations respect human rights and comply with labour legislation. This code forbids compulsory or forced labour and child labour and grants the right to strike. Collective agreements, which aim to regulate relations between employers and workers in various sectors, also ensure respect for human rights and labour legislation. It ensures respect for trade union rights, workers' freedom of expression, and the resolution of disputes between employers and workers through conventional arbitration procedures... According to the APRM firm questionnaire, 53% of firms in Niger have a procedure for managing conflicts, 60% for managing safety issues, and 43% for managing occupational accidents.

560. Despite the existence of a dozen workers' unions, the CSAR notes that a large proportion of employees in Niger are not represented by a delegate from the same firm. Business leaders tolerate rather than accept trade union practise. Trade unionism is commonly perceived as a means of making demands rather than establishing social equilibrium. According to the survey, trade unions are only 9% effective in resolving conflicts. It is worth noting that 65% of commercial companies and 73% of non-profit organizations did not respond to the question on whether they involve trade unions in conflict resolution. Only 2.5% of business organizations stated that they have experienced social unrest over the last three (3) years<sup>22</sup>.

561. According to the report, gender equality is promoted at the managerial level in organizations and practised in 27% of commercial companies and 9% of non-profit organizations. This mainly consists of positive discrimination and equal pay practices.

562. The National Commission recommends, among other things:

- the inclusion of staff representatives in boards of directors in order to comply with regulatory provisions on the supervision and control of public institutions, public corporations and semi-public corporations;
- further strengthening of the mechanisms that enable some stakeholders to participate in the life of the organization;
- ensuring compliance with regulations that protect workers' rights and freedom of association in Niger;
- promoting inclusive representation in decision-making bodies; and
- training employees in the role of union stewards.

## **Conclusion of the PRM**

563. The Uniform Act on Commercial Companies and Economic Interest Groups (UACC/EIG) defines the mechanisms that ensure the fair treatment of stakeholders within Niger's private sector firms.

564. The Nigerian economy is dominated by the informal sector. Formal sector firms are small and mainly operate in the commercial sector. The country does not have a national business register. As a result, neither the National Institute of Statistics (INS) nor the Chamber of Commerce can give an exact number of the Nigerian firms operating in the formal sector.

565. As a result, almost all stakeholders are completely ignorant about the requirements of good corporate governance, particularly the fair and equitable treatment of all stakeholders. Furthermore, Niger lacks a legal instrument governing the rights of stakeholders.

## **Respect of creditors' rights**

566. The protection of creditors' rights will be examined in light of the analysis of two Doing Business indicators: "contract enforcement" and "bankruptcy law".

---

<sup>22</sup> The questionnaire was administered at end-2019.

## Contract enforcement

567. Niger ranked 114<sup>th</sup> in the world (Doing Business 2020) in terms of contract enforcement. The country has made significant progress regarding the settlement of disputes (380 days). However, there are still concerns regarding the cost of claims and the quality of legal proceedings.

**Table 40:** Contract enforcement

Indicator	Niger	Sub-Saharan Africa	High-income OECD	Best Performance
Time (days)	380	654.9	589.6	120 (Singapore)
Cost (% of claim)	52.6	41.6	21.5	0.1 (Bhutan)
Quality of court proceedings (0-18)	8.0	6.9	11.7	None in 2018/2019

Source: Doing Business, 2020.

## Bankruptcy Law

568. Benin's Doing Business (2020) ranking for insolvency resolution was 114. The country occupies the median position in the rest of sub-Saharan Africa, reflecting an average quality of legal proceedings.

**Table 41:** Resolving Insolvency

Indicator	Niger	Sub-Saharan Africa	High-income OECD	Best Performance
Recovery rate (cents per dollar)	20.9	20.5	70.2	92.9 (Norway)
Time (years)	5.0	2.9	1.7	0.4 (Ireland)
Cost (% of assets)	18.0	22.8	9.3	1.0 (Norway)
Result (0 if assets are sold separately and 1 if the firm continues to operate)	0	..	..	..

Source: Doing Business, 2020.

## Social dialogue, trade union freedoms and workers' rights

569. The framework for social dialogue comprises three bodies, namely the National Labour Council, the Inter-ministerial Committee, and the National Social Dialogue Commission (CNDS). These dialogue bodies have been unable to play their role and, therefore, fulfil their mission of preventing social conflicts since inception, due to lack of resources. Unions therefore deplore the failure to implement signed agreements, some of which date back to 2012. The five most representative unions in Niger have decried the dysfunctions in social dialogue.

570. Many stakeholders interviewed by the CRM team stated that while this is less prevalent in public enterprises, workers' rights, including trade union rights, are frequently violated in Niger.

571. These CRM interviewees recalled that the trade union movement helped to establish democracy in Niger. They regretted, however, that democracy is now associated with a decline in trade union activity, though in the name of pluralism, trade unions are increasingly reliant on political parties and are no longer vibrant. Though some unionists enjoy freedom of expression, many of them have resigned from enterprises, resulting in lack of dialogue between the various parties of interest.
572. This has resulted in numerous instances of worker rights violations, particularly frequent unfair dismissals, recruitment without a call for candidates, workers without contracts, difficult or even dangerous working conditions that do not ensure workers' health and safety, and the absence of social security coverage.

### **Women's and young people's corporate rights**

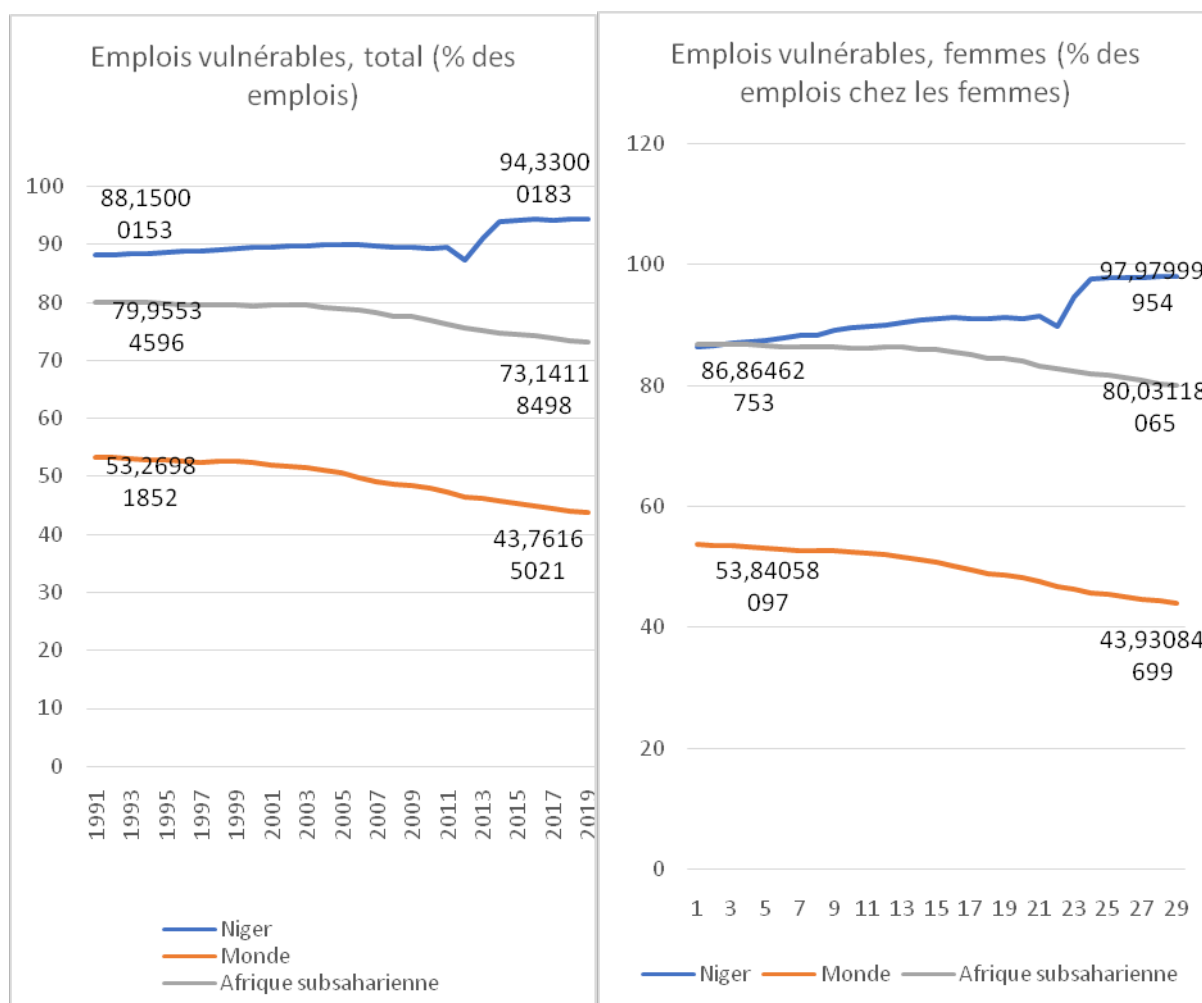
573. The women and young people met by the CRM during consultations stated that the Government does not provide enough support to traders and entrepreneurs of all sexes and ages. Due to a lack of funding and support tailored to their specific needs, women and young people rely on associations and non-governmental organizations (NGOs) to achieve their goals. They organize themselves to establish mutual support entities.
574. Women and young people also complain about the lack of follow-up and support for certain private or public sector initiatives. For example, handicraft and entrepreneurship training centres exist, but do not receive administrative or financial support. The collateral required for bank loans is excessive. However, given the socio-economic context of youth unemployment, poverty "with a female face" and certain religious and customary practices, it is particularly difficult for women to fulfill bank conditions. Far too many women are excluded from business circles, are unaware of their rights and are confined to informal sector activities.
575. There are many gender inequalities in professional settings. In most cases, women can only advance to the position of "vice" or "assistant" in organizations and even in civil society. This observation was made during consultations with trade unions and associations. Women are also victims of workplace harassment and intimidation, and they have no one to turn to when it comes to reporting abuse by coworkers or supervisors or asserting their rights in court. Some women, according to the CRM, are afraid to file complaints or even challenge their situation for fear of being stigmatised or facing retaliation.
576. Women in Niger are entitled to 6 weeks of maternity leave before and 8 weeks after delivery. However, according to the mission, employers do not always grant them this right. Inequalities in the payment of retirement pensions were also mentioned by many actors. Those who qualify receive their father's pension rather than their mother's.

### **Vulnerability in employment in Niger**

577. The graphs below show trends in vulnerable employment between 1991 and 2019. Although global and regional trends in vulnerable employment are reducing, the proportion of vulnerable employment in Niger increased over the same period. Thus, in 2019, vulnerable employment

represented more than 94% of total employment. This rate is about 98% for women. Thus, vulnerable employment accounted for more than 94% of total employment in 2019. For women, this figure is close to 98%. It is approximately 80% in sub-Saharan Africa and 44% globally. These figures demonstrate serious difficulty in respecting workers' rights in Niger, owing to the predominance of the informal sector.

**Graph 9: Vulnerable employment of women**



Source: World Bank (2021).

### Child labour

578. Child labour in the informal sector is a serious issue in Niger. Although it is legal (under certain conditions) from the age of 14, the vast majority of children work in the informal sector and have no rights. Despite efforts to limit or at least regulate this phenomenon, social logic and cultural constraints impede progress toward genuine respect for children's rights.

#### **Box 8: Children's Rights and Child Labour in Niger**

The NGO, Humanium, described the situation of children's rights in Niger as dire in a recent publication in July 2021. These children's living conditions are dreadful. Poverty, lack of access to health and education services, abuse, sexual exploitation, genital mutilation, early marriage of young girls, non-registration of births and lack of identification papers, malnutrition, and child trafficking all have an impact on these children's future.

Nonetheless, Niger's population is very young, with a median age of less than 15 years, 80% of them living in rural areas, and more than 50% of children aged 7 to 16 not attending school.

Due to extreme poverty, many families are forced to put their children to work, particularly in agriculture, in a system characterized by family production involving adults and children. Children are also obliged to work in mines, slaughterhouses, and as beggars.

According to World Bank statistics published in 2012, economically active children represent 54.5% of children aged 7 to 14, compared with a global average of 11.8% (ILO 2017). This phenomenon is most prevalent in girls, affecting nearly 60% of all girls, and is more prevalent in rural areas, affecting 58.7% of all girls (2009 INS survey of the 5 to 17 age group).

Given the predominance of the informal sector in Niger, legislation on the minimum working age is not complied with. In addition, despite the adoption of ILO's Worst Forms of Child Labour Convention (No. 182) in 2000, many minors continue to grow up in deplorable conditions: long working days, low pay, malnutrition, school drop-out, etc. Children also face the risk of becoming victims of discrimination and abuse.

Despite all the shortcomings, some progress has been made. In 2019, Niger passed legislation establishing municipal child protection committees to educate the public about children's rights, particularly child labour (ILO, 2019). Furthermore, in recent years, civil society has played a key role in raising awareness about child labour.

However, because they cannot vote and are unaware of their own rights, Niger's children and youth are not consulted and are rarely represented in decision-making bodies.

### **Consumer rights**

579. The CRM was informed that although there is a national quality policy, in practice, there is lack of respect for consumer rights. The Law on Consumer Protection enacted in 1971 (amended in 1978) guarantees the right to full and honest information about the products sold, as well as quality in terms of hygiene and safety. Consumer protection associations such as the Association de Défense, d'Education, de Sensibilisation et d'Informations du Consommateur (Association for the Defence, Education, Sensitization and Information of Consumers) exist. However, due to a lack of resources, corruption and conflicting relations between control entities and traders, consumer rights are hardly respected.

### **iii. Recommendations**

580. The APR Panel recommends stakeholders to:

- ensure that trade union freedoms are guaranteed in enterprises;



- promote women's participation in modern economic life by further empowering them;
- establish a national business register;
- implement proactive policies to prohibit child labour and ensure compliance with international conventions on the promotion of decent work;
- launch a public awareness campaign and popularize instruments to educate, sensitize and train women about their rights.

**OBJECTIVE 5 : ENSURE THAT ORGANIZATIONS ACT AS GOOD CITIZEN-DRIVEN ENTERPRISES**

**Summary of the CSAR**

581. Niger has ratified a number of international conventions governing the terms and conditions for encouraging businesses to act as good citizen-driven enterprises.
582. More specifically, regarding the environment, the country ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989), the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (1991), the Rio Convention on Biological Diversity and Climate Change (1992), and the Paris Convention on Desertification (1994).
583. Niger also ratified the eight (8) core conventions of the ILO on social issues. It adopted the Millennium Declaration in September 2000 and is committed to achieving the Sustainable Development Goals (SDGs).
584. Concerning the employment of minors, Niger has signed and ratified a number of international and regional legal instruments relating to children's rights, including the Convention on the Rights of the Child (CRC) of 2 November 1989. Despite these various ratifications, Niger does not allocate the necessary resources for the effective implementation of the provisions of the various conventions relating to children's rights.
585. According to the CSAR, the Niger Labour Code forbids discrimination based on race, colour, sex, age, religion, political opinion, national extraction or social origin, disability, sickle cell anaemia, HIV-AIDS, membership or non-membership in a trade union or the exercise of trade union activity, which may disrupt or alter equal opportunity or treatment in employment or occupation.
586. Niger has made progress in improving the business climate in terms of governance and economic freedom. It improved its Transparency International Corruption Perceptions Index ranking from 134th in 2011 to 114th in 2018. In 2016, the country established the High Authority for the Fight against Corruption and Related Offences (HALCIA).
587. Regarding money laundering and terrorist financing, Niger has taken steps to strengthen the vigilance of financial institutions in cross-border operations, data protection, and information sharing by banks that are part of an international group.
588. The institutional framework presented above, which encourages firms to act as corporate citizens, has led to the emergence of organizations that contribute to achieving priority development goals. NGOs and development association play an important role in Niger's civil society which is actively involved in efforts to support economic and social development.

According to the business survey, a number of associations have been formed to combat hunger and poverty, improve access to drinking water, and improve access to education.

589. Corporate citizenship also takes the form of corporate participation in multi-sector partnerships aimed at achieving development goals. Multi-sector partnerships are collective actions involving actors from the private, public, and not-for-profit sectors. Niger has established a legal and institutional framework for the implementation of public-private partnership projects. These include: (i) the 2011 Law on PPP (which is being amended); (ii) the 2014 Law on taxation applicable to public-private partnership contracts; and (iii) the establishment of the PPP Support Unit (CAPPP) in 2012. According to the findings of the business survey, only 35% of commercial enterprises have formalised their multi-sector partnership with associations in order to benefit from product advertising.
590. Another aspect of corporate citizenship is reducing the environmental impact of activities and organisations' concern about climate change. Firms in Niger rely on international CSR standards such as: (i) the Global Compact; and (ii) the Global Reporting Initiative. Regarding CSR initiatives, the social impacts of petroleum development are significant due to the investments made by operators and the strengthening of cooperation between China and Niger. The strong presence of the China National Petroleum Corporation (CNPC) in Niger has contributed to strengthening cooperation between both countries. The 2017 Petroleum Code establishes a framework model (the Oil Community Development Programme and the Regional Oil Development Programme) for strengthening community development through the oil sector.
591. According to the report, Niger has abundant mineral resources. However, the country's history shows that the development of mineral resources has not only failed to significantly improve the population's living conditions, but has instead aggravated armed conflicts in mining areas and the administrative and financial governance of mining income. Instead of reaping the benefits of mining, the local population is bearing the brunt of a mining conflict with widespread collateral damage. The conflict disrupts civilian life: people fleeing conflict zones, the closure of schools and health centres, and the abandonment of students, teachers and medical personnel.
592. The CSAR also indicate that within the framework of mining and oil sector good governance, Niger ensures the transparent management of revenue generated by the sector. It joined the Extractive Industries Transparency Initiative in 2005 (EITI) and has been designated as an EITI "compliant country".
593. The CSAR recognises that the legal and regulatory framework of CSR is embryonic, but ambitious. Although Niger's legislation on social responsibility, ecosystem preservation, and mining and petroleum development is modest, it has improved and ensures the responsible and harmonious exploitation of Niger's resources. Firms operating in Niger must adhere to the standards governing the various aspects of the natural resource exploitation chain (exploration, development and marketing).
594. Furthermore, corporate citizens must ensure that there is ongoing and constructive dialogue between the public and private sectors. However, according to the report, there is no dialogue between both sectors. Private sector enterprises and associations, for example, complain that they were not consulted prior to the implementation of industrial and development policies. Without such dialogue, public policymakers would face information asymmetry and would be

unable to formulate appropriate policies or prioritize reforms. The High Investment Council (HCI) established in 2017 serves as a framework for dialogue between the public and private sectors. However, this body is dormant and less visible.

595. In light of the foregoing, the CSAR recommends:

- the effective establishment of planning instruments to help to promote corporate citizenship and enhance the visibility of the best practises of organizations that mainstream CSR in their mode of operation;
- the promotion of a gender culture and gender equality by encouraging firms to mainstream gender equality and equity issues in their policies;
- the establishment of a mechanism to evaluate and monitor the level of application of norms such as directives, rules, instructions and other community regulations (WAEMU, ECOWAS, AU, etc.) as well as local codes (petroleum, customs, tax, labour, etc.).

## **ii. Findings of the CRM**

### **Corporate social responsibility in Niger**

596. A good corporate citizen is one that respects its ecosystem. Thus, it should:

- preserve the environment (reduction of greenhouse gases, rehabilitation of industrial sites, anti-pollution measures, etc.);
- implement good governance (combat corruption, reduce wage gaps, etc.);
- improve the working conditions of its employees (hygiene, health, safety, etc.);
- ensure that human rights are respected (no child labour, no forced labour, no discrimination, etc.);
- coexist and collaborate harmoniously with local communities and other stakeholders.

597. All these responsibilities are at the heart of what is known as corporate social responsibility. Although Niger has ratified a number of conventions relating to all of these issues (it is an EITI member country, transparency and good governance are enshrined in its Constitution, etc.), shortcomings in terms of CSR persist in Niger.

598. Much remains to be done in Niger to establish socially responsible enterprises regarding issues related to corruption, human rights and working conditions.

599. A number of factors continue to impede the generalisation of corporate citizenship in Niger. These include:

- A narrow view of CSR that confuses it with charity or one-off actions classified under “green” “social washing” (issues related to corruption, the environment, working conditions, etc. are hardly addressed).
- Concerning CSR, there is a gap between declarations made by firms and actual achievements (the case of AREVA).
- Absence of a legal framework for mining activities (absence of mining governance that promotes the well-being of the population of Niger, instead, it has become a source of conflicts).

600. Despite the various conventions ratified, the Government of Niger lacks the resources required to ensure the effective implementation of the various conventions (Child Labour, Money Laundering, etc.).

#### **Box 9: Corporate Social Responsibility in Niger (the case of AREVA/ ORANO)**

Niger accounts for 30% of Areva’s uranium production which is used to power the French grid. Consequently, Niger’s uranium powers nearly one in every five bulbs lit in France. Yet, about nine out of ten people in Niger do not have access to electricity. Furthermore, Niger receives only 7% of AREVA’s payments to various uranium producers around the world. This is a shocking discovery that calls into question the effectiveness of this company’s CSR policy in Niger over several decades.

CSR, on the other hand, is central to AREVA’s activities in France where there is a growing demand for clean, safe, affordable and CO<sub>2</sub>-free energy. This is not the case for its operations in Niger where there is lack of transparency regarding royalties paid to the Government of Niger by the company. The amount of these royalties was only published by AREVA in 2016. The royalties are calculated based on the pick-up price paid to its subsidiary in Niger, which has recently been reduced! In addition, AREVA purchases uranium from its Niger subsidiary at a price lower than the global market price. Furthermore, according to a report published in 2017 by the NGO, *Publiez ce que vous payez* (Publish What You Pay), “the price of uranium exported by the French Group would barely cover its purchase cost, enabling AREVA to avoid paying taxes on its profits in Niger”!

### **Environmental preservation**

601. Regarding environmental preservation, companies operating in the extractive sector fall far short of the population’s expectations. This was reiterated at all CRM regional meetings. Likewise, there is lack of transparency in mining resource extraction agreements....

### **iii. Recommendations**

602. The APR Panel recommends:

- the amendment of the Mining and Petroleum Code as soon as possible to clarify the CSR obligations of enterprises;
- the enhancement of transparency in agreements between the Government and mining and oil companies;
- the initiation of public-private sector dialogue under the auspices of the High Investment Council (HCI);
- the limitation of the duration of mining contracts to no more than ten (10) years.

### 6. SUSTAINABLE SOCIO-ECONOMIC DEVELOPMENT

#### 6.1 Challenges and Stakes

603. Niger has designed and implemented a number of strategies, plans and programmes with the common goal of steering the country on the path to development.
604. During the 1960s and 1970s, most development programmes revolved around farmer cooperatives. The aim was to develop cash crops, increase livestock numbers and improve health protection, establish marketing and organizational structures, and set up basic processing units. The policies enable the rural sector to contribute 60% of GDP. Climatic conditions deteriorated as from 1969, and a drought in 1973 resulted in severe famine and a 14.0% drop in GNP per annum between 1971 and 1973.
605. From 1974 onwards, Niger defined new development strategies aimed primarily at achieving food self-sufficiency, prioritizing cereal production, developing irrigated crops, and reconstituting livestock. The strategies, combined with favourable climatic conditions, enabled the country to produce surplus cereals. The extraction of uranium, whose revenue increased from CFAF 11 billion in 1975 to CFAF 102 billion in 1982, tripled GDP per capita.
606. The high level of debt, the decline in global demand for uranium, as well as poor agricultural sector performance contributed to plunging the country into recession in 1982. At the instigation of the Bretton Woods institutions, the country embarked on a structural adjustment policy aimed at containing internal and external imbalances.
607. The 1990s were mainly characterized by political insecurity, a financial crisis and economic difficulties. The implementation of development plans and programmes did not lead to a significant improvement in development indicators (school enrolment rates, access to health services and social inequalities). The national economy, which is based on agriculture and stock breeding, remains undiversified and vulnerable to climatic hazards.
608. Over the last decade, climate change, desertification and falling uranium prices hampered economic growth. The country's population is still impoverished (45.4% in 2014, with an average per capita income of USD 396 in 2017), faces permanent food insecurity (10% and 15%), and suffers from acute malnutrition (10% and 15%).
609. The country's major challenges in the current context of rapid population growth remain social service delivery, job creation, and the fight against gender inequalities. The government is committed to continuing efforts to improve the business environment, support agricultural modernization through the Nigeriens Nourish Nigeriens (3N) initiative, and leverage revenue from natural resources to diversify the economy.

## **6.2 Ratification and Implementation of Standards and Codes**

### **i. Summary of the CSAR**

610. According to the CSAR, Niger has signed and ratified a number of socio-economic development codes and standards. These codes and standards address, among other things, the protection and promotion of human rights, the rights and welfare of women, children, and other vulnerable segments of the population, climate change and sustainable development, employment and poverty reduction, security, development, and inter-State cooperation.

611. The CSAR observes that in order to protect and give meaning to these treaties the Constitution expressly states that international treaties that have been duly ratified and published take precedence over national laws.

### **ii. Findings of the CRM**

612. Niger has signed and ratified a number of codes and standards on socio-economic development. However, they are not adequately reflected in national laws, development policies and programmes. The mission observes that:

- few legal instruments are translated into national languages;
- codes and standards are not widely disseminated; and
- there is no formal mechanism for monitoring the implementation of standards that have been been ratified.

613. The mission was also informed that a number of instruments related to socio-economic governance. At the national level, these include:

- the 25 November 2010 Constitution enshrines the principle of equality for all Nigeriens (Article 10). The latter expressly states that all forms of discrimination against women and girls are prohibited (Article 22). Similarly, the Constitution punishes discrimination on the basis of gender, regardless of age, in a number of articles, particularly Articles 9, 11 and 13.
- Law No. 98-12 of 1 June 1998 on the orientation of education in Niger (LOSEN).
- the Ten-year Education Development Programme (PDDE) 2003–2013 which is consistent with the major commitments made in the United Nations Millennium Declaration, as well as those made at the World Education Forum on Education for All (EFA) in Dakar. The PDDE specifically addresses the issue of girls' education in two of its three components, namely access and quality.
- the National Gender Policy (2017–2027), which aims to “establish, together with all stakeholders, a society free of discrimination, in which men and women, and girls and boys, have equal opportunities to participate in its development and reap the benefits of



its growth.” It recognises that educating and retaining girls in school is a significant challenge that must be addressed in order to capture the demographic dividend.

- Decree No. 2017-935/PRN/MEP/A/PLN/EC/MES on the protection and support of schoolgirls.
- the Civil Code which provides for equality between spouses, particularly in terms of parental authority and financial responsibility (Articles 203 and 214 of the Civil Code).
- Article 2 of Law No. 2006-16 of 21 June 2006 on reproductive health stipulates that “all individuals are equal in law and dignity with regard to reproductive health. The right to reproductive health is a fundamental, universal right guaranteed to every human being throughout their life, in all situations and wherever they may be”.
- The 2003 Law punishing perpetrators of female genital mutilation.
- National socio-economic development plans (2011-2016 and 2017-2021).
- The Penal Code of 2003.
- Decision No. 015 MEN/DEST of 3 February 1975 and Circular Letter No. 026/MEN/DEST of 11 December 1990 provide that young girls in the third grade or second cycle of secondary school may resume their studies in the event of pregnancy or marriage.
- The Education Policy Letter for the period 2013-2020, which aims to address all the shortcomings identified in the Status Report on Niger’s Educational System (RESEN/2010), particularly persistent disparities between regions, urban and rural areas, and girls and boys. Unfortunately, there is no specific objective or measurable target for reducing the inequalities.
- The gender strategy for Vocational and Technical Education and Training (VTET) for girls and people with disabilities: to operationalize the Government’s gender policy, the MEP/T developed a VTET gender strategy to encourage girls and people with disabilities to enrol in VTET and established a National Directorate for the Support of Specific Groups (DAGS) in 2013.
- The setting up of a Central Service for Minors and Women by Order No. 2011-046/MI/S/D/AR/DGPN of 28 January 2011.
- Order No. 000025 MEP/A/PLN/EC/MES/MEP/T of 4 February 2019 laying down the conditions for the protection and support of schoolgirls. The decree was issued in application of Decree No. 2017-935, PRN/MEP/A/PLN/EC/MES. It states that all school-age children have the right to protection, support and guidance.
- The Government implements measures to improve education, health care and safety. It also takes steps to address the socio-cultural inequalities that schoolgirls face by providing material and financial support within the limits of its resources, as well as material, psychological and social conditions to facilitate their access to, retention in,

and success in school. Parents are involved in their daughters' education and safety at school.

- Joint Order of No. 335/MEP/A/PLN/EC/MES/MEP/T of 22 August amending and supplementing Order No. 25 of 4 February 2019 laying down conditions for the protection and support of schoolgirls. The Government, local authorities and technical and financial partners assist parents in encouraging and protecting young girls by, among other things, relieving them of household chores. The Government and its partners provide the necessary material, psychological, or other assistance. Anyone found guilty of kidnapping a minor, especially a public official, shall be prosecuted and punished. All school administrators, parents, management entities, and any other informed third party are required to denounce any act that could jeopardize the education of girls. In the event of pregnancy or marriage, a schoolgirl may continue her studies.
- Order No. 000527/MEP/A/PLN/EC/SG/DGEP/PLN/DPSF of 9 August 2017 approving the articles of association of Associations of Mother Educators (AME).
- Order No. 00124/MES/SG/DGFEC/DL/DPSF of 11 July 2017 approving the articles of association of Associations of Mother Educators (AME). These two orders establish a women's organization known as the "Association of Mother Educators" (AME) in each primary and secondary school to promote the enrolment and retention of children in general, and girls in particular, in school.
- The formation of a national coordination committee to promote the marriage of girls over the age of 18.
- The institution of a national women's day since 1992.
- Adoption of the Women's Empowerment Strategy in 2018, as well as its 2018-2023 five-year plan.

614. At the international level, it is worth noting that the Government's approaches to promoting equal opportunities are consistent with the principles and orientations of major international and regional policy and cooperation frameworks. A number of instruments have been ratified, including:

- Convention No. 100 Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, adopted in 1951 and ratified on 9 August 1966.
- The Women's Rights Convention.
- The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages in 1965.
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted on 18 December 1979. Niger ratified the Convention on 8 October 1999, but expressed reservations regarding women's inheritance and choice of residence.

- Article 63 of the Revised ECOWAS Treaty enjoins Member States to “formulate, harmonize, coordinate and establish appropriate policies and mechanisms to enhance the economic, social and cultural conditions of women.”
- The African Union Agenda 2063, adopted in April 2015, of which Aspiration 6 calls for inclusive people-centred development, including rural women’s access to means of production such as land, credit, inputs and financial services, as well as women’s inclusion in decision-making; women’s right to own and inherit property, sign contracts, register and manage businesses, and women’s inclusion in decision-making.
- The Protocol to the African Charter on Human and Peoples’ Rights (ACHPR) on the Rights of Women in Africa (2003). Article 12 of the Protocol prescribes measures to promote women’s and girls’ education, particularly the elimination of violence against women, the protection of women and the girl-child, the care of women and girls who are victims of abuse and harassment, and integration.
- The African Charter on the Rights and Welfare of the Child (ACRWC) adopted in Addis Ababa in July 1990 and ratified by Niger on 1 December 1996. Article 11 of the Charter states that “Every child shall have the right to education.” Concerning girls, the article urges States Parties to take appropriate measures to ensure that girls who become pregnant before completing their education are allowed to continue their studies according to their individual capacity.
- The African Union Charter, which states unequivocally that it is the responsibility of States to “eliminate every discrimination against women and to ensure the protection of the rights of women and children as set out in international declarations and conventions.”
- The Solemn Declaration of Heads of State and Government of the African Union in favour of equality between men and women in decision-making bodies and in elective positions, adopted in 2004.
- The Gender Policy of the Permanent Inter-State Committee for Drought Control in the Sahel (CILSS), developed in 2008.
- The African Union Gender Policy, adopted in 2009, which aims to accelerate the implementation of all gender equality and women’s empowerment commitments on the continent.

### **iii. Recommendations**

615. In light of the foregoing, the APR Panel recommends:

- the promotion of ownership of the codes and standards ratified by national actors, including political parties and civil society;
- the popularization of the codes and standards ratified in local languages;

- the establishment of an institutional mechanism for monitoring implementation and evaluating progress made.

### 6.3 Objective-based Performance Assessment

#### **Objective 1 : PROMOTE AND ACCELERATE BROAD-BASED SUSTAINABLE SOCIO-ECONOMIC DEVELOPMENT**

##### **i. Summary of the CSAR**

616. According to the CSAR, Niger has developed and implemented a number of socio-economic development strategies, plans and programmes since independence, with mixed results. Since 2012, the country has implemented Economic and Social Development Plans (PDES). In 2017, it adopted a long-term vision, embodied in the Sustainable Development and Inclusive Growth Strategy (SDDCI Niger 2035). The second PDES (2017–2021) was designed to serve as the first SDDCI Niger 2035 five-year implementation plan.
617. The PDES (2017-2021) was designed in order to enhance socio-economic development. Its total cost, estimated at CFAF 12 000 billion, was financed through external support and domestic revenue. The difficulty in disbursing donor-pledged resources, as well as lack of realism in financial programming, have hampered its implementation. Despite recent reforms, Niger's capacity to mobilize domestic resources has significantly reduced, and the country is becoming increasingly reliant on external assistance while incurring more debt. In 2017, 33% of total public revenue was financed through external assistance in the form of budget support operations and projects. Debt service amounted to CFAF 50 billion.
618. In the education sector, the Government of Niger built 5 170 primary schools, 2 427 nursery schools, 4 new teacher training colleges, and built and equipped 10 745 classrooms between 2010 and 2018. The Government has established about 7 901 literacy and adult education centres, as well as 307 second opportunity classes (C2C), 90 alternative education centres (CEA), and 227 bridging classes (SSA/P).
619. Despite the efforts made, Cycle 1 enrollment and completion rates remain below Sustainable Development Goal targets. Progress in basic education 2 (lower secondary) is slow due to high repeater and low retention rates. The low level of literacy among the population reflects the underdevelopment of the sub-sector and inadequate resources allocated by the Government.
620. Although the country has built seven (7) new public universities to decongest the Abdou Moumouni University in Niamey, higher education in Niger remains underdeveloped. The higher education sub-sector is currently facing difficulties due to a combination of factors, including inadequate infrastructure owing to an increase in student numbers, the abandonment of the programming policy and the cessation of the systematic recruitment of senior public service employees, as well as insufficient investment, operating and research resources.

621. Niger's health sector indicators have improved. Infant mortality dropped from 81‰ in 2006 to 51‰ in 2015, child mortality from 198‰ in 2006 to 126‰ in 2015, and neonatal mortality from 33‰ in 2006 to 24‰ in 2015. In addition, life expectancy has increased significantly from 43 years in 1990 to 64.5 years in 2017. The achievements in the health sector are a result of a number of factors, including the steady increase in the health coverage rate (from 45.3% in 2010 to 50.6% in 2018). The country has made strides in the fight against infectious diseases such as malaria and HIV/AIDS.
622. Niger introduced free health care for women (c-sections, contraception and prenatal consultations) and under-five children in 2006. This free health-care policy has increased the rate of curative treatment for under-five children from 59% in 2005 to 85% in 2009, as well as that of prenatal consultations from 40% in 2005 to 85% in 2009. Major dysfunctions in the management and financing of the free health-care policy is seriously impeding the smooth operation of health facilities which are facing substantial reimbursement delays by the Government.
623. The Government has implemented a number of programmes to improve access to drinking water and sanitation. The most recent of these are the Water, Hygiene and Sanitation Sector Programme (PROSEHA 2016-2030) and the National Integrated Water Resources Management Action Plan (PANGIRE 2017-2030). These activities have contributed to increasing the drinking water coverage rate from 64.3% in 2010 to 70.9% in 2017. However, access to drinking water remains a challenge considering the current levels and regional disparities. According to the APRM survey, only 32.8% of Niger households feel that access to water has improved significantly over the last five years. Concerning sanitation, the rate of open defecation remains very high. It dropped from 73% in 2012 to 68.7% in 2016, then rose to 70.8% in 2018. According to the CSAR, 86.1% of households dispose of their waste through open dumping. Street dumping is also used as a waste disposal method by 89.8% of households.
624. Despite its energy potential, Niger is reliant on fossil fuels and imports of electricity from Nigerian. Traditional energy (wood energy and agricultural residues) meets 83% of national energy needs and modern energy only 17%. Less than 11% of households in Niger have access to energy. The scarcity of electricity stifles economic and social development. Furthermore, the population's reliance on wood as an energy source exposes the country to significant environmental risks. The Government has undertaken a number of initiatives to improve access to energy, including the construction of the Gorou Banda power station, the Kandadji hydroelectric dam, the Malbaza solar photovoltaic power station, the Agadez hybrid power station, and the Gorou Banda solar power station. According to the CSAR, the battery-powered lamp remains the primary source of lighting in rural areas (84.9% of households). However, in urban areas, electricity is the primary source of lighting (58.9% of households).
625. In the information and communication technologies (ICT) sector, Niger has since 2012 implemented a programme to generalize the use of mobile phones, computers and the internet, but access to ICT remains very low. People who use the Internet at least once a day represent 85.8% in urban areas and 56.3% in rural areas. In terms of Internet cost, 32.5% of urban Internet users think that it is expensive, compared with 7.5% of rural Internet users.
626. According to the CSAR, 90.6% of Niger's population is unaware of the Government's efforts to combat unemployment. As a result, the informal sector remains the primary source of employment. The public sector is the main provider of formal employment. In Niger, men

outnumber women in recruitment (83.9%), positions of responsibility (81.5%) and decision-making (81.3%). 34.8 percent of the urban population and 59.9 percent of the rural population believe that government policies to combat gender inequality in employment are ineffective. Government policies to combat gender inequality in employment are considered as ineffective by 34.8% of the urban population and 59.9% of the rural population.

627. Niger's agricultural sector has significant investment potential. The country has 15 million hectares of arable land. Cereals and pulses dominate agricultural production. Cereal production increased from 3 554 795 tonnes in 2012 to 6 061 789 tonnes in 2018. The Government assists producers by providing improved seeds, subsidising tractors and other agricultural machinery, as well as developing irrigated areas. Irrigated production (in cereal equivalent) increased from 169 166 tonnes in 2011 to 633 605 tonnes in 2018. The High Commission for the 3N Initiative promoted the establishment of the Maison du Paysan (Farmers' House) to support efforts to increase agropastoral production and productivity. Despite the implementation of the 3N Initiative, food insecurity persists in Niger, particularly in rural areas. The prevalence of moderate food insecurity increased from 7.6% in 2010 to 9.8% in 2018.
628. The principle of environmental protection is enshrined in the Constitution of 25 November 2010. The adoption of the National Environmental Plan for Sustainable Development (PNEDD) in 1998 demonstrates Niger's commitment to environmental management and protection. This strategic framework was updated in 2017 with the adoption of a National Environment and Sustainable Development Policy. Niger has also developed a land tenure policy and a strategic framework for sustainable land management (CS-GDT). The country has incorporated the prospect of sustainable development into all economic sectors (agriculture, industry, transportation and oil) by adopting the Environmental Code and issuing the Decree governing environmental and social impact assessments (ESIA).
629. To address the effects of climate change, Niger has ratified most international environmental conventions and agreements, including the United Nations Framework Convention on Climate Change, the Convention to Combat Desertification, and the Convention on Biological Diversity. The country designed and implemented the National Strategy/Action Plan on Climate Change and Variability (SNPA/CVC) which aims to contribute to stabilizing greenhouse gas concentrations in the atmosphere. To better prevent and manage climate change, crises and disasters, the Government of Niger established the Ministry of Humanitarian Action and Disaster Management (MAH/GC) in 2016.

## **ii. Findings of the CRM**

630. According to the CRM, Niger has developed and implemented a number of socio-economic development strategies, plans and programmes since independence. The latter's mixed results prompted the Government to adopt in 2017, a long-term vision outlined in the Sustainable Development and Inclusive Growth Strategy (SDDCI Niger 2035). The Economic and Social Development Programme (PDES) for the 2017-2021 period was designed to serve as the first SDDCI Niger 2035 five-year implementation plan.
631. The implementation of the PDES has yielded encouraging results in a number of sectors, including health, drinking water and education. The situation is less encouraging in other sectors.

From 2011 to 2018, the rate of open defecation remained very high (70.8%), and less than 11% of households in Niger have access to energy.

632. Food insecurity persists. Niger experienced an unprecedented cereal deficit in 2020/2021, plunging about 2 million people into a food emergency situation. The country has experienced late crop planting, dry spells, early cessation of rainfall and security shocks. The regions of Tillabéry, Agadez, Diffa and Tahoua are the hardest hit by climatic hazards and their consequences. The area under cultivation in these regions has also decreased relative to the average due to the effects of insecurity on farming activities. In response to forecasts of a cereal deficit, the Government prepared a contingency plan to supplement the Annual Food Security Support Plan, which focuses on irrigation. The CFAF 140 billion contingency plan will cover the period from November 2021 to mid-March 2022. The plan aims, among other things, to assist the most vulnerable producers by anticipating cereal sales at moderate prices and distributing food at no cost to vulnerable households.
633. The Nigeriens Nourish Nigeriens (3N) Initiative is the framework for rural development activities. It was launched in 2012 as a response to the 2011 food crisis. The 3N Initiative replaces the Rural Development Strategy (SDR) developed in 2003 at the request of donors as part of a poverty-reduction strategy. The capacity of family farms to dispense with assistance is at the heart of the problem that underpins the 3N Initiative, which differs from previous policies, particularly in terms of access to credit, technical assistance, support for small-scale irrigation, and emergency assistance supervision. The 3N Initiative has undertaken a number of initiatives, including the rehabilitation of degraded land, the development of irrigated land, the zoning of the territory, free vaccination of livestock against major epizootic diseases, the facilitation of credit, and the subsidization of improved seeds and fertilizers. However, due to inadequate domestic resource mobilization and heavy reliance on external assistance, the Government's assistance does not meet all of the needs of rural producers.
634. The Government intends to implement several mechanisms within the framework of the 3N Initiative, including the Food and Nutrition Security Investment Fund (FISAN) and the Agricultural Bank (BAGRI). FISAN's objective is to improve financial service delivery to producers and other value-chain actors. It intends to mobilize resources to co-finance investment projects, provide partial credit guarantees through a guarantee fund, and refinance financial institutions. However, FISAN has mobilize little donor support.
635. According to BAGRI officials, the security situation and, above all, delays in allocating funds to cover and mitigate risks hampered the establishment of the institution. BAGRI should be backed by mechanisms such as a guarantee fund, a contingency and disaster relief fund, and bank accounts opened within the institution for the implementation of agricultural projects. The Government promised to allocate resources to the guarantee fund in 2021, whereas agricultural projects still do not have accounts at BAGRI.
636. BAGRI does very little to assist small producers in the absence of a support mechanism. According to bank officials, the current situation puts producers at the mercy of usurers, who profit handsomely from their efforts. This observation has been confirmed by field actors who believe that agricultural producers are forced to rely on usurious lending due to the inability of banking institutions to provide financing.

637. The main weakness of the 3N initiative is its lack of support for rain-fed agriculture and small-scale livestock production, both of which are practised by the majority of farmers. The present increase in cereal production is due primarily to an increase in cultivable land.
638. Yields can be significantly increased if farmers have access to fertilisers, adapted seeds and credit. However, when it comes to credit, BAGRI excludes lending for rain-fed crop and small-scale livestock production, which are considered too risky. In the absence of a guarantee fund, the financing of rain-fed farming is deadlocked.
639. It is necessary to set up the guarantee fund requested by BAGRI in order to address the risks associated with the agricultural sector. Rural land is less valuable as collateral than urban land. This is why it is difficult for producers to provide solid loan guarantees. According to the officials of the Ministry of Agriculture, the adoption of the Land Tenure Law and its action plan in 2021 will help to resolve this problem. It will therefore be possible to obtain valid land titles in rural areas through land committees.
640. According to 3N initiative guidelines, irrigation is the main lever for addressing food insecurity issues. Niger has increased its irrigation potential to more than 10 million hectares, as against 270 000 hectares a few years ago, to ensure food self-sufficiency. Water is now available to the population thanks to the construction of irrigation infrastructure. There is still a need to build the capacity of small-scale irrigation actors. The actors met on the ground mentioned lack of improved seeds for harnessing the available land and water resources. When improved seeds are available, producers often obtain them late. Farmers in the country's eastern and northern regions, on the other hand, continue to complain about the lack of agricultural water.
641. In the context of climate change and in order to boost agricultural production, Niger has opted for the use of improved seeds and chemical fertilizers. The Government's objective is to use improved seeds on at least 10% of the sown area. This target, however, has not been met because the multiplication of improved seeds is done by private individuals, and production is declining year after year. Production is insufficient to meet the needs of producers. There are many seed production enterprises, but breeder seeds produced by research institutions are scarce. Formerly, the Agricultural Inputs and Materials Supply Centre (CAIMA), a public enterprise, imported and sold fertilizer at subsidized rates. In 2020, the Government withdrew from this sector, in keeping with the 2018 Reform Plan. The reform will help to increase the availability of fertilizers and improve access to and use by producers. The sector is now managed by private operators. A bag of subsidized fertilizer used to cost CFAF 13 500, but since the sector was liberalized, a bag of imported fertilizer sold by private operators costs at least CFAF 18 000. Some producers are obliged to rely on fertilizer imported from Nigeria at their own risk as it is not suitable for the soil in Niger. This reduces the likelihood of food self-sufficiency. According to the officials of the Ministry of Agriculture, the Government is trying to control the import of fertilizers from Nigeria by deploying fertilizer inspectors at border posts, but these inspectors are not yet operational.
642. There is mounting evidence that grazing areas are shrinking due to the fragmentation of transhumance corridors and occupation of former grazing areas by farmers and human settlements. Despite the existence of an ordinance relating to pastoralism, transhumance is a highly disorganized. The provisions of this ordinance specify the times when transhumant graziers should arrive and depart from cultivated areas. While sedentary groups feel that graziers



do not comply with these provisions, representatives of graziers feel that the provisions on the transfer of farmlands, which vary from one region to another, do not take into account the lifestyle of graziers.

643. There is a discrepancy between the dates proposed for the movement of graziers and the availability of water in the northern part of the country. The scarcity of water for livestock coupled with the lack of pastoral wells obliges graziers to move to the south.
644. Niger's population still has limited access to safe drinking water and sanitation, hydraulic facilities are expensive, and the country is unable to meet its international commitments in this area. Less than 5% of the State budget is allocated to the water and sanitation sector, far below the sector's target of 7%. The sector also suffers from lack of human resource renewal due to the cessation of recruitment in the public sector since 2012. Overall, the sector suffers from poor governance. The management of the financial flows generated thanks to the availability of water and the operation of sanitation facilities is, however, beyond the control of the financial services of the Ministry of Agriculture and local authorities. Better visibility and management of these resources could enable the sector to address the problems of staffing, renovation and expansion.

**Commendable practice 3: Regulation of transhumance: harmonious management of space between farmers and graziers**

The majority of Niger's population lives in rural areas and relies on agriculture and livestock breeding for their livelihood. Graziers, nomadic and transhumant pastoralists use mobility as a rational and sustainable way of exploiting pastoral resources. To encourage farmers and graziers to ensure the harmonious use of rural space, the Government issued Ordinance No. 2010-029 of 20 May 2010 relating to pastoralism. This ordinance lays down the conditions for delimitating pastoral and farming areas. It also specifies the conditions for modifying the use of dedicated spaces. The Ordinance establishes a system for closing and opening rain-fed croplands in agricultural zones. The dates for closing and opening farmlands are fixed by order of the representative of the governor in the region concerned, upon consultation with heads of local institutions and representatives of farmers and graziers.

Compliance with the provisions of this ordinance has led to a more peaceful coexistence between farmers and graziers in agricultural zones. Conflicts over the destruction of farms or crops by the livestock of transhumant graziers are less frequent than in other Sahelian countries. Conflicts are resolved in accordance with the provisions of the ordinance. Niger is one of the few Sahelian countries where farmers and graziers coexist peacefully in agricultural zones.

The current challenge facing the authorities of Niger is to ensure the strict application of the provisions of the ordinance. Representatives of breeders have reported a reduction in transhumance corridors over the years due to the opening up of rain-fed croplands in areas reserved for breeders. These corridors were designed to facilitate the movement of breeders and enable them to return to the pastoral spaces in the northern part of the country. The closure of these corridors increases the risk of transhumant livestock straying into farms along such corridors, as well as conflict. The ordinance also specifies guidelines for defining the northern boundary of cropping spaces. Cattle breeders have noticed that in recent years, these spaces

have also been appropriated for farming or private projects. It is necessary for regional authorities to provide explanations for the reduction of these grazing areas and ensure compliance with the provisions of the ordinance.

### **iii. Recommendations**

645. The APR Panel recommends as follows:

- Mobilize local private partners to finance the activities of the 3N Initiative;
- Support agricultural and livestock entrepreneurs, as well as producer organizations by providing technical assistance and facilitating access to credit in order to boost production;
- Strengthen the country's capacity to provide improved seeds and fertilizers to producers at subsidized rates;
- the revision of the Ordinance on Livestock Breeding to take into account the present realities of stock breeders;
- Construct pastoral boreholes in grazing areas in the northern part of the country.

<b>Objective 2:</b>	<b>PROMOTE STAKEHOLDER PARTICIPATION IN DEVELOPMENT</b>
---------------------	---

**i. Summary of the CSAR**

646. According to the CSAR, the involvement of all the components of Niger's society is effective in all development programmes and policies. They include non-state actors (civil society, private sector, customary and religious authorities, trade unions, etc.), decentralized State institutions and decentralized local authorities (municipalities and regions). At the institutional level, specialized bodies were created to ensure stakeholder engagement in the development process. These include, inter alia, the Economic, Social and Cultural Council (CESOC), the High Council for Communication (CSC), the National Human Rights Commission (CNDH) and traditional chiefs. The engagement of local authorities in the development process is governed by Ordinance No. 2010-54 of 17 September 2010, which broadens the scope of the tasks devolved to local authorities to include design, programming and implementation of development actions. The National Decentralization Policy (NDP), adopted in 2012, aims to promote stakeholder engagement at the local level. In 2016, the Government finally adopted Decree No. 2016-075 to transfer competences and resources from the State to municipalities in the areas of education, health, water and the environment. Moreover, in 2018 the State adopted a plan to transfer competences and Resources from the State to municipalities and other regions from 2018 to 2021.
647. The 2019 National Evaluation Policy (PNE) enshrines the institutionalization of the practice of evaluation in carrying out development programmes and projects. The aim is to re-engage in dialogue on the culture and practices of evaluation in Niger and sensitize the various actors on the challenges of monitoring and evaluation. At the institutional level, Niger set up the Public Policy Analysis and Government Action Evaluation Unit (CAPEG) in 2017. During the period 2005-2010, evaluation was often included in the duties of several administrative units, without explicit clauses in the laws and/or regulations. Moreover, the parliament is more focused on controlling government's action than in the process of evaluating public policies. Difficulties relating to human and financial resources hinder the operationalization of monitoring and evaluation operations and the implementation of the recommendations thereof. The main problems lie in the weaknesses in promoting a culture of evaluation within Niger's administration, technical and professional skills, and the allocation of resources to existing evaluation capacity building mechanisms.
648. Niger has a relatively structured institutional and regulatory system that can involve the private sector in the policy and programme development process. The Maison de l'Entreprise, the Haut-Commissariat à l'Investissement au Niger (HCIN) [High Commission for Investment in Niger] and the National Business Environment Committee are all opportunities for participation. Although Niger has made significant progress in promoting the private sector and improving the business climate, the unstable security situation and corruption are obstacles to investment. Given the high population growth rate, it is vital for Niger to develop the local private sector in order to improve living standards and create jobs.

649. The Civil Society in Niger is quite committed and actively participates in the struggle towards development. Since 2000, the government has embarked on a process to support non-state actors (NSAs) through the Civil Society Support Programme (PASOC), which aims to strengthen the capacities of CSOs to take part in designing public policies and monitoring their implementation. To help optimize this participation, various sectoral dialogue mechanisms were put in place in collaboration with the ministries, CSOs and technical and financial partners. However, CSOs in Niger have weaknesses that sometimes limit their participation in the development process. Also, the absence of a self-regulatory framework in the form of a Charter or Code of Good Conduct and Ethics has prevented CSOs from defining what could be considered acceptable or unacceptable behaviour. In terms of its ability to influence action, CSOs are unable to make decisive contributions in the process of formulating public policy. This gap undermines the ability of these organizations to fully participate in designing, formulating and implementing development policies and strategies.

## **ii. Findings of the CRM**

650. In order to promote stakeholder engagement to design and implement development policies, the government has put in place several mechanisms at national level, notably multi-stakeholder consultation frameworks. Also, the involvement of vulnerable persons (including the elderly) in development policies and strategies is enshrined in the constitution. In developing the PDES, the government involved citizens through thematic groups in which government officials, civil society organizations, the private sector, etc. also took part. In the past, the ministry used to request umbrella organizations to get involved in the process on behalf of the civil society but some organizations complained that they were not involved in the process. For the PDES currently being developed, and at the request of the government, CSOs have organized meetings to designate 8 representatives to take part in the development process. Private sector representatives have been proposed by the Chamber of Commerce. Regional consultations have been organized to take into account the specific needs of the regions. Regarding the implementation of the PDES, the planning structure has been defined in collaboration with the Ministry of Regional Development. The monitoring and evaluation of the previous PDES has been done through participatory mechanisms. Within this framework, sectoral coordination units have been set up. The Civil society is represented in the units according to its areas of competence.

651. At the regional level, the input of the civil society and the private sector is often sought in designing development plans. In the Dosso region, representatives of women's organizations testified that they had fully participated in designing the regional development plan. They feel that the plan takes their needs into account, and they readily identify with the document. The same is true of representatives of associations of disabled persons. In the health sector, the civil society and the private sector are involved in the formulation of the health development plan at the regional level.

652. The CRM also learned that the development process of the 3N Initiative has not fully included producers. The marginal contribution of farmer organizations goes hand in hand with the rise of Chambers of Agriculture as the main intermediaries with State services. Chambers of Agriculture are described as representatives of the farming profession. According to these farmer organizations, this is because family farming is not clearly stated as a priority in the initiative.

653. Niger has a long-standing tradition of decentralization, which dates back to the colonial period. As early as 1916, decentralized institutions were set up by the colonizer to ensure better management of the territory. The Zinder and Maradi Municipalities in Niamey were created before independence. After independence, citizens, trade unions and local chiefs got involved in managing the local affairs of their administrative units. With the reform of 1964, districts and municipalities were set up and granted legal personality and financial autonomy. The CRM thinks that the government can make use of such a culture to establish the local foundations of development programmes and projects.
654. Based on regional consultation frameworks and participatory budgets, the decentralization option encourages the involvement of local populations and their ownership of development initiatives.
655. According to the CRM interlocutors, the population, in recent years, has pushed for the drafting of texts that govern local development, participatory budgets and the mobilization of resources at the local level. This enabled them, notably to better understand local development issues.
656. The main obstacles to decentralization still remain delays in the transfer of resources, low qualification of some local elected officials, insufficient involvement of actors in the monitoring and evaluation of government action and insecurity.

### **iii. Recommendations**

657. The APR Panel recommends as follows:

- Continue and complete the decentralization process through the establishment of a mechanism controlled by local elected officials to ensure the full transfer of resources to local governments;
- Set up local committees to support and monitor the implementation of development actions.

### **Objective 3: CURBING POVERTY, UNEMPLOYMENT AND INEQUALITY**

#### **i. Summary of the CSAR**

658. With this objective, the CSAR addressed issues that aim to curb poverty and inequality through access to national resources and basic services, including those for persons with disabilities, and job creation.
659. The CSAR established that access to land is essential in Niger, a country where about 80% of the rural population depends on agriculture (EVIAM, 2010). Yet, faced with a rapidly growing population, such access, as well as sufficient food and/or money in rural households, is becoming problematic. To address this situation, a Rural Code has been adopted and an order issued to establish mechanisms for land ownership and practical arrangements for the functioning of land commissions. In addition, a land policy has been put in place to ensure optimal land allocation. In addition, to improve access to land, the State has undertaken a vast operation to recover degraded land within the framework of the 3N Initiative. According to the self-assessment survey, 7.1% of households responded that they had access to land reclaimed by the State or its partners, and 35.3% felt that they had sufficient farmland. In addition, just over 70% of households surveyed said they were not aware of the State's land tenure policy.
660. According to the CSAR, with regard to access to real estate, Niger has developed a National Housing Policy that aims to provide each household in Niger its own home with solid materials, as only 6.7% of households have decent housing (ERI-ESI, 2017). In order to improve access to comfortable housing, the State also set up the "Niger Housing Bank" in July 2018 as well as the National Housing Fund. Over the period 2011-2018, the government built 1 117 low cost houses in Niamey, Dosso and Maradi.
661. The CSAR warned that Government's efforts to ensure equal opportunities and social protection could be weakened. Indeed, between 2012 and 2018, spending on basic social sectors represented about 44% of the budget allocated to the various sectors. However, there are fears of a contraction in social expenditure, considering the sharp increase in the budget allocated to military expenses alone, which rose from CFAF 47 billion in 2009 to CFAF 176 billion in 2016, that is, about 10% of total budgetary expenditure. In Niger, public spending on social protection is mainly allocated to programmes that, unfortunately, do not necessarily target the poorest and most vulnerable people but mainly the formal sector and the middle class.
662. With regard to disabled persons, the CSAR reported that their rights are guaranteed by national legal instruments, which ensure, inter alia, equal opportunities for disabled persons with the hope of their social integration and/or reintegration. Several measures and actions have been taken by government, NGOs and associations in favour of people with disabilities. A National Fund for Persons with Disabilities has also been established. Regarding access to housing, initiatives have been taken to support the blind and other people with disabilities. However, despite the efforts made by the State and its partners, the situation of these people remains precarious due to the limited means of government institutions and the society. Also, people with disabilities

continue to face discrimination, especially with regard to recruitment and jobs, as a result of negative stereotypes.

663. Concerning inequalities, the CSAR reported on the efforts made by the government. It notes that the majority of people in Niger (68.6%) seem to think that policies to fight inequality are effective; however, they have been unable to wipe out the disparities that exist between men and women. In Niger, the involvement of vulnerable people (including the elderly) in development policies and strategies is enshrined in the constitution. Also, the Economic and Social Development Plan includes among its priorities the integration of young people, the construction and rehabilitation of socio-economic centres and the reinforcement of humanitarian action, the continuation of free healthcare and transfers, and adequate treatment of children.
664. The CSAR considered that Niger has made progress in curbing poverty and improving the health situation of its population. In fighting against poverty, it recorded a steady fall from 62.1% in 2005 to 40.3% in 2019. Yet, this level of poverty is still high and particularly affects the rural population and women.
665. Concerning infant health, the country has made great strides in reducing infant and child mortality thanks to efforts to treat malnutrition in children less than 5 years of age and improved access to healthcare for children. With regard to maternal health, maternal mortality reduced significantly thanks to efforts to monitor and accompany women. However, despite efforts made to improve the use of health services, women still give birth at home for various reasons among which are: distance from health centres, lack of transport and tradition. Finally, progress is being made in the fight against HIV/AIDS, malaria and tuberculosis.
666. The CSAR recognized that the unemployment rate increased from 2014 to 2017, and is more widespread among youths aged between 15-29 years and women. Underemployment affects the working population (ECVMA 2014) and hits mainly the rural areas. Every year, 5 000 new graduates get into the job market and the situation is likely to get worse in the medium and long term. In fact, with a rapidly growing population, the provision of social services, job creation and the fight against gender inequality remain major challenges in the country. The government is therefore committed to continue improving the business environment, supporting the modernization of agriculture through the 3N Initiative, harnessing the revenues from natural resources to foster economic diversification, and promoting employment through the National Employment Agency (ANPE).
667. The results of the 2019 APRM survey highlight that: (i) while the majority of citizens in Niger are aware of the policy to support business creation, the other mechanisms remain unknown to the general public; (ii) employment policies are effective, but follow-up and support leave much to be desired, as do inequalities in employment; and (iii) women, although not as favoured as men, are still making their presence felt in terms of job responsibility, decision-making and recruitment;

## **ii. Findings of the CRM**

668. The CRM noted that Niger is an agro-pastoral country, as the majority of the population is involved in agriculture and livestock farming. Activities in the informal sector are the most widespread. The contribution of agriculture and livestock farming to national growth is constantly hampered by low production capacity. In order to curb poverty and unemployment, and thus

reduce inequalities, the government opted for rural development. As such, a Rural Code was adopted; it is an instrument that aims to define the status of land and serve as a legal framework for the overall management of all the components in rural areas. The formulation of this code followed observations of scarcity of arable land, the depletion of land capital, the shift of farmland to grazing land in the north, the shrinking of grazing areas, as well as land insecurity and the risk of widespread land conflicts.

669. The provisions of the Land Tenure Code were used as the basis for instituting policies and programmes to promote agro-pastoral production. This is especially true of the 3N Initiative. The government's aim was to meet the challenge of the availability of farmland and water through diversified development. The rural populations benefiting from these developments were to receive support in the form of improved seeds and fertilizers to make the most of these land and water resources. Funding was also provided for rural producers, though producers did not systematically receive this support due to insufficient capacity to produce improved seeds and inadequate knowledge of the procedures put in place within the framework of agricultural loans. A quantified target for the use of improved seed varieties is expected annually. But the seeds produced often do not cover the needs of farmers. The same is true for fertilizers sold at State-subsidized prices.
670. The insufficient coverage of input needs as well as difficulties to secure loans have prevented producers from exploiting existing agricultural potential to increase their production and income.
671. Due to lack of support to producers and coordination of structures working in the sector, the fight against poverty and inequality through these State investments has been greatly minimized. With the liberalization of the fertilizer sector, these difficulties are likely to worsen, as producers will be forced to use cheap inputs from neighbouring countries, like Nigeria, which are not adapted to soils in Niger.
672. Agriculture and livestock farming in Niger are less diversified and their value chains poorly developed. The research institutions of the Ministry of Agriculture have done very little to support producers in experimenting with new species adapted to their soils. Such exploration could broaden the range of food products available to households in Niger, and thus reduce the country's dependence on imported food.
673. Though agricultural and livestock products are limited to small-scale processing in households, there still exists a real opportunity to promote production and set up small-scale industries to process and add value to these products.
674. According to the actors that the CRM met, the level of food consumption has clearly improved in Niger. The population can have a range of foodstuffs at affordable prices on the market. These observations are confirmed in the Global Hunger Index (GHI), proposed by Welthungerhilfe and Concern Worldwide. Niger was ranked 101 out of 117 countries in the Index in 2019, with a score of 30.2, which places it in the serious category. In 2000, the country had a score of 52.1 with an extremely alarming situation. This relative improvement can be explained by the drop in the prevalence of undernourishment, retarded growth, emaciation and child mortality.
675. In recent years, Niger has achieved remarkable results in the fight against poverty and mortality. Proof is that poverty is decreasing steadily, though poverty levels remain high, with women and



rural communities being the most affected. Life expectancy at birth has risen significantly thanks to the efforts of government, especially in child and maternal health and the fight against major endemic diseases. The government's free healthcare programme for children under 5, caesarean sections and antenatal consultations has contributed to this. However, the effectiveness of this programme has lost steam over the years due to the lack of supplies to health centres and government delays in covering expenses incurred by health facilities for patients registered in the programme. Also, successes recorded in improving social and health indicators risk being compromised by the security challenges witnessed in recent years, which have led the government to prioritize spending in the security sector.

676. Government's greatest achievement in the health sector has been the institution of the free healthcare programme. Contrary to rumours leaked to the CRM, the free healthcare system still exists and is fully functional. However, health facilities sometimes require that patients pay for their care, even if they are eligible for free healthcare. In fact, the government does not allocate funds in advance to health facilities for patients' care. It is up to the facilities to incur expenses and be reimbursed upon presentation of invoices. The problem is that health centres are on a cost-recovery system. It is thanks to the resources generated by cost recovery that they pre-finance the care of patients enrolled in the free healthcare programme. However, reimbursements from the government can take several months. Consequently, health centres may lack the resources to replenish their supplies. That is why they are forced to ask eligible patients to pay for their treatment.
677. According to officials of the Ministry of Health, the free healthcare policy was poorly implemented because the rightful beneficiaries were not well targeted. Logically, such free healthcare should have targeted the most vulnerable groups but, in practice, vulnerable people do not often have access to free healthcare. Also, in order to make free healthcare more effective, the government should support health facilities by providing medication. Presently, subsidies are not granted, and the government delays in processing invoices for free healthcare expenses from health centres. Ministry officials estimate that arrears owed to health facilities for free healthcare amounts to about 55 billion. The invoice validation system is very cumbersome, as it is handled at the highest levels of administration. Actors met in the field also denounced certain practices in health centres such as overcharging for services rendered to patients enrolled in the free healthcare programme. For the latter, the same service charged at a higher cost for free healthcare is less when the patient pays directly.
678. The current challenges in the health system affect access to services, geographical coverage, equipment of health facilities and human resources. The health coverage rate (population living within 0-5 km from an Integrated Health Centre out of the total population) was 50.63% in 2018, according to health statistics. It has not changed much over time, as it stood at 49.44% in 2010. There are considerable regional disparities between the regions of Niamey and Agadez, which are often better off than others. In terms of coverage, the government engaged a reform of the districts, which has improved the quality of service through a better distribution of districts throughout the country. As such, health districts have increased from 42 to 62. There is no national strategy for the management and maintenance of equipment in health facilities and the system is still in dire need of human resources, although the country has a qualified workforce that has not been recruited. According to health statistics, the ratio of doctors to inhabitants was 58 975 in 2018. It clearly got worse over time because it was 43 564 in 2010. On the other hand,

the ratio of nurses to inhabitants has improved, going from 5 203 in 2010 to 4 016 in 2018. There is a great disparity between regions in terms of the availability of human resources. However, the Ministry of Health admits that considerable efforts have been made to provide initial training for health workers through the harmonization of curricula for the public and private sectors, and organize a national certification examination. On the other hand, there are many more women in health professions but they are reluctant to work in rural health centres. With the establishment of the DHIS platform, the government is better equipped to address the issue of human resource distribution. The current challenge is to post and retain staff in rural areas by offering them better working conditions.

679. The CRM noted that the health sector uses a lot of volunteers among service providers. These volunteers are trained in medical schools but are unemployed. They accept to work in the health centres in order not to lose their skills. Some of them are paid by the health centres even though such pay is irregular. Volunteers can work for several years with this status. According to the actors we met, in the absence of the officer assigned by the State, volunteers sometimes manage the health centre. For some years now, the Ministry of Health has prohibited the use of volunteers, but the practice continues in health centres that have very few State officers. In actual fact, no proposal on how to cope with the workload followed this government measure.
680. Progress in the health sector is also hampered by cultural barriers to women's access to health services. According to the CRM interlocutors, a married woman cannot single-handedly decide to visit a health centre when she or her child is ill. She must first seek the consent of her husband or mother-in-law. Such attitudes delay access to healthcare, and this could be detrimental to sick persons. Some women, sometimes, even refuse to consult at ANC when the health worker is male.
681. These cultural barriers to women's access to health centres are old practices but, in the last few years, the situation has evolved and more women allow men to examine them. As such, there is less rejection of male staff during women's consultations. On the part of health personnel, there is also a lack of interpersonal communication within the health facilities, which is disadvantageous for women.
682. Although the government has made efforts to set up and build new health centres, the health map is not always respected by private promoters. In fact, it is quite common for civil society organizations or people in the various communities to set up and construct health centres close to public facilities. Also, these private health centres have very few qualified staff.
683. The Government of Niger has invested in improving the rights of people with disabilities, as well as their socio-economic situation. This translated into reforms in the legal framework and the implementation of specific programmes and support schemes. Representatives of people with disabilities admit that, increasingly, all government infrastructure are built or redesigned to take into account their needs and realities. The government has provided the National Federation of Disabled People with a technician to monitor the construction of infrastructure to ensure that provisions for disabled people are respected. The country has just adopted a law for access to health services for people with disabilities. However, despite the efforts made, the situation of people with disabilities remains precarious due to limited State resources.

684. Niger has witnessed a sharp increase in life expectancy at birth, which, in the nearest future, will lead to a significant increase in the number of elderly people in the population. This change in demographics will come at a time when the country has not yet completely addressed the socio-economic and health challenges caused by high fertility. The government must now provide the facilities and resources to meet the specific needs of this age group. Apart from developing laws and a national policy for the elderly, there are no concrete actions yet. The government has also set up the National Council for the Elderly, which has representatives in the regions, but it is still struggling to take off effectively due to lack of resources. These elderly people complain about the lack of healthcare provision by the government, although a law is being drafted to that effect.
685. Unemployment is increasing in Niger and its impact is mostly felt among the youths and women. The scale of unemployment reflects the inadequacy of the educational system to the needs of society. As a matter of fact, the system does not meet the needs of the population. Teaching modules in school do not match the concrete realities of young people, who then lack the necessary skills to build a professional career after school. Although the government has set up several youth vocational training centres, these youths do not get the necessary support to practise their trade once they complete their training. In order to curb the rate of unemployment, the government has embarked on improving the business environment, supporting the modernization of agriculture and using revenues from natural resources to promote economic diversification and employment.
686. According to the CRM interlocutors, several obstacles hinder youths and women from growing their businesses in the private sector. These include lack of promotion for local products in shops, high importation of foreign products and the high cost of energy. Niger's proximity to countries with well-developed and structured economies limits the production capacities of local entrepreneurs because their products are not very competitive. Consequently, private sector actors prefer to remain in the informal sector. Another difficulty faced in the private sector, as the CRM interlocutors noted, is that the people of Niger do not want to invest in the interior regions and out of Niamey. Hence, the concentration of businesses in Niamey hinders development in the regions. Lack of funding prevents businesses in the regions from offering good quality and competitive products.
687. The mass exodus of youths in Niger is triggered by the lack of opportunities in rural areas during the dry season. In some regions, youths, especially male, who are unable to migrate to neighbouring countries, lose social credibility among their peers. Agricultural activities are more intense during the short rainy season. During the dry season, jobless youths move to neighbouring countries in search of work and return to their country before the next rainy season to engage in agricultural activities. In the Dosso region, young people mostly migrate to Libya, especially as they are unable to find jobs locally. Those who travel positively impact their regions of origin through money transfers, the introduction of new business ideas and skills. For example, in the region of Tahoua, the most qualified workers in the construction, welding and carpentry sectors are former migrants who returned from North Africa. Socially, migration also triggers certain problems. As young people travel, families are often separated and this negatively impacts the children. Also, some returning migrants become idle and consume alcohol and drugs, which sets a bad example for young people. The security situation in recent years has caused the authorities to prohibit youth migration to countries in the Maghreb.

**Box 10: Free healthcare for children less than five years old: a policy to be consolidated**

In 2006, Niger decided to concretely eliminate all financial barriers hampering access to healthcare by introducing payment exemption measures for some categories of people. The policy, known as "free healthcare", which was initially limited to caesarean sections, was quickly extended to contraceptives, antenatal consultations and care for children under five.

After four years of effective implementation, the free healthcare policy significantly boosted the use of health services. The rate of administration of curative care to children under five rose from 59% in 2005 to 85% in 2009, and the rate of antenatal consultations also rose to 85%, up from 40% in 2005.

Notwithstanding these encouraging results which are beneficial for the health of the population, the sustainability of payment exemptions was still far from being a reality. Constant major dysfunctions in the management and funding of the free healthcare policy have greatly destabilized health facilities which now have to wait indefinitely for the State to reimburse incurred expenses. This situation could eventually lead to justifiable questioning of the free healthcare scheme.

In order to break the deadlock and ensure an effective implementation of what is now considered a major social achievement, the new government of Niger must seek a real rescue plan for the "free healthcare" scheme. The mobilization of additional budgetary resources and adjustments in the administrative management of free education are now vital steps. Real and significant support from international donors will also greatly help to successfully address this challenge.

**iii. Recommendations**

688. The Panel recommends as follows:

- Facilitate access by rural producers and youths to subsidies under the 3N Initiative programmes and projects and to loans.
- Create favourable conditions for the local production of inputs (improved seeds and fertilizers) and make them available to producers at affordable prices;
- Allocate the necessary resources for the functioning of social protection schemes;
- Support the country in its drive towards universal health coverage by improving access to medication, human resources and equipment;
- Ensure availability of medication in health facilities to foster the implementation of the free healthcare policy;
- Set up a common fund for partners to better support the implementation of the health policy and health development plan.

<b>Objective 4:</b>	<b>PROGRESS IN GENDER EQUALITY, ESPECIALLY EQUAL ACCESS TO EDUCATION FOR THE GIRL CHILD AT ALL LEVELS</b>
---------------------	---

**i. Summary of the CSAR**

689. Objective 4 focuses on two questions, which explore the measures taken by the country to promote gender equality and the national programmes, policies and strategies adopted to eliminate gender disparities in primary and secondary education.

690. The CSAR informs that the government of Niger has made efforts to comply with the provisions of ratified international and regional Conventions, and promote equality for all. It is the case for the provisions included in new laws and reforms of existing laws. However, the government ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) with reservations and cut out essential elements to change the status of women. Also, the Maputo Protocol, or the Protocol to the African Charter on Human and Peoples' Rights and the Rights of Women in Africa, was signed but has not yet been ratified due to social and religious constraints.

691. The CSAR provides an overview of the actions initiated by the government to reduce inequalities. In legal terms, the fight against gender inequality is taken into account in the provisions of the Constitution of 25 November 2010, the Nationality Code, the Civil Code and the Criminal Code of 2003. Several laws and regulations have been adopted and promulgated in this regard, targeting the sectors of education, reproductive health and participation in public decision-making processes. At the operational level, actions have been taken, and policies and programmes developed and implemented. They aim to facilitate continuous schooling for young girls in secondary school, in the event of pregnancy and marriage, correct disparities between girls and boys in access to education, adapt educational and training programmes to the specific needs of women, and facilitate women's empowerment. Niger has a National Gender Policy (2017-2027) that aims to build a society void of gender-based discrimination. At the institutional level, the government has created gender units within many ministries, a National Observatory for Women's Empowerment, a Central Service for Minors and Women, and a National Coordination Committee to promote the marriage of girls after the age of 18. A national women's day was also instituted in 1992.

692. The CSAR notes, however, that Niger is among the countries with a high gender inequality index (that is, 0.713 against 0.635 for Sahelian countries and 0.575 for sub-Saharan Africa). These inequalities are obvious in access to education and literacy, despite significant improvements in recent years. In terms of reproductive health, women still get married at a very tender age, with close to 80% marrying before the age of 18 and nearly half bearing their first child before the age of 18 (DHS-MICS, 2012). Women are very exposed to HIV/AIDS and the practise of female genital mutilation still persists in some regions.

693. The CSAR considers that inequalities against women are most common in economic and political circles, as they face difficulties in accessing, managing and controlling resources. According to the International Consulting Expertise report on gender in Niger, 79.8% of male-headed households own at least a farm, compared to only 4.6% of female-headed households in 2017. The gender gap is still wide in the various political and administrative decision-making spheres. The number of women in institutions is 29 out of 171 in the National Assembly (16.9%), 8 out of 42 in the Government (19%), 2 out of 52 for prefects (3.8%), 6 out of 266 for mayors (2.3%), and no woman has yet been appointed governor.

694. The CSAR notes that although Niger is recording a positive overall trend in children's education, it remains uneven for boys and girls, as the enrolment rate for girls is still lower than that for boys. In 2015-2016, primary education recorded a gross enrolment rate (GER) of 70.2% for girls and 82% for boys. In secondary education, the GER for girls was 28.8% and 39.6% for boys. In 2018, primary education GER for boys was 84.7%, compared to 73.5% for girls. In the vocational and technical education sub-sector, significant investments were made during the period 2010-2018. The number of vocational and technical training institutions increased from 32 to 36 717. Many young people were recruited and trained with the support of institutions such as the Support Fund for Continuing Vocational Training and Learning (FAFPCA), the Service National de Participation (SNP) [National Participation Service], the Centre of Leather and Art Crafts of Niger (CMCAN), the Skills Development for Growth Project (PRODEC), the Rural Skills Development Support Programme (FOPROR) and the Programme NIG-017. Yet, this recorded progress still conceals gender disparities. Also, the majority of girls end up in training programmes that are mainly oriented towards home economics.

695. According to the CSAR, challenges to gender promotion in Niger still abound, and the status of women is far from the equality advocated in the various texts of substantive law. There are still restrictions that are linked to the socio-cultural realities and social roles attributed to girls. In fact, the traditional social organization is based on a patriarchal system within which communities have different perceptions of male and female roles. Achieving substantial gender equality requires a transformation of power relations in both public and private spheres.

## ii. Findings of the CRM

696. According to the last General Population and Housing Census (RGPH) in Niger in 2012, there were 8 619 889 women, or 50.3% of the total population. The number of women in 2020 was 11 444 184 (National Institute of Statistics projections). An overview of the socio-economic situation of women in Niger in 2012 was given in the 2012 RGPH analysis report on the subject. In all the sectors explored, the level of indicators was to the disadvantage of women (Table 1).

Table 42: Socio-economic situation indicators

Indicators	Men	Women	Together
Average age at first marriage	23.9 years	17.5 years	---
Gross primary education enrolment rate	68.6%	57.6%	63.2
Gross first cycle secondary education enrolment rate	24.8%	16.3%	20.5
Gross second cycle secondary education enrolment rate	7.9%	4.2%	6
Gross higher education rate	2.3%	1.2%	1.7
Literacy rate (%) of the population aged 15 and above	38.6%	22.1%	---
Participation rate of the population aged 15 to 64	82.5%	36.5%	---

Source: NIS. *Report on the Socio-Economic Situation of Women*, Niamey, 53 pages

697. Awareness on gender inequalities in Niger has been effective for decades. This is evident through the government's commitments at the international level, with the signature and ratification of conventions on the promotion of gender equality and the protection of women's rights. In 1992, the country adopted its first National Population Policy. Following the 1994 International Conference on Population and Development (ICPD) and the 1995 Fourth

World Conference on Women and Development in Beijing, significant legal and institutional progress has been made in favour of women throughout the world. Niger is not left out, as the country designed a National Gender Policy in 2008 (revised in 2017). The National Population Policy and the National Gender Policy are major tools for guiding and directing government actions and ensuring gender equality in the country.

698. According to the 2020 Human Development Report, the Gender Development Index (GDI) in Niger stood at 0.724. The index was 0.894 for sub-Saharan Africa and 0.943 worldwide. This index measures differences in the Human Development Index (HDI) of women and men. The closer the index is to 1, the narrower the gap between women and men. Niger ranks among the group of countries with a wider HDI gap between men and women. In fact, the HDI for men and women was 0.443 and 0.321, respectively. Women in Niger are more at a disadvantage than men in terms of education, and even more financially. The situation has not changed in recent years, given that the GDI was 0.729 in 2015.

### **Measures taken to promote gender equality**

- Legal, political and institutional frameworks
699. At the legal level, Niger has adopted and/or ratified most of the international instruments aimed at promoting gender equality. In order to comply with the provisions of these instruments, the country adopted new legal texts or adapted existing ones. The major strides made with regard to legal reforms and measures include:
- Law No. 2000-008 of 7 June 2000, to institute a quota system in elective offices, into the Government and in State administrations, and its implementation instruments (Decree No. 2001-56/PRN/MDSP/PF/PE of 28 February 2001 and Decree No. 2020-670/PRN/MI/SP/D/ACR/MPF/PE of 26 August 2020);
  - The reforms of the Penal Code in 2004, notably the provisions prohibiting female genital mutilation and slavery;
  - Law No. 2006-16 of 21 June 2006 on reproductive health;
  - Decree No. 2017-935/PRN/MEP/A/PLN/EC/MES on the protection and support of the girl child girls in school, and its implementation instruments (Order No. 000025 MEP/A/PLN/EC/MES/ MEP/T of 4 February 2019 and Joint Order MEP/A/PLN/EC/MES/MEP/T No. 335 of 22 August to amend and supplement Order No. 25 of 4 February 2019).
700. In Niger's socio-cultural context, characterized by a strong grip of religious and customary influences on the social organization, much effort still needs to be made in order to have a sufficient legal arsenal and make the reforms succeed. For example, discriminatory customary laws and practices are still very common, especially regarding divorce, child custody and inheritance. Also, there are still several loopholes in the current legal arsenal. The Civil Code stipulates that men are the heads of households and, as such, determine the domicile; it requires prior authorization from the husband to open a bank account and exercise a trade or profession; and sets the marriage age for girls at only 15 years, and 18 years for boys. The law does not have any clear definition of discrimination against women in line with the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The drafting of the Family Code, which began in 1976, has not yet been completed for socio-cultural and religious reasons. Niger has made reservations to article 2 (d) and (f), article 5 (a), article 15 (4) and article 16 (1) (c), (e) and (g) of CEDAW. The country is still delaying to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of

Women in Africa. The reasons for the delay are that the text contains provisions deemed contrary to the traditions of Niger and practices governing family law.

701. The CRM satisfactorily notes that a commission of experts has been set up to identify all domestic legal texts that do not comply with international legal instruments. A Directorate of Legislation and Reforms, and a Commission in charge of Legislative and Regulatory Reforms in Criminal, Civil, Commercial and Administrative matters have also been set up under the Ministry of Justice. Several texts have been adopted within the context of this harmonization.

702. Gender equality will also be better ensured if the population is aware of existing legal texts, especially women and civil society actors. It is necessary, therefore, for these texts to be disseminated widely; this must be done for both urban and rural actors. This requires setting up communication strategies and tools adapted to both environments, implemented in locally spoken languages.

- **At the level of policies and programmes**

703. The CRM welcomes the development of the National Gender Policy, which takes into consideration social, economic, political, legal and cultural issues. An important step has also been taken to involve women and vulnerable groups in the implementation of development policies, through the inclusion of gender as one of the guiding principles of the 3N initiative "Nigeriens Nourish Nigeriens". The aim is to ensure the effective involvement of individuals to represent women, youths, people with disabilities and other vulnerable groups in the various governance and consultation bodies, as well as their access to the resources mobilized and allocated for the implementation of the Initiative's actions.

704. The CRM notes that Niger is one of the countries implementing the Sahel Women's Empowerment and Demographic Dividend (SWEDD) Regional Project. The project aims to increase women's and adolescent girls' access to sexual and reproductive health, including voluntary family planning and maternal health. This regional initiative also improves child health and nutrition, strengthens girls' education and works to end early marriage and other harmful practices.

- **At the institutional level**

705. Niger has put in place institutional mechanisms to facilitate the implementation of CEDAW, by setting up the Ministry of Women's Empowerment and Child Protection, appointing advisers on gender and development issues to the President of the Republic and the Prime Minister, setting up the National Observatory for Women's Empowerment and its 8 regional and 36 divisional representations. The country has also set up the National Unit of the G5 Sahel Women's Platform and its regional branches. In its survey and study reports, the National Institute of Statistics (NIS) develops indicators by gender, thus making it possible to monitor the country's progress in reducing gender-based inequalities. The CRM notes that the actors in charge of these institutions complain about the inadequacy and irregularity of the material, technical and financial resources that the government allocates to address gender issues. Civil society actors and decentralized local authorities also find it hard to fully get involved due to the same lack of resources.

## **Progress in eliminating gender disparities**

- **Participation of women in policy formulation and implementation**

706. The CRM notes that the involvement of women in the process of developing public policy documents is systematic in Niger, including the series of poverty reduction strategies, Economic and Social Development Plans and the 3N Initiative. The same applies for sectoral policies and development plans at local levels. It is done through women's associations and



groups, especially the umbrella institutions of these civil society organizations. In implementing policies, they are solicited to take part in monitoring and evaluating mechanisms, taking into account their expertise in development sectors. The CRM received complaints from some leaders of women's associations, who feel that they are less involved in policy development. Such situations stem from poor access to information and the lack of communication between ministries and the civil society during appointments of civil society representatives to the bodies set up for this purpose. The same observation was made by the Ministry of Planning, which decided, for the second phase of PDES, to ask civil society organizations to officially designate their representatives to the various bodies after the workshops.

- **Participation of women in politics**

707. In order to enable every citizen of Niger, without distinction, to take part in the management of public affairs, a quota system was instituted by Law No. 2000-008 of 7 June 2000 for elective offices in the Government and in State administrations. Decree No. 2001-56/PRN/MDSP/PF/PE of 28 February 2001 specifies the application of this law. Decree No. 2020-670/PRN/MI/SP/D/ACR/MPF/PE of 26 August 2020 increased the quotas from 15% to 25% for elective positions and from 25% to 30% for appointed positions. This means that the proportion of people of both sexes must not be less than 25% for elective positions and 30% for appointed positions.

708. The participation of women in the political and public life of Niger has improved significantly as a result of the Quota System, especially for elective positions:

**Table 43: Presence of women at the National Assembly<sup>23</sup>**

	2000	2004	2011	2016	2021
Number of women	1	14	15	29	
Number of MPs	83	113	113	171	
Percentage of women	1.2%	12.4%	13.3%	17.0%	

**Table 44: Presence of women in Municipal Councils**

	2000	2004	2011	2016	2021
Number of women		661	579		
Number of Municipal Councilors		3,747	3699		
Percentage of women		17.6%	15.6%		

**Table 45: Presence of women in Regional Councils**

	2000	2004	2011	2016	2021
Number of women			36		
Number of Regional Councilors			260		
Percentage of women			13.8%		

<sup>23</sup> “<http://www.promotionfemme.gouv.ne/event-details/119>”, consulted on 1 December 2021

**Table 46: Presence of women in appointed positions (ministers) in the government**

	2000	2004	2011	2016	2021
Number of women	4	7	8	7	5
Number of ministers	28	31	42	42	33
Percentage of women	14.3%	21.8%	19.0%	16.7%	15.2%

709. The civil society in Niger, especially women's associations and NGOs, has played a major role in the progress made. With the support of development partners, umbrella organizations have helped to raise women's civic awareness in order to prepare them to take active part in elections, either as candidates or voters. Alongside, sustained advocacy campaigns have helped reform laws so as to give women more opportunities to be represented in decision-making bodies. The current challenge for women's participation lies in mobilizing the electorate, especially women, to support female candidates. In the 2011 presidential election, the first female presidential candidate in the country only got 0.38% of votes. Overall, women in the civil society feel excluded from appointments to senior positions in government, whereas they have the skills required for such positions. Political practice in Niger would rather support female members of the winning party in the elections, and its allies for appointments.

- **Access to education**

710. The enrolment of children in primary education has improved, with the Gross Enrolment Rate rising from 63.5% in 2010 to 74.8% in 2017. But after this year, there has been a significant drop given that the rate in 2019 was 69.8%. In primary education, fewer girls than boys are enrolled, but the gap has narrowed over time. The parity index rose from 0.81 in 2010 to 0.88 in 2019. The ability for the educational system to keep children through primary school has improved significantly. The primary completion rate (PCR) increased from 41.7% in 2010 to 74.8% in 2016, before dropping from 2017 to 2019, to stand at 65.4%. Keeping girls in school has improved significantly, compared to boys. The parity index rose from 0.72 in 2010 to 0.86 in 2019.

**Table 47: Trends in primary school indicators**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Trends in gross enrolment rate (GER) by gender										
Boys	69.9	73.5	74.7	77.4	77.8	80.7	82.6	80.4	75.7	74.3
Girls	56.8	60.4	62.3	64.7	66.0	68.3	70.5	69.0	65.4	65.1
Total	63.5	67.1	68.6	71.2	72.0	74.6	76.7	74.8	70.6	69.8
G/B Parity	0.81	0.82	0.83	0.84	0.85	0.85	0.85	0.86	0.86	0.88
Trends in primary school completion rate (PCR) (%)										
Boys	48.5	54.5	55.8	58.2	71.1	77.6	81.4	70.5	66.7	70.4
Girls	35.0	38.7	42.5	44.3	53.5	63.4	67.9	60.9	57.2	60.2
Total	41.7	46.6	49.	51.2	62.2	70.6	74.8	65.	62.0	65.4
G/B Parity	0.72	0.71	0.76	0.76	0.75	0.82	0.83	0.86	0.86	0.86

Source: Statistical Yearbook of the Ministry of National Education

711. Enrolment indicators in secondary education (1st and 2nd Cycles) are lower, and have not changed much from 2014 to 2018. The gross enrolment rate in the 1st cycle was 29.6% in 2014. It rose from 2015 to 2017 before falling back to 29.2% in 2018. The completion rate in this cycle was almost similar, with 18.5% in 2018. The gross enrolment rate in the 2nd cycle

rose from 7% in 2014 to 9.9% in 2018. The completion rate in this cycle rose from 5.8% in 2014 to 7.3% in 2018. It emerged that enrolment rates generally drop from the primary level through to the 2nd cycle in secondary school. The same applies for the parity index. These statistics show that in primary school, girls stay as long as boys in the system. However, the situation is different in the secondary cycles.

**Table 48:** Trends in secondary school indicators (1st cycle)

	2014	2015	2016	2017	2018
Trends in the gross enrolment rate (%) (GER)					
Boys	34.9	39.6	41.9	37.0	31.8
Girls	24.3	28.8	31.0	30.1	26.5
Total	29.6	34.2	36.4	33.6	29.2
G/B Parity	0.70	0.73	0.74	0.81	0.83
Trends in secondary school completion rate (%)					
Boys	20.3	21.7	23.7	22.2	20.4
Girls	14.1	15.9	17	17.4	16.4
Total	17.8	18.8	20.3	19.9	18.5
G/B Parity	0.69	0.73	0.72	0.78	0.80

Source: National Institute of Statistics. Statistical Yearbook 2015-2019, 2020 Edition

**Table 49:** Trends in secondary school indicators (2nd cycle)

	2014	2015	2016	2017	2018
Trends in the gross the enrolment rate (%) (GER)					
Boys	9.5	11.6	11.1	11.5	12.4
Girls	4.6	5.7	5.3	6.2	7.3
Total	7.0	8.6	8.1	8.9	9.9
G/B Parity	0.48	0.49	0.48	0.54	0.59
Trends in the secondary school completion rate (%)					
Boys	7.9	9.8	8.6	10.5	9.2
Girls	3.7	5.0	3.9	5.5	5.3
Total	5.8	7.4	6.2	8.0	7.3
G/B Parity	0.47	0.51	0.45	0.52	0.58

Source: National Institute of Statistics. Statistical Yearbook 2015-2019, 2020 Edition

712. The improvements in the educational system are thanks to investments in providing education, and also sensitization carried out by the government and its development partners for universal access to education for children. However, these advances were recorded at the expense of the quality of education due to the huge mobilization of contract teachers and the lack of appropriate infrastructure. The desire to provide an opportunity for all children in Niger to go to school led the government to create many schools while the civil service was not recruiting. It then became necessary to resort to recruiting new contract teachers using other heads of the State budget. In terms of infrastructure, lack of resources prevented the government from building convenient infrastructure in the schools it created. Hence, using straw to build classrooms became common in many schools. The phenomenon of contract teachers and straw classrooms also exists in secondary schools.

713. The government faced more challenges in the public health and national education sectors, as it had to provide functional services to a growing population while limited resources prevented the recruitment of staff. The government faced difficulties to recruit because of the threshold of resources to be allocated for the payment salaries, as recommended by the WAMU pact. The Union's Pact for Convergence, Stability, Growth and Solidarity among member-countries requires compliance with a ratio of the payroll on tax revenue (it must not exceed 35% in 2019). This forced the two ministries to resort to recruiting health workers and teachers on contract basis. Even if costs are still covered by State resources, the expenditure heads used are not those for salaries. Hence, workers absorbed into the civil service are treated differently from those paid paltry sums for contract services.
714. According to the interlocutors we met in the field, there are untrained contract workers in the education and health sectors among those contracted by the State, which affects service quality. Recruiting untrained staff stems from the interference of political authorities and top officials in the recruitment process. The interlocutors also told the CRM that contract workers are not paid regularly and this demotivates some of them, who lose interest in their work. Others even end up resigning. The government has made a commitment with the inter-trade union to stop recruiting contract workers in the education and health sectors and absorb contract staff into the civil service.
715. Niger plans to craft a national human resources policy, given that the educational system currently faces human resource challenges. The State has recruited contract workers to meet demand, but the too many complaints about the working conditions of the latter and the quality of teaching forced the government to resolutely suspend the recruitment of new contract workers in 2021, absorb the current contract staff and ensure the regular payment of the allowances owed them. To compensate for the interruption in recruitment, the Ministry turned to "national service conscripts", who are either university graduates or students. This system could help motivate these young people to get interested in teaching.
716. Niger is currently working on reforming its educational system. It has been established that the low level of human capital is linked to weaknesses in human resources, especially in the teaching corps. Hence, the country has performed assessments and put in place a training plan for teachers. It also conducted an audit of pre-service teacher training institutions, which led to the restructuring of schools. Henceforth, admission into teacher training colleges will be with the Baccalaureate Certificate and not the Junior Secondary Education Certificate (BEPC). The government embarked on reforming curricula, since the current teaching programmes are out-dated. The said reform was aimed at taking into account the contemporary realities of society.
717. One of the current weaknesses of the educational system is its inability to produce statistical data. In fact, the Ministry finds it difficult to maintain recruited statisticians and teachers end up doing the job of producing education statistics. Collaboration with the National Institute of Statistics (NIS) has therefore been envisaged to train statisticians for the national education system. Niger is in the process of implementing the Education Management Information System (EMIS) in the regional capitals, and this requires improvement in the area of statistics.
718. The drop in school enrolment indicators recorded in recent years is partly due to the security situation. Repeated attacks by armed groups have forced several schools in the regions bordering Mali, Burkina Faso and Nigeria to shut down. The attacks aimed at schools, students and teachers, some of whom even received targeted threats. This situation forced many teachers serving in rural areas to flee. Entire families also fled from areas located in insecure regions and several children have not been able to go to school for at least two years now. Others have been able to enrol in schools in their host communities. It has not been easy for school officials to manage the influx of pupils in the middle of the school year. Some

schools organized a catch-up system for children who had spent several months out of school. To cope with this new need, some teachers were forced to work extra hours. Although local solutions were developed to keep schools running, some have not been able to reopen. Officials are considering ways and means to encourage teachers to go and teach in the villages.

719. Educational programmes for vulnerable people have improved in the country, especially for persons with disabilities. However, the children of nomadic parents have not received special treatment as in past decades, when mobile tent-schools and standard schools with canteens on the transhumance corridors enabled most of these children to attend school. Schools set up in the nomads' home areas were closed by education authorities because of insufficient numbers of pupils. Consequently, many children of nomadic parents do not attend school due to the lack of available educational facilities around the transhumance areas. This hampers government's efforts in its drive to achieve universal access to education, and also raises the issue of inclusiveness in education.
720. Concerning literacy, although the level is still generally low, there has been an improvement in the literacy rate of people aged 15 and above, which rose from 14.4% in 2001 to 35.1% in 2018. This evolution is indicative of the progressive reduction in the gaps between men and women. The parity index rose from 0.48 in 2001 to 0.61 in 2018. The improvement recorded in literacy results was thanks to the increase in the number of literacy centres.

**Table 50:** Trends in literacy rate (%) of people aged 15 and above

	2001	2012	2018
Men	19.6	39.1	43.6
Women	9.4	22.6	26.6
Total	14.4	30.6	35.1
M/W Parity	0.48	0.58	0.61

Source: World Bank

- **Access to jobs**

721. The CRM found that most citizens of Niger are more engaged in informal sector activities. The majority of households generate their income from agro-pastoral activities. The situation with youth employment is very much similar. However, looking at current practise, agro-pastoral activities are not sufficiently productive and do not provide a satisfactory level of income. The difficult working conditions in rural areas and low income levels, force most households to engage in commercial activities or processing of agri-food products.
722. Generally, even if young people find themselves working in the agro-pastoral sector, most of them dream of working in the more stable formal sector.

### iii. Recommendations

723. The APR Panel recommends as follows:
- Pursue the institutionalization of the gender approach in all public policies;

- Involve and empower religious and traditional authorities, as well as civil society in initiatives to protect and promote human rights and gender equality;
- Support the construction of appropriate school infrastructure with, notably, durable classrooms, water supply, sanitation and accommodation capacity;
- Improve the quality of teaching by pursuing efforts to reform the educational system, the training and recruitment of teachers into the public service;
- Increase the number of initiatives to keep girls in school, such as the government's strategy to build boarding schools for secondary school girls;
- Urgently propose a comprehensive strategy to ensure the schooling of children in families displaced as a result of insecurity;
- Support schools created in the receiving areas of nomadic families by sending teachers, and speed up the creation and operation of centres where nomadic pupils and children can gather to receive lessons in the same way as the children of sedentary families;
- Improve the professional insertion of young graduates.

---

## CHAPTER SEVEN

---

### 7. CROSS-CUTTING ISSUES

#### 7.1 General overview

724. The CRM identified 5 (five) cross-cutting issues, namely:

- ✓ Corruption
- ✓ Education and human capital
- ✓ Road infrastructure and mobility
- ✓ Energy and energy services
- ✓ Insecurity

#### 7.2 The corruption impasse in Niger

725. Corruption is becoming more and more widespread in Niger and has become a common practice among the people. It is extensively practised in the society at large, as well as in the administration, to the point where people do not even realize its negative effects on the country.

726. The Global Corruption Barometer - Africa 2019 report states that “Corruption hinders Africa’s economic, political and social development. It is a major obstacle to economic growth, good governance and fundamental freedoms, such as freedom of expression or the right of citizens to hold their government to account.”

727. Similarly, the existence of corrupt practices at all levels of administration also means obstacles to doing business. This is illustrated by the results of the World Bank’s 2017 survey<sup>24</sup> of businesses in Niger, which found that “corruption is the fourth major obstacle to doing business”. The survey revealed that centralized corruption (obtaining public contracts and licences) is the most widespread form of corruption, compared with countries in the sub-region and the rest of the world. On the other hand, “decentralized corruption” appears to be a relatively limited phenomenon. It is one of the manifestations of crony capitalism that reigns in the country, where economic operators forge privileged links with politicians to benefit from various undeserved earnings, thus killing the spirit of competition. This is the most obvious form of corruption in Niger, where institutions are like puppets, and that can go as far as manipulating public policies.

728. Governance indicators are still very low in Niger. Hence, looking at Transparency International’s Corruption Perceptions Index, Niger fell from the 101st position in 2016 to the 123rd in 2020, dropping fourteen places. According to Transparency International, despite the commitments made by top officials in the country, corruption is gaining ground in Niger “considering the various scandals revealed not only by the press but also, and quite often, by the courts”.

729. Corruption has multi-dimensional repercussions that largely explain why its negative effects are felt in all sectors of the economy.

---

<sup>24</sup>The reader can consult the following website:

<https://www.enterprisesurveys.org/en/data/exploreconomics/2017/niger#corruption>

730. **With regard to political governance**, the administrative management of State affairs is politicized and this causes several forms of injustice, which makes citizens of Niger feel that there is a two-tiered system of justice or one that excludes some citizens. Consequently, it is reasonable to say that corruption undermines the principles of equity and equality of citizens before the public service. Similarly, regarding freedom of speech or respect for citizens' rights, corruption hampers access to civil, social and cultural rights of citizens. Abusive sanctions and the non-respect of fundamental rights conferred by the constitution only lead to discrimination.
731. **With regard to economic governance**, the impact of corruption on economic growth can be measured in terms of consumption, investment and trade.
732. In February 2020, for example, a corruption scandal over arms contracts was exposed in an audit report by the General Inspectorate of the Armed Forces on orders placed by the Niger Ministry of Defence. The report highlighted a total of CFAF 76 billion (€116 million) misappropriated between 2014 and 2019, in the form of over-invoicing (CFAF 48 billion) and undelivered equipment (28 billion).
733. **With regard to corporate governance**, corruption negatively affects economic freedom and also compromises the performance of companies. Illegal practices by State employees, embezzlement of public funds, over-invoicing in the execution of public contracts, fraud and favouritism in the organization of evaluations and competitive examinations or the recruitment of staff for the State and in public companies are all forms of corruption in Niger. Investment and growth suffer in such an environment.
734. With regard to socio-economic development, corruption makes institutions ineffective in establishing social justice that benefits everyone, as it hinders citizens from exercising their rights to access basic social services such as education, health, etc. This is where the role of citizens in the fight against this scourge should have a strong impact. Unfortunately, it is hardly appreciated. In fact, according to the CSAR, 26% of citizens in Niger believe that denouncing may lead to reprisals and inaction, and therefore show no enthusiasm in fighting this evil.
735. In order to fight corruption, nationally applicable laws, legal instruments and specialized services are applied. These include the High Authority for the Fight against Corruption and Related Offences (HALCIA), the National Financial Information Processing Unit (CENTIF), the Extractive Industries Transparency Initiative (EITI), the Public Contracts Regulatory Agency (ARMP), the Information and Complaints Office and the Green Line. However, this legal arsenal does not deter offenders, and Niger remains trapped in the mess. That is why it is urgent for the Government of Niger to take more repressive and inclusive measures to end the scourge, so that it does not take root, to the point of seriously hindering the country's growth and sustainable development.

### 7.3 Education and human capital in Niger

736. The World Bank has developed a Human Capital Index (HCI), which establishes the level of productivity that a new-born could have at the age of 18 if he or she had completed their education and had been in good health. In 2020, Niger's human capital index was 0.32. Such a level means that a child born in 2020 will be 68% less productive as a future employee. This expected level of human capital, which will slow down the country's economic performance, is mainly explained by the weakness of education indicators. Given that the expected period for school attendance in Niger is 14 years, a child who starts school at the age of 4 should complete 5.5 years of schooling by his or her 18th birthday. In the



international assessment of students in mathematics and French, the results give a score of 305 for students in Niger, on a scale where 625 is an advanced level and 300 a minimum level. This score is indicative of the low level of learner acquisition in the educational system. Improving education indicators remains a major challenge for the country's socio-economic development.

737. Niger ranks among the African countries lagging behind in terms of access to quality universal education. Worse still, in recent years, the indicators have stagnated, if not regressed. According to data from the Ministry of National Education, the gross enrolment rate in primary education fell from 74.2% in 2015 to 70.6% in 2018 and 69.8% in 2019. The situation is the same with efforts to keep pupils in school, since the primary education completion rate declined from 73.8% in 2015 to 62% in 2018 and 65.4% in 2019. Currently, the government has to provide education to an increasingly growing school population, in complex and varied political, economic and social contexts. In fact, in recent years, more than ever before, access to education has been hampered by several challenges.
738. People have been displaced and schools closed in the regions bordering Mali, Burkina Faso and Nigeria due to rising insecurity. Teachers in particular have been threatened and targeted by armed groups. Hundreds of children have been out of school for at least two years. Some of these children displaced by insecurity have been able to return to school in other localities, thanks to the enormous sacrifices made by the host schools to help them catch up. The CRM noted complaints from the population regarding the lack of alternatives proposed by the government for the resumption of school activities in these insecure areas. Locally, like in the regions of Dosso and Diffa, teachers who fled the villages for security reasons settled in nearby towns and agreed to return to the villages during the day to open schools and teach. They go back to town in the evening, as attacks by armed groups often occur at such times.
739. Forcing the government to increase the proportion of its budget allocated to security has led to increased spending on terrorism and crime, which has affected its overall social spending and resulted in reduced investment in the education sector, and a slowdown in efforts to improve education and keep children in school.
740. Despite this hostile security situation, the desire of the Government of Niger to improve education sector indicators was reflected in the development of education policies aimed at facilitating access to education for vulnerable groups and involving communities in its management. However, these ambitions were frustrated by the perennial problem of lack of State resources and low tax revenues. Admittedly, the government opened schools but did not provide the necessary infrastructure. This pushed school authorities, in collaboration with parents, to build straw classrooms to accommodate the pupils. According to the 2018-2019 basic education and literacy statistics, the Decentralized School Management Committees (CGDES) built 28 723 straw classrooms, which corresponds to over 40% of the classrooms used by the system. Unfortunately, these rudimentary classrooms have caused accidents or led to attacks that have claimed the lives of dozens of children in recent months.
741. In terms of human resources, the West African Monetary Union (WAMU) guidelines link the wage bill to the amount of tax revenues a country mobilizes, and prevent the State of Niger from recruiting permanent teachers. In order to overcome this difficulty, the government instituted a contract system and, given the considerable needs, solicited the help of teachers with no formal training. Contract teachers are paid by the State under the "Transfer and Subsidy" line of the budget but they do not enjoy the same benefits as their colleagues recruited through the civil service. In 2019, this category represented 78.6% of the teaching staff. Hence, children are trained in inappropriate conditions by poorly trained teachers with jobs.

742. These challenges encountered in training Niger's human capital have repercussions on all public and private institutions, which are unable to meet their local needs in terms of manpower and qualified professionals. For example, in the tourism and hospitality sector, operators interviewed by the CRM said that they had invested in training their own future staff. This situation is worsened by the problem of guidance for pupils, who are more interested in general education rather than technical and vocational education. In fact, access to technical education and vocational training (TEVT) is still less important and not very diversified. The relevance of the educational system, on the one hand, requires that it helps to train a qualified workforce that meets the needs of the productive sectors that trigger economic growth, and, on the other hand, that it gives young people social relevance and noticeable change in their living conditions.
743. The shortcomings in terms of capacities and student environment in government secondary schools were a sort of bonus, compared with secondary education in the private sector. Despite the establishment of a directorate within the Ministry of Education to supervise the activities of these private schools, the CRM found many weaknesses in their operation. Although they benefit from government support in terms of tax exemption, land allocation and human resources, they often do not comply with the Ministry's guidelines on the recruitment of qualified staff and school fees. In the past, these schools were recognized for the relative quality of the training they offered, but now they are increasingly expensive, have large student populations and are staffed by unqualified teachers. Their promoters are often more interested in personal gain than in helping the State to meet the training needs of the population.
744. Improving educational indicators in Niger will positively impact socio-economic development. The greatest expectation in the country at the moment is the impact on fertility rates, considering the high levels of early marriage, polygamous unions and the number of children per woman. Unfortunately, there exists a problem of equity in access to education according to gender and place of residence. There are still disadvantageous gaps in accessing education and keeping girls in school, and a concentration of educational infrastructure and resources in urban areas to the detriment of rural areas. However, it is important to recognize the efforts made in recent years by the government and parents to significantly increase girls' school attendance. While the majority of girls stay in the system to complete primary school, it is unlikely that they continue to secondary school when there is no infrastructure in their area of residence, especially in rural areas. His Excellency the President of the Republic took cognizance of the problem and launched a project to open boarding schools and provide scholarships to help girls continue their studies at secondary level. The President especially insisted on the need for support from traditional and customary authorities to ensure that the population adheres to this initiative. Finally, in order for girls to remain in school, it is important to invest in providing existing schools with toilets adapted to their needs. The absence of these facilities is one of the major reasons why girls drop out of school.
745. The issue of equity in access to education still affects people with disabilities and children of nomadic parents. For the first group, adjustments are regularly made to adapt the infrastructure to their specific needs. But, for the time being, it is still hard for them to gain sufficient knowledge for their development through inclusive education. Children with visual, hearing, mental and other disabilities have special learning needs, which need to be addressed in special settings with special staff. For children of nomadic parents, according to officials of the Ministry of Education, minimal attendance in schools set up for these children forced them to close and use cluster centres (including boarding schools for pupils and accommodation for teachers) at primary level. It is likely that these cluster centres will not accommodate the children of nomadic parents if their location does not take into account the movements of nomads and the pace of their activities.

746. The quality of management in the educational system is a huge setback for the proper functioning of schools. Officials of government schools complain about the lack of and delay in receiving funds allocated by the government. Consequently, these schools operate thanks to the parents' resources and donations from individuals. In fact, the budget resources allocated to schools do not always reach their destination. Also, the CRM interlocutors reported that qualified teachers are concentrated in schools and administrations in the cities, whereas schools in rural areas lack teachers. Hence, many teachers do not want to serve in rural areas. Such attitudes are reportedly covered up by the complacency and even with complicity of some officials in ministries, delegations and inspectorates of education.

747. Niger has taken steps to reform its educational system so as to align it with the country's economic and cultural realities and aspirations. The reform, which began several years ago, is struggling to make progress on the ground and its curriculum has affected only part of the primary level. The overdependence of the educational system, especially the reform, on the support of development partners could be one of the main reasons for the slow progress. In fact, activities often stand still when support ends and, without government supervision of the process, the reform will delay to yield the desired results, thus constantly postponing the possibility of laying a solid foundation for endogenous development.

748. The CRM notes with satisfaction the firm will of the country's top officials to take up the challenge of providing universal quality education to the population, in order to transform society for sustainable socio-economic development.

#### 7.4 Road infrastructure and mobility: An essential phase

749. In Africa, in general, and Niger, in particular, the distance from one region to another and the scattered nature of families in Niger, as well as public services due to the vastness of the territory, raise the issue of mobility for travellers, who sometimes cover long distances on roads that are often in a bad state but which they are obliged to use for various reasons.

750. Yet, the Niger News Agency [*Agence Nigérienne de Presse*] of 30 March 2021, made the following assessment of the Niger Renaissance Programme, notably at the level of its Pillar No. VI "Developing economic infrastructure":

751. "As part of the implementation of the Niger Renaissance Programme, the Government has built relevant economic infrastructure to meet the needs of the economy and improve the living conditions of the population.

752. According to the report drafted on Tuesday 30 March 2021, in terms of road infrastructure and transport services, over the 10 years of implementation of the Renaissance Programme, 1 223.66 km of asphalt roads have been constructed, thus increasing the length of asphalted roads from 3 952 km in 2010 to 5 175.66 km in 2020. Similarly, 862.25 km of asphalted roads were rehabilitated.

753. In addition, 2 448.28 km of rural roads were constructed and 493 km rehabilitated in to open up areas with difficult access and thus promote trade.

754. In addition, three flyovers were built in Niamey to improve urban mobility and two major bridges were built over the River Niger."

755. Still concerning infrastructure, Niger also intends to rely on the sea-rail corridor that would link the Port of Cotonou to the city of Niamey; this implies resizing the rails, the construction of which has begun in Niger, to a standard track gauge of 1 435 mm (internationally accepted standard) before extending them from Parakou to Niamey. This also implies the financial contribution of the institutional partners of Benin, Niger and the future operator to complete the financing of the corridor. The construction of this corridor is vital for

the country, which should, in agreement with Benin, make it a priority, even if it means seeking to connect it, in due course, to the regional rail loop that is supposed to link Abidjan to Lomé over 3 034 km via Ouagadougou, Niamey and Cotonou. Unfortunately, in the absence of cooperation from its neighbours such as Niger, Nigeria and Burkina Faso to finance the railway corridor project, Benin has decided to merge its corridor project with the very old project called the rail loop, which further complicates the realization of the corridor. However, it is to be hoped that the momentum created by Niger's decision to sign an agreement with Benin and embark on the construction of an oil exportation pipeline of about 1 980 km would be a good reason for Benin to reconsider its position and cooperate in implementing the corridor project, which will go a long way to boost the country's economy and improve its competitiveness and economic weight in international and sub-regional trade.

756. Moreover, Nigeria's commencement of construction works on the gigantic railway project on Tuesday 9 February, to link the city of Kano in the north of Nigeria to the city of Maradi in the south of neighbouring Niger, is a great opportunity for the latter to increase trade with the rest of the world, as it will gain access to the Nigerian ports of Lagos and Lekki, at more than 1 200 kilometres to the south.
757. During the CRM's visits to the country's regions, it noted, overall, that despite the government's huge efforts to provide the country with good roads, many of these roads, over sometimes very long stretches, are in an advanced state of deterioration. This situation greatly affects the smooth flow of traffic and has serious and diverse consequences on the security and well-being of citizens (repeated accidents, difficult access to education, health, water, justice, late arrival of emergency services and security forces, etc.), the development of economic activities (production, distribution, trade within the country or with neighbouring countries), the exploitation of the undiscovered economic potential of the regions, and the enjoyment of political and civic rights by the population.
758. Niger is a landlocked country, but it is found on the Dakar-Ndjamena-Djibouti highway and at the junction between the Sahel and the Sahara. It has not fully taken advantage of this strategic position due to the poor state of the roads and the absence of a railway alternative to the roads which the State is unable to maintain.
759. The CRM therefore calls on the authorities to make the development of road infrastructure, the opening up some regions of its territory and movement of people and goods a new strategic pillar as it currently prepares the PDES 2022-2026, and to consider such strategic pillar as one of its greatest priorities given the huge return on investment that the implementation of such a project can have in terms of urban development, industrial expansion, growth, socio-economic development, increased travelling opportunities and long-distance migration, reduction of insecurity, development of tourism and domestic and cross-border trade.
760. In addition, it is highly desirable that the Government of President Bazoum does everything possible to make Benin understand the need to construct the Benin-Niger corridor first, and to cooperate in its implementation.
761. Similarly, WAEMU should accelerate the implementation of the rail loop, as a necessary complement to the Benin-Niger corridor.
762. Furthermore, it would be appropriate for the African Union to focus on the problem of infrastructure and accelerate the implementation of the transcontinental motorway project linking Ndjamena to Dakar, via Niamey.
763. Finally, while noting that mobility also involves the challenge of organizing the migratory choices of a section of the Niger population, which remains relatively large, and ensuring sustainable and fair land use in an environment where the culture and practices of

“trans-territoriality” are still commonplace, the CRM also recommends that the State should regulate certain pastoral practices in order to facilitate access to farmland for all citizens wishing to engage in agriculture, which remains one of the country’s main sources of income.

## **7.5 Niger: a country rich in energy sources but poor in energy services**

764. Like many other African countries, Niger has a huge potential in terms of energy resources, which contrasts with the extremely low levels of energy supply, especially electricity. In fact, the access rate to electricity supply in rural areas is very limited and does not exceed 13% on a national scale. Moreover, 60% of electricity is supplied from Nigeria.

765. Niger has a huge but very little exploited energy potential. There are several exploitable resources, such as coal, uranium, oil, natural gas, hydroelectricity, solar energy and wind energy. Yet, despite such great potential, the citizens of Niger mainly use firewood as a source of energy for cooking, lighting, heating, etc., in a country where there are practically no forests. According to a survey conducted in 2012, the city of Niamey alone consumes about 185 000 tonnes of firewood per year. This situation inevitably leads to environmental degradation, especially since fuelwood is one of the most serious causes of air pollution. Consequently, Niger has the highest air pollution rate in Africa and one of the highest in the world.

766. Is such a contrast between abundant natural resources and low access by the population to energy (electricity and modern fuels) a fatality?

767. The question is legitimate given that, since 2006, Niger adopted a national strategy for access to modern energy services. This strategy particularly aimed at achieving two main objectives by 2015: (i) increase electricity coverage rate to 66%; and (ii) enable the entire population of Niger to have access to modern cooking fuels. Unfortunately, these two objectives were far from being achieved by 2021.

768. This failure could especially be explained by the absence of a legal and technical framework for the energy sector, which is a major obstacle to increased investment in the energy sector. The deficiency has progressively been corrected in recent years with the creation of the Energy Sector Regulatory Authority (2015); the formulation of the National Electricity Policy and the National Electricity Access Strategy (2018); and the adoption of an Electricity Grid Code (2019). These various actions are expected to give international financial partners and private investors more visibility and encourage them to invest in the energy sector. Niger's energy strategy aims to increase national electricity production to reach a coverage rate of about 80% of the population by 2035.

769. The new energy strategy relies mainly on coal, hydroelectric power (the Kandadji dam project) and gas; but this conventional strategy does not align with the new imperatives of energy transition and sustainable development. However, should a country like Niger be blamed for this choice, when more and more voices are being raised nowadays across the African continent to oppose an energy transition that comes at the expense of affordable and reliable energy for the poor<sup>25</sup>?

770. Actually, several forms of renewable energy are being tested and exploited in Niger, such as solar energy, wind energy and biogas. Moreover, with the creation in 2013 of the Niger High Authority for Atomic Energy (HANEA), Niger, with the assistance of the IAEA, plans to develop a nuclear programme by 2030, to make up for its energy deficit. It is an ambitious but a very legitimate project for one of the largest uranium producing countries in

---

25 See article by Yemi Osinbajo, Vice-President of Nigeria, in *Foreign Affairs*, August 2021.

the world. However, it should be noted that this choice, considering the current state of knowledge and skills, in such a highly specialized field, seems very risky and hazardous. It is therefore desirable, given the complexity of the programme, that (i) such a decision be taken at the continental level, or at least at the Community level, and not at the national level, considering its possible repercussions on the entire continent or at least on the whole region, in the event of an accident; and that (ii) the authorities in Niger take some time to train the human resources who will be able to manage such a programme, continuously ensure the proper functioning and maintenance of equipment, and that the environment is safe in case of breakdowns in the plant.

## 7.6 Insecurity: a global, political and geostrategic challenge

771. West Africa is currently grappling with a security crisis that jeopardizes its democratic stability, slows down its governance and renders its public development policies less effective. These new threats take different forms, and are persistent and lingering. They mainly entail weakening the nation States of the West African region, paralysed by internal strife, with fierce and often deadly competition. The tension is generally fuelled by ambitions of victory and conservation of political power; a situation of instability due to porous borders and worsening insecurity. This pernicious situation, exacerbated by growing military presence in the area since the outbreak of the Libyan crisis, has led to a collusive relationship between terrorism and transnational crime, as well as rising economic and financial crimes, etc.

772. As a pivotal country, with a vast territory, occupying a central geostrategic position and sharing land borders with 7 (seven) neighbouring countries (Algeria, Benin, Burkina Faso, Libya, Mali, Nigeria and Chad), Niger is confronted with all these threats and endures the constraints and consequences of the unrest rocking the whole region.

773. Consequently, insecurity takes different forms. Given that it usually breaks out in different territories and basins that do not recognize national borders, insecurity could be military, police, economic, social and environmental, with deep-rooted and complex causes. They could stem from:

- ***The turbulent and confrontational history of the region.*** Firstly, it has to do with the history of independence and the turbulent construction of the region's nation-States. Then there are the shock waves of armed conflicts that rock most of the countries bordering Niger (Libya, Mali, Nigeria, Burkina Faso and Chad), which put a strain on their already scarce resources, undermine the legitimacy of their rulers and expose them to the influence and interference of foreign powers in their regional affairs;
- ***Poverty, unemployment and a feeling of the absence of social justice.*** Even though poverty among large segments of Niger's population and high unemployment rates among youths are "push" factors<sup>26</sup> for their recruitment by subversive entrepreneurs, the lure of making easy money is a "pull" factor<sup>27</sup>. In this respect, the poor performance of public policies leads to 'relative frustration',<sup>28</sup> which is a primary explanatory variable of the security crisis in Niger, as is the case in other Sahelian countries.
- ***Institutional loopholes and governance weaknesses.*** Several government institutions are undersized, handicapped or politicized and are often characterized by

---

<sup>26</sup> Factors that drive young people into crime and jihadist terrorism

<sup>27</sup> Factors that attract young people to crime and jihadist terrorism.

<sup>28</sup> See Ted Gurr, *Why Men Rebel*, 1970.

powerlessness that diminishes their credibility. Despite a fairly good legal framework, corruption, cronyism and the low level of youth and women's inclusion and participation continue to fuel tensions in the country. A new political and administrative non-institutional ideology is gradually taking root and opening loopholes, which warmongers take advantage of, through Jihadism and crime, to occupy territories or call the shots in villages where the State finds it difficult to assert its authority and make its presence felt. These warmongers, who engage in subversive, extremist, violent and anti-Western rhetoric, undermine "invisible institutions" or principles such as legitimacy, authority and trust, which are the pillars of physical State institutions. This all ends up in an illusion of bad governance through suspicion and mistrust that used to characterize relationships between the ruling class and the population. Moreover, during consultations organized in the regions, the CRM could clearly perceive the feeling among the grass roots population that their representatives (elected local officials and other spokespersons) lacked legitimacy.

774. Rising insecurity has numerous and diverse consequences, including:

- *In the area of democracy and political governance*, the CRM was informed that groups of bandits/terrorists are levying 'taxes' in several localities in the Tillabéri region, under the guise of Islamic 'Zakat'. Indeed, several villages in that region are exposed to the terrorism of seditious jihadist ideology, which advocates a new order different from the model of the modern nation-State. Other types of threats also exist in Niger. These are mainly conflicts between herdsmen and farmers. The existence of a hybrid court and alternative (traditional and Islamic) dispute settlement mechanisms for this type of conflict currently makes it difficult for them to be resolved. In fact, the problem is deeper and linked to the increasing scarcity of resources (land, water, etc.)
- *In the area of corporate governance*, the insecurity resulting from organized crime and jihadist terrorism in some localities in Niger (Diffa, Tillabéri, etc.) is not conducive to local and foreign investment. The CRM was also informed that several shops and businesses were closed because of the insecurity.
- *In the area of economic management*, as with corporate governance, the threat of crime and jihadist terrorism directly affects economic management. The CRM learnt that farmers and traders, to name but these, could no longer carry out their activities in dangerously exposed areas because of prevailing insecurity, which results in falling production and income for the actors concerned. These threats cripple and destabilize the local economy and, by extension, the national economy.
- *In the area of broad-based socio-economic development*, insecurity prevents the establishment of basic socio-economic services. The CRM noted that basic social services had been closed (schools, health facilities, etc.) because State personnel posted there had fled as a result of constant threats.

775. Overall, the CRM is convinced that Niger will have trouble establishing a stable democracy and broad-based political, entrepreneurial, economic and social governance without first neutralizing jihadist threats and mitigating the prevailing crime wave. It is still necessary to resolutely explore uncharted areas of democracy, political governance and public policies in Niger.

---

## <sup>2</sup> CHAPTER EIGHT

---

### 8. General conclusion

776. The APRM country review mission led by Prof. Fatima Zohra Karadja, accompanied by a team of experts from 10 African countries, held frank and fruitful discussions over a period of three weeks with the representatives of central government authorities, various stakeholders and the populations of the eight regions of Niger. The discussions confirmed most of the findings of the Country Self-Assessment Report. They also gave the review team a clear idea of the strengths, weaknesses, opportunities and threats that Niger will have to take into account in implementing its governance programme for the coming years.

#### **i- Indisputable strengths**

777. Niger occupies an enviable geostrategic position in the heart of the Sahel. It shares boundaries with seven ECOWAS countries, sits at the crossroads between sub-Saharan Africa and North Africa, on one side, and between East Africa (the Red Sea) and West Africa (the Atlantic Ocean), on the other side. Niger is a “continent-country”, rich in natural resources, proud of its traditions and its ancestral roots, with settlements that date as far back as prehistoric times. Niger also enjoys rich cultural diversity, which showcases its human wealth and the fraternity that is typical of its population.

778. Having learnt from its errors of the first post-independence decades, Niger has been able to adopt a constitution and build stable institutions, which helped to ensure a peaceful change at the helm of the State in 2011 and 2021. The country established a Framework for Political Dialogue (CNDP) to prevent and/or defuse possible political crises. Also, the roots of democracy are sinking deeper in Niger.

779. Niger is today the fourth largest producer of uranium in the world, with one of the highest GDP growth rates on the continent. Niger has relatively controlled inflation, debt and deficits, and direct access to a market of nearly 400 million consumers (WAEMU).<sup>29</sup>

780. The business climate in Niger has greatly improved and is now one of the best in the West African sub-region.

781. Niger can count on its agricultural, forestry, pastoral and fishing potential as well as its minerals and natural resources (oil, water, gold, coal, solar energy, etc.) to develop its exports and build an agro-industry and a local processing industry.

782. In a few decades to come, Niger will become one of the youngest and most populated countries in the world. From a population of 3.3 million inhabitants at independence in 1960, it will grow to nearly 100 million in 2050 and to nearly 165 million in 2100. According to United Nations projections, Niger will then be the thirteenth most populated country in the world. These demographics will be a potential source of creativity, growth, power and resilience for Niger.

---

<sup>29</sup>For 2021, the African Development Bank (AfDB) announced that Niger will register its fifth largest rebound in growth after the COVID-19 crisis, with 6.9%. The 2021 African Economic Outlook



783. However, these assets should not be taken for granted. For Niger, they are a responsibility that the current generation must assume and an opportunity that will certainly face numerous challenges.

## **ii- Challenges with serious consequences to meet**

784. Niger must take up some huge challenges to become the driving force at the heart of Africa, or otherwise be seen as an area riddled with systemic instability, which would stall the emergence goals of many countries in the region.

785. **At the political level**, Niger will have to deal with two major challenges: that of security and regaining the trust of its citizens; and that of consolidating the institutions of democracy, ensuring their efficiency and protecting them against all forms of abuse and manipulation.

786. With regard to security and trust of citizens, it is fundamentally important for the youths of Niger to keep believing in a brighter future and having hope in their institutions, and for the social contract to be preserved from the risk of collapse, as it is the foundation of harmonious living together and helps to transcend various local, ethnic or tribal affiliations.

787. The youths of Niger must consolidate their trust in the State and the political class in order to enable them better plan for their future. They must get rid of the feeling of being left to their own devices, the idea of “every man for himself” against terrorists and also in dealing with daily challenges. Most often, citizens outside the corridors of power feel abandoned by the State.

788. In the short term, preventing the occurrence of terrorist actions will require not only a global approach to security problems but also a concerted approach in which the countries of the region and the African Union, as a whole, show not only solidarity, but also a well understood common interest.

789. As a matter of fact, declining trust in the State would only fuel terrorism in its two forms: “jihadism” and “organized crime”.

790. Therefore, in order to consolidate such trust, the State of Niger must win back the minds of young people through education, and their hearts through justice. Education and a sense of justice are the two major factors that will determine the future and development of Niger, and probably that of the region.

791. Hence, it is important to meet the many challenges regarding the consolidation, efficiency and protection of democratic institutions against all forms of abuse and manipulation.

792. Democracy, which is considered a paradoxical and emerging phenomenon in Niger, is increasingly blamed for the ills in society, for poverty, corruption and bad governance. This short cut that the people, tired of being subjected to the vagaries of political alliances and inconsistencies, are tempted to take, is indicative of the malaise and disappointment of those who hoped for a quick boost in growth and development by the mere choice of a ballot paper.

793. The realities of the country are as complex as a change of mentality. Instead of establishing the “rules of the game”, these democratic institutions in Niger are often considered trophies or cash cows shared among the winners of elections; organizations which generate exclusion or “limited inclusion” determined by party affiliations and alliances. The institutions are also threatened by corruption and a growing sense of impunity due slow court procedures, dispersed responsibilities and inefficient control mechanisms.

794. Democratic institutions in Niger must therefore get closer to the citizens to better meet their expectations and address their concerns. This calls for decentralization.
795. In the meantime, decentralization has remained “suspended”, due to lack of resources and probably due to the fear of having a fragmented central Government.
796. Several texts have been promulgated, guidelines adopted and precautionary measures taken, but decentralization is still to become a reality. That is another challenge: that of closing the gap between the “real country” used to struggling and devising strategies for survival or for circumventing the law, and the “formal” country, which produces texts and legal standards to make a fine showcase to please international observers and partners but which neither the administration nor the citizens really understand or take ownership of.
797. **From an economic and managerial point of view**, Niger is still divided between the so-called pro-poor policies and supportive of the most vulnerable and other approaches, which are more favourable to capital accumulation and growth.
798. This tension is particularly felt in the fiscal domain. Niger has a huge informal sector that contributes only very little and indirectly to the State budget and competes unfairly with the formal sector.
799. The choice of economic liberalism is still struggling to yield the desired fruit. Firstly, it led to large-scale privatizations which, for the most part, did not have the expected positive effects and often resulted in the failure of the privatized companies. Secondly, this choice led to the liberalization of foreign trade, which paved the way, even more than before, for FDI in the extractive industries and dealt a heavy blow to the core of the nascent domestic industry. Combined with high tax pressure, the competition from foreign products has led to a gradual deindustrialization of the country and dismantling of core value chains, especially around agriculture, livestock, handicraft and the processing of raw materials. With the current ECOWAS free trade area, Niger, one of the poorest countries in Africa, competes directly with its imposing neighbour, Nigeria, which is one of the largest economies in Africa.
800. Niger will also have to rely on a new generation of entrepreneurs, who are able to view the economy from differently, to innovate, introduce new management techniques in their companies and steer the country towards the major technological changes of its time. While young entrepreneurs in the capital can find support structures and even financing and start-up funds for their organizations, the rest of the country still seems too disconnected from this global dynamic.
801. **At the social level**, Niger is undergoing a rapid demographic transition together with social rigidity. This paradox led His Excellency President Mohamed Bazoum, in a recent speech at the opening of the Third African Girls’ Summit, to express regret that in Niger “due to very typical inertia, the country is reproducing an out-of-step model of society”. These cultural constraints explain the country’s highest population growth rate in the world, as well as the situation of the girl child that is certainly improving, but which is still far from human and children’s rights standards in the world.
802. The rapid growth of Niger’s population will be accompanied by a transformation of its age pyramid and a greater demand for social services, especially in education and health. Niger’s demographic dividend presupposes the ability to train its youths well so that they become job creators and not just job seekers.

### **iii- Opportunities and threats**

803. In order to rise to the task, Niger could and would take advantage of a number of opportunities:

- Its youth is a source of vitality, creativity and resilience. This is the surest bet, the opportunity to have what many of today's developed countries lack the most: well-trained human resources;
- Technological transformations and the potential of digital technology especially in distance training, teaching, care, work, etc. In a country with a very large surface area and where mobility problems are an obstacle to development, remote or virtual activity could become a source of value and progress;
- Natural resources and renewable energies: access to energy, especially renewable energies, will be an essential factor for the competitiveness of nations in the twenty-first century. With all that it is endowed with as natural resources and mineral ores in its subsoil, Niger should quickly dispel the contradiction of a country that is extremely rich in energy sources but is in dire need of electricity.
- The African integration movement: being a landlocked but strategically located country, Niger stands to gain everything from this convergence, economic and even political integration movement of African countries. However, this does not mean that the mere dismantling of tariff barriers is enough to achieve real integration in Africa.
- Traditional values and social cohesion of the people of Niger. The resilience, "fraternity" and unity of the citizens of Niger will be the foundation for the future. In tomorrow's world, African traditions will no longer be considered as obstacles, but as opportunities. This presupposes that African countries, especially Niger, must regain confidence in themselves and in their capacities as a nation to write their own story.

804. The CRM cannot end this report without drawing the attention of the authorities in Niger to future threats. The following five stand out:

- Runaway and uncontrolled population growth with poorly trained youths will lead not only to "demographic dividend", but also to unsustainable economic and social debts;
- Climate change and the risk of food and health crises. No country can provide a standalone response to this global problem but since Niger is located in a region which might be particularly affected it is in its best interest to organize sensitization drives to raise awareness and lobby all international organizations.
- The security situation in the whole region. Terrorist threats do not recognize State boundaries; but if States are weakened, the first to be taken over (or to fall) may drag all the others along with it. Cooperation between the countries of the region must be strengthened and opened to all other African countries;
- Dependence on raw materials and minerals. If Niger is unable to diversify its economy, it risks depending solely on a few "market makers" for much longer. Internally, it runs the risk of developing the "Dutch disease", where the windfall in oil or other raw materials contributes to deindustrialization. The project of an agro-industry that is expected to transcend the current farmer-grazier conflicts and usher in Niger's industrial takeoff would then be aborted.
- Difficulties in public administration to recruit the required skills.
- The role of new media and communication networks which, in their dual quest for the buzz and community appeal, will only magnify the failures when they do not simply manipulate opinions.