

**Written replies of Burkina Faso to the questions put to the Parties by
Judge Cançado Trindade at the end of the public sitting
held on 17 October 2012**

1. At the end of the public sitting held on 17 October 2012, Judge Cançado Trindade put the following questions to the Parties:

“First, could the Parties indicate in a map the areas through which nomadic populations used to move, during the period when they became independent and today, and to what extent the frontier will affect these populations?

Secondly, what is the radius of the areas of movement of these populations along the border between the two States concerned (if possible, indicating in a map the exact parts of the border)?

Thirdly, what villages are susceptible to be affected by the frontier the Parties are claiming for?”

Burkina Faso’s replies are set out below.

(1) Could Burkina Faso indicate on a map the areas through which nomadic populations used to move during the period when the Parties became independent?

2. Henri Barral, a geographer, who was Director of Research at ORSTOM¹ in the 1960s, stated in his study entitled “*Les populations d’éleveurs et les problèmes pastoraux dans le nord-est de la Haute Volta (Cercle de Dori — subdivision de l’Oudalan, 1963-1964)*” published in *Cahiers de l’ORSTOM* in 1967², that a distinction must be made between

- “— pure nomads who practise solely animal husbandry;
- nomadic farmers who also migrate over relatively large distances, but grow pearl millet in the rainy season (wintering);
- semi-nomads, who, unlike the above, move over only short distances around a permanent watering point, near which they have their rainy season fields;
- [and] semi-sedentary transhumant peoples, whose older members are sedentary and grow pearl millet, and whose younger members migrate over large distances with the livestock in the rainy season.”³

The author adds that “‘classic’ nomadism . . . is generally characterized by a northwards migration during the rainy season and a progressive return southwards as the drought worsens”⁴.

3. Burkina Faso is unable to indicate on a map the areas through which the nomadic populations thus defined used to move during the period when the Parties became independent,

¹*Office de la recherche scientifique et technique outre-mer*, now succeeded by the IRD, *Institut de recherche pour le développement*. Henri Barral has been Director of the IRD.

²See http://horizon.documentation.ird.fr/exl-doc/pleins_textes/pleins_textes_4/sci_hum/19795.pdf.

³*Ibid.*, p. 18.

⁴*Ibid.*, p. 19.

because it has not been able to find any information in the colonial archives and the various studies it has consulted allowing it to identify those areas. However, it is able to provide information on the existence of nomadism in the frontier region in the years around the time when the Parties became independent.

Nomads in the northern sector of the frontier

4. A “vertical” (south-north) nomadic movement was noted in the north of the frontier area in the 1960s.

5. According to H. Barral’s observations: “[t]he only case of genuine nomadism in Oudalan is that of the Touareg Warag-Warag Imrad”, who did not enter Niger, but rather went periodically to the north, crossing the Mali frontier.

6. As regards nomadic farmers, the author states:

“[t]his type of nomadism is represented in Oudalan by certain Touareg tribes such as the Imrad Kel-Es-Souk and the Imrad Ikoubaraden, and primarily by a great number of Bella *fractions*: Iklan Warag-Warag (a *fraction* of Chief ZAHID AG SINA), Iklan Imrad Kel-Es-Souk (a *fraction* of ADDIBAZ AG DJIKA), etc.”⁵.

.....

“The Imrad Ikoubaraden spend most of the dry season, from December to May, near the wells of Tin Saman, on the route from Markoye to Kabia.

When the first rains arrive, they head southwards, towards N’Goungam, Dembam and Tamguissi, on the Niger frontier. At the end of July, they return northwards, as far as the hamlet of Zémé Tondia, 20 km to the north-east of Markoye, where they sow a little millet.”⁶

“When they have finished their sowing, they then go, during the second half of the month of July, to Tadambès on the Béli, upstream from Kabia where there is salt land and where they take their animals for a first salt lick lasting about ten days. In August, they return to Zémé Tondia to hoe their millet, then set off again towards the Béli. They spend the months of September and October on the left bank of the Béli and give their animals a second ten-day salt lick in the salt lands of In-Fagagan, not far from In-Tangoum.”⁷

7. The author provides a map of the routes in the body of his article, which is reproduced in Annex 1.

⁵*Ibid.*, p. 19.

⁶*Ibid.*

⁷*Ibid.*, p. 20.

Nomads in the “Téra sector”

8. Certain documents in the case file confirm that there were migratory movements and trade relations in the frontier region in the colonial period, while at the same time indicating that they were relatively small-scale.

9. The annual political report of the Tillabéry *cercle* of 1931 recorded the existence of nomadic populations straddling the boundary drawn in 1927 and the problems that could pose, not in terms of delimitation, but as regards the management of those nomadic populations⁸.

10. In 1953, Deputy-Administrator Lacroix (Tillabéry *cercle*) wrote the following about the “Téra sector”:

“The boundary crosses areas that are both sparsely and unevenly populated. The southern portion, from Tingou to Tao includes a number of farming villages and encampments. There are several Bella tents in the furthest part of the southern region, from Dumafendé to Gourma. On the other hand, the central area, primarily between the Folko valley and Mount Kirel, is virtually empty.

With the exception of the Tingou-Iga area, where the majority of inhabitants are sedentary people from the Yagha and the Diagourou, and the Téra ‘Kadey’, the boundary area is populated primarily by nomads, including Bellas from Ghabiden (Kel T’Sawet Bogoliten) in the south and Bellas from the Oudalan and Téra in the north. Fula people, ‘Chéodibé’ from Dor and ‘Gaobé’ from Téra (who are of the same origin), predominate in the Ouseltan-Folko section, with Rimaïbé having established the permanent hamlets of Petelkarkalé and Petelkolé, between which the boundary passes.”⁹

11. The nomadic character of some population groups of the “Téra sector” also appears to be demonstrated by the letter of 13 March 1964 from the Head of the Téra Division to the Minister of the Interior of Niger¹⁰.

12. A 1952 scientific study also appears to show that nomadism existed in Dori *cercle* in the 1950s. In his “*Essai de classification des Peuls du cercle de Dori*”, P. Delmond wrote in 1952 that the Gaôbe Peuls from the Dori *cercle* could be:

“considered to be semi-nomadic, some with a tendency to become sedentary — people from Bidi and Ménégou in Oudalan; from Soffokel and Diatou in Liptako. On the other hand, others, the Wara Wara Gaobé, are still genuine nomads. Most Gaobé live in matted straw huts and generally move twice a year . . .”¹¹

⁸CMBF, Ann. 3, pp. 1 and 10.

⁹MN, Ann., C 79, p. 3.

¹⁰MN, Ann. C 97.

¹¹P. Delmond, *Essai de classification des Peuls du cercle de Dori*, Lisbon, Ministry for the Colonies, Junta de Investigações Coloniais, 1952, p. 37.

13. The same author also noted that the Gaôbe and the Djelgöbé were

“entirely nomadic, [and] represented the prototype of the Peul pastoralist. Along with the Foulankiabé . . . they were the equivalent in the Gourma pastures of the Bororo on the left bank of the river. They covered vast distances with their zebu herds and their extremely rudimentary camp equipment, moving in family groups or at times in groups of two or three households”¹².

14. However, the same author also stressed that:

“The Peuls from Dori (Yagha and Liptako) are generally sedentary or almost sedentary village people, settled for at least two centuries, and therefore nearly indigenous, all of whom are descendants either of the ‘old Peuls’, Torobé and other peoples, or of the ‘new Peuls’, namely the Férôbé, with whom have been incorporated a number of vassal groups living within their sphere of influence”¹³.

15. Although Burkina Faso cannot identify precisely the nomadic areas at the time of independence, it is clear that it is the practice of nomadism in Africa and, more generally, the movement of pastoralists and their herds as part of transhumance (a phenomenon which goes well beyond the frontier area in dispute in the case before the Court since it also relates to, amongst others, the territories of Mali and Benin), which led Niger and Burkina, once they had achieved independence, to undertake to facilitate the freedom of movement on either side of the frontier.

(2) To what extent will the frontier affect these populations?

16. Generally speaking, it is the decrease in pastoral areas — rather than international boundaries — that poses problems for nomads. In a 1972 study, Jean Gallais wrote:

“The most immediate problem facing pastoral societies is the decrease in their grazing lands under pressure from pioneer farmers. The expansion of crops means that livestock is driven further away from the herders who are already more or less sedentary. Thus, the herds of the Sankaré Peuls from Ouenkoro (Séno, Mali) no longer come in the village areas, but move to pastures hundreds of kilometres away between the Bourgou and the Méma . . . Similar difficulties have been observed in Niger, Upper Volta and the entire Niger valley. In the face of colonization by farmers, the herders have been in a vulnerable situation since French colonization and feel completely helpless.”¹⁴

17. Furthermore, with regard to Burkina and Niger in particular, whatever the course of their frontier, it is not likely to affect the nomads or the sedentary populations living in the disputed area claimed by the two countries.

¹²*Ibid.*, p. 41.

¹³*Ibid.*

¹⁴J. Gallais, “Les sociétés pastorales ouest-africaines face au développement”, in *Cahiers d'études africaines*, Vol. 12, No. 47, pp. 353-368, p. 363.

18. Burkina Faso and Niger both belong to several regional cooperation and integration organizations which establish the free movement of persons, goods, services and capital, as well as the right of residence and establishment. These organizations include:

- the Economic Community of West African States (ECOWAS);
- the West African Economic and Monetary Union (WAEMU);
- the Permanent Inter-State Committee on Drought Control in the Sahel (CILSS);
- the Liptako Gourma Integrated Development Authority (LGA);
- the Niger Basin Authority (NBA); and
- the Conseil de l'Entente.

The two countries have also developed specific bilateral relations on the same subject.

19. In this context, whatever the course of the frontier between the two countries, it will not particularly affect the nomads, because the community law governing both countries through their joint membership of the same regional co-operation and integration organizations accords to citizens from the community space the above-mentioned freedom and rights.

A. ECOWAS

20. ECOWAS is an African regional organization for cooperation and integration comprising 15 West African States, including Burkina Faso and the Republic of Niger, whose ultimate aim is the establishment of a common market¹⁵. The Community was created in 1975; its founding treaty was revised in Cotonou on 24 July 1993 in order to make it better able to meet the challenges facing Member States.

21. With a view to establishing the common market between its members, Article 3 (*d*) (iii) of the ECOWAS treaty established the objective of the “removal . . . of obstacles to the free movement of persons, goods, service and capital, and to the right of residence and establishment”.

22. In order to further demonstrate their attachment to the free movement of persons and their determination to make it and its corollary, the right of residence and establishment, the main driver in ensuring the integration of peoples, the Heads of State and Government of ECOWAS adopted, in Dakar on 29 May 1979, Protocol A/P.1/5/79 of 29 May 1979 relating to free movement of persons, the right of residence and establishment in the ECOWAS area¹⁶, which reasserted and clarified the details of the freedom of movement of persons and the right of residence and establishment.

23. Three years later, in Cotonou on 29 May 1982, the Heads of State and Government of ECOWAS, wishing to give greater meaning and scope to the freedom of movement of persons and

¹⁵See Art. 3.2 (*d*).

¹⁶Available at <http://www.comm.ecowas.int/sec/index.php?id=ap010579&lang=en>; also reproduced in Ann. 2.

their right of residence and establishment in the ECOWAS area, adopted Protocol A/P.3/5/82 of 29 May 1982 relating to the definition of community citizenship¹⁷.

24. There followed a number of other instruments¹⁸ which gave effect to the political will of ECOWAS political leaders to make freedom of movement and the underlying rights of residence and establishment a practical reality. These include:

- Supplementary Protocol A/SP.1/7/85, signed in Lomé on 6 July 1985, on the code of conduct for the implementation of the Protocol on free movement of persons, the right of residence and establishment;
- Decision A/DEC.2/7/85 of 6 July 1985 relating to the establishment of ECOWAS travel certificate for Member States;
- Supplementary Protocol A/SP.1/7/86, signed in Abuja on 1 July 1986, on the second phase (right of residence) of the Protocol on free movement of persons, the right of residence and establishment;
- Supplementary Protocol A/SP.2/5/90, signed in Banjul on 29 May 1990, on the implementation of the third phase (right of establishment) of the Protocol on free movement of persons, right of residence and establishment;
- Decision A/DEC.2/5/90, adopted in Banjul on 30 May 1990, establishing a residence card in ECOWAS Member States;
- Decision C/DEC.3/12/92, adopted in Abuja on 5 December 1992, on the introduction of a harmonized immigration and emigration form in ECOWAS Member States
- Adoption of the “ECOWAS Embarkation and Disembarkation Form” used by the airport police services of the various ECOWAS Member States.

25. These various legal instruments effectively apply in the ECOWAS area. It should also be pointed out that the travel certificate which is the subject of the above-mentioned Decision A/DEC.2/7/85 of 6 July 1985 is in fact an ECOWAS passport.

26. Moreover, it should be stressed that nationals of ECOWAS Member States do not need a visa or a passport to travel from one Member State to another.

27. As regards, more specifically, the issue of nomadism or cross-border transhumance, which is a particular aspect of the freedom of movement of persons, it should be stressed that freedom of movement is accorded to this activity, subject to a minimum amount of regulatory legislation, notably Decision A/DEC.5/10/98 of 31 October 1998 regulating transhumance between ECOWAS Member States and Regulation C/REG.3/01/03 on the implementation of the regulation of transhumance between ECOWAS Member States¹⁹.

¹⁷See Ann. 3.

¹⁸See <http://www.comm.ecowas.int/sec/index.php?id=protocole&lang=en>.

¹⁹See <http://www.gouv.bj/sites/default/files/Decision-A-DEC%205-10-98.pdf> and Anns. 4 and 5.

28. Those two instruments do not restrict the freedom of transhumance but, in fact, they organize it. In order to improve transhumance, they establish control rules and conditions for its exercise, in view of the sensitivity of the activity and issues affecting animal and human health, as well as the environment and natural resources.

29. One of the main areas of concern is health. The aim is to prevent, as far as possible, the spread of animal diseases in various countries as a result of transhumance. It should be recalled in that regard that the first epidemic of rinderpest in Africa at the end of the nineteenth century caused the death of 10 million head of cattle across the continent, resulting in a widespread famine. During transhumance, the five most feared diseases are foot and mouth disease, contagious bovine pleuropneumonia, sheep and goat plague, trypanosomiasis and anthrax. The most feared diseases among humans are brucellosis and tuberculosis.

30. Lastly, it should be stressed that, in order to make the freedom of movement of persons, goods, services and capital, as well as the right of residence and establishment, a reality within the ECOWAS space, the Community authorities have recently organized awareness-raising and outreach seminars and workshops on those rights in Member States. The authorities are convinced that the obstacles to freedom of movement, residence and establishment are mainly due to a general lack of awareness of the existence and scope of those rights.

B. WAEMU

31. Established in Dakar on 10 January 1994, the West African Economic and Monetary Union (WAEMU) is a regional economic and monetary union of eight West African countries.

32. The aims of this organization are set out in Article 4 of its founding treaty. Like ECOWAS, WAEMU has as its particular aim the establishment between Member States of a common market based on the free movement of persons, goods, services, capital and the right of establishment of persons pursuing an independent or salaried activity, as well as a common external tariff and a common trade policy.

33. Articles 91, 92, 93 and 96 of its founding treaty are devoted more explicitly to the right of residence, the right of establishment, the free provision of services and the free circulation of capital, respectively.

34. In addition to the provisions of the founding treaty, several texts issued by the Conference of the Heads of State and Government, the Council of Ministers, the Commission and the President of the Commission supplement and clarify the meaning and scope of the freedom of movement and the right of establishment and residence in the WAEMU area²⁰.

C. The Permanent Inter-State Committee on Drought Control in the Sahel

35. The Permanent Inter-State Committee on Drought Control in the Sahel (CILSS) was established on 12 September 1973 following the severe droughts which hit the Sahel in the 1970s. The Committee today comprises nine States: four coastal States (Gambia, Guinea-Bissau,

²⁰See the text of the WAEMU Court of Justice on the free movement of persons and goods in the WAEMU area, http://www.institut-idef.org/IMG/pdf/CommunicationLibreCirculoPers_Biens_JugeKANE_.pdf.

Mauritania and Senegal), four landlocked States (Burkina Faso, Chad, Mali and Niger); and one island State (Cape Verde).

36. A transhumance agreement was concluded between the CILSS Member States in 1991, and endorsed by ECOWAS, LGA and NBA.

D. The *Conseil de l'Entente* (regional co-operation forum)

37. Burkina Faso and Niger, along with Côte d'Ivoire, Benin and Togo, are members of the *Conseil de l'Entente*, the oldest sub-regional organization in West Africa, which was created in Abidjan on 29 May 1959 with the support of the colonial power.

38. In paragraph 5 of the preamble to its Charter, which was revised on 5 December 2011 in Cotonou, the *Conseil de l'Entente* Heads of State and Heads of Government affirmed their desire to “develop between people and States, closer and more dynamic political, economic and cultural integration, notably through strengthening already existing bonds of solidarity, understanding, fraternity and harmony”.

39. That objective is set out in more detail in Article 2 of the Charter, while Article 3 affirms, *inter alia*, as principles essential for achieving the economic and political integration of *Conseil de l'Entente* Member States, “the free movement of people and goods, the right of residence and establishment for nationals of Member States within the Entente area”, “respect, promotion and protection of human and peoples’ rights . . .”.

40. In 1989, the *Conseil de l'Entente* Member States signed a Protocol of Agreement establishing an international transhumance certificate in the *Conseil* countries and highlighting transit through the entry and exit points established by the States and the health protection and security conditions to be met in order to cross borders.

E. The Liptako-Gourma Integrated Development Authority (LGA)

41. Liptako-Gourma is a sub-regional organization which brings together Burkina Faso, Mali and Niger. It was created by a Protocol of Agreement signed in Ouagadougou on 3 December 1970.

42. Its objective is to promote the harmonious and integrated development in the three countries’ common frontier area in regard to energy, mining, water, agro-pastoral and fishing resources. The LGA is currently most active on the ground with community projects in the agro-pastoral field, that is, agriculture and animal husbandry, in all of its nomadic aspects, within the Member States, and trans-frontier transhumance.

43. To that end, in July 2002 the LGA carried out a feasibility study for a animal husbandry development programme in the region, financed by the Islamic Development Bank (IDB). In implementing the programme, which was officially launched on 25 April 2005 in Gao (Mali) under the auspices of the Member State Heads of State, the LGA organized a range of activities relating to the management of trans-frontier transhumance. A workshop on trans-frontier transhumance was held in November 2007 in Gao. That workshop concluded that it was necessary to produce a compendium of national and regional legislation with a view to its dissemination. The Member

States also assumed various commitments, notably to resolve potential frontier issues through regular meetings of those involved, including marking trans-frontier corridors.

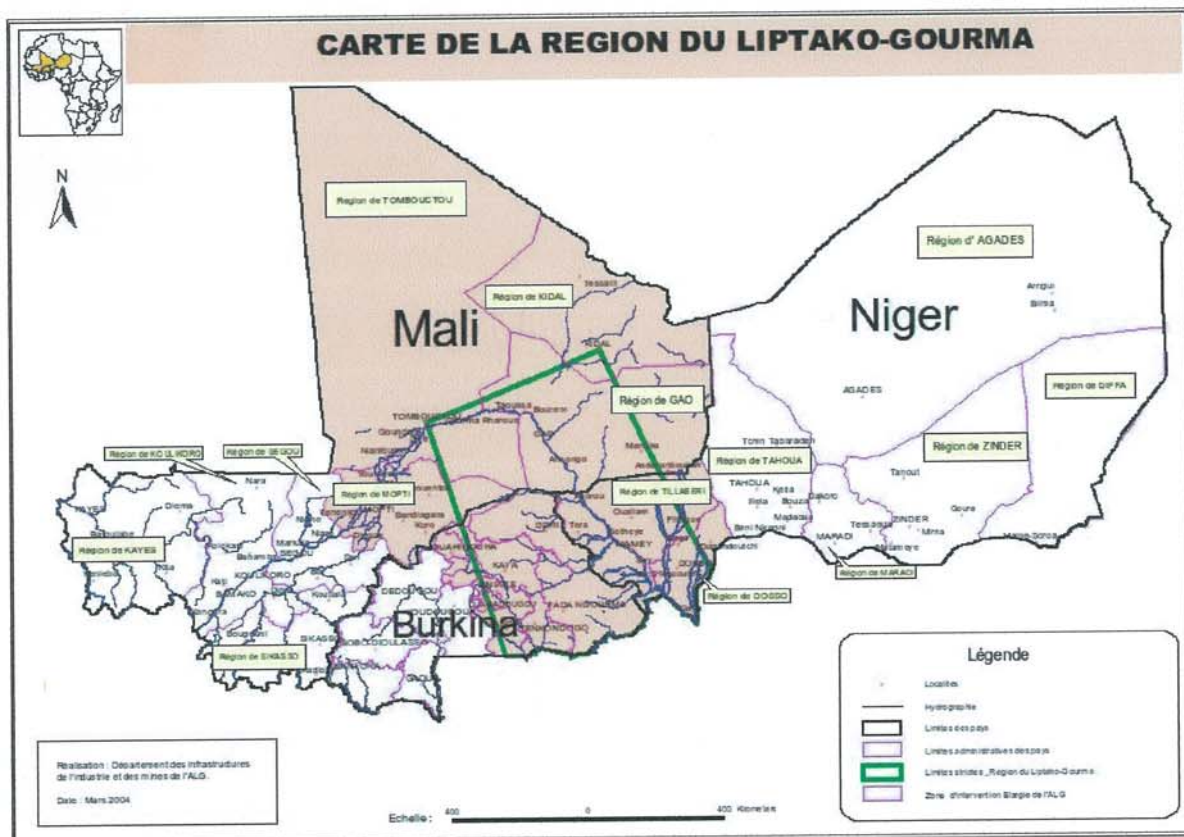
44. Between 20 and 22 October 2011 in Ouagadougou, in partnership with ECOWAS, financial development partners, NGOs and professional agro-pastoral organizations and associations, the LGA organized a regional workshop on the findings of a study concerning existing legislation governing transhumance in the organization's Member States.

45. The purpose of that workshop was also:

- to encourage greater consideration of the contribution of pastoralism to economic integration in the West African sub-region;
- to promote the effective application of domestic and Community legislation on pastoralism to combat obstacles to trans-frontier transhumance;
- to encourage LGA Member States and the States of the West African sub-region to do more to support the implementation of the ECOWAS animal husbandry and pastoralism action plan.

46. The LGA's members find its work satisfactory and are of the view that they are heading in the right direction.

Map of the Region of Liptako-Gourma



F. Bilateral agreements

47. In 1964, Article 2 of the Protocol of Agreement concerning delimitation of the frontier between Burkina Faso and Niger referred specifically to “population movements” and read:

“Provided they are carrying the official identity documents of their State, nationals (within the meaning of the Nationality Code of the State concerned) of the Contracting Parties may move freely from one side of the frontier to the other.

All nationals of either of the Contracting Parties may enter the territory of the other, travel on that territory, establish their residence there in the place of their choice and leave the territory, without being obliged to obtain a visa or residence permit of any kind.

However, transhumant nationals of one State travelling to the other State must have a transhumance certificate stating the composition of their family and the number of their animals.

The two Contracting Parties shall communicate to each other all documents concerning transhumance, in particular details of routes followed and movement calendars . . .”²¹

48. In January 1968 at a Ministerial meeting held between Niger and Volta, it was decided that:

“Both parties agree henceforth to dispense with the movement calendar requirement as that clause is difficult to put into practice. It is understood that the relevant local administrative authorities shall communicate to each other all documents concerning transhumance.”²²

49. Clearly, both parties have continued to co-operate so as to improve and facilitate the conditions and arrangements for the free movement of people and livestock between their respective territories. This is evidenced by, for example,

- the Report of the meeting between the Minister for Territorial Administration and Security of Burkina Faso and the Minister Delegate for the Interior of the Republic of Niger, 9 April 1986²³;
- the Report of the meeting between the Ministers for Territorial Administration and Security of the Republics of Niger and Burkina Faso held in Komienga, Komienga Province, from 5 to 6 December 1997²⁴;
- see also the Report of the meeting between the Minister for the Interior of Niger and the Minister for Territorial Development of Burkina Faso, held in Tenkodogo between, 24 and 26 May 2000²⁵;

²¹Ann. MBF 45.

²²Ann. MBF 54, point 2.

²³Ann. MBF 68: see point II (A), p. 3; and recommendation No. 2, p. 6.

²⁴Ann. MBF 92, p. 2, point I (3), and p. 3, point II.3, and attached press release, p. 2, paras. 3 and 4.

- in January 2003, the Minister for the Interior and Decentralisation of the Republic of Niger indicated, furthermore, during the work of the Consultative Framework for trans-frontier transhumance between the Republic of Niger and Burkina Faso that one of the problems encountered as regards facilitating livestock movement was, in his view “failure to recognise frontiers”²⁶. By establishing definitively the frontier line as described in the Erratum, the Court will make it possible to eliminate one of the obstacles to the harmonious regulation of transhumance issues between the two countries.

50. In general, Burkina Faso, recognising the need for regional and sub-regional integration as a factor in its own development and the development of West Africa, has for almost a decade been organizing a Communities Day (*Journée des Communautés*). The purpose of that day is to promote better integration of foreign communities living in Burkina Faso, whether they are from ECOWAS States or come from further afield. The day’s activities are organized by the Ministry of Foreign Affairs and Regional Co-operation through the National Integration Commission, an organization reporting to that Ministry. As part of its policy to promote regional integration, in 2007 the Government of Burkina Faso made plots of land in a residential area available to the Niger community living in Burkina Faso²⁷.

51. The close co-operation between Burkina Faso and Niger on tourism, notably management of Park W and the protected trans-frontier areas, as well as agriculture, water resources, the environment, animal resources and trans-frontier transhumance, was highlighted at the meeting of the Decision and Recommendation Monitoring Committee of the Second Session of the Joint Commission. The Report of that meeting refers to the implementation of community projects relating to the management of transhumance corridors established by Burkina Faso and Niger, while paragraph III. 4 of the Report of the Second Session of the Joint Burkina-Niger Commission notes the existence, since 2003, of a permanent consultation framework between the two countries concerning transhumance.

52. In light of community law in West Africa, as deriving from the legal provisions of the instruments establishing the sub-regional organizations which Burkina Faso and Niger have joined, and as deriving from the regulatory instruments of the organs of those organizations, as well as the practices followed or observed by the States of the sub-region, Burkina Faso is in a position to respond that the frontier line between Burkina Faso and Niger will not affect the life or fate of the nomadic populations living on either side of the border.

(2) Indicate on a map the zones currently frequented by nomadic populations

53. A study carried out by Niger on animal husbandry (General survey of agriculture and livestock - RGAC 2005/2007)²⁸ reads:

“2.3. Nomadic livestock

²⁵Ann. MBF 93, pp. 4-5, para. 4.

²⁶Ann. MBF 95, p. 3.

²⁷See the Report of the Second Session of the Joint Commission for Burkina-Niger Co-operation, held in Ouagadougou on 13 and 14 March 2007, and the Report of the meeting of the Decision and Recommendation Monitoring Committee of the Second Session of the Joint Burkina -Niger Commission, held in Niamey on 19 and 20 March 2012 (Annex 6).

²⁸http://harvestchoice.org/sites/default/files/downloads/publications/Niger_2005-07_Vol2.pdf.

This system of animal husbandry is used by herders seeking water and pasture. According to the results of the survey, the nomadic livestock is estimated overall to be 5,657,274 head, including which, 1,732,855 sheep (35 per cent), 1,587,231 goats (32 per cent), 910,433 cattle (19 per cent), 1,141,326 camels (9 per cent), 258,891 donkeys (5 per cent) and 26,512 horses (1 per cent). Essentially, nomadism is practised by herders in three regions: Tahoua, with 35 per cent of nomadic livestock, followed by Zinder with 29 per cent and Agadez with 21 per cent. Nomadism is rare, if not non-existent in other regions. The average size of the herd or flock of a nomadic herder is 120 head, but that average size varies between a minimum of 75 head in Diffa and a maximum of 142 head in Tahoua and Zinder²⁹.

2.4. Transhumant livestock

This system of animal husbandry is based on seasonal movement of herds and flocks when the fields are crop-free. Herders from all regions practise transhumance, with the exception of those located in the region of Agadez and those located in the vicinity of Niamey. The survey results relating to transhumance concerned both herders practising internal transhumance as well as those travelling long distances in search of better grazing in neighbouring countries (Nigeria, Burkina Faso, Benin, Chad, Mali, Togo and Cameroon).

2.4.1. Composition and geographical distribution

According to the survey results, transhumant livestock is estimated overall to be 4,987,652 head, including 1,721,352 sheep (35 per cent), 1,168,282 goats (23 per cent), 1,678,873 cows (34 per cent), 1,141,326 camels (4 per cent), 258,891 donkeys (4 per cent) and 26,512 horses (1 per cent).

Transhumance is practised by 54,257 herders, each having an average of 92 head of livestock. That average reaches a maximum of 150 head for 14.3 per cent of herders compared to 15 head for 7.2 per cent of herders. The regions in which transhumant livestock are concentrated, in order of size, are: Maradi (25.2 per cent of the total number of transhumant livestock), followed by Tahoua (21.6 per cent), Dosso (14.8 per cent), Zinder (13.6 per cent), Tillabery (12.7 per cent) and Diffa (12.1 per cent).³⁰

54. A form of nomadism or semi-nomadism is currently practised between the region of Tillabery (10,000 herders) and Burkina Faso. The report also shows that Burkina Faso is not the only destination, as evidenced by the fact that the area frequented by nomads goes way beyond the frontier zone:

“Nigeria is the principal destination of the transhumant livestock, with 79.3 per cent of livestock involved in trans-frontier transhumance, followed by Burkina Faso (7.5 per cent), Benin (4.5 per cent), Chad (3.8 per cent) and Mali (3.6 per cent). Less than 2 per cent of livestock in Cameroon and Togo are transhumant. Nigeria attracts most transhumants in practically all regions of the country, with the exception of Tillabery.

However, transhumant livestock from the Maradi region is most dominant (40 per cent of total transhumant livestock), followed by the region of Tahoua (22 per cent), Diffa (14 per cent), Zinder (13 per cent) and Dosso (10 per cent).

²⁹*Ibid.*, p. 34.

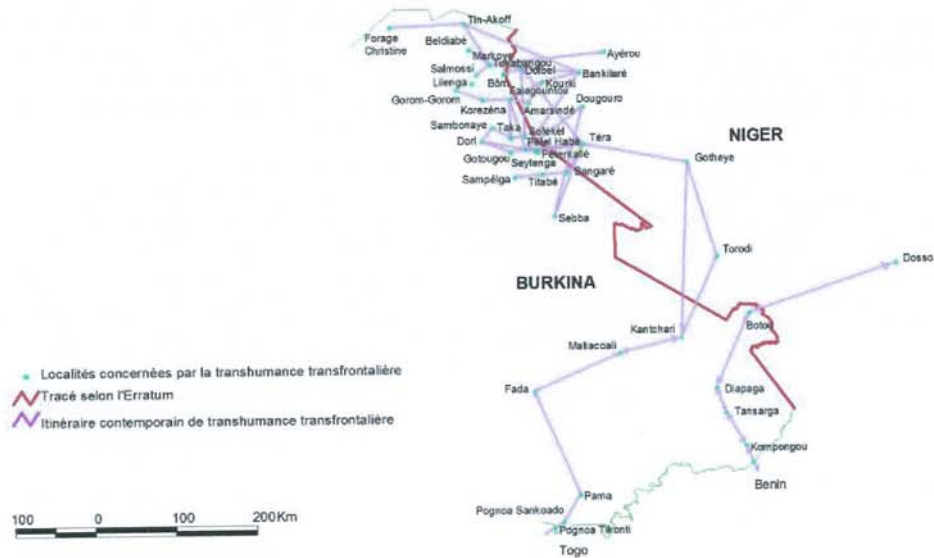
³⁰*Ibid.*, p. 35.

Transhumant livestock into Burkina Faso comes mainly from the region of Tillabery (97.8 per cent of all transhumant livestock in the country).

Transhumant livestock into Benin comes mainly from the region of Dosso (88.2 per cent of all transhumant livestock in the country comes from Niger). 90 per cent of livestock travelling to Chad comes from the region of Diffa, while livestock travelling to Mali comprises mostly herds originating in Tillabery, representing 90 per cent of total transhumant livestock in the country from Niger.”³¹

55. There is also traffic between Burkina Faso and Niger. The following diagram (see also Annex 7) shows transhumance routes which correspond to the zones currently frequented by nomads.

³¹*Ibid.*, p. 36.



3. What is the radius of areas of movement of these populations around the frontier between the States (please indicate on a map, if possible, the exact parts of the border)?

56. The radius of the areas of movement of nomadic and semi-nomadic populations can be estimated on the basis of the transhumance routes shown on the above diagram.

57. Transhumance is a traditional herding system based on longstanding routes and itineraries which are still in use today. The volume of movement varies in terms of both time and space, depending on the year and more particularly, periods of drought. Since the droughts of the 1970s and 1980s, as a result of the eradication of glosinidae³² and simuliidae³³ and developments in veterinary science (chemotherapy), livestock movements from Sahelian countries, in this case Niger and Burkina Faso, increased southwards as far as neighbouring coastal countries: Benin, Togo and Ghana.

58. Livestock are moved in search of pasture, watering points and salt licks. Those movements of livestock take no account of national frontiers. Livestock movements are dependent solely upon nature, natural resources and their capacity to feed their stock. Herders continue to move their livestock, even in the worst conditions.

59. The resources shared by herders are never appropriated by one community to the detriment of another. All depend on the rainfall and its vagaries; no one knows in advance when fodder resource conditions will fail. A system of solidarity, of *tontine* (mutual assistance) exists, where each welcomes the other when the conditions are better in his area, in the certainty of being welcomed in turn in other areas when nature is more favourable there.

60. On the ground, the livestock trails followed by the herders commence in the villages and link up with national and international routes. Identified livestock trails, officially established and maintained by States, are located on traditional routes and are used both for the movement and trading of livestock. For that reason, many start from or pass through the main livestock markets and embarkation sites for shipment to coastal nations, the traditional customers of Sahelian countries.

61. In addition to the political, technical and legal measures adopted by States as regards the movement of livestock, sub-regional organizations (ECOWAS, WAEMU, LGA, CILSS) develop initiatives with a view to promoting animal husbandry, taking account of livestock mobility³⁴.

62. It must however be noted that livestock movement is not afforded the same attention in terms of monitoring as the movement of domestic animals and movement for commercial purposes (markets, exports). There are scant statistics and the issue can only be examined on the basis of one-off studies and piecemeal information.

63. Between Burkina Faso and the Republic of Niger, livestock leave, arrive and pass through frontier administrative districts: the regions of Tillabery, Niamey and Dosso for Niger, the

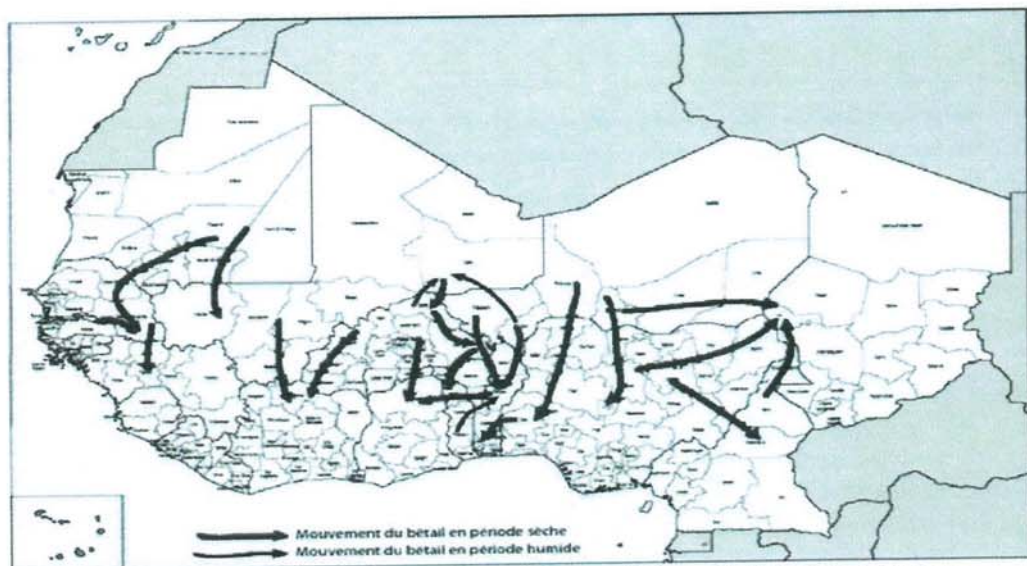
³²Tsetse flies.

³³Blackfly.

³⁴See *supra*, paras. 27 *et seq.*

regions of the Sahel and the East for Burkina Faso. The following diagrams show transhumance routes in West Africa and then, more specifically, between Burkina Faso and Niger.

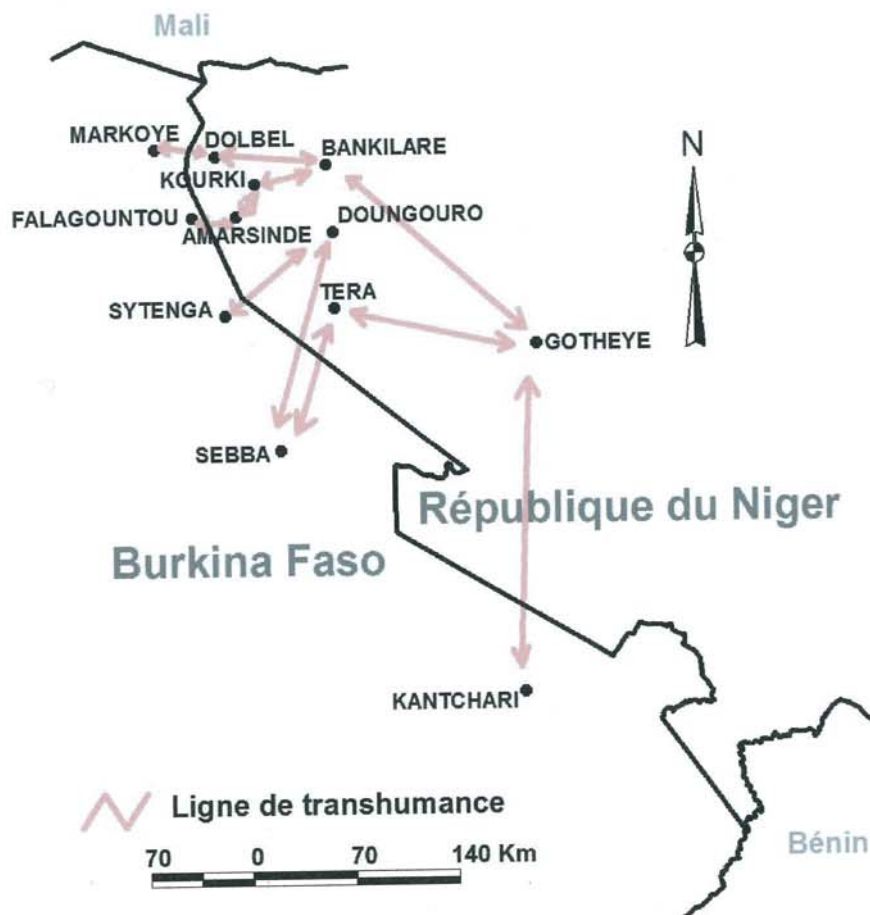
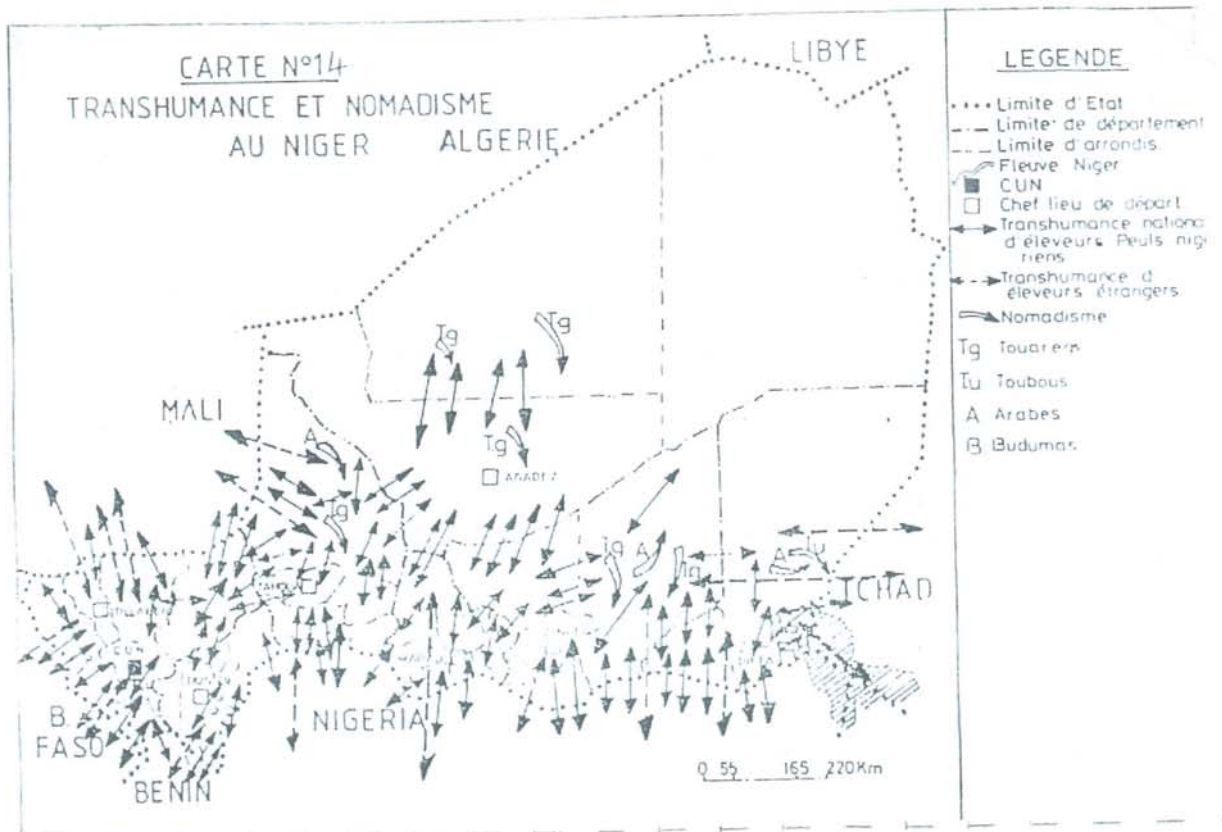
Map 3. Trans_frontier transhumance routes in West and Central Africa

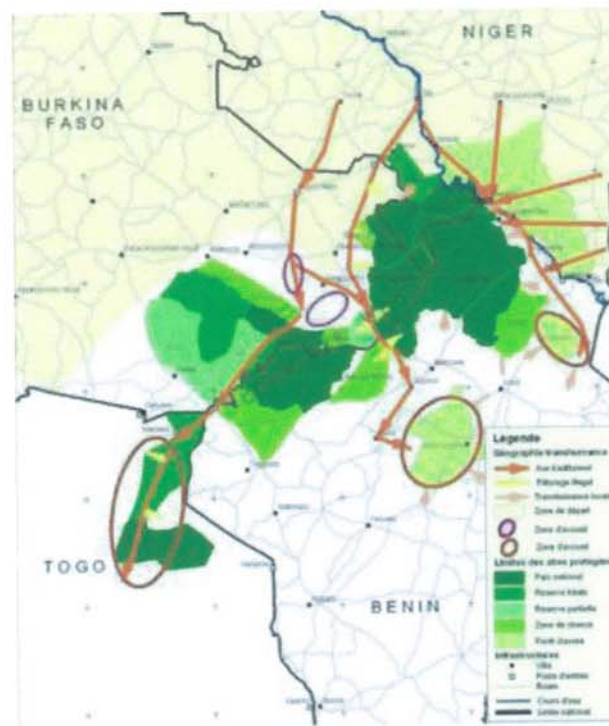


Carte 3. Axes de transhumance transfrontalière en Afrique de l'Ouest et du Centre

³⁴ V. *supra*, pars. 27 et s.

Map 14. Transhumance and Nomadism in Niger





Map of transhumance routes

64. In terms of numbers, livestock movements between the two countries favour Niger. Over the last three years, numbers have been estimated at between 24,000 cattle and 3,900 sheep and goats, and 21,000 cattle and 4,500 small ruminants. These numbers are largely an underestimate (low rate of use of official documents by herders). One-off studies often provide a better picture of the situation. In the 1980s, according to an LGA study, numbers were estimated to be between 140,000 and 150,000 head of cattle leaving Niger for Burkina Faso.

65. The radius of the area through which nomadic populations move depends on the richness of the pasture, watering points and salt licks, animal health conditions and commercial facilities (livestock and animal produce markets). As stated above, Burkina Faso and Niger are at the same time and reciprocally host and transit zones for livestock moving between the countries. Animals from Burkina Faso rarely go beyond the River Niger, and Burkina Faso and Niger herders can be found in the neighbouring coastal countries: Benin, Togo and Ghana. Livestock from Niger sometimes travels as far afield as Sudan and the countries of Central Africa during years of food shortages.

4. What villages are susceptible to be affected by the frontier the Parties are claiming for?

This question assumes approaching the matter from a historical and relative perspective (in the sense that there have been several different lines over the years, involving changes to the attachment of villages) which is not that adopted by the 1987 Agreement fixing the applicable law in the present dispute. To the extent that the 1987 Agreement confirms that the legal title is the Erratum of 1927, no village is liable to be “affected by the frontier” since the delimitation has remained the same between 1927 and today.

LIST OF ANNEXES

[The Annexes have not been translated]

- Annex 1** Map of the routes of various nomadic and transhumant groups from Oudalan in H. Barral “Les populations d’éleveurs et les problèmes pastoraux dans le nord-est de la Haute Volta (Cercle de Dori - Sub-division de l’Oudlan, 1963-1964)”, Cahiers de l’ORSTOM, 1967, pp. 20-21.
- Annex 2** Protocol A/p1/5/79 of 29 May 1979 relating to free movement of persons, the right of residence and establishment.
- Annex 3** Protocol A/p5/5/82 of 29 May 1982 relating to the definition of community citizenship.
- Annex 4** Decision A/DEC.5/10/98 of 31 October 1998 concerning the regulation of transhumance between ECOWAS Member States.
- Annex 5** Regulation C/REG.3/01/03 of 28 January 2003 on the regulating transhumance between ECOWAS Member States.
- Annex 6** Report of the Second Session of the Joint Commission for Burkina-Niger Co-operation, held in Ouagadougou on 13 and 14 March 2007, and Report of the meeting of the Decision and Recommendation Monitoring Committee of the Second Session of the Joint Burkina-Niger Commission, held in Niamey on 19 and 20 March 2012.
- Annex 7** Diagrams showing transhumance routes between Burkina Faso and Niger.
-

Letter to the Registrar dated 15 November 2012
from the Deputy Co-Agent of Niger

[Translation]

Re: *Frontier Dispute (Burkina Faso/Niger)*

Ref: Letter No. 140951 of 18 October 2012

I have the honour to transmit to you herewith the reply of the Government of Niger to the questions put to the Parties by Judge Cançado Trindade at the end of the public sitting held on 17 October 2012.

The Court will note that, in order to respond to Judge Cançado Trindade's questions, the Government of Niger has been obliged to cite documents not previously produced by either Party, namely:

- the General report on the consultation meeting on cross-border transhumance, held in Dori (Burkina Faso) on 19 and 20 December 2002;
- the Protocol of Agreement establishing a consultation framework between Burkina Faso and the Republic of Niger, signed at Tillabéry on 26 January 2003;
- Decision A/DEC.5/10/98 regulating transhumance between ECOWAS Member States, signed at Abuja on 31 October 1998.

These three documents, should they be accepted by the Court, could be regarded as Niger Annexes, Series A, Nos. 25, 26 and 27.

INTRODUCTION

The area that extends from the River Niger to the southern boundaries of Dori is populated by sedentary (Aribinda, Gorouol, Kokoro, Téra, Dargol), nomadic (Oudalan, Logomaten) and semi-nomadic (Diagourou, Liptako, Yagha) peoples, as shown by the sketch-map of Dori annexed to the Annual General Report for 1924 of that *cercle* (MN, Ann. C 5), reproduced below.



Those population groups are the same today. They are now spread across the following new administrative divisions: the department of Téra (Gorouol, Téra, Diagourou and Dargol *cantons*) on the Niger side; the provinces of Oudalan, Seno (Dori) and Yagha (Sebba), on the Burkina Faso side (MN, Chap. VI, para. 1).

In view of the methods of production and the overlapping of nomadic and sedentary populations who live together in the area in dispute, it may be said that this area is not occupied solely by nomadic populations. What applies to the region as a whole applies *a fortiori* to the frontier area.

The issue of nomadic populations was dealt with in Chapters VI and VII of Niger's Memorial. In particular, reference may be made to paragraph 6.7 of the Memorial, which states:

“The Téra/Dori frontier area is entirely Sahelian in nature and inhabited by:

- sedentary peoples, living in villages or hamlets and carrying on their agricultural activities within the boundaries of their own homeland. Human activities are

conducted within the framework of administrative territorial units (villages, *cantons*);

- nomadic peoples, whose territorial movements are constrained only by natural possibilities of access to pastureland and water and by temporary health and security conditions (epizootic diseases, wild animals, etc.);
- semi-nomadic peoples living in hamlets, whose range of movement is more limited.

The problems of the frontier area are conditioned by various dominant forms of production, namely: itinerant nomadism; seasonal trans-frontier pastoral transhumance, conducted on a pendular basis; semi-nomadism; sedentary field agriculture; itinerant agriculture; gold prospection and extraction.”

More specifically, the question of the *regulation of cross-border transhumance* is covered in a series of documents annexed to Niger’s Memorial:

- Letter No. E.275 AP from the Chief Colonial Administrator, Acting Lieutenant-Governor of Upper Volta, to the Governor of Niger, dated 14 August 1929 (MN, Ann. C 26):

“2. A right for all users in possession of a *laissez-passer* from Dori or Téra to follow their traditional routes, free of all taxes, charges or fees, including free access to customary communal watering places.”

- Letter No. 2259 A.G.I. from the Lieutenant Governor of Niger to the Lieutenant-Governor of Upper Volta dated 27 September 1929 (MN, Ann. C 30):

“given that these [the croplands of the parties concerned] may *interlock and overlap the frontier* . . . In any case, there can be no question of systematically and forcibly returning natives from one side or the other of the frontier, depriving them of their annual croplands, and neither should they be prevented from grazing their herds along their customary routes or watering them at their usual pools. The greatest possible freedom must be granted to the nomads in this regard; all that matters is that they should not be allowed to evade their administrative obligations by crossing a theoretical and artificial frontier at an opportune moment.”

- Telegram/letter No. 815 from the Commander of Tillabéry *cercle* to the Commander of Dori *cercle* dated 10 October 1929 (certified copy forwarded under cover of letter No. 623 of 23 October 1929) (MN, Ann. C 31):

“maintain status quo, namely tolerance zone accepted in 1927 without encroachment or spoliation”;

- Report of delimitation operations between Dori and Tillabéry *cercles* dated 8 December 1943 (MN, Ann. C 69):

“It remains understood that these provisions, which resolve in general terms the issues of land occupancy and of the administrative unit to which the inhabited localities belong, cannot be a bar to the movement of cattle herds . . . it would be difficult to prohibit them on the basis of territorial delimitation”.

Question 1 — First, could the Parties indicate in a map the areas through which nomadic populations used to move, during the period when they became independent and today, and to what extent the frontier will affect these populations?

The Government of Niger has not found any maps that enable it to give an appropriate answer to the questions put and has had to rely, on the one hand, on documents produced during the course of proceedings and, on the other, on some new post-independence documents.

The documents produced during the course of proceedings that have been used are as follows:

- Letter No. 96 from the Commander of Dori *cercle* to the Commander of Upper Volta dated 23 April 1929 (MN, Ann. C 21); this letter highlights transhumance movement between Dori and Téra;
- Letter No. 367 from the Commander of Dori *cercle* to the Governor of Upper Volta dated 31 July 1929 and previous correspondence (telegram/letter No. 244 from Téra Subdivision to Dori *cercle* dated 27 July 1929; telegram/letter No. 359 from Dori *cercle* to Téra Subdivision dated 29 July 1929; telegram/letter No. 364 from Dori *cercle* to Téra Subdivision dated 30 July 1929) (MN, Ann. C 23): this correspondence and related annexes highlight the links between populations and the places where they were established or had pastures:

“A — I asked my Séringobé why they want to belong to Téra. ‘For no reason’ they said . . .

B — The report made to me by the Head of Yagha (Dori) about the incursion by his neighbour from Diagourou (Téra) — is it accurate . . .

C — The Ossolo Pool belongs to Tillabéry: that’s correct — but the representative of Upper Volta who countersigned that award, did he know that, during the dry season, semi nomads from the neighbouring area, including those from Dori, stay in the vicinity with their herds?

The latter need the water from a permanent pool, the pastures surrounding it . . .”

- Report No. 416 from the Commander of Dori *cercle* on the difficulties created by the delimitation established in 1927 between the Colonies of Niger and Upper Volta (*Arrêté* of 31 August 1927) regarding the boundaries between Dori *cercle* and Tillabéry *cercle*, 7 July 1930 (MN, Ann. C 38): this report highlights the problem of the distribution of the nomadic populations between Téra and Dori;
- Directory of villages of Téra Subdivision, villages of Kel Tamared, Kel Tinijirt, Logomaten Assadek, Logomaten Allaban, undated, 1941; this document mentions all the nomadic tribes, their pasture areas and watering points;
- Report of delimitation operations between Dori and Tillabéry *cercles*, dated 8 December 1943 (MN, Ann. C 69):

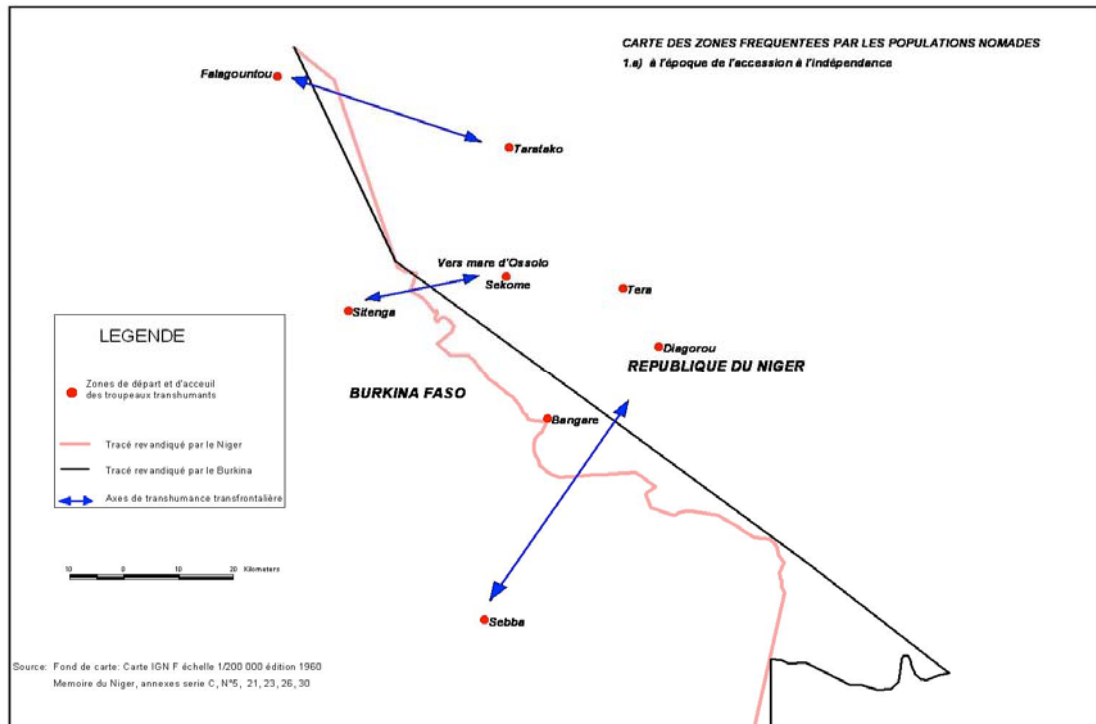
“[T]here is traditionally a cross-movement of Yagha and Diagourou herds. At the start and end of the rainy season, the herds from the central area of the Yagha go to Taka Pool, in Diagourou, for the salt lick, while, during the same periods, the Diagourou herds travel to the banks of Yiriga Pool for the same purpose.”;

- Report from the Head of Téra Subdivision on the census of Diagourou *canton*, dated 10 August 1954 (MN, Ann. C 84): the sheets of place names show the historical background and places of establishment of certain villages and certain tribes.

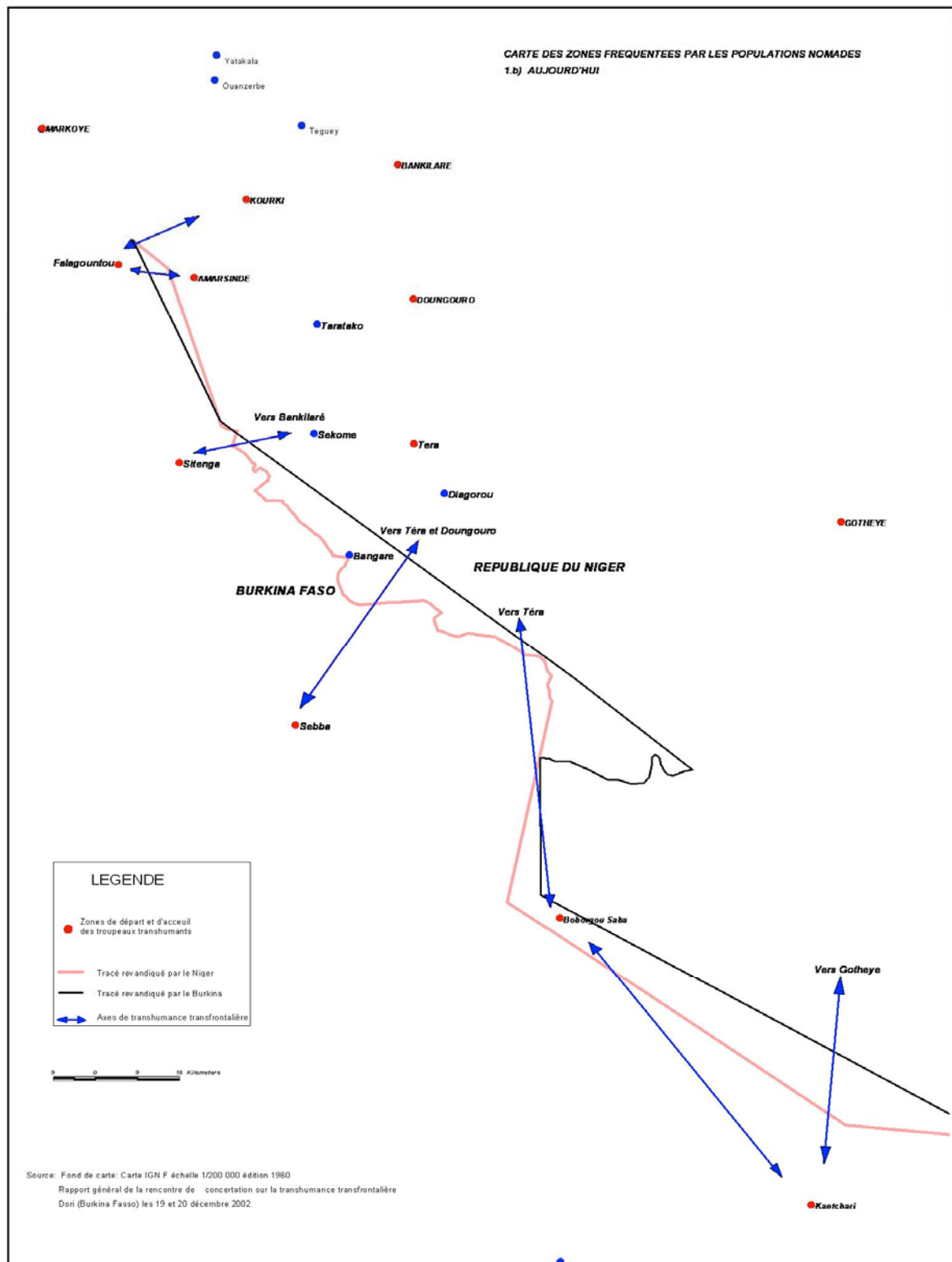
Reply to the first question put by Judge Cançado Trindade

This reply is divided into three parts:

1 (a) Map showing the areas through which nomadic populations used to move at the time independence was achieved



1 (b) Map showing the areas through which nomadic populations move today



It should be noted that there was little transhumance movement between Burkina Faso and Say *cercle* either during the colonial period or the post-colonial period. That is not surprising

because the area of the W Park and its surroundings are protected areas in which grazing was prohibited during the colonial period and remains so today. Moreover, the presence of wildlife and tsetse fly made the area unattractive (MN, Chap. VII, 7.6).

1 (c) Indicate to what extent the frontier will affect these populations

Niger understands that, in this question, the word ‘frontier’ refers to the frontier that will be fixed by the Court in its decision.

The current system of transhumance is as described hereafter. In the absence of a precise frontier line, movements and access to natural resources on either side of the frontier are unrestricted under a *modus vivendi* arrangement between the authorities of the two States, which do not strictly apply the rules in force concerning the movement of persons and livestock (requirement for an identity card, laissez-passer, vaccination certificate, etc.,).

Paragraph 2 of the Protocol of Agreement of 23 June 1964 between the Government of the Republic of Niger and the Government of Upper Volta (MN, Ann. A 1) provided for the following regulations:

“2. Population movements

Provided they are carrying the official identity documents of their State, nationals (within the meaning of the Nationality Code of the State concerned) of the Contracting Parties may move freely from one side of the frontier to the other.

All nationals of either of the Contracting Parties may enter the territory of the other, travel on that territory, establish their residence there in the place of their choice and leave the territory, without being obliged to obtain a visa or residence permit of any kind.

However, transhumant nationals of one State travelling to the other State must have a transhumance certificate stating the composition of their family and the number of their animals.

The two Contracting Parties shall communicate to each other all documents concerning transhumance, in particular details of routes followed and movement calendars . . .”

As regards the future, the free movement of persons and goods between the two States will remain safeguarded under the conventions binding the two States within a bilateral framework and under international agreements establishing freedom of movement and free access to natural resources between Member States, including:

- Decision A/DEC.5/10/98 of 31 October 1998 regulating transhumance between ECOWAS Member States [see Annex A];
- General report on the consultation meeting on cross-border transhumance, held in Dori, Burkina Faso, on 19 and 20 December 2002; the report was prepared following the meeting on animal transhumance held by ministers responsible for animal husbandry from the Member States of the Economic Community of West African States (ECOWAS) in Ouagadougou, Burkina Faso, on 9 and 10 October 2002 [see Annex B].

This last report serves:

(1) to justify certain arrows on sketch-map 1 (b) on page 4

“the discussions . . . have made it possible to identify existing cross-border transhumance routes using a transhumance map prepared by CEBV in 1987. These routes are:

- Seytenga (Burkina Faso) ↔ Bankilaré (Niger)
- Sebba (BF) ↔ Doungouro (Niger)
- Dogona ↔ Téra (Niger) [...]
- Falagountou (BF) ↔ Amarssingué [...]
- Gothèye ↔ Téra (Niger) ↔ Sebba (BF)
- Kantchari(BF) ↔ Gothèye (Niger) [...]”.

(2) to give an (approximate) idea of the organization of the transhumance system designed on the basis of international agreements, in particular the following excerpt (p. 5):

“Following the discussions, the two heads of delegation reasserted the political will of their Governments to combine their efforts to find a lasting solution to the problems related to transhumance.

In order to achieve this, they have decided on the following steps:

- the establishment of a consultation framework on transhumance between the two States, the main bodies of which will be the Meeting of Ministers and the Joint Technical Committee;
- the development and implementation of an emergency action plan to rescue livestock in view of the current situation of pastures in the two countries;
- the development and implementation of a medium and long-term action plan for the sustainable management of transhumance between the two countries. This plan should include the following points:
 - establishment of a pasture development master plan in each country
 - introduction of a follow-up mechanism for transhumant herders in the host countries
 - establishment of a system to ensure the flow of animal health information relating to pasture resources and the movement of animals
 - co-ordination of action to combat animal epidemics
 - introduction of a system of regular meetings to review progress and to programme transhumance
- to draw up a list of legislative and regulatory texts on transhumance in the two countries;

- to prepare an inventory of existing infrastructure: watering points, pasture areas, livestock tracks, livestock markets and other infrastructure in the two countries”;
- the Protocol of Agreement establishing a consultation framework between Burkina Faso and the Republic of Niger signed at Tillabéry on 26 January 2003 [see Ann. C];

Articles 1 and 2 of this Agreement state:

“Article 1: A consultation framework on cross-border transhumance shall be established between Burkina Faso and the Republic of Niger.

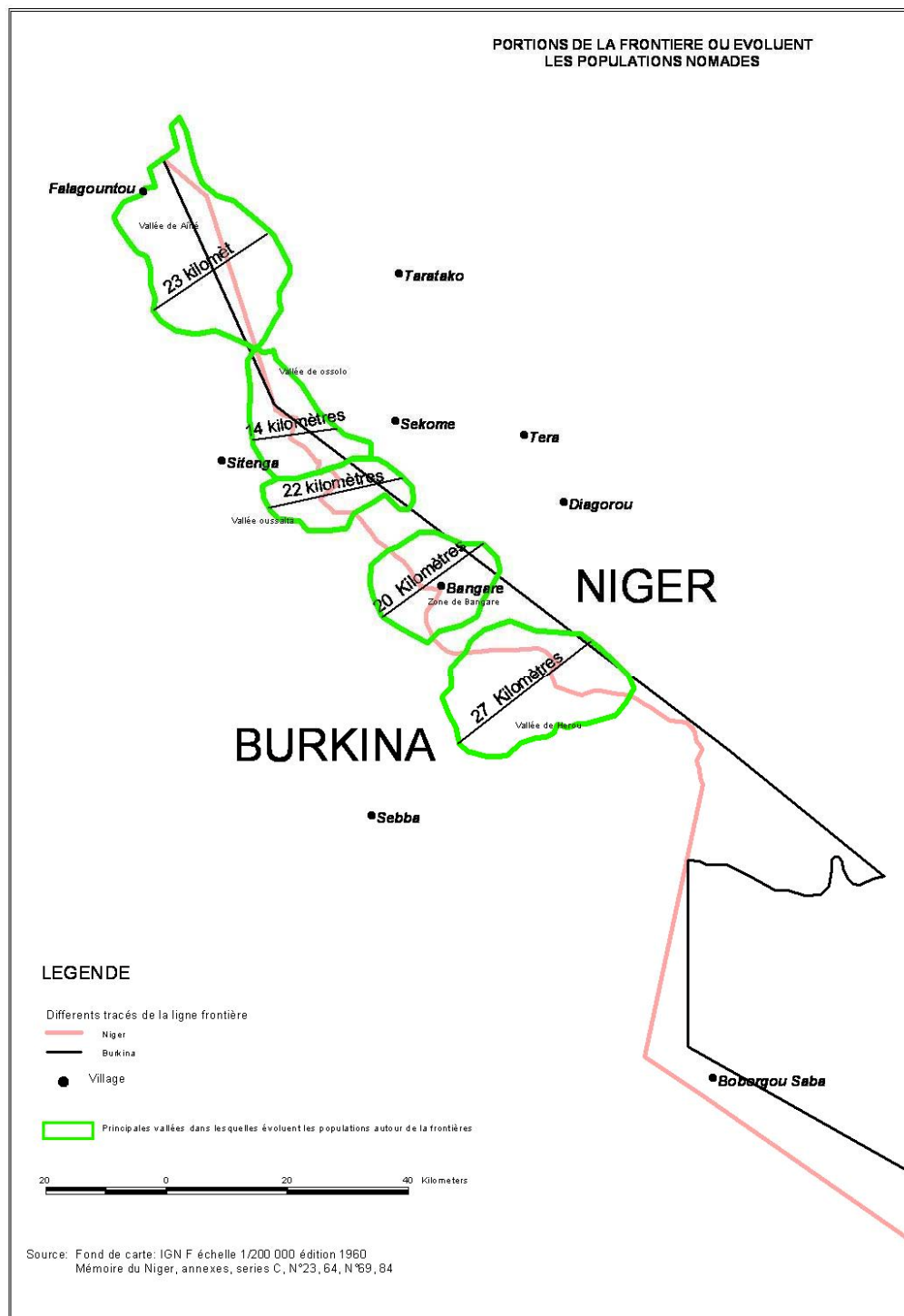
Article 2: The purpose of the consultation framework on cross-border transhumance is to:

- manage transhumance between the two States;
- ensure the proper implementation of Decision A/DEC.5/10/98 of 31 October 1998 regulating transhumance between ECOWAS Member States;
- promote consultation and exchange between the two States with respect to transhumance and the management of natural resources;
- propose all appropriate steps to promote and support the development and implementation of a regional inter-State transhumance policy.

All of those instruments binding the two Parties thus ensure that nomadic populations who migrate across the frontier between Niger and Burkina Faso will be able to continue their current way of life.

Question 2 — “Secondly, what is the radius of the areas of movement of these populations along the border between the two States concerned (if possible, indicating in a map the exact parts of the border)?”

The word “border” in this question is understood to refer to the current de facto boundary between the two States.



Question 3 — Thirdly, what villages are susceptible to be affected by the frontier the Parties are claiming for?

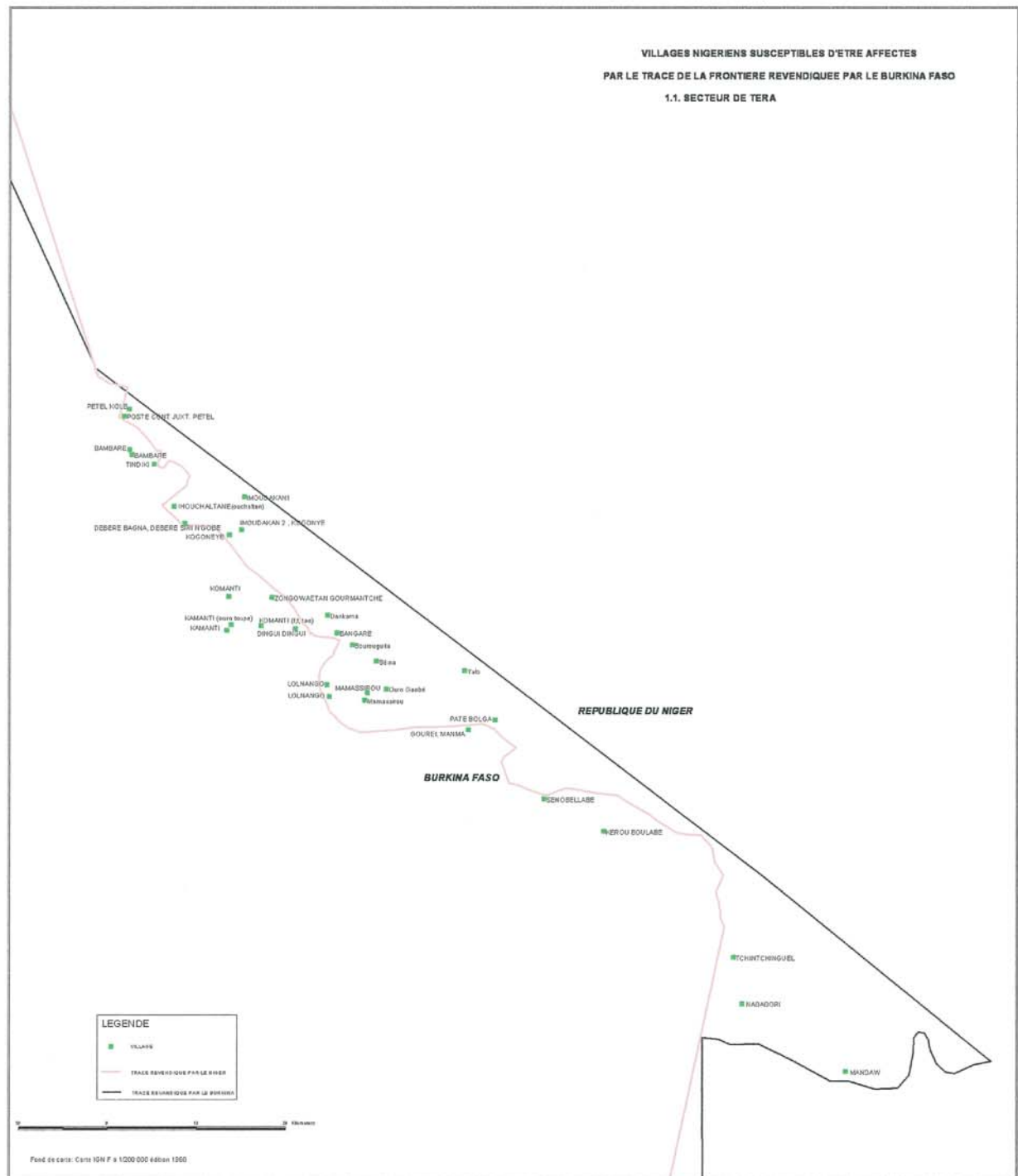
As the question was put to the two Parties, Niger will confine itself to considering the question from the perspective of the “Niger” villages.

As regards “villages” and therefore sedentary populations, the phrase “to be affected by the frontier” that will be determined definitively by the Court can have two meanings.

Firstly, there may be a change in territorial attachment and thus of national status compared to the current situation. We will therefore first distinguish between the villages that have always been considered as being part of the Colony, subsequently the State, of Niger, and which Niger continues to claim on that basis. See the lists below: 1.1 (for the Téra sector) and 1.2 (for the Say sector).

We will then consider the villages with Niger populations which are located in territory that Niger implicitly admits, by excluding them from its claim, will no longer be part of the State of Niger. See the lists below: 2.1 (for the Téra sector) and 2.2 (for the Say sector).

Téra sector: 28 villages



No.	Niger villages affected by the line claimed by Burkina Faso	Co-ordinates	
		Latitude North	Longitude East
1.	Petelkolé	14° 00' 35.7"	00° 24' 52.6"
	Juxtaposed control post of Petelkolé	14° 00' 10.4"	00° 24' 34.4"
	End of the Niger section of the Téra-Dori road at Petelkolé	14° 00' 04.2"	00° 24' 16.3"
2.	Bambaré	13° 58' 07.5"	00° 24' 53.7"
3.	Tindiki	13° 57' 15.4"	00° 26' 23.6"
4.	Ihouchaltane (Ouchaltan)	13° 54' 41.4"	00° 27' 34.8"
5.	Débéré Bagna or Débéré Siri N'gobé (Ousalta peul)	13° 53' 39.8"	00° 28' 13.8"
6.	Imoudakan 1	13° 55' 15.2"	00° 31' 48.0"
7.	Imoudakan 2 or Kogonyé	13° 53' 14.3"	00° 31' 38.0"
8.	Dankama		
9.	Komanti	13° 49' 11.3"	00° 30' 52.4"
10.	Kamanti (Ouro Toupé)	13° 47' 29.4"	00° 31' 00.8"
11.	Zongowaétan (Fété Tao)	13° 47' 25.0"	00° 32' 50.2"
12.	Zongowaétan gourmantché	13° 49' 08.6"	00° 33' 29.4"
13.	Ouro Tambella (Dingui Dingui)	13° 47' 13.3"	13° 47' 13.3"
14.	Bangaré	13° 46' 58.7"	00° 37' 25.9"
15.	Lolnango	13° 43' 50.3"	00° 36' 49.0"
16.	Bourouguita		
17.	Beina		
18.	Mamassirou	13° 43' 21.2"	00° 39' 17.9"
19.	Ouro Gaobé		
20.	Yolo		
21.	Gourel Manma	13° 41' 05.2"	00° 45' 23.2"
22.	Paté Bolga	13° 42' 14.5"	00° 46' 31.7"
23.	Sénobellabé	13° 36' 52.6"	00° 50' 00.8"
24.	Hérou Bouléba	13° 34' 27.1"	00° 53' 37.0"
25.	Hérou Boularé	13° 36' 44.6"	00° 54' 00.8"
26.	Tchintchirguel	13° 27' 09"	01° 01' 13.8"
27.	Nababori	13° 24' 26.8"	01° 02' 03.6"
28.	Mandaw	13° 20' 19.2"	01° 08' 21.4"

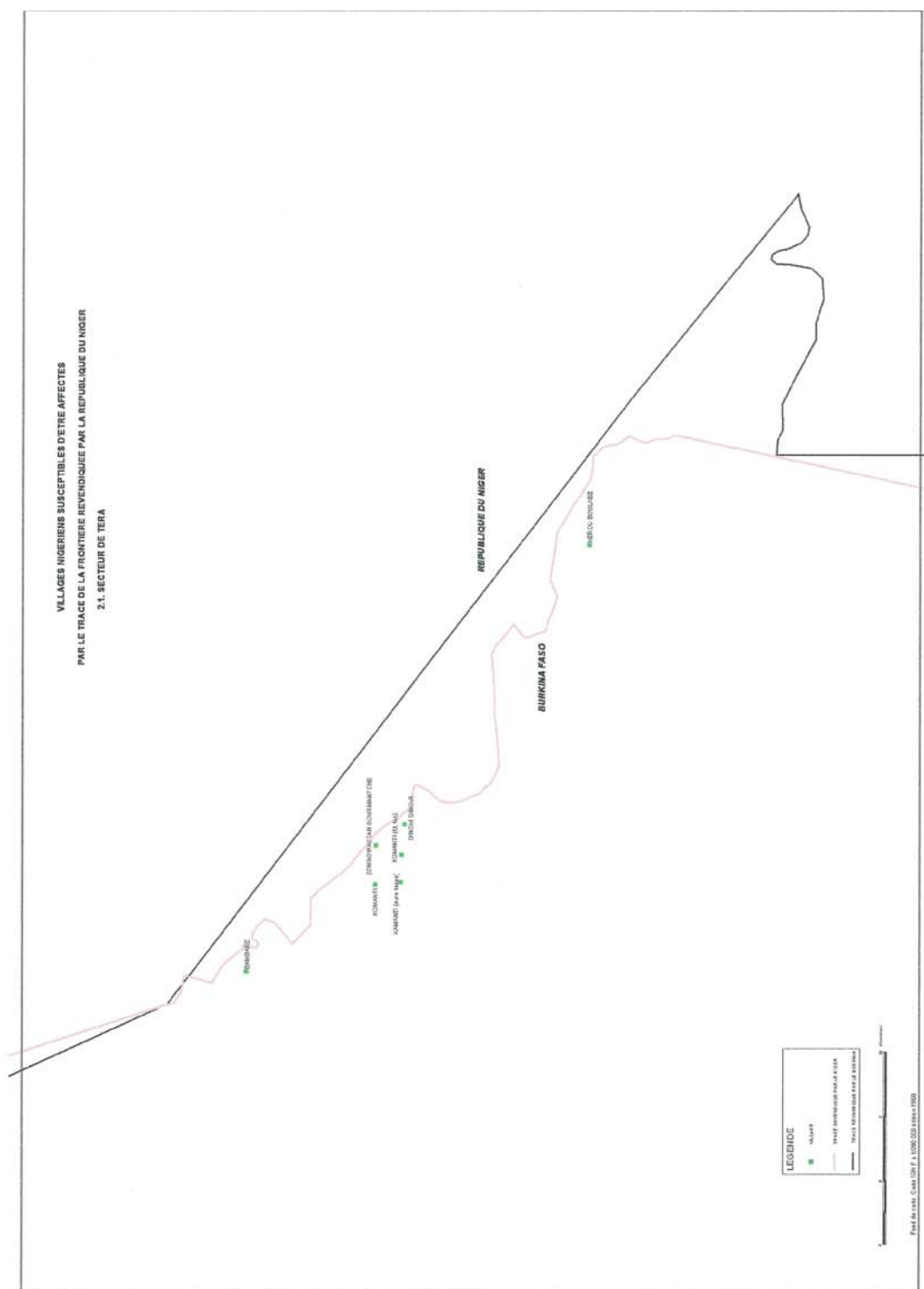
Say sector: 19 villages



No.	Niger villages affected by the line claimed by Burkina Faso	Co-ordinates	
		Latitude North	Longitude East
1.	Kankani	12° 39' 40.8"	01° 35' 57.8"
2.	Nioumpalma	12° 40' 41.3"	01° 39' 21.0" E
3.	Bounga Bounga	12° 41' 54.3"	01° 36' 17.7"
4.	Fombon	12° 43' 00.0"	01° 33' 35.0"
5.	Foltingou	12° 42' 05.8"	01° 32' 06.4"
6.	Tabaré	12° 39' 43.8"	01° 37' 55.2"
7.	Mangou		
8.	Latti		
9.	Bandiolo		
10.	Kerta		
11.	Danbouti		
12.	Golongana		
13.	Dissi		
14.	Kakao Tamboulé		
15.	Koguel	12° 48'	01° 09'
16.	Hantikouta	12° 48'	01° 07'
17.	Boborgou Saba (Dogona)	13° 03' 10.2"	01° 01' 46.2"
18.	Déba	13° 03' 33.9"	01° 02' 00.8"
19.	Béla	13° 03' 36.5"	00° 58' 52.8"

Niger villages liable to be affected by the frontier claimed by the Republic of Niger

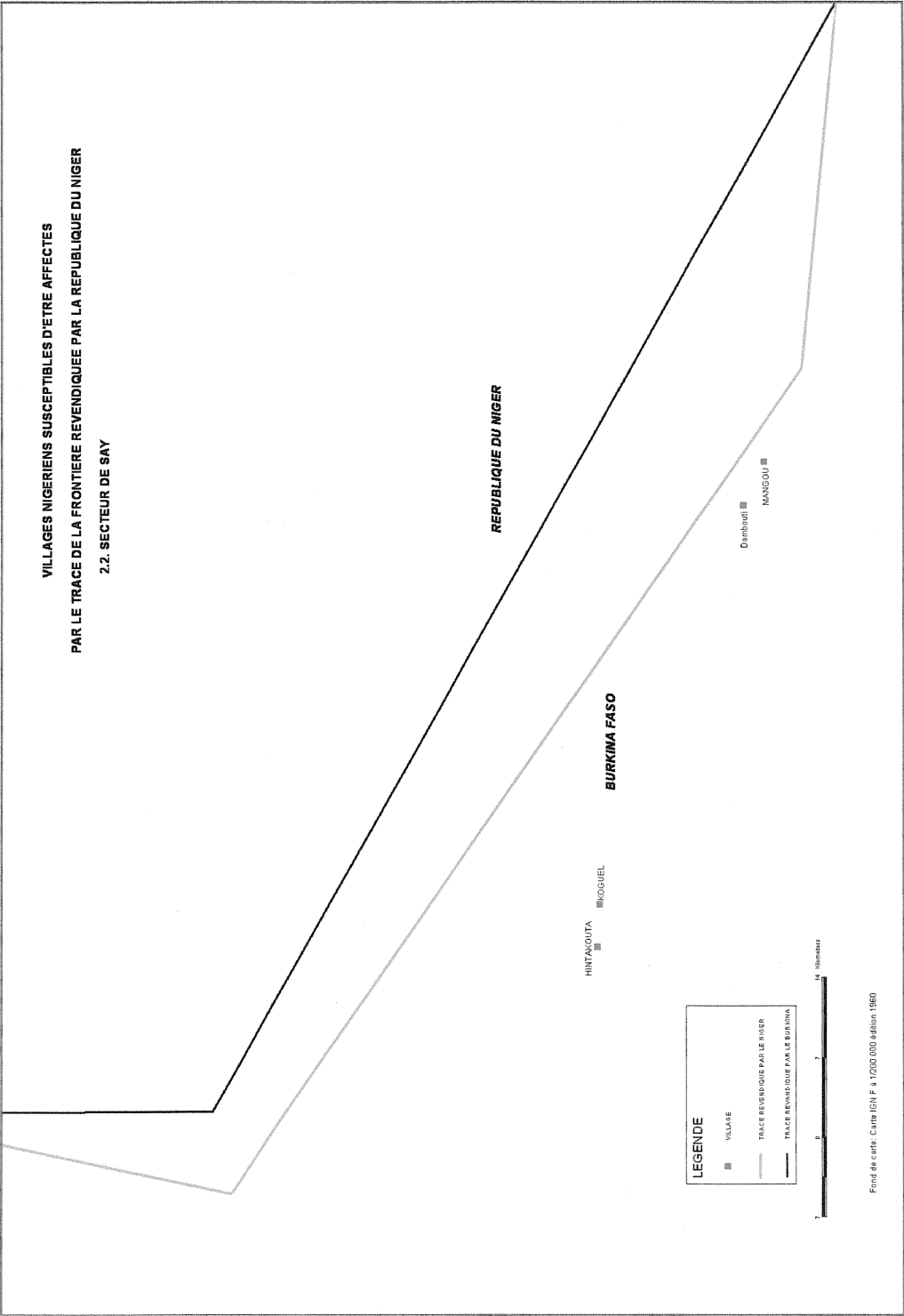
Téra sector: 7 villages



No.	Niger villages affected by the line claimed by Niger	Co-ordinates	
		Latitude North	Longitude East
1.	Bambaré	13° 58' 07.5"	00° 24' 53.7"
2.	Komanti	13° 49' 11.3"	00° 30' 52.4"
3.	Kamanti (Ouro Toupé)	13° 47' 29.4"	00° 31' 00.8"
4.	Zongowaétan (Fété Tao)	13° 47' 25.0"	00° 32' 50.2"
5.	Zongowaétan gourmantché	13° 49' 08.6"	00° 33' 29.4"
6.	Ouro Tambella (Dingui Dingui)	13° 47' 13.3"	13° 47' 13.3"
7.	Gourel Manma	13° 41' 05.2"	00° 45' 23.2"

Niger villages liable to be affected by the frontier claimed by the Republic of Niger

Say sector: 4 villages



No.	Niger villages affected by the line claimed by Niger	Co-ordinates	
		Latitude North	Longitude East
1.	Mangou		
2.	Koguel	12° 48'	01° 09'
3.	Hantikouta	12° 48'	01° 07'
4.	Danbouti		

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[The Annexes have not been translated]

- A. Decision A/DEC.5/10/98 of 31 October 1998 regulating transhumance between ECOWAS Member States;
 - B. General report on the consultation meeting on cross-border transhumance, held in Dori, Burkina Faso, on 19 and 20 December 2002 following the meeting on animal transhumance held by ministers responsible for animal husbandry from the Member States of the Economic Community of West African States (ECOWAS) in Ouagadougou, Burkina Faso, on 9 and 10 October 2002;
 - C. Protocol of Agreement establishing a consultation framework between Burkina Faso and the Republic of Niger, signed at Tillabéry on 26 January 2003.
-