

# Competing over Water and Land in the Pastoral Areas of the Diffa Region in Niger



Integrated Master Thesis by Signe Marie Cold-Ravnkilde, submitted to  
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## **Abstract:**

På Kanten af Sahara-ørkenen er konkurrencen om de sparsomme græs- og vandressourcer hård. Dette har de seneste årtier givet anledning til voldelige konflikter mellem grupper af nomadiske kvægavlere, der lever på disse kanter.

De voldelige konflikter er ikke mindst blevet intensiveret som resultat af udviklingsprojekters forsøg på at skaffe vandforsyning og styrke kvægproduktionen.

Grundet en svag stat og konkurrerende restsystemer i Niger er handlingsarenaen for disse konflikter informeret af et væld af retslige og ikke-retslige regler. Denne retslige pluralisme er til dels et resultat af vestens forsøg på at eksportere idealer om retfærdighed, ejendomsret og offentlig myndighed til disse områder i udkanten af staten.

Endvidere er disse idealer betinget af modsatrettet ideologisk indhold. Den ideologiske strid udspiller sig i mellemtiden mellem universalismens forsøg på at skaffe lige rettigheder for alle og kulturel relativismens krav om kulturel anerkendelse. Disse stridspunkter har hver især influeret udviklingsparadigmer siden 1960'erne. Ikke desto mindre viser de seneste årtiers tendenser, hvorledes krav om at tage lokale kulturelle skikke og praksisser i betragtning i retslige rammer, har vundet indpas i udviklingsdiskurser i overensstemmelse med den kulturelle fordring. Desuagtet er også denne fordring i lighed med universalismen et udtryk for vestlige ideologiske investeringer, der hver især har sine styrker, men også utilstrækkeligheder, når de transporteres udover den kontekst, hvori de opstår.

Den for undersøgelsen nærværende handlingsarena udgør det rum, hvori konflikter om rettigheder og offentlig myndighed udspilles. Konflikterne kan ses i lyset af udviklingsprojekters paradigmatisk forsøg på at transportere rettigheder, institutioner, udviklingsprojekter og deres ideologier til det forarmede Niger i håbet om frihed og en bedre verden i udviklingens navn.

Dette speciale undersøger den handlingsarena, hvori pastorale gruppers rettigheder til naturressourcer i de sydøstlige egne af Niger til stadighed forhandles, udfordres og undermineres. Dette konflikthæftede felt angribes ud fra en tværfaglig tilgangsvinkel inden

for fagene Internationale udviklingsstudier og Filosofi.

Undersøgelsens udgangspunkt er det filosofiske, idet begreberne ejendomsret, offentlig myndighed og social retfærdighed underkastes en læsning af universalismens og kulturrelativismens forskellige tilgange til rettighedsdiskussionen.

Specialet undersøger derpå, hvordan de to positioners forskellige opfattelser af ejendomsret, offentlig myndighed og social retfærdighed afspejles i regler og adfærd i en handlingsarena, der er præget af skarp konkurrence om knappe naturressourcer i de fjerntliggende egne af Niger, verdens fattigste land<sup>1</sup>.

Den empiriske undersøgelse af specialets genstandsfelt er foretaget på baggrund af et feltarbejde i Nigers pastorale egne. På baggrund af dette feltarbejde har jeg indsamlet et tilstrækkeligt empirisk materiale til at udpege nogle handlingssituationer, der kan danne baggrund for forståelsen af de mulige handlingsmønstre og udfald som handlingsarenaen muliggør.

Ud fra en institutionel analyse, viser specialet således, hvordan tilstedeværelsen af konkurrerende ideologier i et sæt af misvisende regler som ofte ikke stemmer overens indbyrdes giver anledning til konflikter, som kan føre til social eksklusion. Denne eksklusion sker på baggrund af regler, der tilsigter kulturel anerkendelse, men som samtidig sker på bekostning af de grupper, der ikke har noget at tilbyde i de afgørende forhandlingssituationer om adgang til vand og græs, der kan sikre deres dyrs sårbare overlevelse.

Ud fra en diskursanalyse af henholdsvis loven og de pastorale gruppers indbyrdes kamp om rettigheder til vand og græsningsarealer vises det, hvorledes henholdsvis universalismens og kulturrelativismens stridspunkter kommer til udtryk, og påvirker de mulige handlingsmønstre i den undersøgte handlingsarena.

Formålet med denne tværfaglige undersøgelse er således at diskutere begrebernes og deres ideologiske investeringers anvendelighed og mulige tilpasning til den undersøgte kontekst.

### **Keywords:**

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<sup>1</sup> Ifølge FN's human development index, 2006

retslig pluralisme, konflikter, naturressourcer, universalisme/kulturrelativisme,  
ejendomsret, offentlig myndighed, social retfærdighed, anerkendelse, inklusion/eksklusion,  
ideologi, diskursanalyse, pastorale kvægbrug

### *List of Abbreviations*

**ADDR** Appui Danois au Développement Rural

**AREN** The Association for the Regeneration of Animal Breeding in Niger (Association de Redynamisation d'Élevage au Niger)

**CARE** Cooperation for Assistance and Relief Everywhere

**CBO** Community Based Organisation

**CDG** Comité de Gestion

**CDK** CARE Danmark

**CRAC-GRN** Cellule de Recherche Action Concertée sur la Gestion des Ressources Naturelles, a part of SOS Sahel International Niger

**CSO** Civil Society Organisation

**FNIS** Forces Nationales d'Intervention et de Sécurité

**GGA** Groupement de Gestion des Approvisionnements

**GGCRN** Groupement de Gestion Concertée des Ressources Naturelles

**CPE** Comité de Gestion de Point d'Eau

**GPS** Geographic Point System

**GRN-PAIX** Natural Resource Management and Promotion of Peace Culture

**IIED** International Institute for Environment and Development

**IDS** International Development Studies

**MMD** Mata Matsu Dubara, CARE's micro finance programme for women

**MSC** Major Significant Changes

**NGO** Non-Governmental Organisation

**PRA** Participatory Rural Appraisal

**PROGRES** Programme for Equitable Natural Resource Management and Civil Society Strengthening

**RECAP/D** Capacity Building for Decentralization in Pastoral Area

**RSC** Redistribution Sociale du Cheptel

**SEMPA** Strengthening the Economy of Pastoral Households

**SWOT** Strengths, Weaknesses, Opportunities and Threats

**TOR** Terms of Reference

## *Preface*

*The cover illustration is a horse race at the pastoral site of Nouroua taken during my field work in Diffa*

The present study is being submitted as an Integrated Master Thesis at the Roskilde University (RUC). The dissertation was written at International Development Studies (IDS) under the supervision of Professor PhD Christian Lund, and Philosophy and Theory of Science under the supervision of Professor Emeritus Ib Martin Jarvad. I thank both for the open-minded attitude to the interdisciplinary approach of the thesis, for introducing me to a field I do intend to continue exploring and for their outstanding intellectual capacities.

The main part of the fieldwork behind this thesis was carried out in relation to an internship from October 2005 to March 2006 with CARE Danmark at CARE's regional office in Diffa. The internship was affiliated to CARE Danmark's programme "Programme for Equitable Natural Resource Management and Civil Society Strengthening" (PROGRES).

This work could not have been done without the help I received from the PROGRES team, to whom I am very grateful. I would also like to thank the pastoral communities in Nouroua and Karia who welcomed me warmly and patiently put their time at my disposal during each of my field trips.

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# **PART 1: INTRODUCTION, THEORETICAL FRAMEWORK AND METHODOLOGY**

## ***Chapter 1: Introduction***

### **1.1 Introduction**

They won't let us stay where the good pastures are. They have made a line, which demarcates that the pastures south of the wells are theirs. That is not normal. Our animals are not at ease here (personal information, WoDaaBe camp, Karia, January, 2006).

Rights have become a focal point for increased attention in relation to third world development, both on political agendas in general and among scholars of development societies in particular. The debate often focuses on classical human rights, but other types of rights have become centre of attention in the context of development, such as cultural rights, social rights and property rights as rights to natural resources or intellectual property (Lund, 1997a). The concern here is that of property rights to natural resources.

Although requiring increased attention in the development context, issues of rights are mined with old questions and dilemmas. This thesis claims that both points of contest in the ideologies of universalism and cultural relativism are reflected in issues of property rights to natural resources in Africa. Universalism is based upon the idea that all human beings are equally worthy of respect. Cultural relativism assumes that there is no culture whose values and customs dominate in a moral sense. The points of contest are revealed in diverging assumptions about what property, public authority and social justice are. However, despite their differences the ideologies share common elements. Most importantly a moral principle of social inclusion. The problem is that if these assumptions turn out to be wrong or only have circumstantial validity, then not only may the rules and practices based on them fail to achieve the expected results, but they may also intensify the problems they seek to address (Lund, 2001:144).

The circumstantial validity is often due to the fact that the philosophical reasoning about these concepts has occurred in a context different from the one to which the concepts are applied. Therefore, the present task consists in identifying the problems arising when operating in a cultural setting that is different from the one in which the concepts were originally applied. Part of the problem is that the philosophical dilemmas in the ideological

debate are simultaneously transported to the developing world. Engaging in this task presupposes the ability to look into what connotations our concepts carry when travelling across national borders.

In Africa the question of property has been a continual theme for scholars since early colonisation. As part of an ongoing political process, securing property is dependent on social institutional recognition. Traditionally the state has been the protector of property rights, at least in the West. Thus, property and the protection of property rights have been notoriously linked to the notion of public authority and the view of the state.

It is argued here that the struggle between universalism and cultural relativism still structures the way in which the Western donor society influences and shapes the developing world.

Particularly in Africa, the question of pastoral land tenure is a prime example of how struggles in the Western-inspired, north-Atlantic mindset have been transported to the developing world in the name of progress, economic growth, equality in rights and emancipation. On the one hand there has been an attempt to standardise legal frameworks and land tenure practices with uniform rules, which apply equally to all in the name of universalism. On the other hand, during the last 15 years there has been an attempt to take the various local practices and customary rights into account in legal frameworks.

Through an interdisciplinary approach, this thesis investigates how these tensions and the underlying assumptions inform and shape development efforts and their effects (Jarvad, 1993). I shall point, furthermore, to some of the weaknesses in the underlying assumptions and implied consequences. The intention is not to replace one set of assumptions with another, but merely to point out that the multiple, shifting and constantly re-negotiated practices of rural Africa warrant empirical validation (Lund, 2001:145).

## **1.2 Problem Field**

In Niger various systems of rights co-exist, such as customary law, Islamic law, colonial regulations and the statutes of the State of Niger, introduced following independence in 1960 (Toulmin, 2000). Thus, Niger is an example of how colonial and post-colonial systems of rights and their ideological investment have been transported across the borders

of their origin. Hence, the dilemma of universalism and cultural relativism can be identified in the institutions governing natural resource management. The example to be investigated is the set of philosophical assumptions behind the rules governing how herders of livestock gain property and access to natural resources in the pastoral areas of the Diffa region in south-eastern Niger. This area has been chosen because conflicts over water and rangeland have been worsened alongside the implementation of cement-lined wells and bore holes. In the Diffa region the modern water supply infrastructures were a result of externally-funded water programmes, which were intended to boost livestock production and open rangeland that was otherwise inaccessible owing to the unavailability of water during the dry season (Thébaud and Batterbury, 2001). However, the strategy of the placement of wells was determined by technical criteria, which did not take into account the already existing systems of property and public authority over water and land when installing the wells. In particular, the fact that the right of access to land is controlled by the right of access to water in pastoral areas was not taken into account. At the same time, the modern wells allow for a large number of animals to be watered. Owing to its weak capacity the state could not enforce regulations to control access to water, so the capacity of the surrounding rangeland was exceeded. Consequently, open access to the modern wells became the rule and modern water points became locations of violent conflicts and armed rivalry between the pastoral communities. The lack of regulations concerning access to modern water points led to the degradation of the rangeland and furthered conflicts, which are still ongoing. These empirical consequences have shifted the focus in the policy arena towards a more cultural relative approach to herders' property rights to natural resources.

An example of this shift in focus is Niger's Rural Code, which was adopted in 1993. The Rural Code secures tenure and property rights to natural resources at the local level. International NGO's have simultaneously focused on pastoralist societies because they are often marginalised in their rights and weakly represented at government level. CARE is an example of an NGO that addresses issues of good governance and unequal and conflict-ridden access to resources within the framework of a rights-based approach in Diffa. This has been done partly by creating community-based natural resource management organisations. Such an institutional constellation politically empowers certain groups to control their resources in post-conflict areas.

This thesis investigates how philosophical assumptions about property and its relation to the notions of public authority and justice in Western political philosophy are reflected in both national legislation and in international development practices governing rights to natural resources in Niger. And it investigates the effects of these struggles on the ground. The case to be investigated is that of competition over common property natural resources, particularly water and pastures in pastoral areas in the Diffa region in south-eastern Niger.

### **1.3 Research Question**

With its point of departure in an interdisciplinary approach this thesis explores the following research question:

*What philosophical assumptions about property, public authority and social justice in the ideological struggle between universalism and cultural relativism can be identified in the rules and practices governing access to wells and pastures in the pastoral areas of the Diffa region; and what are the effects of the competition over property and public authority over natural resources in Niger's pastoral areas?*

In order to answer the research question I investigate the following sub-questions:

1. How are assumptions of property, public authority and justice conceptualised in universalism versus cultural relativism, respectively (Chapter 4)?
2. How are the diverging assumptions in the ideological struggle between universalism and cultural relativism reflected in the rules in use of natural resources in Niger's pastoral areas (Chapter 8)?
3. How do the actors operating in the action arena interpret, use and negotiate the rules in use in competition over property and public authority (Chapter 9)?
4. What is the outcome of the competition over property and public authority in the action arena in the light of the philosophical assumptions (Chapter 9)?

### **1.4 Structure of the Thesis**

The thesis is divided into four parts. Part 1 introduces the subject area, determines how to conceptualise it theoretically and investigate it methodologically (Chapters 1, 2 and 3). Part 2 contains a philosophical analysis of the concepts of property, public authority and justice in the ideologies of universalism and cultural relativism respectively (Chapter 4). Part 3 contains the case study analysis and is the core body of the thesis. It is divided into four chapters: first, I give a presentation of the physical material conditions and the attributes of

the pastoral communities of the Diffa region (Chapter 5). Second, I present the action arena and its actors (Chapter 6). Third, I lay out the legal framework (Chapter 7). Then I demonstrate how points of contest between universalism and cultural relativism can be identified in the rules in use (Chapter 8). Fourth, I show how the actors react and behave within the institutional framework in actual situations and discuss the consequences of the rules in use in relation to how people behave in the competition over access and authority over wells and pastures in Diffa in the light of the philosophical assumptions (Chapter 9). Part 4 consists of the conclusion (Chapter 10).

## ***Chapter 2: Theoretical Framework***

### **2.0 Introduction**

In this chapter I present the overarching theoretical framework. The theoretical framework embraces the three analytical dimensions of the thesis, which will be described in Chapter 3.

### **2.1 Theoretical Framework**

In this thesis I investigate how *the rules in use* influence how actors behave in conflict situations characterised by competition over property and public authority over natural resources. The leading theoretical framework for my investigation is *neo-institutional*.

Neo-institutionalism, as opposed to institutionalism, is characterised by its perception of informal structures and institutions as systems of knowledge and cultural codes, which can be as important as the formal institutions and structures (Mac, 2005: 70). Thus institutions are defined as:

... multifaceted systems consisting of rules, norms, rights, authority relations that condition behaviour and meaning at different levels of social organisation as such institutions consists of cognitive, normative and regulative structures, and activities that provide stability and meaning to social behaviour. (Scott, 1995:33 as quoted in Velded, 1997:13)

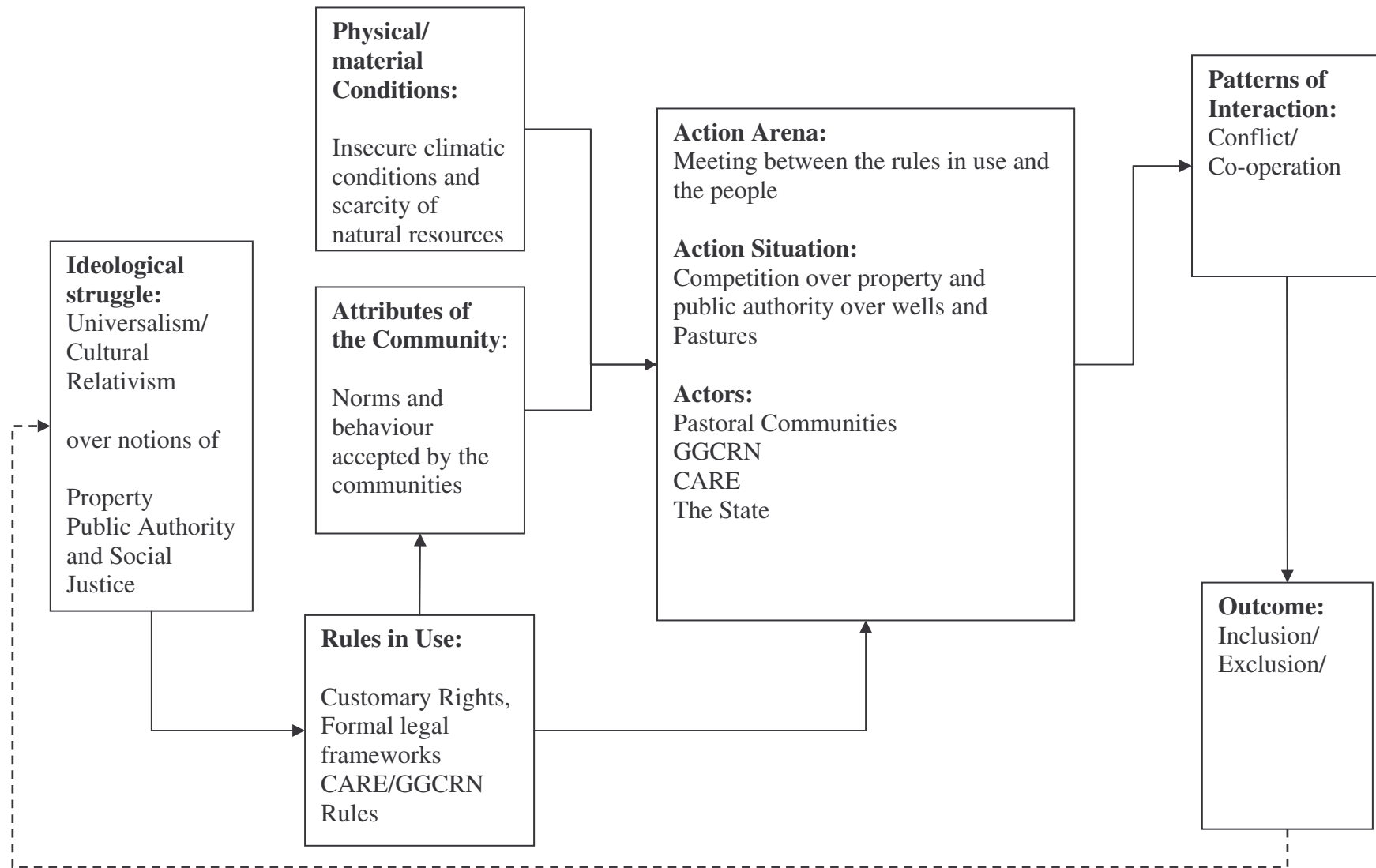
This definition is important in order not to overestimate the influence of formal systems in developing countries where the capacity of the state is limited.

Furthermore, the theoretical framework is expanded to include the philosophical dimension (see figure 2) and its influence in an action arena.

The theoretical framework follows the political scientist Elinor Ostrom's "Framework for Institutional Analysis": I do not, however, use it in a strict sense. Her model is adjusted and complemented with theory and information relevant for this present study. I take an additional step after making an effort to identify the initial structures of the action arena. This step consists in uncovering the ideological assumptions, which form the rules that affect the structure of the action arena. Furthermore, I argue that the outcome of the action arena can be used to reshape the philosophical assumptions in the ideologies.



**Figure 1: The Framework for the Institutional Analysis**



*Source of Inspiration: Ostrom, 1999: 42, Larsen, 2007*

The model illustrates the argument of the thesis: *Philosophical assumptions* about property, public authority and social justice in the ideological struggle between universalism and cultural relativism conditions in the *rules in use* (customary rights, national legal framework and CARE's institutions – CCGRN's rules, which will be explained in the next chapter). The *attributes of the community* (norms of behaviour<sup>2</sup> generally accepted in the community, level of common understanding and distributions of resources among the affected) are conditioned by the rules in use. Furthermore, the attributes of the community and the *material/physical conditions* influence the patterns of behaviour in the *action arena*, within which actors compete over property and public authority in relation to natural resources. The patterns of interaction lead to an *outcome* of exclusion or inclusion of actors. As mentioned in the introduction, both ideologies shared an idea of social inclusion in their concept of social justice. Hence, the outcome of *patterns of interaction* can be used as evaluative criteria of the outcome and the patterns of behaviour in the light of the philosophical assumptions in the ideologies. Evaluation of the outcome can possibly adjust the assumptions.

In other words, the outcome of the institutional arrangement depends upon the characteristics of the social field in which the law (rules in use) is at work. This field is called an action arena. The term action arena refers to the social field where individuals interact, fight or compete (among the many things people can do in action arenas). The action arena includes *action situations* and its *actors* (Ostrom, 1999: 42). The action arena is structured by material conditions, the attributes of the community and the rules in use.

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<sup>2</sup> Norms are generally defined as rules for behaviour. Norms are the standard referred to when an action is judged, accepted or rejected (Schaumburg-Müller and Selmer, 2003). Or as Ostrom defines them: shared prescriptions that tend to be enforced by the actors themselves through internally or externally imposed inducements (Ostrom, 1999: 37).

## ***Chapter 3: Methodological Reflections***

### **3.0 Introduction**

On the basis of the theoretical framework presented above, this chapter contains the methodological reflections related to answering the research question. It consists of two main parts: one contains the methodological approaches in the thesis as a whole including the integration of the disciplines, scientific positioning, the philosophical approach including analytical dimensions, the choice of theorists and the strategic use of discourse analysis. The second part contains the empirical considerations about the choice of empirical data and delimitations, the methods used to carry out the field work and reflections on the difficulties, validity and generalizability of the findings.

### **3.1 Integrating the Disciplines**

My interdisciplinary approach is justified by the theoretical framework, since the theoretical framework contains elements of both disciplines. From an academic disciplinary perspective my integrated thesis is being written in what can be perceived as a ‘no-man’s-land’ between philosophy and international development theory. That place has no clearly defined or delimited field or traditionally any clear and coherent methodology.

The risks are that the traditional development research community might find my work too abstract and not grounded enough while the philosophical community might find it too focused on application. The message is perhaps that the thesis must be evaluated on the basis of the goals and methodological premises that I set myself.

It is necessary for the two disciplines within which I am working to accept their differences; at the same time a conscious compromise, in the form of adjustments to the aims and methodology of the other discipline, must be made. In an optimal integration the parties involved should not end up looking the same but learn from each other.

Thus, the interdisciplinary approach in this thesis presupposes that

... theories and schools with antagonistic philosophical viewpoints and assumptions may contain complementary insights and findings (Jarvad, 1993: 396).

and that the theories of philosophy and international development studies are used to cross the borders of the single disciplines when needed (Jarvad, 1993).

To give an example: in my case analysis several explanations are relevant, depending on focus, discipline and theory, not to mention the historical, cultural, social, economic and political complexity of the matter.

This being said, the antagonism between the disciplines is illustrated in the ideological struggle between universalism and cultural relativism in relation to property rights and the role of institutions of public authority in protecting property rights.

The antagonism between these positions is informed by two basic ideas. On the one hand there is the idea of universal, inviolable individual rights in the liberal political philosophy. On the other hand there is the idea that different cultures interpret the world differently and that cultural norms cannot therefore be transferred to other cultures as claimed in cultural anthropology. Given the premises of the research object of this thesis, it might seem as if I have already taken my point of departure in the ideology of cultural relativism. However, that would first of all be taking for granted what I was trying to prove, and furthermore a gross simplification.

Moreover, it is my belief that philosophy has always played an indirect role as part of the foundation on which much developmental theory is based. The socio-anthropological approach and 'post-modern' trends exemplify how the disciplines have been united. At the same time, there are deviants within each field of study. In the tradition of universalism the philosopher of natural rights, *Hugo Grotius* (1583-1645), who laid the foundations of international law, recognised earlier forms of property relations and their institutions within the state of nature (Jarvad, 2005).

I thus argue that the antagonism is not so profound that both disciplines cannot mutually benefit from the integration. Although they are antagonistic positions they have important elements in common. There is a relativist element in universalism, since the idea of universal rights is neither universal nor transcendental but relative to historical circumstances. On the other hand, cultural relativism contains a universal ambition since it claims that cultures have an equal right to be different, unique and distinct (Lund, 1997a). This universal moral principle does not fall under the scope of relativism itself without being self defeating. In this way, the ideologies share a universal moral principle of social inclusion in their concept of social justice.

This debate also illustrates exactly the central problematic of the present thesis; namely, how to take into account cultures, their forms of life and institutions in democratic legal frameworks.

By using these antagonistic positions I identify essential points of contest within the legal repertoire on natural resource management. It is important to be aware of these ideological struggles when making rules and legislation in pastoral areas, where people's livelihood strategies are dependent on the ability to continuously cross national and municipal boundaries – a starting point which makes modern state formation a difficult task in these areas. Conversely, it is my ambition to show that the study of concrete political situations can be used to adjust the philosophical ideas and theories, which shape our understanding of the world. This constitutes a mutual influential dialectic between theory and practice.

### **3.2 Scientific Positioning**

My scientific approach and positioning have already been indicated in the previous sections. I do, however, find it necessary to elaborate on and clarify the ontological and epistemological presuppositions in the thesis.

Given the dialectical relationship between theory and practice mentioned above, the scientific position of this thesis falls within that of critical realism<sup>3</sup>. Critical realism accepts that social phenomena have an 'objective' existence independent of our knowledge and conceptualisation about them<sup>4</sup>. This reality is, furthermore, not immediately observable or accessible since scientific research is conditioned by the delimitation and subjectivity of the scientist (Danermark 2002: 26). Thus, critical realism attempts to mediate between relativistic and idealistic scientific ideals. According to the first position, reality only exists through the discourses that describe it; in the second positivist position, reality can be objectively tested and hypotheses about it can either be verified or falsified on this basis (Juul, 2002: 110-111). Both positions demand a modification because both of them end up in the problem of accounting convincingly for the relation between the subjective and the objective aspect of research (Danermark, 2002: 135). Critical realism thus claims a

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<sup>3</sup> For further inspiration see Harrebye, 2007.

<sup>4</sup> One may distinguish between a soft epistemological constructivist programme and a strong ontological constructivist programme (Colin 2003: 23)

dialectical relation between subjectivity and the objectivity of the world as it is independent of our subjectivity.

An illustrative example of the dialectical relationship between theories and reality is provided in the present thesis. Although I shall come back to this point later on: One of the dividing lines between universalism and multiculturalism is their perception of common property. Based on empirical research, the cultural relativists claim that what the universalists refer to as 'commons' e.g. unregulated use of common property is not an adequate description of common property e.g. community based regulated use of common property. Thus they have created another term for the commons, namely open access. This distinction has changed much theorising about the commons since. The created distinction shows how scientific theories and discourses of a phenomenon, the commons, has been changed and has modified the discourses according to the empirical observations.

The dialectical relationship between subjectivity and objectivity in this thesis is furthermore illustrated in the way ideological struggles influencing both the rules in use and the actors' perceptions thereof determine the outcome of an action arena. Vice versa, the outcome of the action arena can be used to adjust our assumptions about the social reality. However, the ambition is only to point out the dialectic not to engage in the 'positive program' of defining new theories – at least not within the limits of this thesis.

### **3.3 Philosophical Approach**

Philosophical methodology in general is not a well-defined toolbox with clear fields of application and instructions. When confronting the literature and philosophers with the question of what the philosophical methods are per se, I never found clear answers. Clarification, specification and typologies of concepts such as knowledge, justice, happiness etc. have always been a central part of philosophy and can broadly be understood as conceptual analysis.

In this thesis my philosophical approach consists of an argumentative reading of prominent philosophers as well as more contemporary theories, which I classify within the positions of cultural relativism and universalism. These positions are useful categories when clarifying contesting views of property, public authority and justice; however they have not necessarily been identified or claimed by the theorists themselves. They are normative,

since they both entail prescriptions of which ways of organising society are better, more cost-efficient, more respectful of human dignity etc. I argue that since the diverging views upon these concepts are normative theories, they can be classified as ideologies. Ideologies in this aspect are defined as

Significations/constructions of realities (the physical world, social relations, social identities), which are built into various dimensions of the forms/meanings of discursive practices (Fairclough, 1992: 87)

I will return to the role of discourse analysis in the following paragraphs.

### **3.3.1 Choice of Theorists**

Focusing on the philosophical assumptions about property, public authority and justice within practices and rules in use in an action arena, my use of theory is eclectic because I incorporate many philosophers instead of focusing on one in particular. I see this as a necessity for a broad spectrum of philosophical insight and backup for defining the assumptions about property and public authority in the ideological struggle between universalism and cultural relativism.

The central philosophers and theorists do not represent an exhaustive list of universalistic and cultural relativistic thinkers, nor the variety of arguments in favour of each position; but their theories sufficiently represent the assumptions about property and public authority in universalism and cultural relativism, which can be identified in the rules in use.

As a representative of universalism the British philosopher John Locke (1632-1704) defended the ideas of universal natural rights and all individuals being equally worthy of respect in classical liberalism. These ideas have been hallmarks in the modern western system of justice (Dahl Rendtorff, 2005, Lübcke, 1998)<sup>5</sup>. Garret Hardin's argument of the *Tragedy of the Commons* is chosen because, in line with Locke, it justifies private property as a superior production form. Finally John Rawls' theory of justice (1971) is chosen as representing an important defence of a universal theory of justice.

As representatives for cultural relativism, Elinor Ostrom, Thrain Eggertsson and Brigitte Thébaud's arguments are chosen as opponents to the "tragedy of the commons." Christian

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<sup>5</sup> Immanuel Kant's and Jean-Jacques Rousseau's notions of liberty, equality and brotherhood played a significant role in the shaping of the ideas of equal liberty for all in post-feudal society. However, given the scope of this thesis, I cannot cover the entire history of modern liberal political philosophy, although other philosophers are cited when necessary.

Lund's theory of *Twilight Institutions* is representative of a cultural relative conception of public authority in Africa. In favour of a cultural relativist political doctrine the multicultural claim to politics of recognition is presented by the Canadian philosophers Charles Taylor (1994) and James Tully (1995). It should be noted that the anthropological account for a more context-relative description of these phenomena does not necessarily entail a normative claim that this is the way things ought to be. That would be a *Naturalistic Fallacy* (Moore, 1959). Lund for example argues in favour of a compromise between universalism and cultural relativism (Lund 1997). Other claims that a mere description of the facts is not enough to make them right or just (Schaumburg-Müller, 2003). However, Ostrom, Eggertson and Thébaud all see regulated common property in Africa as a more cost-efficient system of management and other claims that in order for laws and reforms to be just they have to take into account cultural diversity (Odgaard, 2003, Thébaud and Hesse, 2006). So there are differences in degrees to how far down the extremes the theorists agree to go. I perhaps boldly, place Moore, Ostrom, Eggertson, Lund, and Thébaud in the category of cultural relativism. Despite the risk of creating dialectical opposites I do this in order to identify positions in the discourse. The reason for this categorization is that their theories lead to the conclusion, that if local property protecting institutions other than the state are ignored in legislation and legal framework it happens at the expense of those peoples rights, which these institutions protect. Consequently, such legal framework is unjust. However, one can argue that the mere description of the fact that institutions protecting property are multiple does not imply that they ought to be so and hence the theorists above are not obliged to cultural relativism. Nevertheless, this simplification is necessary in order to identify the ideological investments.

### **3.3.2 Analytical Dimensions**

The ideologies will be treated in three analytical dimensions of the action arena. The three dimensions in which the ideological struggle exists and within which I am operating are: the philosophical dimension (Chapter 4), the institutional dimension ideology (Chapters 7 and 8) and the behavioural dimension (Chapter 9). All three dimensions are present in the theoretical framework of an institutional analysis, as presented in Chapter 2.

I move between these different dimensions throughout my thesis. It is important to be aware of these moves because the links between them are slippery slopes as the dimensions are interconnected.



**Figure 2: Methodological design**

<b>Analytical Dimensions</b>	<b>Philosophical</b> <i>Ideological struggle</i>	<b>Institutional</b> <i>Rules in use</i>	<b>Behavioural</b> <i>Action Situations</i>
<b>Methods applied</b>	Philosophical reading of the philosophical assumptions about <ul style="list-style-type: none"> <li>• Property</li> <li>• Public authority</li> <li>• Justice</li> </ul> in universalism and cultural relativism	National Legislation CARE reports GGCRN  Interview with key persons in CARE Desktop study of CARE's working principles and reports	Fieldwork in two selected pastoral sites within the Diffa region:  Qualitative methods: semi-structured interviews, focus group interviews, (discourse analysis of interviews) direct observations, PRA and SWOT  Quantitative methods: Questionnaire-based survey of participation in local management committees

← Discourse analysis →

The model shows the three dimensions: the *Philosophical dimension*, which investigates the underlying assumptions about the core concepts in the ideological struggle between universalism and cultural relativism. The empirical analysis has two dimensions: the *Institutional dimension* of the legal and institutional framework, which includes a discourse analysis of the rules in use in order to identify the ideological assumptions within the institutional framework; and the *Behavioural dimension*, which includes an empirical analysis of how actors compete over property and public authority in the action arena in which patterns of behavioural interaction occur (see figure 1 in Chapter 2). The bridge between the three dimensions is provided by a discourse analysis.

### **3.3.3 Discourse Analysis**

As the model shows, what makes me able to move between the dimensions is the discourse analysis. Discourse analysis is thus used as a conceptual means to understand and uncover hidden assumptions in the broad range of material used; it is not applied as a grand explanatory theory (Mouzelis, 1995: 2). Instead the discourse analysis constitutes one of the tools within a larger operational toolbox of the analytical complex of the thesis.

Discourse analysis is a difficult term because there are several conflicting and overlapping definitions formulated from various theoretical and disciplinary standpoints. However, my definition and use of discourse analysis are in line with Norman Fairclough, who regards language as a form of social practice and hence uses language analysis as a method of studying social change (Fairclough, 1992: 1).

Discourse analysis is often related to the scientific position of social constructivism (or idealism as described in 3.2) in the sense that the empirical phenomena that we normally perceive as existing independent of our knowledge of them are in fact constructed by our knowledge, language and social practices (Colin, 2003: 11). For example, proponents of more radical versions of social constructivism, such as the influential French philosopher Michel Foucault, claimed that discursive practices constituted objects of knowledge (Foucault, 1972: 32). In my own standpoint I stress the ideological nature of language use. However, in opposition to Foucault and in line with Fairclough and critical realism (see 3.2) I demonstrate the dialectical relationship between the discursive practices and the outcome of social interaction (see model in Chapter 2). By uncovering ideologies and creating critical awareness of the hidden ideological assumptions and the social practices

they inform, social actors can reshape and adjust the assumptions (Fairclough, 1992: 45). Although the ideologies are built into various dimensions of the discursive practice, which structures our knowledge of the world, they are not substantive determinations. Hence, uncovering the discourses in the rules and practices provides a bridge between the philosophical dimension and the two empirical dimensions in the model. Consequently, ideology is a process which can be transformed, reshaped and changed (Fairclough, 1992: 88). In other words, I claim that reality is filled with ideological investment and that it structures the ways in which we think and interact in the social reality; I hesitate to say that the discourses and language games also construct the empirical reality<sup>6</sup>. Instead I point to the dialectical relationship between our knowledge of the world (epistemology) and the empirical reality (ontology) in the sense that our theories, ideas and concepts structure the way we think about reality; but empirical observation might force us to review our ideas and theories of the world.

As mentioned in the introduction I do not suggest the replacement of one set of ideological investments with the other. My ambition is to point out the dilemmas – not to come up with practical solutions or new theories. I look at the ideological assumptions in the rules in use and practices because I assume that they have an effect upon how people behave in an action arena, although they might be unaware of the ideological dimensions in the rules. It is, furthermore, assumed that the rules have an influence, although the institutions exercising public authority are sometimes diffuse, and that people have conflicting perceptions about the rules, which might themselves be incoherent.

### **3.4 Empirical Considerations**

The thesis investigates the rules and practices governing how herders in the Diffa region compete over property and public authority for natural resources in an action arena. The empirical survey envelopes two of the three analytical dimensions: the institutional (rules in use) and the behavioural (action arena).

#### **3.4.1 Institutional Dimension**

In order to investigate the rules in use I look at both the formal law and the rules of CARE's management committees (the GGCRN), since also the latter are what have a law-

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<sup>6</sup> The Danish Philosopher Finn Colin argues that variants of social constructivism claim that we can distinguish between whether we believe the social reality is a social construction and whether the physical reality is a social construction (Colin, 2003: 29).

like effect in the case study area. It should be added that one can distinguish between formal law as it is written and law 'at work', at least analytically. However, during my fieldwork it became evident that the formal rules are one thing, but the ways in which people negotiate, interpret and use those rules are quite another. In the pastoral areas of Diffa the state sometimes seems very far away. Often NGO's, like CARE, behaved more like rule-setting institutions than the state, helping the local communities to establish committees regulating access to water and pastures in post-conflict areas. In the pastoral areas of Diffa, the distinction between formal law and the law 'at work' is only theoretical. I have chosen to look at two of CARE's management committees and their rule-setting practices, since they constitute examples of what Christian Lund calls Twilight Institutions (Lund, 2006) – institutions which practise public authority although they are not the state.

Thus, I take a broad anthropological approach to law, defined as whatever has a "law-like" effect; e.g. the *rules in use* defined as:

...shared understandings among those involved that refer to enforced prescriptions about what actions (or states of the world) are *required, prohibited, or permitted*. All rules are the result of implicit or explicit efforts to achieve order and predictability among humans by creating classes of persons (positions) that are then required, permitted, or forbidden to take classes of action in relation to required, permitted, or forbidden states of the world (Ostrom 1999: 50)

This definition of the law as rules in use is related to legal pluralism. According to legal pluralism law is understood as "the self-regulation" of a "semi-autonomous social field." The concept of semi-autonomous fields comes from the legal anthropologist *Sally Falk Moore* (1978). According to Moore many such semi-autonomous social fields exist, which at the same time generate and maintain rules. Some of these rules are legal, others are not; but often legal rules interact and sometimes compete with other norms and in total this is what constitutes law. In this optic several sometimes contradicting norms and rules apply to the same field.

Looking at property rights regimes for rangeland and water among herders the legal repertoire in the action arena (or the semi-autonomous social field) is informed and produced by several actors and sources. As observed by Spiertz (1995), in many life situations resource users, leaders and state officials make use of more than one normative (rule-based) repertoire to rationalise and legitimise their decisions and behaviour. Spiertz claims that people orient themselves after local knowledge, perceived content of interaction, and power relations. In this view the formal law is perceived as one among

many structuring institutions for behaviour within society (Spiertz, 1995). In places like Diffa, legal pluralism contains an appropriate definition of law, since people are often not aware of the formal law, and the institutions that exercise the formal law are often out of reach. Hence, the formal law cannot be the only legal source. The anthropological interpretation of law, as defined above, thus leaves room for twilight institutions in the concept of law.

Law as a phenomenon is assumed to be a reflection of the values and attitudes of the different organisations which create the action arena (Ostrom, 1999). Speaking in terms of discourse analysis, I suggest that discursive practices in the law are invested with ideology. Not all discourses are ideological, but laws contain a normative element that strongly suggests an ideological investment. This does not mean that the discourses are necessarily informed by only one ideology; a discourse can contain heterogeneous elements of the *ideological complex* (Gramsci, 1971: 195).

### **Delimitation**

I have picked out the most relevant legal texts at work in the action arena: the Rural Code and the Water Code and the working principles of the GGCRN. These do not cover the entire law, but only the principles regarding the governing of wells and pastures in the pastoral areas, which are relevant for the context. It could have been interesting to take a comparative perspective and look at pastoral legislation in other Sahelian countries. However, given the limited scope of this thesis, this was not possible. Furthermore, the implementation of the Rural Code is closely linked to the parallel process of decentralisation. The *loi sur la decentralisation* (the law of decentralisation) had been launched at the time of the fieldwork. However, in the sites of Nouroua and Karia there was little or no knowledge of the role of the commune in relation to the management of the natural resources. Thus, the law of decentralisation is not considered in this chapter since it was not yet influencing the rules of the game in the action arena.

### **3.4.2 Behavioural Dimension**

In order to investigate the behavioural dimension I have picked out four situations which correspond to the principles of property and public authority in the rules in use. Furthermore, the social ideal of inclusion versus exclusion shared in both ideologies is used as an evaluative criterion. This common ground suggests that fundamental relations between people transcend institutional relations. The criterion of social inclusion is chosen

on the basis of Aristotelian thinking, also emphasising the interdisciplinary approach of the thesis. According to Aristotle, justice does not only concern the distribution of goods or juridical equality. Justice as a virtue concerns internal attitude and moral insight, which is expressed in his notion of justice as fairness (Aristoteles, 1936: 1137a 31 ff., Friis Johansen, 472-73). Furthermore, social and juridical justice must be expressed in general and universal rules; but what right is in a given situation cannot necessarily be deduced by a rule; it must be based upon moral insight. Consequently the law (in this case the rules in use) has to be used considering what is fairness in the given case. In any case, no rule is in itself sufficient. In this sense, morality stands above the law.

Aristotle seems to claim that within the social life any reflection upon right and wrong must be built upon the premises, which the existing societies can and do deliver. In this sense we need to distinguish between ethics and politics. Ethics are about the good man, politics are about the good state. Ethics are based upon virtue and virtue places man in a given societal context. Ethics and politics are hence related but on different levels: frameworks, institutions and rules on the one side and internal attitude and moral insight on the other. Consequently, it holds for justice as well as for all other virtues that we as social beings are bound by the existing norms, but that human existence is not determined accordingly (Friis Johansen, 1994: 473). Hence moral insight constitutes the basis for evaluating the cases in Diffa.

The situations are based upon observations, interviews and reports collected during my fieldwork in the action arena. The situations show how pastoralist groups negotiate and gain access to strategic resources and furthermore, which actors are involved in giving authority and protection of property. The reason for choosing the local management committees (GGCRN) as central actors in the situations is that organisations

...are an interesting point of departure for the empirical study of social order and how rules come about in a local context (Etzioni, 1961).

Furthermore, the situations of conflicts are interesting because they indeed reflect differences in perception of the rules and rights of access. As stated by Sally Falk Moore:

Conflicts over property can be an excellent entry point into the structure, values and practices of any society (Moore, 2005: 108).

In order to analyse refined socio-organisational aspects of the two GGCRN, the pastoral sites were chosen because the dominant ethnic group was the same in the two sites. The

principal pastoral sites to investigate were those of Karia and Nouroua, situated approximately 130 km and 140 km respectively from Diffa town. In the pastoral sites CARE has implemented two local management committees, the GGCRN. The two GGCRN-committees were respectively in charge of the management of the water points and pastures in Karia and Nouroua.

### **Delimitations**

It could have been fruitful to stay with a different ethnic group in order to understand the aspects of the different ethnic groups' use of resources. I did find this choice somewhat limiting in regard to the comparative basis of the management systems. However, comparison was made during field trips to other pastoral sites in the Diffa region.

Social behaviour and interaction are not determined only by rules. Given the context of Niger, poverty and scarcity of the natural resources are underlying structural conditions in the pastoral reality. However, I have not investigated the economic importance of natural resources in general terms since this is an extremely sensitive issue in the pastoral areas. Furthermore, it is beyond the scope of the present thesis. Aside from that, environmental scientific theories about land degradation and loss of biomass diversity are important elements of the discourse on natural resource management in the Sahel. Nonetheless, this thesis does not provide an attempt to resolve the question of which production system is the more environmentally or economically sustainable.

### **3.4.3 Collection of Empirical Data**

The empirical material was collected during my five-month stay in relation to an internship with CARE Danmark from October 2005 to March 2006 in Diffa. Furthermore, follow-up information was collected during consultancy missions for Danida to Niger, through the appraisal mission of Danida's coming water programme in Niger (PASEHA) (September 6th to 30th 2007) and the annual review of Danida's ongoing agricultural project ADDR II (January 30th to February 14th, 2007).

The field data for the situations are based upon observations made during a number of field trips to the pastoral areas while staying in Diffa. These field trips allowed me to stay for 1-2 weeks at a time in the camps. Due to the difficulties of conducting fieldwork in very these remote areas, this seemed to be the only way feasible.

### **3.5 The Operational Toolbox of Empirical Data Collection**

As mentioned in 3.3 the general approach in this thesis is the philosophical. Nevertheless, in order to carry out the empirical analysis of the two dimensions I make use of a range of different methodologies and tools.

#### **3.5.1 Applied Discourse Analysis**

In order to analyse the ideological struggles within the institutional analysis I make use of terminology from Norman Fairclough's critical discourse analysis (Norman Fairclough, 1992). Fairclough's discourse analysis focuses on language analysis as a method for studying social change. As the model indicates the discourse analysis is mediated between the dimensions. The discourse analysis is thus applied to several types of text material. According to Fairclough a discourse refer to both spoken and written language use (Fairclough, 1992: 62). So the discourse analysis applies both to the legal texts and the spoken word of the various informants. In this sense, discourse analysis is a manner of questioning the basic assumptions behind a text. In other words, discourse analysis enables me to reveal the hidden diverging assumptions in the debate between universalism and cultural relativism in the rules in use and in people's perceptions of property and public authority.

#### **3.5.2 Qualitative Approach**

The qualitative case study is central for the thesis. The case study is an empirical enquiry that investigates a given phenomenon in its concrete context. This approach is inspired by the Aristotelian notion of *Phronesis*<sup>7</sup>, which means practical reason. By using this concept Aristotle explains why a particular situation can bring us useful knowledge. By using our practical reason *Phronesis*, which is acquired by experience, we are able to recognise the universal in a single case. Consequently, contributing to an experience-based knowledge accumulation is what justifies my use of the case study.

The case study used in the behavioural dimension consists mainly in an analysis of five situations of conflicts appearing in the action arena of the two pastoral sites in CARE's intervention zone in the Diffa region. The behavioural analysis is carried out by observations, interviews and participatory tools, because these are to be viewed as expressions of behaviour.

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<sup>7</sup> Flyvbjerg also uses the concept of *Phronesis* to justify the generalisation on the basis of the case-study which I shall return to in 3.6 (Flyvbjerg, 1998: 71).



## **Direct Observation**

In order to understand the pastoral resource management system, much time was spent at the pastoral site observing the watering of the animals, supplying of the household and the division of labour between the women, men, children, the young and the old. Furthermore, the watering of the animals constitutes not only a point of conflict but also an important forum for social exchange between the communities. It was used as a strategic place to observe the social mechanism between the communities when transhumant groups arrived asking for access to the wells. Sometimes the time spent informally was more revealing than trying to carry out a ranking during a group discussion. Being present at the right moment is of great importance.

## **Semi-structured Interviews**

Semi-structured interviews were held with various groups divided according to ethnic belonging, memberships of the boards of the GGCRN, gender and age in order to understand the different perspectives on natural resource management. The idea of having a mixed group where the different points of view can lead to an elaborated discussion, rarely worked out in the pastoral areas due to strong hierarchical and cultural customs. Aside from the group discussions, an effort was made to visit individual households, to establish contact and to be able to discuss intimately with the community members.

### **3.5.3 Participatory Rural Appraisal (PRA)**

Participatory Rural Appraisal (PRA) is a set of tools and techniques often used in development processes for planning and action. They are participatory since they involve the informants in the research process. Conducting PRAs is thought to be an empowering process, which enables local people to make their own analysis, to take their own decisions and come up with solutions (Mikkelsen, 2005: 54). In general I found that the PRAs did offer a neat way of organising information. However, they should not be used at the expense of a more solid, although sometimes demanding, organisation of (often) conflicting information gathered in a less structured manner. It seemed to be that the latter often gave a more honest picture of pastoral reality. Furthermore, during the group session it was the same four influential men, often the brothers or uncles of the chief, who dominated the sessions. Always addressing the same “disciplined” informants, well trained in CARE partnerships and PRAs, involves the risk of omitting the more critical voices in the pastoral system. Due to these reflections, I strived to apply several methods in order to

triangulate the results. The following contains a description of the different PRAs used in the fieldwork.

<b>Seasonal Calendars</b>	Appraising the availability of the pastoral resources and the organisation of the work between men, women and children and the role of each
<b>Resource Maps</b>	Appraising the extension of the area, the positioning of strategic resources. Identification of the camps of the mobile groups
<b>Ranking Methods</b>	Identifying the most important constraints related to the management of natural resources
<b>Venn Diagrams</b>	Representation of the different institutions and organisations at the sites and the relationships between them

### 3.5.4 Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis

The SWOT is also a participatory tool providing a framework for group analysis of the functioning of the GGCRN. It helped the participants to brainstorm potential solutions and constraints according to the following categories (Gosling and Edwards, 2003).

<b>Strengths/Weaknesses</b>	The things that worked and that one is proud to say about the GGCRN versus the things that did not work so well, things that could have gone better (internal factors)
<b>Opportunities/Threats</b>	Ideas on how to overcome the weaknesses and build on strengths versus the threats which reduce the range of opportunities (external factors)

### 3.5.5 GPS and Mapping of Wells

The fieldwork in the two sites included, with the help of a GPS and a local guide, identifying important wells in the area controlled by the GGCRN. This was also done in order to comprehend issues of ownership, the different systems of control over access wells and pastures according to capacity of the wells, availability of pastures and a number of other conditions. The mapping of the wells was also a strategy to diversify the informants, getting different perspectives of different members of the community on the functioning of the GGCRNs. It was during visits to the surrounding wells that I was able to meet the Mohamid, who were difficult to track since they did not water their animals at the main well and the FulBe communities tended to be reluctant to give information about their presence in the area.

### 3.5.6 Quantitative Questionnaire

A questionnaire was prepared in order to gain quantitative data on the functioning of the

GGCRN in relation to participation in meetings, inclusion/exclusion and level of satisfaction with the board members. A random sample of 10 % of the households in the area was selected. A survey was performed mainly by local questioners, who unfortunately found it difficult to address the women. Furthermore, it was sometimes obvious that people expressed a level of satisfaction although they had never participated in the meetings. The reliability of the results was therefore somewhat questionable. On the other hand, a good picture emerged of the functioning of the GGCRN in terms of meetings held, attendance etc. on a larger scale. More quantitative data could have been useful, but again, given the distance between the camps in the pastoral zones where the only roads are traces in the sand, it is a labour intensive task.

### **3.6 Limitations and Difficulties**

A number of difficulties and limitations were met in the realisation of the internship. Firstly, working with an interpreter was the major constraint to carrying out the fieldwork. Not speaking the local language means there is little or no control over the interpretation. This renders a narrow discourse analysis impossible. There was always the risk that both the question and the answer had been reformulated and adjusted. Furthermore, it is not always possible to directly translate concepts and words from one language to another. As a consequence, the quotations consist of already interpreted expressions (see appendix).<sup>8</sup>

Secondly, questions concerning management of natural resources address issues of user rights and the exclusion of others. In a context of post-conflict over access to resources, the subject tends to be rather delicate. It should be added that the conflicts are not very outspoken and the subject is highly delicate, wherefore one has to pay attention to the small indicators. Apparently, people can and will go to great lengths to hide the truth if they need or want to. Therefore triangulation of information was crucial. Sometimes, I needed various evasive manoeuvres in order to gain information in the absence of persons who could possibly bias the interview.<sup>9</sup>

Thirdly, the balance between obtaining information from the residents compared to the non-residents was not obtained. This was due to the limited presence during the internship

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<sup>8</sup> Furthermore most of my field data consists of interview summaries, which are categorised into discussed subjects.

<sup>9</sup> Other reports tell that researchers can have spent two weeks camping near a pastoral well and were frustrated but still none the wiser as to how the well was really managed (SOS-Sahel, 2005).

of nomadic herders, especially the Arab Mohamid, at the case study sites. It would have been fruitful to follow a group of Mohamid for a longer period of time in order to observe the way in which they gain access to resources. Lastly, at the time of the fieldwork the decentralisation process in Diffa was little advanced, which meant that it was impossible to come up with conclusions concerning the role of the GGCRN in relation to the decentralisation.

### **3.7 Generalizability**

The ideal of this study is to provide a general idea of competition over access to wells and pastures in pastoral areas. The modern wells at case study sites of Nouroua and Karia are not the same. They have different origins, different users and different histories of conflict. Their management systems are different from the ones to be found in the rest of the country, especially Karia. Furthermore, the case study site is part of CARE's intervention zone. The presence of CARE in the area has a great impact on the management committees which also make difficult to generalise about the structure of the management committees. However the impact of development organisations might be educational as well. These particularities of the cases can make it difficult to generalise on the basis of the case study.

Some would say that you cannot generalize from a single case and that science is about generalizing. Others again claim that the case studies are subjective, giving too much scope for the researcher's own interpretations. Thus they argued that the validity of case studies is limited (Flyvbjerg, 2006: 1).

However, according to the Danish urban geographer Bent Flyvbjerg the case study has the "power of the example" and thus contributes to an experience-based knowledge *Phronesis*, which facilitates an understanding and recognition of the universal content in a concrete situations and the way actors behave in them (Flyvbjerg, 1998: 20). This as already indicated in 3.5.2 legitimises the importance of the case study. Since only by the power of the example can we identify the universal in how people act in particular situations. Thus, the case study in Diffa provides us with the possibility of generalising about the patterns of social interaction. Furthermore, the region of Diffa is qualified as an extreme case in sense of the peculiar social context in the margins of the state. It is the assumption that the survey of extreme cases like Diffa contests our everyday assumptions about property, public authority and social justice. When these assumptions are disrupted our given ideas about

what law and state are may be questioned and can thus be reshaped (Flyvbjerg, 1998).

### **3.8 Validity**

The sociologist Pierre Bourdieu warns against what he calls methodological monotheism and says that instead

We must try in every case, to mobilise all the techniques that are relevant and practically usable, given the definition of the object and the practical conditions of data collection (Bourdieu 1992: 227).

The empirical data collection of the present study is based upon various sources supposed to cover both the rules in use and people's behaviour on the ground. My research has benefited from the triangulation of different data collection techniques that take into account the complex interplay between norms, representation, and every-day practices. This makes the empirical foundation valid.

## **PART 2: PHILOSOPHICAL DISCUSSION: STRUGGLES OF IDEOLOGIES**

### ***Chapter 4: Struggle of Ideologies***

#### **4.0 Introduction**

Concepts travel in context and change their meaning according to by whom and for what purposes they are used. This part lays out the ideological struggle between universalism and cultural relativism in relation to the key assumptions about property, public authority, and justice. First I introduce the two the ideologies and explain their antagonisms. I then analyse the concepts of property, public authority and justice in order to show how the positions disagree and sometimes agree. In my analysis I start out by defining the concept, since I assume that both ideologies accept the term. However, perceptions about what the terms refer to as empirical phenomenon also vary. This makes the philosophical discussion somewhat hard to handle since it covers both a conceptual discussion of what material objects are and a moral discussion of what social justice is.

#### **4.1 The Struggle between Universalism Cultural Relativism**

The ideology of *universalism* refers to an ideal of universal validity of moral judgements. The ideal is based upon the principle of universality, referring to the moral criterion implicit in Kant's formulation of the categorical imperative:

Act only on that maxim that you can at the same time will to be a universal law (Kant, 1950: 402).

Another formulation of the principle of universality is provided by Robert Audi:

What is right (or wrong) for one person is right (or wrong) for any person in similar circumstances, (Audi, 1995:822).

A moral claim that satisfies this test is said to be *universalizable*, hence morally acceptable. Furthermore, according to R.M. Hare the principle of universalizability also applies to empirical statements (Hare, 1952: Ch.2). For the present purpose the principle of universality (or generalisation, one might say) defines universalism not only in regard to moral judgement. Universalism presupposes a general rule applies equally to all in relevant

similar circumstances (Audi, 1995: 822).

This ideal of finding moral truth explains philosophers' continuous occupation with defining universally applicable moral and empirical statements.

Universalism in regard to rights is based on the idea that all humans are equally worth of respect. Universalism of rights has its roots in the Western Age of Enlightenment and is influenced by liberalism and the moral emphasis upon individual rights.

According to liberalism given that all humans beings are equally worth of respect all citizens of a state should be equal before the law, have equal rights and the state should be impartial in legislative matters (Kymlicka 1990: 200). Transforming this idea into development policy has led to a politics of equalisation of rights and entitlements protected by the state.

*Cultural relativism*, on the other hand, can be seen as a respond to post-colonial states' and distinct cultures claim to recognition and equal worth with that of the European identity. The ideology of cultural relativism assumes that people from different cultures experience the world differently, and therefore moral judgements can only be valid relative to the time and place within which they originate. Furthermore, given that no moral judgements are universally applicable, there is no culture whose values and customs dominate in a moral sense. This means that every culture has an equal right to be different distinct and unique. Transforming this idea into "politics of cultural recognition" (Taylor 1994) the cultural relativists argue that in order for legislations to be just they have to take cultural diversity into account. The claim that all cultures should enjoy equal respect, however, seems to hold a universal principle *par excellence* (Lund, 1997a). In addition, it seems to be the case that according to cultural relativists culture constitutes the supreme ethical value in society, since it is constitutive of human identity (Taylor, 1994). Cultural relativism hence explains anthropologists' occupation with understanding cultural diversity. In her indirect critique of Rawls, Sally Falk Moore says:

By contrast anthropologist do not traffic in hypothetical original conditions, they do their fieldwork in existing living societies, observe local practices, and listen to explanations. The work of anthropology could not be further from this "original position reasoning" (Moore, 2005:9).

The quotations from Kant and Sally Falk Moore, I believe illustrate their different

theoretical starting points respectively and the antagonism between the disciples at large.  
Before we begin, the points of contest are summarised in the table below



	<b>Universalism</b>	<b>Cultural relativism</b>
<b>Property</b>	<p>Rights are universal and enduring (natural rights)</p> <p>Property is to have rights in the sense of enforceable claim, which can be enforced by public authority</p> <p>Private property is the individual right to exclude others from the use or the benefit from a given resource</p> <p>Private property is the superior system of resource management, since it makes everyone better off</p> <p>Common property means unregulated use of a given resource e.g. open access</p> <p>Common property systems leads to mismanagement of natural resources and depletion of resources</p> <p>Formalisation and enhanced tenure security will increase productivity and resource allocation. Hence it is legitimate.</p>	<p>Rights are relative to historical and cultural context</p> <p>Property is to have rights in the sense of enforceable claim, which can be enforced by public authority</p> <p>Private property is the individual right to exclude others from the use or the benefit from a given resource</p> <p>Private property is the optimal system of resource management in all cultural settings</p> <p>Common property is not equal to open access</p> <p>Common property is often cost-efficiently regulated by local decentralised systems of management</p> <p>Formalisation and enhanced tenure security can further social marginalisation. Thus it is not necessarily legitimate</p>
<b>Public Authority</b>	<p>The is state is an enduring rational unity</p> <p>It is the role of the state to protect property rights , which legitimizes state control</p> <p>The state is the ultimate guarantor of property</p>	<p>State formation is a process of continuous negotiation</p> <p>Multiple local institutions protects property</p> <p>The state does not provide an exhaustive account of public authority in regard to the protection of property</p>
	<p>Moral claims are morally acceptable if they are universalizable</p> <p>All humans are equally worth of respect</p>	<p>Moral claims are relative in time and space</p> <p>All cultures are equally worth of respect</p>

<b>Justice</b>	All citizens should be equal before the law and have equal rights	All cultures have an equal right to be different, distinct and unique
	The state should be impartial in legislative matters	Legislation should take cultural diversity into account
	The state can only give one group special rights as long as it does not make the least-advantaged worse off	The state ought to give cultural distinct groups special rights to protect their cultural uniqueness

The following section will account for the different theorists' arguments in favour of their positions.

## 4.2 Property

To have property is to have rights in the sense of an enforceable claim to some use or benefit of something, whether it is a right to a share in some common resource or an individual right in some particular things... What distinguishes property from mere momentary possession is that property is a claim that will be (or can be) enforced by society or the state, by custom convention or law (Macpherson, 1978: 3).

Property is a set of rights and responsibilities concerning a thing.<sup>10</sup> Furthermore, it is a right which can be enforced by public authority (I shall return to this point in 4.2.).

However, property is not the same as ownership. Ownership is just one form of property, namely private property.

When speaking of property right one often use tenure is a synonym for property.<sup>11</sup> Land tenure means the terms on which land is held e.g. the rights and obligations of the holder of the land. Land is often thought to be the most important resource, especially in Africa, and the word by itself often refers to land tenure.<sup>12</sup> In recent years, one talks about resource tenure when describing rights not only in land but in water, trees and other resources. For example people can have several different rights to do certain things with the land, such as use it, harvest its products, sell it, lease it etc. Furthermore, a piece of land may be the

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<sup>10</sup> Property is also a term for the essential characteristic of the thing itself. However for the present purpose I talk about property in the first sense only. Furthermore, I only address property in regard to natural resources although one can also talk about property rights in relation to intellectual property or brands and names.

<sup>11</sup> The English word tenure is derived from Latin and means "holding" or "possessing," Perhaps lawyers use the term property more whereas economist and other social scientist use tenure (Bruce, 1998: 1).

<sup>12</sup> Tenure can also have other meanings such as the tenure rights of faculty in a university, which provides job security.

subject of rights of several persons or groups (Bruce, 1998:1).

#### **4.2.1 Private Property**

Private property is created to guarantee the individual a right to exclude others from the use or benefit of a given resource. Private property is not the same as private ownership.<sup>13</sup> This right can also be held by a corporation or group created or recognised by the state (or some other public authority) as having the same or similar property rights as an individual. Such groups possess the right to use and benefit from the property and the right to exclude non-members from the use and benefit of the things to which the group has a legal (or informal) title. Corporate property is thus mere an extension of individual private property (Macpherson, 1978: 5). In regard to land tenure, land hold under private property is called freehold which is a tenure under which land is hold free of obligations to the to the state (Bruce, 1998: 6).

#### **Universalism and Private Property**

Private Property's modern formulations we largely owe to John Locke (1632-1704). His ideas presented in *Two Treatises of Government* (1690) have been influential for the way property has been conceptualized up until now. Locke welded property and state together by claiming that the preservation of property is the:

...great and chief end of government”(1690: chap 9 § 124).

In this thesis, Locke theory *Of Property* is interesting for three reasons: how his theory gives rise to the conception of private property as an inviolable almost natural individual right, the justification for private property as the superior system of natural resource management, and the linking of the protection of property as the *raison d'être* of the modern state apparatus, which will be treated in the next section.

Although classified as universalistic, this concept of private property rights and its origin in the liberal tradition is to be viewed in the light of a set of particular historical circumstances; the period of the rise of the capitalist market society (Macpherson, 1978: 2). In England during the seventeenth century there was a movement towards the private appropriation of land, which had previously been held in common for general use. During

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<sup>13</sup> For example private leasehold which is the tenure under which land is held by someone other than the owner for rent for a specified period is a private property right, but it is not ownership (Bruce, 1998: 7).

Cromwell's dictatorship in England, early liberal fight for freedom was announced.<sup>14</sup> As social revolutionist of their time, it was the historical mission of classical liberals like Locke, to deny the feudal premise that peasants were seen as naturally subordinate to aristocrats.<sup>15</sup> Locke, therefore needed to give an account for how people in a moral legitimate way can enjoy full ownership rights over an initially unowned world (Kymlicka, 2002: 113). The project was to legitimise private appropriation of the wilderness. This historical origin indicates that universal rights are an outcome of historical variable circumstances and, hence, not as universal as first assumed (Lund, 1997a).

In order to defend private property in light of the historical circumstances, Locke imagined that originally, the world was like America, a *State of Nature* where everything on earth was commonly owned. The idea of early liberalism is that none of us is inherently subordinate to the will of others and we do not enter the world as the property of another, hence we are all born equal and free. According to Locke, freedom is thus a natural right, which does not need to be further justified. This generalisation of human nature as equal and free is furthermore a universal statement per se.

Locke believed, like Grotius and as opposed to Hobbes, that even in the state of nature, each individual possesses the faculty of reason, and the individual's actions are bound by the self-evident laws of nature, which governs the natural state and obliges everyone (Locke, *Two Treatises*, II § 6, 1988:271).

So first of all Locke represents universalism in relation to private property because private property is the outcome of the natural right to our own body, which exist in the state of nature; that is before civil government comes into being.

In discussing the origin of private property Locke begins by noting that God gave the earth to all men in common. According to Locke, among perfectly equal inhabitants all men had the same right to make use of whatever they found and could use. Moreover all land and

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<sup>14</sup> Historically property rights came before the right to vote for both men and women (Denmark, 1915, England 1918, USA 1919). Traditionally, the right to vote was often a privilege of the owning class (Lübcke, 1998).

<sup>15</sup> John Locke's idea about private property is to be derived from John Lilburne, also called *Free Borne John's* (1614-57) and his party colleagues, the *True Levellers'*, argument for the giving up of aristocratic privileges. The levellers organised themselves as the *Whiggers*, who established farming collectives on land that was not cultivated - a so-called initial appropriation. The Whiggers claimed that because they cultivated the land, they where entitled to it (Jarvad, 2006).

animals were common property i.e. belonged to all men in common (Locke, *Two Treatises*, II, §26, 1988: 286). The notion of common property only applied to uncultivated land and the wild animals.

As soon as man started to cultivate the land and take charge of the animals the situation changed. People then started to claim permanent rights in land, e.g. private property

Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour, of his Body and the Work of his hands, we may say, are properly his. Whatsoever the he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joined to it something that is his own, and thereby makes it his Property (Locke, 1988: 287,88).

Given this theory of added labour value, our bodies and the labour of our bodies are our own, whenever we use our efforts to improve nature, we add something that is our own, and the resulting products belong to us as inviolable private property. Furthermore, property in land becomes something absolute fixed in time and space. As far as I can see, it is the origin as a natural right in the state of nature that has given private property its inviolable appearance since Locke.<sup>16</sup>

I shall now turn to the second part of Locke justification for the introduction of private property namely, that it is a superior production system. In Locke's mindset, given that common property existed in the state of nature, the question is: what sort of initial acquisition of absolute rights over common property resources is consistent with the idea of treating people as equals (Kymlicka, 2002)? The answer to this is given by what Robert Nozick has called the 'Lockean proviso' as a name for legitimate private acquisition. Locke believed that private appropriation did not neglect other people's rights, as long as there was "*enough, and as good*" left for others who intended to do the same (*Two Treatises* II, §33, 1988:291). Hence, private appropriation is consistent with the equality of other individuals in so far that others are not disadvantaged by the appropriation. As land becomes scarcer, Locke realised that the acts of appropriation of the commons did not leave enough good land to everyone else. Still, Locke believed that private appropriation did leave everyone, even those left without land, better off. With private appropriation the

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<sup>16</sup> The theory of added labour value has also inspired Karl Marx and David Ricardo's theories of value. In socialism however social equality implies the abolition of private property, since it creates inequality. African 'socialism' has had several experiments with collective ownership for example in Tanzania, Zimbabwe and South Africa however often with grave consequences.

ones without land could namely be employed by the new landowner, owing to the intensified production on the enclosed land. The employee's wages could then be spent on a new range of goods that didn't previously exist, because no one had the incentive to invest in their production. Therefore those who did not own land still gained access to more of the goods produced by owning land, owing to intensified production, which could provide them with a source of income. Private appropriation is thus legitimate because it assures a certain level of resource allocation given the new job opportunities and division of labour between land owners and workers (Kymlicka, 202: 115).

### **Cultural Relativism and Private Property**

In the cultural relativistic perception of property, property is not an inviolable rights as in the liberal tradition.

Property is not about things, but about relationships between and among persons with regards to things. In short, to say someone has a right to land is to summarise in one word a complex and highly conditional state of affairs that depend on the social, political and economic context. The place the setting, the history and the moment, all matter (Moore, 1999:1).

In this perspective, property loses its substantial character and becomes relative to time place and matter.

Property is a cultural constructed idea... What is classified as a "thing" or an "object" in which one may have property rights, varies from one society to another. Indeed there may be variation from one community to another. Moreover, the question of which people (individuals and groups) have property rights and which do not, and for how long they may enjoy them is equally variable (Moore, 2005, 107).

The cultural relativists conceive property as something which is socially constructed and culture-bound. In this way, rights to a resource can vary according to circumstances, social relationships and economic structures.

Since property and public authority are relative to time, place and social relations the cultural relativists stress that particular in Africa secure private property is mostly not guaranteed by law...

...but must be maintained through negotiation, adjudication and political manoeuvre"...If rights in land defined through on-going, open-ended debate over authority and obligation as well as rules and practices, security of farmers' rights (or pastoralists rights - my addition) depends on the terms in which they participate such debates and in the domestic, judicial, and bureaucratic arenas in which they occur (Berry 1994:11).

The Lockean proviso is often used in favour of the privatisation of common areas in Africa

today (Scoones, 1996: 34, Toulmin and Quan, 2004: 78). However, there is a missing link in transferring the Lockean proviso to African range lands: Locke's theory of added labour value, presupposes intensive cultivation of natural resources is a precondition for the appropriation of private property. Locke's examples of first possessions are all concentrated on land. To him land is fixed, enduring and stable. However, as we shall see, the conditions required for private property do obtain in a Sahelian context where the natural resources are variable in quantity and quality from one season to another and one year to the next, scattered in time and space and unpredictable from one year to the next.

In addition to the different environmental conditions, as pointed to by Sarah Berry, often the sufficient institutional set-up for private property does not obtain in an African setting. Private property is thus not an optimal system of resource management.

It is nevertheless still central to the concept of property in the cultural relative optic that it requires recognition in order to be held. Cultural relativism also views property as an enforceable right. The definition of property as a right requires that there is someone to enforce and recognise the rights. However, in opposition to how the liberalists thought, the multiculturalists, recognise that various institutions in local contexts can recognise property.

Furthermore, Lund gives various reasons why one cannot transfer a Western concept of private property to African societies. Primarily, because when one tries to pick out ownership of something there is a tendency that it happens in favour of the primary rights holder. In general, many forms of ownership in Africa are less exclusive than what Westerners normally conceive as ownership. Thus,

translating certain indigenous property concepts into the language of ownership tends therefore to strengthen the elements of exclusivity to the benefits of the primary right holder at the expense of others (Lund, 2008)

So both universalism and cultural relativism see private property as the right to exclude others from the use or the benefit of a given resource. However, the universalist claims private property to be inviolable, cultural relativism claims that whether private property can obtain depends upon a number of conditions. Finally, private property does not lead to an optimal allocation of resources in all cultural settings as promised by the Lockean Proviso.

#### 4.2.2 Common Property

The notion of common property is derived from the terms ‘Commons’. Western property law contains a concept of the commons with origins in English feudalism. The commons were usually owned by the feudal lord, not the community, who had the user rights. A commons is an area of land such as a pasture on which all landholders of a village have a right to graze their livestock, or a forest where members of a community can gather wood (Bruce, 1998: 2). Today the commons which remain are publicly owned. The term commons as we shall see has been related to the socio-biologist Garrett Hardin’s article “The Tragedy of the Commons.”<sup>17</sup>

The right to use resources of common property is a property of individuals, in that each member of the given society has an enforceable claim to use them. It need not be an unrestricted claim. The state (or other types of institutions according to the cultural relative perception) may have to limit the use of public lands, or the kinds of uses anyone may make of the natural resources. The fact that in this definition the term common property is used to distinguish such rights from exclusive individual rights e.g. private property, may lead to the conception that common rights are not individual rights. But they are.<sup>18</sup>

The state (or other form of public authority) indeed creates and enforces the right, which each individual has in the things or resources and likewise denotes as common use (Macpherson, 1978: 5). Common property is hence a situation where control over the use

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17 Also the Brigitte Thébaud's study of the pastoral economy of Diffa in eastern Niger and Yagha in the northern Burkina Faso shows how the “tragedy of the commons” has been misused by policy makers and by legal reformers, and how attempts to reform natural resource tenure in Niger and Burkina Faso have ignored the existing management systems of herders, with grave consequences (Jeremy Swift in Thébaud, 2002:8).

18 Given it is the right of individuals to use a resource in common – not the right of the state. State Property is held by any level of government and consists of rights which the state has created and kept for itself or has taken over from private individuals or corporations. The clearest example is that of state-owned radio and television communications in countries with state-owned broadcasting systems. In this case, the state acts as an individual and has the right to use, benefit and exclude others from the property. As contrary to common property, state property does not give an individual direct right to use, or a right not to be excluded from the asset held by the state acting as a corporation. State property is hence not common property as defined above: it is not an individual right not to be excluded. It is a corporate right to exclude. As a corporate right to exclude others it resemble the definition of (corporate) private property (Macpherson, 1978:4).



of a resource is present. These are not legal terms, but terms which are used to discuss control of land and other resources in the literature. Because common property is not a legal term it is not as clearly defined as many other tenure terms and consequently subject to much theoretical dispute (Bruce, 1998:3).

### **Universalism and Common Property**

This “Lockean proviso” that people on the whole become better off with the introduction of private appropriation is rearticulated in the famous argument of *the Tragedy of the Commons* presented by the ecologist Garrett Hardin in 1968<sup>19</sup>. “The Tragedy of the Commons” has become the cardinal thesis on the expected environmental degradation whenever many individuals use a scarce resource in common.<sup>20</sup> Hardin’s theory is universalistic according to the principle of universalizability. It states what all people would do under relevant similar conditions.

In this perception of commons, it means a resource without restrictions in use and without rules of use. According to this scenario, when land is held in common, the individual is not ensured benefits from his investment, if everyone else also has the right to make use of the land. Thus, there is little incentive for the individual to invest time and effort in improving land productivity. It is only rational to invest in improvement if “free-riders” benefiting from the investments without contributing, can be excluded. This is done by taking land out of the commons and assigning private property rights over the land (Kymlicka, 2002: 114, Ostrom, 1990:12).

However, the situation is worse still. The real “tragedy” consists in the fact that given the premise of man being a self-interested profit maximising individual, it is actually more rational to deplete the resources once the population using the resources exceeds its

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19 Hardin was not the first to discover the tragedy of the commons. Thomas Hobbes’ (1588- 1679) violent state of nature is the cardinal example of the same dilemma. Hobbes’ version is slightly more aggressive in that his state of nature is a state of lawlessness where no rights prevail, before the constitution of the sovereign as a result of the social contract (Koch, 1996: 196). Hardin himself believed it to be the role of the state to govern the commons.

20 The tragedy of the commons is a variant on another game-theoretical story, the “prisoners’ dilemma.” In prisoners’ dilemma, the two parties would be better off collectively if they could come to an agreement, but since each does not know what the other will choose, they each choose the second best opportunity (see Ostrom, 1990 for further explanation).

carrying capacity (ibid.). To illustrate this Hardin uses the image of a pasture “open to all”<sup>21</sup>. Each herder receives a direct benefit from his own animals and suffers delayed costs from the deterioration of the commons when his and others’ cattle over-graze. Each herder is then motivated to add more and more animals because he receives direct benefit from his own animals and bears only a share of the cost resulting from over-grazing (Ostrom, 1990: 2). According to Hardin, the tragedy lies herein, since

each man is locked in a system that compels him to increase his herd without limit – in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons (Hardin, 1968: 29).

The result is that the commons are not only left undeveloped: they are over-grazed, over-harvested and over-exploited. Since the alternative of cooperation does not exist in this scenario; the most rational course of action for each individual is to ensure himself the largest piece of the cake before his neighbour eats it up. The tragedy of the commons simply casts doubt on the faith that rational human beings can achieve rational collective results. The commons will inevitably be overused and degraded, because each user has an incentive to use as much as the resource as possible. If one user tries to limit his livestock this will have no effect on the resource since the others will simply pasture more of their animals there. In order to avoid this (neo)-Malthusian catastrophic scenario, enclosing the commons has for many theorists and development policy-makers been the only reasonable solution. Given the tragedy of the commons, private property is for the universalists the superior economic system.

### **Cultural Relativism and Common Property**

In response to Hardin argument some as cultural relativists have argued that a commons do not involve unregulated use. All commons are limited because only community members are allowed to use them, and for many commons there are community rules limiting use for example the seasons for grazing and numbers of animals. The tragedy in this regard will only occur if there is a failure to create or enforce limits on use of a resource used in common. This has led to a new distinction between: Open access and common property. Open access is a situation without any limits on use of a resource used in common. Access is however not the same as property.<sup>22</sup>

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<sup>21</sup> Hardin’s image has been used as an allegory of rangeland degradation, although he only used the image of the herders as an example to illustrate his point. As a demographer he knew nothing about rangelands in the Sahel.

<sup>22</sup> Having access to land or a resource means that the person that the person having access is in fact able to

The term Common Property Resources refers to resources that are simultaneously or sequentially utilised by different user groups. Such resources are managed collectively, either because it is difficult to lay claim to or exploit exclusive rights over them, or because it would not be worth doing so (Ostrom, 1990: 30).

The cultural relative conception recognises that property rights, notably in Africa, are often ambitious and contested (Berry, 1993). Property is a matter of relationships between individuals and groups of individuals in which rights and obligations with respect to control and use of, for example land and other natural resources are defined (Birgegaard, 1993). Hence, the cultural relativists argue in favour of common property, due to the characteristics of property in Africa. Furthermore, they argue that private property regimes are not necessarily the most optimal resource management system.

However, private property is not only contested in the context of Africa.

The Icelandic economist Thrainn Eggertsson argues that in Iceland institutions restricting entry to the commons have existed for thousands of years, regulating the use of the extensive Icelandic mountain pastures (Eggertsson 1992: 423).<sup>23</sup> The most important sources for the organisation of sheep farming in Iceland are the extensive law codes of the Icelandic Commonwealth (930 -1264 A.D.) preserved in two main manuscripts called the *Grágás* (the Gray Goose). Eggertsson argues that on the individually owned plots *Tun* the sheep died of hunger in spring before the grass began to grow because the owners failed to regulate the number of sheep grazing on the *Tun*.

Unlike the *Tun*, the *affrétir*, the common grazing areas, were not overgrazed, owing to the regulations in *Grágás*. Similar examples can be found all over the European Alpine zones, including Norway, Sweden, Germany, France, Switzerland, Austria, Rumania and Italy. In Italy the legal order is called *uso civico*. Eggertsson's example shows that regulations exist for the joint use of the mountain pastures. Hence, in contrary to the individual plots, common property grazing areas are consistent with the minimisation of costs, especially if the communities can overcome the problems of collective action and establish effective

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make some use of the resource; it says nothing about whether the person have a legal right to use the resource (Bruce, 1998). Some might say that access is a more useful way to describe property relations in Africa (Ribot, 1998). I do find it useful to keep the distinction, at least as analytical categories.

<sup>23</sup> The early settlers in Iceland initially appropriated the Icelandic mountain pastures, the *affrétir* but later on the mountain pastures evolved into communal property. Moreover, there is evidence of elaborate rules or preserving jointly used mountain pastures (Eggertsson, 1992: 425).

institutions for internal governance. Hence, Thrainn Eggertsson concludes that in practice common property does not always lead to a tragedy, in fact in the case of individual plots in Iceland private property does (Ibid. 432).

Private property according to the cultural relativists is thus not necessarily the most optimal resource management system. Common property regimes are often more productive than private property, in places where there is multiple crosscutting rights with respect to use of land and other resources.

#### **4.2.3 Summing up**

Both universalism and cultural relativism accept the definition of private property as the right to exclude other from the use or benefit of a given resource.

As follows from the definitions above, both private and common property and open access are guarantees to individual persons, and are thus, directly or by extension, individual rights. Both ideologies define property as an enforceable claim is that property is a political relation between persons; hence it is a right which is defined by relations between people with respect to things.

The dividing line between universalism and cultural relativism in regard to property is whether private property or common property systems is the most optimal allocation of resources.

According to universalism private property is the superior system of resource management, e.g. economic system, provided the Lockean proviso (Locke, Hardin)

According to cultural relativism the conditions for private property do not always obtain (Berry, Lund). Furthermore, in many circumstances common property resource management is the superior resource management system (Eggertsson, Ostrom).

### 4.3 Public Authority

On the basis of Macpherson's definition (see 4.2) of property as a enforceable claim which can be enforced by a public authority, this section treats how universalism and multiculturalism regard the notion of public authority in relation to property. By public authority is understood the public exercise of authority:

To be *in* (my emphasis) authority entails having the right to obedience, at least in certain specific circumstances. It is different from power, which is simply the ability to enforce your wishes regardless of your right to do so (Benn, 1998: 6)

#### 4.3.1 Universalism and Public Authority

In the state of nature, common property existed; however, there was no state to protect it.

Property lacked Locke's conceptualisation of a sovereign state to protect it. Yet it existed. There was property "there." Terra Nullius was not a land "of nobody", as it is widely (mis)understood, but a propriety place subject to non state sanctions and terms of reference (Geisler , 2206: 51) .

Locke's theory of private property is related to his notion of public authority. Locke's (1632-1704) *Two Treatises of Government* (1690) has been extremely influential for the way state power and the protection of private property have been conceptualised up until now. For the present purpose the important point in Locke's theory is that the state is created with intention of protecting the life and property of its free and equal citizens. The institution of civil government comes about because of the difficulties in the state of nature. Rather clearly, on Locke's view, these difficulties increase with the increase in population, the decrease in available resources, and the advent of economic inequality which results from the introduction of money. These conditions lead to an increase in the number of violations of the natural law. Thus, the inconvenience of having to redress such grievances on one's own behalf become much more acute, since there are significantly more of them. These lead to the introduction of civil government.

Man leaves the state of nature in which men have perfect freedom to pursue their own interests, by conceding that liberty to a sovereign state power, protecting his life and his

property, which is the condition of political society.

Locke defines state power as:

A Right of making Laws with Penalties of Death, and consequently all less Penalties, for the Regulation and Preserving of Property, and of employing the force of the Community, in the Execution of such Laws, and in the defence of the Common-Wealth from Foreign Injury, and all this only for the Publick Good (Locke: Two Treatises II, §3, 1988:268).

So, state power is the right to protect and regulate property and the right to enforce the laws and protect society in the powers of the state. The deciding factor for whether a community can become a society is that each individual transfers his right to maintain the natural law to a common authority, i.e. a common government. The individual thus gives up some natural rights in order to gain effective protection of life and property, which is the outstanding purpose of the state. Hence, the natural law is not suspended with the creation of society. For this reason the free individual can benefit from joining other individuals to form a state-like society. Soon there is agreement to constitute a judicial power of state-employed judges, the executive power of state-employed police and military and finally to give the state legislative power, since the law can protect and regulate the citizens' rights to their own body and private property. Hence, the marriage of state and property is contracted assuming that public authority is absolute.

Locke welded property and state together by claiming that the preservation of property is “the great and chief end of government” whereby the protection of property rights becomes the *raison d'être* of the modern state apparatus. In the aftermath, the marriage between state and property has almost become unchangeable. However, as will be argued, Locke's work clings to the notion of the state *sine qua non* of property and draws more or less explicitly on his two-stage historical account of how private property replaced state-of-nature property (*terra nullius*) as money markets became prevalent. Furthermore, owing to the supposed moral superiority of this form of state, other institutions regulating property have perhaps been ignored (Geisler, 2006: 41).

#### **4.3.2 A Cultural Relative Critique of Locke**

Critical of Locke and his time, according to the cultural relativist James Tully, the Lockean Proviso and the idea of the modern constitution were used to

...dispossess the Aboriginal nations of their sovereignty and territory and to subject them to European constitutional nation states and their traditions of interpretation (Tully, 1995:70).

According to Tully's critique of Locke since the aboriginals had no formal government to deal with and no rights in their hunting and gathering territories (Locke, two treatises II § 37-38, 1988: 294-6) they violated the law of nature when they tried to stop the Europeans from settling in America, and their governments could punish them as "wild savage beasts"( Tully, 1995: 73). However, according to Locke, even in the state of nature individuals have natural rights. This did not give the colonisers a right to take away their land and turn them into slaves. Thus, not all philosophers agreed with Tully that private property necessarily meant the disregard of the native peoples' rights. Among others, Hugo Grotius (1583 – 1645), who is defender of modern natural law and a forerunner of modern legal positivism, believed in opposition to Locke, Hobbes, Rousseau, and Kant that in the natural state of affairs all human beings possess rights and legal faculties. America was not a state of lawlessness and the task was to find out what laws existed. Furthermore, the law was beyond religion and common for all, whereby Grotius denied the legitimacy of imperialism in the name of Christianity. Grotius distinguished between individual property and common cross-cutting property rights, whereby he recognised the earlier societies' system of property (Jarvad, 2006).

Even theorists who believe that aboriginal peoples have some rights in their territories, contrary to Locke, likewise argue that the aboriginals have been more than compensated for their loss of land by the material abundance and greater productivity of commercial societies which have displaced theirs. It is nevertheless highly problematic to refer to one's own value system when justifying the removal of a different value system, which does not recognise the same assumptions of more being better. For example, the aboriginals in America might have worshipped more time and having their own lands instead of material abundance and agricultural productivity.

According to the Fulani herders of Niger's codes of conduct "the Pulaaku" modesty, moderation and patience are the central values in pastoral society. Material abundance is conceived as lack of self-control, which is shameful and a reason to be expelled from society. Furthermore, the Pulaaku ideology is different from the Western market ideology of freedom. In pastoral society freedom consists in the simplicity of life (personal information, Grignon, 2006) and of not being too attached to things and not being forced to

work in order to possess more material objects. Without this value system life in these areas would be unbearable. Of course one could argue that this is a consequence of pastoral poverty and that the people would still be better off if they had more things. But they often prefer to be poor and free than to work for someone else (Grignon, 2006, personal information). Whether the people living in these areas actually wanted more production of material goods is a question that was never raised during colonial imperialism, nor is it raised in the modern cosmopolitan development process. In posterity, it might seem obvious that Locke's notion of property rights did not fit the production system of the first nations and that the employment of the categories more appropriate to that of early modern capitalist society was a disaster to the native people.

### 4.3.3 Cultural Relativism and Public Authority

As seen above the cultural relativistic concept of public authority is related to their account of property. Public Authority as defined by Lund has two essential features: it refers to impersonal administrative operations in general and authority is understood as an instance of power, which seek a certain amount of voluntary obedience, and hence strive for legitimacy. It is institutions and groups which exercise a special form of power in legitimised administrative operations with reference to the state. However, according to Lund these institutions operate in the twilight between state and society (Lund, 2008).

As stated by Lund 2006, in Africa there is a multitude of institutions exercising public authority. Thus, there is no clear-cut distinction between what is state and what is not (Lund, 2006). This fluidity in the range of institutions exercising public authority means that turning access to resources into property is an ongoing process of negotiation (Lund and Juul, 2002). The liberals might say that this is part of the problem in Africa, which seems to offer an argument in favour of universal liberal rights. However, the point in the multicultural perception is that people are excluded if their rights are not recognised. That property is negotiable does not qualify a complete dismissal of the concept of property.

Like Macpherson, according to Lund the essential point is that

...property is distinguished from mere momentary possessions or longer term access by virtue of being **recognised** (my emphasis) by others, through enforcement by society or the state, and by custom, convention or law (Lund, 2002: 12).

This point is central in this relation since it links access to property, which still, as stated by Macpherson, depends on essential recognition from others. The difference from



Locke's perspective is that recognition is not only given by the state but by social interaction, which could be the state, but also the customs and conventions that constitute regularised patterns of behaviour (Lund, 2002: 13).

Thus rules are not fixed and frozen in time but rather seen as "rules in use", performed by people, and thus constantly made and remade through social action (Lund, 2002: 13)

Examining common-pool resource problems in countries throughout the world, Ostrom finds that the users of common-pool resources frequently have been successful in overcoming the temptation to free-ride and act opportunistically and have organized themselves to solve the commons problems. In other instances cooperation has failed and resources have been wasted. What is interesting in relation to Locke's idea of the state as the sole protector of property rights is that according to Ostrom,

Institutions are rarely either private or public - « the market » or « the state. » Many successful CPR institutions are rich mixtures of « private-like » and « public like » institutions defying classification in a sterile dichotomy (Ostrom, 1990:14).

Local non-state institutions for internal governance can be effective regulators of common property. This argument in fact does not contest the argument of the tragedy of the commons, since the tragedy was a situation of open access.

Elinor Ostrom, argues that

... neither the state nor the market is uniformly successful in enabling individuals to sustain long-term productive use of natural resource systems. Further, communities of individuals have relied on institutions resembling neither state nor the market to govern some resource systems with reasonable success over long periods of time (Ostrom: 1990:1).

So according to the multiculturalists, the notion of the state does not provide an exhaustive satisfying definition of public authority, nor does it encapsulate the multiple institutions, which govern property and access in Africa. Consequently, if the many rights holders' claims to property are not to be ignored in the process of formalising rights customary practices and conventions need to be taken into account. So the multiculturalists point to the fact that the informal aspect of organisation is particularly important in Africa (Hyden, 1996). Even more sceptical towards the formalisation of right the more conservative multiculturalists that formalising rights can lead to a process of exclusion. Sara Berry 1993 argues that even land, which have been formally registered or sold to individuals, tends in practice to remain subject to multiple claims. Thus power over access to land is less than absolute (Berry, 1993) Also Christian Lund is aware of the exclusionary process of

formalising property. The plurality of institutions of public authority turns the tandem process of the mutual recognition of property by institutions and the recognition of the legitimacy of this institution into a political process of negotiation (Lund, 2008). It is nevertheless the politicisation of the formalisation process, which risk excluding those who have little to offer in negotiation process.

Furthermore, as pointed to by another Danish professor of development theorist Henrik Secher Marcussen, perhaps being more accepting towards the state actually being there and having a role to play, argues that the unreserved support to the institutions of civil society projected in many donor circles are less obvious: Expecting that these institutions can play a crucial role in filling up the missing link in the Trinity model of modern democracy “State, market and civil society” and ensuring a vibrant democracy to evolve is not only doubtful. It is at the same time eroding the authority and undermining the legitimacy of an already weak state by being an efficient substitute for state administration. Nevertheless, this expectation is also what underlies much of the legitimacy for an international NGO like CARE’s operation in the field (Marcussen, 1997).

#### **4.3.4 Summing up**

Both universalism and see property as to have rights in the sense of enforceable claim, which can be enforced by public authority.

However universalism regards the recognition of public authority as embedded in the state, which is conceived as a rational enduring entity. Furthermore, it is the role of the state to protect property rights , which legitimizes state control. The state is furthermore the ultimate guarantor of property. The cultural relativists on the other hand claim that the state formation is a process of continuous negotiation, that the state does not provide an exhaustive account of public authority in regard to the protection of property and furthermore that multiple local institutions protect property. The cultural relativist claim whereas.

## 4.4 Justice

What is justice is perhaps of the most profound philosophical questions within the history of philosophy. In attempting to provide a definition:

Among other things, one can distinguish between formal justice and substantive justice.

*Formal justice* is: the impartial and consistent application of principles, whether or not the principles are just. *Substantive justice* is closely associated with rights, i.e. what individuals can legitimately demand of one another or of their government (Audi, 1995: 395)

Furthermore, also relevant for the present thesis, *distributive justice* concerns the fairness of the distribution of resources. Since Aristotle, justice has commonly been identified with both obeying law and with treating everyone with fairness. That is including both formal and substantive justice (Audi, 1995: 395).

According to Aristotle Law affects all aspect of human life. Moreover, distinction between particular and universal justice can be made. Both concerns the relation to the “other” and institutionalised rules regulating the relationship between the citizens in society (Aristotle, 1936: v 1130). The tension between the two sides of justice is visible in Aristotle’s notion of fairness (compare *aequitas* in Roman law and *equity* in English law). As mentioned in Chapter 2, according to Aristotle social and juridical justice must be expressed in general/universal rules, but what is right in a given situation cannot necessarily be deduced by a rule, but is based upon moral insight. Furthermore, moral stands above the law so that within the social life any reflection upon right and wrong must be build upon the premises the existing societies can and do deliver. Ethic is about the good man, politics is about the good state. Ethics is based upon virtue and virtue places man in a given societal context. Ethics and politic is hence related but on different levels: frameworks, institutions and rule on the one side and internal attitude and moral insight on the other (Friis Johansen, 1994: 471-74). These distinctions shall be put in use later when looking at justice in action.

#### 4.4.1 Universal Justice

The present example to investigate is the Harvard philosopher John Rawls and his attempt to specify the fundamental principles for justice, according to which the dominating moral and political ideas in Western democracies can be justified. Rawls ambition is to articulate the

...basic intuitive ideas that are embedded in the political institutions of a constitutional democratic regime and the public traditions of their interpretation (Rawls 1971 as cited in Tully: 1995: 216).

Furthermore, John Rawls was interested in what distribution of property any rational individual would choose if they could make their choices without knowing where they would lead in the big lottery of life. This formulation also justifies the categorisation of Rawls within universalism given the principle of universalizability mentioned in 4.1. Since the outcome of Rawls' theory is what any rational person would chose, well obvious, it is what any rational person would choose under relevant similar conditions. Consequently Rawls' theory is universalistic according to the definition.

Rawls claims that the relevant distributive units are 'social primary goods': rights and liberties, powers and opportunities, income and wealth, and the social bases of self-respect (Holtug and Lippert-Rasmussen, 2004: 2). These are things any rational person is presumed to want, irrespective of her particular plan of life. Behind that "veil of ignorance," thus, any rational individual would choose a little free enterprise along with a social safety net – that is some private holdings along with much sharing of resources (Rose, 1998:601). Rawls move posits modern, threshold institutions, which comprise the conventions of modern constitutionalism, as the authoritative framework for constitutional theory and practice. This means that Rawls is not interested in the intuitive ideas about justice in any given society, but the ones in which he lives, the democratic.

Rawls develops what he takes to be the principles of justice through the use of ideas and terminology from the familiar social contract theoretical tradition found in Locke, Rousseau, and Kant, through an entirely and deliberately artificial device he calls the *Original Position*, in which everyone decides principles of justice from behind the veil of ignorance.

In justice as in fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. The original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive

condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice (Rawls, 1971:12)

Rawls is aware of the moral arbitrariness of fortune, which is why this "veil" essentially blinds people to all facts about themselves that might cloud their notion of justice.

No one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance (Rawls, 1971: 11).

According to Rawls, ignorance of these details about oneself will lead to principles, which are fair to all. The social contract argument is to determine principles of justice from a position of equality. If an individual does not know what will happen to himself in society, he will not wish to grant privileges to any particular class of people, but instead develop a scheme of justice that treats all fairly (Rawls, 1971). In particular, Rawls asserts that those in the Original Position would all adopt a minimax-strategy, which would maximise the position of the least well-off.

Furthermore, Rawls' introduces what he calls the *difference principle* (Rawls, 1971: 302). This principle states that social and economic inequalities should be arranged in a way that they are to the greatest benefit of the least advantaged (Rawls, 1971: 95- 100. Furthermore, Rawls spells out that by the 'least advantaged', he means the least advantaged group (or the representative member of that group) (Holtug and Lippert-Rasmussen, 2004: 5).

All primary goods - liberty, opportunity, income and wealth and the bases of self respect – are to be distributed equally unless an unequal distribution of any of the all these goods is the advantage of the least favoured" (Rawls, 1971: 303).

Rawls argues that the principles of justice that he derives are in fact what we *would* agree upon if we were in the hypothetical situation of the original position and that those principles have moral weight as a result of that. Hence, these principles of justice are superior because they are the outcome of a hypothetical social contract (Kymlicka 1990:57). The cultural relativist could object that it is not obvious that the outcome of Rawls' hypothetical contract would leave everyone better off. To take an example, it is not granted that the distribution of political and social rights as a result of the hypothetical is what nomads in Niger would think is an ideal or fair distribution of goods. Rawls 'universal theory' seems to presuppose that all individuals have the same preferences. The cultural relativist could hence, object that his theory do not take cultural diversity into account. For example Rawls does not question whether the system of property is what

everyone would want as an outcome of the original position. Perhaps the nomadic societies of sealers in the north and herders in the south, which live off common property, would prefer a different outcome.

In addition, Rawls illustrates very well the antagonism within the disciplines in this thesis. It might only be a philosopher who would argue that principles of justice are superior because they are outcome of a hypothetical social contract. Sally Falk Moore and her team might say the opposite.

The intuitive appeal of Rawls's theory is that in the great lottery of life someone has bad luck and somehow the ones who have bad luck should be compensated. In this general conception, Rawls ties the idea of justice to an equal share of social goods, but he adds an important twist. We treat people as equals by removing not all inequalities, but only those which disadvantage someone. If certain inequalities benefit everyone, by drawing out socially useful talents then they will be acceptable to everyone. Inequalities are acceptable if they improve my initially fair share, as in utilitarianism, but they should be avoided if they invade my fair share (Kymlicka, 2002: 57). Thus positive discrimination is compatible with Rawls' theory of justice as long as it does not make the least favoured worse off.

To conclude, Rawls wishes to show that the ideas about the fundamental principles for justice are of such a kind that any rational moral person will choose them. Rawls is hence a confirmed believer in that the principles of justice can be deduced from what free and rational individuals would choose as a basis for their social interaction and cooperation (Kymlicka, 2002: 57). Thus, the social structure of society has a foundation in human rationality upon which our society can be based. The veil of ignorance furthermore provides an ideal of impartial legislation when deciding the principle of justice. Rawls' theory is still prevalent in modern procedural justice. Procedural democratic justice focuses on just, orderly, and civilised methods for maintaining and changing material law. The procedural position helps maintain that law is man-made, and that it therefore can be altered by human action. Law is not to be understood as unconnected value statements, orders, or rules, but should be seen in its entirety, as a system of law. Procedural justice is rooted in history, in a particular social and cultural setting and is therefore itself a cultural and historical type of law (Jarvad, 2006).

However, Rawls has not accounted for the fact that private property is the type of society

any culture would want as an outcome of the hypothetical situation.

#### **4.4.2 Cultural Relative Justice**

As political doctrine, cultural relativism is transformed into multiculturalism (Tully and Taylor). It is important to add that the previous accounts for property and public authority in development theories, does not necessitate a normative doctrine.

In this thesis, multiculturalism refers to a normative position within political philosophy in regard to how society is to deal with the increasing cultural diversity and the role of the state in relation to this. I therefore use what the Danish Philosopher Sune Lægaard (2003) calls the group focused formulation of multiculturalism, which claims that:

The state ought to secure that members of all cultural groups in society can maintain and practise their culture (specific forms of life, customs, traditions, and institutions. Therefore for one thing, the state ought to set up laws and rules in a way which does not hinder this, for another thing the state should actively intervene (by financial means or by ascribing special rights) in cases where cultural minority groups cannot do this themselves (Lægaard, 2003: 81).

Cultural relativism claims that in order not to be violated, all cultures have a legitimate right to defend their specific form of life. The political requirement offered by the multiculturalists is that states have an obligation to actively intervene by means of for example, ascribing special rights to some groups of society. This requirement comes close to conservatism, which claims that there are values in cultures and societies, which cannot be reduced to rational economic behaviour and it is the role of the state to protect these values. This implies undertaking acts of positive discrimination or what Taylor calls 'Politics of Difference'.

#### **The Critique of Locke's the "State of Nature"**

As a consequence of James Tully's reading of Locke, Locke legitimises private property according to his two-stage historical account of how private property replaces state-of-nature property. This according to Tully has established an unjust hierarchical order between the European and other more "primitive" civilisations. However, as Tully says, Locke still had to show that settlement leaves enough room of an acceptable standard for common use. Locke believed that everyone would be better off with the private appropriation of the commons in America. Specifically they would benefit from assimilation to a more advanced European state of constitutionally protected private property in land and commercial agriculture, since the European system of commerce was

superior to the Native American Indian system of hunting and gathering in three important ways: the system of private property and commercial agriculture uses the land more productively, produces more commodities and provides greater opportunities to work by expanding the division of labour (Tully 1995: 76). This economic argument, according to Tully, is the main justification for planting European constitutional systems of private property and commerce around the world and in justifying the coercive assimilation of aboriginal and other peoples (Tully, 1995:77). Also Kant's justification of constitutional imperialism is similar to Locke's natural right to punish the aboriginal people who violate natural law by resisting the Europeans who take their land. In relation to this, Kant says

“...distant parts of the world can establish with one another peaceful relations that will eventually become matters of public law, and the human race can gradually be brought closer and closer to a cosmopolitan constitution” (Kant, 1983, 118-119).

The non-European peoples of the world will be recognised as equals only once they have abandoned their lawless ways and submitted to European markets and republican constitutions (Tully, 1995:216).

The critique of Locke and his time has given rise to the multicultural challenge to modern constitutionalism and the way the liberal thinkers have thought about political moral society. The challenge consists among other things in a critique of the lack of recognition of cultural diversity and the importance of social and communal arrangements and institutions to the development of individual meaning and identity.

Before turning to the positive programme of multiculturalism, I shall first present some of the critique of liberal constitutionalism when confronted with a cultural diverse reality, addressed by Tully, 1995 and Taylor, 1994. As argued by Tully, one feature of modern constitutionalism comprises a concept of public sovereignty which eliminates cultural diversity as a constitutive aspect of politics by deriving moral positions from the state of nature or “the original position.” The idea in much contract theory is that we live a free and rational political life in accordance with rules based on agreement and that the way this agreement comes into being is in itself governed by rational morally correct procedures. This simply overlooks the presence of customary institutions because these “big bang” theories presuppose that we can suspend established understandings and practices.

The idea of a rational foundation for our political practices rests upon “Cartesian” dogmatism; that through the use of reason we can suspend our customary life in a godlike



fashion and find a free and rational way of structuring our political life. However, according to Tully, there is nothing fundamental or universal about these practices. Rather, the ingrained idea of the modern constitution, liberties and rights is a set of activities or *practices* of thoughts that have been confirmed through centuries of legal practices and hence turned into a conception of the existence of fundamental rights (Tully, 1995: 81).

The problem is that the idea of a revolutionary new beginning denies any kind of pre-existing communities, cultural differences, values, goals, norms and practices. This becomes problematic when cultural diversity claims to be heard. Furthermore, the modern state project presupposes identity and homogeneity in terms of either an abstract society of undifferentiated citizens, or a society held together by a common good or a culturally defined nation (Jarvad, 1999). As a political programme this philosophy serves to make citizens more equal, as seen in Rawls' social liberalism. However, to assume that the initial conditions of public sovereignty are a state of nature, a veil of ignorance, a set of European traditions and institutions or an already existing national community is to beg the question of politics of recognition. It dispossesses other cultural life forms of their customs and authoritative traditions without a hearing and inscribes them within the Eurocentric conventions of modern constitutionalism (Tully, 1995: 82). According to Rawls' theory, the politics of cultural recognition are incompatible with the respective norms of modern constitutionalism (Tully, 1995). It is exactly the presumed impartiality in a legal uniform political order that the multiculturalists are attempting to call into question.

As pointed out by Charles Taylor (1995), taking special consideration for cultural inheritance as a collective goal might be necessary for the survival of a given culture or life form. Furthermore, when discussing the distribution of primary goods Rawls presupposes the existence of societal structures, where some qualities are better than others. Hence, Rawls' liberal view does not make room for the fact that different cultures have different views about what constitutes the common good, which they cannot suspend behind the veil of ignorance. It might not be the case that all cultures find political rights as prior to rights to resources for example.

Taylor's political philosophy departs from the assumption that post-modernity is a pluralistic age. In his article 'Multiculturalism and the Politics of Recognition' (Taylor, 1994) Taylor claims that it is essential to human identity that one's community is politically and socially recognised.

We define our identity always in dialogue with, sometimes in struggle against, the things our significant others want to see in us...(Taylor 1994:33) My discovering my own identity doesn't mean that I work it out in isolation, but that I negotiate it through dialogue partly overt partly internal with others. (Ibid.: 34)

Furthermore, Taylor believes that certain forms of political liberalism endanger cultural recognition and promote homogeneity rather than recognising plurality (Baker, 2003). In this sense, Taylor addresses what he sees as the central problems or "malaises" of modern societies. He argues that traditional liberal theory's conceptualisation of individual identity is abstract, instrumentalist, and one-dimensional. According to Taylor, traditional liberal theorists from John Locke and Thomas Hobbes to more modern liberal theorists, like John Rawls and Ronald Dworkins, have neglected the individual's belonging to a community and what social theorists like George Herbert Mead have called "significant others" (Mead, 1934, see Taylor 1994: 32). A more realistic understanding of the "self" recognises what Taylor calls "horizons of meaning"<sup>24</sup>, which constitutes the important background of social and dialogical relations with others, against which life choices gain importance and meaning (Taylor 1994:67). Without this background of meaning, life choices are vulnerable to a Nietzschean reduction, where all life choices are equal in value and in some sense meaningless (Ibid. 40)

#### **4.4.3 Discussion**

Universalism stems from the Kantian idea that all humans are equally worthy of respect qua being rational agents, being able to guide our life through principles and autonomy. This was also the fundamental assumption in Locke's theory of state power. However, the critics of universalism have claimed that it has failed to appreciate other cultures, claiming them to be morally inferior, as we have seen in the case of the first nations in America. According to Taylor, in an intercultural context the demand is even stronger, namely to recognise and pay equal respect to all cultures; this means asking for acknowledgement and status for something that is not universally shared (Taylor, 1994: 39-41). Nevertheless, in claim to recognise and pay equal respect to all cultures points the hidden universal ambition in cultural relativism.

The universalist account for justice presented in this thesis insist on the natural state as their point of departure for political society. Furthermore, Rawls theory suggests that in a

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<sup>24</sup> Taylor here draws upon Gadamer's notion of "the fusion of horizons" from *Wahrheit und Methode* (Gadamer 1975:289-80)

legislative situation one should not be influenced by one special position in society. These demands are, maybe simply critical standards to judge whether a law is just or not, according to the original premises. In response to this, the cultural relativists claim that justice is culture-bound and that specific notions of justice only reach as far as the culture that defines it.

According to the cultural relativists, if what is to be discussed is a certain group's concrete situation. The demand that you should be impartial is a demand of forgetting what the cultural relativists are trying to enter into the debate, namely the practices and customs. But the demand to impartiality does not hold if it keeps women in an undesirable situation. It adds insult to injury to ask women to forget their concrete positions. Likewise, if cultural groups such as the gypsies, Jews and other trans-cultural original or minority groups (such as Scandinavian Sami, Australian aboriginals or the nomads of Niger) in one cultural homogeneous comprehensive state require that their concrete culture is tolerated, then it is a rejection of a debate about the central constitutional issues to ask them to forget their position in society or refer to assimilation or emigration (Jarvad, 1999). Thus, according to the cultural relativists, the social contract cannot depart from "a natural state" where practices and customs are suspended; rather the social contract is to depart from a contract which does not in advance rule out the specific life forms one is trying to protect.

This critique has motivated a claim that public institutions should better recognise cultural identities and disadvantaged minorities (Gutman, 1994). In the last decade, the occurrence of nationalist movements and their claim to constitutional recognition is currently pressurising existing nation states. Similar tendencies can be seen when ethnic minorities claim certain forms of recognition and protection of their cultures. However, in line with nationalism, ethnic minorities, feminism etc., the question put forward is whether the modern constitution can actually accommodate cultural diversity (Tully, 1995:1). The challenge is endemic to liberal democracies because they are committed in principle to equal representation of all (Gutman, 1994:3).

One could argue against the cultural relativist team, that the fact that identity and cultural heritage depend on social recognition does not logically imply that states are morally obliged to engage in positive discrimination. Furthermore, one could object to the cultural relativist claim, that given one group special rights to practice their culture, might happen

at the expense of another cultures possibility to the same. Rawls would only accept positive discrimination of a culture in so far as the positive discrimination does make the least advantaged group worse off.

In Niger, this question becomes relevant in the management of the rights to very scarce natural resources. For the pastoralists to have access to the natural resources that are crucial to their livelihood requires an institutional set-up, which takes their special conditions into account. This motivates a question of which specific political initiatives are reasonable to demand.

## 4.5 Part Conclusion 1

The ideology of universalism was categorised according to the principle of universality saying that moral and empirical statements are universalizable. I have now shown how the theories of Locke, Hardin (property and public authority) and Rawls (justice) all satisfies the principle of universality.

On the other hand cultural relativism was categorised according to the claim that moral and empirical statements are relative to time and space. I have now shown how the theories of Lund (property and public authority), Ostrom and Eggertsson, Thébaud (property and public authority) satisfies the principle of relativity. On the basis of this categorisation I answer the first part conclusion

1. *How are assumptions of property, public authority and justice conceptualised in universalism versus cultural relativism, respectively (Chapter 4)?*

### Property

In universalism: First, Locke's theory of property rights is based upon an image of the state as an absolute sovereign authority. Property in the universalistic account as we have seen is embedded in state law, authority and sovereignty. Ownership is secured under the authority of the state exercising the right of sovereignty.

Furthermore, the "Lockean proviso" promised us that people are on the overall better off with the introduction of private appropriation. This line of argument underlies much debate over the relative merits of systems of private and common property. Namely that since private property is interpreted as exclusive control, man will be motivated to invest more and thereby get higher return. Furthermore, this higher return will have a natural trickle down effect on members in society who does not have private ownership themselves. Furthermore, according to universalism, common ownership will lead to uncontrolled free riding of individual members. Locke's argument in favour of privatisation of the land is similar to the famous argument of the tragedy of the commons, as formulated by Hardin (Hardin 1968), claiming that either the state or the market is needed to regulate access to natural resources.

In cultural relativism: Cultural relativism claims that property in Africa is often less

exclusive than the way it is thought of in European logic. Second, the state is not the only protector of property.

Disproving Hardin's argument, that common property equals open access, cultural relativists studying common property regimes have documented through thousands of examples the ways in which people are able to organise what Ostrom has defined as rules of access, withdrawal, management and exclusion in relation to common property resources (Ostrom, Eggertson).

### **Public authority**

Both universalism and see property as to have rights in the sense of enforceable claim, which can be enforced by public authority.

However universalism regards the recognition of public authority as embedded in the state, which is conceived as a rational enduring entity. Furthermore, it is the role of the state to protect property rights, which legitimizes state control. The state is the ultimate guarantor of property. The cultural relativists on the other hand claim that the state formation is a process of continuous negotiation, that the state does not provide an sufficient account of the multiple twilight institutions of public authority in regard to the protection of property.

The theory of twilight institutions implies that if local people and often the poorest are not to be denied their rights, a plurality of institutions, such as customs and conventions are to be taken into account in legislation. This contests the idea that the state is the only protector of property rights and leaves room for the recognition of local institutions and some level of self-government in legal frameworks.

### **Justice**

Both universalism and cultural relativism contain a universal moral ideal of human dignity. This implies that social inclusion is a common denominator for both ideologies, since exclusion would violate both individual rights and the rights of groups. The difference however is to what extent this dignity is provided by natural law of each individual (universalism) or by the recognition from others, e.g. groups (cultural relativism). When it comes to the question of whether states should protect minority groups' right to practise their cultural diversity the points of contest reveal: cultural relativism claims that it is an

insult to human dignity if protection of minority groups' right to practice their culture is not secured by the state. States thus have a moral obligation to promote minority groups' right to practice cultural diversity. Universalism would claim that the state can only give minority groups special right to practice cultural diversity if it does not lead the least advantaged worse off.

Furthermore, the multiculturalists argued that first nations during colonisation of the Americas, first nations were taken away their land rights because the Europeans did not recognise the institutions protecting their rights. Furthermore, since the first nations did not cultivate their lands, according to Locke's theory of property rights, they could not hold rights to their lands (Tully, 1995). This conception had severe consequences for the indigenous populations. According to the multicultural interpretation



*Pastoral well Nouroua*



*Traditional well Karia*



## **PART 3: EMPIRICAL ANALYSIS: STRUGGLES IN PRACTICE**

### ***Chapter 5: Context of the Action Arena***

#### **5.0 Introduction**

This part contains the case study of local competition over wells and pastures in the Diffa region. This is done in five chapters. Chapter 5 contains a presentation of the context of the action arena, including an introduction of the material physical conditions and general attributes of the communities in the action arena, the Diffa region, its history and the problematic of access to natural resources. Furthermore, the context of the legal reform is presented, The more specific norms of behaviour and level of common understanding will be analysed in Chapter 8. Chapter 6 introduces the action arena and its actors. The point is to set the stage for the later analysis of a selected number of situations in the case study sites. Chapter 7 contains a presentation of the rules in use which structur the action arena. Chapter 8 contains the philosophical analysis of the legal repertoire and demonstrates how points of contest between universalism and cultural relativism are reflected in the rules in use. Chapter 9 contains an analysis of the situations of how actors compete over property and public authority over wells and pastures and the influence of the de facto institutions involved. Furthermore it discusses the relationship between the law and how people actually behave in the competition for wells and pastures, and how the philosophy framework can be both useful and revised.

## 5.1 Material and Physical Conditions

### **Box 1: Facts about Niger**

*Niger has a surface-area of 1,267,000 km<sup>2</sup>, of which three-quarters are desert or semi-desert. Niger's population is comprised of nine principal socio-ethnic groups (Hausa, Zarma, Fulani, Tuareg, Kanuri, Toubou, Arab, Gourmantché and Boudouma) and is estimated at 11 million inhabitants, of which 84 % belong to the rural population. Furthermore, its inhabitants are characterised by the highest population rate in the world (3.1 %) and two thirds live below the poverty line.*

*Food insecurity chronically affects more than half of the rural households, whose livelihood systems are dependent on an uncertain agricultural production.*

*Long-term political instability has contributed to structural poverty. However, over the last five years, political stability has been observed, which has enabled the development of a national Poverty Reduction Strategy.*

Source: Care, 2005

The material and physical conditions are characterised by recurrent droughts and insecure climatic conditions. In the 20<sup>th</sup> century, five major droughts have severely hit the Sahel (in 1914, 1931, 1942, 1984 and 1992). In 2005 Niger was again hit by a drought, which in combination with locust invasions during the preceding months caused shortages of food and pastures (Thébaud and Vogt, 2006: 42).

Due to the arid environment, insufficient rainfall and the constant risk of droughts, livestock breeding (pastoralism) constitutes an optimal use of the scarce natural resources.

**Box 2: Facts about the Diffa Region**

*Located in the Far East of Niger, the Diffa region covers an area of 140,000 km<sup>2</sup> about 1,360 km from the capital Niamey. The regions have borders with Agadez to the north, Zinder to the west, Chad to the east, and Nigeria to the south (see administrative map at the front). The region is divided into three departments: Maïné-Soroa, Diffa, and N'guigmi. Diffa is often defined as a pastoral region, even though the zones in the south are dominated by agricultural crop production, especially near the Komadougou River.*

*The Diffa region is characterised by its low and variable rainfall, unstable climate conditions and long periods of drought. The year is divided into a short rainy season from July to September, and a long dry season from October to June, which is in turn divided into a cold period from November to February and a hot period from March to June (see Appendix 5 seasonal calendar).*

*Four main pastoral communities live in Diffa: The Fulani (Peuhl FulBe and Peuhl WoDaaBe) living in the south of the Dillia, and the Toubou and the Arabs (Awlâd, Suleyman, Shuwa). During the 1980s the nomadic Arab Mohamid sought refuge in Niger from a series of armed conflicts which shook Chad, as Libyan-backed forces tried to conquer the country. The presence of the Mohamid, who in October 2006 were under threat of expulsion from the Nigerien government, has increased conflicts over access to natural resources in the region*

Source: personal information, Thébaud et al. 2006: 45, global news.

The pastoral production system rests upon the exploitation of water and pastures. Throughout the Manga plain, which covers most of the region, shallow depressions called cuvettes are scattered. In the cuvettes, groundwater is closer to the surface and accessible within 30 metres, which facilitates the digging of wells.

Droughts, land degradation and desertification has for a long time shaped the image of the Sahel. The natural resources situation is worrying: the mechanisms and endogenous systems of regulation of access to natural resources are gradually being disturbed and replaced by patterns of economic interaction, which threaten to exclude the marginalised groups in Niger's societies (matriarchal households, youths and nomadic cattle breeders).

Moreover, galloping population-growth and the trend toward dispersal of rural households lead to the parcelling out of natural resources, over which access and control become a focal point for violent conflict. The shocks related to the big droughts have highlighted the uneven and unforeseeable character of the natural resources, which feed into the impoverishment of an already poor nation. Consequently, the population has been brought to develop livelihood strategies, which are detrimental to long-term sustainable management of the natural resources. In addition to this, legislation concerning natural resources is still ambiguous and sometimes contradictory (CARE DK, 2005).

Owing to the lack of private ownership the conception was that the pastoralist production system was furthering rangeland degradation and desertification, consequently leading to the collapse of the pastoralist production system. However, the causality of climatic change, overpopulation and desertification can be difficult to determine. Theorists antagonistic towards this neo-Malthusian catastrophic scenario argue that herding has a positive influence on biomass production and furthermore, that the mobility of the pastoralist production system makes it extremely adaptable to highly variable rainfall and insecure climatic conditions (Scoones, 1996, Swift, 1996, Thébaud, 1990).



*negotiating  
camel prices*

For this reason, it is claimed that the real threats to the pastoralist production system are not environmental or biophysical condi

**Box 3: Pastoral Forms of Life**

*Pastoralists: defined as human or social groups characterised historically and socially by their mobility and for whom livestock breeding constitutes the primary activity (rural code, 97-007 article 2). There is a distinction between the nomadic pastoralists and non-nomadic pastoralists who practice transhumance, such as the peuhl FulBe.*

*Transhumance: when farming and herding jointly comprise the subsistence base of a community (Krader, 1955). Under seasonal transhumance the livestock not being used for food or work are driven to the pastures by the tribe's herdsmen while the core of the tribe, including the women and children, remain at home and grow millet in the cuvettes if the rainfall allows it.*

*Nomadic pastoralism: the entire groups of families and all their animal, wander (such as the Peuhl WooDaabe). When they wander they are not migrating or emigrating but nomadising. This means that they follow their herds from one pasture to another, usually over a set route that goes through a territory over which they can also claim as a terroir d'attache*

Source: the Rural Code 1993, Krader, 1955

tions. Instead, the greatest threats are the growing conflicts over land and the lack of formal rights of access to natural resources, which makes the herders' tenure situation insecure. Hence, in order for the pastoralist production system to endure, attempts to secure herders' rights of access to and control over natural resources have been promoted. This is reflected in national legislation and in the work of international development organisations in various Sahelian countries (Hesse and Thébaud, 2006, Thébaud, 2002).

## 5.2 Attributes of the Pastoral Communities

For a long time Niger's pastoral herders have been a special object of attention for

researchers as well as development practitioners. The pastoralist life represents a culture which is in many ways different from the modern western way of life. First of all, the herders' production system requires a high degree of mobility in order to find suitable, available pastures for grazing. The herders' continuous crossing of state and municipal borders makes it difficult to adapt them into bureaucratic state control. Second, herders have to possess a high degree of self control in order to survive in extremely harsh conditions at the very edge of the Sahara desert. This fits very ill with the idea that "more is better" and that higher productivity and growth are social ends in themselves. These conditions have created an image of the herder as the "noble savage" living in harmony with nature, which is still very much alive. This image is nevertheless contested by the realities of today's pastoral life.

Access to the resources is decisive for the survival of the herders' animals. The herders have various strategies as a response to the unstable environmental conditions. Mobility, where the herders migrate with their animals to areas with more abundant natural resources, is a central part of the pastoral communities' basic survival strategy and response mechanism to periodic droughts. By driving their animals to more southerly and well watered areas, often in neighbouring countries, pastoralists are able to limit livestock losses and preserve a core number of animals on which to reconstitute their herd. Mobility also enables herders to raise several livestock species at once, most often cattle, sheep, goats and camels, thereby making optimal use of the range of pastures, such as grasslands, shrubs and trees. Furthermore, the different species respond differently to diseases and periods of drought. Hence, keeping several species is a strategy of diversification. Secure access to areas where both water and pastures are available is thus of critical importance to the pastoral livelihood, especially during the dry season (Thébaud, Thébaud et al. 2006: 42, personal information).

It is characteristic for the Diffa region that the natural resources are used by a diversity of pastoral groups, some being more sedentary agro-pastoralist and others more mobile nomads. These different livelihood strategies imply different use of the natural resources and often conflicting conceptions concerning rights of access.

### **5.3 Historical Background for Conflicts over Water and Land in Diffa**

Water and pastures are closely linked. The absence of a nearby water point will mean that a grazing area will be little used or not used at all. Vice versa, in the absence of pastures

(for example during a year of drought) the water points will be little used. This relation between water and pastures is especially important during the dry season when the herders have to water their animals at deep water points, such as modern cemented or traditional wells, which are limited in numbers. In comparison, during the rainy season, the natural ponds are numerous, which permits a high degree of mobility. During the dry season, the exploitation of the pastures is largely facilitated by a relatively close network of water points, which are dug at the bottom of the large valleys. Traditional wells with management systems based upon negotiation and reciprocity have existed way back in history (personal information, 2006).

Since the beginning of the 1950s, various pastoral water infrastructure programmes started the realisation of modern water points (cemented wells) in the region. These wells were created by the state. However, the state did not have the capacity to enforce regulation over their use and consequently they were perceived as public, subject to no restrictions whatsoever regarding the number of users. For the most part this perception of the cement well remains intact today. Given their status as public, the realisation of these modern wells disturbed the existing system of exploitation of natural resources. For this reason, they are loci for some of the very worst conflicts on record for the zone.

In Diffa, as in the rest of the pastoral Sahel, water and land rights are closely linked. Access to rangelands is affected by control over wells; however, the water infrastructure programmes have often disregarded this factor. Due to the perception of the wells as public, in proximity to a cemented well, resident herders are frequently unable to use the leverage of the well to manage the rate at which pasture is consumed. This makes it practically impossible to cope with seasonal or inter-annual climatic changes, especially when these imply a shortage of pasture. Traditionally, pastoral mobility, which depends on control over and access to wells, has provided means of coping. Herders respond to a shortage of pasture by moving about within their region or by trekking to other agro-ecological zones. Sometimes pastoral mobility involves cross-border transhumance as far as Nigeria, Chad and even Cameroon. Consequently, loss of control over wells seriously compromises pastoral mobility as a response mechanism. These hardships are greater than before owing to the weakening of reciprocal user rights, which used to exist between different pastoral communities (CARE DK, 2005).



During the 1980s and 1990s the modern cemented wells constituted a source of conflict, which led to years of armed rebellion. In addition, since the lack of control of the cemented wells has caused loss of control over the number of animals being watered and grazed around the cemented wells, which are less numerous than the traditional wells, the surrounding pastures have been degraded (Thébaud et al., 2006:50). Now, peace in the region is established. However, its consolidation depends upon the herders' equitable access to strategic resources. The conditions under which the communities of Diffa can acquire access to resources constitute a vital element in the alleviation of the social and economic poverty of the pastoral households and peace building in the area.

The modern cemented well at Nouroua was installed in the end of the 1970s. It was constructed within the framework of a national programme by OFEDES<sup>25</sup>, at that time a public office, which is now privatised. At this time the water infrastructure was state property, hence the state also had the responsibility for its maintenance. Because of the lack of any control system, access to these types of wells became de facto open (Thébaud et al., 2006: 50, personal information).

The modern cemented well at Karia was installed in 1987 through a pastoral water project financed by the Canadian development co-operation (ACDI) and was carried out by a Canadian NGO, the CECI. The installation of the well was part of an experimental project. The experiment established five wells close to the herders belonging to the Groupement Peuhl of Toumour, according to a code for a concerted management among the herders of these five wells (Thébaud, 1987-1989: 1).

The wells were regularly surveyed over a three-year period, which coincided with several years of rainfall deficit. Despite the adaptation of the management code, the management of the wells was met with numerous difficulties. At Karia, for example, the wells quickly attracted many Arab Mohamid herders from Chad and Toubou herders. Furthermore, the situation was often tense between the resident FulBe and the nomadic WoDaaBe (Thébaud, 1987-89). In the late 1980s Karia constituted a point of conflict between the

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<sup>25</sup> OFEDES was an institution created especially by the Government during the Kountché Regime to supervise Water Development, through infrastructural investment in Niger. Created as public water points, the OFEDES wells are nearly always 1.8 m diameter and constructed with a series of concrete well lining sections placed one on top of the other and bolted together. OFEDES wells were of very high quality and built according to specified technical norms with apparently rigorous technical follow-up in the field. The quality of construction has meant that they have lasted for over 30 years and are considered 'the reference' for quality public well construction (SOS-Sahel, 2005).

pastoral groups. In the month of March 1986 the FulBe community living around the wells was almost dispersed and the well was de facto controlled by Arabs and Toubou from the north, despite various attempts to negotiate access between the communities (Thébaud, 1987-89). Now peace has been established but violent and anarchic access to the modern wells still exists in the field, especially during the dry season (personal information).

It is important to notice that the context of the establishment of the well at Karia is not the same as that of Nouroua, which was more in line with national procedures. Nevertheless, in both of the pastoral sites of Nouroua and Karia, there have been frequent conflicts over animal theft and access to water points between the Toubous and the Peuhl FulBe.

Before, there were many problems in the bush, such as fighting and theft. Each person was responsible only for himself. The people were vagabonding. There was no peace (Personal information, President of the GGCRN, Nouroua November, 2005. My translation).

The conflicts had created a situation of mistrust between the pastoral communities. The communities still have perceptions and prejudices about “the others”, which could constitute a source of new conflicts. In 1998 the big leaders of the communities were gathered in order to negotiate peace in the area. Although peace was established, it remains fragile today.

#### **5.4 Ideological Change in Pastoral Policy**

During the last ten years, a major rethinking of the assumptions of range land management and range land ecology has been observed (Scoones, 1996) Throughout the 1990s African land practitioners and policy makers have come to the consensus that secure land rights are of fundamental importance to Africa’s rural poor. There has also been an agreement that the conventional process of formal land titling was not generally the way to secure rights. It has been argued that in fact the attempt to introduce freehold land titles could undermine land right security of poor and vulnerable groups. Instead customary tenure systems were to take the place of more conventional land titling, with promise of adequate security for the poor. In a number of countries the need of formal recognition of customary land rights has been established and attempts of policies and laws has been passed which aim to integrate customary and formal land tenure systems (Quan and Toulmin, 2004).

The Rural Code and its supplementary documents adopted in 1993 were drafted in order to clarify land tenure at the local level. At the moment a supplementary text, “the pastoral

code,” which is to clarify the legal status of pastoral land, is in the process of being finalised (personal information, permanent secretary, Code Rural, Niamey, February, 2007). The idea of the rural code was initially to provide a synthesis of all the pre-existing legal rules and regulations, both written and customary, to integrate customary ways of negotiating access and rights to land and to take specific resource management systems into account in the legislation. Natural resource management is a complex issue in Niger owing to the co-existence of several legal systems: customary law, Islamic law, colonial law and the laws and regulations of the Nigerien state, introduced following independence in 1960. The Code requires, for example, that representatives of the traditional chiefs are to be present in the local land boards (COFO), so that the traditional system of designating land can be integrated into the process of decentralisation (Lund, 1998, Toulmin, 2000).

## **5.5 Summing Up**

I have now introduced the context of the arena, its physical and material conditions and the attributes of the pastoral communities. In this regard, I have explained the challenges of the pastoral production system and the uncertainty of today’s pastoral life in terms of environmental and tenure conditions. Furthermore, the historical context of conflicts over access to water and land has been presented. Finally, the ideological background for the change in legal reform has been described.

## Chapter 6: Action Arena

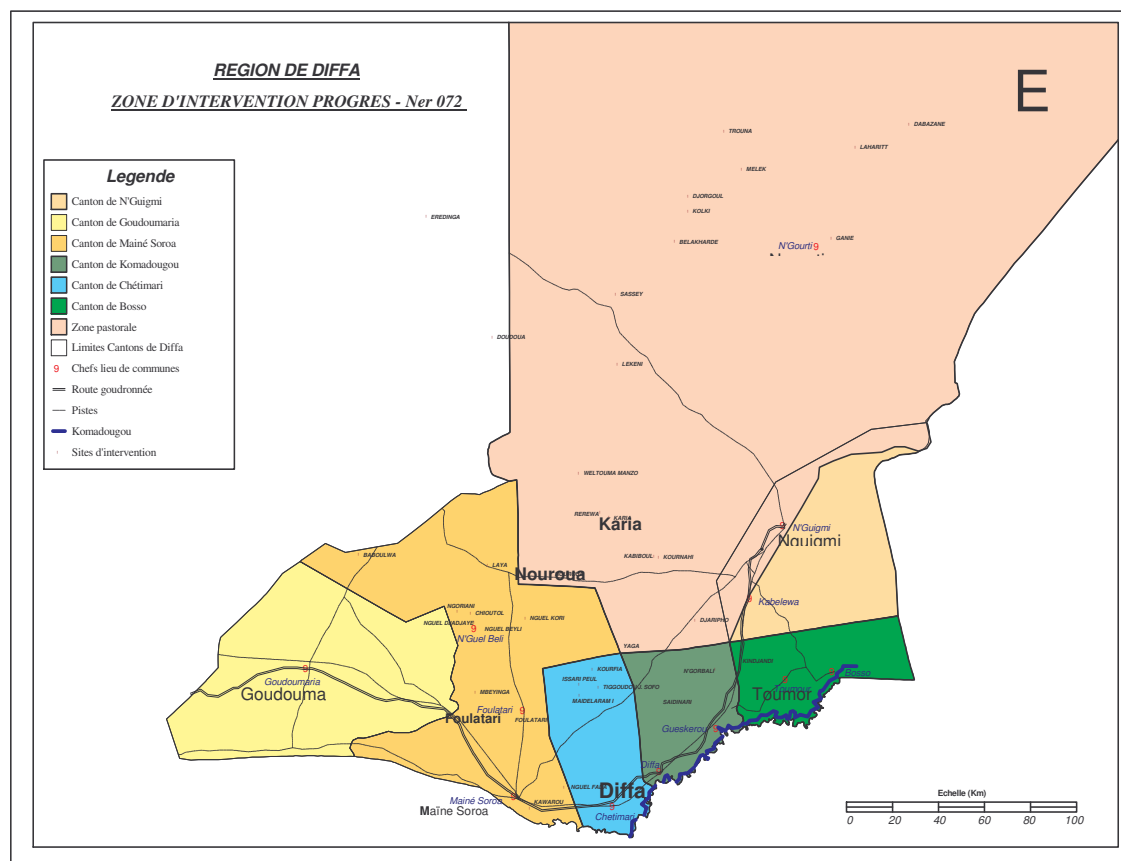
### 6.0 Introduction

This chapter describes which actors and institutions of public authority are actually present in the action arena and the relation between them. This serves as a background for Chapter 9 and the analyses of the situations, which appear in the action arena.

### 6.1 Actors in the Arena

The action arena takes place in the settlements around the modern cemented wells of Nouroua and Karia.

The map shows where Nouroua and Karia are placed in the region of Diffa<sup>26</sup>.



<sup>26</sup> For further details see map of wells in the appendix

### 6.1.1 Target Groups

#### Box 5: Facts about Karia

*The cuvette of Karia is situated in the territory of the commune of N'Gourti at about 130 km from Diffa town, 100 km west of N'Guigmi and 200 km south-west of N'Gourti (see map of the region of Diffa and appendix 6)*

*The entire territory of Karia comprises 266 households, which are located around the main cuvette of Karia, where the most important cemented well lies, within a range of 14-17 km. The area is around 24,000 hectares, corresponding to 240 km<sup>2</sup>. The territory has a number of traditional wells and one other cemented well at Nguel Gnalé (see appendix 6). In the home territory of Karia, which is defined by the people living close to and using the main well, the population consisted of around 47 households (538 inhabitants), which are recognised by the commune.*

*The influence of the GGCRN covers the whole territory of Karia. The FulBe, living in camp at Karia, are of the family « Dernanko'en and Katsinanko'en originating from the Zinder region and have lived there for the last 60 years. Their tribal chief is l'ardo Baruma Djibir Abba, who lives most of the year at camp.*

*Karia is also frequented by various different pastoral communities, notably the Arab Mohamid, and the nomadic Peuhl WoDaaBe. Since the beginning of the 1990s passing Toubou herders have also frequented the site*

Source : CDK 2005 c, personal information

#### Box 4: Facts about Nouroua

*Nouroua is situated in the territory of the commune of N'Gourti about 140 km from Diffa town (see map of the region of Diffa and Appendix 6)*

*The territory of Nouroua contains 183 households, which are located around the main cuvette of Nouroua, where the most important cemented well lies, within a range of 15 km. The territory contains a number of traditional wells and one other cemented well at Kolchanwagé (see Appendix 6). In the camp located at the main cuvette of Nouroua (the Nouroua home territory) there are 29 households.*

*The influence of the GGCRN covers the whole territory of Nouroua. The FulBe living in the home territory of Nouroua are of the family « Kounanko'en » and have lived there for the last 60 years. Their tribal chief is l'ardo Darro Idi, who lives most of the year at camp and has been chief since the death of the former chief, his elder brother, in 2004. The FulBe in Nouroua are agro-pastoral herders of bovines and small ruminants.*

*Nouroua is frequented by various different pastoral communities, notably the Arab Mohamid, sub-groups of the FulBe communities, and the nomadic WoDaaBe.*

Source: Personal information

The resident herders at Karia and Nouroua belong to the ethnic group Peulh FulBe. In contrast, the dominant groups of transhumant and nomadic herders can vary at the two sites. In Karia it is mostly the Toubou, from the north, and the Peuhl WoodDaaBe, who water their animals. I was told before going to the field that at Nouroua it was mostly Arab Mohamid who used the well (personal information). At the time of the fieldwork, however, the same groups of WoodDaaBe were shifting between the sites. A family of Arab Mohamid was living close by.

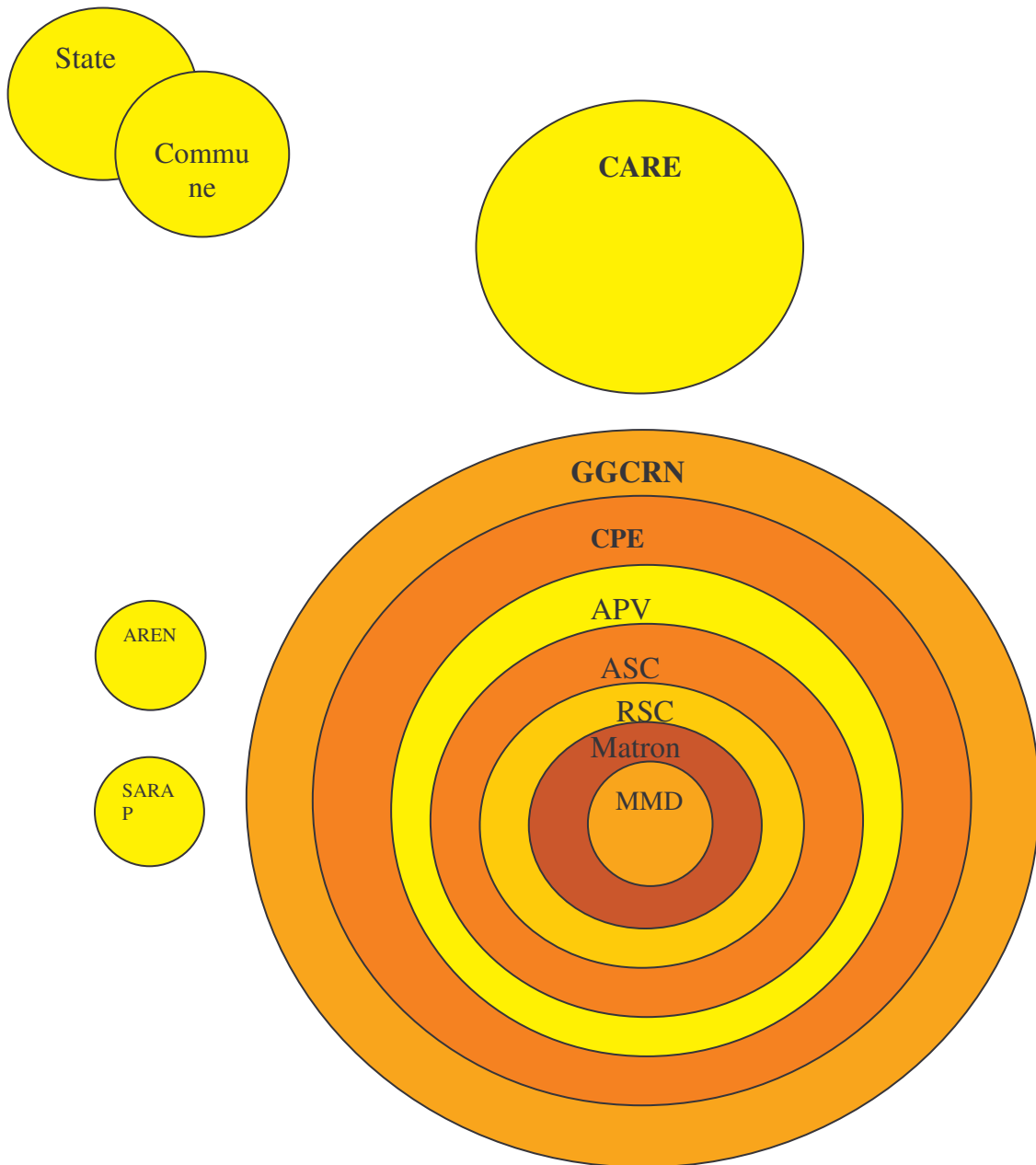
*during  
with the GGCRN*



*interview  
in Nouroua*

### 6.1.2 Institutions of Public Authority

In both the case study site, several actors inform and produce the norms for the legal repertoire in the arena of competition over resources in the pastoral community.



The Venn diagram above (appendix 9) shows structures of the authorities operating at the case study site. The sizes of circles represent the power of the organisation. In collaboration with CARE, the residents of Nouroua and Karia also established several other community-based organisations. These includes the *Groupements de Gestion Concertée de Ressources Naturelles* (GGCRN) and a water management committee *CPE* (Committee de Point d'Eau), which survey the rules concerning the well, such as turns for

watering, hygiene maintenance and payment for water.<sup>27</sup> The Venn diagram (Appendix 9) illustrates that the informants see the GGCRN as embracing the other community-based organisations, which are also part of CARE's development activities in the areas, all composed of members of the community.

Peace is a condition for everything: If the GGCRN did exist, the other organisations couldn't function (group of adult women, Nouroua, November 2005, my translation).

Outside the circles are the external actors, such as CARE and their counterparts. Likewise, the commune and the state is visualised as an external actor. It is important to notice that no other representatives of the local government structures are present in the drawing. The state was viewed as the creator the overriding rules, but not as supporter of the community level.

The role of the state is everywhere. It imposes its own rules. It is not with us the state is made. The state does not provide its support. We cannot influence on the decisions of the state. It is above our level (interview, the GGCRN, November 2005).

### **6.1.3 Customary Authorities**

The customary authorities are very important actors in the arena. Their main tasks consist of tax collection, conflict prevention, being spokesmen for the community towards the customary authorities (chef de groupement) and the administration. In the case of conflict within the community the authority will gather the parties in order to find a solution. In the case of juridical issues he will try to solve it. If he cannot, he will go to a higher administrative level (see scheme below, personal information). Furthermore, it is the customary authorities who give the right to occupy the space, whether for growing millet in the cuvettes or the digging of traditional wells often in consultancy with the elders (Nouroua, tribal chief, December, 2005, Nouroua, January). The customary authorities had a central role to play in the GGCRN and the CPE. In Nouroua the tribal chief was counsellor in the GGCRN and president of the CPE. In Karia, the role of the village chief was less visible. Due to the shortage of pastures at Karia, the resident FulBe are often forced to leave Karia for longer periods of time. In the absence of the chief, his brother, or son or one of the elders can take over his role (personal information, Karia, January, 2006). Furthermore, customary leadership is also a matter of personal attributes and the capability

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<sup>27</sup> Among the other organisations are the cereal banc (le groupement de gestion des approvisionnements (GGA)), a committee for the restitution of the herds of the most vulnerable households (la restitution sociale du cheptel (RSC)) and a micro credit scheme for the women, all addressing the economic issues of securing the pastoral household (MMD). Unfortunately a more profound analysis of these organisations and the relationships between them is beyond the scope of the present thesis.



of leadership, which are not competences which are shared by all tribal chiefs. The GGCRN are an attempt to reinforce the rules established by the customary authorities (personal information). One could say that CARE helps them establish the procedures, but that the rules have already been set by the authorities. In this sense CARE is recognising and reinforcing already existing systems of power to exercise public authority.

### **Community-based organisations**

In 2001, in both of the two case study sites the cemented wells were rehabilitated. On this occasion, meetings were held at the two sites. The former pastoral CARE project SCVM in Diffa with the NGOs and pastoral associations from Maïné Soroa and Diffa and all the herders, including those from the neighbouring cuvettes, were united to find a better way of utilising water and the natural resources. The discussions led to the creation of the GGCRNs, which were supposed to include representatives from the different communities using the natural resources at Karia and Nouroua. At Karia, the GGCRN was named “Kawtal”, which means “to meet”, in Fulfulde and at Nouroua it was named “Jo-onde-jam”, which means “stay in peace” in Fulfulde (personal information).

#### **6.1.4 Civil Society**

CARE has been working in Niger since 1974 by means of a variety of projects in the course of the last 25 years (CARE DK, 2005). CARE has been working with pastoral communities’ rights to natural resources and peace building since the 1990s. CARE Danmark’s third intervention in Niger was the SCVM Project in Diffa, which started in May 2000, working with predominantly pastoral populations and the problematic of pastoral poverty in a post-conflict setting. The Project’s activities were implemented with the participation of local partners. At that time the CARE team consisted of a project coordinator and three technical assistants. Since May 2003 the SCVM pilot phase has made way for a preliminary pastoral program with special attention on the problematic relating to decentralisation, to reinforcement of local capacities and to the complex question of rights and nationality in a pastoral context. In addition to CARE Denmark, Danish Co-operation (Danida) is involved in the Diffa and Zinder regions through its ADDR<sup>28</sup> project concerning natural resource management and via the Niger 21 Projet hydraulique (CARE DK, 2005: 32). A certain level of collaboration between these projects and programmes has been attempted, although not always with success. Collaboration lapsed partly because

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<sup>28</sup> Danish Support Project for Rural Development in the Regions of Zinder and Diffa (*Projet d’Appui Danois au Développement Rural dans les Régions de Zinder et de Diffa*)

of disagreements in relation to the development of a national strategy for pastoral water. Furthermore, owing to the complexity of the issue, Danida is only concerned with village water infrastructures (personal information, 2006).

Thus, CARE's presence in the region is extremely influential. CARE Danmark<sup>29</sup> has for the time being one project in Niger, PROGRES, which has been implemented jointly with CARE International over a period of six years, from January 2005 to December 2010 ([www.care.dk](http://www.care.dk)). The PROGRES programme in Diffa is constituted by three components:

1. Strengthening the Economy of Pastoral Households in Diffa Region: SEMPA.
2. Natural Resource Management and Promotion of Peace Culture in the Diffa Region: GRN/PAIX.
3. Capacity Building for Decentralisation in Pastoral Area of Diffa (RECAP/D).

PROGRES is implemented in partnership with the local partner CSO. The fieldwork was associated with the Natural Resource Management and Promotion of Peace Culture component (GRN/PAIX), which addresses the crucial issues of peaceful and concerted management of natural resources and promotion of a peace culture in a context of recent violent inter-community post-conflict situations in Eastern Niger. The GRN-PAIX component addresses the issues of capacity building of local concerted natural resource management associations, the GGCRNs and improving their ability to negotiate and implement rules regarding the use of natural resources. The reasoning behind CARE's intervention in the Diffa area, in particular the GCRN-PAIX component, is that the conditions under which the communities of Diffa can acquire access to resources constitutes a vital element in the alleviation of the social and economic poverty of the pastoral households and peace building in the area.

Both case study sites constitute the CARE programme PROGRES target communities. One of the main objectives of the programme is to address the issues of peace consolidation through the concerted and negotiated management of natural resources in terms of the

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<sup>29</sup> CARE Danmark is an international NGO and part of CARE International, which was founded in 1992 and constitutes a confederation of twelve national agencies. Today CARE International is one of the world's largest independent global relief and development organisations and CARE's member offices in North America, Europe, Asia and Australia carry out a range of project activities in more than 70 countries in Asia, Africa, Latin America, the Middle East and Eastern Europe (CDK Annual Report, 2004: 5). Niger is one of CARE DK's programme countries, together with Uganda, Ghana, Bolivia, Vietnam and Nepal.

capacity building of community-based management committees, the GGCRNs, by improving their ability to negotiate and implement rules regarding the use of natural resources in a post-conflict context. CARE implements the activities through national partner NGOs. In the two case study sites these were AREN and SARAP, two pastoral associations.

### **6.1.5 Communes**

During the last 15 years, the Sahelian countries have gone through profound economic, social and institutional changes. Hereafter, the new development politics in the sub-region support a redefinition of the role of the central state towards decentralisation. This decentralisation process has led to the establishment of communes directed by elected organs and charged by the local development towards a transfer of competences from the state and the communes. The demarcation of the communes corresponds roughly to that of the cantons; however in some parts of Niger the demarcation is not entirely in place yet (personal information).

In the pastoral zone of Diffa a person's affiliation to a commune is determined by his or her affiliation to a village or tribe, which is attached to a commune. Before being attached to a commune the villages and the tribes are first of all attached to a grouping (groupement) or a canton. For example, the populations of Karia and Nouroua are attached to the chieftaincy district (groupement) of Toumour. Moreover, the home territory (terroir d'attache) of Karia and Nouroua belong to the commune of Toumour, where they are officially registered, even though they are located in the territory of the commune of N'Gourti. The inhabitants of Nouroua and Karia pay their tax to Tomour, and there is a counsellor in the commune of Toumour who comes from Nouroua, whom they vote for (personal information).

The commune of Tomour, although rather exceptional for the country, has the disadvantage that populations live far from their commune. This is contrary to the objective of the decentralisation, which was intended to bring the elected and the administrated parties closer together. Although little knowledge of what the implications of decentralisation for the management of the natural resources will be in Nouroua and Karia, the commune will become a more visible actor in the arena. For example, after the fieldwork ended in Nouroua a weekly market was established at the end of April, creating

a source of income for the commune. The establishment of a market will increase the number of people staying for longer or shorter periods of time and thereby have an influence on the pastures and the residents' control over water and pastures. The establishment of the market also means that Nouroua will be visited more frequently by representatives of the commune (personal information).

### 6.1.6 Formal Government Structures

Since the institutional reform in 1964 Niger has been divided into seven departments (see administrative map at the front) and further divided into *Arrondissements* and communes. The departments are administrative units of the central government headed by a *Prefét* who is appointed by the Conseil de ministres. The *Sous-prefét* is likewise appointed by the Conseil de ministres and represents the *Arrondissements*. The *Arrondissements* are further divided into *collectivités coutumières: cantons* (for the farming ethnic groups) made up of villages and *groupements* (for the pastoral ethnic groups) consisting of tribes (Lund 1998, including table below).

The table shows the formal authority structure. However, compared to the Venn diagram, it is obvious that the state is little observable in the action arena. This is mainly due to the weak capacity of one of the world's poorest governments to function in very remote areas of its territory.<sup>30</sup> The Venn diagram and the weakness of the state is what justify the characterisation of the case study site as situated in the margin of the state. From the Venn diagram it appears to be CARE's and the local management structures created in collaboration with the communities which influence and exercise public authority over property.

Level of administration	Authority	Type of authority
National	Government	Political and administrative
Department	Prefét	Administrative
Arrondissement	Sous-prefét	
Communes	Mayor	
Canton	Chef de canton/groupement	Customary
Village/tribes	Chef de village/tribes	

In the table the communes is grouped as administrative authority, but it should be added

<sup>30</sup> Estimates from Niger suggest that the considerable annual costs of running a land commission is around 40 million CFA (about 700.000 DKK) with the rough cost per plot of approximately 1.000 CFA (about 88 DKK).

that the communes are at the same level as the cantons.

## **6.2 Summing Up**

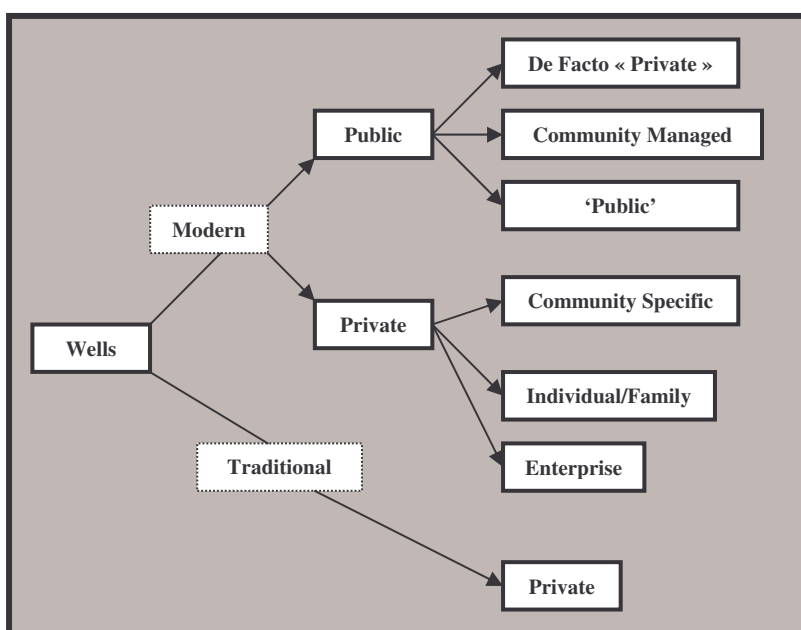
I have now introduced the actors in the action arena and the relation between them. This was visualised by use of the Venn diagram made by the local communities. Furthermore, it was observable that the state is not a visible actor in the field, whereas CARE and the local management committees have a central role to play in governing property in the action arena.

## Chapter 7: Rules in Use

### 7.0 Introduction

In this chapter, I present the rules in use governing property and public authority to natural resources. First, I present the common practices of governing resources in the Diffa region. I then present the laws and rules governing wells and pastures in the action arena consisting of: the Principes d'Orientation du Code Rural Nigérien (the Rural Code) and the Régime de l'eau (the Water Code)<sup>31</sup> and CARE's management committees, the GGCRN. The formal laws also govern other areas, but I only analyse the principles related to pastoral resources. I treat the rules of the GGCRN in this section as well since they are a constitutive part of the effective law in the action arena. The various sources informing the legal repertoire are treated according to their purpose, field of application and rules and principles in regard to the management of wells and pastures. The rules and principles follow the themes of property and public authority over water and pastures. Lastly, I show where the law overlap, contradict or cohere.

### 7.1 Management of Wells



The diagram visualises the types of wells existing in the Diffa region according to their formal or de facto management regimes (from SOS-Sahel, 2005): The traditional wells and the modern wells. The different wells have different rules of access management.

Traditional wells are de facto

private. However, the property rights to surrounding common grazing land are priority rather than exclusive. This means that the wells are open to other users. So passing herders can gain access to the traditional wells based on negotiation. The traditional wells are managed according to local ancient conventions by a person, a group of families or well-

<sup>31</sup> Thébaud, 2004, modules have been helpful tools for the present reading of the law.

defined communities, which are usually residents in the area surrounding the well. The passing herders wishing to install themselves always have to negotiate the conditions of access (personal interview Nouroua, December, 2005). These conditions usually include the length of the stay, number of animals, health conditions of the passing animals and the time of day for watering the animals. Owing to the principle of reciprocity it is rare that a passing herder is denied access to a well:

The likelihood that one day you may find yourself in a situation where you need to water your animals at someone's place means that here in the pastoral zone, you will never prevent someone from having access to water (Personal information Nouroua, January 2006, my translation)

If the capacity of the traditional well cannot support the pressure of an additional herd, the owner can always limit access to the well. The length of the stay depends to a large extent on the condition of the pastures around the well. Thus, the control of access to the well constitutes an important means of regulating access to the pastures (Thébaud and Batterbury 2001: 73, personal information). Watering at the traditional water points is normally free but the passing herders may contribute to the payment if they are present at the time of rehabilitation or the digging of a well. The price for digging a traditional well, depending on the local well digger, is around 20,000 to 30,000 CFA (personal information, see Appendix 4). In addition, there are the costs for materials. The owner is obliged to slaughter an animal for the inauguration of the well. The right to dig a well in the vacant depression depends on authorisation from the customary authorities or can be based upon heritage or loan (personal information).

However, during the last 50 years, this traditional system of managing access to resources based on negotiation has been disturbed by the introduction of modern water infrastructure. Modern wells are at least nominally of either public or private types depending on the source of the investment; though in reality the situation is far from being clear-cut. These modern water points are considered state property where everyone has access rights. This public status and the lack of regulation mechanisms are among the reasons why there have been violent conflicts between the pastoral communities around these water infrastructures.





## 7.2 Rules in Use

### 7.2.1 Purpose

The purposes of the various laws have in common that they address the rights to natural resources. However, the water code only addresses water, while both CARE (GGCRN) and the Rural Code address rights of access to both land and water. Furthermore the GGCRNs have conflict prevention as part of their purpose. The different purposes are shown in the table below.

Law	Purpose
<u>Rural Code</u>	<p><i>To define the legal framework for agricultural and pastoral forestry related activities land, in the planning of land use, protection of the environment and promotion of human development.</i></p> <p><i>Assure land tenure security for the local population by recognition of their rights and by favouring development through a rational organisation of rural environment.</i></p> <p>(Code rural, 1993, article 1, my translation).</p>
<u>Water Code</u>	<p><i>The purpose of the Water Code is to define and determine the water management system for all of Niger and determine the conditions of utilisation of this resource.</i></p> <p>(Water Code, 1993, article 1, my translation).</p>
<u>GGCRN</u>	<p><i>To prevent conflicts and promote co-operation between the communities using the resources.</i></p> <p><i>Establish rules of access and exploitation of pastoral resources.</i></p> <p><i>Fight against the deforestation and anarchic exploitation of common resources.</i></p> <p><i>Protection and maintenance of pastoral infrastructures.</i></p> <p><i>Development of natural resources and lasting investments.</i></p> <p>(CARE, 2001: 2)</p>

## 7.2.2 Application

The different laws apply to sometimes separate and sometimes overlapping areas of interest. The rural code and the GGCRNs apply to water, plant, animal and land resources, e.g. natural resources as a whole; the water code has a more sector-based approach as it applies only to water.

Law	Area of Application
<u>Rural Code</u>	<p><i>The law applies to land, plant, animal, and water resources:</i></p> <ul style="list-style-type: none"> <li>- <i>The land resources, which constitute the land for agriculture, livestock breeding, forestry as well as planning, declared and vacant land as a whole.</i></li> <li>- <i>The plant resources, including forestry resources as well as pastures and agriculture.</i></li> <li>- <i>The animal resources include all the resources designated for livestock breeding, wildlife, fishing and all other animal species with an economic or ecological importance.</i></li> </ul> <p><i>The water resources include as a whole the surface water relevant for the domain of the state and communes, the groundwater and private waters (article 2, 1993).</i></p> <p><i>The law likewise determines disputes resulting from management of the resources listed above and determines which authorities are competent to resolve the disputes.</i></p> <p>(Rural Code, 1993, article 2 and 3, my translation).</p>
<u>Water Code</u>	<p>As a whole the text treats the issues related to water in all its forms and in all its utilisations including: surface water (ponds, rivers), groundwater, profound water points (digging of wells); utilisation of water for agriculture (irrigation), pastoral (watering of animals), domestic and urban.</p> <p>(Water Code, 1993, article 2, 1997, 1998, Thébaud, 2004)</p>
<u>GGCRN</u>	<p>Land, plant, animals and water resources, such as water points for households and productive use, land for pastures, agriculture, and forestry products (personal information).</p>

## 7.2.3 Rules of Property Regarding Wells and Pastures

Law	Rule of Property Rights and Access Rights to Wells and Pastures
<p><u>Rural Code</u></p>	<p><i>1. Paths of transhumance and passing corridors</i></p> <p>The paths of transhumance and passing corridors permit the circulation of animals in the field. These are classified as the state or the communes' property. The herders profit from their use in common (Rural Code article 25, 1993).</p> <p><i>2. Common user right and priority user rights</i></p> <p>The law accords two specific rights to the herders:</p> <p>a) Common user rights to areas reserved for passage, pastures and grazing.  b) Priority user rights to resources within a <i>terroir d'attache</i> (home territory). The priority user right is specified in the supplementary text 97-007 from 1997 to be proven by a <i>preuve</i> recognised by the customs and/or the law (Rural Code 93-015 article 28).</p> <p><i>3. Water infrastructure installed within a home territory fall under the private property regime</i></p> <p>Hydraulic infrastructures installed (and paid for) by a community or an individual in a pastoral site, to which it (or he/she) holds priority rights, fall under the private property regime. However, the installation of water points has to take into account the principle of third man's user rights, especially with regard to herders (<i>droits de tiers</i>) and the protection of the environment (Rural Code, 1993 article 46).</p> <p><i>4. Obligation to productive use of the pastoral resources</i></p> <p>The herders are obliged to contribute to the utilisation of the pastoral areas in a way that assures the protection and rehabilitation of water resources, pastures and vegetation coverage. The local authorities control the respect of measures to protect the environment (Rural Code article 27, 1993).</p> <p><i>5. Productive use of land Is mostly physical or material investment</i> (Rural Code, 1997, list)</p>
<p><u>Water Code</u></p>	<p><i>1. Water belonging under the public domain</i></p> <p>All water resources belong to the state, which means they belong under the domain of the state. These resources can be classified into two categories:</p> <p>a) The natural domain, such as ponds, rivers, ground water  b) The artificial domain, which includes the man-made water structures, which permit the utilisation of water resources: modern water points (wells, bore-holes), irrigation channels, dams, etc. A modern water point is defined as a water point realised according to the rules and supplying a capacity of more than 0.5m<sup>3</sup> (500 litres) of water per hour (1 article introduced by the law 98-041, 1998).</p> <p><i>2. Access to water for the watering of animals is free (public)</i></p> <p>All persons have the right of free access to water within the public domain (Water Code, 1993 article 10). The decree from 1997 specifies that free utilisation is a right which may be exercised without the need of a declaration, authorisation or concession; in addition, the utilisation of water for watering of animals is free (Water Code, 1993, 1997, 1998, 1999).</p> <p><i>3. A water resource can also be private if it is situated in a private area</i> (Water Code, 1993 article 5).</p>

	<p>All hydraulic infrastructures installed (and paid for) by a community or an individual in a pastoral site, to which it (or he/she) holds priority rights falls under the private property regime.</p>
<p><u>GGCRN</u></p>	<p>The GGCRN management system is based upon the principles for the management of access to traditional wells, which recognises the negotiation process and the linkage between access to water and control over grazing land.</p> <p><i>1. the principle of reciprocity:</i></p> <p>The possibility that one day you may find yourself in a situation where you need to water your animals at someone's place means that here in the pastoral zone you will never deny someone access to water (Personal information Nouroua, January 2006, my translation)</p> <p>When passing herders enter the territory of the main cuvettes they ask for permission to access the well before they install themselves in the territory. In order to be granted the right to stay at the site the passing herders are obliged to accept the rules for using the well. The GGCRN then indicates the area where and how long they can stay and the water committee explains the price for water and the length of time they have available for watering their animals, according to the fixed schedule for the use of the well.</p> <p><i>2. Rules for rights of access to the pastures and common resources:</i></p> <ol style="list-style-type: none"> <li>1. Deforestation and anarchic exploitation of common resources are forbidden</li> <li>2. The place and the time of the stay is decided by the GGCRN according to available pastures</li> <li>3. One may not fell trees; only dead wood may be used as firewood (personal information)</li> </ol> <p><i>3. Rules of rights of access to the well:</i></p> <ol style="list-style-type: none"> <li>1. Residents pay 30 naira (about 1.5 DKK) per month; however, severely vulnerable households can be excepted.</li> <li>2. Non-residents pay 1,000 naira per month (about 44.50 DKK) per month<sup>32</sup></li> <li>3. The time schedule for drawing water for household consumption and for watering animals is settled</li> <li>4. The water committee decides the time of day a group of passing herders can water their animals</li> <li>5. Furthermore, rules of hygiene must be respected, such as removing shoes and not allowing animals at the centre of the well</li> <li>6. All users of the well should participate in its maintenance</li> </ol> <p>(Personal Information)</p>

<sup>32</sup> there can be small deviations between the two case study sites, so the price is an approximation.

### **Explanation: Property**

First, the Rural Code states that herders have a right to use rangelands in common (principle 1) and have *priority rights* in their homelands *terroir d'attache* (principle 2). A priority user right is understood as the pastoralists' recognised power to occupy, use and manage resources in their home territories. In order to determine a home territory the following criteria are taken into account: the testimony of the populations living in the zone and the length of occupation by the herders. Considerable investments in the area are considered as: digging of wells and all other operations of productive use of the pastoral land (Rural Code, 1997, article 6).

However, according to the decree, priority user rights to a home territory do not constitute a private property right. The priority user right to the resources in the home territory does not exclude other users. It has to remain open to a third party's use (*droit de tiers*). Notably this includes both the right of access to water points and the rights of passage and grazing. Outsiders, such as transhumant herders, can gain access to water and grazing territories on the basis of negotiation with the rights holders. These provisions imply that the creation of modern wells must be associated with priority rights to water and grazing resources and that open-access wells are possible only in no-man's land situations or on transhumance routes. Through this legal concept, the rural code strives to take into account traditional customary resource management systems (see 5.1). Furthermore, this corresponds with principle 1 in the rules of the GGCRN.

At the same time, the second principle in the Water Code says that access to water for livestock is open to all, including outsiders such as transhumant herders. Hence the water points are considered as public with free utilisation, e.g. open access, without any regulation (water code 1993, 1997, 1998, 1999, Thébaud, 2004, et al. 2006). This contradicts the Rural Code's second principle of priority user rights in the home territory.

Hence, we have discovered a contradiction between the Water Code and the Rural Code. This incoherence causes a lack of a common basis of rules and explains why people have different perceptions in regard to users' rights of access to water.

The third principle in the Rural Code law indicates that in the case where a community's rural activities necessitate a fixed or durable water implantation on a delimited plot, the property of the land can be recognised as private property (93-015 article 28, and 46)

(Rural Code principle 3 in the table). This corresponds to principle 3 in the Water Code.

Principle 4 in the Rural Code concerns the productive use of land pastoral land. The Rural Code has tried to define what constitutes the productive use of natural resources by listing “positive” and “negative” land-use activities of what constitutes rational and productive pastoral land use (mise en valeur) otherwise the land can be transferred to someone else. Most of the “positive” actions involve some form of physical or material investment (e.g. planting trees, establishing private forests, fencing off land), which are heavily skewed towards the agricultural and agro-forestry sectors. The “negative” activities, on the other hand, tend to be highly subjective and open to interpretation, take no account of local specificities, and are virtually impossible to monitor. There is a frequent use of such words as “overuse,” “illicit use”, “anarchic use” “uncontrolled use,” without any definition of what exactly is meant (Rural Code, 1997, list).

#### 7.2.4 Rules of Public Authority over Wells and Pastures

Law	Rules of Public Authority
<p><u>Rural Code</u></p>	<ol style="list-style-type: none"> <li>1. <i>Commission Foncières (COFO<sup>33</sup>) governs access and use of pastoral resources</i></li> <li>2. <i>Herders can have their user rights to their home lands recognised following the procedures of inscription of these rights by the COFO in a dossier rural (Rural Code, 1993, article 30).</i></li> <li>3. <i>The COFO is in charge of verifying the optimisation of the pastoral resources and the control of the respect of the measures of protecting the environment (Rural Code 1997 article 27 and 2)</i></li> <li>4. <i>Any of conflicts over user rights are to be settled by the COFO (Code Rural, 1993, article 121).</i></li> </ol>
<p><u>Water Code</u></p>	<ol style="list-style-type: none"> <li>1. <i>Everyone using a public water point ought to participate in its maintenance (Water Code, 1993 article 11).</i></li> <li>2. <i>Obligation to constitute a water management committee (Water Code, 1993 article 39)</i></li> </ol> <p>The water committees are representatives of the resident communities, of which the members are elected at the general assembly (G.A) (water code, 1997, article 37). This committee is to meet on a regular basis. In the pastoral areas, in each pastoral site a water management committee is established under the protection of the tribal chief (Water Code,</p>

<sup>33</sup> The role of the COFOs is generally to furnish deeds (land-titles) upon request by users, most typically in the context of agricultural production. Their actions are also intended to solidify the legal foundations upon which proprietary prerogative of sedentary households are based. The COFO are in principle established in each arrondissement throughout the country. A COFO is boarded by the Sous-prefet or the mayor and is composed by the technical services of the state and the customary authorities, and according to the agenda, representatives from groups of pastoral herders, farmers, women or young people (Article 118, 1993).

	<p>1998 article 72).</p> <p>3. <i>The mandate of the management committee is primarily to maintain the water point, collect fees from utilisation, and administer the management funds</i> (Water Code, 1997, article 40).</p> <p>4. <i>The number of members constituting a committee should not exceed 9</i> (Water Code, 1997, article 44). A management committee is composed of at least a president, a secretary general, a treasurer and a hygienist.</p> <p>4. <i>A Management committee only has a consultative role in relation to problems related to the management of water</i> (Water Code, 1998, article 72).</p> <p>5. <i>In the case of conflict between the users the Prefét can limit access to water</i> (Water Code 1997, article 3).</p>
<p><u>GGCRN</u></p>	<p>1. <i>GGCRN governs access and use of pastoral resources</i></p> <p>2. <i>The activities of the GGCRN are to include</i></p> <ol style="list-style-type: none"> <li>1) Awareness campaigns for how to sustain the peace</li> <li>2) Gather General Assemblies when confronted with discussible subjects</li> <li>3) Watch over the occupation of the area in order to decide who can stay in which part of the area</li> <li>4) Watch over whether the rules of the water committee and the CCGRN are followed.</li> <li>5) Assure that the schedule of turns for watering of animals is respected</li> </ol> <p>In order to keep up the activities the members of the GGCRN board convoked a general assembly in order to take decisions about how to manage the territory and how to handle difficulties related to the presence of passing herders. Furthermore, if there is a shortage of natural resources, the committee can gather a general assembly, where everyone proposes solutions to be considered. Afterwards the committee will decide and verify the relevant propositions. In fact the general assemblies are only convoked if necessary. During the general assembly the herders discuss the agenda and participate in the decision making by voting. In the case of disrespect for the decisions and rules, the general members of the GGCRN can decide on a fine (personal information).</p> <p>3. <i>the GGCRN are to be composed of</i>  11 members: a president, a secretary, a treasurer, three members in charge of sharing information between the different user groups and five councillors from the surrounding cuvettes, three of these should be women</p>

### **Explanation: Public Authority**

The institutional framework established by the Code Rural is based on the existence of the Commissions Foncières (COFO, Land Boards), which formulate the rules governing access to and use of natural resources, including regulations and disposition of rights, stating with a macro-scale vision of rural land management. The land boards are non-elected bodies largely composed of civil servants, which only have one pastoral representative. According to the Rural Code, it is the local land boards (commissions foncières) who have responsibility for establishing whether land is being put to productive use. These boards have the power to withdraw access to pastoral land if they consider it is not being put to productive use (principle 1-3). Furthermore, in cases of conflicts over natural resources it is the COFO who determine the conflicts (principle 4).

According to the Water Code all users are obliged to participate in the maintenance of public water points (principle 1). Furthermore, each public water point should have a community-elected management committee of nine members to regulate the use and payment for water (principles 1-3). The management committees do not have a say in conflicts over the management of water (principle 4).

Finally, a contradiction in the Water Code lies in the fact that on the one hand it claims that everyone has right of access to water; but on the other hand, in the case of problems the authorities can withdraw an authorisation or restrict access to water (principle 4). So, does this mean that people have rights of access or not?

In relation to the water management committees, the GGCRNs are in charge of governing the function of the water management committees at the pastoral sites, so in this regard they create a superstructure to the water management committee, acts in correspondence with the Water Code (principle 1-3).

Concerning the principle for governing access to pastoral resources it is interesting to notice that there is an overlap of competencies between the GGCRN (principle 1 and 2) and the COFO in the Rural Code (principles 1-3). With decentralisation COFO will be established at commune level (the COFOcom), which will have responsibility for the pastoral resources in the communes. However, the GGCRNs are still operating at a community level and in reality it is doubtful whether the COFO will have the required capacity and competencies to enforce the rules and principles of the decentralisation at a community level in the pastoral areas.

### **7.3 Summing up**

From the above it is clear that there are conflicts in the law, especially between the Rural Code and the Water Code, over rights of access to water and land. Furthermore, the range of authorities deciding the rules is somewhat fluid. In the Rural Code the COFO has to handle disputes over rights to natural resources, and in CARE's regime it is the GGCRNs who settle the conflicts. Furthermore, the management committees only have a limited say in the case of conflicts around the wells. This creates a situation of legal pluralism with some degree of confusion within the law. However, from time to time there is also some



degree of coherence between the principles.

## ***Chapter 8: Philosophical Assumptions in the Rules***

### **8.0 Introduction**

I now examine how the tension between universalism and cultural relativism can be identified in the rules governing access and public authority in the Law. This is done through a discourse analysis, which identifies the assumptions about property and public authority and social justice. Only the assumptions about what constitutes property and public authority are reflected in the rules. The idea of what is social justice is related to the overall objective of the law.

The philosophical analysis will be brought into play in the next chapter in the analysis of the empirical situations. It will then be apparent to what extent the assumptions hold and to what extent the expected results are achieved owing to direct or indirect consequences. First I present the model, which is followed by explanations for the categorisation.

## 8.1 Overview

Law	Law Principle	Universalistic Assumption	Multiculturalism Assumption
<b>Rural Code</b>	<i>Property</i>		
1. Principle	Paths for transhumance and passing corridors are state property and the herders can use them in common	Everyone shares equal rights to common areas (Locke) without regulations (Hardin).	
2. principle	Priority user rights to home lands are open to 3 <sup>rd</sup> party based on negotiation		Property is negotiable, non-exclusive multiple cross-cutting user rights (Lund, Berry, Ostrom, Eggertson, Thébaud)
3. principle	Water can become private property, but remains open to others		Private property is not exclusive
4.principle	Obligation to productive use of resources	See below	
5. principle	Productive use of land is mostly physical or material investment	Improvements to land equal added labour value (Locke)	
<b>Water code</b>			
1. Principle	Water is state property	State regulated property, where the state acts as an individual with exclusive rights or exclusive individual ownership (Locke, Hardin)	
	Access to water points for watering animals is free	Everyone has equal access to water without regulation (Impartialness, Rawls, Locke)	
	Water can become private property	Private property is exclusive (Locke, Hardin)	
GGCRN	Principle of reciprocity		Property is negotiable, non-exclusive multiple crosscutting user rights. (Lund, Eggertson, Thébaud)
<b>Public Authority</b>			
<b>Rural Code</b>			

1-4 Principle	COFO governs access and use of pastoral resources and settles conflicts related to this	The state is the absolute protector and qualifier of property	
<b>Water Code</b>			
Principle 1	Everyone must maintain public water points	Rules and duties apply equally to all members of society	
Principles 2-4	All public wells must have a Water Management Committee of 9 members who control access to water	Rules apply equally to all	
Principle 5	In case of conflict the Préfet can close a well	State administration governs property and access to public goods	
GGCRN			
Principles 1-2	GGCRN governs access and use of pastoral resources and the water management committee		Various institutions recognise rights (Lund). Resources are more efficiently managed locally (Ostrom, Eggertson)
<b>Justice</b>			
Rural Code	Recognition of link between access to water and pastures		Consideration for pastoral form of life in the legislation, specific forms of life require special rights, positive discrimination (Taylor, Tully)
Water Code	One size fits all	All members of society have equal rights (Locke). No special consideration to specific forms of life or cultural diversity in legislation (Rawls)	
CARE	Recognition of link between access to water and pastures		Consideration for pastoral form of life in the legislation, specific forms of life require special rights, positive discrimination (Taylor, Tully)

## 8.2. Property

### 8.2.1 The Rural Code

The Rural Code perception of property is multicultural in the sense that it recognises the multiple and sequential use of resources by different actors at different times of the year. This corresponds to how the multiculturalists perceive common property natural resources (Lund, Berry, Eggertson, and Thébaud). The rural code also recognises and gives room for

social relations to play a central role in enabling pastoral communities to negotiate access to water and pastures, particularly in the dry season. Hence the conception is that property and rights of access constantly need to be re-negotiated with different groups at different times of year, partly in response to the seasonal and inter-annual availability of resources, because the resources are used by a diversity of people for different purposes at different times of the year. So in this aspect the law reflects a multicultural conception of property, as social relations, which are continuously negotiated as described in section 3.1. Hence, the rural code recognises the negotiation of reciprocal agreements over resource use in a consensual manner. This is in line with the cultural relativistic perception of property, which recognises that property is not exclusively private and a number of users can gain access to the same resources. Furthermore, it proves that rights of access are something which are continuously negotiated, and not something fixed in time and space (Lund, Berry, Eggertson and Thébaud).

On the other hand, the rural code contains elements which reflect how liberal thinkers in the universalistic tradition have thought about property and land use. In the rural code, in order to acquire title to land one has to be able to prove productive use of that land (*mise en valeur*), which according to the positive lists is still somewhat in favour of the agricultural sector. So, although the pastoral laws recognise pastoralism as a legitimate form of land use, there is still great confusion and ambiguity as to what exactly this entails. The resemblance to Locke's conception of improving land, which was a precondition for his theory of private property, is thus articulated in the Nigerien legislation. Since, we till, change and plough the land. Given that value is added, it can hence be claimed by us. There is still no recognition of the positive actions of pastoralism through the simple transformation of biomass into animal products for pastoralists or the national market (Thébaud and Heese, 2006). This seems similar to the way that in Locke's time no one thought of hunting fields as a productive use of land, despite the fact that livestock production contributed significantly to the economy of the inhabitants. So the myths of property in Western thinking are still alive in the rural code. This misjudgement of added value to the pastoral resources calls upon a theoretical perspective, which takes cultural practices and local knowledge of pastoral land use into account when determining what is productive use of land. If they are not adjusted to the environmental conditions these criteria can lead to inappropriate land use.

### **8.2.2 Water Code**

The Water Code's rule about the free utilisation of water for the watering of animals, e.g. open access without any regulation, reflects Hardin's notion of common property as equal to open access combined with the universalistic idea that everyone has equal rights to water regardless of their position in society.

The principle of free utilisation contradicts the Rural Code, owing to the disagreement about what is common property. According to the cultural relativist notion, common property is regulated use according to specific agreements.

The principle of free utilisation contradicts the Rural Code as already mentioned, exactly due to the disagreement of what is common property. According to the cultural relativist notion, common property is regulated use according to specific agreements.

Furthermore, although the two decrees were adopted on the same day, December 2nd 1993, there is no clear hierarchy between the laws, nor certainty about which of them can trump in practice. A given dispute might end up creating competition between government institutions.

### **8.2.3 GGCRN**

In line with the Rural Code, CARE shares the multicultural perception of property as the multiple and sequential use of resources by different actors at different times of the year. CARE also recognises and gives room for social relations to play a central role in enabling pastoral communities to negotiate access to water and pastures, particularly in the dry season. So, like the formal law, CARE has a multicultural conception of property, as social relations, which are continuously negotiated, as described in 4.1. Hence CARE recognises that negotiating reciprocal agreements over resource use in a consensual manner is essential if resource-related conflicts are to be avoided.

## **8.3 Public Authority**

### **8.3.1 Rural Code**

The COFO has the authority to entitle and withdraw land. However, as mentioned above, these are unelected bodies, with little representation of pastoral communities and mainly

civil servants who are rarely aware of the complexity of pastoral systems and the interface between livestock and the environment. In addition, pastoralists have little control over the process and are highly dependent on local government officials and technical officers, who do not necessarily have a thorough comprehension of the dynamics and rationale of pastoral systems, and who are frequently vulnerable to political manipulation by powerful groups. These provisions weaken rather than strengthen pastoralists' tenure rights (Thébaud and Hesse, 2006). This set-up does not fit the multicultural conception that local institutions should recognise property. So, although the Rural Code attempts to recognise pastoralism, in the perception of public authority, it is still the idea of the state as a rational intentional power which prevails.

### **8.3.2 Water Code**

The establishment of the water committees illustrates a multicultural conception of authority as being exerted out locally and proves that various local institutions recognise property (Eggertson, Ostrom and Lund). On the other hand, the specific rules about the number of members and the fact that these are expected to be the same everywhere, do not take into account the pastoral reality. Due to the mobility of the nomadic herders it is almost impossible for them to maintain a permanent membership in the management committees. This would require additional members or the allowance of temporary membership.

Furthermore, the power of the management committees is limited to financial aspects and maintenance of the water infrastructure. It does not include the capacity to control the grazing land and the number of livestock using the well. This connection is crucial in the pastoral zone, since it is the control of access to water which permits the control and regulation of access to the rangelands and hence the rhythm of consumption of the rangelands. Once again the Water Code does not manage to establish a functional link between access to water and access to rangelands, as if these resources were independent of each other. The management committees' capacity to control access to water and grazing resources is limited and cannot in itself constitute a coherent, sustainable management system.

So, despite the attempt to decentralise water management to the local water committees, for the cultural relativists the limit on numbers of members and the lack of power make it

an unsatisfactory solution to the problems of the management of the modern water points, in the pastoral zones of Diffa. This is due to the lack of taking into account specific management systems and forms of life in the legislation. For instance, mobile communities are not always in a position to maintain their members around the well throughout the year, and the election of additional treasurers and committee members would often be necessary. But the law allows only nine members (Thébaud and Hesse, 2006).

Furthermore, when problems arise, it is the regional administration that intervenes and, if necessary, closes the well. So it is still the state that has the final say, as reflected in the liberal version of public authority. In a more multicultural perspective an alternative would be the application of the “Quod omnes tangit” principle, that in a matter which touches everyone, everyone has a right to be heard, which is Tully’s suggestion to an alternative model to the impartial procedural democracy. In any case, it is the state that is the final decision maker and absolute protector of property rights, as we have seen in the tradition of universalism.

#### **8.4.3 GGCRN**

In the concrete development practices carried out by the GGCRN, CARE recognises the need to manage natural resources and conflicts according to local practices. This, on the other hand, reflects a multicultural approach to public authority, which claims that the range of institutions recognising property is manifold. And furthermore, that this local system of management is more efficient than, for example, state or privately-regulated property.

In addition, as a more descriptive comment in line with the cultural relativistic notion of public authority, the GGCRN – and CARE for that matter – can be characterised as what Lund calls “Twilight Institutions”. This is due to their ambiguous position vis-à-vis the state, which is expressed in the justification of their non-state status in the formal language of the state. Using the language of the state in terms of contracts, deeds and declarations reveals an “unstately stateliness” of the twilight institutions. This process is initiated in the competition over who can produce rights. However, at the same time, it is still the idea of the state as a qualifier that prevails (Lund, 2006). This tendency echoes the multicultural perception of public authority as something which can be exercised by competing temporary institutions.



...while government institutions are important, the state qualities of governance—that is, being able to define and enforce collectively binding decisions on members of society—are not exclusively nested in these institutions. A wider variety of institutions are at play in this enterprise (Lund, 2006: 685).

## 8.4 Justice

### 8.4.1 Rural Code

The Rural Code can be seen as a step towards enhanced recognition of customary tenure arrangements, including the principle of decentralised natural resource management in line with the cultural relativistic claim to improved legal frameworks for particular groups in society, whose forms of life and culture are in the need thereof. The attempts of the rural code to secure land rights in Niger are viewed in the light of the multicultural demand of how to secure certain groups' rights in a national legislative framework. The pastoral herders are interesting in this relation, owing to categorisation of pastoralists as

...a human and social group that is historically characterized by its mobility and whose principal activity is rearing life stock (Code Rural Decree No 97-007/PRN/MAG/LE article 2)

This form of life motivates a requirement for a special set of rights to water points and grazing territories, which is more flexible than that expressed in terms of private or state ownership. As mentioned earlier, one of the main features of the pastoral life form, which requires special attention in institutional arrangements, is the link between access to water and pastoral land tenure (Thébaud et al., 2006:53). Hence, dealing with common property pastoral resources, to which access is traditionally based upon customary and local practices, is directly related to the discussion of whether states should be awarding special rights to certain groups of society and the role of the state in securing these rights.

The Rural Code does take steps towards the formal recognition of pastoralism. This in itself is significant and in many respects it provides an improved institutional framework for the better management of rangeland resources in the pastoral areas of Niger. This is an important step towards securing better livelihood opportunities for pastoral and agro-pastoral communities in these areas. Whereas governments in the past have been hostile to herd mobility, the new wave of pastoral legislation recognises that this particular strategy is a key feature of pastoral systems in the Sahel (Thébaud and Hesse, 2006). These attempts are in line with a multicultural conception of justice, which says that in order for

the law to be just, it has to recognise cultural specific life forms and make positive steps in order to promote them. It is in line with the requirement of the multiculturalists that the pastoralist production system with its special characteristics is recognised in the Code Rurale Niger. Furthermore, there is an increased recognition of customary tenure arrangements such as priority, but not exclusive, rights over resources in “home areas” and local-level conflict management.

Such provisions indicate pastoral indigenous knowledge and practice as well as many years of scientific research, which has provided scientific evidence of the critical role of livestock mobility in preserving the environment and maximising livestock productivity in dryland environments, characterised by dispersed and unpredictable natural resources. The future of pastoral production in the Sahel is wholly dependent on mobile livestock production systems being maintained. The legal recognition of the right of herders to move with their livestock in search of pasture and water, coupled with legal provisions to protect grazing lands and livestock corridors from agricultural encroachment and to secure herders’ access to key strategic resources, is therefore very positive in the multicultural logic. The laws include other multicultural features. There are provisions for giving herders’ rights over the common use of rangelands priority – albeit not exclusive – rights over resources in their home territories. These provisions are, for the multiculturalists, an improvement on past legislation, which failed to recognise pastoral land use.

However, according to an even more radical interpretation of multiculturalism, it could be argued that the attempt to formalise rights removes some of the necessary flexibility in the pastoral production system, which is necessary for it to survive. In this way the formalisation process is at the same time part of the global liberal standardisation project, which in the end facilitates state control over the pastoralist system. A state control which ends up removing the cultural diversity one aimed at protecting. Perhaps a little cultural diversity may endure in the empire of uniformity, in terms of a controlled otherness, just to give life an exotic flavour, which might make it worth the global cosmopolitans paying a visit as an alternative to a safari. “Indigenous Nomads” – although a little bit of a contradiction in terms – could end up as a national brand for Niger when promoting tourism for people in the West with preferences for exotic otherness, as long as “the other” does not become too much of a threat to their own backyards (Coldravnkilde et. al, 2004). On the other hand, a proponent of universalism could claim that nomads and indigenous

peoples have exactly the same rights to development, including its positive side effects, such as public service, mobile telephones and other global market mechanisms, even though this development might disrupt the image of the noble savage, which the cultural relativists somehow still hold on to.

#### **8.4.2 Water Code**

The Water Code represents a “one size fits all” optic, which is characteristic for a liberal perception of the law. Basically it considers water as the property of the state. So, at the same time, a liberal technocratic conception of property, public authority and justice still prevails in formal law.

#### **8.4.3 GGCRN**

CARE’s development objective reveals a multicultural development approach in favour of positive discrimination towards the most vulnerable households. This support to the strengthening of minority rights is based upon positive discrimination, in that helping the most marginalised will have more impact on the least favoured. This is the so-called minimax model, which we have also seen in Rawls’ theory. So again there is tension between the multicultural attempts to recognise local practices and a more liberal idea of utility to the least favoured. However, CARE’s approach is nevertheless multicultural in that, through capacity building, they support local communities’ own systems of management. In that sense their politics are that the local people have their own system but they will help them organise themselves better according to those principles, since this is a more sustainable and enduring development strategy. They also try to teach the most marginalised groups advocacy etc., hoping that in this way they will be taken into account and raise their voice in the political process, which is at the core of a multicultural approach, trying to recognise cultural minorities in a national legislative framework.

Nevertheless, there is also incoherence in CARE’s strategies. For example, their gender approaches seek to ‘capacity-build’ women and strengthen their economy, although this is in contradiction to the local customs. Some of the structures that prevent women from participating in the local economy are often based on taboo and family structures, which are rather culture specific. So in this respect CARE is also transporting a fair amount of western ideology in emancipatory projects to their recipient communities.

## 8.5 Part Conclusion 2

1. *How are these diverging assumptions in the ideological struggle between universalism and cultural relativism reflected in the rules in use of property and public authority over natural resources in Niger's pastoral areas?*

The diverging assumptions in the ideological struggle between universalism are reflected in the rules in use in the following way:

### **Universalism**

#### *Property:*

- Common Property is equal to open access, e.g. unregulated use (Water Code)
- All members of society have equal rights to Water without restrictions (Water Code)
- Only physical and material investment counts as improvement in land (Rural Code)

#### *Public Authority*

- The state is the primary guarantor of property rights (Rural Code)

#### *Social Justice:*

- Attempt to secure equal rights for all citizens (Water Code)
- Rules of natural resource management should be general and universally applicable (Water Code)

### **Cultural Relativism**

#### *Property*

- Property is negotiable, non-exclusive multiple cross-cutting user rights (Rural Code, GGCRN)
- Common property does not involve unregulated use and community members can decide rules for their use (Rural Code, GGCRN).

#### *Public Authority*

- Multiple institutions recognises property rights (GGCRN)

#### *Social Justice*

- Legislation should take pastoral resource management into account in legislation (Rural Code, GGCRN)

## ***Chapter 9: Action Situations***

### **9.0 Introduction**

In this chapter I investigate the outcome of the patterns of interaction which appear in the action arena in accordance with the model presented in Chapter 3. The action arena consists of countless situations involving the meeting of different actors, hence there is a wealth of arenas. In order to deduce outcomes and patterns of interaction in these numerous and complex meetings I have categorised the situations into four types, which correspond to the legal rules about property and public authority in the law. As mentioned in Chapter 3, a situation is composed of actors and the rules and attributes that influence them. The situations have been selected as follows: two situations of competition over property, and two situations of competition over public authority. Within each situation I describe the actors involved, the attributes of the communities and the outcome of the situations. Furthermore I analyse which rules are in use and the underlying ideological assumptions. Finally, I will on the basis of the outcome of the situations discuss the ideological assumptions in the light of the situations. My ambition is to raise the critical awareness of the ideological investment in the action arena. The situations are first given a “thick description”, followed by an analysis of the content of these events. These explanations aim to say what is typical or general about the situations.

## 9.1 Situations

### Situation 1: Competition over Property

During one of my last field trips I came across a group of transhumant WoDaaBe herders who had decided to leave Karia and move to Nouroua owing to a disagreement with the GGCRN at Karia over the pastures they had been designated. In Karia the condition of the pastures was poor. For many years the residents had been forced to leave their home territory because there were too few pastures to support their animals. The sand dunes were moving closer. In January 2006 a camp of WoDaaBe families with three herds (in total 240 cattle) wanted to stay in Karia until the end of the dry season. The WoDaaBe are nomadic cattle herders. It is characteristic for the WoDaaBe to straddle the territory, carrying a minimum of personal goods. However, they are dependent on access to wells and pastures in the territory. Therefore, they have to negotiate property<sup>34</sup> in front of the FulBe residents. Sometimes the nomadic WoDaaBe have a home territory, but this is not always the case. If not, they will in theory be in a poor negotiating position because of the principle of reciprocity.

When the WoDaaBe arrived the GGCRN in Karia allowed them to stay. However, the place they indicated had too little fodder available and the GGCRN would not let them graze their animals on the good pastures, which could have supported their herds. After some days of negotiation they decided to pack up camp and move to Nouroua, about 30 kilometres away.

They won't let us stay where the good pastures are. They have made a line, which demarcates that the pastures south of the wells are theirs. That is not normal. Our animals are not at ease here (personal information, WoDaaBe camp, Karia, January, 2006).

In Nouroua, the condition of the pastures was good and the GGCRN estimated that they could support the additional herds until the rainy season. The WoDaaBe did not encounter the same negative attitude from the GGCRN members at Nouroua. They decided, therefore, to stay until the end of the dry season. The restriction of access to the pastures in Karia was primarily due to the fact that the condition of the pastures was bad.

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<sup>34</sup> Here there is an important distinction between access and property (see Chapter 3). Access is the mere ability to make use of a resource, whereas property is an individual right. Since the law recognises a third party's right of use I call it a matter of property.

## **Situation 1: analysed**

### *Action situation*

The first situation describes the meeting between the nomadic WoDaBee and the resident FulBe. The situation illustrates the typical negotiation of property rights and access to water and pastures in accordance with ancient principles in the Sahel. The semi-sedentary FulBe herders did not have an attitude of rejection towards the mobile groups, but simply proposed a strict form of management, which protects those who do not migrate.

### *Actors*

The actors in the situation are the pastoral communities belonging to the ethnic groups Peuhl FulBe and Peuhl WoDaaBe. Furthermore, the local GGCRN (consisting solely of members of the FulBe community) enforces the rules.

### *Attributes of the Communities*

There is often incomprehension between FulBe residents and the WoDaaBe. The incomprehension can be viewed as a matter of different “economic” interests, owing to their different livelihood strategies. The FulBe have good reasons for trying to protect and maintain the area; they do not move very much, and they try to conserve the stock of fodder for the dry season for as long as possible and protect the resources around their site. After all, their own survival depends upon the availability of pastures in very fragile living conditions. Thus, from time to time they are seen in a bad light by the WoDaaBe, whom they see as free-riders. However, the WoDaaBe are not predators of resources and the FulBe do benefit from their presence. For example, the WoDaaBe contribute to the payment of the rehabilitation of the well. Furthermore, if well regulated, the consumption of pastures by the passing herds contributes to the improving of the pastures (Thébaud, 2004).

The WoDaaBe also shared a stronger relationship with the FulBe community – an important factor in the negotiation process (personal information, Nouroua February, 2006). Thus, the WoDaaBe are de facto in a better position to negotiate than, for example, the Mohamid, as we shall see later in the next situation. The situation stays between Peuhl, who speak the same language, and are both cattle herders. With the Mohamid the situation is more delicate. However, one cannot make generalisations with regard to behaviour and ethnic kinship. Issues of incomprehension are not always a question of stereotypical ethnic

conflicts. Even between the FulBe and the WoDaaBe, as well as among the FulBe themselves, conflicts appear particularly in times when resources are short. It is very likely that the conflict would have been more perceptible had it been a case of conflict with the transhumant camel herders, the Arab Mohamid.

#### *Physical Material Conditions*

In this situation, the availability of pastures is an important determining factor for letting the group stay in Nouroua rather than in Karia.

#### *Pattern of interaction*

The *pattern of interaction* in the action arena is that of co-operation because the WoDaaBe accepts that the GGCRN have a right to limit the consumption of pastures. The norms of behaviour were hence generally accepted in both communities and the level of common understanding was considerable, although the communities did not have complete homogeneity in economic preferences: the FulBe wanted to protect the pastures as long as possible whereas the WoDaaBe preferred to consume now. Even though the WoDaaBe left Karia, the situation was not a case of total exclusion. The possibility of negotiation was there even though the WoDaaBe were not satisfied with the result of the negotiation.

#### *Outcome*

At the end, the *outcome* is inclusion of the WoDaaBe at the case study site Nouroua. But the example also illustrates the social relationships between the communities. The WoDaaBe and the FulBe are both cattle herders and speak the same language. So the ties between the community can be strong. However, if the WoDaaBe had not followed the directions of the GGCRN, it is possible that the GGCRN would have limited the length of their stay. Through capacity building of these management committees, CARE is strengthening the organisation of the FulBe to control their resources.

#### *Rules in use*

The rules in use are the Rural Code and the GGCRN, which recognises that priority should be given to people using natural resources in their home territory, which has to remain open to third party use. The rules are expressed both in the Rural Code and the GGCRN and rest upon traditional rules of negotiating access to wells and pastures in the area. The



rules are followed and accepted by both the FulBe (priority user rights) and the WoDaaBe (third party use).

*Ideological struggles in the action Arena:*

The situation confirms the cultural relativist assumption that property is not an absolute universal right but depends on context, social relationships and ethnic group. Since the communities using the common pool resources in this situation share a set of values and interact and co-operate with one another, they develop adequate rules and norms to govern the resources in question (Ostrom, 1999: 57). Furthermore, in the situation, the state is not the protector of property rights – the GGCRNs are. Various actors enforce rules of use for the resources. These rules could be accepted by the cultural relativists, such as Ostrom and Eggertson, owing to the argument of cost effectiveness. So according to the cultural relativists the rules are adequately adjusted to the pastoral reality.

The situation also illustrates how common understanding of the rules and norms for behaviour is essential to co-operation. The situation also confirms the multicultural claim that common property can be managed cost effectively by local systems, given that the level of common understanding of the rules and preferences of the communities is adequate. Furthermore, according to the multiculturalists, the rules in use are just, since they recognise local practices.

The assumption in the liberal ideology that property rights are universal does not apply the present situation. According to the universalists, the rules are unjust because the WoDaaBe do not have equal rights to the common property resources. There is a too high risk that social relationships are the strongest means of regulating property, which might lead to exclusion for the outsiders, especially when resources are short and competition severe. In this case the competitive position of the outsiders is disproportionately poor, which might provoke the use of unfair means of access. According to the law, access must remain open to third parties; the question is how to secure this right in times of scarcity.

However, from a cultural relative point of view, this would be a static picture of the negotiation process. It might be that one day the FulBe will be in a situation where they need to ask permission to stay, according to the premises of the WoDaaBe, given that they have a *terroir d'attache*. However, one could say that recognising the principle of priority

user rights promotes an incentive to secure one's own terroir d'attache, which is not the optimal strategy for all the pastoral groups. Furthermore, the rules presuppose that all pastoralists are the same. However, they are not. There are differences within this group, which is why the rules might not favour all the members of the "group of pastoralists".

### **Summing up**

The first situations show that, the rules enforced by the GGCRNs had created a real possibility of negotiation. The principle of open access, which led to access by right of superior force, was less practised around the public pastoral wells and there was less conflicts over access to natural resources than before. It was observed that the system of common property management demand maintenance of social capital between the pastoral communities. The FulBe and WoDaaBe both behaved in conformity with the rules of the rural code and the GGCRN in the action arena, which both reflect cultural relative principles. So the situation shows how the rules adjusted to the forms of life of the pastoral community actually work, although liberal intuitions might not be met.

## **Situation 2: Competition over Property**

During my first field trip to Nouroua I was told that no nomadic herders were staying in the territory. A little frustrated that I could not investigate the patterns of interaction between the groups I continued working with the FulBe community. However, when I came back to the camp in January 2006, I found out that five Arab Mohamid households with four camel herds (in total 280 camels), were staying close to a cemented well (Kolchanwage) right next to the main cuvette of Nouroua. The FulBe community knows their territory like the back of their hands so I wondered why they have not told me about the presence of the Mohamid. Why did they want to hide to me that the Mohamid were staying close by? It was obvious that they did not want me to talk to the Mohamid alone. Each time I tried to go there by car, they insisted on coming along, what I knew would spoil my chance of having a calm interview with the Mohamid. So I had to leave the car with the members of the community at a neighbour's well and my Arab interpreter and I approached the camp by foot. I knew from my previous trips in the field that at Kolchanwage the water was of bad quality, because the well had not been rehabilitated. Nevertheless, the Arabs said they preferred watering their animals at Kolchawange, because it was easier for the children to draw water. However, there was something more going on beneath the surface.

In both Karia and Nouroua, the presence of the Arab Mohamid was often problematic. Often when spending the evenings in the pastoral households the women shared stories of abuse, difficulties with their husbands and the fear of the Mohamid when they were alone in the camps. Especially, the women in Karia said they feared contact with the Mohamid in the field and several times, in the absence of their husbands, there had been incidences of violation of the women by the Mohamid. Many rumours were told to me in the field about the Mohamid. It was impossible for me to find out whether these prejudices about the Arabs were true. In many cases they were given in order to win my sympathy and to further the process of "othering". But, in any case it illustrates the problems of cohabitation between the herders. Among other things, I was told that they raped and murdered women and children, that they were cannibals, ate children for breakfast and that their camels was ruining the bush (personal information, young women in Karia, February 2006, individual interviews).

On the other hand, the Mohamid told me that the FulBe were armed and numerous and could kill them if they wanted to (Mohamid, Kolchanwange, January 2006). These statements are obviously exaggerated and an expression of severe prejudice among the



communities. It is a fact that threats and Kalashnikovs have frequently been used by the Mohamids around the wells. Sometimes they surround the wells with their herds of up to 200-300 camels and gain access by the use of force; often this has been the most efficient strategy to gain access to wells ahead of the resident FulBe.

Furthermore, until today, carrying weapons in the bush has been normal procedure for all the pastoral communities<sup>35</sup> (personal information, Nouroua, January, 2006).

The WoDaaBe also reported problems of sharing natural resources with the Arab Mohamid in the territory in which the WoDaaBe have circulated for more than 20 years.

When they arrive at the well watering their herds, the problems begin. If the Arabs are the first ones to arrive at the well they won't let us water our animals. It is always like that, if there are Arabs, there are fights. When they are already at the wells it is impossible to stop them from drawing water. Sometimes the Arabs will go as far as hitting our animals. They are difficult and they have a lot of animals. The problems are everywhere: Relewa, Karkari, Sotore, Mela. In the sites, FulBe like Nouroua and Karia there are not a lot of Arabs and therefore, there are not a lot of problems (Personal information, Karia, January, 2006).

Furthermore, the FulBe have the impression that the Mohamid have a bad influence on the pastures.

The Arab Mohamid are the most mobile community and they have a larger number of camels than us. They eat too much and we, who have to stay here in the territory, don't have any pastures left after they have gone. ...They are very stupid people. And

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<sup>35</sup> Now that the FulBe have gained control over the territory, cross bows and Kalashnikovs have been replaced by traditional knives, which are also part of the FulBe dressing style (personal information, young male resident from Nouroua).

on top of that, they destroy the pastures, with their camels that urinate everywhere. Even afterwards you can tell that the soil has changed (personal information, Nouroua, January 2006, my translation).

The perception of the Mohamid being free-riders and that their camels were spoiling the pastures was often mentioned in the field. It was, however, difficult to see in what way the camels of the Mohamid urinated more destructively than the camels of the FulBe or the Toubou. It is true that the herds of the Mohamid are often large, which is a disadvantage for the FulBe in the competition over the scarce natural resources in the action arena.

The disputes between the communities were over payment for water. According to the FulBe, the problem was lack of willingness to pay and little respect for the rules.

Some of them don't pay, and even though they pay, it is not automatically. Often they have bad faith. They don't understand where the money goes. They think it is in the pocket of people themselves. When they are in large numbers they don't pay. When you try to prevent them from accessing water, normally, they accept. But from time to time they water their animals with force. They have strategies: They come at night, when everyone is asleep ... They are bellicose, they search for fights every time. Furthermore, they don't accept, but now with the GGCRN their behaviour is tending to change (Personal information, group of young men, Nouroua, November 2006, my translation).

According to the Arab Mohamid at Kolchawage, they did pay but they didn't know why.

Before, we didn't pay for water and there were no management committees. Now, we pay, but we don't know why. We just pay, because we don't want conflicts, but it is too expensive. We don't understand where the money goes: We don't trust the Peuhl. We don't know their language. Even if they wanted to cut our throats, we wouldn't understand (Personal information, Arab Mohamid, Kolchanwagé January, 2006, my translation).

The Mohamid were often overcharged in payment for water while the residents were the ones who did not pay in accordance with the rules. Consulting the notebooks of the payments for water, it was evident that the residents almost never paid according to the rules. I cross-checked this information by looking in the note book of the water management committee, where the secretary writes down the use of funds, and the income contributed by the residents and non-residents. Since 2001, the residents had paid 1850 naira (7.400 CFA, about 85 DKK) and the non-residents had paid 96.350 Naira (385.400 CFA, about 4.380 DKK). In Karia this information was impossible to access, but earlier studies had shown the same tendency (CARE, 2005a, C.)

Exceptions from the rules could be made in the case of very vulnerable households. The result was that almost none of the resident households paid their fees for several years.

We don't have any wells. The Peuhl FulBe occupies the whole territory. Even if we wanted to dig our own well here, they wouldn't let us because the cuvettes belong to them, they say. Besides, even if we try to access the trees, they don't like it. We have to get our own well. (Arab Mohamid camp, Kolchanwagé, January, 2006, my translation)

During the interviews the Mohamid expressed problems of getting access to water and furthermore, they could not get the recognition of their own home territories and thereby control over their own wells, because the FulBe have customary rights to the land.

Arriving at the wells, the Mohamid are thus often in a bad situation to negotiate. They do not have a homeland from which the residents might hypothetically benefit one day. Given that access to wells and pastures is based on reciprocity, they have little to offer when they arrive.

In addition the Mohamid did not receive aid from the CARE project. It happened to be the case that it was not only I who had difficulties tracking down the Mohamid. This was a more profound issue for the CARE staff to deal with. Sometimes, they could spend weeks in the field trying to track the Mohamid with little success. For this reason in particular, it is easier for CARE to carry out projects with the less mobile groups, such as the FulBe and the more sedentary Arabic groups living in the northern part of the Diffa region.

## **Situation 2: analysed**

### *Action Arena*

The second situation describes the meeting between two pastoral communities and the competition over property rights for the common pool resource in the action arena. It expresses the difficulties in consolidating effective rules in the action arena. Furthermore, it is a typical situation of the exclusion of the Mohamid as strangers who free-ride and ruin the resources of the local communities.

### *Actors*

The actors involved are in this case the pastoral communities belonging to the ethnic group Arab Mohamid, the resident FulBe at Nouroua and Karia and the nomadic WoDaaBe. Furthermore, the GGCRN (consisting solely of members of the FulBe community) are enforcing the rules.

### *Attributes of the community*

The Mohamid are among the most mobile communities and they do not have their own home territory for various reasons: they are refugees from Chad and they have not been in the area for long. Given that access to wells and pastures is based on reciprocity, they have little to offer when they arrive. Moreover, their camel herding strategies require a large territory and a lot of water in order to profit from the pastures. Furthermore, the Mohamid often do not speak the local language.

Distrust, ignorance of cultural aspects and diverging conceptions of existing rules of use characterise the attributes of the communities sharing the common pool resources. These attributes further the conflicts and bad relationships between the pastoral communities. The statements reveal their perception of “the other” – one can sense the underlying hatred and lack of comprehension between the communities. These attributes make the task of devising and sustaining effective rules in the action arena significantly more difficult.

### *Pattern of interaction*

The *pattern of interaction* is conflicts and distrust between the communities. The conflict between the FulBe and the Mohamid in this case was silent because the two ethnic groups did not stay in the same camp, nor did they water their animals at the same well.

### *Outcome*

The *outcome* is exclusion of the Mohamid. The resident community FulBe often prevented the Arabs from access to water and pastures. The WoDaaBe confirmed that in Karia and Nouroua there were not many Arabs. This was due to the reinforcement of the capacity of the GGCRN to control and even prevent access to the wells, which at the same time has led to a de facto exclusion of the Arab Mohamid in the area

### *Rules in use*

As earlier stated, there is incoherence between the rural code and the water code. The rural code says that residents in a home territory have priority user right to the resources, which should remain open to others. The rural code says that access to water for animals is free. The incomprehension about the rules reflected in the statements illustrates how the incoherence between the laws creates different interpretations of property rights to the water points.

According to the Water Code, modern cemented wells require a water committee and all users should participate in the maintenance. The reason why the committee asks for payment for water is that there is a great chance that the mobile community will not be present at the time of rehabilitation and will not therefore participate in the maintenance of the well. This was not accepted by the Mohamid.

The Mohamid did not express a lack of willingness to pay; rather, they claimed that they were not aware of the rules and that the price was too high. In that sense they were not free-riders, although the resident FulBe certainly see them as such.

The Rural Code says that the community living in the terroir d'attache has principal user rights, which should remain open to others. From the statements of the resident FulBe it is seen that they have a clear conception about their priority user rights and right to set the rules, which the strangers have to accept. The Mohamid express a conception of open access and free, or at least an affordable price for, watering of their animals. The price for water set by the FulBe is too high and the status of the committees is not clear, which we will return to in some of the following situations. The overpricing constitutes an injustice, which does not further the respect of the rules and shows how people manoeuvre and break the rules when it is an advantage to them.

*Ideological struggles in an action arena:*

The misconception about the rules in use reflects the controversy in ideologies about what is common property. It is important to note that the notion of common property is not the same in universalism and cultural relativism. Universal thinkers such as Hardin saw common property as equal to open access, which is in accordance with how the Mohamid perceive the wells as public property with unregulated use (Water Code). Furthermore, since it is state property, it is the state that should decide on the payment, according to the Mohamid. The cultural relativist points to the fact that collective ownership is often regulated by various local rules and agreements, such as those perceived by the FulBe (Rural Code). Furthermore, it is interesting to note that the two groups' diverging perception of what property: open access (each have an individual right to use an resource, Mohamid) and priority user rights (the residents of the terroir d'attache have a right to limit the strangers use of a resource, the FulBe) correspond to what is the most optimal rule to



follow given their own position. So the incoherence in the law leaves a gap to fill out by the members of the community. This gap is filled out by contesting perception of property rights, which can lead to conflict resurrection between already distrustful user groups.

The situation confirms the cultural relativist assumptions about property as being a political relation between people, which is negotiable but nevertheless contingent on social membership (see Chapter 4).

The incoherence between the assumptions about property in universalism and relativism reflected in the law disrupts a common understanding of the rules and explains why people have different perceptions of their right to a given resource. Taking the pragmatic approach, in this regard the assumption in the Water Code could successfully be adjusted to the pastoral reality. Open access might work in a world where resources are unlimited; but this has never been the case with the water and grazing potential in areas close to the Sahara. Open access comes closer to a Hobbesian free-for all state of affairs, where life for its members is brutal and short. According to the cultural relativists, this state of affairs is not obtained in the common property regime in the present action arena. In fact, various actors enforce rules of use for the resources. It should be added that even the liberals do not wish for open access without any rules or regulations. On the other hand, the principle of priority user right is interpreted as the right to exclude the Mohamid. It furthermore shows that the consolidation of the customary practices is necessarily benefiting all the pastoral groups in Diffa. The Mohamid need a fair chance of securing their rights to the resources, otherwise violence will become their only available means of access. Given that property depends on social membership, the cultural relativist assumption that consideration for cultural practices favours the least well off needs to be adjusted according to the realities. The Mohamid would be better off if some level of equal rights were promoted in the law.

To what extent Rawls position is compatible with multiculturalism is still an open question. Perhaps the clearest difference is that Rawls might foresee that the promotion of one group's property rights (the FulBe priority user rights) happens at the expense of another group's property rights (the Mohamid *droits de tiers*), which is unfair according to his principle of justice. This has to do with the fact that one person's right to do something limits another one's possibility to violate that right. The multiculturalists in this respect do not see rights as a limited resource. It seems to the multiculturalists that there are no

limitations to the number of cultures whose rights are to be promoted, since the promotion of one culture's rights does not happen at the expense of another culture's rights. To defend themselves against this critique the multiculturalists might say that in this case it is the Mohamid who need positive discrimination in favour of either priority user rights to their own *terroir d'attache*. This would nevertheless limit their mobility, which is the more optimal strategy for camel breeding in the pastoral zone. Or they could argue in favour of the promotion of equal access to the cemented wells in the FulBe home territories; however, this would limit the possibility of the FulBe to regulate the use of resources in the home territories. So the dilemma is hard to resolve. According to a more utilitarian way of thinking, it might be better for everyone to exclude the Mohamid as free-riders; the problem is then, where should the free-riders go, in a world of extremely limited resources? Total exclusion is unacceptable to universalism, since it would violate their basic human rights.

### **Summing up**

The second situation shows how the enforcement of the rules had limited the anarchic access to water for the Arabs Mohamid as well as their inclination to use force to gain access to the natural resources. The transhumant herders, especially the Mohamid had more difficulties gaining access to the wells at Nouroua and Karia and if achieved, it was at a high price. Furthermore, it is clear that the pastoral groups are not the same. Some of the groups are often the most marginalised in terms of property rights, such as the Mohamid. First, often they do not have a home territory themselves; hence they have little to propose in the negotiation process. Secondly, the Mohamid do not have social capital vis-à-vis the FulBe resident communities. This brings points to a situation where the formalisation of customary property regimes can further a situation of unequal scarcity. The situation of unequal scarcity creates a twitch for the "groups without propositions". This can force them to break the rules and solve the conflicts in violent ways.

### **Situation 3: Competition over Public Authority**

In Nouroua in 2005, the composition of the GGCRN was nine board members: a president, a vice-president, a secretary, a secretary adjoin, two surveyors of the instalment of the passing herders, two councillors and one in charge of sharing information. The president l'ardo (chef) Ado Boukar lives in Nguel Chawa, about 15 km from the main cuvette in Nouroua. Four of the five councillors were also local leaders of the communities in the territory. Since 2001, there have been replacements of the members but never an election. This has been decided by the board members themselves.

The members are chosen by ourselves (the members) because we know them and we are together all the time (President of the GGCRN, Nouroua December, 2005).

In Karia the members are chosen for four years but as in Nouroua there has not yet been a replacement. There were no representatives of the mobile communities in either of the water management committees. The GGCRN was intended to include members of the different ethnic communities, not necessarily in the boards, but they should be invited to the general assemblies in order to assure the inclusion of the different groups in the decision-making processes. However, at the time of the field work the Mohamid and the WoDaaBe were not included in the meetings nor in the boards of the community-based organisations, and had never been present at a general assembly. Often they received little information about the meetings and the activities of the GGCRN.

We don't know of any committee. We have never been present at a meeting like that (personal information. WoDaaBe, January, 2006).

The fact that the Mohamid were not included nor informed about the existence contributed to a feeling of exclusion, being marginalised and even threatened.

We are not included in their committees; if we tried to become members they would kill us (Personal information, Arab Mohamid, January, 2006).

The FulBe communities had a different perception of the exclusion of the mobile communities

What sort of work can they participate in, since they are not here most of the time? And often they don't even know if and when they will be coming back. So we cannot count on them (personal information, Nouroua, January, 2006)

In 2001, when the GGCRN was founded, apparently, some Arabs were invited, but according to the report they did not wish to participate, since they were only passing through. This report was carried out by CARE partner NGOs and the team leader of the

mission who belong to the same groupement of FulBe from Toumour. Furthermore, no Arab interpreter was present during the workshop (personal information, CARE 2001).

In general the activities of CARE did not reach the more mobile groups, such as the Mohamid and the WoDaaBe. This was often justified due to the fact that the FulBe herders often constituted the most vulnerable groups in terms of number of animals owned and a general assessment of the household economies. CARE was aware of this, which was also the reason why they did not recognise the management committees officially as discussed in situation 4.

### **Situation 3: analyzed**

#### *Action situation*

The situation describes how the mobile communities cannot maintain their memberships in the management committees and are consequently often excluded from decision-making processes.

#### *Actors*

The actors involved in this situation are the members of the local GGCRN, the customary authorities, the WoDaaBe staying at Karia (and later Nouroua) and the Mohamid at Kolchawange.

#### *The attributes of the communities*

(See the situations above which indicate the relationship between the groups.)

The pastoral sites of Karia and Nouroua have been working with CARE for several years. It was the FulBe who had the de facto control over the public wells. Assessing the pastoral communities' level of poverty solely on the basis of the household level is ignoring the fact that, particularly in this context, a community's control over strategic natural resources like a cemented well constitutes a significant source of income and power.

#### *Patterns of behaviour*

The patterns of behaviour in this situation are the execution of power by the GGCRN. In the "concerted" management systems both boards of the GGCRN at the two sites were composed solely of members from the FulBe community and the transhumant herders seldom participated in the general assemblies. This underlined a situation where the arid

climate in Diffa implied that the optimal way of utilising the resources was through mobility. Nevertheless, the management and control over the resources is to a large extent based upon permanent membership of committee members who are more adapted to a sedentary context.

Moreover, the process of exclusion was furthered by the strategy of having partner NGOs implementing development activities. In Diffa, the partner NGOs were often constituted of members belonging to the same ethnic group being family or clan members of the project beneficiaries or CARE employees. By empowering partner NGOs specifically targeting the politically marginalised groups bias and preferential treatment could have been evaded.

#### *Outcome:*

The outcome of the situation in the action arena is that of exclusion of the mobile communities in the GGCRN, despite the ambition of having concerted management committees. The richest user groups in terms of number of animals (designating, to a large extent, people's savings) are the most mobile groups, the Arabs Mohamid and the WoDaaBe. But these groups are excluded from the control over the resources, since they have no control over the territory. This exclusion is mainly due, especially in the case of the Mohamid, to a general reluctance to acknowledge their home territory as seen in situation 2.

#### *Rules in Use*

The Rules in use, in this case are the GGCRN's own in relation to the compositions of the management committees. However, the number of members was not complete and the number of members in charge of sharing information between the herders had been reduced.

Furthermore, the rules of the Water Code concerning the number of members were also in use. In general, one could say that the rules of the GGCRN are more flexible than that of the Water Code in regard to membership. The GGCRN allows more members but in fact they do not include the mobile communities.

Concerning the composition of the management committees the Water Code is not well adapted to the pastoral context, as it does not accept temporary membership. The problem

is related to the limitations within the water code in relation to the pastoral areas. The restriction of nine members of a management committee limits the possibility of representation of the mobile communities. Given that their strategy of livestock breeding is based upon mobility, they are not able to maintain permanent attendance around the well throughout the year. This would require the election of additional treasurers and committee members would often be necessary. But the law allows only nine members in the water management committees (Thébaud and Hesse, 2006, personal information).

#### *Ideological struggles in an action arena*

The ideological assumptions are cultural relative in the sense that the GGCRN are an attempt to have local management committees, which can manage common property resources locally in a sustainable and cost-effective manner. In this way the law recognises local practices and reinforces them in a way that allows the communities to practice their specific life form.

On the other hand, the composition of the GGCRN is in principle but not de facto flexible. This applies to the water management committees, which do not have more than the nine members. This is in line with the universal idea that rules apply equally to all. They strive to make the legislation equal for all, without recognising the particular needs of the pastoral communities, reflecting a liberal approach to rights of access.

A prerequisite for concerted natural management is inclusion of all the users of the resources in the decision-making processes. Given that the mobile groups are not present in any of the existing committees or at the general assemblies, the participation of the transhumant groups in the discussion and decision-making processes related to the natural resource management is limited, although they are equally dependent on access to the resources. This is unjust according to both ideologies. Finally, the Water Code is unjust according to the multiculturalists since it does not take into account some important circumstances of pastoral life.

#### **Summing up**

The situation shows that the recognition of the FulBe-controlled GGCRN was promoting one community at the expense of another due to the little representation of the mobile communities in the committees. They cannot – or do not – take part in the management committees; hence they are without influence on the control and management of the

resources and consequently uninformed about the rules in use. Often, working with the more mobile groups is difficult because they move across large distances even beyond national borders. However, by only empowering selected groups' capacity to organize themselves and exercise power and influence over resources is at the expense of the more political marginalised and non-integrated minority. Hence, CARE and the formal law is being inscribed in already existing power relations favouring the more cooperative members of civil society instead of all members of civil society. According to basic democratic principles, in order to assure the rights and duties of the marginalised groups, they have to be part of the decision-making process on natural resource management. Further marginalisation, social and political exclusion of certain groups can create sentiments of frustration, which can become a source of conflict resurrection in zones where peace is still fragile.

#### **Situation 4: Competition over Public Authority**

In 2005, the uncertainty about the official recognition of the water committee persisted in Karia and Nouroua (personal information, DRH, 2006). Neither of them had recognition from the government authorities, such as the law describes. The GGCRN had nevertheless succeeded in limiting the conflicts around wells. In fact, CARE had established the committees and recognised their existence, more or less independently of the authorities.

The water department is not willing to change the prescriptions in the water code. This is why we prefer to leave the committees “open.” It is better than to install water committees, which do not meet the standards of the law than to further a process that is not adapted to the pastoral reality (personal information, CARE, PROGRES staff, restitution Diffa, February 2006).

The uncertainty of the official status of the GGCRN was also mentioned by the Mohamid. They didn’t know how the water committee had achieved the right to ask payment for access to water<sup>36</sup> and consequently, they didn’t recognize the authority of the water management committee.

They say there is a management committee, but we don’t know if the committee is recognised by the state or not (Personal information, Arabs Mohamid, Kolchawage January, 2006, my translation).

The reason for the lack of formal recognition of the GGCRN was thus explained by CARE:

We have an experimental approach to natural resources management, so we decided that since there is a multitude of community-based organisations existing on paper, but not in reality, we wanted to survey the organisation and their functioning before asking for official recognition. We didn’t think that an official recognition would be enough to guarantee the functioning of the GGCRN. Actually, we thought that the recognition could limit the possibility of including the mobile communities in the committee, since the law does not accept temporary membership in the management committees (personal information CARE, PROGRES staff, restitution Diffa, February 2006).

Nevertheless, even the officially unauthorised committees did not include temporary members, but of course the lack of recognition left the possibility of doing so open.

The lack of official recognition of both the water committee and the GGCRN had contributed to disagreements between the herders. In 2002, the dispute had even reached the official authorities, who had received bribery from the Mohamid for undermining the

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<sup>36</sup>At Kolchawage there is also a water management committee but the money is managed by the chieftaincy in Foulatari. The Arabs Mohamid have a contract with the resident community FulBe in Kolchawage of how long they can stay and the price for water.



GGCRN. The authority of the GGCRN was with the support of CARE re-established in front of the Mohamid (CARE, 2004, personal information). Another source of confusion is due to the fact that, in the pastoral zone of Diffa, there are still several places where there are no management committees. This makes it difficult to understand why you have to pay for water in one place, while it is free at another (personal information, interviews Fignare, N'gourti, Boutti).

#### **Situation 4: analysed**

##### *Action situation:*

From the situations it appears that not only is there competition over wells and pastures, but there is simultaneously competition over becoming the legitimate authority to govern access. The competition over public authority is characteristic in an action arena, where the rules in use are somewhat unclear and not always uniformly implemented. This further intensifies institutional competition between CARE, the community-based organisations and the state in the process of authority formation.

##### *Actors*

CARE, The GGCRN, the pastoral communities (FulBe and Mohamid), DRH.

##### *Attributes of the Community*

The different actors have different views upon the role of the authorities in the region. See also situations 1 and 2.

##### *Pattern of behaviour*

The pattern of behaviour is conflict between the pastoral communities and the authorities involved.

##### *Outcome*

CARE often behaves as the efficient authority since the state capacity is weak. Among other things Danish development assistance has mainly been channelled through the NGOs who have grown strong in the meantime.<sup>37</sup> This has created an almost an inverse situation

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<sup>37</sup> Despite the many attempts to make pastoral water programmes in the Diffa region, the experts, the donors and the state departments have not been able to agree upon a common strategy and Danida has decided not to intervene in the pastoral areas given the complexity of the problematic (personal information, 2005 and 2006) Pastoral water supply is thus no longer part of the Danida strategy for water supply in Diffa. (Danida, PASEHA, 2006, doc. de comp. 2:72)

where CARE sometimes makes use of the state service department to carry out a task, if it requires a certain type of expertise. Hence, the role of the state has become that of service provider instead of qualifier. Consequently the distinction between what is state and what is civil society in this context is somewhat obscure. It is not clear to what extent the official recognition could have worsened the exclusion of the mobile community, but it could have limited the confusion about the rules and authority of the committee.

### *Rules in Use*

The GGCRN refer to their own rules established by CARE, which is at the same time in correspondence with the principle of priority user rights to resources within a home territory. The Mohamid, as they say, often do not understand why they have to pay in one place but not in another. So the perception that the wells are state property with open and unlimited access still persists, notably among the most mobile herders. The notion of “priority usage open to third party” is far from being understood and accepted. There is also disagreement about the legitimacy of the water management committees, which are legal according to the law, however, not yet recognised.

Perhaps, this situation could have been avoided if there had been more transparency regarding the procedures and decision-making processes. After all, the dossier of the recognition of the GGCRN was only approved by CARE, not by the government authorities. Nevertheless, the situation also reveals that CARE had enough power and influence to enforce and implement rules and committees of public authority.

### *Ideological struggles in an action arena*

In line with the cultural relativistic notion of public authority the GGCRN, and CARE for that matter, reveal themselves as “Twilight Institutions” owing to their ambiguous position vis-à-vis the state. This situation confirms the multicultural notion of public authority as something which can be exercised by competing temporary institutions. Furthermore, that the formation of authority is an ongoing negotiation process. It is characteristic of the members of the management committees that they are almost obsessed with the use of modern state language in terms of membership and procedures. In this way state vocabulary becomes a part of the action arena, and becomes integrated in the language used around it. This obsession reveals a form of “unstately stateliness” (Lund, 2008) in which the distinctions between those who practice public authority become increasingly

unclear, but at the same time it becomes increasingly important who can produce property rights.

CARE's statement is interesting to note since their justification reveals the co-existence of two opposing ideologies. On the one hand it is multicultural; since they promote customary institutions' self-government and support and capacity-build the local institutions in order to help the FulBe communities' forms of life to survive. On the other hand, CARE does not endorse the official recognition of the twilight institution, since they are aware that this might exclude the least favoured actors in the game, namely the mobile communities. This seems similar to Rawls' idea of a mini-max strategy, in which inequality is only legitimate if it leaves the least favoured in a better position. So, CARE's statement also discloses the universalistic idea that the law should not promote one form of life at the expense of another. In this case, the multicultural attempt to integrate customary tenure systems leaves the Mohamid worse off. They can no longer gain access to water without payment – and the ones who move around pay more.

At the same time, the Mohamid do not recognise the GGCRN as a public authority. They conceive the state as the ultimate qualifier of property rights, and they regard the wells as a public resource in line with the liberal idea of property. So when asking for the recognition of the state, they express the universal assumption of the state as an enduring rational unity, whose role is to protect property rights, which is also what legitimises the state according to the universalistic view.

### **Summing up**

The last situations shows that without equally addressing the mobile and politically marginalised user groups, CARE as the efficient authority is indirectly “choosing site” in a potential conflict over access to resources. This tendency seemed to be following a historical pattern of preferential treatment of the FulBe in the region.<sup>38</sup> In a context of post-conflict, choosing intervention site is not a neutral task. As James Ferguson describes in “the anti-politics machine” (Ferguson, 1994) development organisations run the risk of inscribing themselves in already existing power relations between different actors and unintentionally supporting some actors strategies to exercise power and control. The fear

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<sup>38</sup> In the 1914, for various reason the French administration favoured the installation of the FulBe in the region to the detriment of the Toubou who installed themselves in the north (Thébaud and Simon 2001).

of choosing site was one of the reasons why the official recognition of the management committees was not provided. Not recognising the twilight institution however furthered the confusion about the rules and hence the conflict between the pastoral communities. Furthermore, the lack of official recognition revealed the twilight character of public authority in the action arena.

## **PART 4: CONCLUSION**

### ***Chapter 10: Conclusion***

#### **10.0 Introduction**

This chapter contains the conclusion of this thesis, which consist of an answering of the overall research question

*What philosophical assumptions about property, public authority and social justice in the ideological struggle between universalism and cultural relativism can be identified in the rules and practices governing access to wells and pastures in the pastoral areas of the Diffa region; and what are the effects of the competition over property and public authority over natural resources in Niger's pastoral areas?*

#### **10.1 Conclusion**

In the action arena rights of property were negotiable and indeed contingent to social membership. The points of contest in the philosophical assumptions about whether common property equals open access or are regulated by community rules was identified in both the rules in use and in the actors' perceptions about rights to common property resources in the action arena. Furthermore, the question of what is the role of the state in protecting property rights where also identified.

Within the light of the debate between universalism and cultural relativism there has been a shift in the rules in use during the last 15 years – both in the formal rules and the ones set by development practices – towards cultural relativism. This was reflected in how both the Rural Code and the GGCRN have attempted to formalise the principle of priority user rights, which rests ancient customary practices of negotiating access to wells and pastures in the Diffa region. The mandate of the local institutions of public authority had furthermore been strengthened on the ground. This was in line with the cultural relativist claim that common property can be sustainable managed by local institutions. It demonstrates how the rules in use have actively taken cultural local practices into account. So, the rules in use attempted to recognise and protect pastoralists' property rights to natural resources.

A sector based approach to water and land management reveal that universalism and the idea of standardised rules applying equally to all is at the same time still prevalent in the rules, more

specifically in the Water Code. It reveals that the rules of the Water Code still lack a profound adaptation to the dynamics of pastoral systems and how they respond to the unstable environmental conditions of the Sahel.

It was followed from the institutional analysis (Chapter 8) that the formal existing law are not coherent regarding the question of property to water and the pastures. The Rural Code says that the principle of priority user rights open to third parts applies to wells situated in the home territories in line with cultural relativism. But, the Water Code says that the water points for watering of animals are public and the water management committees do not have power over the management of the pastures in line with universalism. This incoherence in the rules in use have created confusion and furthered conflict on the ground.

At the same time, the case study reveals that the process of consolidating customary rights is at the same time defining insiders and outsiders. This “othering-process” creates uneven scarcity among the pastoralist groups. There is a tendency of de facto control over the territory by the FulBe communities. The attempt to recognise, strengthen and formalise the principle of negotiation have thus strengthened and empowered their position and livelihood. This has had a positive impact on the like-minded pastoral communities and the natural resources. In the context of post-conflict, the establishment of the GGCRNs enforcing the rules in use had consequently contributed to the consolidation of peace at the two pastoral sites.

On the other hand the rights and duties of the marginalised groups had been neglected in the management of crucial natural resources. This social exclusion was primarily due to the conflicting perceptions of rights. The same conceptual dispute over whether common property equals open access or regulated use took place in the ideological struggle. In addition the exclusion was also owing to the fact that the most mobile herders’ livelihood strategies and cultural practices are not adapted to maintain permanent membership in various community based committees. Consequently, they have been excluded from the decision-making processes in the action arena.

Moreover, for the time being, CARE is not equally addressing all the resource users. This threatens the overall objective of consolidating peace through concerted management systems.

Consequently, the formalisation process of local convention is at the same time a process of exclusion of those who have nothing to offer in the negotiation process, if they themselves do not have a home territory. In the case of the mobile communities their right of access depend on their

informal relationship with the communities in control. This was the difference between the WoDaaBe and the Mohamid, who did not get along with the local community. Hence the mobile communities access to wells and pastures in no way secure. So, the system of nomadism is still under pressure from more sedentary forms of life, which are more suitable for state control, development projects and public service delivery in general. The standardisation process is hence initiated.

A question is whether the multiculturalists can accept that this specific form of life is disappearing. On the other hand complete mobility makes state control almost impossible. This reveals an inherent contradiction in extreme multiculturalism. Namely, how far down the line of relativism can multiculturalists go? Can systems whose form of life is incompatible with state control still ask protection and secure rights of that same government. Or what if the culture (this is not the case of the Mohamid) is even against the principle of the state? Is it reasonable for them to ask for protection and special rights of a system to which one they cannot adopt or is there a possibility of compromise? The challenge rests in knowing how the institutional and legislative environment (the law and the new communes) can constitute a factor of support and not debilitation of the pastoralist system. However if the Mohamid continues to be excluded, the violation of their rights and dignity constitutes an injustice according to the universal moral principle contained in both ideologies. Likewise, the further exclusion of the Mohamid may cause severe conflict resurrection with long term effects.

Another reason for the conflicts in the action arena was owing to the competition over public authority. This had created a gray zone in regard to who had decision making power and why. For the pastoral groups which straddle the territory did find the difference in rules and lack of common ground confusing. So, the plurality “twilights institutions” in forms of NGO and local management committee had at the same time created a situation of pluralism which ended up disrupting the state and creating more confusion about the rule in areas where the capacity of the state is already weak or almost not existing.

A situation of complete pluralism, can further conflicts if perceptions about the rules are too diverse, especially in areas where people practise a high degree of mobility. This can be avoided if the procedures for the negotiation process are the same, in line with the liberal impartial point of view. That the procedures are the same does not necessarily entail that the rules have to be the same. This allows for some flexibility and self-government in the law within the framework of a liberal procedural democratic model.

My own standpoint with respect to the positions is an Aristotelian compromise. I think that rules in use, have to be generally applicable but each case has to be adjusted to its specific context and conditions. So, a common denominator for procedures needs to be applicable in order to avoid misconceptions, which can further social conflicts. This also argues in favour of a certain level of overarching government control, although the content of the rules can still be adjusted and decided by community-based organisations.

The process of formalising rights to common property resources in the action arena has initiated a competition for land and access and legitimate authority. This process inherently carries the risk of marginalising the least informed and most isolated groups of the pastoralist society. Those whose rights were initially attempted to strengthen by the legislation. The formalisation removes the flexibility needed for the pastoralist life form to endure. So, in a sense the catastrophic scenario predicting the end of nomadic pastoralism is true however, not for the reasons stated by the neo-Malthusian tragedy of the commons. Rather, the need for secure tenure rights initiates a process of social marginalisation and competition over resources and public authority, which risk of leaving the least educated; the least empowered and socially excluded to be left in the margins of the state.



## *Prologue*

In October 2006, after the end of the fieldwork, the government of Niger threatened to expel 150,000 Mohamid, because of tensions with indigenous rural communities. The government decided to return the Arabs Mohamid to its frontiers because of their difficult relations with indigenous rural populations. This was legitimised as an operation conducted with “respect for human dignity” by the interior Minister Mounkaila Modi. Modi said the Arabs from Chad possessed illegal firearms and were a serious threat to the security of local communities and the Arabs’ camels were draining local oases (this was also confirmed during the fieldwork). However, two days later without explanation the threat was annulled, probably due to Representatives of the Mohamids had condemned the expulsion order and called on the African Union and the United Nations to help (global good news, 26-28 October, 2006). So without doubt, the Arabs Mohamid’s presence in Diffa has furthered the instability and increased pressure on the natural resources. On the other hand, after being more than 20 years in Niger some off them have legitimate Nigerien citizenship, and hence in theory the same constitutional rights as the “indigenous” rural population.

After the threat of throwing out the Mohamids was withdrawn the situation is worsened. The groups of Mohamid have been divided into two; one staying in the pastoral zone the other one has stayed in Diffa town. Both of the groups have been marginalised by the other communities. For the moment there is an embargo at the market in Diffa. People simply refuse to buy their products. Whether the government of Niger has the means to tackle this situation is doubtful.

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Proposition pour la Commission Européenne: Les Puits de la paix à Diffa- projets de sécurisation de l'accès à l'eau pour les pasteurs du Niger oriental

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#### **Interviews**

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## APPENDIX 1. TERMS OF REFERENCE

### ETUDE COMPARATIVE DE DEUX GROUPEMENTS DE GESTION CONCERTEE DES RESSOURCES NATURELLES (GGCRN) EN ZONE PASTORALE DE DIFFA CAS DE KARIA ET NOUROUA

#### 0. INFORMATIONS GENERALES

##### 0.1. Programme

Le stage se déroule dans le Programme de Gestion des Ressources Naturelles et de Renforcement de la Société Civile (PROGRES) avec une affectation spécifique auprès de la composante «Gestion des Ressources Naturelles et Promotion de la Culture de la Paix » (GRN-PAIX)

**0.2. Durée** 4 mois : 1<sup>er</sup> octobre – 1<sup>er</sup> février<sup>39</sup>

##### 0.3. Personnes de contact

Marie Monimart (Chargée de programme, Care Niger HQ) à Niamey, Djimraou Aboubakar (Coordinateur de programme, PROGRES) à Maradi, Nanna Callisen Friis (Coordinatrice de Programme, Care Danmark (CDK)) à Copenhague, Saada Mbamba (Coordinatrice de Stage CDK) à Copenhague, Yacouba Djibir responsable de la composante GRN-PCP à Diffa.

##### 0.4. Superviseur

Djimraou Aboubakar (Coordinateur de programme, PROGRES) et Yacouba Jibir (Responsable de la composante GRN-PAIX)

##### 0.5. Collaborateurs

L'équipe de Diffa:

Moussa Assoumane (Responsable de la composante RECAP/D), Mahamane Sani Sayabou (Responsable de la composante SEMPA), El Hadji Goni Malam Salé (Assistant technique en suivi et évaluation PROGRES), Hamiss Ousmane, (Assistant technique formation partenariat auprès des composantes RECAP-D, SEMPA et GRN à Diffa), Kimba Seyni (ADMInistrateur CARE Diffa), Nounnou Idi, Mariama Mamane Issami, Bintou Lawan Barma, Boubacar Mohamed, tous Communicateurs de PROGRES Diffa au titre de 4 OSC partenaires, les OSC partenaires de PROGRES au région de Diffa.

## 1. CONTEXTE

### 1.1. Le programme PROGRES de CARE Danmark au Niger

CARE Danmark intervient au Niger depuis 1996. Le programme actuel de CARE Danmark, PROGRES, se focalise sur la gestion équitable des ressources naturelles (eau, ressources foncières, pâturages, etc.) et le renforcement de la société civile. Le PROGRES est mis en œuvre au Niger par CARE International pour une durée de 6 ans, de janvier 2005 à décembre 2010. Sa finalité est *d'avoir un impact effectif et durable sur les conditions de vie des ménages ruraux vulnérables du centre et de l'est du Niger, en s'attaquant aux causes profondes de la pauvreté qui les affectent, notamment en termes d'accès inéquitable et de mauvaise gouvernance des ressources naturelles, des soutiens inappropriés de l'Etat et de la faiblesse de la société civil.* (CARE PROGRES, 2005-2010).

Le programme est composé de six projets et composantes, dont la composante GRN-PAIX qui constitue le cadre du présent stage.

### 1.2. La composante GRN-PAIX

La composante GRN-PAIX relève de la mise en œuvre du PROGRES à Diffa. Elle s'attaque particulièrement à la problématique cruciale de la gestion concertée des ressources naturelles et de la promotion de la culture de la paix, dans un contexte intercommunautaire de post-conflits récents et de décentralisation. Son objectif spécifique est de: *consolider une dynamique durable de paix sociale à travers la gestion concertée et négociée des ressources naturelles à plusieurs échelles de temps et d'espace.* La stratégie de mise en œuvre repose sur: 1) la diffusion auprès des communautés d'outils novateurs d'information et de plaidoyer visant à leur faciliter un débat informé et argumenté sur des enjeux clefs; 2) une extension raisonnée de la zone d'intervention afin de relier la zone pastorale centrale à certaines aires périphériques de repli, ce qui se justifie par la nécessité de consolider les conditions de la mobilité pastorale en cas de crise; 3) une approche résolument communautaire de la gestion concertée des ressources, de la prévention des conflits et de la gestion de la paix; 4) une synergie étroite avec les autres composantes du

<sup>39</sup> Avec la possibilité d'une prolongation

PROGRES à Diffa, GRN-PAIX constituant d'une certaine façon la clef de voûte du programme à Diffa (CARE GRN-PAIX, 2005-2010).

### 1.3. Le choix des sites

Les principaux sites retenus pour le stage sont Karia et Nouroua. Les pasteurs résidents de Karia et Nouroua appartiennent majoritairement au groupe des peuls fulbe. À Karia, les pasteurs transhumants les plus fréquents sur le site sont les peuls wodaabe et les toubous venant du nord. Les pasteurs arabes Mohamid y sont rares. Depuis 1998, on recommence à voir des familles de pasteurs toubous daza séjournant dans l'espace pastoral de Karia (CARE mai 2002). À Nouroua les pasteurs transhumants les plus fréquents sont les arabes Mohamid. Afin de pouvoir travailler sur des facteurs socio-organisationnels très affinés de comparaison des deux GGCRN, il a été retenu les 2 sites de Karia et Nouroua où le groupe ethnique dominant de pasteurs résidents est le même groupe de peuls fulbe. Par contre les groupes dominants de pasteurs transhumants varient d'un site à l'autre, ce qui pourrait avoir des influences différentes sur l'organisation et les règles de fonctionnement des GGCRN.

Pour enrichir les analyses et la comparaison, la stagiaire visitera quelques points d'eau et leurs systèmes et structures de gestion en périphérie des 2 sites principaux :

- Le mini AEP de Boutti
- Un puits villageois dans le sud de la région
- Un puits pastoral avec une structure de gestion différente des GGCRN dans le nord Nguigmi en milieu toubou

Des analyses rapides seront faites sur ces points d'eau par rapport à leur histoire, leurs performances techniques et de gestion, leurs forces et faiblesses principales ainsi que les mesures entreprises pour parfaire les systèmes et structures de gestion

## 2. OBJECTIFS DU STAGE

Six objectifs principaux sont visés à travers le stage :

- 1) Etudier de manière comparative 2 GGCRN en relation avec la gestion des points d'eau sur les sites pastoraux de Karia et Nouroua dans la région de Diffa. Sur chacun de ces sites on procédera à un inventaire rapide des points d'eau (puits cimentés, puits traditionnels, forage, autres) et leur système de gestion avant d'entamer les groupes de questions suivantes:
  - a. Les utilisateurs du points d'eau: comment acquiert-on le droit d'utilisation d'un point d'eau (accès)? est-ce que certains en sont exclus? si oui, qui et pourquoi? Les différents utilisateurs et leur perception sur le droit d'utilisation de l'eau.
  - b. Le paiement d'une redevance « eau » en relation avec la reconnaissance durable du droit d'accès: résidents par rapport aux non résidents, comment l'argent est collecté? comment l'argent collecté est géré et utilisé? comment le paiement peut-il affecter le droit d'accès ? comment s'opère le contrôle de la ressource ? qui contrôle la ressource ? les résidents par rapport aux non résidents ? qu'est-ce qui pérennise la reconnaissance de ce droit de contrôle ? qu'est-ce qui peut entraîner une déchéance de ce droit de contrôle ?
- 2) Examiner les Groupements de Gestion Concertée de Ressources Naturelles (GGCRN) (Karia et Nouroua) à travers les questions et thèmes suivants:
  - a. L'idée et les objectifs de la mise en place de GGCRN
  - b. Les activités des GGCRN, les membres et le mode d'élection des membres
  - c. Les différents modes de fonctionnement et les facteurs qui influent sur la prise de décision au sein du GGCRN, l'implication des utilisateurs dans les processus de décision, les forces, faiblesses, opportunités et menaces (FFOM) liées aux modes de fonctionnement identifiés à plusieurs niveaux: interne au GGCRN (dirigeants, simples membres de l'Assemblée Générale (AG)) et externe au GGCRN (à travers les utilisateurs non résidents).
  - d. La place de la femme dans le processus de décision et dans le fonctionnement du GGCRN de manière générale.
  - e. Comment le mode de fonctionnement du GGCRN est-il affecté par la mobilité des membres ?
  - f. Quelles sont les autres institutions locales (traditionnelles et non traditionnelles) engagées dans la gestion des ressources, relations entre les différentes institutions, relations entre les membres (personnes ou structures) constitutifs et les différentes influences sur le mandat des GGCRN
- 3) les stratégies du GGCRN en cas de pénurie d'eau (une pénurie signifie l'insuffisance d'eau pour les animaux et les humains qui peut être due à: surcharge du PE, non respect maillage, fonçage de mauvaise qualité, sécheresse, insuffisance de forces de travail, effondrement du puits PT/PC etc.).

- 4)
  - a. Discuter rapidement au niveau des conseils communaux et des organes dirigeants des 2 GGCRN la problématique générale des OCB du type GGCRN au sein des nouvelles entités décentralisées : ancrage institutionnel des deux GGCRN vis-à-vis de leur nouvelles communes. Quelles rôles et relations avec les futures COFOCOM dont les textes de réglementaires sont en cours de préparation. NB : Cette question 4 est essentiellement destinée à aider la stagiaire à bien esquisser les perspectives des GGCRN lors de sa conclusion. En effet toute esquisse de perspectives passe nécessairement par la prise en compte des nouvelles communes
  - b. la conformité et le degré de prise en compte des pratiques locales dans la législation (cohérence entre la législation existante et la gestion du droit d'utilisation en pratique) sur la base d'une simple revue de texte de loi et d'une compréhension des pratiques locales au sein des GGCRN.
- 5) Comparaison rapide du fonctionnement des Comités de Gestion (CDG) sur les sites où le GGCRN existe (cas de Karia et Nouroua) avec les 3 sites « introductifs » où les CDG n'opèrent pas dans le cadre de GGCRN : différences et effets positifs/négatifs sur la l'efficacité et l'efficience de la pratique de gestion.
- 6) D'après les résultats et conclusions auxquels on est parvenu, dégager les leviers permettant des améliorations réalistes.

### 3. METHODOLOGIE

La méthodologie utilisée consiste à:

- 1) Choix des sites et des groupes d'utilisateurs liés aux sites
- 2) Utilisation de la Méthode Accélérée de Recherche Participative (MARP) pour l'investigation: c'est à dire
  - a. l'observation directe
  - b. les interviews semi-structurés (ISS) individuels et collectifs
  - c. le calendrier saisonnier des activités selon le genre (hommes, femmes, jeunes): pour comprendre le rôle de chacun dans la chaîne de l'eau
  - d. techniques de classement préférentiel: cette technique peut mettre en évidence les plus importantes contraintes de gestion des ressources naturelles selon les membres des GGCRN et CDG, les utilisateurs résident et non résidents, les femmes, les jeunes, les vieux.
  - e. les diagrammes de Venn : Il s'agit d'une représentation des organisations dans le domaine de GRN et des relations qui se tissent entre elles.

### 4. ACTIVITÉS

- 1) Une fois la période d'introduction accomplie:
  - a. des rendez-vous entre la stagiaire, Marie Monimart et Djimraou Aboubakar pour discuter le TdR, les attentes, faire le détail de la feuille de route et identifier les activités/responsabilités de la stagiaire en relation avec l'équipe.
  - b. Revue des documents
  - c. Rendez-vous avec l'équipe afin d'assurer à la stagiaire une bonne compréhension de PROGRES à Diffa, de la composante GRN et de leur contexte physique, technique et institutionnel.
- 2) Préparation d'un guide pour interviews et autres outils pour travailler sur le terrain
- 3) Travail sur le terrain à Diffa
- 4) Analyse, discussion, ébauche de rapport

### 5. CALENDRIER PROVISoire DE TRAVAIL

Semaines	Statut	Activités
<b>Octobre 2005</b>		
14 octobre		Arrivée à Niamey
17.-21.	Ok	Introduction
	Ok	Briefing <ul style="list-style-type: none"> <li>o Le Niger, CARE au Niger, CDK au Niger, de Baban Rafi pilote à PROGRES (1996-2005 : une riche expérience dans un temps relativement court)</li> </ul>

	Ok  Ok	<ul style="list-style-type: none"> <li>○ La crise alimentaire 2005</li> <li>Départ pour Maradi le 16 octobre</li> <li>○ Découverte du milieu physique et humain des interventions de CDK au Niger : cas de Maradi en zones de RECAL et programme de REHAB de post-crise</li> <li>Départ pour Diffa le 20 octobre : installation</li> <li>Le 21 octobre Pris de contact avec PROGRES</li> </ul>
24.-31.	Ok  ( OK) Ok (on going)  (on going)	<ul style="list-style-type: none"> <li>• Finalisation des TDR &amp; méthodologie du stage, Finalisation du programme de travail avec l'équipe de PROGRES</li> <li>• Discussion du plan du rapport de stage, 1<sup>er</sup> draft</li> <li>• Prise de contact avec Care Diffa et PROGRES Diffa</li> <li>• Prise de contact avec les collaborateurs et partenaires clé de la région: projets, préfets, gouverneur, DRH, DRE, OSC partenaires</li> <li>• Revue exhaustive des documents disponibles</li> </ul>
<b>Novembre 2005</b>		
1-4. nov.	(on going) (on going)  on going Nov.=OK	<ul style="list-style-type: none"> <li>• Revue exhaustive des documents disponibles</li> <li>• Revue des outils d'analyse / Elaboration des outils complémentaires et autre guides d'entretien / choix des sites et groupes cibles pour la phase terrain du stage</li> <li>• Elaboration de la feuille de route : succession des étapes du stage, acteurs, moyens</li> </ul>
7.-12. nov.	<ul style="list-style-type: none"> <li>• Ok</li> <li>• Ok</li> </ul>	<ul style="list-style-type: none"> <li>• Validation des sites et groupes cibles pour la phase terrain du stage,</li> <li>• Prise de contact avec les collaborateurs et partenaires de terrain : maires, chefs de cantons et groupements, chefs de villages et tribus, OCB, points d'eau particuliers</li> </ul>
16.-18.	<ul style="list-style-type: none"> <li>• Ok</li> </ul>	<ul style="list-style-type: none"> <li>• Exécution du contenu du stage, Sites de Nouroua</li> </ul>
21.-23.	<ul style="list-style-type: none"> <li>• Ok</li> </ul>	<ul style="list-style-type: none"> <li>• Exécution du contenu du stage Sites de Nouroua</li> </ul>
24.-26.	<ul style="list-style-type: none"> <li>• On going</li> </ul>	<ul style="list-style-type: none"> <li>• Traite d'information</li> </ul>
<b>Décembre 2005</b>		
27 nov-2.dé	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Burkina</li> </ul>
5.-9.	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Burkina</li> </ul>
15.-16.	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Programmation décembre,</li> <li>• Bilan activités novembre</li> <li>• Suite exécution du contenu du stage</li> </ul>
19.-23.	<ul style="list-style-type: none"> <li>• Ok</li> </ul>	<ul style="list-style-type: none"> <li>• Finalisation de l'exécution du contenu du stage: Nouroua</li> <li>• Entretiens individuels, travail de GGCRN, Travail avec Arabes dans le terrain de Nouroua</li> </ul>
24-26	<ul style="list-style-type: none"> <li>• On going</li> </ul>	<ul style="list-style-type: none"> <li>• Traitement d'information</li> </ul>
29.-2.	<ul style="list-style-type: none"> <li>• OK</li> </ul>	<ul style="list-style-type: none"> <li>• Visite de sites arabes entretiens avec le maire de N'gourti</li> </ul>
<b>Janvier 2006</b>		
3.-9.	<ul style="list-style-type: none"> <li>• Ok</li> </ul>	<ul style="list-style-type: none"> <li>• l'exécution du contenu du stage: Karia</li> </ul>
10.-11	<ul style="list-style-type: none"> <li>• on going</li> </ul>	<ul style="list-style-type: none"> <li>• Traitement d'informations Karia</li> </ul>
12.-15.jan.	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Finalisation de l'exécution du contenu du stage Nouroua</li> </ul>
16.-20. jan.	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Traitement d'informations</li> <li>• Finalisation de l'exécution du contenu du stage</li> </ul>
23.-27	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluation midi par cours</li> <li>• Travail avec les acteurs de décentralisation, les communes</li> <li>• Acteurs de l'état, autorités coutumières, d'autres acteurs externes</li> </ul>
<b>Février 2006</b>		
1-3. fév.	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• affinements, corrections, ajustements, approfondissements, validations</li> <li>Finalisation de l'exécution du contenu du stage <b>Karia</b></li> <li>• Au revoir aux collaborateurs de terrain Finalisation du plan de rapport de stage</li> </ul>

6.-10. fév.		<ul style="list-style-type: none"> <li>• 1<sup>er</sup> draft rapport, échanges, discussions, compléments d'information de terrain</li> <li>• Finalisation rapport de stage</li> <li>• Mise au propre rapport, préparation des présentations PWPT</li> </ul>
13.-17. fév.		<ul style="list-style-type: none"> <li>• 1ere Présentation interne CARE Diffa et PROGRES des résultats saillants du stage / discussion, amélioration</li> <li>• 2ieme Présentation régionale Diffa des résultats saillants du stage aux partenaires et collaborateurs clés</li> <li>• Au revoir à CARE Diffa</li> </ul>
20.-24. fév.		<ul style="list-style-type: none"> <li>• Voyage Diffa Maradi Niamey</li> <li>• Présentation CARE Niamey / débriefing sur les résultats saillants du stage</li> </ul>
1. mars		Départ de Niamey – retour Danemark

## 6. RESULTATS ATTENDUS

1. Un rapport d'étude faisant état des points évoqués dans les objectifs est élaboré et sur la base de ces résultats, des recommandations pour les activités de projet sont élaborée. 20-25 pages en anglais.
2. Trois présentations orales en Power Point en français (analyse, résultats et recommandations): 1 à CARE Diffa ; 1 aux partenaires de la région de Diffa ; 1 à CDK Copenhague. Un débriefing sera fait à CARE Niamey sur les grandes conclusions auxquelles on est parvenu ; ce débriefing de Niamey ne nécessitera pas une présentation PWPT.

## APPENDIX 2. DATA COLLECTION MATRIX

N°	Sujet	Questions	Méthode	Source	Durée
1	Les points d'eau	Type des Point d'eau (PE), localisation, types de tenure, propriété	MARP GPS	U	2 jours
2	Utilisateurs	Qui, d'où	MARP	U	1 jour
3	Les activités de l'utilisation des PE	A quelle moment de la saison le communauté est disponible pour participer physiquement, financement aux activités ?	MARP	U: femmes, hommes, jeunes, vieux	2 jours
4	Droit utilisation pratique	Mode d'acquisition et conditions d'Accès	ISS	U	1 jour
5	Exclusion d'utilisation	Qui et pourquoi (justification d'exclusion)	ISS	U non résidents	1 jour
6	Contraintes	Les plus importantes contraintes pour l'accès des NR	MARP	U	1 jour
7	Droit utilisation Législation	Législation concernant le droit d'utilisation	Revue documentation	Code rural, DHR/DRE	1 semaine
8	Paiement de l'eau	Comment l'argent est collecté	ISS	GGCRN	1 jour
9		Qui paie (résidents/non résidents), combien, qui le décide ?	ISS	Les membres, U	
10		Comment l'argent est utilisé, justification du paiement ?	ISS	GGCRN/ personnes ressources et autres	
11		Influence sur le droit d'utilisation/reconnaissance	ISS	GGCRN, U	
12	GGCRN				1-2 semaine
13		Les objectifs, l'idée de la mise en place	ISS	GGCRN	
14		Les initiateurs	ISS	GGCRN	

15		Les activités	ISS	GGCRN	
16	Gouvernance	Qui sont les membres (représentation)	ISS	GGCRN	
17		Relations personnelles	ISS	GGCRN	
18		mode d'élection, justification le choix des membres	ISS	GGCRN	
19		Sujets importants	ISS	GGCRN/ personnes ressources	
20	Mode de fonctionnement	Réglementation	ISS	GGCRN	
21		Comment on prise de décision (PDD)	ISS	GGCRN	
22		Les rôles et responsabilités des membres	ISS		
23		facteurs influençant la PDD	ISS	GGCRN/ autres (leaders)	
24		L'implication des utilisateurs dans la PDD, redervarbilite, rendre compte	ISS	GGCRN, U	
25		Leurs mandats, exécution et pertinence des objectives	ISS	GGCRN	
26		Forces, faiblesses, opportunités et menaces	FFOM	GGCRN, U	
27	Le rôle de la femme	Responsabilités, inclusion dans la Prise de la décision	ISS	Les femmes, les hommes	
28	Mobilité	Influence de la mobilité des membres sur le mode de fonctionnement du GGCRN	ISS	GGCRN/ les personnes ressources	
29		Influence sur la représentation et les PDD	ISS	GGCRN, U, résident/ non résident	
30	Stratégies en cas de pénurie d'eau	Différents types de pénurie d'eau, et les différentes stratégies par types de pénurie	ISS,	GGCRN, les leaders non membres	
31	Compétences humaines	Compétences des membres pour résoudre les défis de GGCRN	ISS	GGCRN	
32	Conflits	Rôle de mitigation des conflits tenu par les GGCRN	ISS	GGCRN	
33		Comment ont-ils aidé à résoudre les conflits entre les différents utilisateurs ?	ISS	GGCRN	
34	Paysage institutionnel	D'autres institutions engagées dans la gestion des NR?	MARP	GGCRN, les membres d'autres organisations, U, ONGs	1-2 jours
35		Qui sont les Membres des autres institutions?	ISS	GGCRN, les membres d'autres organisations,	
36		Influence sur le mandat des GGCRN, nature des rapports entre les institutions, chevauchement i.e. cogestion entre plusieurs institutions ?	MARP	GGCRN, les membres d'autres organisations	
37	La décentralisation	Connaissance, expériences, attentes, décentralisation pour eux, la commune de appartenance, connaissance de leur maire, élus locaux dans leur terroir ?	ISS	GGCRN,U, élus locaux, autorités locales, ONG, DRE, DRH	1 semaine
38	L'avenir pour les GGCRN :	Implication où exclusion des GGCRN sur les processus de la décentralisation :	MARP	GGCRN, U, élus locaux, autorités locales, ONG, DRE, DRH	
39		ancrage institutionnel dans les communes, Influence sur le domaine de GRN, Accès au RN et les rôles de GGCRN vis par les communes	MARP	GGCRN, U, élus locaux, autorités locales, représentations communes, ONG, DRH	
40	La mobilité	Influence sur la mobilité/ L'élevage par rapport à les nouvelles communes	ISS	GGCRN, U, élus locaux, ONG, DRE, DHR	

### APPENDIX 3. QUESTIONNAIRE

(Introduisez vous)

No\_\_\_ F\_\_ M\_\_

1. Est-ce que vous connaissez le GGCRN (Kawtal)? Oui\_\_ No\_\_
2. Est-ce que vous jamais participiez à une réunion du GGCRN (Kawtal)? Oui\_\_ No\_\_
3. SI OUI, combien de fois dans l'année passée (2005) ?  
1-3\_\_ 3-6\_\_ 6-9\_\_ plus que 9\_\_ (combien ?\_\_)
4. Est-ce que vous jamais adressée un problème au GGCRN (Kawtal) (bureau ou A.G.) ? Oui\_\_  
No\_\_
5. SI OUI, est-ce que le GGCRN (Kawtal) a été trouvé une solution pour votre problème? Oui\_\_  
No\_\_
6. SI Oui, est-ce que vous avez été contente avec la solution ? Oui\_\_ No\_\_
7. Est-ce que vous êtes content travail de GGCRN ?  
Très contente\_\_  
Contente\_\_  
Un peu contente\_\_  
Pas contente\_\_
8. Este ce que vous avez jamais fait parti de la prise de la décision du GGCRN (Kawtal) ? Oui\_\_ No\_\_
9. SI OUI, Souvent\_\_ Temps en temps\_\_ Rarement\_\_ Jamais\_\_
10. SI OUI, Par comment ? (c'est possible de mettre plusieurs creux ici !)  
Par votes\_\_ mettre un avis\_\_ d'autres\_\_ (lequel ? \_\_\_\_\_)

### ANNEXE 4. WATER POINT INVENTORY

#### 4.1. List of Wells, Karia

Name	GPS	Age	Types	Statut	Utilisation and payment	Price	Km from Karia
<u>Karia</u>	N: 14,1659 E : 012, 2420		Cemented Wells (CW)	Public	47 troupes belonging to the residents + visitors troupes	Residents: 1000/ an Non-residents : 2.000 nairas/3 months 3-4 days : free	
Nguel Ghalé	N : 14, 19099 E : 012,39978	4 years	CW	Public	15 troupeaux		10 km
Nguel Kesso	N : 14, 22334 E : 012,41364	1 month	Traditiona l Well	Darrudo	2 troupeaux		8 km

			(TW)				
Boula Koundoyel	N : 14,27006 E : 012, 44750	2 (TW) 5 Months 3 months	TW	Issa Elhadj Beli	4 troupes		3 km
Laybouki	N : 14,31868 E : 012, 39129	3 months	TW	Ardo Zanguina	3 troupes		2 km
Nguel Jawlé	N : 14,31816 E : 012,36423	5 months	TW	Mohamadou	5 ménages,	Well digger	6km
Kandilwa1	N: 14,31025 E: 012,34185	3 PT 3 mois	TW	Ardo Aota	60 troupes.	Well digger 40.000 CFA	4 km
Nga bandi	N: 14,24992 E: 012,44261	5 mois	TW	Allah	8 troupes		1 km
Télélé	N: 14,28212 E: 012,34156	1-2 mois	TW	Ardo Adam	20 troupes		6 km

#### 4.2. List of Wells, Nouroua

Name	GPS	Age	Type	Status	Utilisation and payment	Price	Km from Nouroua
Barma	N:14,11900 E:012,21943	2 months	Traditional Well (TW)	Ahmadou	10 troupes	Well digger 25000	5 km
Kolchawage	N:14, 05070 E:012,17987	Forage depuis 36 ans PC 3 ans	Cemented Well (CW), Borehole	Public	Visitors 1000 nairas / month residents 200 nairas/ month		3 km
Nguel Chilouke	N:14,11873 E:012, 17463	1 year	TW	Naguru	5 troupes	Well digger 25000 CFA	4 km
Nguel Gagako	N:14,12037 E : 012,13598	1-2 years	TW	Saydo Sule	4 troupes	Well digger 25000 CFA	5 km
Nguel Lega	N:14,10308 E:012,13013	1 year	TW	Douka Amadou	8 troupes	Well digger 25000 CFA40 With the labour input from himself his brother	5 km
N'guel Kollé	N:14,12206 E:012, 18588	1 year	TW	Hamadou Atikou	3 troupes	Well digger 20.000 CFA	4 km
N'guel Polle	N:14,09126 E: 012,15615	3 months	TW	Barouma Ibrahim	10 troupes	Well digger 25000 CFA	1,5 km
Nouroua	N: 14,08028 E: 012,18206	31 years	CW,	L'état CdG depuis	29 households residents : 250 naira/ months,		

<sup>40</sup> La prix est environ 2500 CFA pour la puisatier pour crever le sable, si on a aussi besoin quelqu'un pour tirer ça c'est un autre 2500. En plus le arbre et les racines pour le faire demande aussi des moyens pour le achète. En plus, il faut payer le manger pour les travailleurs et donner un animal quand le travail est fait



				2001	non resident s : 1000 Naira/ mont <sup>41</sup>		
Wourbaore	N:14,15026 E:012,21943	2 months, there has been a well here the last 32 years	TW	El hadj Kirbo	7 troupes	They dug the well themselves	6 km
Chawa	N:14, 25044 E: 012,26293	There has been a well here the last 50 years now there are 2 wells: 3 months 1 month	TW	El hadj Kirbo	12 troupes		15 km
Gambalyel	N: 14,22772 E: 012,25647	4 months	TW	Katchal a Dodo Ali	2 troupes	Well digger 25000 CFA	
AM1 21.12.05	N:14,03752 E:012,20771						
AM2 22.12.05	N:14,06022 E:012, 21292						

<sup>41</sup> Selon les habitant, mais en réalité les résidents ont payé 1850 naira (= 7.400 CFA) depuis 2001 et les non résidents ont payé 96.350 Naira (385.400 CFA)

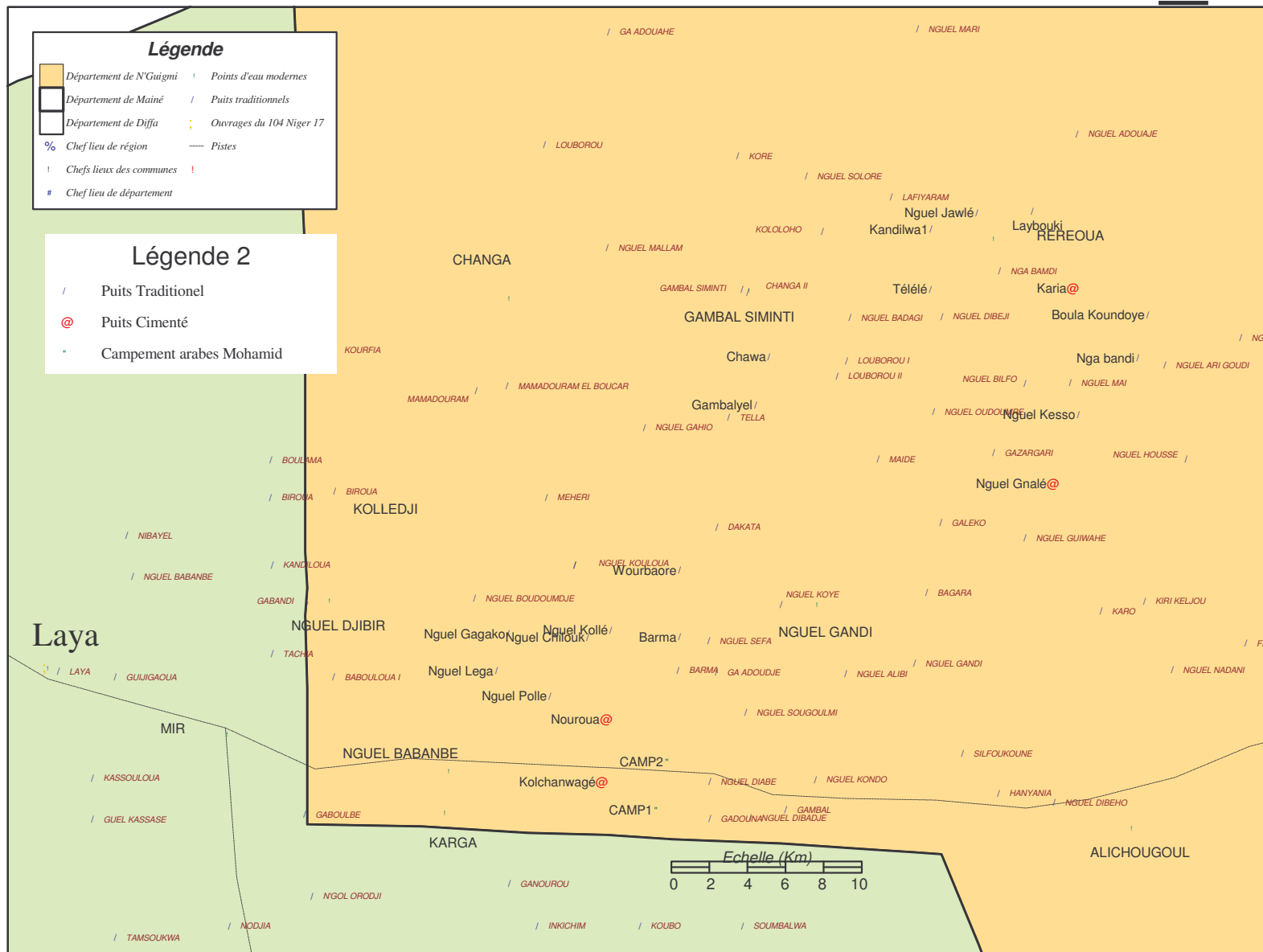


## ANNEXE 5. SEASONAL CALENDER

Saison	Activités		
	Femmes	Hommes	Enfants
<b>Duungu</b> (Saison de Pluie) juillet, août, septembre	<p>Production agricole, (mil, haricot, sorgho, maïs, et gombo), planter les semences, sarclage,</p> <p><i>Tenir le ménage:</i> Traite des animaux, produit alimentaire (produit lait), hygiène, laver la vaisselle, occuper des animaux des ménage, laver les enfants, chercher du bois mort, tissage des nattes, faire les cuisine, piller les mil, approvisionnement du ménage en eau (2 fois) Cueillette l'herbes sauvages, surveille les animaux</p>	<p>conduite des animaux au pâturages les, (si il y a de mares on abreuve pas les animaux), surveillance des caprin et ovins, mais pas les vaches, surveille les champs: que les animaux les ne mangent pas, sarclage, rechercher les animaux et les garder, aller chercher à manger (travail). vendre les bois en ville</p>	<p>L'élevage, surveiller les animaux, aller Surveille les champs, que les animaux les ne mangent pas les herbes, chasser les oiseaux, abreuver les animaux tous les deux jours<sup>42</sup></p>
<b>Jawol</b> (Saison Récolte)_ octobre	<p>Descente aux champs, récolte les produits agricoles <i>Tenir le ménage</i> (comme au dessus) Décorticage de récolte</p>	<p>Récolte les produits agricoles, ranger la production, creusent de puits, fréquente les marches, chercher de travail. vendre les bois en ville</p>	<p>Lever le mil, entasser les mil, surveiller et abreuver les animaux.</p>
<b>Dabbunde</b> (Saison Froide) nov. déc. Janv, févr.	<p>Faire de feu, dresser les haies pour protégé les ménages, approvisionner en bois <i>Tenir le ménage</i> (comme au dessus) Décorticage de récolte s'il y en a</p>	<p>Fréquentes les marches, abreusement les animaux, fonçage des puits pour ceux qui n'ont pas. Vendre les bois en ville</p>	<p>Partir avec les petits ruminants, chercher du bois contre froid, surveiller et abreuver les animaux.</p>
<b>Sheidu</b> (Saison de Sèche) mars, avril, mai, juin	<p>Faire de l'artisanat, nattes, fréquenter les marchés, chercher de l'eau, entretien physique (se laver) <i>Tenir le ménage</i> (comme au dessus - mais pas beaucoup de piler des miles, quand il n'y a pas). Aider les animaux trouver à manger</p>	<p>Abreusement les animaux, chercher manger pour les animaux et eux-mêmes (se déplacer), chercher travail en ville, vendre bois, fréquentes les marches, collecter de la paille sèche pour chameaux et PR</p>	<p>Aller chercher herbes pour amener à maison, appuyer les animaux qui sont maigre, garder les brebis, surveiller et abreuver les animaux</p>

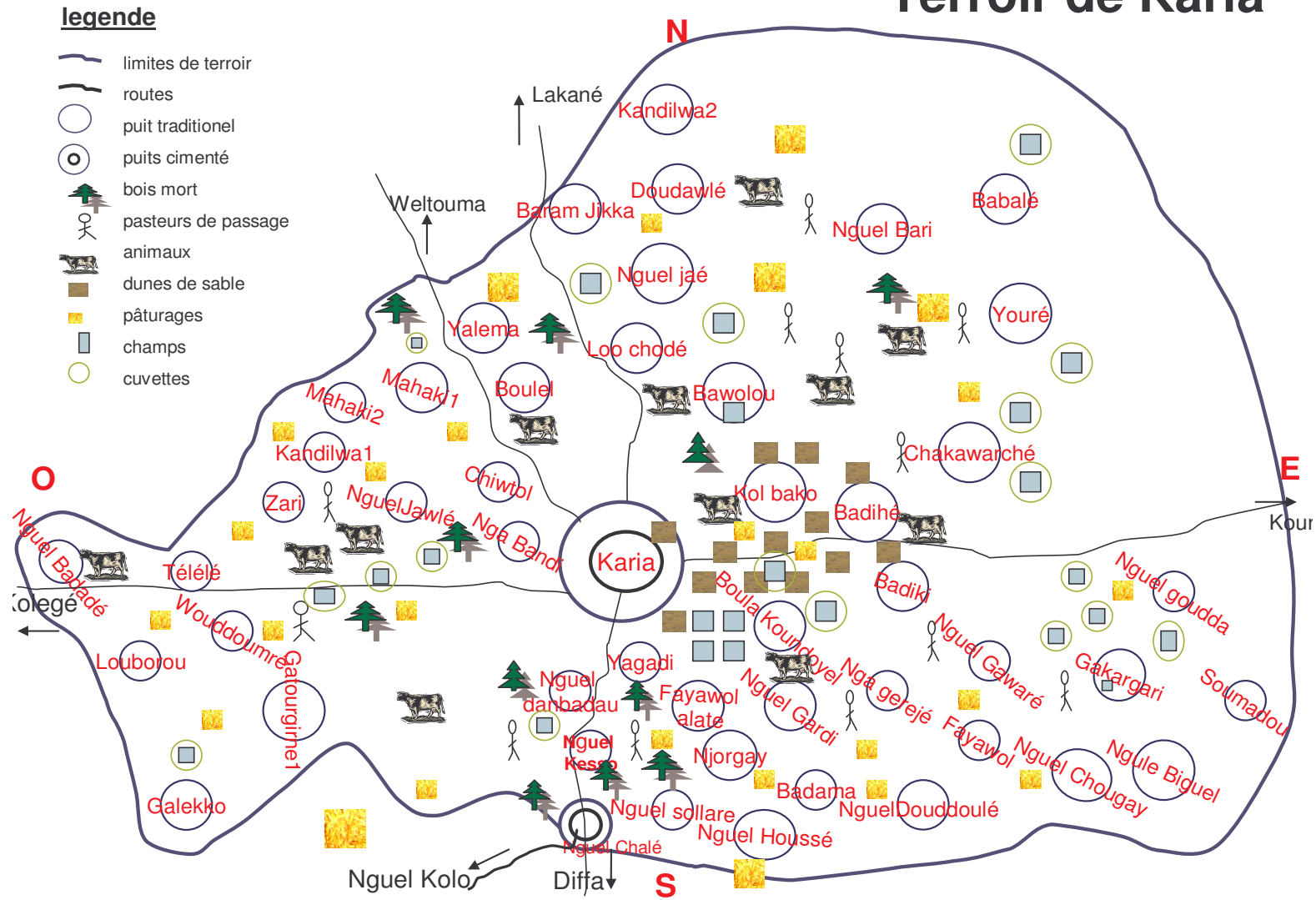
<sup>42</sup> Pendant le saison pluies les animaux ont moins besoin d'abreusement comme il y a des l'herbes vertes et quelques cuvettes

# MAP OVER WELLS IN THE CASE STUDY SITES



APPENDIX 6. RESOURCE MAP

# Terroir de Karia





# Terroir de Nouroua

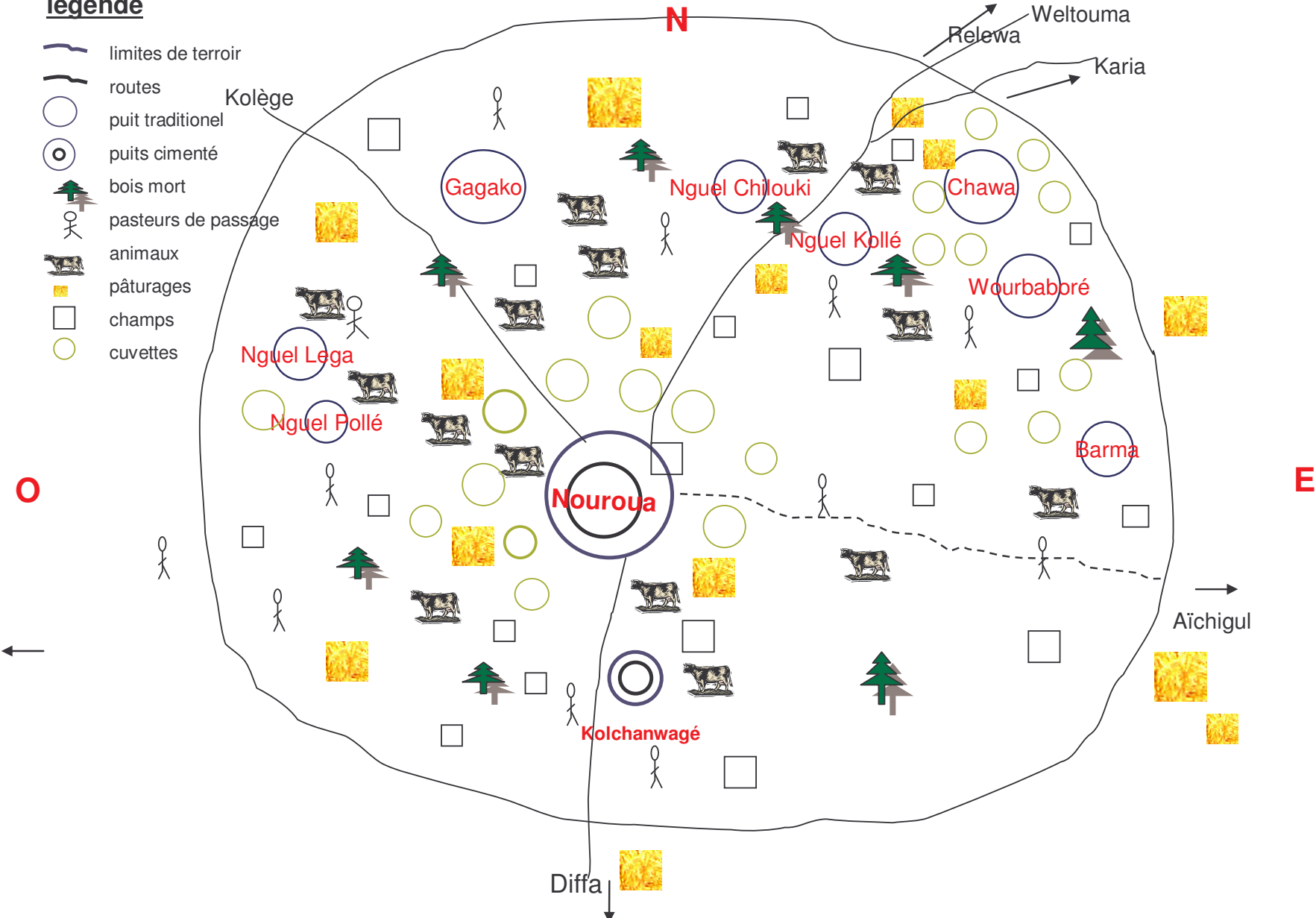
APPENDIX

7.

RANKING

## legende

- limites de terroir
- routes
- puits traditionnel
- puits cimenté
- bois mort
- pasteurs de passage
- animaux
- pâturages
- champs
- cuvettes



Problème	répondants										Total	Classement
	A	B	C	D	E	F	G	H	I	J		
Insuffisance d'alimentation	2	5	5	4	5	4	3			4	32	A
Insuffisance paturages	4	4		3	4	3	2		3	3	26	B
Maladies de Cheptel				5	2	4	3	4			18	C
Insuffisance d'animaux			2		3	5	5			2	17	D
Conflits intercommunautaires	3	3		2	1			4	1		14	E



## APPENDIX 8. MEMBERS OF THE GGCRN

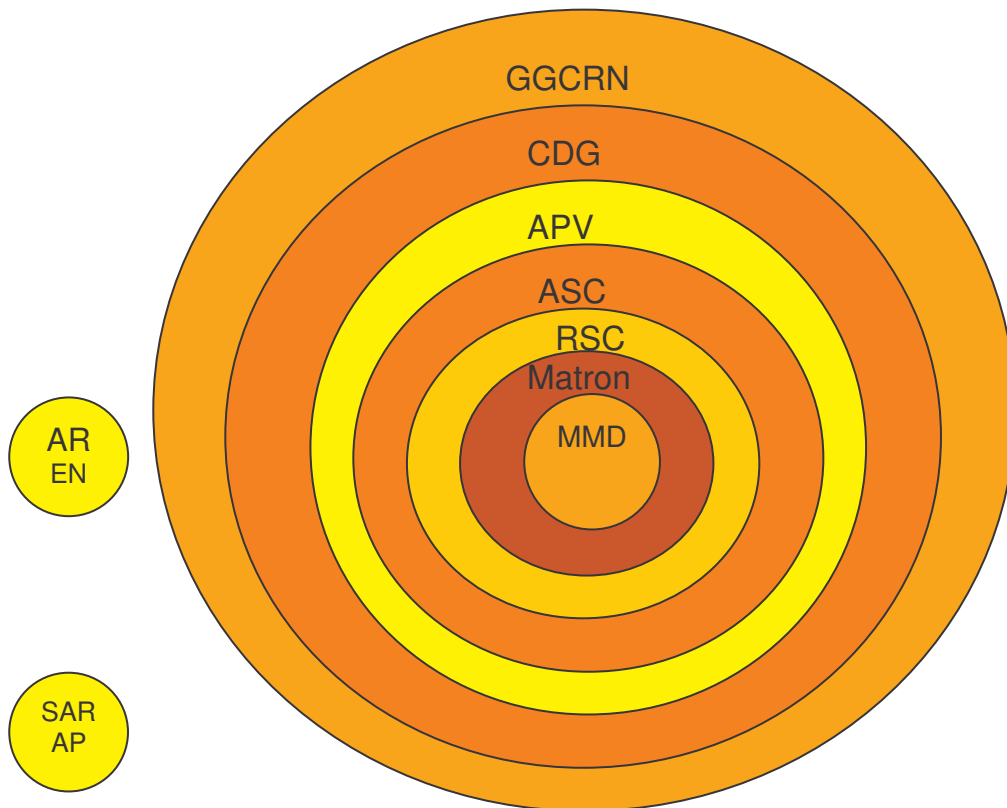
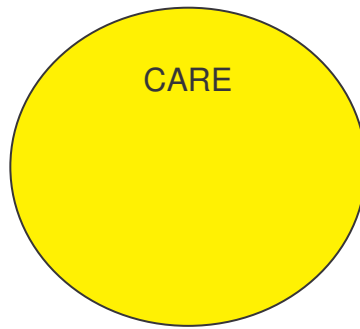
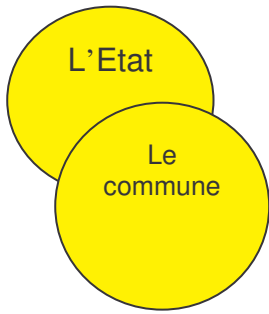
### Nouroua

Name	Titel	age	Sexe
(1) Ardo Adoboukar	Président	?	M
(2) Jorahi Adam	Secrétaire	?	M
(3) Hamadaou Nagourou	Surveille le placement de pasteurs	?	M
(4) Malam Boukarou	Surveille le placement de pasteurs	?	M
(5) Woli Gandera	Trésorière	?	F
(6) Darro Idi	Conseiller (chef de tribu Nouroua)	45	M
(7) Al Hadj Bello Mani	Conseiller	76	M
(8) Moussa Idi	Suppléant information	46	M

### KARIA

Name	Titel	age	Sexe
(1) Karia Ganei	Président	67	M
(2) Mao Ibrahim	Vice président	?	F
(3) Ibrahim Abba	Secrétaire	28	M
(4) Wolla Djano Goga	Secrétaire Adjoint		
(5) Madame Djibdou Boj	Trésorière	64	F
(6) Garba Derdou	Conseiller		M

## APPENDIX 9. VENN DIAGRAM



**Interpretation:**

The Venn diagram illustrates the relations between to different actors in the arena. Among 70 all the groups interviewed (populations of the Fulani community at Karia and Nouroua) the conception was the same. The circles in the middle represent the actors, which are part of the management committees (the GGCRN). The size of the circles represents the power of

**APPENDIX 10. STRENGTHS WEAKNESSES OPPORTUNITIES AND THREATS (SWOT) OF THE GGCRN**

*10.1. Nouroua*

<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>• Rassemblements des pasteurs (réunions) pour des travaux d'intérêt commun</li> <li>• Tout le monde a tiré profit des activités de GGCRN</li> <li>• La possibilité de concertation pour la gestion des ressources</li> <li>• Protection de pâturages contre les feux de brousse et surveillance de l'espace contre l'abatage abusif des arbres</li> <li>• Les forces des autres structures locales CDG, GGA, RSC etc.</li> <li>• Fourniture d'eau en quantité et en qualité</li> <li>• La continuation de travail de GGCRN</li> </ul>	<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• Manque de capacités humaines</li> <li>• Les procédures et la réglementation du bureau sont opaques</li> <li>• Manque d'inclusion des membres mobiles dans le bureau</li> <li>• Manque de respect de la réglementation par certains pasteurs de passage</li> <li>• Manque d'inclusion pasteurs mobiles</li> <li>• La mobilité des membres</li> <li>• La répartition des comités dans les zones éloignées</li> <li>• Ambiguïté entre les attributions dans le GGCRN et le CDG</li> <li>• Les objectifs et les attentes non réalisés</li> <li>• Non-engagement des membres du comité</li> <li>• Insuffisance de sensibilisation sur le rôle des femmes</li> </ul>
<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• Appui de CARE et autres partenaires</li> <li>• La décentralisation</li> <li>• Paix intercommunautaire</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>• Succession de mauvaises années</li> <li>• Possibilités des autorités de remettre en cause le travail de GGCRN – manque de reconnaissance.</li> <li>• Manque d'implémentation de CDG partout dans la zone pastorale</li> <li>• Récurrence de conflits</li> </ul>

## 11.2 SWOT GGCRN Karia

<b>Les forces</b> <ul style="list-style-type: none"><li>• Le respect des règles fixées par les GGCRN.</li><li>• Participation effective des transhumants aux cotisations.</li><li>• La capacité du président de s'assurer, que les membres jouent son rôle</li><li>• La continuation du travail</li><li>• Possibilités de la structure d'octroyer de crédits aux membres</li></ul>	<b>Les faiblesses</b> <ul style="list-style-type: none"><li>• Insuffisance de respect de la réglementation par certains de pasteurs de passage</li><li>• Manque d'inclusion des membres mobiles dans le bureau</li><li>• Absence de caisse, contrairement à ce qui est spécifié dans le dossier au début du processus</li><li>• L'absence de PV</li><li>• Convocation de A.G. incomplet</li><li>• Manque d'inclusion des femmes</li><li>• Mobilité des membres</li></ul>
<b>Les opportunités</b> <ul style="list-style-type: none"><li>• La présence de CARE et autres partenaires</li><li>• La décentralisation</li><li>• Paix intercommunautaire</li></ul>	<b>Les menaces</b> <ul style="list-style-type: none"><li>• Sécheresse</li><li>• Manque de pâturages</li><li>• La pauvreté</li><li>• Les maladies pouvant décimer les animaux</li><li>• Manque de production céréales</li><li>• Recrudescence de conflits</li></ul>

## ANNEXE 12. INTERVIEW SUMMARIES :

### NOUROUA :

Liste of Key Informants (16.11-23.11)

Darro Idi (Chef de Tribu)	M	?
Oumarou Mani	M	78
El Hadj Bello Mani	M	76
Abdoul Kadri Ahmadou	M	45
Moussa Idi	M	46
Daou Oumarou Idi	M	25
Fourera Oumarou	F	50
Bello Idi	M	?
Nounnou Idi	M	46

### *Assemblée Générale 17.11.05*

#### **La gestion de point d'eau de Nouroua Comité de Gestion (CDG)**

On installe le CdG pour avoir une meilleure gestion et exploitation de ressources naturelles, et prévoir des conflits

#### **Membres<sup>43</sup>**

(6) Darro Idi	Président	45	M
(9) Bello Idi	Secrétaire	32	M
(7) Al Hadj Bello Mani	Collecteur	76	M
(8) Moussa Idi	Collecteur	46	M
(9) Fourera Oumarou	Trésorière	50	F
Sale Bello	Hygènist		M
Barnarma Idi	Hygènist		M

#### **Responsabilités**

Le président suivre que l'autres font ses travaille

CDG décide le rythme d'abreuvement pour s'assurer que chaque un a son temps

La gestion a fait que tous les pasteurs respectent les heures et les règles pour abreuvement

Au début le gestion ne marchait parce que les gens n'a pas compris la nécessité d'avoir un comite de gestion et en plus, on a commencé dans une mauvaise année. Après 2001, avec l'aide de CARE, les gens ont accepté qu'il y ait beaucoup de question liée dans l'abreuvement des animaux qu'il faut règle. Maintenant, la gestion a fait que tous les pasteurs respectent les heures et les règles d'abreuvement. Si on n'observe pas les règles ça va donner occasion des nouveaux conflits. Par exemples, si les heures ne sont pas fixes ce le désordre.

Avant la mise en place de CDG la qualité d'eau c'était mauvais à cause de l'hygiène. Maintenant, c'est plus hygiénique.

#### **Mandat du comité**

Si il y a quel qu'un qui ne respectent pas les règles ils savent ce qui et ils les suivre. Si encore ils refusent on s'adresse pour au Chef de Tribu qui veux résoudre le problème.

D'autres fois ils viennent chez GGCRN (la quelles stratégie est la plus souvent ?) récemment ils ne

<sup>43</sup> Les membres de CDG ne sont pas membres de Comite de GGCRN excepte que Darro et Moussa Idi.

sont pas eu des problèmes ils n'ont pu pas résoudre sur leur même niveau

### **Paiement l'eau:**

Les résidents paient 150 CFA (ou naira ??? ) par mois pour le comité. Les pasteurs passage ne paient pas s'ils passent pour quelques jours seulement. S'ils restent plus long temps, ils paient 4000 CFA par mois pour le comité.

Avant on ne paie pas. Il y a eu 2 réhabilitations les paiements de caisse ne suffisent pas et CARE a paie le reste.

### **Pénuries de Ressources Naturelles**

Il y a assez de l'eau mais il y a manques des pâturages. Maintenant l'espace est occupé et il y a plus de puits traditionnels qu'avant a cause de l'augmentation de la population. Les animaux doivent venir plus long. Maintenant il y a pas de visiteurs, mais normalement il y beaucoup qui viennent parce qu'ils savent c'est un bon puits avec un gros débit. Même s'ils passent ils arrêtent pour abreuver les animaux

### **D'autres aspects**

Si on réside ici ce n'est pas nécessaire de suivre les animaux parce qu'il connaît le terroir. Quand les pasteurs se déplacent tout les temps il faut qu'ils suivent les animaux.

### **Décentralisation**

Ils sont de connaissance de la décentralisation qua sensibilisation par CARE. Ils savent ils ont appartenance à Toumour à cause de autorité coutumière (son chef de Groupement a appartenance à Toumour?<sup>44</sup> (Mes additions)), même si ils se trouvent dans le terroir de N'gourti.

« Mêmes les hommes » ne connaissent pas le contenu de la décentralisation. Ils ont voté sur la couleur de leur parti MNSD. Ils ont voté pour un conseiller à Tomour qui vient de Nouroua vivant à Diffa. Il y a un bureau de votes ici à Nouroua. Et des collections des impôts ( ?)

Utilisation d'impôts ? Qu'est-ce qu'on peut attendre? Ils ne savent pas qu'est ce se passe avec leur impôts. Ils espèrent une école et un centre de santé. Chaque année, ils demandaient à l'état mais ça ne vient pas.

*SM : Pourquoi les conseiller ne demande pas à Toumour pour l'utilisation de leur l'argent ?*

Le rôle de conseiller n'est pas détailler (fixe, claire). Lui-même ne sait pas beaucoup.

### **L'année dernière.**

Il n'a pas eu insuffisamment d'eau, mais il a y avait manque de pâturages :

Stratégies de survivre: les gens sont dispersées, la mobilité. Ils ont vendu les animaux pour achète complément alimentaire (blée), travail migrant manœuvre au Niger sud, Nigeria, Tchad, vendre de bois du cuisine, production agricole au lac Tchad. Les femmes sont restées au campement pour s'occupées des enfants et les vieux. Le chef de ménage (l'homme) laisse quelque chose pour survivre, quand ça finit elles vendent ses petits ruminants.

### **Les Femmes 18.11.05**

Note: alle her kultiverer jorden, som kan give mad til 1-3 måneder

Conflits : accès de 'eau, désordre, pression, entre Mohamid et Fulbe. Mohamid voir les statuts de puits comme libre et acceptent pas leur règles : pas cette année. Stratégies: leurs leaders prennent la situation en mains, il y a de risques mais ce n'est pas comme avant. *La paix conditionne tout: Si GGCRN ne serais pas là les autres organisations ne peuvent pas marcher».*

### **Les Hommes 19.11.05**

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<sup>44</sup> Nouroua hører til

Cette année leur frère a été victime de vol de 6 caprins ils ne savent pas ce qui a le fait. Ca passe souvent. Il y a avait de problèmes avec l'autorité de l'état. Un représentant de l'état (un gardien) par rapport à son pouvoir il peut remettre en cause l'existence de GGCRN. S'il y a des pasteurs qui refusent les règles, l'autorité peut prendre leur position. Les exemples avec des pasteurs qui ne voulaient pas payer pour l'eau et qui s'ont adressés à un gardien et peut être on a le corrompre (2 fois à Issari, et un fois à Diffa) qui a venu pour empêcher le travail du GGCRN disant que le puits est public et l'accès est ouvert. Temps en temps il y a de discussion verbale et temps en temps ça peut se développer en bagarre. Il y a de risques d'être dans le CDG. Ils ont de couteau comme c'est leur tradition. Le conflit de l'accès de ressources naturelles est plus fréquent dans la saison sèche.

### **Utilisation de l'argent collectée**

Il y avait 1 réhabilitation et 2 aménagement de clôture le CDG a paye 10% et CARE paye 90 %,

**Critères de choix des élus** : confiance à eux, c'est les leaders des communautés qui sont membres de dirigeant.

### **Influence de décision de GGCRN :**

Si on n'a pas d'accord on raconte le dirigeant qui va statue si ils peuvent le résoudre ou il faut convoquer un AG. Dans le AG on prend la décision basée sur le vote.

Les pasteurs peuvent influencer sur la prise des décisions à travers de concertation (ils peuvent débattre avec le dirigeant et le convaincre pour faire un AG extra ordinaire (quand la communauté le demande. Normalement il y a une AG chaque année. Quand on pose les problèmes c'est à le GGCRN de statuer s'ils peuvent les résoudre s'ils ne peuvent pas, il convoque un AG. Ce qui vient peut faire la même chose. (La question: ce qui vient savent-ils qu'ils ont le droit ?)

### ***Au puits de Chawage 19.11.05***

GGCRN satisfait la mise en place de concertation entre les communautés, plus de la paix qu'avant GGCRN 2002, sensibilisation a aidée. Change du ancien comportement et aider la cohabitation aussi chez les pasteurs qui viennent, même expérience que de Nouroua, circulation d'information. Il y a beaucoup qui viennent qui ne connaît pas les règles de GGCRN, qui ne sont pas sensibilisées. Mais ils sont moins que ce qui les connaît. Normalement on les explique

### **Place de la femme**

Les femmes participent dans la prise des décisions. Elles gèrent l'argent (trésorier) parce que les hommes sont plus mobiles.

### ***Les enfants 19.11.05***

(Hamadou, Ado, Sheibu, Rabi, Saidu)

Børnene får deres første dyr, når de er 5-7 år. Men der er en der siger, at det er som om det ikke er deres egne dyr, da de ikke selv må bestemme om, de vil sælge dem indtil de er 18 år.

Kadri siger, man lader dem ikke selv bestemme om de vil sælge deres kvæg, for således vil der ikke være noget til dem, når de bliver voksne. Børnene starter med at arbejde i alderen (se også seasonal calendar):

Abreusement : 8-9 ans

Surveillance d'animaux: 8-9 ans

Récolte : 10 ans

Collection du bois : 8 ans

### ***Les jeunes hommes et femmes 20.11.05*** **Cohabitation avec les Arabes Mohamid**

C'est seulement les jeunes hommes qui font mention de ce problème. Les Arabes Mohamid sont plus mobile, ils ont plus de chameaux que le Fulbe. Ils mangent trop de pâturages et ce qui reste n'a pas de pâturages après ils sont partis. C'est grave.

*SM : Qu'est-ce qu'on peut faire pour résoudre cette problème?*

(Ils rigolent) « Limiter leurs mobilité, non ça ce n'est pas une solution. Si tu limite leur mobilité ils veulent limiter ta mobilité aussi. Mieux de se réunir ensemble pour trouver une solution.

Certain ne paye pas et même s'ils payent ce n'est pas automatiquement. Souvent certains ont de mauvaise volonté. Ils ne comprennent pas où l'argent vient. Ils pensent c'est dans le poche des gens même. Quand ils sont nombreux ils ne paient pas. Ils refusent. On les empêche accès, et normalement ils acceptent l'empêchement mais temps en temps ils essayent abreuvent avec force. Ils viennent dans la nuit, quand le reste dort. Maintenant il n'y a pas beaucoup, mais quand il y a beaucoup c'est un problème. Ils ont de stratégies. Même s'ils ont 3 grand troupeaux ils les rassemblent pour seulement paie pour un troupeau. (On ne voulait jamais accepter de payer par tête) « Ils sont belliqueux, ils cherchent les bagarres le plus n'accepte pas, mais c'est mieux maintenant avec le travail de GGCRN qui a change le comportement. Mais s'ils paient ils ont le même droit que tout le monde. C'est la situation avant qui a crée de problèmes. Certain a arrivé à accepter les règles.

*SM : Il faut quoi pour le change?*

Que les Arabes Mohamid sachent que les CDG est installé par loi et pas par eux-mêmes.

### **Décentralisation**

Ils savent que le commune de Toumour existe, mais pas ce que ça veut dire

### **L'avenir**

2 possibilités : si les années sont comme cette année où il y a de pâturages ils peuvent continuer avec l'élevage. Mais si ce comme l'année dernière ils sont obligés à faire d'autres chose.

### **La caisse**

Leur caisse de jeunes peut aider. Ce qui a. La caisse peut améliorer leur revenu des membres. Cotisation par membres. Tous les membres donnent une cotisation fixe chaque mois, ou semaine. 50 membres. Pour faire le crédit. Surplus pour augmenter les moyens de la caisse. Elles-mêmes ne participent pas, leurs mères participent. Souhaite de l'avenir. Leur propre GGA féminin. Pour le condiment, savon, les habille etc. toutes qui concerne les femmes et elles vendent au marché.

### **Diagramme de Venn**

Sans hésiter elles me donnent la même réponse que leurs mères (mais l'ordre n'est pas la même) Elles disent c'est par hasard, mais je ne le croit pas- Elles mentionnent aussi l'urgence et les cadeaux de conseiller, mais ils viennent seulement pendant le campagne et il est difficile de place dans le diagramme.



## *Les vieux 21.11.05*

Oumarou Mani	M	78
El Hadj Bello Mani	M	76
Souley Mani	M	70

### **Le rythme d'élevage**

Chaque matin : abreuvement, laisse en pâturage, pas nécessaire de les suivre, le soir : traitement. Pendant les mauvaises années : la mobilité, un partie des ménages quittent, les autres restent avec les petits ruminants jusqu'au hivernage pour essayer de faire la production de récolte. Quand il n'y a pas de pâturages ils quittent, bouger. C'est les jeunes, les plus fortes qui faites les activités les plus dures.

### **Contraintes**

Manque des pâturages : Deux raisons : manque de pluie et à cause de attaques de sauterelles, s'il y a des sauterelles ce n'est pas bonne pour les animaux, ils tombent malade: s'il pluie un peu et il n'y a pas de sauterelles, ça peut aller. Attaques : l'année dernière et 7 ans derniers. Ils viennent où il y en a des pâturages. Ce n'est pas le même endroit chaque année. 1) Ils prennent les informations sur le marche, 2) envoyer un scout, ou 3) on peut voir les nuages noirs à l'horizon.

Conflits : Pas maintenant mais avant. (Intercommunautaire, avant les conflits avec les Toubous sont à cause de vols de gros animaux, au sud il y avait des bagarre, Nguel Toboujo, le nom origine d'un Toubou qui était malade et a décède là bas. 4. sécurité alimentaire. Stratégies : vendre de bois mort, recours (udvej), appuiement d'urgence, ils sont contente, production agricole en hivernage. Il le fait depuis long temps (leurs parents le font aussi). Droit de champs agricole, par héritage, si tu n'a pas tu cherche dans le terroir et si ce n'est pas pour quelqu'un tu peux le cultiver, le vieux savent c'est pour qui.

### Manque d'école

À laya et Koledji il y a une école, mais il y a plus de enfant à Nouroua. L'école existe là à cause de la position du chef de tribu, politique.

## *Les GGCRN le 22.11.05*

### **Les responsabilités**

1. président: dirige le comité (les gens), surveille que tout fait son travail
2. secrétaire : écrit tout
3. Surveille l'occupation d'espace et le placement de pasteurs
4. Surveille l'occupation d'espace et le placement de pasteurs
5. gardes des ressources
6. appuyer le comité en cas de problèmes
7. appuyer le comité en cas de problèmes
8. donner les informations à tous les pasteurs

### **L'origine**

CARE a pris l'initiative au début et ensemble toutes les communautés qui vivent en zone pastoral (Toubou, peul, et arabes), à cause de la situation qui prévale. Même si la paix été négocié au papier, les conflits restent encore. Les conflits étaient autour de vols (ils disent que c'est le Toubou qui vol de Fulbe, parce que ils sont comme ça, c'est leur tradition), affrontement, l'exploitation de PE, Care appuyer pour gérer leur espace comme avant que les Toubous sont occupées leur terroir. Il y avait d'insécurité, il remise en cause, reprendre ceux qui ont?

## **Les activités**

Campagne de sensibilisation pour vivre en paix, attraper les rendez vous. L'occupation de l'espace. Qui peut s'installer dans quel côté. Surveillance des règles des CDG et GGA sont observés tour et installation

## **Réglementation**

D'abord concertation pour prendre de décision, chacun on son rôle, ils sont écrit un truc provisoire, CARE a un copie, prédécesseur de Darro?

## **Pris de décision**

Pour prendre des nouvelles on rassemble un AG, c'est par vote. AG chaque année, on peut aussi rassembler un AG extra ordinaire, si c'est nécessaire. Facteurs qui influence la PDD : si c'est juste, AG, débat, après le débat on fait un vote. Tous les pasteurs ont le droit de transmettre son idée. Si il y a quelqu'un qui n'a pas fait son travail, le dirigeant prend le responsable et demande pourquoi.

## **Représentation**

Toutes les classes âges. Les pasteurs qui viennent sont difficile d'inclure parce qu'ils viennent entre 2-3 ans. Temps en temps ça peut durée 10 ans sans ils reviennent. Quel travail ils peuvent faire? On essayer d'envoyer d'information à ce qui vienne. Ce n'est pas parce qu'on veut les exclure, mais en pratique ils sont impossible d'inclure dans le travail. Leur intérêts sont tous les mêmes : la paix, l'accès au puits et pâturages (solidarité avec ce qui vienne? Hvis de har samme interessere, hvorfor opstår konflikterne da ?)

Ce qui vient a aussi la possibilité d'influer sur la prise de décision. La plus part de ce qu'ils viennent sont au courant des règles. S'ils ne sont pas d'accord ils ont de possibilités de prendre leur occupation à AG pour trouver le consensus (er de ikke altid i undertal? kender de denne ret, hvor mange gange har nogen brugt den ?). Les femmes sont toujours impliqués dans la prise de décisions (dette er ikke helt overbevisende)

## **Mobilité**

Il y a toujours une partie du GGCRN qui reste. Pour prendre une décision 50% doit être présente. Si la mobilité est obligatoire (dans les mauvaises années) on ne peut rien faire, il faut se déplacer

## **Paiement**

Caisse: résident finance 250 nairas par personne par mois. Le président le collecte, le secrétaire le note et donne à la trésorière. Non résident paient seulement pour l'eau (CDG) influence sur droit ? AG décide combien. Utilisation : appuyer le travail

## **Diagramme de Venn**

Le rôle de l'état est partout, il impose ses règles, ce n'est pas avec nous il a fait l'état. L'état n'apporter pas son appui. Nous ne pouvons pas influencer sur la prise de décision de l'état, il est au-dessus notre niveau. Au-dessus l'état c'est dieu

## **Décentralisation**

Ils ne connaîtront même pas le travail de la commune. Il n'y a jamais eu de rencontre avec les leaders. ÷ appeler ÷ rassembler. Change de place, leur rôle dans les nouvelles communes - rien idée. Paiement ?

## **Rôles de mitigation des conflits tenus par les GGCRN**

Concertation faire de rencontre entre les parties. Toujours accessible. La décision prise par tout le monde est le plus respecté

### **Stratégies en cas pénurie de pâturages**

Dirigeant convoque un AG. Tout le monde veut canaliser des idées, Exchange d'informations, décidé de vérifier des informations intéressantes. Le dirigeant va envoyer des gens aux pâturages pour trouver de pâturages. Réponde le GGCRN aux besoins des membres ? Certains des pasteurs qua promotion de la paix faire que RN sont accessible pour tout le monde

### **Les conflits**

Avant, il y a avait beaucoup de problèmes en brousse comme les bagarres et les vols. Tout le monde était responsable de lui-même. Les gens étaient en train de vagabonder. Il n'y avait pas de paix (Personal information, President of the GGCRN, Nouroua

### **23.11.05 Chef de Tribu de Nouroua Darro Idi**

Frère de l'ancien chef de fils. (Mani l'ancien chef de groupement grand père de Darro)

### **Responsabilités du chef de tribu**

Collection des impôts, prévention des conflits entre les populations, rôle porte-parole (talsmand) de la communauté envers les autorités coutumières et l'administration. S'il y a des conflits il convoque les deux parties pour trouver qui a raison, concertes et conseiller. Par rapport à juridique il doit essaye. Si le CdT peut le résoudre ça suffit, s'il ne peut pas ça va aller au niveau au –dessus. Mariage, c'est les communautés qui célèbrent les mariages. Divorce : s'il y a de problèmes il faire une conciliation avec les membres de communauté

### **Relation avec Toumour**

Mani était appartenance avec le groupement de Kawa. Mais à cause de désaccord il voudrait d'attacher à groupement de Tomour. Il a amené ses enfants Nouroua est installée l'année 1931. De Mani (le père d'Oumarou) qui s'installe là bas. IL y a toujours quelqu'un qui reste pour marque la place est occupé. Même pendant la grande crise.

### **Les hommes de Nouroua 20.12.05**

#### **L'année dernière**

6 personnes sont parti : Darro (chef de tribu), Moussa, Hayato, Atia, Sheido, Bokary avec tout les troupeaux (100 têtes : 40 vaches, 60 brebis) sauf que les petites ruminantes. Chacun a parti avec deux enfants et a laissé les femmes à la maison. Sauf que Sheido qui a amené sa femme. Ils sont parti jusqu'au Kabi 70 km de Nouroua (vers Girakata ? (Sud de Issari environ 56 km de Nouroua). Il n'y a pas été de pertes d'animaux grâce a leur stratégie mobilité pastorale. Ils sont fait 25 jours pendant juillet 2005. Ils ont abreuve les animaux a un PT sans paiement comme il n'y a pas un comite de gestion. C'est un Kanouri (Bokary dit il est Toubou de Kaffe Foulatari qui est le propriétaire de puits la bas). Ils ont trouvé assez pâturages la bas. En absence de Darro, chef de tribu, c'est ses femmes qui sont les responsables du campement.

### **Le GGCRN**

A.G pour tout le monde est tenu environ 8 fois par an. Le dirigeant se réunir à le même temps que l'A.G. Le président dit qu'ils se réunir avec les pasteurs qui viennent (d'autres m'ont dit ils sont jamais été présent). Le réglementation n'est pas écrit c'est verbale (même si la réglementation se trouve à CARE ? mais pas au niveau de Nouroua). Il n'y a pas un livre de Caisse comme la trésorière est absent il n'y a pas de cotisation. Elle n'a pas collecte cotisation comme elle n'est pas là. Pendant 2 ans elle été absente ils n'ont pas cherché un autre. Ils attendent son retour. Le nom JO-ONDE-DJAM = rester en paix. Bon exemple avec les Arabes: Quand ils viennent ils ont arrive à les expliquer la réglementation: comment ils doivent utiliser le puits, comment ils doivent couper les arbres : « ils vont accepter leur réglementation »

## **La mise en place de GGCRN :**

« Ils font ça ensemble ».

*SM: Pourquoi il n'y a pas des arabes dans le dirigeant de GGCRN?*

« Ils ne restent pas, ils durent 2 à 3 mois seulement »

*Comment les membres sont choisis?*

« Ils n'y ont jamais été voté »

*SM : Est-ce que vous avez jamais changé les membres?*

C'est la même installation comme au début. « Les membres de comité sont choisis entre nous.

Comme nous sommes toujours ensemble nous connaissons l'un est l'autre et les choix est dans les compétences des membres. «

## ***Interview avec un arabe Mohamid 21.12.05 au puit de Kolchawage***

Il a été ici pendant 2-3 mois. Ils viennent de Relewa/Weltouma. Il y a en de ses chameaux qui est perdu pour un mois. Il a le trouve a Issari. Il ne paie pas pour abreuvement de son seul chameau. À Kolchawage on paie normalement 3.000 CFA par mois. Il est entrain de descendre vers Gambal à cause de pâturages. Il connaît le CDG seulement. Il n'est pas informé de l'existence de la GGCRN.

## ***21.12.05 Kolchawage campement peul***

### **CGD**

Il y a un président de comité de gestion de point d'eau qui s'appelle Boukar Poulo, mais ils n'ont pas encore formé le comité. Pendant 2 ans ils ont collecté seulement et donner à chef de groupement à Foulatari – ils ne gardent pas l'argent avec eux. Il n'y a pas de problèmes avec les paiements. Tout le monde paie. Le comité de Gestion n'est pas reconnu.

### **Paiement<sup>45</sup> :**

Résident 200 nairas par mois. Non résident 600 (2000 CFA) Nairas par abreuvement 1000 (2.500-3000 CFA) Nairas par troupeaux par mois. À un autre puit Karem il paie 700 par troupeaux. À Babulora? Ils sont paie 450 nairas par jour. (NB le prix n'est pas fixe). Les résidents ont été ici pendant 50 ans. Les arabes ont été ici pendant 10 jour avec 5 troupeaux (= 200 têtes, 1 troupeaux = 40 têtes). Mais à Karia par exemple, temps en temps nous payons même pour le bidon pour boire.

### **GGCRN**

Il connaît la CGGCRN. Il est très intéressé au travail de GGCRN. Forces : l'importance, le pouvoir, c'est nécessaire que nous soyons toujours ensemble Il n'a pas de faiblesses

## ***Interview avec les arabes Mohamid 22.12.05***

**Historique :** Il y a 20 vingt ans ils viennent de Tchad à cause d'insécurité après le mort de Président Habre (Toubou). Il a tue leur grand leader pendant la guerre civile. Ils traversent de N'guigmi jusqu'au Nigeria avec leur grand troupeaux. Cette année ils vont rester ici.

### **La décentralisation**

La décentralisation ne les bénéficient pas. Exemple avec le maire de Nguel Beyli et Goudou maria qui a confisqué leurs animaux et demandé une taxe même si c'est interdit par loi de demander taxations d'animaux.

### **Contraintes par l'ordre d'importance**

Problèmes avec l'état nigérien, Problème d'accès de l'eau, Vol de bétail<sup>46</sup>

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<sup>45</sup> Toutes les informations par rapport à le paiement sont différentes dépendant de qui on demande

<sup>46</sup> Ils disent que c'est le dernier priorité parce que si on les suivre ils ne sont pas volée

### *Entretiens individuels 22.12.05 au tour de Nouroua*

Ibrahim Abdou, Yohari Abdou, (N'guel Pollé). (Ils sont pas présent Bello appelle Yohari et je profiter et faire entretiens avec les femmes : Habsa et Mariama Idi, elles n'arrivent pas à comprendre que nous parlons de GGCRN et répondre tout par rapport à leur caisse MMD)

#### **Le GGCCRN**

Renforcement de leur caisse de femme, qui avance toujours, elles voudraient acheter de choses pour faire le petit commerce. Elle va commencer. Elles regrettent elles ne le pas fait très tôt. Toujours elles partagent dans les réunions (je ne sais pas si c'est les réunions de GGCRN ou MMD dont elles parlent.) Elles se réunissent et transmettent leurs problèmes jusqu'au la prochaine A.G. Elles sont contentes du travail des membres de GGRCN. L'eau et pâturages suffisent pour l'instant 1 fois il y a été un problème avec l'eau parce que le puits ne fonctionne plus. Ils ont abreuvé à Nouroua sans paiement. Ils n'ont pas durée. Ils font un autre puits.

#### *Yohari*

Il a été dans le rendez-vous avec moi la première fois. **Forces** : depuis ils ont commencé il y avait de paix. **Faiblesses** : Ils n'arrivent pas à avoir suffisamment a manger. Il y a manque des animaux. **Opportunités**: acheter des animaux, et de nourriture, faire les commerces. Ils ne font pas le GGCRN avec les Arabes parce que les Arabes n'ont pas la volonté. Les arabes n'ont jamais été à une réunion

#### *Maazou Djouli (Nguel Chabe)*

Allerede da jeg nærmer mig lejren slår antallet af døde dyr der ligger i sandet mig. Jeg tæller op til 10 lig af geder, der ligger spredt rundt omkring og endnu engang kommer sårbarheden, som familierne ellers skjuler iøjnefaldende. Mændene er ikke hjemme (Il n'est pas présent et je fais l'entretien avec les femmes : Jakara Soley, Bintu Abdou, Aajoua Also) Elles parlent de leur **Caisse MMD** : Bintu est le seulement qui vienne est elle transmet l'information à les autres. Elles sont très contente de leur caisse parce qu'il contribuer de donner crédit et comme ça elles peuvent faire quelques achats. Le montant du crédit dépend des moyens de la femme.

#### **GGCRN**

Elles sont très contentes du travail de GGCRN, mais elles ne sont pas dans le GGCRN. C'est pour les hommes seulement. Elles ne vont pas à Nouroua, c'est trop loin. Elles peuvent influencer le PDD si elles s'adressent à ses maris.

Une fois elle a fait ça par rapport à combien qui vont verser dans la caisse. Le mari va donner le répond de GGCRN à elles

#### **L'année dernière**

Un parti du campement est parti vers Issari (70 km d'ici) et été resté pendant 30 jours.

Il n'y a pas un puits, ils ont un problème avec manque de l'eau ici à N'guel Chabe.

? Pourquoi vous ne faites pas un PT ? Il n'y a pas de débit, il n'y a pas assez l'eau sur la terre. Ils vont à N'guel Polle chez leurs parents pour abreuver les animaux (les hommes), pour le ménage (les enfants avec les ânes). Ils ne payent pas pour l'eau à N'guel Polle. Les hommes abreuver les animaux á Nouroua sans paiement, ils sont de Nouroua (ils ne restent pas)

**Pâturages**: Maintenant il y en a, l'année dernière il n'y avait pas. Ils ont perdu 58 chèvres =50%. 6 vaches (il y a 15 qui restent). Maintenant les chèvres sont entrain de mourir de maladie (il y a 10 qui sont mortes). **Leur première contrainte est manque d'alimentation**

#### *Idi El hadj Soley (N'guel Chilouke)*

Il partage toujours dans les réunions de GGCRN. Djam, nous sommes toujours ensemble avec les frères et les sœurs. Les femmes partagent aussi. Opportunités : chercher médicament pour les hommes et les animaux.

### **L'année dernière**

Ils sont bouger ils ont abreuves à Nga djoda. Ils sont été ici les dernières 30 ans et il y avait un puits tout le temps sauf que 1 an. Ils abreuver à Nouroua mais ils ne paie pas, comme ils se n'installer pas là bas. Maintenant il y a suffisamment l'eau et pâturages. Ils ne sont pas raconté le maire quand il été là.

### ***Campement Arabes Mohamid 21.12.05***

Liste de présence : El hadj Hassan Chef de Ménage, Issa Adam, Ahmed Hassan, Youssef Hassan, El Hadj Jahfar, cibed Alhafit Anour, Aboubacar Algali, Ali Issa, Abdallah Jahfar, Al Ali Jahfar, Asaoli Jahfar

### **Historique**

Ils ont été ici pendant 20 ans, À Nouroua ?? (Bokari)

Avant ils sont été vers Nigeria. Les enfants ne peuvent pas garder les animaux parce que les chameaux vont quitter vers Nigeria comme ils connaissent la route. Il y a été un petit problème et l'état a parti le puits à deux (il y a quatre portiques et on a donné deux pour les arabes et deux pour les peuls.

### **Paiement**

Ils paient par tout. À Nouroua ils paient 1.000 Naira par mois. À Kolchawage ils paient 1000 (2.500-3000 CFA) Nairas par troupeaux par mois. À un outre puits. Karem il paie 700 par troupeaux À Babulora ? Ils sont paie 450 nairas par jour. À Karia ils paient 5000 nairas par mois par troupeaux. Même pour le bidon nous paie 50 nairas par bidon. (NB le prix n'est pas fixe). S'ils ne s'installer pas, ils nous donnent l'eau. À Nouroua il faut paie d'abord abreusement si tu veux t'installer.

*SM : Pourquoi vous n'utilisez pas le puits de Nouroua ?*

« Parce ça demande beaucoup de main d'œuvre, à Kolchawage même les enfants peuvent abreuver les animaux, c'est plus facile »

### **Rapport avec les Peul**

« Nous ne connaissons pas leur langue. Même si qu'ils veuillent nous gorger nous n'arrivions pas à le comprendre ». Avant nous ne payions pas et il n'y avait pas un comité de Gestion. Maintenant nous payons, mais nous ne savons pas pourquoi. Ils disent il y a un comite de gestion, mais nous ne savons pas si le comité est reconnu par l'état ou non. Maintenant, nous payons seulement parce que nous ne voulons pas de conflit, mais c'est trop cher. Nous ne comprenons pas où viennent l'argent : Nous n'avons pas confiance à les Peuls. Tout le terroir est pris par les Peuls. Ils ne sont pas membres dans les comités, ils ne sont pas inclus. Ils ont un puits à Fignare mais là bas il n'y a pas des herbes, seulement de sables. Quand ils voudraient s'installer à Kolchawage ils demandent les résidents et ils ont fait un contrat avec eux. S'ils paient ils peuvent rester, s'ils ne paient pas ils ne peuvent pas rester. Quand ils payent l'eau ils ont un droit d'accès. Il n'y a aucune de problèmes seulement c'est trop cher.

### **GGCRN**

Ils n'ont pas connaissance de la GGCRN.

Nous ne sommes pas membres de leurs comites. Si nous essayons d'être inclus, ils vont nous égorger

### **Décentralisation**

Ils ont entendu parler de ça sur le radio. Ils pensent ils ont appartenance à Diffa. Ils ont eu de problèmes avec le maire de Goudemaria et Nguel Beyli qui ont confisqué leurs animaux (35 Il faut vérifier avec Bokary). Ils ont allé chez ministre d'affaires intérieure qui a dit c'est interdit de taxe leur animaux et c'était une discrimination. Mais jusqu'au présent, ils ont rien reçu. L'année dernière, ils sont à Nigeria vers le Komadoukou. Ils n'ont pas perdu des animaux grâce à leur stratégie transhumance. Maintenant ils restent.

« Nous sommes Nigérien mais il n'y a rien pour nous ici. Nous n'avons pas un puits pour nous-mêmes. Il y a rien ici pour nous. Les Peuls sont occupés tout le terroir. Même le puits traditionnels ils ne nous laissent pas creuser un puits dans leurs cuvettes. Ils vont dire que la terre est pour eux. Même les arbres ils ne veulent pas que nous prenne. Ils disent toujours ce pour quelqu'un. Même avec la distribution nous n'avons rien reçu. Nous sommes oubliés par l'état, par les projets, par tout.»

### ***Entretien individuelle Nouroua 22.12.05***

#### **L'avenir/ Décentralisation**

Le maire a visite à Nouroua. Ils sont entrain de construire un hangar pour leur magasin de coton (grains pour donner manger aux animaux). Je entendu de parler de faire un marche ici à Nouroua « Mais parmi les gens ils ne sont pas d'accord. Il y a ce qui c'est une bonne idée parce que ça va amener l'économie ici à Nouroua. Mais ce qui n'aime pas l'idée (tellement les jeunes) pense que tout va changer. On ne peut pas encore empêcher qu'il aura des étrangers qui vont s'installer où ils veulent. On va perdre le contrôle du terroir. Les étrangers vont dire qu'ils ont droit s'installer parce que c'est la marche. Et on ne sait même pas c'est qui. Tout le monde va venir. Et encore ce ne pas sure, que les avantages par rapport à la marche vont bénéficier les gens à Nouroua particulièrement. Et par rapport aux jeunes ce n'est pas bon parce que tout va venir. Ils ne vont pas travaille, mais seulement faire leurs chose. Ils veulent seulement consumer.

### ***Campement de Nouroua 12.-14.01.06***

2nd réhabilitation de puits en 2002: 170.000 CFA.

2 familles à Nouroua Men Banderai, et Ngol Mairi

*SM : Quelles sont les règles établies qui régissent le fonctionnement du système ?*

Les étrangers doivent demander permission d'accès aux puits et dans quel lieu ils peuvent s'installer. En plus, ils doivent respecter la tour d'abreuvement et attendre savoir que les résident sont ont finit d'abord abreuver leurs troupeaux. Le travail concerne tout le monde.

*SM : Comment est-ce que les règles ont été édictées,*

Les règles sont mise en place par le GGCRN, eux qui font le travail, c'est déjà fixé par la réglementation de groupement (la chefferie) A Nouroua la réglementation n'est pas écrit.

*SM : Est qu'il y a un système d'amende, s'il y a une transgression aux règles ?*

S'il y aura une transgression des règles on va appeler un A.G. pour dire au personne que ce n'est pas bon c'est qu'il a fait. Il y a un système d'amendement, c'est un peu comme 200 nairas par exemple. S'il n'a as d'argent il peut donne des animaux. Il n'y a pas de transgression des règles depuis la mise en place puisque tout le monde sont informée sur les règles.

*SM : Par rapport aux puits traditionnels dans les cuvettes, à qui pourrais-je demande l'autorisation de foncer ce puits ?*

Pour creuser un puits il faut l'autorisation l'Ardo (chef) ou le chef de tribu or chef de village. On demande aux vieux (les autorités et avec leur accordance on peut faire un puits, et le vieux va informer les GGCRN après.

*SM : les propriétaires de PT, est-ce –qu’ils tiennent compte des règles adoptées par le GGCRN*  
Par rapport à PT et PC c’est la même chose?, mais c’est évident que c’est le chef de tribu qu’on demande l’autorisation de creuser un puits.

*Est-ce –que l’eau toujours l’élément fondamental du système de gestion des ressources en zone pastorale ?*

L’accès à l’eau est l’élément fondamental d’accès aux pâturages. L’évaluation de la biomasse et la charge d’animale. La certitude qu’un jour tu pourrais te trouver dans une situation où, tu as besoin d’abreuver tes animaux chez quelqu’un, fait, qu’ici en zone pastorale, tu ne vas jamais empêcher à quel qu’un l’accès à l’eau (Interview Nouroua, January 2006)

*SM : la différence entre le système de gestion des ressources basées sur les principes coutumières et le système basé sur le GGCRN, et qui sont les propriétaires des pâturages ?*

« Les pâturages sont pour tout le monde » NB : ce qu’ils sont dit est de facto pas vrais, les pâturages sont plein au Nouroua est c’est peut-être ça qui fait qu’il n’y a pas le même problème, comme à Karia par exemple. L’année dernière, 5 personnes des populations sont migres avec tout les troupeaux. A Karia ils sont migres pour 5-8 mois et il y a déjà des résidents qui sont pas retournée. Un indicateur que les pâturages aux Nouroua sont mieux, même si les manques des pâturages sont parmi les contraintes mentionnées par tous les groupes interviewe.

*SM : Maintenant le puits et considérée comme la propriété de qui?*

Le puits est pour tout le monde, Ardo Ado, Pourquoi il a dit ça ? Parce qu’ils ne peuvent pas empêcher quel qu’un d’abreuver aux puits, mais en même temps, en fait il y a des groupes qui sont empêché au niveau de puits. Ce les arabes Mohamid. Mais il y a aussi différence entre eux. Parmi les Arabes il y a ce qui accepte les règles et il y a ce qui n’accepte pas. Ce qui accepte on peut les donne l’accès, les autres on les empêche l’accès. Mais on connaît déjà eux qui n’acceptent pas.

*SM: Quelle est le plus important change après la mise en place le GGCRN ?*

Avant il y a avait beaucoup de problèmes comme les bagarres et des vols. Tout le monde était responsable de soi-même. Tout le monde était entrain de vagabonder. Il n’y avait pas de paix. Après lorsqu’on a fait le GGCRN tout est bon. Et il y a paix. Tous les grands leaders en brousse sont se réunir pour faire la paix et trouver une solution pour rester tranquille

*SM : Qu’est-ce que l’influence des interventions des projets et programmes sur le fonctionnement du système ?*

CARE est toujours là entrain de faire leurs activités comme la formation de gens. Si les gens sont faibles ils vont nous aider avec des ressources pour résoudre nos problèmes. Parmi les deux c’est 1 qui est la plus importante. C’est toujours bon avec le travail de CARE, il y a d’autres communautés qui veulent l’aide de CARE chez eux, comme ça nous sommes reconnaissant envers l’aide de CARE (det er netop dette faktum, der gør kritikken vanskelig)

*Est-ce vous pouvez me décrire le comportement des résidents face à la pression des autres groupes de pasteurs de passage ?*

Parmi les résidents il y a d’autres qui vont venir. Comme ça nous sommes nombreux et on va faire une réunion par rapport à leur existence dans le terroir et les expliquer les règles. Et normalement ils vont arriver à accepter les règles.

*SM : Quel est le rôle de négociation et réciprocité dans le système des accès des ressources ?*

Les gens dans le terroir de Nouroua ne paient pas, s’ils ont besoin d’abreuvement en cas de pénurie d’eau qui peut être due à: surcharge du PE, effondrement du puits PT. Cette à dire qu’on n’empêche pas accès à l’eau parce qu’on sait que on jour on peut d’être dans la même situation.



*SM : comment le projet peut améliorer la continuation du système ?*

Faire les mêmes activités qu'il fait. Mais même si CARE arrêterait le projet les gens vont se réunir pour discuter leurs problèmes.

**Karia :**

Situation de 17/12/2000

Population estimée:538 habitants

Hommes : 235 (43,68%)

Femmes : 303 (56,32%)

Adultes : 90 (16,72%)

Femmes : 132 (24,53%)

Jeunes hommes : 146 (27,13%)

Jeunes femmes : 164 (31,62%)

Nombre de personnes par Ménages : 6

**Assemblée générale 04.01.06 Liste de présence**

Prénom/nom	Age	Sex	
Djagidi Ganai	70	M	
Ibrahim Ganai	60	M	
Hamadou Ahmadou	58	M	
Elhadj Zoubairou Wadé	53	M	
Ichiatcou Mayaki	53	M	
Dalla Mayaki	55	M	
Abdou Mayaki	48	M	
Abdou Boucar	47	M	
Ousmane Ichibe	60	M	
Hamadou Boucar	45	M	
Boucar Malam Oumarou	37	M	
Itbou Malam Oumarou	29	M	
Sani Malam Oumarou	33	M	
Dari Karia	25	M	
Dari Bourahi	31	M	
Ado Zanguina	26	M	
Boucar Djano	27	M	
Saley Issa	20	M	
Yousseï Bourahi	21	M	
Abdou Djaguidi	28	M	
Sayel Halo	45	M	
Soley Zanguina	30	M	
Harouma Bourahi	29	M	
Ousmane Atdou Biudyi	21	M	
Barouma Djibir Abba	35	M	
Ibrahim Abba	27	M	
Ardo Zanguina	71	M	
Bello Youra	32	M	
Nom      prénom	Rôle	Age	Sexe
(1) Karia Ganei	Président		
(2) Mao Ibrahim	Vice président)		
(3) Ibrahim Abba	Secrétaire		
(3a) Wolla Djano Goga	Secrétaire adjoint		
(4) Garba Derdou	Trésorière		

3 tribus à Nouroua: Darro, N'guel Polle, Kolchawage (pas Nouroua, mais informe)

2 tribus à Karia : Barouma Djibir Abba, Ado Zanguina

Le puits cimenté est pour les résidents de Karia

Karia= le nom d'un Kanouri

### ***Campement de Wodaabe du terroir de Karia 05.01.06***

N : 14,27121 E: 012,39919

Issa Tumbidu leur père: Djanari Babandi, Leur chef de groupement est à Maïne Soroa  
Ils sont été ici depuis avant-hier. Ils sont 3 ménages. Ils vont rester s'il y a de pâturages, et c'est leur petit frère qu'il va rester. Ils sont venu parce qu'ils ont une connaissance ici ce n'est pas à cause de manque de pâturages.

### **Paiement l'eau**

Ce n'est pas gratuit. Avant ils sont pais 3000 naira pour toute un période de 5 mois. S'ils continuer ils vont donner rien. À Nouroua ça coûte moins chère que l'autre puits dans le sud à cote de Diffa comme Gazio, N'guel amazia, N'guel Martagay. Il y a des comités. Tu paie seulement si tu vas rester. Comme cette année il y a beaucoup d'herbes ils vont payer. Il ne coupe pas des arbres ils enlèvent le bâton seulement. C'est la religion qui interdit ça.

### **GGCRN**

Nous avons raconté les résidents mais nous n'avons pas de reconnaissance de GGCRN, ils ne sont pas écoutés de ça. Ils ne sont jamais été dans une réunion de Kawtal

### **Contraintes**

1. Manque d'alimentation, le prix est augmenté. Toutes les pasteurs ont de problèmes avec trouver à manger et maladies des animaux.
2. Manques des animaux (eux-mêmes ils n'ont jamais eu des animaux. Ils connaissent qu'il y a d'autres qui ont eu des chèvres). Il m'explique que « Temps en temps tu vas voir les Wodaabe avec beaucoup d'animaux dans les grands troupeaux, mais ce n'est pas pour lui-même, c'est parce qu'il les lever pour autres.
3. Maladies des animaux
4. Problèmes avec les arabes : Par tout ils partagent le terroir avec les arabes Mohamid.

Les animaux (chameaux) des AM ont des maladies. Avant 20 ans ils sont venus ici et depuis ils sont eus un problème. « Il faut que on chercher un lieu pour les arabes, ce sera mieux. Quand ils arrivent au puits en abreuvant les problèmes commence. Si les arabes sont les premiers d'arrivant au puits ils vont les empêcher d'abreuver et de donner l'eau aux leurs animaux. Les problèmes sont par tout : Relewa, Karkari, Sotore, Mela. Dans les sites Fulbe comme Nouroua et Karia il n'y a pas beaucoup des arabes et comme ça il n'y a pas beaucoup de problèmes. Toujours s'il y a des arabes il y a de bagarre notamment, pendant l'abreuvement. Par fois, les arabes vont taper leurs animaux. Les femmes et les enfants ont peur des arabes. Même s'il n'y a pas de problèmes ils ont peur. Ils sont difficiles et ils ont beaucoup des animaux.

### **La sécheresse**

La sécheresse l'année dernière ne pas trop grave pour eux comme ils sont se déplacés jusqu'au Nigeria Maï Duguri, (temps en temps il vienne jusqu'au Dürria au nord) et ils ne sont pas eu beaucoup de problèmes. Mais ils sont vendus quelques animaux au Nigeria et le prix a été bas. Ils n'ont pas eu la distribution alimentaire parce qu'ils sont absent. Ils sont écoutés de la distribution. Même s'ils sont là ils ne peuvent pas avoir parce qu'ils se déplacent toujours. Ils sont toujours entrain de partir suivant leurs animaux.

### ***Campement de Wodaabe du terroir de Karia 06.01.06***

(Ils ont parlé avec le GGCRN. ils ne sont pas content avec l'endroit où ils ont dit ils peuvent rester), Ils ne laissent pas rester proche au puits. Ils sont divisé le terroir en deux et ils disent que les pâturages au sud sont pour eux. Nos animaux, ne peuvent pas rester en laisse ici.

## **Réunion de GGRCN KAWTAL 0 5.01.06**

### **Membres<sup>47</sup>**

1. Karia Ganei
2. Vice président : Mao Ibrahim
3. Secrétaire : Ibrahim Abba
4. Secrétaire Adjoint : Wolla Djano Goga
5. Garba Derdou

Réunions 5 fois par ans. L'autre groupe de GGCRN il vienne pour demande conseil de Barouma s'il y a un problème. Le GGCRN ne fait parti du comité de Gestion de point d'eau, mais il les aider.

### **Pris de Décision.**

S'il y a un problème ils vont se réunir au niveau de Bureau de GGCRN et ils vont la règle. S'il y a des décisions à faire on va appeler un A.G d'abord et tout le monde doit être d'accord d'abord choisir la décision. S'il y a quelqu'un qui n'est pas d'accord on va les convaincre.

### **Les membres**

Ils sont choisis pour 4 ans et il n'y a jamais été un vote.

Les membres peuvent tous faire comme ce qui sont les choisis comme membres de bureau.

### **Le rôle de la femme**

Le même travail que les hommes. Elles acceptent ce que les hommes décident. Elles ont une volonté dans le GGCRN

« Les femmes sont inclus, les étrangers, les wodaabe, les Toubous, nous faisons avec tout le monde... »

### **Mobilité**

L'influence sur le travail de GGCRN

Si les gens sont à cote on va les informer comme le GGCRN est très vaste. Tout le monde va se réunir ici à Karia. Si les membres sont absents on peut les attendre ou s'ils sont absents pendant long temps leur fils ou quelqu'un qui connaît leur travail peut leur remplacer. Ils vont venir ou il y en a suffisamment de pâturage. Besoin Depuis GGCRN. C'est plus en plus...ça augment. Il y a beaucoup de lois qui sont venu.

### **Contraintes**

Difficultés dans la vie, Manque d'alimentation, Sécheresse

### **Institutions**

#### Comite de Gestion de point d'eau CDGPE

Président : Ibrahim Abba

Secrétaire : Ahmadou Dari Ibrahim

Trésorière: Halima Oumarou

Trésorier général adjoint : Ari Karia

Hygiéniste : Abdou Malam Oumarou

1. collecteur : Dari Karia
2. collecteur : Boukar Oumarou

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<sup>47</sup> Jeg har ikke spurgt om deres navn på Fulbe, men gået ud fra det er det samme som i Nouroua, hvilket har vist sig ikke at være tilfældet. Pis. Du er nød til at lave det om Signe, og sørge for, at du for de korrekte oplysninger en anden gang.

2 Commissaires

1. Ibrahim Ganei
2. Abdou Djaguidi

CGA mais en ce moment il est vite.

Santés Humaines

Charge de la santé et les animaux (para vétérinaire) : Abdou Mayaki, Garba Dedou

Charge à l'information

1. conseiller : Elhadj Issa
2. conseiller Ardo Zanguina

**Killa Jawdi/Djaoudi** (caisse des animaux)

Président : Ichakou Naïyaki

Vice président : Souley Aido

Secrétaire général : Abdou Djaguidi

Trésorier : Elhadj Zoukaikou

Collecteur : Oumarou Mayaki

AVVT « Beldal »

Président : Ahamadou Dari

Vice président : Souley Ardi Zanguina

Secrétaire général: Moussa Abba

Secrétaire général adjoint : Mani Karia

Trésorier général : Rekeya Boukar

Trésorier général adjoint : Dari Karia

Secrétaire a l'organisation G : Abdou Djagudi

Secrétaire a l'organisation adjoint : Ado Ardo Zanguina

Secrétaire a l'information : Harouna Ibrahim

Secrétaire a l'organisation adj. : Ousmane Zalule

1<sup>er</sup> commissaire au compte : Ahamadou Oumarou

2<sup>nd</sup> commissaire au compte : Yahaya Adamon

2 Conseilles hors du bureau :

1. Keri Ibrahim
2. Ibrahim Abba
3. Abdou Maï
4. Boukar Malam Oumarou

**MMD**

Les femmes vont faire une caisse mais elles ne sont pas encore commencer, elles se réunir temps en temps pour le faire

Groupe des hommes

Association de jeunes

Caisse principale AREN

Président : Djagudi Nganai

Secrétaire général : Abdou Gaguidi

Trésorier général : El hadj Zoubairou

Trésorier adjoint : Chiokou Maïyaki

Commissaire : Oumarou Maïyaki  
Association Islamique

Diagramme de Venn.

Logique: sans le GGCRN toutes les autres institutions ne vont pas marche.

### ***Les jeunes femmes 06.01.12***

Halima (la femme de chef Barouma), Adama, Awato, Hajirato

Déplacement pendant la saison chaud s'il y a beaucoup de problèmes tous va partir, et il personne qui va rester. L'année dernière, 5 ménages sont restes un peu dispersés, le reste est parti au Nord vers la région de Toubou, N'guel Shede, Kandilewa, Dugulde. Ils sont quitter le septembre jusqu'au avril le début de saison pluie, (8 mois). Ils sont revenus vers le commencement du Duungu

### **Contraintes**

1. manque d'alimentation
2. pauvreté (elles peuvent temps en temps vendre des PR ou un de beurre, s'il n'y a pas de beurre c'est très difficile)
3. travaille avec le pille le mil est très dure

Elles ont envie de faire une caisse, mais elles n'ont pas de beurre ou quelque chose de vendre pour avoir un moyen pour le faire....c'est a dire- elles manquent de moyen pour le commencer.

### **GGCRN**

Elles les connaissent mais elles n'ont pas beaucoup d'information par rapport à ça. Elles savent que ça existe et à grâce à le GGCRN il n'y pas beaucoup de difficultés, maintenant. Elles ne peuvent pas partager parce qu'elles sont jeunes femmes, c'est contre le tradition d'être dans une rassemblement avec le grand hommes.

### ***CDGPE 6.01.06***

#### **Païement l'eau**

Résidents : 1.000 Naira par ans

Non-résident : 2.000 pour 3 mois

Le maximum on peut rester est 8-9 mois

Si c'est 3-4 jours il n'y a pas de paiement

3-4 semaines c'est moins que 2.000

### **Contraintes**

Les arabes ne respectent pas la réglementation : ils s'installent où ils veulent- stratégies : ils vont faire les réunions pour les expliquer la réglementation. Normalement, ils paient. Apres plusieurs réunions ils vont arrivée a respecter les règles. C'est leur caractère qui est comme ça. Il n'y a pas d'étrangers proches d'ici. C'est pendant la saison de la pluie, quand les herbes sont bonnes ils vont venir.

### ***Les vieilles femmes 7/1/06***

#### **Contraintes**

Le travail à la maison est très dur, notamment de piller le mil chaque fois, manque d'alimentation, manque de santé humaine, le déplacement, manque d'animaux

### **L'année dernière**

Elles sont déplacées parce qu'il y avait une manque d'herbes. Elles sont migrées pour chercher de pâturages. Le déplacement dépend toujours des pâturages. Il y avait d'autres qui sont restés pour marquer le terroir.

### **GGCRN**

Elles connaissent l'existence, elles savent qu'il y a beaucoup de travail. Il connaît il y a en a un bureau, et ça a réparé beaucoup et c'est bon. Elles assistent mais les femmes font leurs réunions à part pour discuter les choses entre eux par exemple leur caisse, mais ça n'est pas encore commencé à fonctionner. Elles ont jamais quelque chose à faire.

#### ***Réunion avec le bureau du GGCRN***

Si les étrangers viennent on va les expliquer la réglementation de GGCRN. Comme au puits on va les expliquer le tour d'abreuvement et s'assurer qu'ils acceptent le tour d'abreuvement et abreuve leur animaux après les résidents. Encore, on va les indiquer l'endroit où ils peuvent rester. Il faut demander le chef d'abord s'installer. On ne peut pas couper les arbres on peut seulement collecter le bois mort. Ils se réunir 1,2, ou 3 fois par an. Le bureau se réunir chaque 2 ou 3 mois le bureau se réunir, il écrit tout. Temps en temps les étrangers demandent les réunions aussi. La réglementation est écrite et avec le secrétaire. Les étrangers peuvent demander une réunion aussi. Si ils s'installent loin et les pâturages sont bons ils peuvent rester, mais le puits est loin. Il ne peut pas rester à côté du puits et manger les pâturages qui sont à côté du puits. Ils ne peuvent pas avoir tous les deux.

### **FFOM**

Les forces : les ressources ils ont données par les étrangers. La caisse : les résidents chaque 2 mois il doit payer 50 naira, les étrangers paient aussi 50 naira. Mais pendant 2 ans ils n'ont pas versés. (les gens sont dispersés (les membres, les gens) les étrangers donnent souvent paiement en nature comme des brebis, des vaches ou d'autres animaux comme cadeaux s'il voit que le travail de GGCRN est bien fait. Temps en temps ils donnent aussi une fille pour mariage (ils blaguent). Capacités de donner un crédit à quelqu'un. Il n'y a pas d'intérêt. Les étrangers restent en paix avec eux. le GGCRN est très grande et il a le pouvoir de faire que tout le monde respecte la réglementation. « C'est comme un père qui peut dire à son fils de faire quelque chose et il va le faire : Le fils peut aussi demander la permission de faire quelque chose, mais il faut que le père est d'accord d'abord ». « Avant il y avait beaucoup de problèmes en brousse, tout le monde a fait ce qu'ils veulent, même le militaire viennent. Maintenant le GGCRN qui fait le travail de l'état de s'assurer qu'il y a paix dans le terroir. Si les membres sont d'accord il n'y a pas de problèmes

Les faiblesses : les étrangers qui ne respectent pas les règles (par exemple, les étrangers laissent leurs animaux brouter l'herbe aux champs c'est un signe de manque de respect des règles, ou les étrangers ne veulent pas rester dans le lieu où on leur indique, pendant la saison où il n'y a pas beaucoup de pâturages les résidents n'aime pas que les étrangers soient entraînés à laisser leurs animaux manger les bons pâturages).

Menaces : la pauvreté : s'il y a de la pauvreté tout le monde va disparaître

Opportunités: si il y a un projet ou un ONG comme CARE ou AREN qui peut nous aider avec faire une caisse, où s'il y a quelqu'un qui est malade on peut les transporter. « si il y avait un hôpital ici sera plus mieux. Il n'y a pas de médicament ici. Faire un magasin de mil, ça peut diminuer la pauvreté, et les gens ne disparaissent pas. La décentralisation peut les appuyer, il ne veut pas nous enlever, mais il peut nous aider. Jusqu'au présent ils n'ont rien fait.

Dans l'absence un membre le reste peuvent prendre une décision, où attendre s'il ne pas loin. Où tu peux prendre la place de ton grand frère ou père si il va durée.

### ***Puits cimenté Nguel Ghalé***

Le puits est fait par AREN le puits a l'âge de 4 ans, Il y a un comité de Gestion Président : Issa, Selon Yousseï que nous a raconté le bas, Il y a 4 ménages avec 4 troupeaux qui abreuvent au puits et on ne laisse pas d'autres abreuver au puits on les donner de l'eau à boire seulement. Il ne connaît pas GGCRN

### **L'année dernière**

Ils se sont déplacés nord de N'guigmi et d'autres jusqu'au Nigeria pendant 7 mois. Il n'a pas reçu l'aide alimentaire, mais de coton et de son, mais il ne sait pas si c'est CARE ou AREN qui a donné ça, comme il était absent au moment.

Ils sont perdus 46 vaches et il reste 40

### **Contraintes <sup>48</sup>:**

Maladies de vaches : même s'il fait le traitement et vaccination ça ne fait rien, maladies d'humaines

### ***Nguel kesso***

#### **Entretiens Issa (président de GDGPE nguel Ghalé)**

### **FFOM GGCRN**

Forces : Avec le GGCRN il n'y a pas de bagarre (la paix), il y a suffisamment des herbes, il y a suffisamment de l'eau

Faiblesses: maladies des animaux, sécheresse qui a causé beaucoup de pertes des animaux

Opportunités : avoir assez de pâturages

Menaces : Zéro

### **Nguel Gagandi**

Informant : Salé Karina

Prop. De PT : Allah

Il a beaucoup de connaissance par rapport à le GGCRN et il adresse ses problèmes là-bas.

Forces: S'il y a des difficultés (comme par exemple les étrangers qui refusent de s'installer au lieu où on a les indiquer) on se réunit pour les résoudre, Faiblesses : Maladies des animaux

### **Nguel Boula Koundoyel**

Femmes : Il y a eu suffisamment cette année. L'année dernière elles se sont déplacées jusqu'au nord de Lakané. Elles se sont durées 6 mois. Tous se sont déplacées et il y a eu beaucoup de pertes des animaux.

### **Contraintes :**

Manque de pâturages

Elles ne connaissent pas le travail de GGCRN

Laybouki (laver quelque chose)

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<sup>48</sup> Par tout il faut demander les contraintes encore un fois, comme c'est par rapport à la gestion de ressources naturelles et pas généralement, qui est essentiel.



7/1/06

## **HISTORIQUE**

Informant Ardo Zanguini, qui été installé ici depuis 23 ans

L'année dernière, son fils a été se déplacer pendant 4 mois avec les animaux vert N'gourti un puits cimenté qui s'appelle NOMA, ils sont perdues 40 A. 20 mort, 20 vendues, ils sont paies là-bas, mais il ne connaît pas le CDG là-bas. .

Il y a deux chef de tribus au niveau de Karia lui Ardo Zanguini et Bahruma Djibir Abba Ardo Zanguini, qui été installé ici depuis 23 ans. Lui il est le grand responsable du puits de Karia, mais il préfère toujours de rester ici à Laybouki, puisque avant il y a avait très peu de gens mais avec l'augmentation de la population l'espace de Karia a devenu très serre, particulièrement, par rapport aux animaux. Ca fait 64 (1942) depuis le gens de Karia sont s'installées à Karia. En ce moment là il n'avait personne, ils sont tous fait (creuser le premier puits traditionnel)

Djaguidi est une autre famille, ils sont venus après (Daou).

### **Contraintes**

1. manque de pâturages : Depuis 4 ans les herbes ne pousse pas, pendant 2 ans ce qui sont a Karia abreuve même ici.
2. déplacement à cause de manque de pâturages
3. manque des animaux

### **GGCRN**

#### **FFOM**

##### Forces

Le que les gens vont se réunir pour discuter leurs problèmes et ce qu'ils vont faire, par exemple, pendant les mauvaises années. Ou la présence de les étrangers pendant un période ou il n'y a pas assez de pâturages et ils vont discuter les décisions, tous les mondes sont informés de tout ce qui se passe dans le terroir, la présence de CARE

##### Faiblesses

Faim, s'il y a de faim, les gens vont se disperser et on ne peut pas faire le travail.

##### Opportunités

Si CARE vienne ils peuvent améliorer leurs travaux avec formation et la distribution des animaux et alimentation gratuit

##### Menaces

La faim, même que les faiblesses, L'influence de la mobilité par rapport du travail de GGCRN :

Si tout le monde se déplacer le même endroit on va essayer de faire les réunions là-bas. Si chacun a son endroit ça va être difficile, mais si au nord les pâturages sont bon, on va aller là-bas. On va où les pâturages sont bon.

### **7/1/06 Kandilwa**

Ardo Aota

50 ménages 3 puits, S'il y a de problèmes avec leurs puits ils vont abreuver à Karia. Depuis 150 leur famille a été ici. C'est leur grand père qui a creusé le premier puits et le droit de creuser a été donné par héritage par son père qui a eu le droit de son père. L'année

dernière ils se sont déplacés vers N'gourti chez les Arabes pendant 5 mois. Ils ont payés 5.-10.000 CFA. Quand ils sont revenus les puits sont finis, et c'était nécessaire de creuser des nouvelles.

Il ne connaît pas le travail du GGCRN

Ils savent il y a un CdG au niveau de Karia et il faut paie là-bas, mais c'est nouveau. Eux-mêmes ils ne abreuvent pas là-bas parce qu'ils ont leurs puits. Seulement, s'ils ont une problème avec leurs puits, mais un tout cas ils ne s'installent pas là-bas, et c'est seulement si tu vas t'installer que tu vas paie.

### **Contraintes**

Maladies des animaux, (même s'il a donné des médicaments ça ne marche pas suffisamment, problème d'eau : comme ils sont nombreux il faut creuser des puits tout les temps, et ça coûte chère, chaque fois il faut égorger un animal, santé des humaines, éloignement de marché,

Ils ont reçus la distribution alimentaire

### **Télélé**

Ardo Adam

S'il y a de pasteurs de passage qui vienne, ils peuvent rester, s'il demande le propriétaire d'abord et s'il y des conditionnes pour rester i.e. s'il y a assez des pâturages les résidents vont les indiquer les endroits où ils peuvent rester.

L'année dernier tout le mont sont se déplacés pendant 1 an. La 1ère fois vers Mela, mais là-bas les pâturages sont fini et le 2<sup>nd</sup> fois ils sont parti à côté vers Issari, jusqu'au leurs animaux sont mortes : 20 têtes sont mortes.

### **Contraintes**

Maladies des animaux, distance de marchés, santés humaines

Télélé fait parti de la zone d'AREN

« CARE vienne pas ici, les gens à Karia ne nous informe pas par rapport aux les gens de CARE, qui vienne. Ils ne nous appeler pas pour les réunions. Par exemple, avec la réhabilitation nous ne sommes pas informées. Peut-être après ils vont les informées, mais pas d'abord, (comme ça ils ne peuvent pas faire parti de la prise des décisions. Ils ne sont jamais faits parti d'une réunion de GGCRN. Nous ne sommes pas informées de ce qui se passe. Si CARE veut faire des activités, ils ne nous rassembler pas. Par exemple, avec la distribution des animaux, ils ont rien eu, mais ils savent qu'il y a d'autres qui a eu. Nous fait parti de la communauté de Karia mais nous avons rien eu. Peut être c'est parce que nous sommes de la même tribu, mais ce n'est pas la même famille, peut-être, c'est la race qui fait ça. Ils sont eu de mil et de son avec la distribution alimentaire. »

(Telephone interview, May, 2007, my former interpreter from Nouroua, now in Diffa, the fill uup the food magasin)

*I: can you tell me a little bit about the situation witht the Mohamid after the government decided to throw them out?*

D: The situation at the market is grave. No one wants to touch their products. Even if someone tried to buy something from them, others would say it is forbidden. They have made an embargo. People won't even touch their animals. Everywhere it is like that. It is

not only us the Peuhl who says that. It is everyone. All the Nigeriens say that, the Kaouri the Toubou, the Peuhl. No one likes them. Everyone have the same experience with them. They create problems. The steal women and children. They even eat the children. It is their own fault they are in this position. It is because they are like that.