Mamadou Diawara, Ute Röschenthaler (eds.)

Competing Norms

State Regulations and Local Praxis in sub-Saharan Africa

campus

Competing Norms

Normative Orders

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Preface

The idea for this volume emerged in the context of the project "Western norms and local media in Africa" within the Cluster of Excellence "The Formation of Normative Orders", Goethe University Frankfurt. This topic inspired a good number of master's and doctoral students to write their theses on related subjects, some of which are assembled in this volume. The projects selected for this volume have in common the study of the question of how state norms influence local actors in sub-Saharan Africa and how local actors confronted with these norms deal with them in their daily lives. The contributions here examine these questions in the context of media, land, development, health, and the environment.

All contributors to this volume participated in a workshop organized by Mamadou Diawara, Ute Röschenthaler and Moussa Sissoko (the co-director of Point Sud), at the Goethe University Frankfurt in July 2014. Their participation provided the African participants with access to the libraries of the Goethe University for a period of three weeks in order to complete the literature research necessary for their research projects. This workshop and the subsequent phase of exploration were generously supported by the Cluster of Excellence "The Formation of Normative Orders".

The volume contains contributions of young researchers from Germany and Africa. The African contributors were able to carry out the research for their theses with the help of fellowships from the Cluster of Excellence "The Formation of Normative Orders" at the Goethe University Frankfurt in collaboration with their home universities where they have submitted and defended their PhD theses or will do so in the near future.

The editors are grateful to the managing board of the Cluster of Excellence, namely Rebecca Schmidt, for their moral support throughout the project and to the German Research Council and The Centre for Interdisciplinary Studies, Goethe University Frankfurt for the financial support.

This volume has been completed during the stay of Mamadou Diawara as fellow of the Institute of Advanced Studies of Nantes (2015–2016) who expresses his sincere gratitude to its director and its entire staff for their generous support. We also wish to thank Maria Way and especially Patricia Phillips-Batoma for their help in translating some of the contributions from French and making the manuscripts publishable.

Frankfurt/Main, March 2016   *Mamadou Diawara and Ute Röschenthaler*

Introduction: What do people do when states are working?

Mamadou Diawara and Ute Röschenthaler

What is a farmer from Ekondo Kondo living in the middle of a forest in Cameroon supposed to say and do when the government, or someone more powerful than he, such as the manager of a development project, orders him to start living according to norms that are dictated to him instead of norms that have been built up throughout history? What is a journalist or radio presenter supposed to say and do when the government begins to make laws that impose on them a code that is not their own? These cases allow us to ask questions about the relationships that governments and their agents have with local actors, whoever they may be. This question should immediately bring to mind two works, specifically *Seeing Like a State* (1998) and *States at Work in West Africa* (2014). In the first, James C. Scott questions in vivid terms how it is that a state, by imposing its schemes on local actors, ends up failing, which makes the human quagmire even worse. He illustrates this by drawing on examples from both Europe (real socialism), and from Africa (the *ujama* of Tanzania). The second is a fascinating collection of essays edited by Thomas Bierschenk and Jean-Pierre Olivier de Sardan which deals accurately with the way in which the state operates on a daily basis. The different authors place a lot of emphasis on the workings of the African administrative machine, whether we call this police officer, teacher or judge. They compare them to realities that are prevalent elsewhere, notably in Europe, and systematically reject any tendency towards exoticism. The rich bibliography situates African reality very simply at the heart of human action (Bierschenk 2010; Bierschenk and Olivier de Sardan 2014). We will return to this issue. It is not the goal of the present volume to do a better job than our eminent predecessors by providing either a more general or a more specific description of the functioning of the state. Apart from its aims, our approach is different.

Central to our theme is not the state *per se*, but rather, the actors, the men and women who cope with it, or who sometimes get involved with its agents for reasons that may or may not be insidious. What matters here are the actions of the protagonists confronted by the state: inhabitants of a forest in Cameroon, journalists, media professionals, gold miners in Mali, and farmers in southern Kenya. The complex relationship that links the state's agents to ordinary actors deserves special attention in order to bring to light the error committed each time we view these two entities as two completely autonomous ones. The choice of this perspective in no way indicates that these actions should be seen as a simple reaction to official norms. The actors go much further than simply reacting. They can sometimes predict norms by appropriating for themselves those very norms that they claim to dismiss at the outset. Both simultaneously and over time they play it both ways, depending on their own interests, by either disregarding or acknowledging official norms.

Moreover, the actors in the field understand better than anyone else the relationships between them and the people the government has put in charge of implementing norms and laws. It is up to the actors to play on the dual social, economic, and political allegiances of those who are responsible for applying the law. This constant interplay is certainly nothing new. The consequences that arise from it are what some might call corruption (Blundo and Olivier de Sardan 2006; Smith 2007). Others, such as Mirko Göpfert (2014) have demonstrated just how complex this is by emphasizing the extent to which both of them, state bureaucrats as well as farmers, are dependent on one another to maintain social peace. The main focus of this work is to understand how this action originates, gets expressed, and evolves on a daily basis.

In order to do this, we have looked closely at the actors and their actions, their *Handlung*. In his introductory article to the research project, *States at Work,* Thomas Bierschenk (2010: 2) rightly draws attention to Lorenz von Stein's willingness to surpass Hegel's idealism, which was limited to the notion of speech acts by the state, which he called *Tat*. Von Stein rather preferred the notion of work (*Arbeit*) which for him meant the transformation of these speech acts into actual events. Stein heralds Migdal and Schlichte (2005), who distinguish between *state-idea* and *state-practices*, concludes Bierschenk. Along the same lines, our objective here is to prioritize the *Handlung*. To this end, there is no better reference than Gerd Spittler's valuable reflection on this concept in his study, appropriately devoted

to the *Anthropology of work* (2008, 2016). As he writes, work (*Arbeit*) requires action (*Handlung*). Spittler identifies two key factors within the "capacity" or "potential" for work (*Arbeitsvermögen*). First, work as *factual act*, then work as *performance*[1]. The capacity for work is synonymous with competence, which means implementation. Central to this reflection are both the competence and the performance of the actors in the field as they deal with the norms and the laws dictated by the government and by the development agencies. Factual competence and its implementation in the field are issues examined in all of the articles collected in this volume.

This book is the result of a collaborative research project (Cluster of Excellence), entitled "The Formation of Normative Orders" at the Goethe University Frankfurt am Main. Obviously, we share the same objective that consists of questioning the "norms" that actors deploy each and every day and which provide practical reasons that justify their actions (Forst and Günther 2011: 16).[2] In an earlier work we illustrated how individuals in interaction with various introduced norms have transformed their immaterial cultural goods (Röschenthaler and Diawara 2016). Once again, action is at the center of our inquiry. Specifically, our work is a follow-up to the questioning that was rigorously undertaken in the collective work published by Stefan Kadelbach (2104) entitled *Effektiv oder gerecht? Die normativen Grundlagen der Entwicklungspolitik*. The format used here reflects the latter work in many respects. First, it began with a conference that brought together junior and senior researchers. Next, debates were held in the framework of seminars, for Kadelbach's work, and in the form of lectures for our purposes. The 2014 work analyzed the dilemma surrounding the idea of development assistance, dictated from abroad, and the independence of the beneficiary countries. The collision between these two visions led the authors of the volume to question how development assistance can

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1 "Vom *Arbeitsvermögen* unterscheide ich das *faktische Arbeitshandeln*, die Performanz. In der Linguistik ist mit *Performanz* das Sprechen im Gegensatz zur Sprachkompetenz gemeint. In diesem Sinne unterscheide ich auch bei der Arbeit die *Kompetenz*, das *Arbeitsvermögen*, von der *Ausführung*, der *Performanz*. Beide, Performanz und Kompetenz, beziehen sich auf einen *Akteur* […] Bei Performanz denken wir spontan nicht an den linguistischen Gebrauch, sondern an die Performance, die künstlerische Darbietung, *Aufführung vor einem Publikum*" (Spittler 2016, chapter 2, our emphasis).

2 "'*Normen*' sind […] praktische Gründe für *Handlungen*, die den Anspruch erheben, verbindlich zu sein, und die ihre Adressaten entsprechend dazu verpflichten, sich diesen Grund als ein *Handlungsmotiv* zu eigen zu machen" (Forst and Günther 2011: 6, our emphasis).

be justified. Unlike this latter publication which is dominated by legal scholars, philosophers, economists, and a somewhat theoretical perspective, the present volume aims to focus on the field.

The multidisciplinary team chose ethnography as a method for highlighting the role of the actors in day-to-day life. What we emphasize here is empirical research. This goes without saying for anthropologists, but it is not so obvious for the other disciplines represented here, such as geography, history, political science, as well as information sciences, and legal studies. The book is based on long-term field work, followed by intense exchanges in the framework of a conference that also included a writing workshop. In this way we were able to compare the different points of view of specialists in different regions of the world that are as distant from one another as Anglophone Africa (South Africa, Cameroon, Ghana, and Kenya) and Francophone Africa (Mali, Cameroon). Obviously, it was not a matter of making anthropologists out of legal scholars or other specialists, but rather to "take the actors seriously".[3]

In order to do this, the legal scholar must learn to stretch beyond the norms that are extracted from legal texts to reach into the reality of the field. It is up to him to inquire in the field about what it is that the average prospector or gold miner wishes to do, or not to do, with the texts that are imposed on them by the lawmakers. Furthermore, he takes into account the interests of other members of the community who, even without being gold miners, are closely connected to the gold mining industry. In the end he understands that the gold miner, the stock breeder, and the farmer are sometimes one and the same. It is therefore useless to write laws with only the "gold miner" in mind. The information scientist studies how these infamous laws that have liberalized the press are being implemented in the field by journalists, radio hosts, and free-lancers, or by men and women who are spontaneously playing the role of press sponsors, whether or not this is real or invented. The field researcher gives a realistic account of the development of the free press in a country like Mali, which was held up as an example of democracy from 1991 to 2012. In this specific case, what is happening beyond the texts, and what are the actors and actresses doing with them in the field? Finally, the political scientist makes the effort to go beyond models and journal articles by having direct discussions in the field

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3 This phrase comes from Alain Supiot's work (2015: 14), "taking responsibility seriously", who borrowed it from one of Ronald Dworking's famous titles, *Taking the Rights seriously*, published in 1978 by Harvard University Press.

with prospectors and other entrepreneurs, as well as with people in the villages whose farmlands are being occupied by them. He tries here to understand how the phraseology, or rather the ideology of *bad* and *good* practice, is applied in everyday life. His analysis is based on facts and not on norms listed by the government or by international organizations. In all three cases, the legal scholar, the political scientist and the information scientist must invert their conventional perspective by starting from the field and no longer from the text. Herein lies the means to avoid assertions that are based on poorly or insufficiently documented facts that Bierschenk (2010: 17) has denounced in the work of some anthropologists.

"The purpose of the research project *States at Work in West Africa* was to answer the central question of just what it is that states do when they are working", Bierschenk (2010) concluded his article by challenging anthropologists to answer this empirical question: "what kind of impact this 'state' attribute unfolds. Central to our project is a slightly different question, that is, "What do people do when states are working?" Consequently, we are specifically interested in the fruitful tension that is presently developing between the government and the actors. It is the expectations of the actors, whoever they may be, in the face of the government and its agents that interest us here. Similarly, what is it that both partners involved in the action undertake on a daily basis? By emphasizing this singular aspect, we are better able to understand the very sensible conclusion drawn by a farmer in the Office du Niger zone who said this to Diawara at the end of the 1990s: *Makonya you faama yen bile*: "There are no longer any *powerful* people who want to solve the problems [of the *weak*]". For the former, the government in the form of its agents is there to find a solution to the problems of the farmers and other people who are weak,[4] like he is. This type of powerful person (*faama*), the polar opposite of the weak person (*fantan*), no longer exists. According to this world view, the government is only welcome if it puts itself in the service of what is today known as the citizen, what once was the weak person, or *fantan*. The concept of the *faama*, as many will recall, refers back to the State of Segu, which was admirably studied by Jean Bazin (1982, 2008; see also David Conrad 1990).[5] It is

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4 *Fantan: /fanga/ /tan/: /Force/ /without/*: a poor person, by extension, a subject.

5 The King of Segu (17th-18th centuries) was the *faama par excellence*, that is, the master of the waters and of the people, *jitigi ni maatigi*. He made life and death decisions for the people of the kingdom (Bazin 1982, 2008).

like telling the government and the development agencies that it is useless to serve us the problems that come from their solutions (Sy 2009, 2010).

Migrant women facing reproduction health problems in Bamako, farmers in north-eastern Ghana facing the upheavals of land rights law, miners in Mali facing the implementation of the country's new mining code, Cameroonian migrants who, in order to get married, have to deal with the US visa services, as well as with the modern marriage laws of the Cameroonian government; all of these examples, and these are only just a few, expose how well the model applied by governments and their partners fits with reality, and vice-versa. What do these models and regulations mean for the basic actor and actress? This observation brings to mind the debate undertaken by Andrea Behrends, Sung-Joon Park, and Richard Rottenburg (2014) on the "travelling models". These authors investigate how actors, things, and ideas travel from one field of application to another. Their thinking overlaps with ours to the extent that they invoke the issue of development assistance, in this case that of experts and brokers who influence local arenas (Behrends et al 2014: 25; Olivier de Sardan and Bierschenk 1993; Bierschenk, Chauveau, and Olivier de Sardan 2000). This book thematizes what the actors think about measures the government, or its "development partners", declare to be synonymous with progress.

The use of ethnography as a method serves as a means to prevent the empire of grand narratives. This allows us to respond to the following simple questions: What does the discourse on "legacy", "sustainability", and "development" mean on the ground? How is it translated and perceived on the ground? The question is also valid for the translation of democratization in the area of the press, for the radio talk show hostess, the basic journalist, or for the newspaper sponsor, whether this sponsorship is real or invented, in Mali. The same goes for information and communication techniques being introduced into the sector of the grain trade in Mali. What role is played by brokers who go between the government and the little people? Ethnography goes beyond the grand narratives to focus on the details at the heart of everyday events.

States in Africa, as anywhere else, are usually presented as standard bearers of order, progress, and discipline as they are vested with the authority to implement laws and sanction their application, because this is considered beneficial for the people and society as a whole. But in spite of a growing emphasis on participatory approaches, little is known about what state regulations actually mean to those people whom they are sup-

posed to benefit. To what extent, if any, are they perceived to bring progress? Does it make a difference for people in Africa whether these regulations originate within the government or stem from the initiatives of donor organizations? Do people themselves hold the view that it is the role of the state to systematically intervene and regulate societal processes?

This volume seeks to understand what state regulations mean to people in sub-Saharan Africa in the light of already existing local norms with which new regulations have to compete. It is less about collapsing distinctions between state and society or public and private (Ferguson 2006; Mbembe 2001; Poole 2004; Roitman 2005) or about blurred boundaries (Gupta 1995; see also Beek 2015). It investigates the intersections of state regulations with the practices and concerns of people, and the processes of negotiation in which the different stake holders each discuss and defend their interests. In their case studies the contributors to this volume discuss the competing local, state, and foreign norms from a diachronic perspective, and unfold the intricate ambivalences and contradictions that are often associated with these regulations. Some of the contributors argue that state regulations strongly intervene in people's lives in the name of development, the protection of the environment, the regulation of the exploitation of natural resources, and the rights of people to land, all of which actually benefit foreign as well as national political and economic interests. Other contributors point to a discontentment about the willingness of the state to give importance to regulations that would guarantee the functioning of institutions from which people needed to benefit.

The ten contributors to this volume are young scholars from Africa and Germany who approach the topic from different disciplinary perspectives. The volume has been divided into three parts. The first one deals with the "market, governance, and resources" triad. Boureima Touré compares the reality of local farming and livestock grazing practices with norms that prevail in the management of resources in the Office du Niger. This anthropologist has opened up a new area here, because in spite of the infatuation of historians, anthropologists and agricultural economists (Coulibaly 1997; Diawara 2011; Dougnon 2007; Diakon 2011; Jamin 1994; Magassa 1999; Schreyger 1984), very few have taken an interest in the livestock sector in the irrigated zone of the Office du Niger. Reflecting the weakening of government control over the liberalized sector of the health market, the geographer Mamadou Diarra investigates the governance and administration of public health in Bamako. Is this actually a lack of control?

Working on the basis of authors who have described deficiencies in the management of public services, including health services (Jaffré 2004; Olivier de Sardan 2008), Diarra focuses on the case of a commune of Bamako, in a country that became a model for establishing community health centers. Finally, Issa Fofana asks how the issue of regulating information impacts the transparency of the grain markets in Mali? A geographer by training, the author studies the role of the cell phone in Mali's agricultural economy, using the examples of Bamako and the Office du Niger. His work is based on similar studies carried out in Niger, Ghana, Peru and India (Aker 2010; Barrantes Mireia 2012; Jensen 2007; Overå 2006).

The second part of the book raises the delicate question of land and of the environment in the context of resettlement. Patricia Awiah brings the perspective of a historian to her study of how modern land rights law and urbanization emerged in the rural context of Navrongo in northeastern Ghana. Beyond these scholarly studies that deal with the handling of customary law (including Amanor 1999, 2006, 2009; Awedoba 1985; Awedoba et al 2009; Berry 1993; Kuba and Lentz 2006; Lentz 2006; Tonah 2008), the author investigates how specifically these two normative orders, that draw on one another, can co-exist on a daily basis. Development sociologist Kerstin Schopp looks at how populations in Ekondo Kondo, in the forest zone of Cameroon, experience their eviction following the creation of a nature park by the government and its partners. Schopp studies "the long, slow path" (Oyono 2004: 100) of the painful birth of a national forest that aims at protecting fauna and flora but hesitates to care for its inhabitants. She deals with a diversity of perspectives, both feminine and masculine points of view as well, as the view of the government and its partner financial institutions. As for Mbaye Bathe, a legal scholar, he examines the questions of the challenges that result from environmental legislation for the mining sector in Mali. The large number of high-quality studies done on the impact of gold mining on the environment and on people (including Campbell 2004; Cosaert et al. 2003; Grätz 2004; Kassibo 2006; Werthmann 2013) does little to hide the paucity of legal investigations on this issue. Finally, Andreas Jacobs brings the perspective of political science to bear on the paradox of responsible practices, touted by the mining companies, and their irresponsible effects on the land in Kenya. He thematizes the farmer's perspective on Canadian and Australian mining companies. The latter make the claim that, "sustainability is our core business", but in

fact they are taking land from farmers on a scale never seen before. The author looks closely at the resettlement policies of these companies who are being supported by the government.

The third part of the book is devoted to media, society and politics. From the perspective of information science, Bakary Doumbia looks at the prolific landscape of the Malian press. He asks whether this is successful pluralism or poorly managed regulation. The proliferation of titles in Francophone Africa, where the press had been muzzled until the early 1990s (Perret 2005), the serious nature of so many different problems led Doumbia to look closely at the Malian case by interviewing the actors and actresses involved. Given that the duty to inform is incumbent upon the women who host Malian radio shows, the anthropologist Anneliese Sozanski looks at them through the prism of three instances of oversight: government, society, and gender. Sozanski presents an overview of the evolution of the oversight of the media, then looks at the measures taken by the government to strengthen the role of women, and underscores the uselessness of these measures (Friedrich-Ebert-Stiftung 2012; Gdazepko 2009; Tudesq 2002). She examines the tension between competency and the status of women. Isaiah Afu offers an anthropological reading of Cameroonians from Moghamo who immigrate to the USA, and investigates a practice that is now becoming more and more common, that of the wedding without the couple. Afu studies the relationship between immigration and marriage in the context of transnational spaces (Beck-Gernsheim 2007; Glick Schiller 2005), before focusing on the strategies implemented by the future spouses, who are deprived of the ability to meet and become united due to regulations in both the USA and in Cameroon.

The contributions draw a fascinating picture of the resilience and the impetus of the actors in their studies to find solutions that are required to survive the challenges and incoherences that are so often generated by governments and development agents in the name of ameliorating people's lives. Many of the authors who portray the different actors in their studies have high expectations towards governments. Only some state that the actors such as the inhabitants of the national park in Cameroon ask for more liberties, whereas the actors of most of them do not evade state representatives but rather remind them to carry out their work properly. They have high expectations as to the extent governments are supposed to regulate and create order. Most authors do not advocate for more liberties but more regulation, and mediate between the different interest groups and

norms at stake. It reminds of Max Weber's (1980: 7, cited in Beek 2015: 87) insight that "the state exists primarily because people orient their practices towards the belief it should exist, because people act as if certain judicial orders were valid".

References

Aker, Jenny (2010). "Information from markets near and far: mobile phones and agricultural markets in Niger". *American Economic Journal: Applied Economics* 2: 46–59.

Amanor, Kojo (1999). *Global Restructuring and Land Rights in Ghana: Forest Food Chains, Timber and Rural Livelihoods.* Uppsala: Nordiska Afrikainstitutet.

Amanor, Kojo (2006). *The Changing Face of Customary Land Tenure.* Proceedings of the International Seminar on Contesting Land and Custom in Ghana, Chief and Citizen, Accra, September 28, 2006.

Amanor, Kojo (2009). "Securing land rights in Ghana". In: Janine Ubink and Andre Hoekema and Willem Assies (eds.). *Legalising Land Rights: Local Practices, State Responses and Tenure Security in Africa, Asia and Latin America.* Amsterdam: Leiden University Press, 97–132.

Awedoba Albert (1985). Aspects of Wealth and Exchange with Reference to the Kasena Nankana of Ghana. PhD thesis, University of Oxford.

Awedoba, Albert et al. (2009). *Ethnography of Northern Ghanaian Conflicts: Towards a Sustainable Peace.* Accra: Sub-Saharan Publishers.

Barrantes, Caceres Roxana, and Fernandez-Ardevol Mireia (2012). "Mobile phone use among market traders at fairs in rural Peru". *Information Technologies & International Development* 8, 3: 35–52.

Bazin, Jean (1982). "Etat guerrier et guerres d'Etats". In: Jean Bazin and Emmanuel Terray (eds.). *Guerres de lignages et guerres d'Etats en Afrique.* Paris: Éditions des Archives Contemporaines, 319–374.

Bazin, Jean (2008). *Des clous dans la Joconde. L'anthropologie autrement.* Toulouse: Anacharsis.

Bazin, Jean and Emmanuel Terray (eds.) (1982). *Guerres de lignages et guerres d'État en Afrique.* Paris: Éditions des Archives Contemporaines.

Beck-Gernsheim, Elisabeth (2007). "Transnational lives, transnational marriages: a review of the evidence from migrant communities in Europe". *Global Networks* 7: 271–288.

Beek, Jan (2015). Producing Stateness: Police Work in Ghana. PhD thesis, Johannes Gutenberg-Universität Mainz.

Behrends, Andrea, Sung-Joon Park and Richard Rottenburg (2014). "Travelling Models: introducing an analytical concept to globalisation studies". In: Andrea

Behrends, Sung-Joon Park and Richard Rottenburg (eds.). *Travelling Models in African Conflict Management: Translating Technologies of Social Ordering.* Leiden: Brill, 1–40.

Berry, Sara (1993). *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa.* Madison: University of Wisconsin Press.

Bierschenk, Thomas (2010). "States at Work in West Africa: Sedimentation, Fragmentation and Normative Double-Binds". *Working Papers of the Institut für Ethnologie und Afrikastudien Mainz* 113.

Bierschenk, Thomas, Jean-Pierre Chauveau and Jean-Pierre Olivier de Sardan (eds.) (2000). *Courtiers en développement: Les villages africains en quête de projets.* Paris and Mainz: Édition Karthala and APAD.

Bierschenk, Thomas, and Jean-Pierre Olivier de Sardan (eds.) (2014). *States at Work: The Dynamics of African Bureaucracies.* Leiden: Brill.

Blundo, Giorgio, and Jean-Pierre Olivier de Sardan (eds.) (2006). *Everyday Corruption and the State: Citizens and Public Officials in Africa.* London: Zed Books.

Campbell, Bonnie (ed.) (2004). *Enjeux des nouvelles réglementations minières en Afrique.* Uppsala: Nordiska Afrikainstitutet.

Conrad, David C. (1990). *A State of Intrigue: The Epic of Bamana Segu According to Tayiru Banbera.* Oxford: Oxford University Press.

Cosaert, Patrice, and François Bart (eds.) (2003). *Patrimoine et développement dans les pays tropicaux.* Bordeaux: DYMSET.

Coulibaly, Cheybane (1997). *Politiques agricoles et stratégies paysannes au Mali (1910–1985), le règne des mythes à l'Office du Niger.* Bamako: Édition les Cauris d'Or.

Diakon, Birama (2012). *Office du Niger et pratiques paysannes: appropriation technologique et dynamique sociale.* Paris: l'Harmattan.

Diawara, Mamadou (2011). "Development and administrative norms: the Office du Niger and decentralization in French Sudan and Mali". *Africa: Journal of the International African Institute* 81, 1: 434–454.

Dougnon, Isaïe (2007). *Travail de Blanc, travail de Noir. La migration des paysans dogon vers l'Office du Niger et au Ghana (1910–1980).* Paris and Amsterdam: Karthala and SEPHIS.

Dworking, Ronald (1978). *Taking the Rights seriously.* Cambridge: Harvard University Press.

Dworking, Ronald (1995). *Prendre les droits au sérieux.* Paris: PUF.

Ferguson, James (2006). *Global Shadows: Africa in the Neoliberal World Order.* Durham: Duke University Press.

Forst, Rainer, and Klaus Günther (2011). "Die Herausbildung normativer Ordnungen. Zur Idee eines interdisziplinaren Forschungsprogramms". In: Rainer Forst and Klaus Günther (eds.). *Die Herausbildung normativer Ordnungen. Interdisziplinäre Perspektiven.* Frankfurt and New York, 11–32.

Frère, Marie-Soleil. 2001. "Dix ans de pluralisme en Afrique francophone". *Les Cahiers du journalisme* 9: 28–59.

Friedrich-Ebert-Stiftung (2012). *Baromètre des médias Africains. Première analyse locale du paysage médiatique en Afrique. Mali 2012.* http://www.fesmedia-africa.org/uploads/media/AMB_Mali_2012_.pdf (July 30, 2014).

Gdazepko, Audrey (2009). "Missing links: African media studies and feminist concerns". *Journal of African Media Studies* 1, 1: 69–80.

Glick Schiller, Nina (2005). "Transnational social fields and imperialism: bringing theory of power to transnational studies". *Anthropological Theory* 5, 4: 439–461.

Göpfert, Mirco (2014). *Enforcing the Law, Restoring Peace: An Ethnography of the Nigerien gendarmerie.* PhD thesis, Johannes Gutenberg-Universität Mainz.

Grätz, Tilo (2004). "Les frontières de l'orpaillage en Afrique occidentale". *Autrepart* 30, 2: 135–150.

Gupta, Akhil (1995). "Blurred boundaries: the discourse of corruption, the culture of politics, and the imagined state". *American Ethnologist* 22, 2: 375–402.

Jaffre, Yannick (2004). "Prolégomènes à une réforme des services de santé: de l'identification des dysfonctionnements à la définition d'outils efficaces". *Med-Trop* 64: 527–532.

Jamin, Jean-Yves (1994). De la norme à la diversité: l'intensification rizicole face à la diversité paysanne dans les périmètres irrigués de l'Office du Niger. PhD thesis, Institut National Agronomique, Paris-Grignon.

Jensen, Robert (2007). "The digital provide: information (technology), market performance and welfare in the south Indian fisheries sector". *Quarterly Journal of Economics* 122, 3: 879–924.

Kadelbach, Stefan (ed.). (2014). *Effektiv oder gerecht? Die normativen Grundlagen der Entwicklungspolitik.* Frankfurt am Main: Campus.

Kassibo, Bréhima (2006). "Approches participatives et gestion décentralisée de la Forêt du Samori dans la Commune de Baye, Région de Mopti (Mali) ". *Afrique et Développement* XXXI, 2: 215–242.

Kuba, Richard, and Carola Lentz (eds.) (2006). *Land and the Politics of Belonging in West Africa.* Leiden: Brill.

Lentz, Carola (2006). *Ethnicity and the Making of History in Northern Ghana.* London: Edinburgh University Press.

Magassa, Hamidou (1999 [1978]). *Papa commandant a jeté un grand filet devant nous. L'Office du Niger 1902–1962.* Paris: François Maspero.

Mbembe, Achille (2001). *On the Postcolony.* Berkeley: University of California Press.

Migdal, Joel, and Klaus Schlichte (2005). "Rethinking the state". In: Klaus Schlichte (ed.). *The Dynamics of States: the formation and crises of state domination.* Aldershot: Ashgate, 1–40.

Olivier de Sardan, Jean-Pierre (2008). "À la recherche des normes pratiques de la gouvernance réelle en Afrique". *APPP discussion paper 5.*

Olivier de Sardan, Jean-Pierre, and Thomas Bierschenk (1993). "Les courtiers locaux du développement". *Bulletin APAD* 5: 2–6.

Overå, Ragnhild (2006). "Networks, distance and trust: telecommunications development and changing trading practices in Ghana". *World Development* 34, 7: 1301–1315.

Oyono, Phil René (2004). "One step forward, two steps back? Paradoxes of natural resources management decentralisation in Cameroon". *The Journal of Modern African Studies* 42, 1: 91–111.

Perret, Thierry. 2005. *Le temps des journalistes: l'invention de la presse en Afrique francophone.* Paris: Karthala.

Poole, Deborah (2004). "Between threat and guarantee: justice and community in the margins of the Peruvian state". In: Veena Das and Deborah Poole (eds.). *Anthropology in the Margins of the State.* Santa Fe: School of American Research, 35–66.

Roitman, Janet (2005). *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa.* Princeton: Princeton University Press.

Röschenthaler, Ute and Mamadou Diawara (eds.) (2016). *Copyright Africa: How Intellectual Property, Media and Markets Transform Immaterial Cultural Goods.* Canon Pyon: Sean Kingston Publishing.

Schreyger, Émile (1984). *L'Office du Niger au Mali, 1932–1982. La problématique d'une grande entreprise agricole dans la zone du Sahel.* Stuttgart and Paris: Franz Steiner and L'Harmattan.

Scott, James (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed.* New Haven: Yale University Press.

Smith, Daniel (2007). *A Culture of Corruption: Everyday Deception and Popular Discontent in Nigeria.* Princeton and Oxford: Princeton University Press.

Spittler, Gerd (2008). *Founders of the Anthropology of Work: German Social Scientists of the 19th and Early 20th Centuries.* Berlin: Lit.

Spittler, Gerd (2016). *Anthropologie der Arbeit. Ein ethnographischer Vergleich.* Wiesbaden: Springer.

Supiot, Alain (2015). "Face à l'insoutenable: les ressources du droit de la responsabilité". In: Alain Supiot and Mireille Delmas-Marty (eds.). *Prendre la responsabilité au sérieux.* Paris: PUF, 9–35.

Sy, Ousmane (2009). *Reconstruire l'Afrique, vers une nouvelle gouvernance fondée sur les dynamiques locales.* Bamako and Paris: Éditions Jamana and Éditions Charles-Léopold Mayer.

Sy, Ousmane (2010). *Vorwärts Afrika: Plädoyer für einen Wandel von unten* (transl. by Wilfried Hoffer). Bad Honnef: Horlemann Verlag.

Tonah, Steve. 2008. "Chiefs, earth priests and state: irrigation agriculture, competing institutions and the transformation of land tenure arrangements in North-eastern Ghana". In: Janine Ubink and Kojo Amanor (eds.). *Contesting Land and Custom in Ghana: State, Chief and the Citizen.* Leiden: Leiden University Press, 113–130.

Tudesq, André-Jean (2002). *L'Afrique parle, l'Afrique écoute. Les radios en Afrique subsaharienne.* Paris: Éditions Karthala.

Weber, Max. 1980 [1922]. *Wirtschaft und Gesellschaft*. 5th ed. Tübingen: Mohr.

Werthmann, Katja (2003). "'Ils sont venus comme une nuée de sauterelles': chercheurs d'or dans un village au sud-ouest du Burkina Faso". In: Richard Kuba, Carola Lentz and Claude Nurukyor Somda (eds.). *Histoire du peuplement et relations interethniques au Burkina Faso*. Paris: Karthala, 97–110.

Part I:

Markets, governance, and resources

Pastoralism in the Office du Niger: Norms and praxis in natural resource management

Boureima Touré

For the past three decades, the Office du Niger[1] zone has undergone an unprecedented expansion of its irrigated perimeters. This has allowed the farmers in this region to increase their earnings and to invest heavily in livestock, but the management of this livestock is today causing significant problems. Since pastoralism is generally being singled out[2] as the main cause of conflicts, it is important to understand this practice within the wider historical context that has given shape to this region. Since the fifteenth century, the pastoralists in the Delta region have considered this area, today controlled by the Office du Niger, to be the main crossing point for transhumant animals. The herds stay in the Inner Niger Delta during the entire dry season (January to June). They leave this area when the first rains begin to fall, in order to avoid the flooding of the plains and the subsequent proliferation of insects, to return to the unflooded zone (the Sahel), covered during this season with grassy meadows.

Soon after the end of the rains in about the middle of October, when the grass begins to dry up and the water pools slowly become depleted, the herds begin to return to the Inner Niger Delta which is now accessible due to the receding flood waters. In order to establish peace between the pastoralists and the farmers of this region, the Dina State[3] imposed property norms in the nineteenth century that had force of law throughout the entire region.[4] "No herdsman or settled farmer could violate these norms without severe punishment" (Bâ and Daguet 1984: 81). In 1904, the colonial administration made these norms official by establishing a width of 32

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1 Created in 1932, the Office du Niger is considered to be one of the largest irrigated perimeters in West Africa.
2 Notably by the farmers and the Office du Niger officials.
3 The theocratic empire of Sékou Amadou, 1818–1862.
4 These focus on the boundaries between the cropgrowing areas, the animal crossing points, the water points for animals, the water pools that are off limits, and the time periods for transhumant animal crossing.

meters for the roads used to move the herds in order to avoid excessive encroachment on agricultural activities (Gallais 1984: 87). However, the creation of the Office du Niger in 1932, along with increased agricultural development, brought about changes to the routes taken by these animals.

Enormous changes are still taking place in the general land situation, and specifically with respect to pastoralism. The passageways that were once reserved for the movement of animals during grazing migration have been reduced in number, with some of them disappearing altogether while others are now located within the irrigated zones. The grazing areas and the water points that used to be reserved for the transhumant herds are now being used as fields. Each year, the return of transhumant herds from the Sahel region gives rise to conflict that sometimes turns violent, resulting in the deaths of people. On the one hand, the farmers and the agents from the Office du Niger accuse the pastoralists of being anarchists, and on the other hand, the pastoralists are offended by the fact that both the government and the farmers no longer take into account the issues that concern them.

There is an abundance of scientific literature on the Office du Niger, but most authors only focus on two areas: political issues (Schreyger 1984; Jamin 1994; Coulibaly 1997; Bélière, Coulibaly and Sanogo 2003; Magassa 1999; Diawara 2011) and the relationships of production (Dougnon 2007; Diakon 2012). With the exception of a few recent studies (Kintz 1991; Meaux and Jouve 2003) that provide overviews of livestock herding, as of yet no in-depth study has focused on issues related to pastoralism. However, given that the current dynamics within this area have been influenced by the increase in agricultural development, the advent of private investment in the land sector, and decentralization, the issue of pastoralism is now more crucial than ever.

The aim of this article is to show how the pastoral practices that arose from the Dina State (1818–1862) are incompatible with the property norms of the Malian government. The study is important for two reasons. First, within a context that has been marked by history, customs, and law (both modern law and the law that originates from the Koran), this study reveals how individuals play their parts in the land tenure game. Second, this study calls into question the dichotomy characteristic of land tenure analysis that opposes the pastoralist and the farmer.

The methodological approach used here is primarily qualitative. It was largely based on "the actors' practices": herdsmen, farmers, farmer organi-

zations, agents from the government technical services, local authorities (village chiefs, village council, local elected officials, *jowro*[5]), experts and agents from NGOs. For it is through the careful attention to practices[6] and dynamics that it is possible to understand the strategies of actors involved in land issues (Lavigne-Delville 2010). In order to do this we used two tools of inquiry, the interview guide and the field notebook. The interview guide allowed us to collect discourses from the different actors involved in the study, and with the field notebook we were able to keep records of observations made during meetings with the actors, seminars, workshops, judgments, and while witnessing conflicts. The issues addressed fall into three main categories. The first involves the pastoral phenomenon within this region of the Delta, and here we consider the origins of norms, the main actors, and the resources involved. The second involves farming issues, which we understand to be the means to gain access to and manage the resources. Finally, we look at the conflicts related to resources.

This study was carried out from January to March, 2013, and involved four municipalities: Macina, Boky-wère, Kolongo, and Monimpebougou. The criteria used to determine the choice of these municipalities are as follows: first, their geographical position at the interface between the Sahel area and the Inner Niger Delta; second, the rapid increase in agricultural development; and third, the scale of the conflicts related to natural resources.

In this article I first focus on the recent development of the Office du Niger zone. Second, I examine the pastoral question within this zone. Finally, I analyze the problems related to the co-existence of the two areas of activity and in so doing hope to facilitate a clearer understanding of the conflicts between the norms and the practices in this area.

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5 The *jowro* is in charge of the grazing areas within a *leydi* (land, territory, see note 14 for a detailed explanation of this word). He is charged with maintaining discipline regarding access to grazing areas by the herds, with his herd being placed in the lead. He generally receives a grazing fee for the herds that are not from his *leydi* but which are brought to his grazing areas located in an unflooded zone. Within one *leydi*, there can be one *jowro* or several *jowro'en*. The plural form of this word, *jowro'en*, designates the heads of families who, along with the *jowro*, participate in establishing the price for access to grazing areas and who receive a share of the distributions from this income.

6 I use the word "practice" here to indicate the daily behavior of the users of the resources: pastoralists, farmers, NGO officials, technical services officials, local elected officials, traditional leaders, etc.