

Commentary on the paper by T. Ngaido and N. McCarthy

« Managing externalities and improving production and livelihood strategies »

Serious problems exist in the land tenure management of Sahelian pastoralism, it would seem pertinent then to conduct a scientific debate on this social dilemma. The recognition of pastoral laws by the population to outline property or ownership rights as well as land management and exploitation is fundamental for scientific evaluation, ecological justification and political defence of pastoralism.

The Ngaido and McCarthy paper succeeds very well in stimulating debate, the bibliography contains all the contemporary tools of the trade such as the concepts of externalities, production risk, heterogeneity, mobility, common use rights and transition. Certain elements come from the game's theory such as collective action, cooperative capacity, free rider, optimum or one-period. However, the importance of the "tragedy of the commons" is re-evaluated.

The commentary proposes a reading of the paper's issues in the context of Senegal. The following aspects help in the discussion of the paper's analytical framework while also providing methods of enquiry.

Firstly, the social and political framework is underlined as pastoralism can not be separated from this context.

Secondly, the "project effect" is stressed. In the Sahelian region, outside aid is frequent and clearly modifies the dialogue and therefore the comprehension of any enquiry. The researcher has the impression that each visit is interpreted as a potential aid (depending on how the questions are answered). This in turn modifies the researcher's perception. This problem is widespread, not anecdotal and forces researchers to re-think their working methods with the pastoralists.

1) Putting the analytical framework in a social context

The paper rightly points out such important notions of pastoralism as one period and longer term dynamic as being indispensable when adapting to the constant ecological and social changes. Equally the paper proposes taking into account not only the base resource but also pastoral livelihood and the associated social relations.

Why focus on social and institutional context?

When concentrating too much on the individual role of the actors it becomes difficult to assimilate the social and political driving forces which determine the individual and collective roles. These forces modify definitively the normally accepted social land use rules and undermine the model's efficiency. Economical modelling does not take account of violence or rule breaking.

The Sethi and Somanthan model (1996) justifies the existence of a centralised monitoring body funded on voluntary contributions. Ideally the model would simulate a democratic system of local governing but there is no proof that it did exist very often.

The notion of social optimum is not theoretically or historically defined here, simply the conditioning factors such as risk adverse members, cooperation...Much analyses are founded on maximisation of profit and are often static. More specifically, it is necessary to define priorities when faced with agriculture crisis, rural exodus, liberalisation and political pressure. In this sense, the model proposed on page 20 is very close to the equilibrium, which is no longer relevant in the above mentioned environment.

A summary of land rights in Senegal.

In Senegal, in the mid 1990's, the land management scheme (P.A.F.1996) presented the following political options :

- to continue with the existing law (64-46) of 1964, which describes land as communal and inalienable, which was strongly contested since the liberalisation of economical politics : this being seen as an obstacle for investment.
- The liberal option declared the objective of securing rights which favours investment. The P.A.F. estimated that traditional and insolvent users would be excluded.
- A mixed option proposed the attribution of land by local government, thus accessible to non resident persons, reserving the State power to take away land from the "National Domain" and to register them as "Special designated areas".

In terms of pastoralisme, there is current debate on the usefulness of a comprehensive study of pastoral rights in Senegal. In this sense, Senegal is well behind his neighbours and references to pastoralisme are very dispersed in juridical literature.

Pastoralisme features in a little known law of 1980 (n°80-268) which defines different types of grazing, limited within the boundaries of agricultural lands. It decrees that the classification can only be made after detailed studies. It questions local ability to correctly enforce these laws on pastoral management.

The Mauritania and Senegal present completely opposed treatments of these laws : Mauritania has since 2000 a well defined pastoral code in part based on religious rules acknowledged by muslim herdsmen (law 2000-044). This code is envied by all senegalese pastoral organisations as one which better protects the welfare of pastoralists. On the other hand, the Mauritanian have not yet classified areas for foraging and grazing purposes.

A particular problem in Senegal is the overwhelming power of religious leaders together with economical and political authorities as opposed to the uncertain position of pastoralists. In this context, this inequality risks to be confirmed in law, if traditional transhumant exploitation of grazing lands are not upheld.

For instance there is a debate about the future of the Doli state ranch, which is bankrupted. A meeting was organised in 2001 by several herdsmen associations to draw the authority 's attention to the ill use of the ranch. In our opinion it is dangerous to focus on the over protection of such a defined area. Rather as an alternative scheme to provide a right of passage to grazing lands and seasonal rights to use of agricultural land. The latter option is more difficult to enforce but is none the less necessary for the pastoral livelihood.

At the moment, much land is designated to the mourids and grazing lands in the south of Ferlo is diminishing despite local boundaries, and despite pastoralists being represented in rural councils. The agricultural progression has already caused the failure of an important

multi - development project in eastern Senegal, it now threatens organisational schemes of breeding in south Ferlo.

Efficiency

It is not certain that privatisation is a major cause of internalising negative effects and forcing legal bodies to reply to market forces. In fact, the management of pastoral production and livelihood must deal with many ecological and social constraints and the actors are more receptive to production costs than to market value. Therefore this does not always lead to maximum capital exploitation, as suggested in the paper.

In terms of land buyers, and privatisation, the pastoralists are not always the most wealthy or well informed participants. How then should efficiency be defined ?

The danger is that in Senegal, the most efficient land buyers are perhaps not the most efficient land exploiters in the pastoral sense.

Pastoral land development

Sometimes the paper stresses the financial aspect without taking into account the pastoral development. In Niger, a study has noted that the Wodaabe Herdsmen, to compensate for an economically and politically weak situation have above all need of acknowledgement of pastoral land development. In this case, visible land marks must be designated : such as wells, or forages (IIED 2001).

In Senegal, land development is a key notion in land use management, whilst incorporating traditional agricultural methods. Financial capacities, pastoral land development, environment protection and sustainable resources management are not considered. In short, whether the laws are favouring the individual regime for land rights or the communal land use, neither of them are sufficient in guaranteeing the pastoral land security.

Conditions for collective action

Some researchers have been using “pastoral structures to build associations”, in order to facilitate collective action. But the paper rightly points the risks of such actions which ignore perhaps the evolution of social, financial, political relations. For instance, there are less tradeoffs between poor and rich pastoralists.

Equally, it is foolish to continue to use as a reference institutions which may now be defunct. In Senegal literature cites a traditional prohibition, (huurum) limiting access around inhabited areas and grazing lands. In fact, as far as people can recall, there was no precise application of these rules. It is unlikely therefore that such a system could now take place, in a society where reciprocity has much diminished.

2) The “project effect”

This complicates the works of researchers because outside aid is frequent and modifies the dialogue and therefore the comprehension of any enquiry. The researchers should therefore be wary of the pastoralist’s optimistic account of a recent project due to vested interests :

- need for land security
- expecting material recompenses such as hydraulic equipment, loans, etc.

Peasants or herdsmen involved in project, will continue to affirm their participation in the project whether true or not, as long as a personal benefit may seem possible.

We must therefore be careful when hearing “Toubak project”, which may undermine the possibility of a scientific research independent of the herdsmen’s projected hopes.

Over specified rights and users

On the other hand, studies by Ostrom justify the existence of an institution capable of setting up rules that enforce the responsibilities of the users of natural resources.

This point of view is valid but it must be kept in mind that all the institutions adapt to a local scheme which puts pressure on them. In a pastoral project of resources management, located in Senegal, local committees have set up management and set boundaries of grazing plots. It is understood that the management rules are known by all present.

In fact, one of the fulbe groups monopolise the decisions and management of forage. In others words, these management rules are partly ignored, but also partly exploited by the group which benefits directly from the project. In addition, there is great confusion due to a saturation of projects in this area, managed by the same land agents. In this way, the conditions of the first project are trade bargained by the herdsmen for the potential aid expected from the second.

Management options weaken when resources are reduced (poverty and land environmental degradation). I propose to study these changes of “collective action” more fully, including the periods of higher resource gain. Most importantly the institutions should be evaluated as well as the social relations created by the “development”, which installs :

- relations between “developers” and “beneficiaries”
- local liaisons between interested groups

It should be noted here that the existence of certain groups were not always foreseen in the initial classification of the project.

A strategy indicator : investment

The household heterogeneity, whether ethnical, economical or technical is a key notion in the paper. However it is not easy to use as a method for studying the dynamic. For instance, is it pertinent to base a survey of incomes on information based on stock density and juridical rules, which is constantly modified by the transhumant system of production ?

To distinguish household's strategies, we often mention different activities which generate pastoralist's incomes. Another very significant economic factor in pastoral management is the diversification of investment in order to cover loss and optimise resources. In the Ferlo, in Mauritania, and in the North Ivory Coast, certain rich herdsmen invest in property and transport. This sometimes leads them to set up with their family in town, and delegate their pastoral obligation to a relative, without renouncing their ownership of the herd or their social identity as pastoralist.

This seems to result from crises like droughts, and also progressive modifications such as rural exodus, possibility of investing in other areas. This indirect management surely has an effect on resources and production.

Link between management options and households expenditures

Case studies on management strategies can be very stimulating reading, but it is unwise to systematically assume a link between management option and household strategies. In fact, private investments of land plots has been interpreted as responding to land security. This preference for a system which favours exclusive rights over a more reciprocal system which requires dialogue on social issues can be understood when surrounded by insecurity in terms of land ownership or incomes. But this need does not guarantee economic land exploitation.

Population and rules of access to natural resources.

I was interested to note on p32 that “ethnic heterogeneity favours active cooperative activity”. Work carried out in PPZS at Ferlo has shown that on a restricted area different herdsmen describe different access rules to land resources. **(map)**

In contrast to what is written (ref), mobility is not necessary influenced by the existence of a local authority. It seems that each Head of family is autonomous in deciding where to move to, there is no evidence that this decision is a collective action.

Organisational performance indicators

This is represented by visible indicators which can be objectively verified, such as the resulting rules produced by dialogue between the existing parties. However this can be illusive because :

- Impact can be overestimated, by confusing the motions of formality with real achievement
- Other factors less formal such as liaisons existing different fractions are over looked.

I therefore propose a research “with” the pastoralists rather than “on” the pastoralists. The most useful model is one which is not only coherent internally but pertinent in the whole social context. The research must be done in collaboration with all role-players throughout its duration.

Conclusion

Pastoralists need grazing space, resources and security for production and livelihood. The individualisation of property rights is a specific system, which should not exclude other possibilities.

The projects do not always have consistent results and, moreover for this reason they do not allow the prediction of a dynamic or the predetermination of a model.

The individual or collective private resources which installed single refuge areas do not guarantee effective land security. A single refuge area for grazing is not a durable solution as it can encourage over use when outside areas are insufficient for grazing. This area should be kept as a refuge for grazing only during time of crisis. It is much desirable to have a multilateral approach to land rights, whether on agricultural lands or inside village boundaries, in unison with the chosen refuge area.

Land security can also be improved by the agreements whether verbal or written between different fractions to compensate grazing land when necessary.

Lastly, laws which protect the most vulnerable groups must be clearly explained to all concerned as well as the necessity to remain informed and in touch with the legal management centres, often far away in towns.