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INDIANA UNIVERSITY
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NIGERIEN HERDER ASSOCIATIONS:
INSTITUTIONAL ANALYSIS AND DESIGN

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Prepared by:

James T. Thomson, Ph.D.
1305 Caddington Ave.
Silver Spring, MD 20901

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SUMMARY

Introduction

This report analyzes feasibility of herder associations in the Niger Range and Livestock (NRL) project's pastoral zone area. It comprises two broad sub-sections:

1. institutional analysis of rationales for and conditions governing feasibility of herder associations in the project area; and
2. alternative institutional designs for such groups, in terms both of internal organization and relationships to the Government of Niger (GON) administrative hierarchy.

Institutional Analysis

After a brief introduction (Chapter 1), the first section identifies three broad problems which may face project zone herders; These are:

1. possibly inadequate range management;
2. insufficient service levels; and
3. lack of organizational capacity necessary to represent herder interests effectively in relations with other and GON officials, and to engage in self-help activities which would improve range management and service provision at the local level within the project area (Chapter 2).

Range Management

The need for range management is problematic. Opinions

divide on existence and extent of range degradation in the pastoral zone, as well as on need for and feasibility of pasture up-grading. Range management, throughout this report, is treated as if it were a problem, in order to then think through institutional implications of trying to do something about it.

Service Levels

Service levels within the project area are more generally conceded to be inadequate - although the extent of inadequacy continues to inspire debate. A range of potential services are considered: provision of improved human and animal health care, staple grain and basic necessities supply, predator control, etc.

Herder Representation and Self-Help

Need for representation of herder interests and exploration of self-help possibilities have become increasingly evident in years since the devastating 1970s drought struck the pastoral zone. GON now plans to improve herder welfare and upgrade livestock productivity. Success of actions along these lines will depend on development among pastoral groups of associations able and willing to present views on proposals, not just of a well-connected elite, but of the mass of herders. Similarly, associations appear indispensable to organize pastoral zone residents either for self-help activities or joint efforts with outside assistance which will improve conditions of life in the area and promote greater productivity of herder enterprises.

Association Goals and Constraints

Problems outline above define potential organization purposes.

Feasibility of achieving these goals is conditioned by a number of constraints (Chapter 3), grouped here in five categories: technical, economic, financial, legal and political. Critical among them are:

1. need to preserve herder mobility as a tested and indeed indispensable range management strategy in good times and bad;
2. problem of agricultural expansion in the pastoral zone;
3. difficulties of financing organizational activity on the basis of voluntary contributions, and of organizing to provide reliable credit guarantees as a condition for acquiring loans to finance, e.g., herd reconstitution and local hydraulic infrastructure improvements;
4. character of the legal process in the pastoral zone, and laws governing voluntary association organization and pastoral zone agriculture; and
5. a series of GON policies concerning conditions of popular participation, food self-sufficiency, control of staple grain markets, centralization, status of traditional chiefs, national unity, etc.

In the second section of the report, frequent reference is made to these constraints in considering advisability of

adopting one or another element in designing herder association institutions.

Institutional Design(s) for Herder Associations

This section breaks into three parts: basic constitutional theory; analysis of alternatives for herder association internal organization; and analysis of possible relationships to GON.

Constitutional Theory

Chapter 4 begins with some introductory comments about constitution making, in particular concerning advisability of avoiding both too great dispersion and excessive concentration of power within the association. There follows a brief review of the NHL project zone political-organizational context. A quick outline is then offered of basic decision rules available for use in designing association constitutions, and probable effects of each. Next analyzed is the issue of permitting people liberty to start local-level organizations at their own initiative, as opposed to imposing a single organization limit (e.g., one local herder association, or one local mutual). A brief overview of a basic two-tiered model for herder associations concludes Chapter 4.

Internal Organization: Design Options

Chapter 5 investigates bases for herder association jurisdictions and criteria for defining membership in those

associations, at the local and pastoral association levels. It also examines alternative approaches to creating and dissolving organizations at both jurisdictional levels.

On major significance here are decisions concerning character of jurisdictions. Should they be non-geographic, tribally-based organizations, or geographically-based? If the latter, should they be small-scale, large-scale, or complex, two-tiered affairs involving both small and large units? It is concluded the two-tiered, geographically-based jurisdiction offers the best framework for herder associations, even though this conflicts with current cooperative legislation, which is phrased in terms of non-geographic, tribally-defined mutuals and cooperatives.

Membership criteria will also fundamentally affect character of herder associations. Advantages and drawbacks of relying on either kinship or geographic proximity to define who's in and who's out at the local unit level form a central problem. Another critical issue, discussed next at some length, is whether vocational criteria should be taken into account in according or refusing association membership. In other words, should herders-turned-farmers in the pastoral zone, as well as those still living as full-time pastoralists, be included? What about southern farmer or agro-pastoralist immigrants who have created peasant farms in many parts of the project zone? Should they be excluded? Can they be excluded? Particularly for purposes of pasture management, it is recommended herder associa-

tions be open to all pastoral zone farmers and agro-pastoralists, whatever their heritage (pastoral, agricultural or agro-pastoral), as well as - obviously - to herders.

This same analysis is repeated for the pastoral unit herder association (larger jurisdictional level). Membership there, it is recommended, should be acquired only through membership in a local association. It is also recommended members be allowed access to pastoral unit basic services outside their home association areas, although they should be restricted to voting only in their home association. Any range management efforts eventually undertaken by herder associations will only be successful, it is asserted, if associations are attributed control over use rights to water and pasture in their jurisdictions.

Chapter 6 takes up the issue of relationships between members and officials, and appropriate decision rules for making operational and constitutional decisions.

Officials and Elections

After a brief examination of appropriately simplified local leadership structures, a major section of Chapter 6 analyzes various election systems. It begins with the system incorporated in the herder association model constitution proposed by the Niger Centre Est livestock project, and then suggests several alternative means by which association elites can be encouraged to represent their followers' interests rather than their own. Of fundamental importance here are solutions to problems of ethnic and geographic representation.

Operational and Constitutional Decision Rules for Associations

The middle section of Chapter 6 concentrates on rule options for handling day-to-day business (service provision, issues of herder opinion representation, range management), and constitutional issues (decisions to change the decision rules). Immediately thereafter attention turns to terms under which roles of local "conseillers" and local service provider roles might be developed within the associations to facilitate contact with GON officials and technical agents.

Underlying the entire chapter is an emphasis on using decision rules to make leaders sufficiently dependent on followers that the former are prevented from "capturing the association game". The point is to compell leaders as far as possible to run association affairs for the benefit of followers, rather than trying to capture the association and run it for their own benefit, at members' expense.

Rules in Practice

Chapter 7 tries to illustrate how the suggested systems of rules would work when applied to questions of service provision and range management. Discussion focuses on three central questions:

1. Who should decide what ought to be done by way of service provision and/or range management?
2. At what level - local or pastoral unit - ought various activities be carried out?

3. On what terms should such activities be undertaken?

Participation and Financing

Chapter 8 explores issues surrounding problems of obtaining financing and participation to support association activities. It begins with a reconsideration of difficulties plaguing voluntary organizations. Reasons for non-participation, are canvassed;

1. members unenlightened about benefits of association programs (the Animation thesis);
2. programs which repel instead of attracting because members find they cost more than they're worth in terms of time, effort and money invested for results obtained; and
3. inadequate institutional designs, which permit some to benefit from association activities without bearing their fair share, in time, effort or money contributed to support programs in question.

Possibilities of obtaining financing to run association programs are then analysed. They include:

1. inspired talk;
2. informal coercion (based mainly on social pressure) - which reduces the voluntary character of associations;
3. outside funding;
4. indigenous funding mechanisms; and
5. separable benefits (medicines, basic necessities, watering rights, etc.) to the sale price of which can

added a charge to finance association activities. Each means is assessed in terms of its probable feasibility, advantages and disadvantages.

External Relations: Ties between Associations and GON Agencies

Chapter 9 considers how herder associations should be connected to GON administrative structures. A series of options are reviewed, including autonomous status (subject only to the general registration requirement imposed by GON on all voluntary associations) and tutelary relationships under various administrative agencies. Among the latter: technical agencies (Livestock Service, UNCC), GON territorial administration, and livestock projects (NRL). A tutelary relationship tying herder associations directly to the NRL project seems most justified, since it would provide for a broad-gauged approach to association problems, and would keep channels of communication open between associations and all relevant technical agencies.

In this context, it is suggested that Animation and Adult Literacy agencies be closely involved in training association members, both in organizational techniques and in literacy skills. Finally, the details of the tutelary relationship are examined. Suggestions are offered about composition of the association registration committee, with an eye to assuring adequate herder representation in the process. Next, means by which the tutelary relationship can be structured so that NRL project personnel seek to create autonomous associations, capable of managing; their

own affairs, rather than creating organizations dependent for initiative and activity implementation on efforts of tutelary personnel.

Coping with Trouble: Association
Disputes and Dispute Resolution

Chapter 10 takes up questions surrounding disputes which will predictably arise in the normal course of association management and service provision activities, and the judicial and quasi-judicial courts which might conceivably assist in resolving such disputes. Particular attention is directed to problems of resolving constitutional disputes, since constitutional litigation offers a potentially valuable resource for members seeking to prevent association leaders from capturing the association game.

Potential dispute resolution institutions include the Nigerien civil court system; the administrative court system, including the "conciliation" proceedings run by tribal and group chiefs; independent Islamic clerics who function as "judicial entrepreneurs"; and the Wodaabe customary moot. Two other fora which might be developed are ad hoc arbitration commissions and NRL dispute resolution. Advantages and disadvantages of last alternative in particular are subjected to extensive discussion, since assertion of NRL quasi-judicial authority for association dispute resolution has tremendous negative implications for the future autonomy of those organizations.

Major Appendices

Several critical appendices complete the report. They treat several themes of major significance, not easily integrated into the main body of the report concerning institutional analysis and design of herder associations.

Appendix 1 treats various aspects of Nigerien land tenure, and water law and practice as these bear on use of pastoral zone renewable natural resources.

Appendix 2 investigates principles and evolution of the Development Society proposals put forward by President Seyni Kountche as a new framework for efforts to create greater levels of popular participation in planning and implementation of development activities in Niger.

Appendix 3 sketches out background, mandates and current policies and possible evolution of eight technical agencies whose missions relate in one way or another to herder association activities.

Appendix 4 provides a very brief review of activities currently being undertaken by two other range management projects now operating in Niger: the FED-financed Sud Tamesna project and the World Bank-financed Niger Centre Est project.

Appendix 5 lists individuals consulted in field investigations undertaken in preparing this report.

A bibliography concludes the document.

I. INTRODUCTION: INSTITUTIONAL ANALYSIS OF HERDER ASSOCIATIONS

Organizations are instruments. Like other tools, their forms should be determined by the tasks they are meant to accomplish and the context within which activity will take place. Those who want to create effective organizational tools face a critical preliminary task: institutional analysis. This preliminary step involves defining goal(s) of the organization to be created, and constraints which will influence feasibility of various organizational designs. Definition of goals and constraints depends, in turn, on identification of problema(s) to be solved through creation of new organizations or modifications of existing ones. The steps then, are:

A. institutional analysis

1. problem statement
2. stipulation of organizational purposes
3. identification of relevant constraints

B. institutional design

4. fashioning of organization constitutions in light of probable consequences of various different kinds of rule structures.

This framework organizes the following report. An initial statement outlines potential problems. These are: (a) range degradation; (b) inadequate service levels (health, credit, marketing facilities, cereal grain supply, etc.) available to project zone herders; and (c) inadequate herder organization which hinders both effective defense of herder interests and

promotion of self-help activities to help improve service levels in NRL project zone communities. .

Next, potential organizational purposes (range management, provision of various service packages, effective organization to promote herder interests and facilitate self-help) activity) are stipulated.

Constraints influencing feasibility of range management, service provision and herder organization are then reviewed.

Finally, alternative institutional designs are canvassed in a search for those most likely to resolve the initial problematic situations.

II. POTENTIAL PROBLEMS AND ORGANIZATIONAL PURPOSES

Potential Problems

A range of potential problems can be identified in the NRL project zone. Project researchers and herders operating in the zone will determine what actual problems exist in any particular subsector. One can however sketch the potential range of problems.

Natural Resource Management Questions

1. In the limiting case, no long-term pasture degradation exists. Therefore no pressing need exists to organize management practices to maintain a renewable natural resource.
 - a. Even in the limiting case, it may be possible to organize management practices to upgrade the value of the resource (e.g., by increasing perennial grasses in a predominantly annual grasses pasture). The relevant question in this situation: is the game worth the candle.
2. Pasture degradation exists.
 - a. It is not serious enough (yet?) to warrant investing time, money, blood, sweat and tears in creating organizations which can stem or reverse the process of pasture degradation and so productively manage the renewable resource.

- b. It is serious enough to justify organizing management efforts.
- 3. No pasture degradation exists, but strategies now underway will permit some few herders and/or absentee stock owners to establish dominant control over zone pastures, to the detriment of many stock owners/herders now operating in the area.
 - a. One of these strategies may involve establishing exclusive control over sub-areas by converting selected parts of the total common property pasture lands into privately appropriated agricultural fields and gardens (the much discussed "remontée vers le nord de l'agriculture"). Pastoralists diversifying into mixed farming, as well as farmers and agro-pastoralists from the south, can all play this game. A common strategy is to surround valley bottom well points with fields, and threaten litigation to recover compensatory payments for crop damages if others don't keep their stock out of the area [see Appendix I, Pastoral Zone Land Law, pp. 184-85, for further discussion].

Service Provision Difficulties

A second set of issues, independent of or interdependent with and partially supportive of pasture management associations in some cases, turns on herders' relationships to GON (Government of Niger) technical services, as well as the

existence of a fundamental set of problems. Among these:

1. Veterinary care for project zone livestock.
2. Human health care for zone populations, most particularly those living away from the zone's scattered administrative centers.
3. Access to cereal grains now essential to the local diet.
4. Access to other items essential to local life-styles (tea, sugar, etc.).
5. Access to livestock food supplements (cotton seed cake) and salt.
6. Access to credit for purposes of increasing herd size.
7. Access to credit for purposes of avoiding stock sales untimely in terms of prevailing market prices.
8. Access to credit for purposes of well construction (and other livestock enterprise improvements which might be envisaged).
9. Assistance with predator control.
10. Access to primary (secondary, etc.) education for zone children on terms acceptable to herders.
11. Access to literacy training for zone adults on terms acceptable to them.
12. Access to enlightened counsel concerning strategies to adopt in seeking improved services, either through local self-help efforts or through access to public services provided by the government.

The above list is only suggestive, not exhaustive, of activities which might justify costs of organizing herder associations.

Herder Organizational Problems

A third set of issues turns around questions of herder organization. These underlie, in a very fundamental way,

range management and service level problems. NRL project zone pastoral societies are currently structured by two quite different of organizations: informal local institutions (patron-client relations, democratic camp, clan, etc. assemblies); and the bottom end of the GON national administrative hierarchy, i.e., chefs de tribu at the local level and chefs de groupement at the district level.

The former institutions, although intimately involved in herders¹ daily lives, are not especially authorized to publically defend herder interests. They also lack any authorization to use coercive powers in trying to organize local self-help activities.

"Traditional" chiefs, styled collaborateurs of GON administrators, do exercise at least quasi-coercive powers, but not to promote local initiative or self-help activities. They function primarily to execute programs (taxation, etc.) conceived and implemented from the top down within the administrative hierarchy. Although there are exceptions, chiefs do not by and large speak with an independent voice in discussing herder problems with their superiors. Institutional pressures tend to prevent this: they depend on administrative superiors, not herder administrés. for continuation in office and advancement. Thus they frequently hesitate to speak out or to undertake activities at the local level which would improve herder welfare, and which are within effectively within the capacity of local communities to

undertake as self-help operations if the appropriate framework for collective action exists at that level. Those frameworks do not now exist. Thus herder interests, e.g., in control of agriculture within the pastoral zone, or organization of more adequate provision of basic necessities, are not very adequately defended.

GON administrators and technical agents see the same problem of inadequate organization from a slightly different perspective: they have difficulty finding reliable pastoral society representatives with whom they can work on a regular, sustained basis. In the context of Development Society initiatives [see Appendix 2, Development Society, for details, pp. 195-200] administrators are seeking to promote a "change of mentality" on the part of herders as well as of other Nigeriens. As President Seyni Kountché recognizes, this cannot be achieved by hortatory rhetoric alone: appropriate local frameworks for self-help activity must be organized. As things stand now, existing state institutions dissuade people from acting to help themselves.

Potential Organization Purposes

Problems specified above under pasture management, service provision and herder organization sub-headings suggest the potential range of organizational purposes. A herder association might be a single-purpose outfit focusing on range improvement or provision of more adequate millet supplies or defense of herder interests. It might be a multi-purpose

organization designed to incorporate natural resource management zone resources (water and pasture), with efforts to acquire more reliable supplies of credit, cotton seed cake and to train local paraveterinarians and parahealth workers.

What herder association goals will be in any particular case should be, in the last analysis, a decision for those involved in and affected by organization activities, i.e., the residents of the NHL project zone. Awareness is widespread among both project personnel and GON officials, as well as among zone populations, that marked geographic differences - as well as commonalities - exist across various sub-sectors of the project area. These geographic differences will correlate with substantial variation in herder association purposes from area to area. The political, economic, social, historical and cultural differences which define the changing mosaic of human groups inhabiting the zone will also influence the range of organizational purposes which will make sense and appear feasible to specific communities within the project area.

These variable purposes and interests can be expected to strongly affect people's perceptions of the need for organization, what constitutes legitimate forms of organization, and advantages and disadvantages of particular activities. In consequence, groups should be accorded leeway to define organizational purposes and formats for their communities, and

to experiment with these in the local context, modifying them when this appears advisable. Technical counsel on such matters should seek to enlighten people about possibilities, not to impose ready-made, preconceived solutions.

Similarities in organization purposes and structures, it should be stressed, will exist, despite regional and local variations. There obviously will be similarities because the same problems are shared by many local groups throughout the project area. It is important nonetheless that a range of herder association purposes and constitutions be envisaged, among which local associations will have the option to choose, in function of their own needs. By implication, a single, immutable constitution and definition of association goals would be inadequate, because in many parts of the zone such a blueprint simply would not fit the local situation.

It should be stressed here that certain range management practices will require coordination among associations, e.g., agreements limiting access to associations' territories, authorization to transit through territories during periods of transhumance, etc. This need not mean however that the entire project area and its environs must be simultaneously organized as mutually exclusive herder associations for range management to be feasible. Indeed, the process of organization initiated in some areas may stimulate comparable associations in adjacent areas as a matter of self defense.

III. CONSTRAINTS: PARAMETERS ON DESIGN OF HERDER ASSOCIATIONS

Introduction

Constraints are multiple. Frequently they reinforce each other. Certainly they impose limitations on sorts of herder associations feasible under project zone circumstances. Limitations are reviewed below in five general areas: technical, economic, financial, legal and policy constraints. Their influence will exert itself generally throughout the zone in some cases, in others, only in particular areas. They relate differently to questions of range management, service provision, defense of herder interests and self-help activities. These nuances will be analyzed more fully in some of the attached appendices. Certain constraints may have been overlooked. Readers are urged to consider this point and complete the list if they identify missing elements.

Technical Constraints

1. Stockraisers' mobility must be preserved. Given the current state of (non-)control over Sahelian rainfall patterns, one can only predict (a) every year some project zone areas will experience inadequate rainfall and (b) some years much or all of the area will suffer from inadequate rainfall. Until and unless alternative fodder sources can be assured (importation, feed supplements on a massive scale, haying operations, etc.), the mobility especially characteristic of

some Wodaabe groups is an important, tested traditional technique to reduce forage demand in deficit areas.

Transhumance patterns practiced by most project zone herding people provide an important technique to exploit forage areas beyond reach in the dry season. At the same time transhumance reduces demand on dry season pastures sufficiently so they can reconstitute themselves during the summer rains.

2. The water table in some zone sub-sectors is so shallow and puisard construction so easy that technical difficulties of water supply do not operate as an automatic, self-actuating mechanism controlling access to pastures. Under such conditions, regulating grazing pressure by governing access to water depends upon prior creation of appropriate "political" structures, i.e., associations empowered to make and/or apply rules concerning access to water in the association's jurisdiction [see Appendix I, pp. 185-87].

Both of these factors have a bearing on herder association membership regulations [see below, pp. 40-42].

Economic Constraints

Recent drought years impoverished many NRL zone herders. They have turned to farming, frequently in the pastoral zone, to support themselves, at least temporarily. For some it may be a long-term commitment to diversifying their economic base: some family members will continue, or go back into herding, while others stay in farming. Agricultural and intermediate

zone farmers and agro-pastoralists have immigrated into the pastoral zone from the south, where because of soil exhaustion and the spread of field agriculture, they can no longer produce adequate crops and/or find adequate fodder for their animals. Destruction of southern pastures through spread of field agriculture has also forced many herders to spend the dry season further north than they previously did. These various groups represent a substantial increase in demand on the pastoral zone resource base, particularly during the dry season when it is most vulnerable.[for details of these population movements in the context of relevant land law, see Appendix 1, pp. 177-81].

Financial Constraints

4. Local associations are not authorized to impose taxes on members. Dues can be collected [Ordonnance 75-11 of 13 March 1975, Art. 3] to finance organizational activities, but members of private voluntary associations (in this instance, herder associations or cooperatives) remain free to avoid dues by quitting the association [Ordonnance 75-11, Art. 5]. Therefore financing activities with local funds will be difficult

unless surcharges can be levied on some private good(s) sold by the association to its members and/or non-members. Proceeds of the surcharges could then be used to finance activities.

5. GON technical service budgets will remain inadequate to finance extensive contacts with rural project zone populations. Pressures will remain heavy to concentrate expenditures

in southern, non-pastoral zone areas, where returns to money and effort invested are superficially higher (better physical and institutional infrastructures, higher population densities).

6. If credit is to be extended to herder-associations, or to mutual groups through cooperatives, repayment levels must be high and reliable [See Brañ Mahamane, then Minister of Rural Development and vice president of the National Commission for the implementation of the Development Society (CNSD), "Reflexions sur la Société de Développement," Sahel Hebdo, No. 214, 25 February 1980, 26]. This raises the issue of group solidarity: when a loan recipient fails to meet an installment, what sort of existing unit seems most likely to either apply pressure to extract payment from recalcitrants, or contribute voluntarily to cover debts of the needy in order to protect the group's credit rating? UNCC investigators think it may be the campement. They believe campement members interact with each other much more intensively on a variety of levels than do individuals who share tribu or groupement affiliations but do not reside together. It would be worth exploring the structure of sub-campement groups, to see whether in some settings stronger cooperative ties exist at that level. If they do, they may provide an even more appropriate framework for credit allocation, providing they include enough members to form a mutual (ten family heads). This would however require modification of existing legisla-

tion on cooperative organizations: at the moment, the rule is that there can be no more than one (1) mutual per village or tribe (which frequently includes more than one camp) of less than 100 producers [Décret 79-05 of 18 January 1979, Art. 2]. [See Appendix 3, pp. 243-52 for details of cooperative organization].

Legal Constraints

7. Currently there is no effective ban on farming in pastoral zone areas. Account must therefore be taken of presence of agriculturalists in organizing pastoral zone land use patterns. [Details concerning relevant legislation and its non-application are canvassed in Appendix 1, pp. 181-87].

8. Cooperatives and herder associations will normally be constituted, under existing Nigerien laws and practice, as private or quasi-public voluntary associations, characterized by free entry and exit. Such organizations would predictably encounter various difficulties in sustaining operations (a) based on self-financing [unless conditions stipulated above, p. 12, no. 4, are met; for further discussion of key aspects of this issue, see the section below on herder association financing, pp. 117-31], and (b) designed to enforce a series of regulations bearing on range management within the associations' jurisdictions. Rules can be avoided by the simple expedient of quitting the organization. The combination of economic and social pressures motivating herders to maintain membership will have to be extremely powerful to counteract

the tendency of some to exploit for their own benefit sacrifices others make (e.g., by reducing the size of their herds to avoid overgrazing in the association's jurisdiction).

9. Traditional chiefs (tribe and group headmen) and administrative personnel (subprefects, administrative post heads, Republican Guards, etc.) are not formally authorized to impose binding judgments in legal cases. They may conciliate parties in a dispute, but cannot formally impose judgments. Working or informal rules almost certainly diverge from formal regulations in resolution of many cases. Prestige or power of some courtholders will inevitably constrain some litigants to accept a proposed "conciliation", not because they can "live with" the judgment, but because they consider appealing it too risky. Issues surrounding the herder associations' potential legal status, and the possibilities for legal recourse are discussed below [see pp. 156-76].

10. Traditional chiefs are elected for life, conditional on good behavior. This gives them some leeway to resist pressure from subjects who may be dissatisfied with their performance.

11. Individual subjects (commoners) can remove themselves from one headman's census rolls and have themselves inscribed on those of another by physically removing from one jurisdiction to another. Whether herders can shift their allegiance from one headman to another, without changing their habitual range areas, is a more delicate question [discussed below, p . 20, no. 19].

Policy Constraints

12. The concept of the Société de Développement or Development Society [see Appendix 2, pp. 191-200, for details] apparently imposes two limits, one broad but firm, the other perhaps narrow but flexible (as emphasized in my February 4, 1981 progress report, statements about specific content of Development Society policies and institutions will remain conjectures only until final recommendations are presented by the CNSD to President Kountché in early 1982).

The first constraint concerns emphasis on cooperativization of Nigerien society. The general scheme strongly insists on cooperatives as the framework for productive activity. This may require some years to achieve, but it appears likely to persist as an overriding policy goal. Cooperatives will thus be the GON-preferred vehicle for collective organization in the project zone. At what stage .. they can or must be introduced remains at present a negotiable item.

More important, no firm ban has been imposed on other, potentially allied forms of organization, e.g., herder associations. Thus, pending notice to the contrary, such groupings appear politically legitimate. They may thus be created before, along with or after cooperatives in an area.

The second constraint involves the organizational basis of the samaria, the youth associations which are to have,

ultimately, responsibility for initiating local projects and enterprises. There is considerable emphasis on individual sacrifice for the common good, in the form of voluntary investment in self-help projects, etc. It is conceivable, but probably inadvisable, that this condition be applied to herder association officers: the option to pay them using local funds, as one means of retaining member control over organization officials, should be left open if possible.

13. Food self-sufficiency policies advocated by GON may make it politically infeasible to control farming in the project area, much less exclude it from the zone. [see Appendix 1, p. 185].

14. OPVN (Office des Produits Vivriers du Niger, Nigerien Staple Grains Office) policies in post-drought years have tended towards assertion of ever-increasing degrees of control over staple grain markets within the country. The upshot this year has been a hold-back by many grain producers. OPVN has thus been unable to buy anything like the amounts it formerly did in the "bread basket" departments of Maradi and Zinder [Abdoulaye Boureïma, "Produits vivriers: le seuil de ...tolérance," Sahel, Thursday, 28 May 1981, 3]. In consequence, OPVN's recently appointed director, Adamou SOUNA (named in October, 1980), hopes to shift' the agency's marketing policies back towards the original conception of OPVN as a market equilibrating mechanism. If this new orientation is realized [Abdoulaye Boureïma, "Produits vivriers:

le seuil de...tolérance," Sahel, Thursday, 28 May 1981, 3, suggests President Kountché may be considering a reduction of subsidies currently devoted to OPVN operations; an earlier speech by the president also indicated rural communities would be expected to progressively take over grain storage functions: President Seyni Kountché, "Message à la nation", Nigerama Spécial, Tuesday 15 April 1980, 62], inter-cooperative exchanges on terms attractive to both herder and farmer cooperatives may well become feasible. This could open the way for self-help efforts at providing adequate grain supplies in the project area, through activity of herder associations or cooperatives.

15. While difficult to assess, it appears likely many public servants may be hesitant to accord increasing degrees of autonomy to local organizations (including herder associations and cooperatives), despite apparent pressure in this direction from the highest GON circles, on grounds this will promote abuses of power by those best placed to seize control of such units. In some cases this may constitute a serious hurdle to progress towards self-management at the local level.

16. Many civil servants hold attitudes which favor centralization of control (at least at their level) over service activities in the countryside, and promote an interventionist, statist, top-down approach to development rather than a collaborative orientation which foster autonomous initiatives and action by rural residents.

17. GON regulations tacitly reinforce this centrist orientation by imposing central (Ministry of Interior) authorization as a condition for legitimate constitution of private, quasi-public and public organizations [Ordonnance 75-11 of 13 March 1975, Art. 6, spells out the procedure for registration; the association must be listed with the jurisdiction where it has its official seat, and be approved by the Ministry of the Interior, after which an announcement to this effect must appear in the Journal Officiel]. This need not create an insurmountable barrier to collective organization, but it does amount to a "political" cost of organization in a society where many individuals are illiterate and relatively unfamiliar with official forms and processes.

19. At present, herders frequently lack recourse when they disagree with official policies and/or officials' activities in the project zone. Autonomous cooperative unions and samaria (youth) associations may help to remedy this lack, by creating new channels of contact with government authorities and new relationships between public servants and citizens. Another possibility is to promote judicial recourse for associations, so that disputes with officials could be submitted to (relatively) impartial third parties for review [considerations influencing the decision to opt for judicial recourse are considered below, pp. 160-67].

One of the explicit goals of the Development Society policies will probably be to move those people who currently

occupy the category of passive citizens into that of active citizens, concerned with the process of development, and by extension, with the defence of their rights.[see Appendix 2, pp. 202-04]. Realization of this goal would help reduce the power gap which currently separates administrators and technical agents from common people. It might well contribute to motivating improved public servant performance.

In the meantime, and while the power gulf persists, many herders will likely remain highly ambivalent about contacts with officials and suspicious of the activities of some. This imposes a serious block to open communication and full confidence, which are probably necessary conditions for mutually beneficial interaction between herders and officials.

19. While chiefs are elected for life, on good behavior, and are thus difficult to dislodge when they have once attained office, their hold over their administrés is weakened in some times and in some places by the facility with which individuals can transfer their allegiance from one headman to another, or indeed create new tribal groupings under newly appointed headmen. The degree of facility with which jurisdiction switching or hiving off occurs in any given situation depends upon attitudes of the district administrator (administrative post chief or subprefect). Such citizen initiatives (which may take on the character of informal referenda on a headman's performance) are thus uncertain but, when available, powerful means of counteracting a headman's potential or actual abuses

of power. On the other hand they may constitute citizen attempts to escape certain duties (payment of taxes, among others) imposed by the government.

20. The GON commitment to creation of a common, national identity among all Nigeriens might conceivably be interpreted as discouraging herder associations based on ethnic groupings. However ethnic groupings - the camp unit - seem an appropriate format for mutual groups. Indeed, the uni-ethnic mutual groups of the agricultural zone, based on (typically) uni-ethnic rural villages, provide an appropriate precedent. And, like the sedentary zone mutuals, those of the project area could be organized in multi-ethnic cooperatives or herder associations at the pastoral unit level [see below, pp. 38-74]:

21. Compensatory payments frequently imposed on herders for crop damages their animals cause in fields north of the "farming limit", in direct contradiction to the 61-05 legal text, constitute an obvious encouragement to spread agricultural activities deeper into the pastoral zone. Given frequent interests of chiefs imposing compensation in developing local sources of staple grains and in consolidating control, either directly or through their administrés, over parts of the project zone by individual appropriation, it appears highly unlikely any new line to limit the northward extension of agriculture will be respected if enforcement procedures remain unchanged. This is particularly true in cases where individual farmers are ex-herders impoverished by stock losses

during the drought. Frequently they prefer to remain in the pastoral zone. They might have difficulty in acquiring access to land in the agricultural and intermediate zones to the south. To deny compensation for crop damage to an individual whose survival depends upon it would leave many a project area chief feeling very uneasy, and might also meet with disapproval from a substantial part of the local community. [for a more detailed discussion of the causes underlying the northward advance of agriculture, see Appendix 1, pp. 177-87].

22. Decisions on well sitings, both in the case of traditional ones and of those constructed by OFEDES, do not now have a public character. Yet such installations strongly affect possibilities for pasture management in many parts of the NRL project area, since water availability regulates access to pastures. [for further discussion, see Appendix 1, pp. 187-90].

These various kinds of constraints are important factors to be taken into account in designing herder associations. Few are immutable - they are subject over time to manipulation and modification - but they are likely to be difficult to change. In the discussion of herder association constitutions which follows I suggest occasionally that it might be worthwhile to attempt to modify a constraint. When I do, I try to suggest the probable costs as well as benefits of such an action. Others are of course welcome and encouraged to make their own calculations.

IV. BERBER ASSOCIATION CONSTITUTIONS: DESIGN ALTERNATIVES AND MODELS

Introduction

In designing constitutions one should avoid two extremes: the "captured game" and the "Polish Parliament" syndrome.

The former denotes a constitution whose rules permit over-centralization of power in the hands of too few individuals. They then control play of the game - they "capture" it - and run it to suit themselves, often to others' serious detriment.

The latter denotes a constitution whose rules so disperse power among many individuals it can never be gotten together again to make necessary decisions. Neither constitutional solution adequately addresses problems humans confront in trying to use collective power productively.

This and the next four chapters outline a logic of constitutional design, in terms of basic decision rules (Chapter IV), and options in elemental constitutional building blocks: definitions of jurisdictions, conditions of membership, creation and dissolution of associations, entry and withdrawal (Chapter V) officials, elections, operational and constitutional decision-making rules (Chapter VI); allocating authority for service provision and range management (Chapter VII); and financing (Chapter VIII).

Some may be struck by the complexity of certain options, and by the boldness with which rule consequences are projected.

As for complexity, balancing institutional powers in a stable equilibrium is no simple matter as generations of

constitution writers have rediscovered time and again. To disperse power without destroying it, so it can be used by many, together, in a controlled fashion to solve common problems is often a neat trick. It may be simple in small homogeneous communities where interests are generally alike or compatible. It will usually be much more difficult to successfully control power in more complex communities where interests compete, perspectives vary and levels of mutual confidence among groups are low. In such situations using power in a controlled, productive manner over the long term often required recourse to a variety of constitutional mechanisms, the sum total of which may indeed be complex.

Complexity may be used by some as an argument in rejecting attempts to balance powers, to create and maintain an open game, in favor of simple rules easily understood. The rejoinder in this case is, I think, two-fold. First, those who are meant to choose and use these rules are not simpletons. Both Fulbe and Tùareg have known fairly complex political institutions. Some of these continue to function. The issue is rather whether some theoretically workable combination of alternatives proposed below will work for, can be transferred into, Tuareg or Fulbe society (or Tutu or Arab society). That is an issue I cannot decide. It is one for people better informed about workings of Sahelian pastoral societies, including first and foremost, Tuareg and Fulbe (and Tubu and Arabs).

Second, simple rules easily understood do not necessarily

create a decision-making process which operates in the interests of those who have to live within those rules,....which is, in a fundamental sense, an important test of any constitution.

The boldness with which rule consequences are projected is partly a pedagogical device: exaggeration to highlight major trends, but also to bring out nuances. But the consequences predicted should follow as predicted, with the following caveat. Constitutional rules do not function in isolation. They interact. The blend which results is subtle and to some extent unpredictable. The local variability remarked on throughout this essay inevitably gets mixed into the blend. Assuming a herder association gets off the ground, attains the status of a going concern, it will most likely require repeated adjustment and amendment of the association constitution over time to achieve a set of rules which controls power while avoiding both a captured game outcome and the Polish Parliament syndrome.

The options described below then are a set of starting propositions. They are meant to be commented on, discussed, argued about, accepted, rejected and modified by people who are searching for a decision-making framework which will redound to herders' benefit.

The Setting

All societies use some sort of decision-making processes. In some, such processes take the form of explicitly formulated procedural and substantive rules which serve as reference

points in judging legitimacy of actions. In others, the decision-making process may amount to a highly informal, unstructured set of discussions. In some societies, many hold power and participate in decision-making. In others, power is closely held by a small group, and participation in decision-making by non-power holders is minimal.

It seems established that:

- a, political organization varies from ethnic group to ethnic group (principally Tuareg and Fulbe) in the NRL area; and
- b. political organization varies within ethnic groups, e.g., the Tahoua groupements present a structured form of Tuareg society versus looser arrangements elsewhere in the project zone; or the substantial size of ardo'en followings in the west (Abala) contrasts with the "miniscule groupings" characteristic of the Tahoua-Agadez boundary area.

Thus, political institutions of pastoral zone groups are variable. If one assumes no central, single service package solution will adequately address preferences and priorities of people in millet-surplus and millet-poor, water-rich and water-poor areas, then by implication provision of services must be flexible and tailored to local needs and perceptions of problems. Similarly, one area, or a group in an area, has a highly centralized structure dominated by a single individual. Another group in the same area or elsewhere in the project zone

has relatively little effective political hierarchy. Presumably herder association constitutions for the two groups ought to be tailored to take account of these differing situations, and perhaps modified again to fit constraints inherent in the organization of other groups.

An interesting issue is involved here: how is the tailoring to be accomplished? Through state intervention? At what price in local participation, autonomy, association efficacy? Through local group discussion? At what risk to efficacy and local participation if it means local notables control proceedings through the discussion?

Nigerien civil servants frequently assert Tuareg nobles in some parts of the project zone so dominate their entourages that all GON benefits which flow into local communities are captured by leading nobles/patrons. Votes and signature* are said to be manipulated by these local leaders to divert loans, or stock or food distribution designed to aid the least well off. Civil servants¹ perceptions may well be influenced in some degree by ethnic and racial antagonisms, but it seems likely such assertions are not totally unfounded.

Baier [1980] for instance argues Tuareg social structure functioned as a mechanism determining access to resources and among other things was deliberately fashioned to buffer those highest in the hierarchy from adverse effects of major calamities such as drought. Given the severity of the 1970s drought, one can assume many Tuareg nobles are still in the

process of reconstituting their holdings, They will not likely allow much to slip through the cracks to lower status individuals until they are again confident of their own resource position. Whether at that point they will begin again to distribute surplus resources to clients remains to be seen - and is a crucial question.

Others indicate that, within the contemporary Tuareg community at the local level there is little to distinguish between a tribal chief and the individuals he ostensibly "controls" [Mouhamadoune Abdourabahi, "Rapport de fin de tournée avec la section socio-économique," Projet Gestion des Paturages/Maradi, Ibécétene, 8/15/80].

NRL efforts and strategy hinge on positions adopted concerning acceptability of perpetuating these master-servant, patron-client relationships, if and where they do exist. It is not self-evident what the project position should be in this case, because it is not obvious what the outcome would be once nobles regain their pre-drought levels of resource control. One should, in this regard, consider the possibility that Tuareg nobles could move to drive harder bargains with subordinates, reducing them to powerless dependents able to make very few if any claims to important resources.

Where coercive local political structure is minimal, on the other hand, as apparently among most Wodaabe groups, and fluid: [Angelo B. Maliki, "Etude socio-démographique sur la population Wodaabe et Fulbe de la région du projet NRL," Projet Gestion des Pâturages (NRL), n.d. (2/81)], probabilities

are poor that associations will continue to function once it becomes necessary for members to contribute something towards supporting them, in the absence of clear and positive benefits available only through membership in the association. Members can hive off, move to other groups, or simply withdraw. If remaining members cannot sustain the operation as a going concern it will eventually fold.

It should be noted here that groups whose pre-existing control structures are least capable of enforcing compliance with group regulations are compelled by the Development Society's general emphasis on voluntarism to confront organizational problems under what are for them very difficult circumstances. Potential leaders cannot rely on existing control structures in other areas of local life to undergird efforts to form new associations.

In the situation under consideration then, substantial differences characterize power distribution and degrees of participation in decision-making among Tuareg and Fulbe groups, including Wodaabe. Furthermore, neither ethnic group may have much experience with formal voting rules of the sort discussed below. But constitutions are sets of rules. If herder association constitutions begin as irrelevant legal forms in terms of local experience, they will either have to be modified to make them relevant to the situation, or discarded in favor of a new approach. Evidently UNCC confronts the same problem in starting cooperatives in the NRL zone.

Theoretical Remarks

Constitutions define rules of political games. They can be written, but they don't have to be: African villages, Mafia organizations, Russian communes all have constitutions, just as surely as does the French Fifth Republic. Constitutional rules stipulate who can play, under what conditions, what is fair and foul play, and penalties for breaking the rules. These rules may or may not be informed by a sense of equity; they will unquestionably establish a certain "rig" to the game, which will enhance the power of some and diminish that of others, e.g., elites versus non-elites, technical agents versus herders, majority versus minority ethnic groups.

Biases particular rules introduce into the play of the game can be roughly estimated. At one extreme a unanimity rule creates a bias against collective action: it authorizes any single player to frustrate action by exercising his veto. At the other extreme, an anyone rule creates a situation where collective action is highly likely to occur because any single individual can commit the group. Between the extremes, as one moves from anyone to unanimity, time and effort costs required to secure a winning coalition progressively rise. Note that anyone rule is not one man rule. The latter does not fall on the anyone-unanimity continuum. While one man rule is useful in certain situations, such as warfare, it would not appear to be very helpful in the context of herder associations. It will therefore be disregarded in the remainder of this analysis.

A second set of biases relate to potential deprivation, costs - the undesirable consequences contingent upon collective action, such as having to pay taxes or dues to support those activities, or comply against one's will with legislatively-imposed restrictions on behavior. However, one man's deprivation may mean another's advantage, e.g., when a public well, open to all, is constructed next to a private well whose owner previously controlled access to area pastures through control of water rights. Those who expect to benefit by collective action will prefer rules - those from the middle (simple majority rule) towards the anyone end of the scale - which facilitate action (and they may prefer one man rule if they are convinced the dictator will always decide in ways which favor them).

Those who expect to lose conversely argue for more restrictive rules, assuming reasonably the requirement that an extraordinary majority - two-thirds, three-fourths, or even unanimity - authorize an action will permit them either to block it altogether or extract concessions mitigating the potential deprivation costs to them, as a condition for their support.

This principle implies homogeneity within a group increases likelihood all members will bear similar effects of general decisions, and so reduces risks of action being taken against interests of some (minority) of members. Therefore, less restrictive rules, e.g., simple majority, which facilitate collective action, can be used to make operational decisions

concerning service levels, dues, etc., with less risk of unacceptable deprivation costs being suffered by some in the community. Conversely, heterogeneous groups might reasonably adopt more restrictive rules, which tend to protect those who favor the status quo on a given issue at the expense of those advocating change. Or such groups could adopt less restrictive rules, facilitating change, but at the risk of imposing serious deprivation costs on the losing coalition in any decision.

If a group, heterogeneous in composition, is consistently divided over all issues into stable sub-groups of have and have-nots, or powerful and powerless, the political biases of those voting the constitution will determine whether change-impeding or change-facilitating rules for operation decisions are desirable. If a heterogeneous group is subdivided into stable sub-groups, but wins and losses vary over issues, or if unstable, shifting coalitions prevail, peoples' positions on desirability of more or less restrictive rules will depend on their preference for risk and estimates of their chances, and the benefits, of winning, as well as their exposures to the consequences of losing.

In summary, more restrictive rules mean higher decision-making costs and lessen the likelihood collective action will occur. The impact of those same decision rules in terms of deprivation costs is uncertain, and will be strongly influenced ^{by} details of power distribution in particular local situations. For that reason, it seems highly appropriate

to encourage local participation in selection of decision rules governing herder association activities. On the other hand, encouraging local participation at the constitution-making stage risks consolidation or reinforcement of existing powers and privileges already enjoyed by local power elites.

Therein, as noted, lies a serious dilemma. Imposing a constitution risks creating an irrelevant structure, or one which elicits active opposition from local notables who fear a threat to their power position. Encouraging participation may open the way for such individuals to reinforce the rig of the game in their favor. This dilemma suggests something of the magnitude of the task extension workers will face when it comes time to create herder association constitutions in the field.

Hiving Off: A Competitive Option To Encourage Official Responsiveness

Another element can be introduced here: facility with which organizations can be created. If those already members of a herder association, becoming dissatisfied with its performance and unable to modify it from within, have the option of hiving off to create an organization of their own, people may gradually sort themselves out into relatively homogeneous local groups. The mere threat to entrepreneur a new group, moreover, may provide original group "losers" sufficient leverage so they can obtain redress within that group and avoid trouble and risks associated with forming a new one.

By contrast, imposed association forms may fail to provide for exit and constitution of competing groups, insisting instead that fairly large groups of people work with each other on a permanent basis in the lowest-level units. This solution may inject such tensions into organizational life that losers simply withdraw, believing non-participation preferable to the net negative balance of costs and benefits associated with membership.

It seems important to stress this point, since the obvious purpose of trying to experiment with herder associations is to arrive finally at ones that work. Substantial administrative costs will accompany a decision to encourage associational entrepreneurship and to permit constitution of competing groups. Multiple groups will be harder to control and may be more difficult to service than single large units (although this is by no means a foregone conclusion). At some point, hiving off may degenerate into a large number of micro-units whose very diminutive size renders them ineffectual for service provision or pasture management. Variable degrees of intra-group homogeneity may mean appropriate sizes will vary from place to place.

UNCC (Union Nigérienne de Crédit et de Coopération, Nigerien-Credit and Cooperative Union, the agency with tutelary authority over cooperative activities in Niger) appears likely to choose the camp as the basic mutual unit, on grounds camps are the largest units in pastoral societies where solidary ties really

exist [see above, p. 13, no. 6]. This reflects a perception that camps are in fact voluntary associations, composed of family units which enter and leave at will. If this is true preferences within a camp may already be quite homogeneous.

One might then consider starting with the camp unit as the basic one, but permit fission if local people judge it advisable, down to a level of perhaps five to ten families per association unit [Project researchers will have to make judgments - about appropriate sizes in different areas; note also that hiving off is not now permissible...a point considered below, pp. 54-58, and pp. 247-48].

Herder Associations: An Overview

Remarks above imply NRL personnel may, by astute manipulation of rule structures, rig the game at least marginally to increase chances herder associations will persist and succeed.

It is assumed, as already stated [see above, pp. 7-9], that goals of such organizations are potentially multiple. They could defend herder interests generally. They could promote herder welfare, including but not limited to provision of such services as cereal supply, human and animal health care, predator suppression, livestock food supplements, education livestock marketing, loan financing for herd reconstitution and well creation (the last three probably through a UNCC framework) and range management. AH association could be set up as a single-purpose organization, or as a multi-purpose one. New functions could be added subject to explicit approval by the membership [see below, pp. 90-92, concerning decision rules].

Two-Tiered Association Model Outlined

A two-tiered associational model underlies remaining discussion in this section on herder association constitutions. This model, the most complex one, and several simpler variants are examined below. A quick outline of the two-tiered model's major elements and functions at this point will help orient readers in subsequent analysis.

The complex two-tiered associational model would involve some form of local group at the tribe, camp, or sub-camp level, to deal with local (self-help) provision of services mentioned above (cereal supply, human and animal health care, etc.). It would also involve a larger, supra-local unit to (probably) participate in some aspects of service provision, defend herder interests in contacts with GON officials, and eventually coordinate pasture management activities.

A simple, three-man leadership group (president, secretary, treasurer) is envisaged at the local level. Locally-elected delegates would represent these basic units at the supra-local "pastoral unit" level, where a more complex leadership group would function.

Decisions at the pastoral unit level would concern broad-scale pasture management. Decisions would include not only coordination of pasture exploitation within the jurisdiction by association members, and possibly drought-year decisions imposing liquidation by proportional percentages of local herds, but negotiations with other pastoral unit herder asso-

ciation to evacuate local herds in fodder deficit years and host foreign herds in surplus fodder years. The supra-local, pastoral unit herder associations would also handle some aspects of service provision, and would organize most relations with GON officials and technical agents.

From this simple model a fairly complex structure can be developed. By varying decision rules at various points, a number of interesting alternatives can be achieved.

Summary

This chapter has briefly reviewed some of the gross differences between Tuareg and Fulbe/Wodaabe political structures (while recognizing the existence of intermediate variants between some highly structured, hierarchical Tuareg units and the generally more egalitarian, democratically organized Wodaabe groups), which form the setting within which herder associations will operate. Next, some theoretical remarks developed a set of basic terms: unanimity, any one, one man simple majority, extraordinary majority decision rules; time and effort costs associated with achieving decisions under different types of decision rules, and potential deprivation costs which may be associated with decisions taken under such rules. Thereafter, a short section considered advantages and disadvantages of permitting groups within a camp to hive off as separate local herder associations (intra-group homogeneity and ease of action versus higher administrative costs potentially involved in having to deal with a multitude of small units). Finally, a two-tiered association model was outlined.

V. GETTING STARTED: JURISDICTIONS, MEMBERSHIP. . . . AND DISSOLUTION

Introduction

In designing herder associations, constitution-making - choice of appropriate decision rules - will be necessary in several areas. This and the three following chapters will analyze, in order, the following five topics:

1. processes of association creation and dissolution, including jurisdiction definition and membership criteria, at both local and pastoral unit levels;
2. selection of officers at both levels, and of delegates from local to pastoral unit levels;
3. determination of services to be provided through the association;
4. determination of range management activities, i.e., control of pastoral zone land use; and
5. financing of association activities.

Jurisdiction and Membership Criteria Options

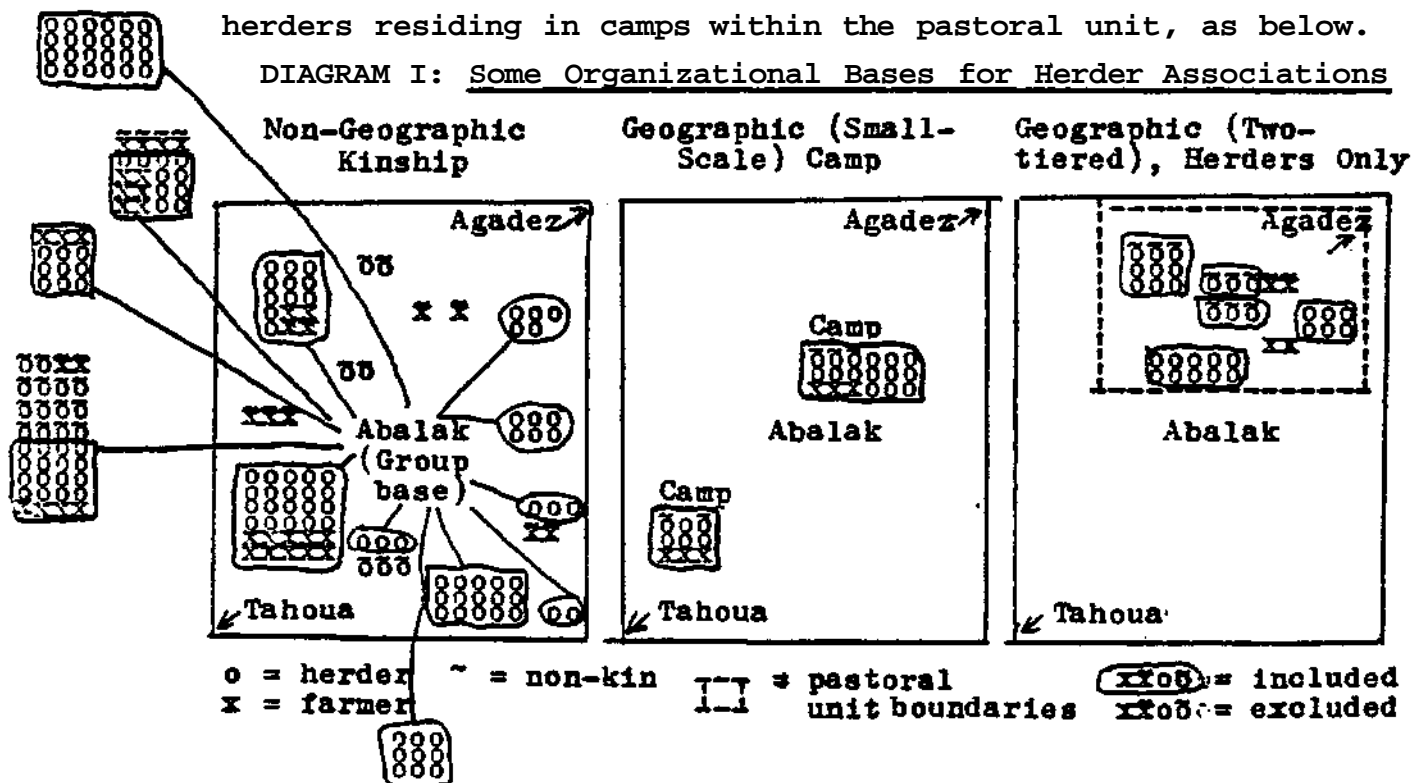
Three geographic jurisdictions of different scale offer themselves as possible frameworks for herder associations: the simple (small-scale) camp, the simple (large-scale) pastoral unit, and a complex, two-tiered jurisdiction composed of a pastoral unit encompassing several (many?) camps.

An alternative, non-geographic jurisdictional framework would be the nomadic tribe or group, i.e., a jurisdiction defined essentially by reference to the GON administrative criterion of membership in a tribe, or in an associated set of tribes sharing a common superior representative, the group chief.

Membership in herder associations could be based on any of three different criteria: geographic location; kinship (which would correspond, with the exception of the odd, non-related immigrant incorporated into a tribe, to the administrative criterion of tribe or group membership); or vocation, e.g., herder, farrier, artisan, etc.

The combination of jurisdictional and membership criteria results in a complex set of potential bases for herder association groups, e.g., geographic (small-scale) camp with no vocational restrictions on membership, in which kinship would be irrelevant; or non-geographic, group-based units where neither geographic location nor profession bore on membership eligibility; or again, a geographically-defined, two-tiered pastoral unit, membership in which would be limited to those herders residing in camps within the pastoral unit, as below.

DIAGRAM I: Some Organizational Bases for Herder Associations



Rather than run the changes on the entire set of possibilities it seems more useful here to essay some general comments on advantages and disadvantages of different arrangements, and then suggest in a note concluding this section those which seem most appropriate.

Controlling Assumptions Reiterated

The ensuing discussion assumes three purposes guide choices about association framework and memberships.

1. Associations should promote a reduction in dry season herding movements [RN/MDR/PDE, 3/80: Art. 2; and the nicely nuanced position of Dr. Ari Ibrahim, RN/MDR/DSEIA, 12/78: 3], consonant with the availability of fodder and water in the jurisdiction, to facilitate better access to services, promote investment in range management over the long term, and strengthen herders' joint claims to pasture and water rights [Concerning the last, see particularly RN/MDR/DSEIA, 12/78: 4].

This is not an argument favoring sedentarization of herders, or even of restricting movements when normal responses of the most mobile elements (some Wodaabe groups) would be to flee stricken areas and thus felicitously reduce grazing pressure on already over-taxed fodder sources. Instead, it is a calculated attempt to bring herders into more manageable units - more manageable, certainly for GON officials, but most importantly, more manageable by herders themselves, in light of newly relevant goals. Self management, and a reasonable

degree of unity as a prior condition for self management, appears indispensable to defense of herder interests and ultimately, to fulfillment of goals established for the pastoral zone by the Five Year Plan (1979-83), i.e., production of a surplus to improve nutritional standards in Niger and to supply livestock products for export [see Appendix 3, Elevage, pp. 222-23].

2. Herder associations will be fragile organizations under the best of circumstances. In order to attract and hold members, and to mobilize them to pursue appropriate goals, herder associations must provide herders ways to address real problems and find effective solutions on an acceptable cost basis. Given the straitened circumstances of many herders, "acceptable cost basis" means as inexpensively as possible in terms of combined decision-making costs (time and effort, plus potential deprivation costs).

3. To achieve 2. above, herder association forms must foster and promote herder participation in local self-management activities. This follows from arguments already set out. In particular, costs to herders of organization can only be driven down if they have ways to openly express their assessments of association activities and, when these are negative, to get redress either by modifying internal organization and/or decisions, or by starting new associations of their own, under rules which facilitate creation of homogeneous entities in which decision-making costs are

reduced.

Given these assumptions, let us proceed by excluding less appropriate jurisdictional and membership criteria.

Jurisdictional Bases Evaluated

Administrative Tribe/Group Complex

The least appropriate basis for herder association jurisdictions seems to be the administrative tribe/group complex [see Diagram IIA. below, ^{rpx} 7H-JCf9r*^{tu}UNCC's adaptation].

Relying on administrative census data as a criterion does have three advantages. First, this is the criterion adopted by currently controlling cooperative legislation in the country for extension of cooperative organizations into the pastoral zone. Time and effort costs would be involved were an attempt undertaken to modify that legislation. However, the attempt may already be underway, at the initiative of UNCC (cooperative tutelary agency) officials.

Second, if herder associations work well enough to be worth entering, herders currently off the census rolls will have themselves put on in order to benefit from membership. GON will thus have more reliable figures on the country's nomad population, which may strengthen herders' claims to a proportional share of services.

Third, using census rolls avoids hard questions which arise when jurisdictions are geographically-based and proximity is the criterion of membership.

Serious disadvantages accompany adoption of administrative

groups as the herder association basis. This riggs the game from the start in favor of a framework which:

a. is defined in power terras, strongly associated with top-down command and taxation systems rather than bottom-up participatory systems, and would be reinforced by giving it jurisdiction over herder associations, thus hindering achievement of Development Society goals;

b. is unrealistic in the sense that even at the lower - tribal - level, to say nothing of the group level, little feeling of group unity exists [see Appendix 3, UNCC, pp. 247-48, and sources there cited]; and

c. is inappropriate because it makes no reference to geographic bases of organization, e.g., individuals inscribed on census rolls in Madaoua Arrondissement may habitually spend the entire year (not just the rainy season) in the high steppe area between Tahoua and Agadez, and would be automatically excluded from activities centered elsewhere on locales where the bulk of the group habitually operate.

Geographically-Defined, Large-Scale Jurisdiction

Geographical jurisdictions based on a large-scale territory - the pastoral unit - seem ill-advised for some of the same reasons the administrative tribe/group complex fails: while it deals with the issue of geographic proximity at one level, it does not address the issue of group unity. This is a major weakness in a situation where characteristically a

large-scale pastoral unit would include individuals of at least two ethnic groups and possibly three or more (as ethnic divisions are understood by Wodaabe, Fulbe, Tuareg of various confederations and regions, Bugaaje, Arabs, etc.). Large-scale territorial jurisdictions by themselves therefore seem inadequate as an association framework [see Diagram IIC, p. 74].

Geographically-Defined, Small-Scale Jurisdiction

Geographical jurisdictions based on a small-scale territory - the camp - seem ill-advised over the long run. The camp generally meets the need for unity and some form of pre-existing local framework useful for decision-making, but lacks the scale necessary to address broader problems effectively, e.g., range management, representation of herder interests, some aspects of service provision. In the short-run however, the camp might well open a useful avenue of approach to herder association organization.

Geographically-Defined, Complex Jurisdiction

Over the long term, a complex jurisdiction composed of a pastoral unit encompassing several, or even many camps, seems the solution best adapted to local circumstances, and second most consonant with currently controlling cooperative laws. It offers the advantage, on the one hand, of a small jurisdiction potentially capable of managing service deliveries and water source development and use, and on the other, of a

large jurisdiction potentially capable of handling aspects of service provision, representation of herder interests and range management issues which exceed boundaries of any small camp unit.

Note however that certain (unavoidable) drawbacks, notably their multi-ethnic character, will hamper smooth operation of such complex jurisdictions. This point will be considered once membership criteria have been examined [see Diagram IIB, p. 74],

Membership Criteria Evaluated - Local Associations

Membership by kinship (administrative tribe/group membership) or by geographic proximity (we ignore for the moment the issue of vocation as a basis for determining membership)? Attempts to develop new organizations and new rules governing membership will inevitably create problems, particularly acceptability of proposed solutions and feasibility of their application. As a basis for membership, both kinship and geographic proximity criteria have their advantages, but also their drawbacks. There will be no costless solution in this regard. The problem is not to find the no-cost, but the least-cost solution, and then arrive at some realistic estimates of feasibility of implementing it. If one concludes the best (least-cost) proposed solution is infeasible, one may then be driven back to accepting the unregulated common property status quo arrangement as the best available, even though it may be inadequate.

Kinship corresponds with few exceptions to the criterion of administrative membership in tribes and groups. It would

automatically exclude farmer-immigrants to the pastoral zone from herder association membership, a serious drawback (see below, pp. 52-54].

It is inappropriate as well for reasons mentioned above, in particular, because kinship in no sense connotes habitual residence within the area where the bulk of a kin group normally pastures its animals. Substantial dislocations would accompany deliberate attempts to encourage regrouping along kinship lines, which a kinship membership criterion would automatically lead to if herder associations began to provide valuable services to their members.

Nothing guarantees present distribution of herds through the project zone - a product as it is of years of experiment, of major and marginal colonization moves, and mutual adjustments among officials, local groups and newcomers - is not preferable, in terms of efficient pasture exploitation, to sending people "home". The latter strategy risks over-grazing some areas and understressing others, with obvious short- and long-term waste of carrying capacity.

Moreover, forcing people off their traditional dry season ranges wastes the fund of knowledge and human relationships they have built up in intervening years, and imposes (unnecessarily) upon them the necessity of developing local knowledge and relations all over again in a new "home" range.

One final point seems relevant: it may be extremely difficult to define the "home ranges" of some groups: they may be

divided into two or more relatively equal units, or lines of kinship may be disputed, etc. Why burden creation of herder associations with a potentially explosive series of struggles about who has the right to stay, who has to go, and where?

Note that regrouping along kin lines is not excluded. But it should occur, if at all, on the traditional basis of voluntary movements undertaken by herders convinced they will find sufficient pasture for their animals in the new kin group "homeland".

Geographic Proximity as Membership Criterion

Geographic proximity as a basis for membership avoids many problems associated with reliance on kinship as the criterion for membership in a herder association. It also goes directly to the most apparent problem in the short run: service provision at the local level. Since service provision can be undertaken independently of range management, and since most camps seem to be uni-ethnic, the "service first, range management second" sequence wins time for further experimentation and adjustment at the local level before difficult issues of range management are tackled.

In cases where local groups are multi-ethnic, or simply not closely related enough to qualify as kin, though clearly of the same ethnic group, simply permitting everyone access to services on their habitual dry season home range avoids problems associated with forcing out those defined as "interlopers" by a membership rule based on kinship. Such tensions are better avoided in the early stages, if the experiment

is to have a chance for success.

Geographic proximity, defined as the unit where individuals have habitually pastured their stock during the dry season over the last five years, seems to offer a reasonable benchmark.

Ethnographers will have to consider whether five years is a reasonable period of time to establish "residence", and whether those who have been in an area less than five years can be reasonably expected to return to their old home range. Should ten or twenty years be taken as the minimum period to establish residence, assuming first dry season occupation of an area that long ago, and generally continuous residence during each intervening year, i.e., a steady pattern of return to the area, local drought years excepted? The advantage of the shorter time period would presumably be less bickering about the fact situation (what happened over the last twenty years can be reconstructed, but will be difficult); on the other hand, perturbations provoked by the 1970s drought (exodus from traditional home ranges during the worst drought years, gradual returns only in the last couple of years) might produce inequitable results for some groups. This point merits close attention.

A question arises here: why not take the present year as status quo, vesting rights of occupation in those currently in the area? One would thus avoid all the nasty questions associated with determining and applying a residence criterion. However, using some form of historical time criterion would suggest from the start that a move to vest rights was under-

way. This would be, in the first instance, vesting of use rights only. Eventually perhaps more full vested, inheritable - alienable? - property rights would be accorded, subject to restriction only through overriding state eminent domain claims. This development will certainly suscite resistance by some, committed to common property pasture norms, and attempts at land grabs by others who see advantages associated with clearer title to water and pasture resources. These fundamental issues will arise eventually; in the interests of equity, they are better raised openly when and if a decision is made to move from service provision to pasture management schemes, so those least likely to be informed will not learn too late they weren't there when pastures were allocated.

Geographic Proximity - Kinship/ Marital Relationship Conflicts

Another interesting issue must be resolved in this context: to what extent do (a) marital residence patterns and (b) fictitious kinship relations vitiate a membership criterion based on proximity alone? This question might be finessed, as far as marital residence patterns in exogamous herding societies are concerned, by simply stipulating anyone who marries into a group by that act automatically acquires membership and rights to services, water and pasturage [Ethnographers: would this solution suffice, or are there additional difficulties?].

Fictitious kinship relations, which appear to be more prevalent among Wodaabe than among Tuareg, pose a perhaps more

serious problem in the sense that they can serve as a vehicle to mobilize political coalitions. If, in a single camp area, there exists only one herder association, then one can rely either on a unanimity rule - if nobody objects to a newcomer, he acquires membership on an equal basis with all others - or if that is deemed too restrictive, some sort of extra-ordinary majority, e.g., three-quarters...or nine-tenths. Either of the latter two would appear to give ample protection to rights of those already group members, without permitting a single individual to frustrate immigrations generally approved by the group.

The situation becomes much more complicated if more than one group exists in a camp area. It will be argued below that "easy constitution" offers considerable advantage in terms of encouraging dissident political entrepreneurs to articulate opposition to current leadership. Indeed, such an outlet may offer the only feasible form of redress against a strong and tyrannical leader, if long-term mobility (as opposed to short-term, drought- or disease-induced migrations) is curtailed.

If faction leaders see such customary recruitment of followers, through either distant or fictitious kinship, as a way to create support for themselves, a competitive dynamic may arise which would make a mockery of vested rights of those individuals already in the camp. Each (or all) side(s) would be forced to recruit outside adherents to maintain parity once one side initiated the process. Assume geographic

proximity is to serve as the membership criterion, coupled with constitutional authorization to establish new groups once a leader can mobilize the (constitutionally-required) minimum number of followers. Some sort of intra-camp, inter-group decision-making mechanism concerning immigration quotas would then have to be envisaged to control competitive immigrant recruitment which could, if pushed too far, overstress the local resource base.

One could avoid this issue by setting the minimum membership required to form a herder association so high that camps would automatically be limited, by insufficient population, to one association. One could likewise avoid it by stipulating only one association per camp [the UNCC's preferred solution, evidently]. In either case, one creates the framework for a powerful local leader to consolidate his control of the local association and then exploit association members; this seems the greater danger to be avoided.

Dispute resolution mechanisms - an immigration commission - could be elaborated either at the local level, or within the larger pastoral unit association. But these would be costly to operate. It might be simpler to merely stipulate that a camp area, once defined, could permit only a fixed number of immigrants per years, immigrants slots to be divided within groups on some locally acceptable basis, e.g., lottery, or demographic factors (daughters or sons of marriageable age, conflicts to be resolved by a lottery proceedings), etc. The

immigration quota could be divided among groups on a rule of proportionality, i.e., the quota of immigrants determined by the group would be distributed among camp associations proportionally to existing association populations. This would in effect defuse the competitive dynamic, since no group could hope to gain a relative advantage over the others by strategically encouraging immigration,

[A question -remains here: can Tuareg and Wodaabe social (and kinship) patterns be adapted to fit this sort of framework, or will the consensus within some or all groups be that such restrictions are intolerable, leading to a situation of popular disregard for the system of rules governing immigration, and thus the necessity of coming up with an alternative, acceptable solution? Or is the problem not subject to solution on any such basis? Or is the problem of immigration simply not a real problem, now or in the foreseeable future? Ethnographers?]

Vocational Criterion for Association Membership?

The essential question here is whether farmers should or should not be admitted to herder associations as full voting members. Two factors condition the answer. First, can one define "herder" in such a way as to exclude only non-native immigrants to the pastoral zone who are farming there? Second, can such farmers, however defined, effectively be excluded from the pastoral zone? The answers to both questions are probably negative [see Appendix 1, pp. 181-85]. If farmers cannot be

effectively excluded from the pastoral zone, including them in decisions about pasture management (and in service provision) appears more likely to induce cooperative behavior designed to maximise the joint (agriculture plus livestock) production potential of the pastoral zone than do attempts to either ignore them or confront them. One would in any case certainly want to include herders who are farming because they have lost most or all of their animals and have to in order to survive, and herders who are farming because they want a source of support in addition to stock raising....wouldn't one?

Including southern immigrant farmers and agro-pastoralists as members of herder associations may also be politic in the sense that this would underscore the formally non-ethnic character of such associations. It would also conform to current cooperative legislation which stipulates village mutuals should include all producers (farmers, herders, fishermen, rural artisans) [Law 78-19 of 12 October 1978, Art. 3].

If farmers are to be included, then presumably membership would be determined on a basis of geographic proximity: most immigrant farmers would not be related to herders, and would therefore automatically be excluded from an association based on kinship. Associations based on administrative enrollment might however incorporate farmers by the expedient of registering them for census and tax purposes with nomad tribe and group chiefs.

Permitting multiple associations within a single camp appears advisable for reasons set out below, but this opens the way for a herder association composed entirely of farmer or mixed farmer immigrants to the area. This might lead to some competitive difficulties - the sedentary association might achieve better access to certain services by reason of ethnic affinities between those providing and those consuming the service.

As far as land use management goes, however, such sedentary associations would not necessarily pose difficulties if land use decisions were made solely at the pastoral unit level. It is problematic whether they should be. If one takes account of pastoral zone communication difficulties, much is to be gained if such issues can be resolved on a consensual basis at the camp level. Inevitably, disputes would arise; those which could not be resolved locally would go on appeal to the pastoral unit level.

Local Herder Association Creation:

Alternative Base Rules for Constitution

Several approaches are possible. One might simply stipulate a minimum number of families, chosen in accord with one of the membership criteria noted above, as the smallest size unit permitted to constitute itself as a local herder association. Membership would be limited to those who expressly request to be enrolled and commit themselves formally to organization goals. Several such local associations might exist in

a single camp.

One might stipulate that a simple or extraordinary majority of families in a camp would have to vote in favor of constituting a local association, which would then be the sole recognized unit for that camp and would either include automatically all camp members (or adults, or adult males, depending upon local decision-making customs), or only those who request enrollment and express commitment to goals.

Allowing a minimum number of adults to constitute themselves as (potentially one of several) local herder associations offers the advantage of assuring some intra-association homogeneity of opinion from the beginning. Reduced intra-group tensions should facilitate functioning of such associations*

The following example will perhaps illustrate the utility of such a rule. Assume a rule of one association per camp (or even more restrictive, one per tribe of less than 100 family heads) is adopted. A locally important patron founds a group, relying on his clients to make up the minimum membership required (less than a majority, simple or extraordinary majority), and then runs the association to meet his own needs. Others in the camp who are not clients of the founder refuse to enter because they can see no point to putting themselves under the patron's control.

One could arrive at the same outcome by merely assuming two factions in a camp, one of which manages to found "the" camp association first. Members of the other faction refuse

to join.

In either case, the single association per camp rule tends to prevent complete organization of the local population. Allowing the creation of additional associations would overcome this problem.

The counter-argument favoring the single association per camp rule, based on arguments of administrative convenience, cannot be dismissed out of hand. As we have seen, it would avoid certain problems which would arise under a multiple association rule, e.g., immigrant farmers constituting themselves as a competing "herder association", and difficulties of aligning existing - multiple - associations around a single UNCC-organized mutual, as well as inter-association competition.

Another weakness of the multiple association rule concerns credit guarantees necessary to secure CNCA (Oaïsse Rationale de Crédit Agricole, National Agricultural Credit Bank) loans. UNCC-CNCA credit arrangements seek to guarantee loan repayments by securing a collective guarantee. Loans to individuals are accorded only when the local mutual approves the request, as a first step. Arrears in loan installments are covered first from any money the mutual may have on deposit with CNCA. If funds do not suffice to cover the amount owing, CNCA can refuse further credit to the mutual in question.' In effect; the system tries to motivate the defaulter's peers to pressure him into paying his debt by cutting off additional increments of financing for the peers [details of the system are discussed in

Appendix 3, UNCC, pp. 243-46, and CNCA, pp. 219-20].

If multiple associations are permitted, it is feared defaulters, or those who have stood collective surety for them, would skip from a debt-burdened mutual to a debt-free one, thereby destroying the collective guarantee.

This argument may have some merit. On the other hand, if associations are created whose members really will share the burden of debt repayment because they are fundamentally in agreement with each other, the guarantee might in fact be more effective, [interview, Director Laoualy Adamou, Recon Cheptel, 1/21/81].

Advantages of Easy Entry,
Exit and Competition

In the early experimental stage of herder associations, accurate data must be acquired on general quality of association operations. For that reason, facilitating entry and exist, and creation of competing associations, appears desirable. Exit, entry and constitution of new associations graphically express individuals' assessments of particular organizations' performances, and of the value of the general type of organization.

Those who wish to enter an association should be allowed to do so, contingent upon making a formal commitment to organization goals. Those who do not wish to be associated should not be put involuntarily at risk, since this threatens group unity. Non-members (or ex-members, or members of an association who will exercise their legal right to withdraw) desiring to create another association in the same camp could be allowed

to do so whenever they could mobilize some minimum number of members (ten? five? twenty?).

This threat to hive off might be much more creditable than intra-association electoral challenges. The prospect of proposing an alternative candidacy, losing and then being forced to continue operating in the same association might well be enough to dissuade dissident candidates from challenging local association elites. The latter, free from effective evaluation and effective sanction, might be tempted to abuse their powers.

Conclusions about Membership and Multiple Associations

1. Geographic proximity appears on balance the most helpful criterion for defining membership, but it does run counter to current cooperative legislation, which adopts kinship (defined in practice as membership in a tribe/group complex) as the associational norm in pastoral areas. Geographic proximity as the basis for membership will still conflict even if cooperative legislation is modified in accord with UNCC ^{kin group} apparent preference for recognizing the camp, instead of the tribe or group of camps, as the basic mutual unit.

2. For pasture management purposes, it seems appropriate to include farmers (of either "pastoral", "agricultural" or "agro-pastoral" heritage) in herder associations. Kinship and administrative tribe/group membership criteria would in all but exceptional cases exclude immigrant, but not local "herders" who are farming, from association membership.

3. In crafting an appropriate solution, designers should keep in mind permitting creation of multiple associations in a single camp will put NRL associational policy in conflict with UNCC policy concerning cooperative mutual organizations in the pastoral zone. This would presumably complicate future efforts to transform herder associations into cooperative mutuals, or even to pair existing associations with newly created GMP's (Groupement Mutualiste Pastoral, Pastoral Mutual Group), unless UNCC legislation [Ordonnance 78-19, Arts. 3, 6; Décret 79-05, Art, 6] is modified.

4. Sticking with the UNCC rule of a single unit per tribe (or a single unit per camp, if UNCC obtains legislative changes it apparently wants) will facilitate administration of the scheme from a purely technical administrative viewpoint. This factor cannot be neglected because administrative technicians constitute a powerful constituency. However, this option will foreclose certain aspects of potentially valuable local competitive processes.

5. Allowing the option to freely create multiple local associations will encourage associational entrepreneurship and provide existing association members a mechanism to convert negative evaluations of association performance at the local level into an effective sanction by launching competing groups. The mere threat to do so may improve performance sufficiently that a competing association is not warranted.

6. If credit is to play an important role in herder

association activities, and even assuming NRL is willing to finance it (since CNCA would legally be precluded from dealing with multiple local associations, at least in tribes for camps, if legislation is modified] having less than 100 heads of household), risks of default are involved.

Dissolution: Local
Herder Associations

Members should always be allowed to withdraw as individuals from a local association, upon simple notification of leaders to this effect [members legally have the option of withdrawing from existing associations at any time; see Nigerien basic law of associations, Ordonnance No. 75-11 of 13 March 1975, Art. 5]. Those who have incurred debts through the local association, either as individuals or on a collective basis should remain liable after withdrawal for the amounts due, on a pro rata basis (e.g., in the case of a collective loan for well construction, the individual should pay a proportional share for the number of years he has benefitted from the well.

The association itself could be disbanded whenever the members collectively decide to take this step, on condition that they too remain liable, as individuals, for any debts contracted through the association. It might be stipulated that the association would automatically be disbanded as soon as membership fell below some predetermined number (e.g., that minimum required to start a local group). Or a small association might be allowed to persist so long as members,

however few, were willing and able to keep it functioning.

It might be provided that the association could be terminated upon investigation and decision by the tutelary authority that it was not conforming to purposes for which it was originally established. The general ordonnance governing associations in Niger, No. 75-11 of 13 March 1975, Art. 13, provides that the Minister of the Interior can dissolve any association which fails to conform to the regime established by law, after being notified of this fact and failing to take the necessary corrective measures.

Given this reserve authority lodged in the Minister of the Interior, it would be unnecessary to authorize the herder association tutelary authority to take such steps. This option would in effect strengthen the autonomy of local associations.

This apparent advantage - in the context of Development Society emphasis on autonomy and self-help - involves a cost: an association might be misused by certain individuals. The question then is whether herder members should make that decision, or supervisory authorities? Presumably herders should be responsible for the risks they take, and willing to deal with the consequences. In return, they are somewhat freer to defend their own interests.

The more common approach to this question in Niger is to provide both for member initiative to dissolve and for suppression by the tutelary authority [see, e.g., the Niger

Contro-Est project's model herder association statutes, RN/MDR/PDE, 3/80:: Art. 24; cooperative laws, Décret 79-05/PCMS/MDR: Art. 24]. In effect power to suppress is delegated from the Interior Ministry to the tutelary authority. This has the advantage of making suppression easier, in cases where association members or leaders are seen to be operating outside the specified constitutional goals of the organization. It has the disadvantage of providing very little quasi-judicial redress to disinterested parties (presumably GON Interior Ministry officials, including prefects and subprefects).

Pastoral Unit Association Creation:

Alternative Base Rules for Constitution

Introductory Remarks

Pastoral units seem the most appropriate level for global decisions about land use management. At some future point a sophisticated institution may evolve. It would have the goal of regulating grazing pressure in light of annual pasture variations. It would presumably also exercise some control - though not exclusive control - over addition of major new increments of water supply in the pastoral unit's jurisdiction, since these would have an obvious impact on potential grazing pressure. Given these two functions (to which would presumably be added herder representation and participation in some aspects of service provision), the pastoral unit would have to be geographically of a scale to encompass at least normal-year variations in rainfall and accompanying variations in fodder

availability. If the jurisdiction is large enough, stock could be moved from poor to good pasture, and herd levels kept relatively more constant than if pasture management is based on a small-scale jurisdiction, in which, because of variable rainfall, stock in some years cannot eat all of the abundant fodder, and in others must be sold off or die off for lack of it.

From a geographical perspective then, enlarging the pastoral unit land base as much as possible is desirable: the larger the unit, the greater the variation encompassed and the likelihood deficits in one part can be compensated for by surpluses in other parts. But pastoral units are not merely terrain. They are human institutions, which will require maintenance if they are to operate smoothly. Maintenance in this situation means, above all, contact and mutually productive negotiations among pastoral unit residents or their representatives.

Means of communication thus set an effective limit to pastoral unit size: if distances are so great that people traveling by animal - camels or horses, in most of the NRL zone - cannot, or will not, attend pastoral unit meetings, then the unit residents will not be able to discuss and concert their efforts. The institution will fail to achieve purposes for which it is designed. The question which arises in this context of estimating appropriate sizes for pastoral units is then quite simple: "how far will a man go for a meeting?"

The answer to the question will probably vary from place to place in the zone, and it may vary as well with ethnicity, or stock types held by certain herders. If people are accustomed to traveling two days out and two back to get provisions at a regional market, the unit can probably be larger than if people usually do their marketing in the space of a single day.

Dr. Ari Ibrahim has suggested an area roughly sixty kilometers on a side would permit delegates from the most distant local units to come to a central place in one day's ride [RN/MDR/DSEIA, 12/78: 3]. Ethnographers and GON officials will have to make estimates about appropriate sizes for various parts of the zone, adjusted for local geographic variations (population density, home range distribution, probable rainfall, number, distribution and periods of accessibility of different water point types, etc.).

Probable Ethnic Composition of Pastoral Units

Pastoral units on the scale appropriate to pasture management operations will probably encompass home ranges of more than one ethnic group. A unit might well include territory normally frequented by members of different administrative tribe/group complexes. Thus people from diverse groups, and quite possibly from distinct ethnic groups, will be operating within the context of a single institution [Niger Centre-Est has assumed, in designing a model pastoral unit constitution,

that this will be the case; that proposed constitution specifically calls for membership without regard to ethnicity, but provides, as we shall see, for ethnic representation in leadership positions; RN/MDR/PDE, 5/80: Art. 2]

Given the reasonable probability of multi-ethnic pastoral unit populations, it would seem appropriate to construct the large-scale unit on the basis of a network of local herder associations which among them would include the entire population of the zone - or, more precisely, which would be available to the entire population of the zone, if people wished to join. Thus the pastoral unit once created, everyone would be potentially included.

Total coverage is important: land management decisions would be greatly impaired whenever only part of the population adhered to regulations governing pasture and water resource exploitation. Indeed, the effort would hardly be worth undertaking if those who remained unaffiliated with the pastoral unit felt free to use the range without regard to pastoral unit policy.

Creation via Imposed

Administrative Decision

Pastoral units could be constituted by an imposed administrative decision. This would ostensibly reduce time and effort costs involved in making the decision. Potential deprivation costs on the other hand might be extreme.. Such a decision could be implemented despite popular resistance if enough

policemen could be put into the field to enforce compliance, but it seems unlikely GON has any long-term interest in antagonizing herder populations by heavy-handed methods.

However, it would seem unjust to allow a single local herder association or a few such groups to frustrate development of a pastoral unit if, in the opinion of members of most other herder associations in the area, advantages of creating a pastoral unit outweighed disadvantages.

Creation via Extraordinary Majority Vote of Area Local Herder Associations

To assure a solid basis of popular support for initiation of a pastoral unit and associated land management practices (as well as herder representation and participation in service provision, if these are envisaged), a rule of, e.g., approval by three quarters of the local herder associations could be adopted. If subsequent experience indicated the rule was either too restrictive or permissive, it could be modified accordingly. Functions undertaken by particular pastoral unit associations will undoubtedly influence perceptions of appropriate rules. If the unit does no land management and engages only in non-exclusive provision of services, non-participants may be totally unconcerned about its existence. Thus a very permissive rule of constitution would be in order.

Creation via Voluntary Adherence by Interested Local Herder Associations

An alternative approach to pastoral unit establishment would be to authorize constitution on a voluntary basis by

those local herder associations interested in creating such a unit for purposes of facilitating local service provision, e.g., of grain, health care, etc. Such a development would probably flow naturally once some local associations were operating in a largely autonomous manner and could begin to explore ways to improve their performance through joint undertakings.

If successful, such cooperation would, over the long run, create a basis for more intensive interaction, e.g., in making and implementing land use decisions. If such decisions are to be effective, however, they must be binding on all users of the pastoral unit's resources. If they are not, the usual hold-out strategy will be adopted by some to frustrate the entire effort. They will put cattle into restricted zones, or refuse to withdraw animals from overgrazed areas or to consolidate fields in specified sections of the pastoral unit territory.

In consequence, a unanimity rule is clearly unacceptable, as a basis for deciding to move into pasture management. At the same time, it is unavoidable; the pastoral unit would be legally a voluntary association; no one could be compelled to join, or to remain a member if he decided to withdraw [Nigerien basic law of associations, Ordonnance No. 75-11 of 13 March 1975: Arts. 3, 5].

The way out of this seeming dilemma involves making pastoral unit membership indispensable for all. If pastoral units are to successfully manage their natural resources of pasture and

water, incentives have to be devised which are sufficiently strong that all herders (pastoral zone residents) will want to voluntarily adhere, even though they will then be bound by association rules. It bears emphasizing that service provision, if adequate, will enhance propensity to adhere....but in the end associations at the pastoral unit level will have to have at least land and water use rights vested in the collectivity if they are to overcome the holdout strategy and engage in effective binding, land-use management.

Membership Criteria - Pastoral Unit
Herder Associations

Assuming the two-tiered framework of local and pastoral unit herder associations is adopted, membership in the pastoral unit should be acquired through, and only through membership in a local herder association. If on the other hand only the larger-scale jurisdiction, the pastoral unit, is established - as Niger Centre-Est proposes - then membership would be acquired directly by individuals in the larger association, [RN/MDR/PDE, 5/80: Art, 9].

If membership is acquired through adherence to a local association, then the reasoning and conclusions presented above, pp. 45-54, 58-60, apply. If only the larger-scale jurisdiction is involved, the geographic proximity criterion of membership seems indicated. Adopting kinship or membership in a tribe/group complex as the basis for pastoral unit membership risks severe dislocations where tribes, groups and ethnic groups are intermixed.

Niger Centre Est, in its model constitution, has opted for geographic proximity as the membership criterion [RN/MDR/PDE , 5/80: Arts. 2, 6] .

Membership Limitations -
Pastoral Unit Level

Should herders be allowed to be members of more than one association, or limited to membership in a single one? Dr. Ari Ibrahim proposed restricting herders to membership in a single association and restricting them to receiving services within that single jurisdiction [RN/MDR/DSEIA, 12/78: 4] . Such restrictions would not prevent mobility, it was argued, but would define limits of GON technical services activities [RN/MDR/DSEIA, 12/78: 2, 4] . By implication, however, herders would be encouraged to stay within their own pastoral unit in order to benefit from goods and services provided by GON agencies.

Several comments are relevant here. First, the attempt to localize herder movements to increase their stake in, and therefore concern with sustained yield management of a defined area of renewable pastures, seems reasonable. Indeed, the mere fact of vesting in particular groups rights over a jurisdiction's water and pasture resources will almost certainly intensify herders' already substantial desire to remain on their known home range whenever possible. Attachment to home ranges is indisputable [RN/MDR/DSEIA, 12/78: 3; Maliki, NRL, n.d. (2/81); interview, Mohamed Sidi, Chief, Kel Fedey Tuareg, Ingall, 2/13/81] . If to this is added the incentive of availability

of locally-desired services, motivation to remain on the home range will be very strong.

Mobility however is an important part of Sahelian herders' response to climatic vagaries and accompanying local or regional fodder shortages. If herds can be spared unscheduled stock reductions or liquidation through orderly evacuation agreements which authorize shifting animals from deficit to surplus pastoral units, this would dampen fluctuations in herd size and maintain pastoral zone productivity close to or at its peak potential.

Pastoralists will in any case - with or without evacuation agreements - move with their herds, as they have done for centuries (particularly the Wodaabe). Since the system cannot stand complete sedentarization, it would seem appropriate to continue making at least certain essential services available to herders operating outside their home pastoral units. This is particularly true when non-provision of services can be expected to have negative consequences for a community of people which exceeds just the herders directly involved. Among such services would certainly be animal and human health care, in order to stem disease outbreaks, avoid epidemics and prevent human suffering and loss of human productive potential. Access to cereal grain supplies and other basic necessities, if pastoral units can make them available to non-local herders temporarily present in a jurisdiction, also seems reasonable. Livestock marketing facilities - though not rebates - could also be offered to non-local herders. Other services as well

might fall into this category.

However, herders should indeed be restricted to a single home range, and permitted to vote for and serve as officials only within a single pastoral unit. They should be restricted to credit facilities through a single home pastoral association as well.

Dissolution of Pastoral Unit
Herder Associations

If a majority of member associations voted against continuing the pastoral unit, or some sphere of its activities, e.g., land use management, that decision would lead to termination, either of the particular sphere of activity, or of the unit altogether.

The alternative would be to insist that an association at the pastoral unit level, once created, could continue to operate so long as enough local association (or members of the pastoral unit, were a single-jurisdiction system in effect) continued to adhere to the pastoral unit to make it function effectively.

An advantage of providing for termination on a negative majority vote is that it clears the ground for a new start. This would provide a dissatisfied majority of members who were (a)- committed to the pastoral unit as a concept but (b) had lost control (or never had control) of the association, e.g., to a dominant patron or a run-away presidential clique, to provoke dissolution as a last resort. This would clear the ground for reconstruction of a more satisfactory association - more satisfactory in the sense of being more responsive to wishes of a

majority of the members. This would be a drastic remedy for a rigged game, but one not out of place, if the final purpose is to achieve herder-associations which members themselves can manage for productive ends.

Summary

This chapter examined possible jurisdictional bases for herder associations and possible criteria for membership in them, as well as procedures for creation and dissolution of herder associations. In each instance, analysis focused on probable consequences of different rules and their likely advantages and disadvantages, in terms of interactions they should generate within associations and in terms of their fit with existing Nigerien laws.

Jurisdictions could be geographic and simple in character: only small-scale, camp-level associations, or only large-scale, pastoral unit associations. They could be geographic and complex, involving both small-scale ~~or~~ units and an overarching, large-scale pastoral unit association. Finally, they could be non-geographic and defined by GON administrative tribe/group complexes. It was concluded that, despite drawbacks, a complex, two-tiered geographic jurisdiction offered most advantages.

Membership could be defined by geographic proximity, kinship (or, roughly comparable, by census enrollement in a GON tribe/group complex), or by vocation. The last is particularly critical because it raises the issue of including pastoral zone

farmers in herder associations or excluding them. Geographic proximity without regard to vocation seemed the most preferable membership criterion.

An assessment of the advisability of permitting more than one local herder association per camp was then presented; it led to a recommendation favoring authorization of multiple local associations. This recommendation was based largely on perceived utility of "hiving off" as a strategy to keep local officials dependent in some degree on their followers at the camp level, and to prevent elites from capturing the local association game.

In a concluding section, herder association creation and dissolution, entry and withdrawal at the local and pastoral unit levels were discussed, as well as the logic and extent of membership limitation and access to services outside the home association. It was found that over the long run the necessarily voluntary nature of these processes - in accord with controlling Nigerien legislation - would frustrate attempts at range management unless large-scale, pastoral unit associations exercised control over use rights to water and pasture in their jurisdictions. Service provision and herder representation would not necessarily require adherence to the association by all herders in the jurisdiction, however.

VI. OFFICIALS, ELECTIONS AND DECISIONS

Introduction

The last chapter dealt with the framework and foundation of herder organization. This one deals with the actors who might operate within those jurisdictional frameworks. In particular, it examines ways they might be chosen, and probable consequences of these different electoral formulae in setting the association up for capture or opening the game there to a broader spectrum of interests. It considers differences between constitutional and operational decisions, and tries to relate those as well as electoral formulae to the assumed multi-ethnic character of pastoral unit herder associations. Desirability of quorum rules, remuneration for officials and the potential role of local conseillers techniques, and service providers are then analysed in the concluding portion of the chapter.

Local Herder Association Officials

Simplicity seems desirable here. Those who are members should, in general assembly, annually elect a president, a secretary and a treasurer (the latter two offices could well be dispensed with if they have no function in light of association activities). In addition, local members should elect a representative for every ten members in the local association to participate in meetings at the pastoral unit level (the ratio

of representatives to members should be manipulated to provide the maximum of representation consonant with the capacity to maintain structured discussion and debate at the pastoral unit level. Let us assume pastoral unit assemblies will not meet with great frequency (quarterly at the most?). They are therefore unlikely to adapt any elaborate rules of parliamentary procedure. Given this constraint, fifty (50) persons appears about the maximum number of individuals who could reasonably discuss issues [ethnographers?]. Certainly little purpose would be served by creating, at the pastoral unit level, a general assembly open to all local unit members. Debates at the higher level would degenerate into demagoguery because too many individuals would be present and the assembly could be "controlled" in no other way, [Ethnographers: is this consonant with Tuareg, Wodaabe and Fulbe standards of democratic participation? How many people, for instance, assemble for hearings on violations of the Wodaabe Way? Does the institution (relationship) of "representation" as used here have an analogue in Tuareg, Wodaabe, Fulbe, Arab societies? If not, is there positive resistance to representation in those societies, e.g., a norm which implies that each man has a right to speak for himself? If this is the case, then idea9 about association scale may have to be drastically scaled down: only one person can speak at once in an assembly if his words are to be meaningful instead of mere noise.]

Delegates could be elected for one year, renewable terms.

This election formula would encourage delegate responsiveness to voter interests. It also creates the possibility of extraordinary turnover and interruption of institutional continuity: a good system for "throwing the rascals out!", if one is sure one (and the voters) can identify the rascals.

Representatives could be elected for two-year terms to encourage constancy of perspective in pastoral unit decisions. Where local associations select more than one representative, terms could be staggered, again to promote constancy in perspective. This is important particularly if pastoral units are to have responsibility for land management issues. In that domain especially, frequent, radical policy shifts should be avoided if unit members and others are to give real weight to decisions taken by the unit.

Pastoral Unit Officials

Introductory Overview

A relatively standard form exists in Niger for associational leadership. It is based on a single general assembly, having plenary powers, composed either of ordinary voting members or of delegates from subordinate units. The general assembly typically votes into office a board (comité directeur), which in turn selects, by vote from its own membership, a set of executive officers (bureau), including a president, one or more vice presidents, a secretary-general, a treasurer, and sometimes additional officials for specialized functions.

Either the president or the secretary-general may exercise effective executive leadership. Authority may be delegated from general assembly, to board, to officers. All officials are frequently elected for renewable annual terms.

Niger Centre Est proposes this model (minus the treasurer, plus an official responsible for "external affairs") in its herder association statutes [RN/MDR/PDE, 5/80: Arts. 14-23].¹

While there is no point in gratuitously modifying this common and familiar form of association government-structure, certain problematic features and possible alternatives to them are worth noting.

This model is parliamentary in tradition, i.e., leadership is drawn from the legislative assembly, and is concentrated in an ever-smaller number of individuals (board, executive officers, president or secretary-general). The rig of the game here favors domination by the leading executive officer since, once elected, he is likely to control various incentives (credit allocation, livestock food supplements, etc.) to build and maintain a majority faction with the bureau, board and general assembly. Insofar as the leading executive becomes the point man in contacts between the herders in the pastoral unit and GON officials, technical agents and project personnel, he will be positioned to influence, or control, and benefit ,

¹ If this or another set of model herder association statutes is passed into law, provisions governing creation and registration with the tutelary authority will supplant the otherwise controlling general law of associations (Ordonnance 75-11 of 13 March 1975) as far as herder associations are concerned. The tutelary authority would presumably inform GON, in accord with provisions of Ordonnance 75-11, Art. 6, of creation of each new pastoral unit and local herder association.

from information flows within the organization and perhaps outside of it (Niger Centre Est separates the role of leading executive from external affairs official; this to a certain extent counters the concentration of powers, but it does not rule out self-interested collaboration between the two officials).

Niger Centre Est Model Constitution:
Rig Inherent in Proposed Statutes

The Niger Centre Est proposals envisage at least one (1) general assembly meeting per annum; more are possible if individuals desire them, and provision is made for extraordinary assembly meetings upon request by a majority of members [Art. 22]. However, given distances involved, and difficulties of communication, the general assembly will probably not meet much more than once a year. If this assumption is correct, the bulk of association business will be transacted by the board, the bureau and the leading executive. In its annual meeting the general assembly will likely have so many measures (if it ever approaches a full-service organization in character) that it is likely to function as a rubber stamp, further consolidating power in the collegial and individual executives.

Time and effort involved in running a pastoral unit government may remain minimal if few services are provided and little is done concerning pasture management. However, if services are increasingly channelled through the pastoral unit, and if pasture management projects arise, leadership will be a time-consuming chore.

Leaders are thus likely to be wealthy individuals or their clients, because such individuals can overcome labor constraints involved in the herding enterprise and free themselves for extensive participation in herder association affairs. Thus group chiefs or members of their entourages, and pastoral zone entrepreneurs who have branched out into other, income-producing activities, will have a competitive advantage in bearing the costs of office holding.

Rigging a Fair Game:

System I - Ethnic Representation

Are there ways to counteract this potential concentration of power in a few elite individuals? The Niger Centre Est proposals attempt to do so by providing for ethnic representation in pastoral unit offices. The bureau (composed of the unit's four (4) executive officers) must contain at least one representative of all "tribes or ethnic groups" which are members of the pastoral unit association [Art. 15]. Thus the board must also include one representative of each group, since bureau members are selected from among board members.

The terms "tribe or ethnic groups", employed without further definition in Art. 1 (or elsewhere in the model statutes) are ambiguous. Are the Wodaabe a separate ethnic group? Or do all Fulfulde-speaking peoples count as one ethnic group? Are the Kel Ferouane and the Kel Feday one tribe or two? Is every 'ardo head of a tribe? These points must be clarified if in many NRL project zone sectors suitable for

recognition as pastoral units more than four tribes, defined as these minimal administrative groups, operate. [Ethnographers will have to give attention to this point on a cross-ethnic basis, to identify (a) most appropriate group units which are (b) roughly similar in size across major ethnic divisions, if adherence to the pastoral unit level is to be on the basis of kinship or administrative tribes rather than geographic units.

DIAGRAM III: Niger Centre East Proposed Pastoral Unit Gov't.

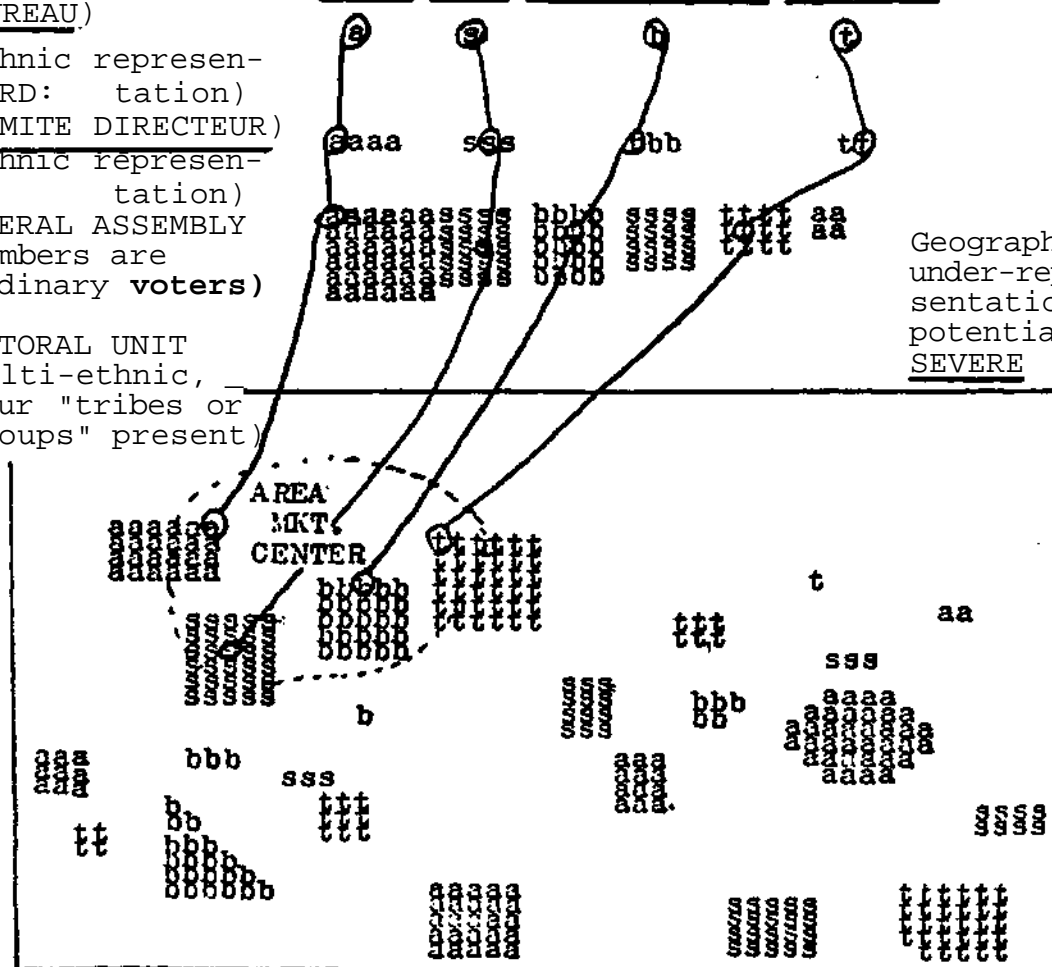
EXECUTIVE OFFICERS: Pres. V.P. Secty, Gen'l. External
(BUREAU)

(ethnic representation)
BOARD: tation)
(COMITE DIRECTEUR)
(ethnic representation)

GENERAL ASSEMBLY
(members are ordinary voters)

PASTORAL UNIT
(multi-ethnic, four "tribes or groups" present)

Geographic under-representation potential: SEVERE



KEY: a = ethnic group¹ s = ethnic group³
b = ethnic group² t = ethnic group⁴

Rigging a Fair Game:

System II: Geographic Representation

Geographic subdivisions within the pastoral unit might be adopted as another basis for selecting board and executive officers. If the number of local associations were limited, these could serve as voting districts for pastoral unit elections. If they were numerous, they could be grouped into a series of intervening jurisdictions between the local associations and the pastoral unit. In either case, delegates to the general assembly of the pastoral unit from each jurisdiction (local or intervening) would vote to select an individual board member from among their number.

By imposing this framework on the voting procedure, geographic representation is assured, so that all subsectors of the pastoral unit association would have a voice in the inner councils of its government. This would not necessarily be the case in the Niger Centre Est ethnic system: representatives could all be drawn from one or a few geographic sub-sectors, so long as the ethnic criterion was respected [see Diagram III, p. 81].

Dividing the general assembly into geographic voting districts, instead of having each board member voted on at large, would render it harder for an absolute majority of one ethnic group, or a multi-ethnic majority coalition, to dominate board member selection and thus pack this critical decision making unit with representatives who would be constantly able to mobilize an unbeatable majority. While this unhappy out-

come could still occur through the geographic voting procedure - if the same ethnic group or multi-ethnic coalition had a majority in every jurisdiction - it would be less likely: the smaller ethnic groups might well be dominant in some sub-sectors, and certainly in local associations based on camps.

DIAGRAM IV: Two-Tiered Herder Association. Geographic Representation to General Assembly, Board. By Delegates

EXECUTIVE OFFICERS: Pres. V.P. Sec'y. Gen'l. Other
(BUREAU)

(neither geographic
or ethnic require-
ments)

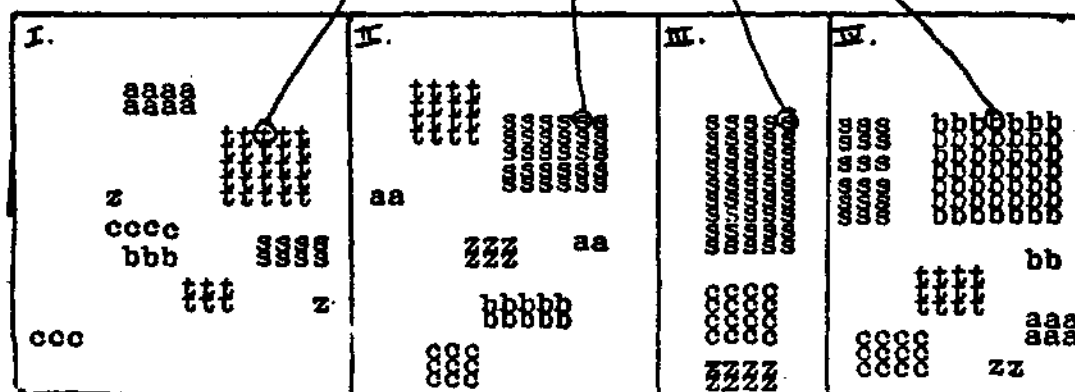
BOARD:

(COMITE DIRECTEUR)
(geographic repre-
sentation)

GENERAL ASSEMBLY

(members are local
unit delegates;
select board mem-
bers by geographic
voting districts)

Ethnic
under-
representa-
tion
potential:
MODERATE



KEY: a = ethnic group¹ s = ethnic group⁴
b = ethnic group³ t = ethnic group⁶
c = ethnic group⁵ z = ethnic group²

The Fairest of Them All?

System III - Hybrid Geo-Ethnic Representation

Finally, one might want to introduce a hybrid, System III, providing explicitly for both geographic representation (System II) and minimum ethnic representation (System I). To make this system workable, difficulties outlined above concerning definition of ethnicity in System I would have to be resolved. If they were, the ethnic criterion could be applied, as Niger Centre Est does, to both the board and the executive, providing - particularly in the case of the executive officer posts - that there are few enough ethnic divisions.

Limiting Executive Tenure

An interesting modification of any of these Systems I-III would be the introduction of limitations on terms of office. Modification 1. would provide, for instance, that an individual could be president (or secretary-general, if the latter is the leading executive officer) for a single term of office, after which the individual would no longer be eligible for election either to the board or to any executive post. Let us indicate this by the following superscript convention: (System) I¹, (System) II¹, (System) III¹.

Similarly, one could set the limit on terms in the chief executive officer role at two, three, four or more, e.g., I³, II⁴, III². It would probably be wise to set a total of four years in the presidency as the maximum tenure, since beyond that period the restriction would have little limiting

effect on development of local "political machines" centering on the presidency.

There are several costs to this modification: insisting on rapid turnover in office reduces the comparative advantage through control of information, etc., enjoyed by an incumbent vis-a-vis outside technical agents and officials temporarily representing GON administration and agencies in the area. It also creates the incentive to jockey for office, and might be expected to exacerbate ethnic tensions during electoral campaigns.

Advantages can also be foreseen: constitutionally insisting presidential incumbents relinquish the post after a fixed number of years may motivate non-delegates to become delegates, and the latter to become board members and officers, in order to have a shot at the real prize - the leading executive office - which would periodically become available.

Since nobody could hope for life tenure by "capturing the game", there should flow from this a greater interest in participation, perhaps, and closer attention to board and officer activities by delegates and common voters. If furthermore, ex-presidents were permitted re-election to the general assembly, their expertise and detailed knowledge of association government might generate a legislative counter-balance to the weight of the presidency in the system.

Limiting Incumbancy by Ethnicity

Stipulating that the presidency would have to circulate

among major "ethnic groups" - "Catch x", denoted by convention as III^{4x} - opens the game even further, since each major ethnic group, however these are in the end defined, could expect eventually to place a representative in the presidency. The effect of this provision could be salutary: if you know the others will later have a chance to do unto you as you have done unto them, there is greater incentive to do unto them as you would have then do unto you. The ethnically-shifting presidency might, of course, degenerate into a spoils system, but the logic seems to work against it, particularly if the restrictive rules proposed below in System B were adopted.

It should be clearly stated that the "Catch x" provision does not guarantee an ethnic incumbent re-election to office. If an individual lost a re-election contest, someone from his own group could replace him, if elected, for the duration of the group's claim to office, or he could be replaced by a representative of another ethnic group, which would then begin the period of its "Catch x" claim to office, subject to the sane restriction.

Finally, in light of the above limits on tenure and ethnic incumbency in office, length of terms of office might be extended, e.g., from one to two years. This could be conventionally indicated as a subscript number: III_2^{4x} (i.e., a total of eight years (2 x 4) in office with mandated ethnic rotation), or I_1 (a total of two years (1 x 2) in office with no mandated ethnic rotation). The effect of lengthening terms of office

would be generally to strengthen incumbents, and to allow them to spend less time soliciting supporters and more time attending to the functions of their offices.

Let us summarize these comments with several examples. System I (parliamentary executive, unlimited renewable one-year terms of office, ethnic representation to executive offices), as proposed by Niger Centre Est, would create a rig of the game encouraging (but note, not guaranteeing) development of a political machine centered on the leading executive officer. Using resources at his command by virtue of his office, he would have a substantial edge in controlling other officers, the board and the general assembly. If an incumbent did manage to capture the game in this fashion, he would be able, presumably, to impose deprivation costs on some members of the association to the advantage of others, at least in the short run. Tensions generated by this strategy might lead either to serious conflicts within the organization and a break-down of consensus necessary to engage, e.g., in range management, or exit from the association (and from the jurisdiction?) by members of the exploited minority.

System II_I³ (parliamentary executive, geographic representation to the general assembly and board, but no provision for ethnic representation, either to board or among executive officers, one-year terms of office for the leading executive officer, twice-renewable for a total of three years) would generate a fairly open game, but no guarantee that a single-

ethnic or multi-ethnic majority would not dominate board and executive offices. This would depend on geographic distribution of ethnic groups, and the extent to which any one was dominant in all geographic voting jurisdictions.

System III^{2x}₂, finally (parliamentary executive, geographic representation to the general assembly, geographic and (minimal) ethnic representation to the board and executive offices, two-year term of office, once renewable for a total of four years, mandated ethnic rotation of the leading executive office after a maximum of four years, but earlier depending on election outcomes) would produce an even more open game, with some fairly firm restrictions on the extent to which dominant ethnic coalitions could impose deprivation costs on minorities.

Note that System II as modified in the above example would work reasonably well in a pastoral unit jurisdiction essentially uni-ethnic in composition; System III as modified above would probably be more appropriate in a complex ethnic jurisdiction.

Direct Election of Leading Executive

A last complication could be introduced here: direct election of the leading executive (or of all executive officers) by the assembly delegates, denoted by convention "D", e.g., DI₁. This would designate the Niger Centre Est system, modified only by the requirement that delegates, rather than board members, elect the leading executive (or all executive officer). DIII^{2x}₂ would impose the same modification on the

last example but one.

This provision would have the probably salutary effect of exposing an incumbent president to challenge from delegate candidates not already board members, and would thus reduce a president's tendency to abuse his powers once his board were under control. In effect, by freeing delegates to vote directly, rather than having to rely on board members, this system increases bargaining costs (time and effort) to the president of consolidating a winning coalition, because he has to deal directly with each delegate. It might have the undesirable effect of catapulting into the presidency an inexperienced, nearly-elected delegate...but that has rarely been a problem in parliamentary systems. The tendency there has been to select an old warhorse whose behavior in political skirmishes as well as in times of peace is thought to be well known and reliable.

One further drawback of this system: it would complicate the ethnic representation calculations somewhat, by increasing the potential field of candidates to include assembly delegates. It might, for that reason, be better applied in those pastoral units (if any such exist) where multi-ethnicity is not a problem).

Direct Election of Executive by

Ordinary Voters Instead of by Delegates?

One night, finally, consider direct election of the leading executive officer, or the entire list of executives, introducing thereby a separation of powers system in place of the parliamentary base discussed in all examples above. Such a system

would, in principle, introduce a bi-partite system to the governance of herder associations, and would theoretically increase governors' responsiveness to governed by multiplying avenues of contact and influence open to the latter. Physical limitations on communication would seem to counsel against this system, however, because the necessity presidential candidates would face of appealing to voters throughout the pastoral unit might be so time-consuming that most would simply be unable to campaign. Indeed, this system might automatically weight things in favor of farmers in the zone, if they were included in herder associations, and if elections were held during the dry season when they had more free time on their hands (or exclude them, were elections held during summer rains).

Operational Decision Voting Rules

System A

Niger Centre Est proposes simple majority as the sole rule for decision-making on all issues which come before the pastoral unit association's general assembly. Adoption of this rule offers the advantage of simplicity, which is not negligible. It also opens the road to a winner-take-all strategy, by which, if a dominant ethnic group (or coalition) could control all votes, it would be possible for then to determine outcomes on all decisions and thus shift the bulk of potential deprivation costs to the minority.

System B

An alternative system would divide operational decisions (e.g., types, levels and distribution of services, investment decisions, including self-help efforts, range management activities) into crude categories. Those least likely to cause dissension (by convention, B_1) could be handled by a simple majority vote, e.g., a decision to solicit authorization to constitute a cereal stock for the pastoral unit association, or to set dues(?). Those likely to involve more disagreement (by convention, B_2) could be handled by a two-thirds (three-quarters) majority rule, e.g., decisions to set dues (?), seek a loan or to site a new well. Finally, decisions which could be expected to cause serious dispute if they were not tailored to take account of many people's interests and sense of equity (B_3) could be handled by a special form of extraordinary majority rule coupled with a necessity for majority approval in a specified proportion of geographic subsectors, e.g., six of twelve, eight of twelve, ten of twelve, etc., depending upon how restrictive one wished to be (but remember, at some point this strategy could convert a herder association into a Polish Parliament). Included in this category of decisions might be such things as range management decisions (where farming would be allowed, to what extent and how herds would have to be reduced (sale or temporary emmigration) or scarce pasture resources shared, whether to permit non-association members to pasture animals in the

jurisdiction during a given year, etc.), and really nasty issues like distribution of primary school student quotas among constituent groups, etc.

System B does not have the advantage of simplicity that System A does. It provides however better protection for minority rights, and would thus tend to keep potential deprivation costs within bounds and tensions manageable.

The Quorum Question

Is it necessary to have a quorum rule for general assembly meetings? Probably. Several factors bear here, but their combined effect in terms of an appropriate quorum rule is ambiguous. Favoring a quorum rule would be concern that a small group of delegates, perhaps in collaboration with executive officers, or some of them, would call an assembly meeting when most other delegates were widely dispersed, e.g., because of local drought conditions. Delegates abroad with their herds and short-handed would be unlikely to return for an assembly meeting. This would permit the collaborating group to make decisions against interests of absent delegates, and those they represent, without having to face their opposition. It would be better, one suspects to remove the temptation such strategies involve by constitutionally stipulating some minimum number of delegates must attend to muster a quorum capable of taking binding decisions.

If it is agreed a quorum rule is appropriate, then one must decide at what level to set it. Half the delegates?

A quarter? Throe quarters? If it is set too low, the above-mentioned dangers are not avoided. Setting it too high, on the other hand, permits a minority to frustrate action by simply boycotting assembly meetings.

Shall wo say half? Two-thirds?

Note that a quorum rule would be unnecessary in a uni-ethnic pastoral unit association where decision making norms commonly accepted by the group in question would reject as illegitimate decisions taken by a subset of the full voting group. Quorums probably are more necessary where ethnic composition is mixed, and potential for aggressive, quick-gain strategies within the assembly are greater. This sort of thing can all be avoided, of course, if a deus ex machina in the form of a technical agent will constantly be available to keep play of the game honest and open. But such a provision foregoes the possibility of self-management in terms of Development Society principles.

Constitutional Decision Rules

Projections about rule consequences are being advanced here at a great rate; every constitution has to start somewhere. Experience may well show however that in a particular pastoral unit association, certain operational issues were, e. g., B_1 (general consensus exists) or B_3 (seriously disputed) instead of B_2 (moderately disputed) as originally expected. Experience might also reveal flaws, e.g., in the B_3 formula. It could turn out that approval of an issue by a majority of only seven of twelve instead of ten of twelve geographic subsectors was

adequate to protect minority rights, and therefore preferable to the more restrictive rule because it would reduce time and effort costs of doing assembly business. Such experiences should be translated into rule changes. Moreover, movements might develop to change the manner of selecting board or executives, or to redistrict geographic subsectors. These sorts of constitutional issues, i.e., changes in voting rules or representation formulae, should be handled as a separate category of decisions, governed by quite restrictive rules.

These rules might impose the requirement of an extraordinary majority among delegates to the assembly, coupled with majority approval of changes in two-thirds (three-fourths) of the local herder associations or specially convoked, geographic sub-sector constitutional amendment assemblies. Such a procedure might be used, indeed, to design constitutions for later pastoral associations, if initial efforts prove workable.

Payment of Delegates and Officials

The Niger Centre Est herder association model constitution, Art. 18, expressly prohibits payments for board members and executive officers. It is mute on the issue of payments for delegates, but it is probably fair to assume Niger Centre Est, in line with Development Society principles on this question, opposed remunerating delegates as well. In the present context, means to control abuse of powers by a majority of delegates or by elite members of the association, payment of costs and/or

compensation to officials and delegates poses a delicate question.

If nobody is paid, activity is entirely voluntary. If it is intermittent and extremely limited in duration, i.e., occasional meetings at area markets which most would in any case attend, this provision appears reasonable. If however the workload increases (frequency and duration of meetings, frequent activities for executive officers), then demands of the herding system may well work as an economic barrier excluding poorer individuals from office. In effect, the no-pay rule would enhance the marginal advantage already enjoyed by wealthier association members.

However, paying officials does not provide only the benefit of a broader pool of candidates, and the creation on the part of officials of a sense of their dependence on ordinary voters. It also involves the cost of financing those payments. If money is provided by an outside source, the stage is set for collapse of herder association organization as soon as outside funding is withdrawn: once individuals know some non-herder is willing to pay them to serve, they will rationally insist on their due, and may resist serving until they get it. Outside financing thus seems undesirable. But if members of the association decide they want to remunerate delegates and/or officer(s), this option might well be left open, assuming the association can muster financing from its own resources [these issues are considered below, pp. 129-31].

Herder Conseillers Techniques

In addition to official posts outlined above it would be appropriate to develop another position in the context of the herder associations, that of "conseiller technique". The essentials of the job are this: the incumbent should function as an individual rooted in the local society but trained both to promote self-help there and to operate in the ambiguous area of contact between herders and GON technical agents as an information gatherer and advocate of herder association positions and interests. Moreso even than the president, the conseiller needs to be an individual capable of functioning in two worlds, although tied to and committed to the welfare of the pastoral society he represents.

The conseiller needs to be a political entrepreneur committed to seeking out relationships which will benefit the membership. Political entrepreneurs, by analogy with economic entrepreneurs, are individuals looking for opportunities upon which to capitalize. Intra-zonal variability makes it quite uncertain at present what those opportunities will be for certain groups, in particular places at specific times. To discover them and to exploit them, political entrepreneurs in associations must be encouraged to seek new ways to provide goods and services to members. They must be positively discouraged from persisting with relationships and putative "opportunities" (e.g., a failed human or animal health program, a millet supply program that never produces millet, etc.) which do not redound to the benefit

of the membership.

Yet this is frequently the case when a top-down scheme is imposed via the encadrement process. In effect, power distributions within programs encourage those nominally seeking well-being of members to persist in empty, useless activities, blindly executing orders (or doing nothing, if rewards come despite inactivity, or if positive activity is not particularly rewarded).

Self-management will work in the pastoral zone only if herder association and cooperative members, officials and "conseillers" believe they have leeway - and responsibility - to experiment with ideas they think will work for them, and can then confirm in practice this leeway for local initiative. All trials do not have to succeed. All programs suggested to associations do not have to have been pretested for feasibility. Officials and members must however feel motivated to risk new departures, modifications, adaptations, to engage their own intelligence in developing workable enterprises if herder associations are ever to become going concerns integrated in functional ways with the environments in which they operate. Yet this is the condition, not just of herder association survival, but of practical contributions to improve herder welfare.

Associations should be organized as autonomous "holding companies" authorized to oversee various service-related activities within their jurisdictions. The trick will be to

attract capable people to delegate and executive positions, who can mobilize popular opinion and participation as a counterweight to "conseillers", to control their activities. The latter, if they got effective programs going with particular GON agencies, or on an autonomous basis within associations, will have a tendency to use this political capital to dominate association affairs. Once any one, be he chief, imajer, 'ardo, rich man, poor man, beggar man, thief*, captures the game in an association, becomes the controlling power, calls the shots, prospects for success over the long run are substantially diminished: herders are likely to react sooner or later by withdrawing to cut their losses, instead of remaining in the association to be exploited.

To maintain the association's upper hand in decision making about service provision, it should be given final control over selection of association members to provide particular services, e.g., veterinary health, millet supply), in accord with rules proposed above, System A or System B (simple majority rule for all issues or extraordinary majorities required for some issues as a function of their inherent dispute potential). Associations should also clearly be empowered to dismiss and replace member service providers who in general assembly or local herder association estimates are not performing adequately. It would be advisable to subject both "conseillers" and member service providers to periodic re-election, to create at least a standard framework for confronting the issue of performance

evaluation. This seems better than reliance on a rule of life tenure given good behavior: good behavior and good performance are two quite distinct issues, and neither automatically implies the other.

To discourage development of a presidential-"conseiller" axis, in which the two men having the most contact with outside agencies collaborate, capture the game and split the spoils, candidates for "conseiller" and service provider posts should be proposed and approved by the herder association general assembly, not by, e.g., the board or the executive officers.

Outside GON technical services should not be empowered to decide on association personnel. There is every likelihood their informal influence on selection and dismissal will be great, indeed too great in terms of maintaining an appropriate dependence of local service providers on those they nominally serve. The concern should be to counteract dependence on GON agencies, to avoid imposition of standardized solutions and to allow associations thus to learn from their mistakes through autonomous experimentation.

GON agencies will not be totally without bargaining power in such contexts. If they totally reject (distrust, find antagonistic) a particular member appointed by an association to collaborate with them, they can refuse contact or service delivery, thus forcing the association involved to reconsider its decision. The associations verdict might be compliance with outsiders' wishes, determination to support the local

service provider and search for other ways to secure the service, or cessation of provision of that service.

Another method of controlling "conseillers" and service providers - as noted above for officers and delegates - is to assure the association determines salary levels and contributes to them. It would be ideal if remuneration for all officials, "conseillers" and service providers could be financed out of local resources. This point is discussed below, in the section on "Financing Association Activities" [see pp. 123-31].

Summary

In what ways can institutional design enhance prospects for an open game within the association? The series of constitutional rules proposed above concerning alternative schema for creation of local associations, election formulae, operational and constitutional decision-making, lay the groundwork for either closed or open games, depending upon the selection made among alternatives.

The option to freely constitute local herder associations (with only a minimum membership restriction instead of a one-per-camp or one-per-tribe rule, and System D H L_2^{2x} (geographic and ethnic representation based on an assembly of delegates, not ordinary voters, direct election by the assembly of the leading executive for a possible total of two two-year terms, mandated ethnic rotation of the presidency) coupled with System B (issues ranked by divisiveness, increasing majorities required to take

action as issue divisiveness increases) would create pressures for an open game, although it would not guarantee it.

By contrast, selecting a series of options which facilitate capture of the game, e.g., only one local association per camp or - far more restrictive - per tribe, System I₁ (ethnic representation based on an assembly of ordinary voters, indirect election of president [leading executive] through at-large [no geographic constituencies] election of board which then chooses executives from its own members, unlimited, renewable one-year terms for all officers, no mandated ethnic rotation of leading office) coupled with System A (simple majority rule for all issues) would enhance probabilities that a single individual or small group would move into effective control of group affairs without much exposure to competitive challenge.

Dispersing power within the association among a number of participants reduces likelihood that an individual or a small winning coalition will capture control. This aim is desirable so long as the Polish Parliament syndrome is avoided. If the association game remains open, it will become a political

arena for jockeying entrepreneurs concerned to build support and backing by undertaking activities which enhance herder welfare. It will not become a fief under the thumb of a monopolist capable of running things to suit himself. If multiple entrepreneurs are tied to outside GON agencies, at least extent of being able to draw on them for support in internal competitions, likelihood of the game remaining open is better.

VII. SERVICE PROVISION AND RANGE MANAGEMENT

This chapter delves into various aspects of operational decision-making within herder associations. It tries to develop a context of issues, and approaches to resolving them, which would flesh out the background "life of the herder association", as a heuristic aid to further speculation about roles associations ought to play.

Determination of Services to be Furnished

This section considers three issues: who should decide what services, if any, are to be provided through the herder association; by what jurisdictions should they be provided; and on what terms should various services be provided?

Services to Be Provided

Decisions have to be made about what services are to be offered through the association.

Entirely Locally Produced

Those which the association(s) can produce entirely through their own resources, either at the local or the pastoral unit level, constitute a sub-set of the total. Local associations for instance can handle shallow well siting and construction. Herders could be left to make their own decisions on such issues. But GON policies may tend to impose provision of certain services, even if the local community does not desire them, e.g., public wells and roads. Often however, herders

will be protected against such undesired provision by GON's lack of resources - especially if the pastoral unit associations become recognized as representing the opinions of their members - so only groups which want particular goods or services will get them, either through their own or GON efforts. In this situation, few problems arise.

Jointly Produced

Another subset of services involves those which herders cannot produce entirely on their own. They are dependent upon government for authorization, or for financing, supplies not otherwise available, technical expertise, etc. Included here are millet supply, construction of lined, wide-bore shallow wells by a combination of self-help and state machines and materials, loans for well construction and herd reconstitution, etc. In all these cases, herders' interests are directly involved and they may, by participating, become financially liable as well. For this reason it seems imperative that herders' opinions be taken into account before delivery decisions are made.

Pastoral unit general assemblies should be empowered to decide on such issues. A negative vote [see above, pp. 90-92] should constitute a veto of the project.

The alternative is simply to impose service provision. Roadways and wells have frequently been created in this manner, to the subsequent dissatisfaction, especially concerning wells, of at least some herders native to the affected areas. Herders

excluded from a voice in the decision process, and saddled with "services" they do not want - disservices, really - may withdraw their support from associations, provoking collapse.

This involves a serious cost, often recognized only after the fact of breakdown: the whole structure of public -•

herder - confidence and investments in institutions must be recreated all over again before a participatory development process can be revived. Creating participation the first time around is almost always a slow, arduous process (which explains why so many development projects, faced with planning deadlines, evaluations and the need to move money, opt for top-down, interventionist strategies which, instead of promoting at the local level "development" as expected, frustrate local people and provoke at least passive resistance to project activities). But if it has to be done after initial, ill-considered operations have offended people and revealed to them their vulnerability to deprivation costs through top-down decision making, it will be much slower and more arduous. Or, as the non-herding Hausa say, "Gogawa ta aihi naawaa" - hurrying causes delays, the flip side of which is "Tahiya sannu sannu, kwaanaa neesa" - travel slowly and carefully and you will go far.

Entirely GON Produced

A final subset of services includes those which herders cannot produce at all: they must be furnished entirely by outside sources, e.g., road construction, deep wide-bore well

or bore hole construction, elaborate hospital and veterinary facilities, etc. Yet here again their interests are at stake. The arguments in favor of obtaining meaningful herder participation in decisions concerning such projects apply here as well.

Jurisdictions Providing Services

The second question posed above, i.e., at what level should services be provided, demands a complicated answer. As a start, one can say the smallest unit capable of doing so should provide the service. Promoting autonomy for local herder associations, assuming public opinion in each is relatively homogeneous because associations are structured along lines set out above [see pp. 54-58], should reduce decision-making costs (the combination of time and effort, and potential deprivation costs) associated with achieving commitment to an activity and then implementing it.

If a local association wishes to delegate someone for human or veterinary health care training, or to take a loan to construct a small-scale millet storehouse, or to purchase millet to assure supplies for group members, it should be allowed to do so, assuming its credit rating is adequate. Problems which are large scale, e.g., deep, wide-bore well construction, security for credit extended to herders or local associations, etc., will have to be handled at the pastoral unit herder association level. This increases decision-making costs - time and effort - because the consensus may be more fragile or non-existent, necessitating bargaining (log-

rolling') before a decision can be reached; dependence on outside participation which may or may not materialize; higher communication costs imposed by longer distances; and possibility of greater deprivation costs. Some of these costs, unfortunately, may be unavoidable, e.g., credit security through adherence to the larger group. Others are a function of GON policies which envisage broader policy goals, e.g., food self-sufficiency for Niger and a regulated, because GON-controlled, cereal grain market to guarantee reasonable prices to consumers. Costs associated with these policies may eventually be reduced if GON policies change, e.g., termination of subsidies to millet consumers, unification of black market and controlled market prices in a free market price, increased production and greater grain stores available to pastoral zone residents.

Terms of Service Provision

The third question, the terms on which various services should be provided, immediately raises questions concerning financing measures. These are treated below [see pp. 121-31]. In general however it would appear desirable to avoid providing services gratis and to provide them on a pay-as-you-go basis whenever possible.

For instance, health care for humans or animals could be provided free by volunteers. However, if trained individuals are to be expected to make efforts to learn more and to make their skills generally available to fellow members of the camp group over a long period of time, they will probably need some

remuneration. This could be provided in the form of a small charge for services and medicines rendered, just as patients typically pay local bone-setters, charm-writers and others who produce medical services. Obviously, where local mores decree no reward, e.g., ad hoc midwifery among the Wodaabe (?), the issue of compensation will have to be carefully scrutinized. Willingness to pay small amounts for services indicates, importantly, that they are desired. This is one good indicator of worthwhile goods and services, and of performances that merit reward. It also preserves the legitimacy of voluntary action in those situations (short-term self-help, representation of the camp community) where voluntarism is indispensable. Demanding too often that some make voluntary sacrifices while others - who don't often make those sacrifices - get something for nothing can in short order terminate civic consciousness rather than strength it.

Range Management Activities

"Ça, e'est un noeud de vipères," to say nothing of a Gordian knot. Range management involves decisions about land use practices in the pastoral zone. Land use practices turn on siting of and allocation of control over water sources and pastures (in times and places where water is not a constraint), up-grading of pasture resources, regulation of grazing pressure, and control of agriculture in the pastoral zone.

Again, the same three questions are relevant: who should decide which of these activities should be undertaken by herder

associations; by what jurisdiction(s) and on what terms should regulation occur? All the difficulties associated with attempts to regulate common property resources where supply no longer covers demand are potentially present here.

These problems of pasture management can only be dealt with in the long term, when and if some sort of viable herder associations have taken hold in daily affairs of the pastoral zone. Pasture management issues thus will be tackled in most project area subsectors after service and goods provision operations have proven themselves.

Several background comments will be helpful here.

1. Herder associations and cooperatives will be voluntary associations without powers to impose taxes, or coercive sanctions, because the option of free exit will remain open. Yet pasture management, if justified as an enterprise by resource degradation or by pasture improvement possibilities, will require enforcement of certain rules.

2. In some areas pasture management may be feasible through control over water points. In others it will involve direct enforcement of boundary rights (demarcation and maintenance). If boundaries can be maintained, grazing rights might conceivably be marketed, on a priority basis to association members and then to outsiders if additional forage supplies remain. As another option, grazing rights might be sold only to outsiders (assuming a fodder surplus), all members having a vested right to graze animals within the association's

jurisdiction. Finally, surplus grazing rights might be traded to herders from fodder-deficient associations, as a strategy to reduce risks to which drought would expose members of the local association. Whatever options might be developed along these lines or others, their value will depend directly upon feasibility of upholding relevant association rules and rights.

3. If exit remains a freely available option, motivations must be intense for individuals to remain members in good standing of the association, by paying dues, respecting rules and abiding by threats of sanctions imposed for violation of rules. Members must remain in the association in the face of constant temptations to play the role of holdout, and benefit by withholding dues, putting more than one's fair share of animals into the commons, etc.

4. Control over water, pasture, access to credit and to assured supplies of millet and basic necessities seem the *prima facie* most interesting activities through which associations could secure members' commitment to common goals and behavior necessary to realize them. These points will be discussed below.

5. Institutional design of associations and of pasture management programs should constantly seek to reduce possibilities for internal and external confrontations: associations and programs will be too fragile to withstand more than a very limited amount of tension.

6. If tensions cannot be resolved within the political process of an association or by recourse to impartial internal or external arbitors or judges, they may end in violence. More than a very little violence may signal the end of associations, if they are seen by GON officials to be responsible for outbreaks because they are incapable or unwilling to control their members: maintaining peace and order (e.g., no sword-play over pasture boundary rights) will remain one of GON's very top, if not its top priority.

Determination of Range Management Activities

The need for range management, as suggested above (pp. 3-4) as well as the feasibility of range management (including upgrading in the NRL area remain problematic. Basic vegetation patterns may not be degrading, if the range has been essentially composed of annual grasses in this century. However, this has not yet been demonstrated, and some indications exist that degradation is indeed occurring.

The advance of agriculture - or its spot occurrence - in the pastoral zone poses another sort of threat to range maintenance, for several reasons: conversion of pasture to field, effective privatization of parts of a formerly common property resource, intensifying pressure on the remainder of the common property, threat of wind erosion from both of these major causes [for details, see Appendix I, pp. 180-81].

Imposed Management Programs?

The range management technical specialists will produce

conclusions about evolution of range quality, and technical feasibility of doing something about it if necessary. Experts, or GON officials might next propose actions which herder associations would then be expected to implement. This approach clearly risks uninformed decision-making and unintended side effects. It would however have the advantage of a centrally-planned and -coordinated approach to management which would settle by fiat many prickly issues which will inevitably arise and plague other, less hierarchical decision-making processes concerning range management and water resource development. It is conceivable such decisions, once taken, would be adapted to by zone herders as fixed parameters if they could be enforced. Difficulty of enforcement is clearly a separate issue.

Enforcement feasibility is a function in part of the extent to which herders perceive they can "live with" consequences of imposed solutions. If herders believe measures proposed are equitable, and recalcitrants will be forced to comply, resistance might be minimal. This might permit development of orderly, reciprocal evacuation agreements between adjacent and even distant pastoral unit herder associations, which would come into play when one or another was struck by a localized drought and inadequate fodder supplies.

Autonomous Local Range
Management Programs?

Another approach would involve allowing herder associations to handle range management problems on their own, with their

responsibility running across all issues, from control (elimination?) of agriculture to well-siting and exploitation, upgrading pastures and contingency planning for droughts. Associations could decide to handle problems either at the pastoral unit level, or at the local level, or not at all. They could call on project resources for assistance if they desired it.

This approach builds in - if decision rules suggested above, Systems II or III, coupled with System B, are adopted - legal encouragement to herders to assume responsibility for their own resource base, and a framework which would promote considerable discussion of, and flows of information about aspects of this set of problems which herders consider significant. It would not, probably, guarantee rapid action, although legal authorization to manage association lands and to develop water resources in ways association members saw fit would certainly operate as a powerful incentive to herders to (a) become members of the association and (b) to maintain, or improve, the resource, especially if possibilities of reciprocal relationships with surrounding pastoral unit herder associations concerning pasture sharing in fodder shortages were unclear. Along these lines, local associations might, for instance, adopt some of the innovations proposed by Dud Rice [1981].

A note of caution should be sounded here: decisions are likely to be taken slowly, given this organization of the

rules of the game, but for several different reasons.

First, the rig of the game will promote consensual decision-making. Because the decision-making matrix will be quite complex, both within the pastoral unit and in its external relations with other units and herders, and because interests involved will be fundamental, a long period of experimentation with partial, and probably low-level, solutions will be necessary. People will need to familiarize themselves with consequences, loopholes and leeways inherent in a set of decision rules before they can begin to comprehend realistic alternative possibilities of range management and control, much less make decisions among them. And the whole system will probably require constant adjustments as it evolves over time. In all probability, it will never arrive at an equilibrium position which could be crystallized into "The Grand Solution",

Second, action might not be forthcoming, not because of complexity of decision-making involved, but because some, many or all herders, or pastoral unit associations, simply do not perceive range degradation as a problem, or expect benefits of up-grading to justify probable costs. In this case, attempts to impose range management practices through a consensual process will fail. But on the* other hand, attempts to impose such practices from the top down will predictably - in light of the divergence in perceptions between base and apex - provoke passive resistance, or at least hearty non-

cooperation: arguing conservation to those who see no need for it is a quixotic venture, despite its frequent occurrence.

Third, action might be hampered, not because decisions involved are so complex, but simply because herders doubt decisions can be implemented. It would take time to build confidence in new institutions: that herders did have authority to control their own pasture and water resources, that other herders, from outside the pastoral unit, would respect those decisions and comply with them, and that in cases of dispute, the association would be backed up by administrative authorities sitting as judges and by judicial officials, if appeals went that far.

Hybrid, Cooperative Approach

Finally, a hybrid approach might be essayed. It could begin from the principle that associations had the final say, but permit technical agents and other interested/qualified parties to suggest solutions or engage in negotiations under pastoral unit herder association authorization.

Jurisdictions Engaging in Range Management

Here again, the appropriate jurisdiction should be determined by scale of the problem involved. General limits, for instance, on agriculture in a pastoral unit would presumably involve a unit-wide decision: land converted from pasture to field reduces overall fodder resource potential within the unit, and so impinges generally on herders' interests if

the entire pastoral unit is treated as a common property-resource by all members of all camps within it. However, on this assumption it would make sense to delegate to local units authority over placement of fields within the local area.

If however the pastoral unit was subdivided into mutually-exclusive pasture subsectors, each controlled by a particular camp, then decisions could be taken at that level about reasonable proportions of farmland to pasture, as well as field locations within the unit.

Negotiations with other pastoral units could be handled either by the pastoral unit association, or by local herder associations. If it is thought advisable to fragment the dispersion process, comparable to the manner in which evacuation of drought zones now occurs, then each local herder association could seek out its own contacts in all directions. If it is thought advisable to regulate things at a higher level, then the pastoral unit association would be the appropriate vehicle for external relations.

Terms of Range Management Regulation

One could attempt to impose a solution, with or without prior consultation (or subsequent consultation, to modify rules in light of perceived implementation problems). One could allow people to have recourse to their own devices: they would know, or could discover, if reciprocal agreements are workable, whether payments need to be involved, whether association could purchase "drought options" to move stock

into the territory of an unaffected association ("unaffected" to be defined before the option is let), etc. These kinds of decisions are intimately intertwined with cultural decision-making patterns and mores, and would appear to be a problem area ideally suited for herder association control, either locally or at the pastoral unit level.

Summary

This chapter raised a series of issues, first concerning service provision and then in the area of range management. The intent, in speculating about which issues should be tackled, by whom and at what levels, was to provoke further reflection on [ethnographers] reasonable goals for herder associations, but also to indirectly suggest areas associations might be better advised to steer clear of, because they are so patently fraught with difficulty. Evacuation agreements at the herder association level seem to fall into that category, at least for the present, and until (if ever) the structure of herder associations and their authority are very strongly established.

The fact that such developments are not likely to come rapidly, given the proposed herder association decision-making mechanisms, should not be taken - for reasons mentioned above - as justification for a top-down, interventionist approach. The

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surer approach would evidently be to let people explore new institutional possibilities for solutions once they clearly perceive a problem, e.g., range degradation.

VIII. FINANCING HERDER ASSOCIATION ACTIVITIES

Introduction

This chapter first reviews the background of herder association financing difficulties, through a brief reiteration of materials developed earlier in the report. It then examines conditions for overcoming these difficulties, and makes some suggestions about possible approaches.

Herder Associations

as Voluntary Associations

Herder associations will be voluntary associations. General policy preferences announced by President Kountché, detailed GON statements and decrees, the political theory underlying the Development Society concept and the dogma of Animation Rurale, as well as the Nigerien law governing voluntary associations, all combine to make this clear.

Two serious problems flow from the voluntary character of future herder associations: insuring participation and insuring financial viability. They are interrelated. Both must be confronted if herder associations are to help bring pastoral zone residents more fully into the mainstream of Nigerien life. Let us begin with the thorny issue of participation.

Insuring Participation

Development Society discussions and Animation heavily emphasize benefits of improved communication between GON agents

and rural masses in "changing mentalities" and motivating individuals to do their bit for Niger and fellow Nigeriens. Implicit in this reasoning is the assumption that peasants and herders remain ignorant, to this day, of the value to them of GON programs. Therefore they remain inert, passive, non-participants. But better information will change their interpretation of events, reveal to them their own long-term self-interest in cooperating with state programs, and presumably, will encourage participation.

The argument stressing the need for consciousness raising in this sense is offered almost as an article of faith by Animation [interviews, Director Salao Kané, Rural Extension Service, Niamey, 1/16/81, 5/23/81]. It is asserted that rural Nigeriens, once aware of their own interest in collective activity, will participate effectively on a voluntary basis at levels required to achieve diverse goals. However, the process of consciousness raising is admittedly a long, slow one.

Another interpretation of non-participation is possible however. It assumes comparative enlightenment among rural dwellers about costs and benefits of GON programs, as these appear in the context of real activities at the local level. Examination of rural development efforts in other parts of Niger reveals many component programs have failed to achieve (sometimes unrealistic) goals set for them in terms of modifying conditions of life in the bush. In this sense, individuals' bottom-up calculation of the net value of participation to them

may be more accurate than top-down ones.

If so, then non-participation is a highly significant phenomenon: it suggests programs do not meet user needs and should be modified to produce real benefits for potential participant/consumers.

Yet another interpretation of non-participation is possible. Here, weaknesses in institutional design become the focus of analysis. These weaknesses, it can be argued, vitiate otherwise valid programs by encouraging at least some peasants to pursue strategies which serve their own narrow self-interest, at the common expense.

This is particularly the case where public goods have to be provided or common property resources managed on a voluntary basis. Because of the nature of the goods produced - public security, or better quality pastures, etc. - the unprincipled can benefit from the contributions of others without bearing their fair share. When the others, the voluntary sacrificers, realize this, they have good grounds to be upset...and to discontinue their own efforts for the common welfare.

One can criticize the unprincipled for their failure to sacrifice, and try to "change their mentality". But it might be more productive of desired behavior if institutional tinkering were substituted, at least in part, for hortatory rhetoric. The implication, in other words, of non-participation from this perspective is: gains can be achieved by reducing possibilities, through institutional redesign, that hold-out strate-

gies will work successfully.

A combination of these interpretations may best explain some cases of non-participation. Others may be best understood as consequences of popular ignorance, or realistic assessment of practical disincentives to participation, or failures in institutional design which invite the clever and unscrupulous to shirk legitimate burdens.

It behooves us to keep these possibilities in mind as we try to design herder associations for the NHL project area. Better communications about program goals, better benefits and sounder institutional designs should produce greater rates of participation. But can they be achieved, these communications, benefits and design goals?

Let us focus on the issue of institutional design. Many Nigerien rural development programs have suffered from failure to address the hold-out possibilities inherent in the rules governing program operations. Such programs try to produce public goods (those in which the good, once produced, is freely available to all, e.g., improved environmental quality, better herd or human health levels) or improve common property resources without restricting access to them (e.g., public watering points on common range lands).

Individual users then rationally seek those goods at bargain rates. In other words, if they don't have to pay for them, they won't.

If the goods in question depend for their quality in part

on efforts of consumers to use them wisely and to maintain them (e.g., rational management of water points and associated range lands, maintenance of environmental quality or herd health, protection of satisfactory credit ratings as guarantees of access to credit in the future at reasonable rates), then hold-out strategies will lead eventually to erosion of the quality of the goods involved, or perhaps they will just no longer be produced, leaving the user communities worse off.

Overcoming Design Weaknesses of Voluntary Associations

To avoid this outcome, strategies to circumvent flaws of voluntary organisation must be found. Unfortunately, they are fairly few in number. They include:

- 1) exhortation;
- 2) informal mechanisms of coercion adequate to induce reasonable compliance;
- 3) outside financing
- 4) indigenous financing arrangements; and
- 5) separable benefits.

Exhortation

The first method, exhortation, lies at the heart of Nigerien Animation theory and practice, and is clearly central to Development Society thinking as well, as has been noted above. For NRL purposes concerning herder associations, exhortation is probably a low priority: GON agents can be relied upon to pursue programs of public information and enlightenment, and

those associated with field level development of associations will certainly function in part as extension agents and information relays.

Informal Coercion

The remaining strategics may be more rewarding if only because they have been pursued with less intensity than the communications ploy.

Informal mechanisms of coercion may exist and may be adequate to induce reasonable and necessary compliance with association rules concerning some activities, contributions and participation. Project ethnographers need to pursue this question in great depth as they examine issues related to, e.g., provision of health services, water point and range management, credit supply. Evidence exists that compulsion is feasible on some issues, in some contexts. Prudence suggests some skepticism on this point however. Maliki's remarks about erosion of the Wodaabe Way, as well as the possible inability to generalize it to areas of herder association activity, the frequently remarked facility with which Wodaabe shift allegiance from one camp to another, one 'ardo to another (at least in some parts of the NRL project zone), the relaxation of imajeuren control over eklan in some settings, and the converse suspicion in others that control has been reestablished, or never really lapsed, all suggest informal coercion mechanisms may be too weak in many cases to be reliable, and too strong in some others to be relied upon in

good faith. Thus the third through fifth strategies merit very serious consideration...of both their advantages and their weaknesses.

Financing Association Activities

Who should pay for what in converting herder associations from an idea to a going concern? This question raises a host of issues because modalities of fund-raising and payment can **be expected** to influence behavior. What effect does funding from different sources have, for instance, on member participation self-help and self-managment? What are chances of associations functioning without outside assistance? What are chances of subsidized herding associations continuing to function once outside financing is reduced or cut off? **How** do funding sources and terms affect performance of those who may be employed by herder associations?

Outside Funding Only

One possible solution to funding problems is to rely entirely on outside sources (GON, NRL, etc.) In the short run this solves financing issues, and would allow association officials to supplement voluntary activity with paid work. But over the longer term outside financing may create several other serious issues, e.g., total dependence on that source for funding. If this sort of dependence develops, officials (and members) may, to maintain financing, abdicate criticism (or even feed-back of any kind) to avoid offending the donor. In

its worst form, this kind of dependence develops into a generalized attitude that "the state will provide", not just money, but ideas, programs, personnel to implement, evaluations,, etc. The cliché about "He who pays the piper calls the tune" did not attain proverbial status because it was a bon mot but because it caught the essence of common experience. If that proverb has any relevance for herder association proposals, it suggests self-management and self-help aspirations will be gutted by entire reliance on outside financing.

One might reiterate, in this context, that there is clear Development Society opposition to development as a hand-out operation: self help is an important principle.

Indigenous Financing Arrangement

An alternative to outside funding is the possibility of indigenous financing arrangements. Do people take up collections for any purposes? If so, what are they? Can these sorts of accumulation institutions be extended to provide financing for herder association activities?

Can other traditional forms of wealth constitution be used, e.g., the Tuareg elkh habus (spelling?) donation which appears to be a sort of open-ended trust fund [Interview, Mouhamadoune Abdourabahi, road from Ibécètène to Edouk, 2/07/81]. Both of these suggestions may be no more than straws in the wind, but perhaps they will suggest other institutions which might be turned to advantage as a means of partially financing herder association activities.

Separable Benefits

Another local avenue of financing turns on possibilities of adding overhead charges to costs of consumer goods, e.g., millet, salt and basic necessities, human and animal medicines and treatments, animal food supplements, which might be marketed through the association on cooperative principles. If such sales were handled within a pastoral unit through creation of a cooperative store under UNCC auspices, money which would normally be rebated to cooperative members could be allocated, upon vote of the cooperators, to financing operations and projects approved either by local or pastoral unit herder associations. The same of course would be true if the association directly marketed consumer goods, without developing the UNCC connection.

If sales were handled directly through the association, overhead could include what would in effect be a sales tax to finance association activities. Under the Nigerien law of associations, dues can be collected without prior authorization [Ordonnance No. 75-11 of 13 March 1975, Art. 11]. Rebates are clearly authorized under UNCC regulations. The sales tax to directly finance association activities would probably require special authorization.

Financial activity of this sort would also involve the obligation to maintain adequate accounting records, so financial activity could be controlled by the administration [Ordonnance No, 75-11 of 13 March 1975, Art, 11]

Millet supply, as suggested elsewhere, is a delicate topic [Appendix III, OPVN, pp. 239-42]. UNCC may provide access to millet-stores, if OPVN continues to face pressure to reduce its costs, particularly concerning subsidies to support low millet prices and to finance a widespread distribution network. This appears to be the case. Paced with pressure to reduce costs, OPVN may be happy to farm out part of the collection/transportation/storage/transportation/distribution business to cooperative organizations (or herder associations?)

Success of such an operation would depend upon two things: first, authorization to the coops to buy/sell directly to/from each other, without having to pass through OPVN.

Second, cooperatives (herder associations) must be allowed to pay prices sufficiently attractive to the southern millet producers that the southern agricultural cooperatives will in fact be able to constitute reserves/stocks from which they could allocate a percentage for sales to herders' cooperatives or associations.

This could occur either because cooperatives would be specially authorized to pay higher than going rates fixed by the GON for cereal grain purchases and sales (unlikely, since that makes OPVN's task the harder), or OPVN policy would return to its original orientation. In that conception, the agency was to operate (1) as a famine reserve maintenance organization; (2) to maintain a floor under grain prices to prevent needy peasant producers from being exploited by

speculators directly at (or even before) harvest time,--if they must sell to cover pressing expenditures, at least they would get a fair price; and (3) to prevent exorbitant prices to millet consumers, by dumping supplies on the market when the price goes through a particular pre-established ceiling. This reformation of OPVN's activity, from one of trying to fully regulate the market to one of merely trying to exercise some indirect influence on the range of real, market-made prices, seems likely; it depends on the current director of the agency, M. Adamou SOUNA, enjoying some success in his efforts to redirect OPVN policy.

Note that in this context, OPVN pricing policies are not determined by the parastatal alone, but by a staple grain pricing commission.

Sale of watering rights and grazing rights offers another possibility for local financing, if GON policy eventually permits vesting such rights in collective herder associations.

Association Role in Controlling Services

The sorts of services, the nature of rebates from marketing or consumer cooperatives (if the latter should be introduced through pastoral associations or cooperatives) and the extent of service charges, total overhead or rebates to be devoted to financing herder association activities would be matters for the general assembly to decide.

These sources will generate meager funding unless prices

demand make the products and services attractive in the local context, and supplies can be acquired to meet local demand. If these two conditions can be met, such an approach to financing offers interesting possibilities.

It also affords a measure of association performance, in situations where supply is adequate to meet demand. If people are willing to pay the prices, so much the better. If they are not, then either the products are not desired, or competitive pressure exists in the area which may force prices down to the point where no sales tax can be assessed. At that point, another solution to financing problems will have to be pursued.

Joint Local and Outside Funding

Another solution, highly likely in fact to occur, would combine funding from local and outside sources. Local sources would be used as much as possible; outside sources would subsidize in a limited fashion and for a limited time only.

Purse Strings and Control

Local participation in financing may be fundamental in convincing herders they (a) have a stake in what their association is doing - because they're paying for it, as well as receiving benefits; (b) have a stake in 'controlling their officials' performances, because they're paying for them; and (c) have a right to criticize proposals and programs suggested and implemented by outsiders.

Who should in fact receive compensation for efforts on behalf of the association is a critical issue. It is one which by right, interest and knowledge, should be decided by local herders or their elected delegates to the pastoral unit herder association assembly. There is much talk about the need for Nigeriens to volunteer and to sacrifice for the good of their country, as already noted above. One suspects these are not new concepts in the pastoral zone, although in earlier times the camp, the tribe, the clan, the confederation were probably the foci of efforts and sacrifices for the common good. But it is difficult to call these concepts into play, especially in a changing situation. Most technical services and development projects, in a hurry to achieve technical goals, refuse to wait. Instead, they pay for short-term results. Frequently people's willingness to volunteer declines because they know such activities are remunerated, if not in their area, then in neighboring ones. Et tu, NRL?

Short-term activities can be undertaken on the basis of voluntary labor, for instance, well construction where the water table is reasonably shallow, perhaps millet purchasing in southern markets, creation of holding pens for association animals, attendance at pastoral unit general assembly meetings, etc.).

Payment is probably inevitable when efforts must be sustained regularly over a long time (operation of cooperative stores, maintenance of animals owned by the association,

provision of human or animal health services, relatively constant contact with representatives of technical services, etc)

Remuneration levels ought to be determined by local herders or their representatives, who have a much clearer sense of the local value of an activity than do outsiders. If local people are not willing to fund an activity, several explanations are possible: (a) it should be handled on a voluntary basis, in terms of local customs; (b) the activity would normally be paid, but it is not valued highly enough by locals that they will pay for it; (c) it would normally be paid, people value it highly enough to pay for it if they could, but they lack the money to do so; or (d) it would normally be paid, people value it highly enough to pay for it and they can, but suspect that by refusing to, they can extract partial or total financing from outsiders. In such a context it is obviously difficult for outsiders to determine which possibility applies in a particular case, because bargaining considerations influence people's private and public positions.

If (a) applies, many people may still feel it would be nice to get someone on the outsiders' payroll. If (b) is the case, the service may not be valued enough to fund it by local means, but if subsidies are available, neither they nor the service will be refused. Explanations (c) and (d), finally, are extremely difficult to sort out.

The tendency in much development work has been to jump to

the conclusion that local resources are inadequate, or that nothing will happen without outside intervention. Or that, whatever the local considerations, they are overridden by the controlling need to "move donor monies". So programs are funded, often at the cost of foreclosing any future forms of self-help, self-financing and self-management.

A rule of thumb in this regard would be to refuse outside partial funding to any local program, some percentage of the cost of which was not supported by local contributions in the form of direct donations, labor input, collectively allocated rebates or sales taxes, etc. Or activities might be categorized into those which locals would be expected to totally or partially finance, and those which outsiders would fund in toto (e.g., road construction).

Summary

This chapter confronted issues of association viability which flow from the inability of voluntary organizations to coerce either participation or contributions (taxes). Means to overcome these weaknesses were reviewed. They include exhortation, informal coercion, outside funding (including loans), indigenous financing institutions and separable benefits (private goods or services) which are sufficiently valued that association members will purchase them on a cost-plus basis, with the "plus" being used to finance association operations. Estimates of the probable value, advantages and dangers of each of these sources were then discussed.

IX. HERDER ASSOCIATIONS AND TUTELARY AGENCIES

Introduction

A dilemma generates the discussion in this chapter. On the one hand herder associations need autonomy to defend members' interests and to keep their own officials under control. On the other, they need a structured relationship to the GON, to secure a recognized position within the politico-administrative hierarchy and access to goods and services, as well as technical information, which they cannot produce themselves.

Herder Association Autonomy

The first point needs little amplification. It was dealt in Chapter VI on "Officials, Elections and Decisions." To very briefly restate those arguments, if a constitution is chosen which concentrates power in the president, he will likely succeed in capturing the game. If, as in System I, executive officers are chosen by a board selected by the pastoral association general assembly, that individual who controls the executive group will be positioned to function as contact man between the association and GON officials and technical agents (or to control whomever fulfills that role if, as in the Niger Centre Est proposal, there is an official for external affairs.

Even with the somewhat greater safeguards against executive autonomy built into System II and even moreso, into System III, very real danger exists that the top executive officer will be able to rig the game in his favor.

Once he does, his relative control of resources and outside contacts will probably allow him to extend his hold on the office (through manipulation of, or disregard of, constitutional rules) [counters, either through appeals to the tutelary authority, or through judicial proceedings, are considered below, on. 156-76]. The president might use the prestige of increasing years in the job to advance interests of his members; he could as well use it to abuse those interests, while consolidating his position as an important patron in the pastoral association jurisdiction.

Limitations on tenure, of the sort proposed as modifications of System I-III, would counteract this tendency. Existence of separately elected "conseiller" and member service providers who constitutionally owe allegiance directly to the general assembly rather than to the executive officers or to the board would also help discourage development of dominant executive power within the association.

Herder Association Relationship to GON Hierarchy

The other horn of the dilemma - the need for a secure place in the hierarchy providing channels to goods, services and technical information beyond the self-help capacities of associations - exists because of the possibility of dominant bureaucratic power. This point merits attention.

Autonomous Associations

It would be possible to allow herder associations to constitute themselves and function without operating under the

aegis of a specific agence de tutelle. Agencies would simply reply to herder association inquiries for services once associations had legitimized themselves through compliance with registration conditions established by terms of Art. 6, Ordonnance No. 73-11 of 13 March 1975 (general law of associations). Each would then be one of many autonomous, self-administering units, authorized to promote well-being of their members.

To establish such associations is, in fact, the final goal of Development Society initiatives.

Difficulties with this approach are very clear. From the civil servant perspective, such associations would be suspect because not carefully controlled by an appropriate GON tutelary authority. This suspicion would easily translate into hostility, and would probably finish off chances of a mutually productive relationship between the association and relevant GON technical services.

Second, just because things still do occur in Niger through channels, and because most herders lack the contacts necessary to get into those channels, associations would probably be thrown back totally on their own powers and resources. It is not suggested here that an association needs an administrative patron to succeed; but most herders would not even know where to begin looking for bureaucratic providers of relevant services, nor would they be guaranteed a cordial reception if they went searching, at least in the

initial period of an association's existence.

Technical Agency Tutelage of Associations

An alternative is to place associations under direct tutelary authority of some GON line agency (Elevage, Ani:ation, UNCC, general administration). This develops a clear line of advice, counsel and assistance for associations, but risks as well their capture by the line agency, and development of a suffocating dependency of associations on the agency.

This is a serious drawback. It has been argued above that associations should be flexible and should seek to creatively adapt their activities to local opportunities and needs. Tying them to a single line agency, e.g., the Livestock Service, heightens possibilities that associations (a) will be formed in the image of the tutelary agency and (b) that other agencies will be excluded from the scene, through normal processes of bureaucratic competition for spoils and infighting, as strategies to advance fortunes of the tutelary agency and undercut those of others.

(a) above follows if one assumes association officers, "conseillers" and service providers will not initially have much bargaining power to extract services from a line tutelary agency. Association representatives can then have two responses.

First, they can give up and withdraw without ever having

become involved, or wait passively for whatever goods, information and services are doled out by the tutelary agency - in either case short-circuiting the entrepreneurial role of officers and "conseillers" before it ever develops.

Second, they can attempt to become a captured clientele, heavily dependent on wishes of particular individuals from the agency with whom they have contact. They will therefore be apt to comply with those wishes, to ingratiate themselves as individual, reliable clients, in hopes of extracting, in the long run, personal benefits (some of which may be shared around to build personal support within the association). In effect they would have sacrificed any advocate/defender role vis-à-vis association membership, devoting their time and energy instead to psyching out wishes of tutelary agency personnel.

(b) above - exclusion of other agencies if tutelary authority is lodged in one - follows if one assumes associations might become useful channels of contact with nomads.

The service which brings that one off is going to be in for a deal of praise ("They corralled the elusive herders!"). Presumably able bureaucratic politicians will realize this and will invest effort, if the agency-association relationship begins to ripen into a fruitful one, in converting it into a chasse gardée. This means in turn that benefits which might flow to associations from contacts with other technical agencies will be foregone.

GON Administration Tutelege
of Herder Associations

Associations could be subordinated directly to local GON administrative officers, e.g., subprefects or administrative post heads. This would effectively tighten up the tutelage which such administrators would normally exercise over voluntary associations in the course of their normal duties as: Interior Ministry officials. But these general administrators' manifold duties are time consuming. Distances in the project area from camp to camp are also sufficient to discourage administrators from contacting associations on a regular basis. Administrators furthermore have very few subordinates - a handful of Republican Guards, in most cases - to whom they could delegate responsibility for supervising association affairs. Republican Guards, by activity and training, are ill-suited to encourage and foster association attempts at self-management.

A final point favoring separation of associations from any direct dependence on the chief GON administrative officer of the jurisdiction: the latter, if he is not directly involved with associations, may offer recourse in situations where the association encounters difficulty with technical agencies or individuals. Were administrators the tutelary authority however, chances of appeal of disagreements or misunderstandings between association representatives and the leading GON administrator are minimal. The subprefect or chef de poste is the most powerful person in the jurisdiction. Most others are loath to challenge his decisions: the chances of losing -

badly - are great. That sort of negative prospect would not encourage independent entrepreneurship by association representatives [see additional comments on this point below, p

Livestock Project Tutelage of Herder Associations

Maintaining an open game within a strong association is the goal. It cannot be over-emphasized. The project format is the form of tutelary relationship between herder associations and the administration thus far adopted by GON. It is common to both the agricultural zone (productivity projects) and to the pastoral zone (livestock projects). In effect, as a result of donor-GON negotiations, project administrations (NRL, Niger Centre Est, Sud Tamesna) have been inserted between the herding population and the Livestock Service, the line agency with general authority over livestock questions.

Given this recent history, the project is probably preferable as the tutelary agency. First, it is the currently accepted form; mere inertia will suffice to keep it that way, whereas substitution of any of the other tutelary relationships outlined above would meet resistance. Second, while the projects are headed and staffed to a large degree by individuals whose technical training is in livestock matters, each of the above projects contains individuals able to deal with eco-socio-political issues involved in development of associations as going concerns. Project mandates indeed stress herder welfare as well as improved livestock produc-

tivity. Thus more general frameworks rather than a narrowly technical approach can predominate in the projects, as a result of interaction between different perspectives.

The role of NRL then should be to run interference for associations during both pilot and any subsequent phases. It could deliberately encourage differences in association structures. This would make the point that differences will be accepted (actions speak louder than words), thus not only tolerating, but legitimating entrepreneurial experiments by associations. It would also permit NRL personnel and herder associations through them to gain comparative experience during the pilot and eventual subsequent phases concerning programs that will work and conditions contributing to their success, without the necessity of every association making the same mistakes in its attempts to promote member welfare and increase herd productivity.

Role of Animation Agency

The multi-disciplinary perspective implicit in Nigerien pastoral zone livestock projects can be reinforced by calculated reliance on the Service d'Animation in training local individuals to serve as "conseillers techniques" to herder associations. Animation is particularly suited for this job. First of all, Animation is the sole Nigerien line agency without a vested interest in a particular product (livestock productivity and animal health, human health, education, literacy, millet basic commodities, marketing, credit, etc.)

Second, the agency's mandate stresses organization of rural populations in particular. Animation personnel can inform herders about GON structures, actual and potential roles of other line agencies, possibilities for contacting and working with personnel from those agencies. This can facilitate effective participation. Since the agency is not committed to moving a product, it faces no pressure to narrow its focus to the domain of a particular line agency. In the context of informing herders about opportunities and options, Animation could also be engaged to organize discussion in camps where the first (and subsequent) local associations are likely to be founded, concerning the forms of the constitutions associations might adopt.

Third, Animation is chronically underfunded. It finally terminated, in May 1981, a truncated version of a national consciousness-raising campaign planned to promote popular awareness of Development Society objectives. The campaign was originally scheduled to start in December, but lack of funding first forced delays, and then scaling down of the effort.

The extension service would probably be happy to cooperate with NRL if overtures were made [interview, Director Salao

Kané, Animation/Niamey, 5/23/81]. NRL would have to provide funding and stipulate goals; Animation would organize training sessions for herder "conseillers" and service providers, and a series of follow-up activities which could be negotiated.

Extension Service performance could be tested out in the pilot phase of the herder associations. M. Ousseini Djibo, presently head of the Animation training section, should be contacted for further information. It would appear useful to insist he conduct training sessions in the first trials, to ascertain whether in fact such operations, if carried out by qualified personnel, can contribute to launching and gradually improving herder association efforts to resolve problems critical in the eyes of association members.

In subsequent phases, NRL personnel would have to carefully control extent to which the training program is expanded. Animation has been under something of a cloud since the latter part of the Diori régime, and does not now have large numbers of competent, committed cadres. Some indeed remain, and some are being recruited. However the agency's questionable future under the Kountché régime has reduced its claim on quality personnel. Undoubtedly, there is now much dead wood in the Extension Service. A rapid expansion of Animation herder training programs under NRL auspices would very likely threaten

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program quality (and herder association performance) unless additional qualified personnel were recruited in a timely manner. This would require considerable advance planning and possibly funding in addition to amounts devoted to training sessions.

In sum, there is risk in relying too heavily on the Extension Service because it (1) may not be able to supply

quality training cadres and (2) because it may still be in some political disfavor at the central level. Nonetheless, its nominal position as an impartial provider of information designed to promote interests of rural populations, plus its non-attachment to the Rural Development Ministry (Animation is administratively subordinate to the Ministry of Plan) make it an appropriate administrative partner for NRL.

Association Newspapers

If the project does become the tutelary agency for herder associations in the NRL project area, it would be highly advisable on a number of grounds to invest in creating herder demand for adult literacy training. Serious associations will be hard to run without literates to staff offices. Associations will be taken seriously, on the other hand, if they can keep notes, minutes of meetings, financial accounts in their own languages.

The operation could be farmed out to Alphabétisation in two different parts.

Get Newspapers Out to Herders

Literacy training for herders now is pointless: they know there would be nothing to read even if they did make the necessary effort - a large one, under pastoral zone conditions - to learn to read. Since it's now pointless to learn to read, it should hardly come as a surprise that demand for literacy training in the pastoral zone among herders is roughly zero (0).

To remedy this inadequate demand situation, NRL should engage adult literacy cadres (or others ~~who~~ would be willing to do the job) to edit and publish weekly newspapers in Fulfulde (Wodaabe dialect) and Tamashek. Papers should contain plenty of cartoon-like presentations, the point of which would be self-evident or nearly so, plus some text.

These papers should be given the widest possible distribution, on a regular basis, in target areas of the pastoral zone. They should be printed (mimeograph will do fine) on just one side of each sheet, to incite those literate in Arabic script or Tifanagh to hold onto them as stationary. Others would probably hold onto them to stuff pillows or trade to literates for stationary in exchange for other goods or services (it is unlikely, in other words, that distribution of papers would run afoul of USAID ecological guidelines by cluttering up the zone...and this! without the necessity of Buy (ing) America(n) (wastebaskets)).

Initially, readership would be zero. This will be a rough period for the editors, so financial encouragement to keep grinding away must be adequate. Readership might well remain zero for two years. Eventually, I think, interest will rise if people are convinced there is a regular source of reading material available to them at the end of the effort. Project personnel could demonstrate paper quality by giving occasional public readings in the camps, to further incite herder interest in acquiring literacy skills. Local

children who have had some exposure to the écoles nomades might also learn to read their mother tongues without great difficulty, and could also play this role of public reader.

Initiating Adult Literacy Training

Once interest was sufficiently aroused, Alphabétisation could be engaged to handle general literacy training for association members, first to read and write, and then to serve as functional literacy instructors in their local camps.

Details of NRL Tutelage of Herder Associations

Establishing Associations

If NRL becomes by statute the tutelary authority for herder associations in the project area, provision will have to be made for a process of formal authorization of new herder associations, Niger Centre Est proposes an administrative committee to handle authorizations [RN/MDR/PDE, 5/80: Art. 28], It would include the following five official members:

1. a representative of the Ministry of Rural Development, more specifically, someone from Livestock Service's central office;
2. a representative of the local administrative authority [presumably a subprefect, administrative post chief, or a delegated representative];
3. a representative of the local customary authority;
4. a representative of the Departmental Commission for Creation of the Development Society; and
- 5, a representative of Niger Centre Est.

NRL might propose a roughly comparable committee. If

project personnel wished, modifications might be introduced to give a more "participatory" cast to the committee's make-up. In particular, it would be useful to add one or two representatives of existing herder associations, once several have been launched. This would provide a channel for herder opinion to influence the decision. More importantly, perhaps, it would establish herders' general right, as a group, to participate in administrative decisions of particular concern to them as a group. Such meetings would also be a way of facilitating contact with and exposure to official milieux.

It might also be useful to add as well representatives of Animation, Adult Literacy and UNCC, since these agencies are likely to be involved in future association activities. If those three agencies were in fact closely associated with NHL activities, they could be counted on in most cases to constitute part of a working majority in favor of authorization. Such meetings, furthermore, could be used to share information about technical service plans in the association's area.

It should also be stipulated that a delegation of five members from the candidate pastoral association be present at the discussions, in part to foster contact with officials, and in part to assure that associations were not being fabricated by local patrons. In multi-ethnic association areas, it might be stipulated that all ethnic groups would have to be represented in that delegation; that condition should render it a bit more difficult for a patron to pack the group.

Tutelage to What Extent?

Niger Centre Est also proposes [RN/MDR/PDE, 5/80: Art. 27] to intervene fairly directly in the start-up phase of local herder associations. In particular, the project is to encourage formation of associations; supervise, with the help of herders and other technical agencies, selection of association headquarters locations; oversee provision of services to associations; determine pastoral unit boundaries and arrange them so they surround an administrative service center; have a controlling hand in any decisions about infrastructures to be established in the pastoral zone areas of Diffa, Zinder and Maradi [sic] Departments; attribute to pastoral unit herder associations priority use rights to water sources in accord with traditional water point management systems - improving these where necessary; assist associations in establishing necessary documents (minutes of meetings - which seem to be legally required, though language of Art. 10, Ordonnance No. 75-11 of 13 March 1975 on this point is ambiguous - internal statutes, etc.) ; and, whenever necessary, to represent herder associations in contacts with national and foreign parties.

Niger Centre Est evidently seeks to stake out a position through these statutes which will permit project personnel to dominate a whole series of decision concerning herder association activities (even in Maradi Department). Included here are not only decisions taken by herders, but by outside GON technical agencies and other parties concerning association

activities. Once control is established, it can be brought to bear, relinquished, or exercised with a light hand depending upon project personnel's sense of the situation.

If project personnel consider it appropriate, in light of the situation, control could be exercised with a heavy hand. Here again a decision has to be made about the orientation of this project: would NRL trust themselves to give up power to herders, to promote, in other words, the development of association self-management in accord with Development Society principles?

Or would there be a subtle tendency to keep the reins of power in hand, to consider, at crucial points, that "associations aren't yet ready" to take responsibility for their own affairs? To ask the question is probably to answer it.

This point must not be interpreted as a naive belief that working herder associations will spring up almost ready-made, like mushrooms (from Sahelian laterite...). Rather, it expresses a certain skepticism about people's willingness to relinquish control over an organization when they suspect they may be judged by the organization's subsequent performance. In that case, unless there are strong incentives for officials to promote autonomy, they may well find it preferable to avoid risks by retaining control over association affairs.

NRL has thus to decide about its policies on the issue of herder association autonomy, and the extent to which NRL

wants to commit itself to promoting that goal. If a decision is made to retain control, the Niger Centre Est model provides a reasonably appropriate framework [Art. 27] for the areas over which control can appropriately be asserted.

If a decision is made, on the other hand, to promote autonomy, it will have certain practical implications for the design of the relationship between NRL as tutelary agency, herder associations, and the individuals who bridge the institutional gap between the two organizations. A number of these implications are set out below:

1. NRL performance should be evaluated on the number of autonomous herder associations it creates, not on the number of associations it creates.
2. For this injunction to have any practical impact, it must be translated into incentives for individual project personnel to promote association autonomy, and disincentives for fostering dependence.
3. Therefore - insofar as it is possible to do so - a series of performance indicators must be elaborated, by which "autonomy" can be measured.
4. These indicators must be used to judge, not only project personnel performance, but that of Animation personnel and of others who may in future be closely involved in promoting herder associations, e.g., Adult Literacy, UNCC/CNCA, Health Service, Livestock Service, etc.

5. Indicators should, among other things, assess the acquisition of skills (literacy in particular will be a critical accomplishment, since it will permit herders to comply with record-keeping requirements concerning association meetings); accounting systems will be indispensable if UNCC cooperatives are to become a part of the herder association scene; recognition of human and animal diseases, and knowledge about appropriate procedures to follow (first aid, evacuation, quarantine, etc.); sales of products (millet, medicines, basic necessities) by local service providers to association members; etc....
6. Indicators should also assess other things. One of these will be information levels. If associations are to get off the ground, herder members, not just the elite leaders, must begin to get a sense of what things are possible (and what are not). This in turn means they have to sort out institutional competencies, acquire information about what technical services are responsible for what activities, and how far they are responsible for them. It will mean much if herders can progress to a clear sense of their rights and duties, of the claims they can make, and of the costs of claiming, in regard to a series of programs. And if rights and duties are ambiguous, it will mean much if they can get a clear sense of their leeways.

7. Indicators should assess intra-association political knowledge. Capital points here: do association members understand the constitutional structure which establishes the association framework? Do they identify divergences between formal and effective rules of association government (what the constitution says versus what an official or local patron does when he captures the association game)? Do they know what their options are (e.g., hiving off, if that rule is accepted, and the terms on which it is possible)? Do they have a sense of what their recourses are against someone who captures the game or otherwise abuses purposes for which the association was established? [Do we have a sense of what their recourses are? See Chapter X for comments on potential roles of Nigerien judicial systems in herder association life, times and recourses.]
8. Indicators should assess intra-association political life. With what frequency are meetings held, for what purposes, who attends, what is the character of political interaction in the assembly? In the board? Among executive officers? Is it possible to determine who exercises dominant power in making decisions? Is it always the executive and/or board? Does the assembly sometimes override, or propose its own ideas or critique association performance?
To what extent are formal rules respected in practice?

Are constitutional limitations e.g, on tenure, or on board ethnic composition, or geographic representation respected or not? Do meetings draw the required quorum of members? Are they held anyway, even if the quorum is not mustered? To what extent do offices rotate, either at the local association level, or at the pastoral unit association level? Are elections really held in local associations? Are issues debated at that level?

9. Indicators should assess the level of self-help activity ies. These may well be wound up with participation in joint production of services, but could involve, e.g., projects undertaken by local associations and pastoral unit groups (Bud Rice-type improvements in local water supply and fodder production...which would be one nice way of strengthening claims to control over local water sources), autonomous millet supply, creation of elkh habus animal trusts, or Abala hold-for-marketing livestock producer cooperatives, joint efforts to maintain acceptable credit ratings in the face of individual(s) default(s), etc. 10. A methodological problem arises here. Is it possible to collect data of the sort suggested above without totally influencing/biasing association life and development?

A partial answer would focus on non-obtrusive indicators.

of association activities. These might include association records, if these are in fact maintained by local individuals; interviews with technical agency personnel directly involved in servicing herder associations (replies to be checked subsequently against herder association member and official responses); technical service agency records (UNCC/CNCA credit operations, pharmacy and veterinary pharmacy sales to association members, adult literacy class attendance, association official contacts with technical agents to gather information or to initiate projects, etc. It may be both possible and useful to risk obtrusive indicators. Among these would be direct observation of herder association meetings by non-project personnel, local language speakers; in-dept interviews with random samples of association members and with "conseillers", local service providers, all the executives (board members?), and sample surveys of the members (to get at information levels, perceptions of useful association activities, comments and insights about road-blocks to association activities, suggestions for improvements).

Such investigations would be time-consuming and expensive to mount, but they would enlarge herders' circle of contacts with outsiders and demonstrate outsider interest in association affairs and activities - not perhaps a bad thing [ethnographers?].

11. Results of these investigations could be used to construct evaluation ratings of association performances* Project personnel whom associations scored high could be appropriately rewarded with project funds, promotions, commendations in the file, etc. Herder associations might be rewarded for sterling performance by a series of inexpensive prizes, e.g., reduction of interest rates on loans (bonnification quoi, à l'IMF) for construction of association wells, or other forms of collective infrastructure; contributions of stock to the association's collective herd, if it has one (elkh habus, are you there?), etc.
12. The question of individual rewards for local association officials, particularly "conseillers" and local service producers is a problematic issue. One thing can be said immediately: if the associations decide on some special form of reward, financed with association funds, they should be allowed to allocate it according to their own sense of what is appropriate. Those service provision activities which involve sale of services (medical, sales of basic necessities, millet supply) can be designed on a per item commission basis, so that increased activity is its own reward. Obviously this form of incentive cannot be applied, e.g., to sale of water rights, since the risk of overgrazing is involved.

Re-election and/or promotion in office should amount to positive reinforcement for political activity within the association. Benefits can unquestionably flow from contact with outsiders - GON technical agents and others - and these may be enough, when coupled with prestige of holding office, to eliminate the need for further direct reward keyed to official performance. One might consider however assisting officials to meet hospitality expenses, when the arrival of visiting firemen requires the slaughter of a goat, for instance. Those expenses would be met from association funds.

Summary

This chapter began with an examination of possible tutelle relationships which might tie herder associations in with the GON administrative hierarchy. These range from the minimalist -tutelege normally asserted over associations by GON administrators once they are officially registered and voluntary societies, to connections with specific line agencies, a stronger dependence on GON, and development under NHL aegis. The conclusion favored the last option, essentially on grounds that it would provide a wider frame of reference for development of the associations. Animation and newspapers were examined.

Questions were then posed about association approval processes and the composition of the approval committee, leading to further questions about NRL policies on association autonomy. The chapter concluded with a consideration of performance evaluation and ways individual achievements could be recognized.

X. HERDER ASSOCIATIONS AND JUDICIAL RECOURSES

Introduction

This chapter comes at the end partly because it deals with unpleasant topics: trouble; disputes; dispute resolution. Conflicts of interest are difficult to handle, both in practice - indeed, that's why they often escalate into disputes - and at the theoretical level of trying to envisage effective dispute resolution mechanisms. Nonetheless, every society has to confront this issue at some point or risk breakdown. Herder associations will in all probability not finesse the first exception to this rule.

The chapter also comes at this point because it's difficult to discuss dispute resolution without a fairly clear idea of associations' probable position in GON administrative structures.

Chapter organization is guided by one practical consideration: how can herder associations handle trouble oases? This supposes (a) projections about sorts of disputes which might arise in associations' operations, are not amenable to political treatment and so must be handled judicially; and (b) judicial or quasi-judicial recourses theoretically and practically open to herder associations.

Dispute Types

They are three: control over renewable natural resources and their exploitation; administrative and contract law issues; and constitutional law issues.

Renewable Natural Resources

A.k.a. water and pasture. Dispute over the latter will only arise directly, if ever, when associations go seriously into range management operations in areas where water availability is not the factor limiting access to pastures, e.g., regions with shallow water tables, and regions with deep water tables where public boreholes, well-boreholes and wide-bore public wells have been constructed, either in proximity to existing private wells or in areas previously untapped.

In shallow water table areas, an association ban on further well construction within its jurisdiction might put a ceiling on pasture dispute levels, but if sufficient wells already exist to overcharge pastures, range management would require subdivision of surrounding pastures or imposed herd reductions. Boundary disputes, infringement on others' pastures, or proportionally too many cows in the commons, if surrounding pastures were not subdivided but managed as an integrated unit, would form the primary sources of trouble in such situations.

In public-welled areas where water supply exceeds pasture capacity, the same problems of subdividing pastures or enforcing imposed herd reductions would arise.

Disputes over wells would involve ownership or control rights, construction in defiance of association regulations, e.g., in overwatered sites or in agriculturally-promising bottomlands which the association wants to preserve as pasture.

Administrative and Contract Law Cases

Potential disputes in this category would include, e.g., non-payment of "conseillers" or other local officials¹ salaries by associations, embezzlement of association (or association members') funds by association officials (treasurer, president, store keeper, etc.) or by technical service agents (UNCC encadreur responsible for recuperating loan installments, health service officials commissioned to replenish a local camp's supply of medicines with association funds [or local service providers' funds]), arguments over costs of autonomous millet supply operations (e.g., association projected a sack purchase price of 4,000 CFA, millet buyer asserts price was 6,000 CFA, or commissions due millet movers), disputes over UNCC rebate amounts, legality of allocating rebate funds to association collective enterprises, etc.

Constitutional Law Cases

Whose constitution? The associations', of course. Skeptics will say, "That'll be the day, when they go to court..." They may be right. But it will certainly be a convincing sign of association vigor if members seek legal redress against alleged violations of association constitutions, in order to re-open a game shut down or being captured by officials, or others...instead of simply withdrawing from the association. Simple situations, involving no complex constitutional reasoning, are most likely to attract attention in the beginning

(if it comes). Included here might be, e.g., refusal of an incumbent president to vacate the post (perhaps by refusing to call elections) although his constitutionally-mandated term of office had expired; or refusal by some members to abide by association rules allegedly unconstitutional for failure to comply, in passing them, with the procedural requirement that a quorum of ordinary voters or delegates be mustered before the yeas and nays are counted.

Standing

Who could bring suits in such cases? Associations, once formally constituted, would have standing to sue and be sued. This would probably be irrelevant in camp or tribal moots, administrative law courts and Islamic law courts. In such institutions, it is sufficient to appear with a prima facie case to be assured of hearing. (The problem in such fora would rather be whether they had jurisdiction to hear association cases, not whether litigants had standing to sue. The statist argument here would assert that associations would be bound, because chartered under state law, to have their disputes heard only by state courts. The counter-argument to be adopted by those favoring local treatment of cases should assert that bringing association trouble cases before such lower-level courts and moots is a legitimate attempt to achieve conciliation before moving to a "real" legal decision in the state courts, in the event that negotiations fail. This argument would certainly find favor with Development Society advo-

cates). GON administrators would of course have no legal difficulty asserting jurisdiction, if it was clear the tutelary authority had no objection.

Standing would however be an issue in the civil court system, but resolved, as noted, by completing the formalities of registration (Ordonnance 75-11 of 13 March 1975, Art. 3). Association officials (or someone specially-designated to the post) could represent the organization in judicial proceedings. Members with grievances presumably would have standing to sue officials of the association for non-compliance with association rules and constitution*.

Judicial Fora and

Quasi-Judicial Recourses

The Nigerien legal systems currently number four: civil courts, administrative courts (which deal with civil law matters, e.g., family and land law disputes), Islamic law courts, and the Wodaabe Way jurisdiction. The term "courts" is used here in the loose sense. In fact, only civil courts have legal power to make binding decisions; administrative and Islamic law "courts" are only authorized to conciliate disputing parties, and cannot impose final, binding judgments. However, "conciliation agreements" are not infrequently imposed to a certain degree by a court-holder who can impress his reasoning and will on the litigants. They are therefore included as relevant dispute resolution mechanisms. Finally, the Wodaabe Way moot, a proceedings about which I unfortunately

have very little information, is included because that bit of information I do have suggests strongly Wodaabe moots do play an effective role in resolving certain disputes. The potential exists that the moot night be encouraged to broaden its jurisdiction to handle, e.g., natural resource control disputes involving only Wodaabe litigants.

Civil Court System

The Nigerien Civil Court system begins, at the lowest echelon, with Justices of the Peace. Some of these officials are attached to Primary Courts (Tribunaux de première instance); some may operate independently in small pastoral zone regional centers (this point must be clarified). Their competence is limited to relatively minor cases in terms of sums involved.

Primary courts are located in Tahoua and, I believe, in Agadez. They are staffed with a full panoply of judges (magistrate, examining magistrate, procureur) empowered to handle all civil law suits of relevance to herder associations. Decisions are binding; appeals lie from these courts up through the judicial hierarchy; most herder association cases which go that far likely will be resolved at the primary court level. Expenses of pursuing an appeal (lawyer fees, time and effort costs and delays imposed on association operations) are likely to be heavy.

Judicial procedure in primary courts (and in the civil court system altogether) follows the French legal model. It is formal in character; all argumentation is carried on in

French, Interpreters translate remarks of non-francophone parties and witnesses, but court proceedings are not translated back into local languages on a systematic basis, to my knowledge. On occasions when primary court judges go out on field investigations (land law cases - natural resource disputes [?]) those able to converse with witnesses and parties in local languages do so.

In their rulings, primary courts apply national legislation and, where relevant, local (Islamic) law and custom, e.g., in family law, inheritance proceedings, land law disputes, etc.

Primary court judges usually have access to panels of local judicial assessors, if they wish to use them. Panels include Islamic clerics of solid reputation on the local scene. Assessors can be called upon to participate in case hearings and resolutions, and are relied on for accurate interpretation of either relevant Islamic law or local custom.

Administrative Courts

The term "administrative courts" as used here denotes all those quasi-judicial "conciliation" fora, from camp or village moots (the latter often presided over by village headmen) through courts held by tribe, group or canton chiefs, to judicial hearings carried on by administrative post chiefs and subprefects. Outcomes may be non-binding conciliation attempts which hold or come undone through appeals (either to a superior administrative echelon or directly to the civil court system. Or they may be in effect binding resolutions of cases.

Which they will be depends on several factors. Among these are the nature of the dispute; values at stake (the bigger the value the greater the incentive to the "loser" to push the appeal process); the judge's judicial (and perhaps politico-administrative) reputation and record in resolving cases, as well as his legal skills and talents as a conciliator; character of litigants (some get more help from their friends, some can engage on their behalf individuals who in effect function as "bush lawyers", some have a greater sense of appeal possibilities, some more respect for authority, others obviously less); and possibilities of bribing the judge to fix the case. Given this set of factors, few generalizations are possible about how a particular system will in fact function in a given case: too much depends on the set of individuals involved.

Administrative courts operate, particularly at the lower levels, in an informal manner. Depending on the moot or court character of the dispute resolution mechanism (respectively, an open, democratic, kibbitzing approach to dispute resolution and a somewhat more structured approach, less open to public participation), the proceedings will be either a community undertaking (moots) or a separate, quasi-legal operation (courts). The former may lend to a fuller treatment of all issues at stake, in the broadest manner, whereas the latter are likely to exclude some of that broader input.

Such fora could handle natural resource disputes, at least in a first attempt at resolution. They would almost certainly be willing to hear disputes between association members concerning contract violations and related issues. They would probably be loath to involve themselves in suits brought against civil servants, believing that such issues concern rather individuals at the level of administrative post chief and above. If clearly invited to, they might well be willing to hear associations' constitutional disputes.

Subprefects and administrative post chiefs often engage in dispute resolution while on tour in the bush. So apparently do gendarmes posted in the pastoral zone. Individuals, at least in the southern portions of the country, frequently profit from the temporary availability of a "judicial" heavy-weight to appeal decisions of lesser courts in the area, or to leapfrog a forum altogether: the administrative superior is usually accorded the honor of trying cases by the resident inferior. Presumably this pattern maintains to some extent in the pastoral zone. [ethnographers?]

It could be noted in this context that, from the perspective of local control, both higher level administrative courts and civil court cases have the distinctly annoying disadvantage of opening up local, "internal" situations to outside scrutiny. Outsiders are not only observing the washing of local line in public...worse yet, they are doing the laundering. This might

be particularly critical in the pastoral zone, where judges' differences of language, ethnicity, race and lifestyle may leave herders concerned about or distrustful of outsiders' intentions, and hesitant to submit dispute to them for resolution because of uncertainty about the rules which will be applied in settling the case.

On the other hand, higher level administrative and civil court systems are attractive because their decisions, once reached, command greater respect and have a tendency to be binding. For this reason in particular, the "outside" fora attract local society recalcitrants/misfits/rebels and those with a strong sense of justice, or of possibilities the legal system offers to overturn a local consensus. The terms "recalcitrants/misfits/rebels" are not used here in a pejorative sense. They merely designate people out of step with local mores or the local power structure. They may well include, for instance, local officials who, because of their greater familiarity with the judicial system, believe they can attain their ends through judicial action more easily than by bucking local mores.

On balance, the bulk of potential local litigants are likely to be reluctant to escalate dispute resolution proceedings by appeal to such outside fora.'

Islamic Law Courts

Such courts are in effect dispute resolution instances run by judicial entrepreneurs (who may also engage in related acti-

vities, e.g., running Islamic schools, study groups, officiating at important life ceremonies, selling Islamic medicines, amulets, charms, etc.). These individuals have no explicit authority to resolve disputes; their success along such lines is a function of their learning and acquired judicial/negotiating skills. Among Tuareg, inislemen groups appear to have a special preeminence in these activities.

Procedures are likely to be comparable to lower level administrative courts (not moots) and for reasons noted above.

Such instances could deal with trouble cases concerning natural resources, or indeed with certain contract law and constitutional law disputes, assuming litigants agreed to submit the dispute to them for arbitration. However, one or both litigants may refuse to, on grounds either that Islamic law judges have no particular competence in such matters, or that their decisions are not binding, and therefore not worth having.

Wodaabe Way

I am ill-equipped to speculate about the potential for herder associations of dispute resolution processes indigenous to Wodaabe society (nor do I know if similar processes occur regularly among Fulbe groups). These judicial instances appear to be moots in character, and to have some capacity to coerce compliance by a generally-shared consensus that moot decisions are to be respected, on pain of ostracism.

If so, this would suggest Wodaabe moots might well be

useful fora for resolving inter-Wodaabe trouble cases about water and pasture, or about contract matters, if litigants feel inclined to submit cases to them. At the very least, that is problematic, accustomed as Nigerien herders are to thinking such issues fall within GON administrative court jurisdictions.

Ad Hoc Commissions

A potentially interesting innovation for dispute resolution would involve constitution of special, ad hoc arbitration commissions. This innovation would have to be approved by associations, and might be included as a constitutional element when they were founded. Members and officials would then be bound to accept rulings reached by the arbitration commissions. Rules governing commission composition would have to be decided after discussion with association members.

The commission might involve, e.g., an Islamic cleric chosen by each party to the dispute, with those two responsible for choosing between them a president of the commission, e.g., another cleric, chief, president of another association, etc.) Or, on the assumption that participants in associations would be best informed and most concerned about such issues, it might be stipulated that each party would pick an official (or member?) of a neighboring association, with those two to pick, between them, a third such official, or an Islamic cleric, or a chief, or some other individual judged to be appropriate for the post. Certain officials, e.g., group chiefs,

might be named by statute as voting or non-voting members of such commissions.

Careful attention would have to be given in this context to ethnic composition of the commission, in situations where litigants would potentially be of different groups.

Such commissions might also be useful institutions in (eventual) inter-association disputes, e.g., about pasture boundaries. Such issues would presumably otherwise have to be referred to officials whose jurisdictions included both associations (group chiefs, in the case of some geographic jurisdictions, subprefects, administrative post chiefs and civil court instances if herders were organized into associations based on kinship.

NRL Courts

The following is rank speculation. I include it because it raises a fundamental point. Herder associations will be "created" by NHL personnel. I guess the following. Barring considerable discussion, persuasion and experimentation to the contrary, faced with constitutional and administrative law disputes, members' and officials' tendencies will be to rely on the project (a) to discover existence of same and (b) to resolve them. This follows from the herders' reasonable assumptions [is this a justified speculation on my part?] that (1) associations "belong to NRL", and (2) one doesn't gratuitously tell others how to run their affairs. The position will be, in effect, "the associations belong to NRL, so

project personnel can handle association disputes any way they please...if they please at all to be bothered with handling them. If they do (or don't) and we don't like it, our option is to quit, not complain."

What do we do about this one? Should NRL accept jurisdiction or refuse it? What consequences are associated with each option? To my mind, this is a terribly serious problem which needs to be thought through now because jurisdiction over dispute resolution will be taken by herders, I believe, as a fundamental indicator of whose action the associations really are. [Ethnographers: contrary opinions and supporting rationales?]. In a funny, metaphorical sense, constitutional cases arising in this context will be played out at a second level (initially) as 'property' law cases...by which I mean control over associations will be the prize at stake.

A. NRL accepts jurisdiction.

1. This brings us back to the tutelage question (see above, pp. 146-55). The project then calls the shots about what is and isn't constitutionally legal activity in the association. This affords project personnel the opportunity to make sure herders (and herders' officials, and other parties to the dispute) get it right the first time, set the appropriate precedents, remedies, penalties, etc, as far as constitutional cases are concerned. Capitalizing on this opportunity assumes, as a pre-

condition, that NRL personnel know what is right. Is it always bad if an imager captures the game, even if he then runs it with a firm sense of noblesse oblige? Can NHL predict whether association constitutional cases, involving as they inevitably will attempts to rewrite constitutional rules, should be decided in a strict constructionist manner? Or should local processes (thought and decision-making) be allowed some sway here, in hopes that such "reforms" will bring the association more into line with local understanding of what it should do and how it should do it?

3. Can NRL afford, or allow associations the luxury of enjoying autonomy to work through to their own constitutions, with the possible result that no two would be just alike?
4. Is there merit, on the other hand, in insisting that constitutions mean something, and that, since modification procedures are possible, changes should be undertaken through approved constitutional amendment procedures and not via ultra vires action*? This question suggests, it might be noted, the tremendous importance of informing potential association members of fundamentals and details of their constitutions...and of initial tailoring, in light of local discussions, so that consensus is reached

before problems arise about how further proposed changes should be decided upon, i.e., what is a locally acceptable amendment process?

5. It will flow from the above, whatever the constitutional outcomes are, that NRL is the finally responsible authority, and not herder associations. The initiative will then rest with NRL in matters constitutional, and herder members will like as not adopt a hands-off, wait-and-see attitude when a constitutional issue arises. The same can probably be said for administrative and contract law cases which may arise in the course of association affairs. it will be NRL's responsibility to police, not only its own personnel, but Animation, Livestock, OPVN, OFEDES, etc, agents who have to do with NRL associations.
6. While contemplating a position on that one, let us move quickly to a related issue: NHL will be able to police project and non-project personnel, insofar as they come into conflict with or appear to infringe upon association interests. This may be very helpful in getting associations off on the right foot, and in establishing that associations are not organizations to be abused [while NRL is on the scene?].

B. Assume now NRL refuses jurisdiction.

1. It will not follow automatically, without further explanation, that NRL is simply saying the associa-

tion belongs to herders, and since it's their thing, they have the responsibility of running it, including figuring out ways to get redress against perceived constitutional violations. This will probably have to be explained (otherwise the conclusion may be that NRL doesn't care about "it's associations").

2. It may well be necessary to explore with herders possibilities of getting redress: what fora would be legitimate, for what kinds of cases. In this regard, several more speculations.
3. GON administrators will not likely take kindly to the additional work load represented by responsibility for resolving herder association constitutional disputes. They may well retort that NHL is the tutelary authority, and such problems rest squarely in its baliwick. If this option is to be pursued, (a) the ground should be carefully prepared by prior discussion with GON administrators and (b) a rationale must be worked out, consonant with Development Society principles, to convince administrators that such cases represent attempts by herders to engage in self-management and to sustain viable, autonomous local associations.
4. If Islamic courtholders, lower-level administrative courtholders (group and tribe chiefs), and the Wodaabe moot (for intra-Wodaabe affairs) can be accepted by

litigants as impartial third parties whose decisions will be respected, it would be exciting to let herders take constitutional cases to them. It would also be risky: there's no point in farming out authority-over dispute resolution if NRL personnel intend to reach in, à la deus ex machina, to set things "right" when a "wrong" constitutional decision is rendered by such a tribunal.

If and where this type of constitutional legal process could be employed, it would reduce time and effort costs of constitutional litigation. It would have the major advantage of keeping things local in character, with a judicial process open to and understood by litigants in their own language. It would give members - perhaps there will be bush lawyers among them - a chance to confront constitutional issues themselves. That is one good way of doing animation and consciousness-raising all in one fell swoop: such decisions would be long and much discussed in camps because they would make great items of local interest [ethnographers: assumption justified?].

5. If local alternatives are not available (because GON decides they cannot exercise jurisdiction over such cases, or because no one in the association is willing to entrust dispute resolution to them), the civil court system should be considered. Its disadvantages:

foreign language proceedings, probable difficulty in getting the case on the docket, substantial time, effort and money costs (repeated visits to distant court locations [Tahoua, Agadez], enhanced difficulties of mustering witnesses for the same reasons), much less popular participation as a result. This contrasts markedly with conditions in the lower level courts: courtholders there are there, in relative proximity, and generally available to hear cases when they arise, not six months later.

The primary court tribunal of the civil court system would have the distinct advantage of putting constitutional litigation before an impartial forum, and vesting decisions with considerable authority. Costs involved in constitutional litigation at this level would also discourage "frivolous" suits. This is an argument bound to find merit with those who prefer to keep the brakes on popular participation because it generally opens the gate to demands that are "difficult or impossible to satisfy" and because it renders their own decision processes much more difficult (but this is, at least by implication, a cost to be accepted by those who favor Development Society principles of self-help and participation).

6. With NHL out of the litigation picture, associations' disputes with technical assistants may simply never

be taken into judicial fora; costs occasioned by those disputes (loss of embezzled funds, etc.) will, in other words, never be recovered, and will thus burden association operations.

If herder association officials do decide to press charges, it will be a significant departure, and probably a salutary one. NRL in such instances might want to assist - because such cases would probably be heard only by the civil court system - as amicus curia...if such a move were thought not to involve a general reassumption of responsibility for handling association trouble cases.

To conclude, let me reemphasize the apparently critical importance of responsibility for case resolution as a sign of ultimate responsibility for association affairs. Anything which moves herders into the position of accepting this responsibility must be highly valued...but also balanced against the risks of forcing associations to fend for themselves in a world where small predators are the least of the dangers - the arena of modern institutions and procedures. My suspicion - and it is no more than that - is herders will become interested in and committed to associations as self-help enterprises, rather than merely as improved pipelines to GON porkbar....oops, largess, when they see they can take responsibility for association affairs.

At that point, associations will be well on their way

to becoming going concerns. They will still have to prove themselves, in the sense of overcoming financing and participation difficulties associated with their voluntary character, and of showing a net return of benefits on time and effort invested. However, attaining a critical mass of participation will improve chances, I think, that net benefits will be realized. Conviction, in turn, that the association belongs to them should improve participation rates.

Summary

This chapter canvassed the judicial context within which associations might operate. It began with a review of probable dispute types which would occur in association affairs. It then quickly examined various judicial and quasi-judicial fora potentially available to associations as dispute resolution mechanisms for resource control, administrative and contract law and constitutional law cases, considering in each instance advantages and disadvantages associated with reliance on particular courts, moots and arbitration commissions.

The concluding section of the chapter broached the role of NHL project personnel in resolving association-related trouble cases, and considered costs and benefits of staying in - to exert jurisdiction over such cases - and staying out

APPENDIX 1. PASTORAL ZONE LAND LAW

Arid sahelien steppes which make up most of the NRL project zone are ecologically best suited to extensive pastoralism of the sort practiced in the area for centuries by Tuareg, Arab and Fulbe herders. But farming is also feasible in scattered locations. Traditionally it has sustained drought-devastated pastoralists while they reconstitute stock-holdings.

In this earlier period agriculture served only as a temporary alternative to pastoralism. When conditions improved after a drought people shifted out of farming to concentrate on stock raising. Some northern Tuareg pastoralists did maintain serf-run agricultural estates in the south, but these did not interfere with the desert-edge pastoral economy [Baier, 1980: 14-19, 26-29].

At present, disturbing evidence exists that agriculture may become a permanent feature of pastoral zone life. If so, it will pose a significant problem, which GON and NRL proposals to organize herders in a series of associations, mutuals and cooperatives will have to cope with. Discussion below reviews the background of this problem.

Pastoral Zone Farming: The Causes

Two major groups are cultivating in the zone: residents of herding heritage and southern immigrants - farmers and mixed farmers from the agricultural and intermediate zones.

The 1972-74 drought impoverished many herders. Herds may have regained their old sizes, but ownership patterns seem to have modified. Pastoralists who now lack sufficient animals

to sustain themselves and their families have either become hired shepherds or have turned partially or fully to farming as their economic mainstay [Mouhamadoune, 8/15/80: 13]. Agricultural activities of these pastoralists reduce total pastures in the project area, and they may at present constitute the bulk of those farming in the pastoral zone [Mouhamadoune, 8/15/80: 13] or at least a substantial part of them [interview, Pierre Inné, Director, Programme d'Encadrement et Modernisation de l'Espace Pastorale, Service de l'Elevage/Niamey, 2/24/81]. Other families have deliberately diversified their efforts, some members continuing to herd and rebuild family stock holdings while others have become pure or mixed farmers. This is certainly not a new pattern in Tuareg society [Baier, 1980: 26-29].

Pure farmers and mixed farmers who combine agriculture and stock raising have undoubtedly migrated north into the zone [interview, Dakoro Subprefect, Dakoro, 2/20/81; interview, Kinney, Kel Ferouane chief, Gadabedji, 2/21/81; interview, Rea, Wodaabe chief, Gourbobo, 1/30/81; interview, Tanout Subprefect Mai Moussa Dikouma, Belbedji, 1/31/81; interview, Mouhamadoune Abdourabahi, NRL researcher, Edouk, 2/07/81; etc., etc.]. There are explanations for this northward population flow. First, increasing occupation of former bush and fallow areas previously available to pastoralists as fodder sources has pressured herders to move north into the more arid steppe regions of the project zone.

Second, soil exhaustion in southern farming zones encourages colonization of new fields in the NRL area. With each passing year, the agricultural frontier moves further north. Aridity will make farming infeasible beyond some northern limit. But this frontier may lie much further north than is commonly assumed, if farmers or gardeners concentrate their efforts in valleys and bottoms which most often collect sufficient moisture to permit agriculture. IX these same bottomlands traditionally constituted important pasture reserves and water sources for stock during the dry season, their appropriation for agricultural purposes may sharply reduce areas available for stock raising.

These developments receive repeated stress in 1979-83 Plan analysis. The northward movement is noted in a number of separate chapters on individual departments and in the section on regional development perspectives [5YP: 518; 539; 548]. Figures indicate soil exhaustion is critical in many formerly fertile southern farming regions. As Plan commentary notes, southern soil exhaustion (reinforced by demographic pressures and economic evolution breaking down extended families and thus micronizing land holdings into smaller and smaller parcels) has led farmers to (a) suppress fallows or reduce them to insignificance, and (b) to put more and more land under cultivation, so pasture interstices between cultivated fields have practically disappeared in many areas. This has rendered stock raising in the agricultural zone ever

more difficult [interview, Tambari Liman, Kel Owe Tuareg Group Chief, Mirriah Arrondissement, Zinder, 2/02/81; Sarkin Fulani Brah Gourgoudou, Fulbe Group Chief, Mirriah Arrondissement, Zinder, 2/02/81]. Herders thus take their stock through and out of the region much more quickly than before. In consequence less manure is deposited on the local fields. This phenomenon reinforces soil mining processes already well underway.

When pushed to the wall, southern farmers and agro-pastoralists (mixed farmers) who can no longer make ends meet by coupling farming (and stock raising) with dry season activities have three choices: they can try to move permanently to urban areas and new livelihoods, south to coastal state agricultural areas, or north to the agricultural frontier. Those who choose the last option almost always go north into intermediate and/or pastoral zones. Rainfall becomes

Rainfall becomes increasingly less predictable as one moves north. Farmers thus adopt an individually rational but collectively destructive strategy to beat the odds of drought-induced crop failures, e.g., a "good crop, an average crop and three failures in five years" [interview, Pierre Inné, Director, Programme d'Encadrement et Modernisation de l'Espace Pastorale, Service de l'Elevage/Niamey, 2/24/81]. They put substantially more land per working adult under cultivation at the beginning of the rainy season than they would further south, in hopes some of the total field surface cultivate will

receive enough rainfall to produce a cereal crop. Exceptional years aside the result is a small crop on some fields and nothing on the remainder. Productivity per hectare apparently declines rapidly after the first few years of cultivation, though most farmers seem to survive by putting more and more pasture under cultivation. The long term outcome is predictable: lands stripped of vegetable cover lie open to erosion, and harmattan winds, if not rainy season waters, will see to it that erosion occurs. For pastoralists, the message is clear: farming in the pastoral zone, because of its tendency to convert existing pasture into barren, unprotected fields, represents a terribly real and growing threat [5YP: 548-49].

Northern Agricultural Limit

Loi 61-05 of 5 May 1961 established a formal northern limit, not to farming in the pastoral zone above the line per se, but to imposition on herders of compensation for farmers whose crops had been damaged by animals belonging to the former. It also stipulated that only herders would be permitted to cultivate north of the line. Loi 61-05 sets out no clear definition of the term "herder". Thus there are two possible courses of action. Theoretically at least it would be possible to revert to the reported colonial technique of discouraging agriculture north of the administratively-defined limit by torching crops [interview, Pierre Inné, Director, Programme d'Encadrement et Modernisation de l'Espace Pastorale, Service de l'Elevage/Niamey, 2/24/81]. But even this measure failed to effectively

dissuade attempts at agricultural on the arid steppes.

The other possibility would be to create a legal definition of the term "herder" sufficiently precise to distinguish those who are from those who aren't. Can one meet the challenge of establishing a definition which will successfully and efficiently separate sedentary and intermediate zone pure and mixed farmer immigrants to the pastoral zone from those who have been born and raised, essentially as herders, in the pastoral zone? The answer is no. Drawing up a definition which could differentiate on any reasonable basis founded in current vocational activity between "real herders" or "pastoralists" and "true farmers" or "mixed farmers" appears extremely ticklish if not impossible. But it is precisely "current farming activity" which promises fair to continue as future farming activity that noses threats to the ecological balance of the zone.

The mere requirements of the definition, just now set out, may seem at first glance to suffice as the definition itself. They do not. In the first place, since at least the middle of the colonial period individuals who wanted to raise stock in the pastoral zone have been allowed to. The area is defined by Loi No. 61-05 as a common property resource. As noted, under terms of that law farming was legally permissible in the same area only by people who were "herders" and for one reason or another needed to farm to supplement (or temporarily replace) their income from stock raising.

This leads back to the original dilemma: how does one distinguish a mixed farmer, an agro-pastoralist, from a "herder"? What percentage of the individual's support must be derived from stock-raising for him to qualify as a "herder"? If the individual must derive, e.g., at least fifty percent of his support from herding, how does one quantify the value of dairy products and meat which herders derive from their animals - or did derive, past tense, if we're talking about individuals farming because they lost their stock? In any individual case the answer to that question is an economic anthropologists nightmare. To assume such a criterion could be equitably applied by administrators or technical agents seems most unrealistic, given time required for each investigation.

Furthermore, if such a criterion is established, one simply motivates those who aren't yet herding enough to put more animals into the pastoral zone. This will not stop them farming. If one were to apply the criterion selectively, only to immigrants to the zone, tensions would swiftly arise: this would amount to unequal application of the law to pastoral zone and non-zone natives now pursuing the same vocational activities. By implication, relieving pastoral zone natives of the necessity to comply with the criterion (e.g., fifty percent of support derived from herding), would in effect retroactively vest rights in contemporary herders for pastoral activities they or their ancestors previously pursued. All this suggests such a definition would be unworkable in practice.

Another approach would shift the burden of crop protection from herders to farmers who plant in the pastoral zone. This is in fact the solution provided for by Loi No. 61-05, which bans forcing herders to compensate farmers (or agro-pastoralists or ex-herders currently forming) for crop damages caused by animals belonging to the former. Calculated to make farming an unprotected activity, exposed to hazards not only of climate but of roving stock, the law would, if respected, quickly dissuade agricultural activity.

Instead, it is capriciously applied, according to many accounts. It does not, therefore offer a politically feasible basis for control of agriculture in the project area. Wherever the law is disregarded and fines are assessed against herders, those who want to farm realize they will be engaging in a protected activity.

A combination of political and economic forces works to favor continued agricultural colonization of the pastoral sector.

First, by astute placement of fields, e.g., in a valley bottom where water is relatively abundant and where cattle are accustomed to graze, an individual may be able to establish a quasi-private title to a surrounding area of pasture. By aggressively prosecuting complaints against owners of cattle which do damage in his field(s) he can motivate them to keep their animals out of the immediate. This relieves pressure on local fodder resources, leaving more for his own animals. While this strategy is by no means perfect, if a group pursues

it in a coordinated manner they may eventually succeed in clearing nearby pastures of competition. In effect, they would establish exclusive control over a part of the common property pastures in the pastoral zone.

Second, some pastoral zone chiefs want farmers working under their aegis, in the rational hope some of the latter will produce some surplus millet some of the time, thus relieving at least part of their pastoral chief superiors' own cereal grain supply problems [Kinney, Kel Ferouane Chief, Gadabedji, 2/21/81; interview, Subprefect, Tchén Tabaraden 2/09/81]. Others want them there for reasons of political prestige.

Third, many GON administrators and technical agents consider farming in the zone either (a) a superior use of that resource base, in terms of Nigerien food self-sufficiency, or (b) inevitable, or (c) both. Overcoming the GON personnel-chiefly coalition would be a formidable task and would consume large amounts of goodwill capital, futilely, if the effort failed, and probably pointlessly even if it succeeded in view of the entire context of decision making about the pastoral zone. A successful campaign to exclude farmers would create strong hostility to pastoral peoples on the part of southern Nigerien ethnic groups possibly capable of frustrating herder associations over the long haul if antagonized. Such an option thus seems doubly inadvisable.

Under current conditions then it will be difficult to discourage agricultural expansion in the pastoral zone. While reflection of this issue is still in order, it now appears the

most feasible approach may be to allocate control of farming within a project sub-zone to a herder association exercising jurisdiction over that area. Such an approach would require special GON authorization. However this may not be terribly difficult to achieve: such an approach has been actively under consideration for some time [Dr. Ari T. Ibrahim suggested this as Director of the Livestock Service, before being promoted Minister of Rural Development; RN/MDR/DSEIA, 12/78: 3: Lainé: 11 (citing SEDES, rapport sur la "Modernisation de la Zonde Pastorale," Dossier général, 1978; interview, Brah Mahamane, then-Minister of Développement Rural, Niamey/MDR, 1/21/81 (M. Mahamane's comments indicated (a) concern about possibilities of exploitation if pastoral zone lands were attributed to individuals; (b) the same concern, though to a lesser extent, if lands were attributed to groups; he perceived vesting of "droit d'usage" as a possible long-term goal, dependent upon effective functioning of cooperatives in the pastoral zone)].

If a herder association did acquire vested rights in a particular area of the pastoral zone, it could attempt to engage in at least "minimalist range management"^{1*}. This would take the form of preventing farmers, whatever their origins or current sources of income, from scattering their fields all over hell and gone by grouping them together in specified sub-areas of the association's jurisdiction. More sophisticated range management schemes, if they ever become advisable, will only become feasible if farmers cooperate with them at least

in this passive sense of avoiding agricultural strategies which lead to degradation Mouhamadoune Abdourabahi, interview, road from Abalak to Ibécètène Ranch, 2/07/81].

Pastoral Zone Water Law and Politics

Pastoral zone water law and water politics constantly intertwine with land law issues. This is inevitable because water in the dry season controls access to pasture (in the rainy season by contrast, surface waters usually suffice to meet herder and stock needs).

Three types of dry season water points exist in the pastoral zone: natural springs (located mainly in the far northern part of the zone), hand-dug wells - either shallow, temporary constructions or permanent installations - and machine-dug wells, borehole-wells and boreholes. Before the advent in the zone of machine drilling and pumping techniques, only those pastures could be exploited in the dry season which lay within reach of a "shallow" water table - 60-70 meters at the deepest. Thus in this period there existed a system of range management partially determined by well placement (and, in pre-colonial days, partially determined by relative military power of certain groups).

Colonial officials, as GON officials do today, accorded permits to those who wanted to construct wells using traditional methods. In most areas a sort of "prior appropriation" rule applied: newcomers either secured consent from well owners already established in the immediate area, or sought

out bush tracts where they would not compete with already installed herding groups.

This rule created at least a use right for the individual who built a well, paid to have one constructed, or inherited it [Gilles Lainé, "Evolution du régime foncier dans une société d'éleveurs nomades. Le cas des Touareg Kel DINNIK' dans la région de Tahoua (NIGER)," paper submitted for the Journées d'étude sur les problèmes fonciers en Afrique noire, AFIRD-LAJP, September 1980, p. 2]. The owner could determine within limits who would water stock at his well. He therefore indirectly exercised control over access to surrounding pastures. Passing herders were almost always granted temporary watering rights, and relatives (however that term was defined in particular cases) usually enjoyed unlimited free access. The latter thus had a right to exploit associated pastures which could be reached by stock watering at the well in question.

Passing herders who wanted to remain at a well more than a limited period of time on the other hand had to obtain special authorization from the well owner. If the latter granted permission, he might charge a fee, or he might receive a voluntary gift of stock from the stranger herder when the latter moved on.

In recent years, water use rights associated with wells have firmed up into alienable property rights, at least according to informants in some zone areas [Interview, Issoufou

Zangi, NRL researcher, Gourbobob/Tanout Arrondissement, 1/30/81; interview, Tanout Subprefect Mai Moussa Dikouma, Belbedji, 1/31/81; interview, Dakoro Subprefect, Dakoro, 2/20/81]. Wells are being bought and sold for substantial sums of money.

This development is complicated by GON policies concerning water rights to wells constructed at public expense. In effect, GON advocates "riparian rights"; anyone who can come to the well can water his stock there, and thus have access to surrounding pastures. In consequence, there is no legal restriction on grazing pressure around public wells.

The position is maintained strictly in some areas, e.g., Tahoua Department [interview, Departmental Chief Maoudé Koroney, OFEDES (Office des Eaux du Sous-Sol, Groundwater Office)/Tahoua, 2/16/81] and Agadez Department [interview, Conseiller Technique Ililpron, OFEDES/Agadez, 2/12/81], although officials are aware of overgrazing problems around wells.-. Instead of trying to maintain legal controls - difficult to enforce - they are now seeking to use self-enforcing technical barriers to prevent overgrazing. Manual extraction wells and borehole-wells are constructed, in that order of preference, to reduce water flow rates from the well and thus herds in the area. Boreholes are now constructed only as a last resort, to tap fossil- waters exploitable by no other means, because once available, it is very difficult to establish effective legal controls on access to water. The same principle of public access to water remains the rule in Tanout Arrondissement as well.

In some areas however the "public access" principle is attenuated whenever a GON-constructed well is built next to a traditional well. Whether or not the latter is operating when the new well is constructed, the owner of the original well right, according to the Dakoro Subprefect, automatically exercises the same managerial function over the state-built well, and other herders accept his authority [Interview, Dakoro Subprefect, Dakoro, 2/20/81]. Thus water policies are not uniform throughout the zone [for further details about OFEDES operations, see Appendix 3, pp. 231-38].

Decisions on well sitings, both traditional and GON-constructed, are taken without much public scrutiny. A small group of civil servants, restricted to the OFEDES representative, someone from the administration (subprefect or his representative), and sometimes a Livestock Service and/or Plan representative, usually select sites and well types. Public participation is virtually nil, although some chiefs, through subprefecture connections, may influence such decisions. This may occur more frequently where the administrator alone makes the decision - in authorizing a traditional well - without concurrence of technical services personnel. It is obviously the case when administrators tacitly or actively delegate authority to authorize wells to canton or group chiefs.

In either case, well authorizations can be used as strategic moves to dislodge groups established in an area by breaking their control over local water sources.

APPENDIX 2: DEVELOPMENT SOCIETY PRINCIPLES AND VOCABULARY

The concept of a Development Society lies at the center of many contemporary policy debates in Niger. At stake, finally, is the kind of society Nigeriens, led by Seyni Kountché, would like to see created in their country.

The idea of a "société de développement" was apparently first mentioned in one of President Kountché's early policy speeches, delivered August 3, 1974. He there proposed,

...as an objective for the nation, the construction of a morally healthy society, in balance with itself, fundamentally unified, [whose people would be] in sympathy with and mutually supportive of one another, tending towards the same ideal of justice and the same will to progress. Social justice will have been the central expression, voluntarily chosen to set the general tone. Within this phrase however was contained a complex of social, economic and especially human realities which will not have escaped your attention [President Seyni Kountché, address delivered to the first meeting of the Commission for Creation of the Development Society (CNSD), Niamey, 3/17/80, p. 1].

National Commission for Creation of the Development Society (CNSD)

The National Commission was established in late 1979 [Décret No. 79-165/PCMS of 29 October 1979]. Two main objectives are assigned the commission:

- 1) "define a framework adequate for a policy of accelerated, coherent and harmonious development ;
- 2) create new institutions based on the effective participation of all levels in society [Décret No. 79-165/PCMS, Art. 2].

The CNSD is composed of fourteen (corporate) representatives

from each department and one or two representatives from each GON ministry. Departmental representatives are chosen by members of similar departmental Commissions for Creation of the Development Society. The CNSD, at Kountché's suggestion, has divided itself into a series of working subcommittees, each charged with responsibility for investigating a particular area and developing proposals which will be submitted to the subcommittee responsible for producing a final synthesis of these different elements. The various subcommittees, and their chairmen, are as follows:

<u>Subcommittee</u>	<u>Chairman</u>
1. Cooperative affairs	Minister of Rural Development; VP/CNSD
2. <u>Animation</u> activities to be undertaken through samaria (youth) organizations at all levels	Minister of Youth, Sports and Culture; Pres./CNSD
3. Administrative institutions between base and apex of GON administrative pyramid	Secretary of State for Interior; VP/CNSD
4. Consciousness-raising and information at all levels	Minister of Information; VP/CNSD
5. Social affairs, responsible for defining organization and methods capable of "changing attitudes" in a non-disruptive fashion	Minister of Plan; VP/CNSD

Since their creation these subcommittees have held a series of hearings around the country, both in towns and in rural areas [interview, Secretary-General Salao Barmou, CNSD, Niamey, 1/14/81]. Thus far no definitive reports have been submitted: the process of investigation, consultation and

reflection is still underway. The final report is due at the beginning of 1982.

CNSD Methodology

Judging by a series of Sahel Hebdo articles reporting Kountché speeches, ministerial discussions and civil servant essays concerning the Development Society, one preliminary set of recommendations offered by CNSD ["Les Recommendations de la grande commission - Société de développement", Sahel Hebdo, No. 240, 15 September 1980, 11], and field interviews, the following conclusion is justified: Kountché knows roughly what he wants and has sketched out the basic design; others now have the job of working out details in ways consonant with ground rules established by the president. While much emphasis has been laid on CNSD's responsibility to produce its own recommendations, there is little reason to believe they will conflict sharply - despite some possible proposals to modify groundrules - with the president's perceptions of appropriate forms and programs. CNSD is not an autonomous unit.

This said, careful examination of Kountché's pronouncements - is in order.

First, the political context; Kountché has stated, in quite prickly fashion, that this is a job for Nigeriens. They, he says, have no interest in fitting into pre-existing ideological frameworks:

We are neither corporatists, nor self-management adepts, nor socialists, nor capitalists, nor legalists. We are Nigeriens, aspiring to conceive the life of Nigeriens by Nigeriens and for Nigeriens. [Kountché, address to CNSD, Niamey, 3/17/80, p. 7]

CNSD members have been advised by the president to adopt a constitutional perspective as they go about their investigations. They are to enquire, listen and reflect, not as representatives of particular interest groups, but as individual members of a national forum, quasi-constitutional by its terms of reference. However, the CNSD has been specifically warned by Kountché against trying to develop a grand theory of the Development Society; the CNSD mandate is instead to come up with feasible proposals based on the two following principles:

- 1) "...the Nigerien individual constitutes the goal of an entire development process through which this individual should organize himself, forge and shape his own conception of life.*
- 2) "...the actual organization of development rests on the tripartite process of consultation, working together and participation" [Kountché, address to CNSD, Niamey, 3/17/80, p. 4]

This process is to occur through the creation of a series of institutions, from the bottom up, which will function as "successive levels of management". The bottom level, the basic unit, is the "development cell" created within the framework of the village, the quarter or the

tribe" [Kountché, address to CNSD, Niamey, 3/17/80, p. 5; my emphasis].

Development Cell

The components of the "development cell" are three: the samaria (youth) organization (policy initiative and mobilization for self-help), the mutual group (economic productivity) and representatives of the cell to higher echelons. What happens between that level and the national one is for the CNSD to decide. "The essential thing is to insure, on an efficient basis, the effective participation in decisions concerning them of all the country's children." [Kountché, address to CNSD, Niamey, 3/17/80, p. 6]. This theme is reiterated in Kountché's "Message to the Nation," [Sahel Hebdo, No. 234, 4 August 1980, p. 13]:

The Development Society, if it is necessary to once again remind you, is above all the responsabilisation de chaque citoyen.

Mutuals

See the section in Appendix 3 on UNCC (below, pp. 243-52, esp. pp. 244-46].

Samaria

The samaria now is the neo-traditional youth group organization which Kountché has promoted since immediately after the 1974 coup d'état. It now has an official home under the aegis of the Ministry of Youth, Sports and Culture.

Kountché views the samaria's role as that of supplying

the youthful energy necessary to implement self-help programs. Samaria organizations are to be accorded at least limited authority for policy initiative in their local communities* Projects such as town sanitation, construction of simple infrastructure (wells, youth centers, etc.) through investissement humain, assisting with the harvest, etc. are well within their role.

The basis of samaria activity - voluntarism - is closely and fundamentally related to Development Society rhetoric stressing the necessity of "changing mentalities." Niger, in the president's view, is afflicted by a plague of individualism, which appears as widespread unwillingness to make sacrifices for the common good. People are tuned into pork-barrel politics. Every Nigerien may not yet have arrived at the degradation of "me first" values, but the "us too!" mentality is all too evident in Kountché's view.

Consequence of "Individualism"

As a result, people don't make any effort as collectivities to help themselves (everyone is perceived as being too occupied with helping himself and his own to have time for concern about the common good). Thus everybody sits back and waits for the GON to deal with public good problems. People will participate, but they expect to be rewarded now as individuals, instead of only through the benefits which they share in common with others, as in the old days.

In analyzing this problem, Kountché harkens back to the

solid traditions of yesteryear. He focuses on the fact that disorganization has replaced organization in many local Nigerien communities. People, particularly youth, "les bras solides", cannot be mobilized because there's no structure at the local level through which to organize them.

Solutions

The major solution is to revive samaria units. To this end: emphasis on vital traditional and popular sports (bike racing, running, traditional wrestling, etc.); public praise for youth groups who do practice self-help for the common good; and administrative attempts to restructure the country's youth by setting up a special samaria unit, as noted, in the Ministry of Youth, Sports and Culture.

To this end as well: the emphasis on bottom-up participation by peasants in development, and pointed criticism, at least in some quarters close to the president, of those who argue it can't work because peasants are too stupid, benighted, or inert to deal with development issues [see excerpts cited below, pp. 201-05]. The rural masses are to be included in the process of decision-making about development activities.

Here is the crux of the matter: Kountché's analysis assigns the blame for the self-centered malaise which has hit Niger - in something of a question-begging fashion - to the spread of individualism. He does not clearly confront

the issue of administratively-induced individualism, i.e., the attempts by GON administrators to assert and retain control, in accord with their traditional French administrative system mandate, over a wide range of local activities.

The underlying concern which motivates this desire for administrative control is apprehension that (a) activities undertaken on an autonomous basis by local communities will be done wrong by local incompetents, or (b) they will fail to coordinate with overriding goals in the larger jurisdiction, thus upsetting administrative plans - relatively innocuous worries, these two - or (c) unscrupulous and powerful locals, often suspected to be profit-seeking merchants at that or other levels, will take over local organizations and manipulate them to serve their own ends. This last concern, as the text of this report brings out, is not without some justification...though how much is unclear. Finally, (d), autonomous local organizations can be turned to political ends. With Qadhafi unsubtly trying to incite anti-Nigerien feeling among Tuareg, GON officials are concerned about promoting pastoral zone local autonomy.

They want to include Tuareg in the national consensus - the February 1981 cabinet reshuffle amply demonstrated that by placing a total of three Tuareg in ministerial positions, and a Tuareg, as the Kountché régime's first civilian prefect, at the head of Niamey Department. However, GON inner circles evidently want to count the Tuareg in at the national level

where their participation in a nationally-centered policy-making process can be more easily controlled.

It is problematic whether the willingness to count the Tuareg in extends to authorizing autonomous units at the local level within the pastoral zone.

Wodaabe are seen as less threatening: a considerable stretch of time has elapsed since 1804.

By imposing registration requirements, by organizing public activities in an interventionist fashion, by funding production of public goods, and by making it very difficult for local communities to finance their own activities through a series of fiscal regulations which effectively put tax receipts beyond the control of rural communities, GON, like the colonial regime it succeeds, has hamstrung local attempts at organization. Given the power vacuum and the lack of resources at the village level, it is difficult to bring effective pressure to bear on individuals to participate. The lack of consensus at that level makes it difficult to sanction those who refuse or fail to participate in samaria self-help activities for the common weal by public criticism or even social ostracism. GON's response to this problem has been to try to "change mentalities", and this continues to be a major concern in CNSD planning.

Kountché does critically comment on the phenomena of administrative elitism and administrative centralization, which certainly contribute to loss of local organizational

capacities.

The issue now is whether the president is prepared to commit himself to decentralization and popular participation to the extent of recognizing some sort of right to local autonomy, or whether decentralization will stop, e.g., at the subprefectural level and popular participation will be limited to expression of desires, as a right, before the duty of self help implementation, while final decisions on major issues remain in the hands of administrators.

For herder associations to succeed, I believe, they must be effectively under local control. In arguing for their role as autonomous units, project personnel can stress the (at least nascent) pro-participation strain in Development Society thinking. Remarks about appropriate language follow.

Vocabulary and Development Society Principles

Articles and speeches concerning the Development Society make frequent reference to a certain number of terms and concepts. These are worth keeping in mind when preparing proposals for submission to GON officials, because they form a part of policy language now current in Niger (1981). Officials who have followed work of the various subcommittees of the CNSD will certainly recognize these code words, which should facilitate effective communication between them and NRL personnel. They are presented below in the original French, in context, to avoid subsequent mistranslations.

Development

Dr. Annou Mahamane, then Minister of Plan and VP/CNSD, in an ORTN debate published subsequently in verbatim form as "Réflexions sur la Société de Développement," Sahel Hebdo, No. 214, 25 February 1980, 25.

"...à notre sens [le développement] c'est la satisfaction des besoins fondamentaux de l'homme, ce qu'on appelle couramment les besoins de base et l'épanouissement de l'homme; donc en deux étapes. Dans le cas spécifique de notre pays, ces besoins consistent à une alimentation en quantité et en qualité[,] en 'is une éducation, et la sauvegarde, la couverture sanitaire de l'homme. Et l'épanouissement c'est l'amélioration de condition de vie, les loisirs, l'information et la culture. Donc à partir de cette définition qu'est ce qu'on constate ou qu'est ce qu'on a constaté au Niger jusqu'ici on a constaté que le développement, la décision, on a l'impression qu'elle concerne uniquement la sphère de la décision alors qu'en fait c'est l'ensemble des nigériens et particulièrement la base qui doit participer à la fois au développement et bénéficier de ce développement. Pour pouvoir participer et bénéficier de ce développement, il faut que cette base puisse apporter sa contribution d'aider la seule décision, précisément pour prendre une bonne décision. Il faut donc éclairer la sphère de la décision. Certes si le pouvoir politique a la responsabilité d'identifier et de déterminer des objectifs, que la société se souhaite à elle-même, il faut que ce pouvoir politique soit correctement informé de désir et de souhait de ce qu'on appelle couramment....Donc il s'agit de créer un cadre qui

puisse collecter les souhaits, les vœux, les désirs et les ambitions je dirai même de l'ensemble des couches sociales, synthétiser ces ambitions et de les dynamiser, éviter le courant contraire et appuyer sur le courant positif."

"...En somme il faut se dire que l'homme est à la fois bénéficiaire et acteur de développement et l'homme nigérien en général il faut, en tant qu'acteur qu'il puisse exprimer le sens de bénéfice qu'il voudrait profiter." [My emphasis throughout.]

Djermakoye Moumouni Adamou, the Minister of Youth, Sports and Culture and Pres./CNSD, in an CRTN debate published subsequently in verbatim form as "Réflexions sur la Société de Développement," Sahel Hebdo, No. 214, 25 February 1980, p. 29.

"...A savoir que nous ne cesserons jamais de le redire que le développement est l'affaire de tous : tous les nigériens, toutes les nigériennes. Et que je suis sûr que les Nigériens sont capables. Nous devons être les meilleurs juges de ce que nous avons à faire. Il y a un mais, ce mais c'est que nous ne pourrions en réalité rien changer si nous continuons à ignorer cette majorité écrasante de nigériens et de nigériennes sous le prétexte qu'ils n'y comprendront rien du développement ou parce que tout simplement ils sont ignorants ou pour des raisons parfois personnelles c'est donc ce problème de fond qui est posé. [My emphasis throughout.]

Développement participatif

Salissou Madougou, Director, Alphabétisation et la Formation Permanente, "Communication en milieu rural et Alphabétisation," Sahel Hebdo, No. 224, 26 May 1980, p. 27 (commenting on the

potential role of rural newspapers, unfortunately not yet realized [Madougou's position]).

"Par contre les paysans ne savent pas ou n'osent pas se servir de la presse rurale comme un moyen privilégié pour faire entendre leurs voix.

"Il s'exerce au niveau des villages comme à celui des arrondissements, une auto-censure quasi automatique qui fait qu'on ne parle pas de vrais problèmes qui préoccupent [les] paysans : abus ou incompetence de certains cadres, difficultés d'approvisionnement, déficience ou incompetence des services soit disant à la disposition du peuple ?

"Par ailleurs, l'information se fait souvent dans un seul sens : des cadres, vers les paysans..."

"Or la presse rurale se différencie de la grande presse, justement par le feed back qu'elle devrait permettre, en donnant aux lectures l'occasion d'écrire pour contester, approuver ou amender une technique. Un tel système de communication aurait facilité bien de choses, en permettant :

- d'éliminer la méfiance des uns et le complexe de supériorité des autres.

- de tenir compte du savoir faire des paysans et au besoin de l'ajuster.

- de corriger certaines idées préconçues des techniciens."

"Avec l'instauration de la future Société de développement, le Niger s'achemine vers un développement participé. Les informations doivent partir de la base au sommet et vice-versa. Il s'agit donc de permettre aux différentes couches

sociales, par la voix de leur représentants élus, de faire entendre leur opinion, d'exprimer leurs besoins. C'est là la meilleure voie pour réaliser un développement authentique."

Coopératives

Brah Mahamane, then Minister of Rural Development and VP/CNSD, in an ORTN debate published subsequently in verbatim form as "Réflexions sur la Société de Développement," Sahel Hebdo, No. 214, 25 February 1980, p. 26.

"Et qui dit dynamisation de structures coopératives exige une prise de responsabilité effective des paysans au sein de leur propre structure.

"Dans la mise en place de cette politique de dynamisation des structures coopératives, -- certains pensent que les paysans parce qu'ils sont analphabètes ou autre ne peuvent assumer leurs responsabilités -- nécessite la mise en place de coopératives polyvalentes. Et qui dit mise en place de coopératives polyvalentes dépasse le stade de la simple fonction de commercialisation que nous avons confiée aux coopératives pour faire en sorte que celles-ci soient réellement le cadre de développement du crédit agricole."
Ibid., p. 28

"Sans structures coopératives, la régionalisation pour laquelle nous avons opté dans le plan de la planification serait pratiquement impossible. On planifie bien [sic; mieux?] quand on a des structures organisées que quand [sic; on a?] 1 million de gens devant soi." [My emphasis throughout.]

Cohésion nationale

Mahamadou Alilou, then Minister of Information and VP/CNSD, in an ORTN debate published subsequently in Verbatim form as "Réflexions sur la Société de Développement," Sahel Hebdo, No. 214, 25 February 1980, p. 28.

"...nous sommes en train...de porter à la connaissance des nigériens toutes les actions qu'on fait mais qui entraînent la participation des populations et surtout toutes les initiatives qu'elles soient privées ou publiques qui vent dans le sens de la cohésion nationale. Parce que, qui dit participation commence par dire que les gens s'entendent." [My emphasis throughout.]

APPENDIX 3: GON AGENCIES' - BACKGROUND. MANDATES AND CURRENT POLICIES. POSSIBLE FUTURE EVOLUTIONS AS THESE BEAR ON THE POLICY CONTEXT WITHIN WHICH HERDER ASSOCIATIONS WILL DEVELOP

The following eight GON technical services are examined, in alphabetical order:

<u>Service</u>	<u>Pages</u>
1. Alphabétisation et la Formation Permanente	20T-10
2. Animation	211-14
3. Caisse Nationale de Crédit Agricole (CNCA)	215-21
4. Elevage	222-26
5. Reconstitution du Cheptel	227-30
6. Office des Eaux du Sons-Sol (OFEDES)	231-38
7. Office des Produits Vivriers du Niger	239-42
8. Union Nigérienne de Crédit et de Coopération (UNCC)	243-52

APPEND DC 3/1: L'ALPHABETISATION ET LA FORMATION PERMANENTE
[Adult Literacy and Continuing Education]

Background

The adult literacy effort began in Niger in 1962, two years after independence. While it got off to a promising start, it has never really achieved a sustained impact in rural areas for the following reasons.

First, external donor and GON funding has never been on a scale adequate to attract and hold talented young people in the agency. This reflects GON perceptions that adult literacy is nice, but not really necessary in light of other priorities.

Second, lack of cadres and funds have prevented attainment of a critical mass of literate adults, who would become a constituency for local language publications, and would also offer GON agencies a cheap, rewarding channel of communication with the rural world.

Third, adult literacy in local languages has been regarded with great suspicion for a long time by some GON officials and by at least one important external donor. Language is recognized as a means of control and domination by this group, and they hesitate to permit development of alternative, local channels of communication.

Fourth, the strategy frustrating adult literacy development has taken the form of putting off creation of a really adequate (current, relevant, lively, interesting, abundant, diverse) set of reading materials in local languages.

Alphabétisation

Slight interest in and demand for adult literacy instruction reflects rural residents' accurate perception that there is no point in devoting time and energy to developing a useless skill. Meaningful written communications do not occur in local languages...at least not yet. Thus the Nigerien adult literacy service has been unable, in recent years, to enroll even as much as one percent of the country's illiterate adults in courses. Within the group of enrollees, only six (6) to eleven (11) percent actually achieve effective literacy in a local language [5YP: 385].

Mandate and Current Policies

These figures must be improved if Alphabétisation is to contribute to Nigerien development efforts.

Several factors currently favor improved performance:

First, the self-management theme explicit in many Development Society discussions depends on greater adult literacy in rural areas. Local people will not effectively run cooperatives, for instance, without minimal literacy skills.

Second, the growing emphasis since the late 1960s in Nigerien adult literacy programs on "functional" literacy, i.e., attaining literacy in ways which would directly contribute to improving individual students' living standards, seems to have been pretty clearly accepted.

Third, despite the fact of continuing state controls

Alphabétisation

over output, local language publication capacities are slowly growing. However, much of this development has been confined to southern regions; Hausa and Zarma populations have benefited most from the increased production capacity. It remains problematic whether output in Tamashek and Fulfulde will increase significantly. Finally, the fact that the GON has agreed not to publish materials in tifinagh, but rather adheres to the international orthography developed under UNESCO auspices, has effectively excluded numerous Tuareg, literate in their own script, from access to GON publications. This is a known cost of a policy choice made earlier, on reasonable grounds.

The Five Year Plan (1979-83) sets highly ambitious goals for Alphabétisation: 2000 village literacy centers by the end of 1983, and 800 rural continuing education centers, to sustain literacy and encourage more effective participation in development activities. It remains to be seen whether such goals can be achieved.

Of more direct interest in NRL, adult literacy activities in the pastoral zone are largely restricted at the moment to settled communities [interview, Assistant Head Idil ag AYAH, Adult Literacy, Agadez Arrondissement, Agadez, 2/11/81; interview, Department Head Abdoulraouf SIDI, Adult Literacy, Tahoua Department, Tahoua, 2/17/81].

In Tahoua Department, Alphabétisation does employ some

Alphabétisation

Tuareg instructors, but no Wodaabe or Fulbe. There are no herders enrolled as herders (some who have moved into other occupations are involved, but enrollments are miniscule).

The national headquarters now encourages departmental and arrondissement literacy agents to seek out new opportunities to expand the program (principally through participation in the various development projects being introduced into the pastoral zone) [interview, Interim Director/Head of Pedagogical Unit Ousmane YAROH, Adult Literacy/Niamey, 1/16/81].

Evolution

For NRL purposes, Alphabétisation could be a useful collaborating agency in the development of herder associations [see remarks above, pp. 142-44]. Adult literacy has reasonably close working relations with Animation, and these could be fostered to enhance the position of the two agencies together. However, in both cases, NRL funds will have to provide the bulk, the large bulk of financing project-related activities. If the funds are available, collaboration is probably assured. It would require close supervision, however, and an attempt to develop a workable format for literacy activity in nomad camps. This has not yet been achieved, if general lack of literacy activity in pastoral zone rural areas is any indication.

APPENDIX 3/2: L'ANIMATION

[Rural Extension Service]

Background

Animation. GON's rural extension agency, has maintained a dual mandate since its creation in 1962. It functions simultaneously as teacher and organizer in bush areas, and is expected to mobilize rural dwellers to become enlightened participants in various development schemes and projects organized by SON (Animation also operates in urban areas; this aspect of the agency's activity is not here examined). Ideally this occurs in a four-step process: enlightenment, consciousness-raising, organization and training. If the process operated as intended, rural dwellers would take full part in planning, executing and evaluating GON development projects designed to improve living standards and quality of life in rural areas.

Current Mandate and Policies

The Development Society idea, with its heavy emphasis both on participation and local initiative under samaria guidance, should astensibly reinforce the role of the rural extension agency. As the Five Year Plan has it,

The Service de l'Animation operates within the framework of a development policy essentially based on the willing participation of the people.

But as the same document frankly notes, the technical rural development agencies which should draw on Animation's

Animation

pedagogical and communication skills to facilitate their own contacts with villagers often view Animation as a parasitic organization which lives off the efforts of others [see 5YP: 384-86, for source of information in this and the two preceding paragraphs]. They therefore minimize their contact with the agency: Animation, excluded or neutralized in the context of many projects, simply lacks impact. Its integration with the administrative hierarchy under the Ministry of Plan rather than the Ministry of Rural Development further reduces its influence with agencies of the latter ministry.

President Kountché's apparent suspicions about the political reliability of Animation personnel - it was the Diori regime's one major institutional innovation in the framework of rural development agencies inherited from the colonial era - have also undercut agency effectiveness, especially when he threatened to abolish the unit entirely in 1976.

This state of affairs is confirmed by individuals both at the field level and at national headquarters. A feeling that Animation plays something of the role of chamber raid, sweeping up other peoples' messes, pervades the agency. Dismissed as "parasites" by others, Animateurs counter that they are rarely involved from the beginning, when their methods could be applied to advantage, in other agencies

Animation

development projects. Instead, they must respond to agitated calls for help when the authoritarian, top-down methods of other technical agencies end in failure and peasant disaffection. Only then, when the damage has been done, when resentments have been established, do other technical agents turn to them as a last resort, in hopes they will be able to sort out the difficulty. But, say the Animateurs with some justification, mobilization for development at that stage is much harder, if not impossible.

Animateurs continue to express oral commitment to the agency's mission, but it is difficult to assess in practice what their contribution might be, particularly to the development of herder associations. Two factors suggest it may be relatively limited: lack of funding which hampers the agency's ability to take autonomous action, and probable personnel deficiencies.

At a Service de l'Animation meeting held in Maradi late in November 1980, eleven topics were explored:

- | | |
|--|----------------------------------|
| 1. migrant labor | 7. anti-waste campaign |
| 2. gambling | 8. cooperatives and marketing |
| 3. dangers of drug abuse | 9. national unity |
| 4. anti-bush fire campaign | 10. <u>samaria</u> (youth group) |
| 5. co-existence of herders and farmers | 11. Oevelopment Society |
| 6. national security | |

These were to form the heart of a series of special

Animation

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discussions with Niger's urban and rural populations, to be organized by the extension agency. In a number of urban centers meetings were eventually held. The program was cut back drastically in rural areas, to only three villages per arrondissement, by funding difficulties. This is indicative of the conditions under which Animation has worked during roughly the last decade.

President Kountché's opposition to the agency has done nothing to dissipate the reputation Animation had already gained by the late 1960s as a service with no future. One can assume ambitious cadres have long since left, and that new recruits are not generally of the highest quality. Some of the first-generation idealists remain, however, and might provide a core of useable talent in the event that funds could be made available to the agency from an outside source like NRL.

Evolution

Suggestions about the potential role of Animation in development of herder associations are outlined above

[pp. 139-42]

APPENDIX 3/3: LA CAISSE NATIONALE DE CREDIT AGRICOLE (CNCA)
[National Bank for Agricultural Credit]

Background

CNCA, the Caisse Nationale de Crédit Agricole, is an autonomous banking establishment, formerly the credit arm of UNCC [see below, pp. 243-52]. It provides credit to Nigerien UNCC mutuels for a variety of purposes designed to foster agricultural development (short and medium term loans, financing of UNCC agricultural commodity buying campaigns, feasibility studies), but also furnishes loans to individuals interested in agricultural enterprises.

CNCA attained its separate bank status in 1967 with reorganization of UNCC cooperatives, to secure credit on more favorable terms than were available to UNCC from the West African Central Bank (BCEAS), and to be able to accept public deposits, thus to increase its financial resources [5YP: 338].

Though now administratively autonomous from UNCC, the two national headquarters share the same building in Niamey and - rather uneasily - CNCA works through UNCC regional offices and the UNCC agents subordinate to them in granting and recovering cooperative loans. According to one source, UNCC field agents are more apt to embezzle loan installments paid by rural dwellers because they are not directly subject to sanction by CNCA officials. Both UNCC and CNCA face an old problem in this regard, i.e., the difficulty of recovering embezzled amounts if the culprit is fired. In effect,

CMCA

they can only hope to regain stolen funds if the agent remains on the payroll, since then his monthly check can be docked until the money is recovered [interview, Mme. Kane, Loan Service Head, CNCA, Niamey, 2/23/81]. According to this source, repayment difficulties might well be avoided if mutual heads were authorized to deliver funds directly to CNCA, since mutual officials know they are immediately subject to legal process and thus have less incentive to embezzle.

Mandate and Current Policies

To achieve closer contact with the population, CNCA has set up regional offices in Zinder, Maradi, Tahoua and Dosso, and the 1979-83 Plan projections call for extension of the network to the arrondissement level [speech by CNCA Director at May, 1979 UNCC seminar; "Compte Rendu", appendix, "Intervention du Directeur de la C.H.C.A...", p. 2].

Moreover, loans granted to mutual members through the UNCC cooperative structure can now be authorized by the regional CNCA agencies (although CNCA national headquarters must still be notified after allocation). Individual loans still require prior CNCA national headquarters authorization. Individual loans are granted on less favorable terms; non-subsidized interest rates and loans equivalent to only 70 percent of total amount involved, in contrast to 90 percent of total which cooperatives are authorized to receive.

CNCA

The loan allocation process is complex and time consuming. Mutual members desiring loans must first have their requests approved by the mutual general assembly. This involves creating dossiers on financial situations of potential recipients. Those approved by the mutual are transmitted to the cooperative general assembly, which hands over approved requests to the cooperative's administrative council. After further examination at that level, those approved are forwarded to the UNCC arrondissement delegate, who submits then to the COTEAR [Comité Technique d'Arrondissement, Arrondissement Technical Committee] financial committee.

Upon approval by the COTEAR financial committee, the requests are forwarded to the departmental CNCA agent. He again reviews them with his UNCC counterpart and then presents them to the COTEDEP [Comité Technique de Département, Department Technical Committee] financial committee for approval [RN/MF/CNCA, "Guide Pratique de Crédit Agricole," pp. 1-2; interview, Departmental Head Chitou ABDOU, CNCA, Tahoua, 2/17/81].

Given the amount of writing involved, emphasis on loan candidates' solvability and credit history, and the general reliance in collective loans (herd reconstitution loans excepted) on the level of rebates earned by the cooperative as the loan repayment guarantee, two assertions are justified:

1. Applicants face substantial time and effort costs in

CNCA

obtaining loans. These do not appear in the interest rates charged. They arise from the imposed requirements of completing forms and securing approval from bankers and others concerned to maintain if not expand a revolving fund for agricultural credit, and thus extremely sensitive about the possibility of default. To surmount these barriers, effective local organization and literacy skills are indispensable.

2. For the cooperative credit system to become viable in the pastoral zone, animals and animal products will have to be marketed through producer cooperatives established according to UNCC principles [unless some alternative is developed, e.g., NHL financing]. This means (a) UNCC cadres will be necessary at the local level and their absence will constitute a bottleneck; (b) even when the administrative apparatus is in place, cooperatives will have to pay their members competitive prices to attract animal sellers who would normally market stock to private buyers in regional centers.

By analogy with UNCC staple grain purchases for OPVN, one would expect merchants to increase their beef prices to throttle down or eliminate sales to cooperatives. Herder cooperator will thus have to have a clear idea of their long-term self-interest in working through the cooperative structure, and be strongly committed to it, to justify foregoing the short-term advantage of higher prices.

Herd reconstitution loans are available to either Individ-

CNCA

uals or cooperative units; loan guarantees are afforded by sale of offspring produced by purchased animals. Again, substantial politico-administrative costs are involved in achieving access to loans, and the process translating loans into livestock is also quite cumbersome and in some respects, beyond control of cooperators [RNME/CNCA, "Guide pratique de crédit agricole," Chapter II, I.3; Medium Term Loans, 31.700].

CNCA agents' concern for the financial solvability of their bank will push them to grant loans to wealthier individuals and refuse them to poorer ones. This bias can be overcome in instances where poor individuals/cooperatives establish a good credit record, but it is realistic to project repayment difficulties: in 1979-80, only 52.24% of all farm and livestock loan installments due in Tahoua Department were repaid. While the FENU herd reconstitution repayment rate was higher - 65% - such a figure would still represent a considerable drain on CNCA resources if it represented an average of repayment levels over, say, a five-year period [interview, Departmental Head Chitou ABDOU, CNCA, Tahoua, 2/17/81].

Evolution

In principle, CNCA loans could be granted to herder cooperatives to finance construction of cooperatively-owned wells, whether built directly by OFEDES [see below, pp. 235-38]

CNCA

or through some combination of OFEDES and self-help efforts. However, unless water could be sold, authorization for the loan would depend upon proper functioning of a herder marketing cooperative.

It is possible that an alternative form of loan guarantee might be worked out for those herder association units not organized also as UNCC mutuals and cooperatives. Rebates awarded to cooperators who purchased products (staple grains, basic necessities, livestock food supplements, salt, etc.) through a cooperative store might be blocked in a UNCC/CNCA escrow account, to cover loan defaults if they occurred. Such an innovation would depend however on modification of OPVN policies in favor of allowing cooperatives to enter staple grain markets in their own right as purchasing organisms free to buy at competitive prices.

A final remark concerning probable patterns of CNCA pastoral zone loan allocations is in order here. Given attractive terms (by comparison with those available from traditional rural credit sources), a struggle for CNCA credit funds can be expected. Political pressures are at least sometimes brought to bear to influence credit allocation in favor of well-connected individuals [interview, Mme. Kane, Loan Service Head, CNCA, Niamey, 2/23/81; interview, Arrondissement Delegate Maikibi HASSANE, UNCC, Dakoro, 2/20/81].

While this is to be expected it does suggest credit allo-

cation can foster development of local power constellations in the pastoral zone as elsewhere if money goes by default to those groups and individuals who already have contacts, organizational power, and financial surplus to stand the costs of the loan application process and where possible, manipulate the outcome. Herders who want to compete in this arena will require strong associations capable of bringing countervailing pressure to bear on CNCA officials, so that the latter will have justification for allocating collective loans and individual loans to improve the lot of poorer herders in the NRL project area.

APPENDIX 3/4: L'ELEVAGE

[Livestock Service]

Background

The Nigerien Service de l'Elevage, successor to the colonial livestock service, has traditionally been somewhat less important than the Service de l'Agriculture in Nigerien rural development efforts. Like Agriculture however it has traditionally focused attention on narrow productivity goals. It cannot claim to have a close working relationship with stock-owning peoples in rural Niger.

Until very recently Elevage efforts focused almost exclusively on inoculation campaigns designed to improve livestock health and on attempts to control slaughter and export of Nigerien animals and animal products. Essentially the agency accepted extensive modes of livestock raising as practised in the project zone by Tuareg, Fulbe and Wodaabe herders.

Mandate and Current Policies

The 1970s drought forced a policy re evaluation [RN/MDR/DSEIA, 12/78: 1-3]. Emphasis has since shifted to increasing productivity within the livestock sector while respecting natural ecological limits imposed by the need to manage pastures as renewable natural resources [5YP: 182-92]. The goal now is to maintain or increase domestic consumption of animal products (meat, milk, hides and manure) despite human

Elevage

population increases, and to continue exporting livestock and animal products at a level comparable to that attained in 1978 (and thus, somewhat below levels attained in 1968).

To achieve this goal, Plan projections call for fundamental reforms in Nigerien animal production strategies. Envisaged here is the replacement of extensive, transhumant livestock raising by intensive, much more localized enterprises spatially organized to promote a north-south specialization in different stages of the production process. This is the much discussed calving-weaning-fattening sequence. It is to take place respectively in the pastoral "zone naisseur", the intermediate "zone de ré-élevage" and the agricultural "zone d'embouche". In the last, animals may be used for draft purposes before slaughter; those fattened specifically for slaughter would pass either through individual farm units or "industrial" feed lots.

Optimistic assumptions are made in the 1979-83 Plan concerning Nigerien herders' willingness to proceed quickly to accomplish these innovations. Little attention is given in the Plan to how, or indeed whether, such changes can be successfully integrated by herding people now heavily dependent on their animals' milk production for survival.

It might be noted here that Plan projections stressing production goals favors at least to some extent development of a class of 'economic ranchers' who have the capital to

Elevage

make large-scale investments in livestock schemes. Since they would not be dependent upon these animals for survival, they could sell off large blocks of animals when market conditions were good, and reinvest the profits again in "ranching" operations. If this projection is accurate, their ability to put beef bodies on the market and so supply weaning and fattening stages of the livestock production process should win a good deal of political "capital" for them as well. Under such circumstances, it may be difficult for herding peoples to make good claims to renewable natural resources in the pastoral zone on anything like an exclusive basis.

Elevage personnel needs are expected to be met by cadres now in training, and a shortfall is expected only at the lowest level (agents techniques). Personnel increases are expected to permit more thorough penetration of the pastoral zone by livestock service people, in keeping with increased contact at the local level between technical agencies and rural dwellers advocated in Plan and Development Society proposals.

Whether those contacts will facilitate projected reforms remains to be seen. It appears likely, in light of the agency's past practices, that emphasis will be laid on narrow technical considerations, to the detriment of associated socio-politico-economic aspects which may condition success of such reforms. With a few exceptions, Live-

Elevage

stock personnel I interviewed showed little apparent feel for herders' problems. In light of their heavily technical training, it must be said, one can hardly expect their attitudes and interests to be other than they are.

Evolution

The implications for NRL activities are serious, though not all negative. Elevage is undoubtedly the agency which feels itself most directly concerned by pastoral zone developments. Within the Five Year Plan framework they have been assigned some specific, and highly ambitious goals. The tendency would normally be to pursue them in a top-down manner, relying on agency personnel to handle the bulk of the work.

However, Development Society principles stressing self-management, probable attempts by UNCC to set up cooperatives in the pastoral zone, and the very difficulty of transforming herder production strategies in accord with Plan projections place in question traditional Elevage methods.

If NRL can produce concrete proposals which will facilitate achievement of established goals, or indeed, merely suggest some strategies to move herders in that direction, there is some hope Elevage personnel will take them seriously. There seems little doubt that President Kountché is committed to a fuller participation by herding people in development

Elevage

activities ["Nomodaa Eleveurs," and "Cure salée ; la fin du folklore," Le Sahel, No. 1960 (10 October 1960), pp. 1,3, 4].

Thus the Livestock Service faces, in a real sense, an unavoidable mandate to broaden its approach. The fact that the current Minister of Rural Development was promoted from the Livestock Service directorship reinforces President Kountché's stress on integrating herders into the mainstream of Nigerien society.

APPENDIX 3/5: LA RECONSTITUTION DU CHEPTEL

[Herd Reconstitution Program]

Background

The Nigerien Herd Reconstitution program, created after the 1970s drought to assist herders devastated by stock losses to re-establish themselves in stock raising, groups a variety of activities under Niamey headquarters supervision. These include breeding ranches designed to improve genetic quality of Nigerien livestock and to serve as multiplication centers for genetically-improved strains of cattle; as bases for extension work with young herders; and as pasture reserves in severe drought periods. (Ibécétène, Dakoro, Sayam and Belbedji). There are, in addition, weaning centers for young cattle (Dakoro, Sayam and Belbedji); the Maradi goat station; the Toukounous experimental station; and the Dosso livestock extension station [5YP: 197].

- A UNDP credit program to finance sheep herd reconstitution exists in Tahoua Department. In its first phase, it involved 300 herder families. According to Herd Reconstitution Program Director Laouali ADAMOU, these people represent "only a drop in the bucket". A second phase, possibly to be financed by the Nigerien National Investment Fund, is currently under study, and may result in some additional loans being made to herders.

Finally, Herd Reconstitution is interested, if not directly involved in, CNCA-financed cattle loan operations currently

Reconstitution

underway and centered on the nine normal groups of Tchén Tabaraden Arrondissement. A cooperative has been created in each group, with the object of securing herd reconstitution loans. Loans have typically called for a two-year grace period, so repayment levels have not yet been definitively established [interview, Director Iaouali ADAMOU, Herd Reconstitution, Niamey, 1/20/81). There is every likelihood this sub-program will be continued [5YP: 181], as will the other program components, if funding is obtained [5YP: 201].

Mandate and Current Policies

Even without GON activities promoting herd reconstitution, Nigerien herds would probably have recovered in very large measure by now from losses wrought by the 1970s drought [RN/MP/Direction de la Statistique et des Comptes Nationaux, "Annuaire Statistique 1978-1979," p. 88].

The question of post-drought redistribution of herd ownership is not answered by raw reconstitution statistic however and there is reason to believe some of those who supported themselves in pre-drought years on proceeds of their stock-raising have been seriously impoverished by drought-related stock losses.

To date, the multiplication centers have not contributed much to the reconstitution effort; this is partially explained by the fact that they are just now coming out of the start-up phase. They have begun, in recent years, to distribute small

Reconstitution

numbers of cattle to young herders (apparently almost all Tuareg, and very few Wodaabe or Fulbe, if any, have participated) on their completion of a training course at Toukounous ranch [interview, Livestock Agent Inoussa OUMAROU, Multiplication Center - Belbédji (Bate), 1/31/81; interview, Director Tahirou ABDON, Multiplication Center - Ibécètène, 2/06/81].

There are also indications that creation of state-run ranches (the multiplication centers) has not been welcomed by pastoralists who formerly occupied the ranch sites. Indeed, there is plenty of evidence that individual herders view ranches as a threat to their own welfare. Organized lobbying is likely to greet any new attempts to extend the system [interview, Livestock Agent Inoussa OUMAROU, Multiplication Center - Belbédji (Baté), 1/31/81; Gilles Lainé, Ministère de la Coopération, "Evolution du régime foncier dans une société d'éleveurs nomades. Le cas des Touareg KEL DINNIK' dans la région de Tahoua (NIGER)", paper presented at the Journées d'étude sur les problèmes fonciers en Afrique noire, AFIRD-LAJP, Paris, 22-24 September 1980, p. 7].

The current Tanout Subprefect disputes this point. He asserts herders (a) were compensated at his insistence by the Herd Reconstitution Program for loss of water rights when their private wells were expropriated in the course of creating the Belbédji (Baté) ranch, and (b) that they were informed about reasons for the ranch and now believe it is

Reconstitution

in their long-term interest [interview, Subprefect Mai Moussa DIKOUA, Tanout Arrondissement, Belbédji, 1/31/81].

The posting of nomad guards at the ranch may indicate all herders are not convinced of the value of the operation, although those few who lost most of their stock in the drought and have since found positions as hired herders in the ranches may see things differently.

Evolution

In any case, it seems likely herders in general will be skeptical of ranching projects until and unless they receive direct benefits from activities undertaken there. If ranches remain the major thrust of Herd Reconstitution Program activities in the pastoral zone, as current expenditure levels indicate they are, then they represent a potential block, as well as a potential venue, to productive communication with herders. From the herders' perspective, the ranches have thus far merely subtracted land from the pastoral zone. If in future they begin to make available large numbers of genetically-improved stud bulls and cows, herders' attitudes may become more positive.

APPENDIX 3/6: L'OFFICE DES EAUX DU SOUS-SOL (OFEDES),
[Groundwater Office]

Background

Created in 1963 and now an agency within the Ministry of Hydraulics, OFEDES (L'Office des eaux du sous-sol) has three main tasks: construction of wells in rural Niger (agricultural, intermediate and pastoral zones), maintenance of those same wells, and development and operation of municipal water supply systems in secondary urban centers ["L'OFEDES en bref," Nigerama, 18 December 1980, p. 36]. While OFEDES apparently engages to a limited degree in prospecting for groundwaters, main responsibility for that activity rests with hydrogeologists attached to the Ministry of Hydraulics. Thus OFEDES' main job is developing and maintaining rural and small town hydraulic infrastructures.

Mandate and Current Policies

GON commitments to creation of adequate supplies of potable water throughout the country have imposed on the agency a relatively heavy schedule of operations, which it has been unable to meet during recent years. Equipment inadequacies and lack of personnel explain most of the delays ["OFEDES: des moyens limités pour un programme ambitieux," Sahel Hebdo, No. 227, 16 juin 1980, 16-18].

Priorities have therefore been established. In rural areas, greatest emphasis presently goes to regions where

OFEDS

the granite crust prevents easy penetration by traditional methods into aquifers (Liptako, west of the Niger River, southern part of Maradi Department, Damagaram around Zinder, Mounio in Gouré Arrondissement), and secondly, to the Damerghou area around Tanout where water-bearing strata occur only at tremendous depths. However, well-drilling operations continue also in sedimentary soils characteristic of most of the rest of the country ["L'Eau n'a pas de prix," Nigerama, 18 December 1980, pp. 12-15].

OFEDS operates to implement water policy set out in the 1979-83 Plan, which is founded on "the right to water for all" [L'Eau n'a pas de prix," Nigerama, 18 December 1980, pp. 12-15]. Most, if not all, wells currently under construction are being created by OFEDS employees. The agency's mandate includes the possibility of self-help in well construction. But local-level political problems ["OFEDS: des moyens limités pour un programme ambitieux," Sahel Hebdo. No. 227, 16 June 1980, pp. 16-18] and difficulties in mobilizing necessary amounts of labor, which resulted in unacceptable construction delays have caused the agency to rely in Tahoua and Agadez Departments in well-drilling almost exclusively on machine techniques instead of encouraging investissement humain [interview, Hilpron, Conseiller Technique, OFEDS, Agadez, 2/12/81; interview, Department Head, Maoudé KORONEY, OFEDS, Tahoua, 2/16/81].

OFEDES

According to OFEDES officials in Agadez and Tahoua, labor difficulties are particularly acute in the pastoral zone, because of herding people's mobility. In principle, however, nothing formally prevents a return to reliance on self-help in well construction, particularly if the formula of collaboration adopted between OFEDES and pastoral zone residents - a contract, for instance - provided for OFEDES assistance in creating adequate well-bottom reservoirs within the aquifers once water has been struck [interview, Department Head, Maoudé KORONEY, OREDES, Tahoua, 2/16/81; for comments on this possibility, see below "Evolution" section, pp. 235-36].

Water Law and Politics

One point of critical importance here is the recommendation contained in the 1979-83 Plan concerning the imperative need "to proclaim as soon as possible the state's monopoly over water resources, and a coherent water policy" [5YP: 419]. This is the conclusion planners have drawn from the principle that "everyone has a right to water" and its corollary that costs of access to water should be equitably shared among more and less favored regions. In practice, this should take the form of subsidies paid to poorer by richer in the name of social justice. This principle carries over into the area of water politics President Kountché's oft-articulated concern that staple grains should cost the same everywhere throughout Niger.

OFEDES

This policy may raise some politico-legal difficulties for strategies designed to revive traditional pasture management practices by vesting well rights in particular groups or individuals. Among OFEDES technicians there exists a value commitment to providing free access to water for all. When it takes the form of destruction of traditional well rights, by creating cemented weels or boreholes in close proximity to existing water points, technicians I interviewed seemed to feel it was "a good thing". In their eyes, such a tactic breaks up the monopolies of well owners in the area [interview, Hilpron, Conseiller Technique, OFEDES, Agadez, 2/12/81; interview, Department Head, Maoudé KORONEY, OFEDES, Tahoua, 2/16/81].

This poses obviously a fundamental issue in those areas where wells provide the basic dry season water supply. The problematic question is whether insisting on free access would protect less-powerful groups and individuals from eventual de facto appropriation of dry season water points by, particularly, powerful individuals. If not, then weaker groups might well be better served by a policy favoring attribution of dry season water rights to named and known groups. Group members would then be in position to make appropriate decisions about size and membership of the user community on whatever basis they chose (presumably one which would take account of annual variations in fodder

OFEDS

availability in their well area[s]),

Note that the 1979-83 Plan recognizes disruption of traditional pasture management systems caused by creation of easily accessible water supplies available to all comers. It speaks in laudatory terms of the benefits of sustained-yield pasture management associated with the old system. In consequence, OFEDS policy for well construction in the pastoral zone gives first priority to veils, second to well-boreholes, and third to boreholes.

Manual extraction wells are viewed as establishing a natural limit on livestock pressure in the well's drawing area; well-boreholes and boreholes are seen as potentially much more dangerous innovations in terms of pasture management. They are to be avoided except when aquifers can be tapped by no other means (shallow, hand-dug wells or deeper, wood-shored or cemented wells).

The rationale for this policy is not, note, incompatible with a position favoring attribution of wells to named and known user groups.

Evolution

[information contained in this section summarized remarks made by Department Head Maoudé KORONEY, OFEDS, Tahoua, 2/16/81 in reply to several of my questions. They concern OFEDS policy only in Tahoua Department, but merit attention insofar as they suggest possibilities of fruitful collaboration between NRL project and OFEDS/Tahoua.]

OFEDS has moved nationally, and M. KORONEY within Dahoua Department, to establish OFEDS control over all cemented

OFEDS

wells. The motivation for this policy is largely technical, according to M. KORONEY. Traditional well diggers can excavate at most two (2) meters below water level in wells they create. When the flow rate is minimal, such shallow reservoirs do not meet demands made on them. If traditional wells are created without adequate reservoirs, they in a sense amount to inefficient underutilization of the region's groundwater resources. On the other hand, with machinery it is possible to construct ten-meter-deep reservoirs, which expands a well's holding capacity by five times over the amount possible using traditional techniques.

Nonetheless, there is no question that traditional wells, both deep-lined and shallow ones in valley bottoms, contribute tremendously to meeting water demand in the department. Since M. KORONEY's overriding concern is assuring adequate water supply, not well ownership, he in no sense personally opposes such wells.

Indeed he would be favorably disposed to digging shallow, cement-lined wells in valley bottoms. Collaboration with herders, especially if organized in cooperatives or associations, would be highly appropriate. Herders could supply labor on investissement humain or other bases, and OFEDS would provide materials and a well-digging specialist who would guide construction. The indispensable condition: adequate labor supply permitting normal construction rates

OFEDES

to avoid tying up scarce technicians and equipment for unreasonable periods of time.

In his opinion it would also be possible and desirable to establish a standard maintenance contract, with such associations. This contract would provide for periodic well cleaning and repair operations to be executed by OFEDES men and equipment.

At present, decisions on cemented well sites are made by a technical committee at the departmental level. M. KORONEY has requested Tahoua Department subprefects submit to him lists of potential well sites; in the event funding becomes available, there need then be no exploration delays before OFEDES can proceed to construction.

[This process evidently does not include any direct public input; whatever popular opinion finds expression there does so only indirectly, through either (OFEDES or ELEVAGE) technical agents, GON administrators or traditional chiefs who may be involved in decision-making.]

Those who wish to construct traditional wells usually do secure authorization from the local subprefect before starting their dig.

M. KORONEY noted in passing that two private parties in Tchén Tabaraden Arrondissement had relayed to him via the Tchén Tabaraden subprefect a request for information about OFEDES well-drilling techniques. He did not have the indi-

OFEDS

viduals' names.

[Following comments express ray opinions only.] The possibility of joint OFEDS-herder well enterprises would offer herder associations a strong basis on which to found at least priority use right claims to water sources in whose development they participated. If operations were loan financed, and herders committed themselves to reimbursing, e.g., CNCA pastoral development loans, they would have an even stronger claim. One form of surety for such loans would be the sanction of opening the well to all comers if well "owners" fell behind on their installments.

This strategy of local participation in well construction would provide herder associations as well with standing to request a role in well-siting decisions.

Given the fact that some individuals in the department apparently already see a potential opportunity to establish claims to water (and associated pastures?) through investments in modern well construction, it would appear highly advisable that herders organize as collective associations to defend their long-standing interests in area water and pastures by staking out more certain claims to specific portions.

APPENDIX 3/7: L'OFFICE DES PRODUITS VIVRIERS DU NIGER (OPVN)
[Nigerien Staple Grains Office]

Background

OPVN was created in 1970 as a grain-price stabilization mechanism. During the 1970s drought it took on a second function, that of providing famine relief to Nigerians unable to feed themselves [James T. Thomson, "Food Politics at the Local Level: Niger and Upper Volta Approach Food Security," in Food and Climate Review 1979, ed. by S. K. Levin (Boulder, Colo.: Aspen Institute, 1980)]. It now has those two missions, and must also provide staple grains in urban and deficit areas (the pastoral zone, in particular) [5YP: 307; interview, OPVN Director Adamou SOUNA, OPVN, Niamey, 2/24/81].

Mandate and Current Policies

SOUNA believes OPVN should avoid the impasse it has currently entered by attempting to monopolize Nigerien domestic grain sales. He considers this impossibly expensive, and advocates instead a sort of balance wheel function for OPVN. It would begin buying quite early, to assure reasonable prices to producers at harvest time when the market is usually soft, and then hold stocks for eventual release when amounts of privately-marketed grain shrink, driving prices up. The combined effect would be to reduce annual price fluctuations, and the profits to be made speculating in millet.

Most sources agree the price stabilization and urban/

OPVN

deficit area supply goals are not being adequately met [5YP*- .]307, 312; interview, SOUNA, OPVN, Niamey, 2/24/81; Abdoulaye Boureima, "Produits vivriers - le seuil de... tolérance," Le Sahel, 28 May 1981, p. 3 (reporting President Kountché's comments at a civil servants' conference on the current food stock and cereal grain market situation)]. OPVN has apparently managed to buy only about three percent of total domestic grain production in recent years, which constitutes about one-sixth of domestic grain sales to consumers. When this amount has been doubled by grain imports, OPVN controls roughly one-third of the domestic market. In the last several years imports have been just about eliminated, but current grain shortages in stocks under GON control have motivated a small amount of imports again.

With or without imports, the amount under GON control has not been enough to stabilize prices. Particularly in the pastoral zone, current grain price fluctuations sometimes exceed those common during pre-OPVN days. It is widely recognized that private buyers pay better prices and have lower marketing costs, which allows them to turn handsome profits despite OPVN's efforts to regulate prices.

The current OPVN director believes this can be achieved, in part by higher prices and in part by more timely entry into the harvest grain market. But he stresses the need for restricting OPVN's activities and for greater cooperative involvement in marketing and supplying stable grains through-

OPVN

out the country; this opinion is shared by some others [interview, Assistant Director E.H. Dantata ADAMOU, UNCC, Niamey, 2/23/81; interview, Departmental Head Sani MAMAN, Plan, Agadez, 2/11/81]. Presumably this would bring greater volumes of grain onto the market, at prices more advantageous to both producers and consumers because middlemen would be excluded from the transactions.

Much depends however on details of buying and selling campaigns [Thomson, Food and Climate Review 1979]. In particular, cooperatives must be able to offer their members and others competitive prices if they wish to purchase substantial grain stocks. If they are prohibited from out-bidding merchants, at least in the early stages of the buying campaign, they will find themselves in OPVN's current dilemma: supplies inadequate to meet even a fraction of the demand.

Evolution

OPVN's future remains cloudy. Like other parastatals, it is under presidential injunction to cut costs, and many of the more remote selling points in the pastoral zone have been shut down [interview, Director Adamou SOUNA, OPVN, Niamey, 2/24/81; interview, Departmental Head Maman GARRA, OPVN, Tahoua, 2/18/81; interview, Departmental Assistant Head Abdou BANI, OPVN, Maradi, 2/19/81]. It seems likely therefore that its activities will be curtailed in the

OPVN

future.

On the other hand, President Kountché still expresses concern about the CMS commitment to protecting Nigeriens from famine [Thomson, Food and Climate Review 1979]. If greater cooperative activity in the grain market appeared to relieve necessity for an OPVN monopoly by moderating price fluctuations, OPVN might well be permitted to scale down its attempts to control the market. If not, another attempt at establishing a state monopoly on grain sales might be undertaken, though without any greater prospects for success than the current effort. This renewed effort at monopoly seems unlikely however, in light of President Kountché's current disenchantment with peasant hold-up of grain sales to OPVN is a putatively surplus grain production year, and asserted collusion between canton chiefs and merchants in manipulating the grain buying campaign. Both merchants and the traditional chiefs seem now to be under suspicion, and UNCC cooperatives have yet to demonstrate their capacity to accumulate important grain reserves for OPVN when they are constrained to buy at a controlled price which falls well below the open [black] market level.

More cooperative participation in grain marketing and distribution would be vastly more advantageous for herder associations, whether synonymous with cooperatives or constituted as separate entities. OPVN legal domination of

OPVN

official grain marketing, and a concomitant highly controlled and (probably) non-competitive role for cooperatives and herder associations, means (a) that grain supplies officially available in the pastoral zone will remain inadequate. This promotes both speculative black market activities and intensifies pressure to engage in farming in the pastoral zone as people seek to become self-supporting in food grains. It also deprives herder associations and pastoral zone cooperatives of a powerful incentive through which to attract new members.

If the market situation becomes more fluid, with a magnified cooperative/herder association role and possibilities for cooperative/private sector competition, then local units might try to entrepreneur some favorable deals for themselves, e.g., either by purchasing via the cooperative network, dispatching member(s) south at harvest time to purchase autonomously for association needs, or by contracting with private suppliers to acquire necessary millet stores in bulk purchases (at favorable prices).

It can be noted in this regard that the 1979-83 Plan advocates decentralization of storage of security stocks, and a greater role for each peasant family in taking measures to assure its own personal security grain reserve. Peasants who are able to have of course been pursuing this strategy for some centuries, skeptical as experience has taught them to be of long-term efficacy of state efforts to maintain anti-famine stocks.

APPENDIX 3/8: L'UNION NIGERIEENNE DE CREDIT ET DE
COOPERATION (UNCC)

[Nigerien Credit and Cooperative Union]

Background

UNCC cooperatives were first established in Niger in 1962 by the Diori Government. National headquarters were created, and colonial era, obligatory-membership Sociétés de Prévoyance and their successors, the Sociétés Mutuelles de Développement Rural, were converted into UNCC units. Membership was voluntary, and acquired on an individual basis upon purchase of a share of social capital.

Four years later this system was revamped to provide cost-free, collective membership on the basis of village mutuals which were open to all and theoretically included all adults in the community.

Subsequent developments saw extension of the cooperative tutelary administrative network (UNCC structures and agents) and creation of numerous local cooperative-associations (ALC's) as cooperatives multiplied. These units, in fact quasi-cooperatives under close GON control rather than autonomous units authorized to pursue satisfaction of their members' interests, played a somewhat larger role in marketing agricultural commodities (peanuts, rice, cotton, cow peas, some vegetables, etc.). During the 1970s, UNCC cooperatives have also been integrated into OPVN's purchasing network for staple grains [5YP: 307].

UNCC

Mandate and Current Policies

The most recent reorganization of UNCC activities reflects GON planning for implementation of the Development Society. Ordonnance No, 78-19 of 12 October 1978 created enabling legislation to promote cooperative self-management. Décret No. 79-05 of 18 January 1979 implemented that ordonnance. The ordonnance, the Décret, and minutes (and associated documents) of the 28-31 May 1979 UNCC meeting to consider details of applying the new legislation provide the currently controlling framework for cooperative activity in Niger

Clearly stated is GON's aim of fully organizing the rural Nigerien economy through cooperatives. As indicated elsewhere in this report, mutuals are to form the economic arm of village and tribe (or camp) level development cells, the most basic of the new Development Society institutions. The samaria youth organizations are to provide initiative and labor inputs for a variety of self-help projects organized through the local development cells [see above, Appendix 2, Development Society Principles and Vocabulary, pp. 195-98].

The main thrust of this latest UNCC reorganization is the ostensible drive from UNCC-managed, quasi-cooperatives to member-managed cooperatives.

UNCC thus has a mandate to move to full cooperative organization of the pastoral zone, along with other more populous areas of the country. This mandate envisages

UNCC

creation of Groupements Mutualistes Pastoraux (GMP's), cooperatives probably tied to pastoral units, and a hierarchical series of local cooperative unions (one per arrondissement or nomad groupement). departmental cooperative unions (one per department) and a national cooperative union, all, in the end, self-managed.

UNCC sees cooperatives as potentially multi-purpose organizations. In addition to functioning as producers' marketing units, cooperatives should provide producer and consumer credit, furnish supplies, operate cooperative stores in some cases, etc.

UNCC officials, in public pronouncements and interview conversations show sensitivity to the issue of feasibility of installing cooperatives in the pastoral zone. Field investigations by national-level officials, recently completed, reflect their sense that more information is needed before final decisions on pastoral zone cooperative structures can be taken. Within the framework imposed by relevant enabling legislation, they seem open to suggestion and interested in gathering diverse points of view.

At this point however, the general plan is that pastoral zone cooperative structures will conform to the standard UNCC format. At the local level, as suggested, UNCC GMP's will group local adults in cooperative mutual units. These will be organized, in the pastoral zone, upon a vote of the

tribe's (camp's[?]) "assembly". No minimum rule is established, e.g., majority of those present or on the tax rolls, for constitution. In effect, those who want to establish the mutual are free to do so. Creation is authorized automatically when the mutualists furnish UNCC with a copy of the minutes of the constitutive meeting.

The same process of constitution governs establishment of cooperatives, with the exception that the constitutive (and general) assembly is composed of delegates from the constituting mutuals. Groupements mutualistes, not mutualists as individuals, join cooperatives. The arrondissement-level "Local Cooperative Union" (ULC) is constituted when a majority of the cooperatives in the jurisdiction vote to do so; the "Departmental Cooperative Union" (UDC), when the majority of ULC's votes its creation, and the "National Cooperative Union" (UNC) when a majority of the UDC'S authorizes it [Ordonnance 78-19, Arts. 4, 6-9].

By terms of Art. 17, Ordonnance 78-19, and of Art. 27, Décret 79-05, quasi-cooperatives established before those new framework laws were passed were to have been converted to the status of self-managing cooperatives by January 1, 1981. The fact that these particular injunctions have not been complied with by the prescribed time limit suggests that other elements of those two statutes may well also be temporarily disregarded.

UNCC

Current legislation raises certain difficulties concerning pastoral zone cooperatives. The pastoral zone is distinctly under-organized at present. Organization thus constitutes the overriding goal. But appropriate bases remain under discussion.

Legislation cited above mandates the use of tribes as pastoral mutual groups (GMP's) and specifies nomad groups (of tribes) as the framework for cooperatives (at the rate of one per group) uniting the GMP'S. Subsequent investigations & undertaken in the first quarter of 1981) may have convinced UNCC officials that nomad camps provide a more adequate unit for GMP organization, particularly in light of the credit guarantee role assigned the GMP's [interview, Assistant Director E.II. Dantata ADAMOU, UNCC, Niamey, 2/23/81]. Members of the same mutual will go surety, in the first instance, for each others' loans. UNCC officials therefore want, above all, to choose as the GMP framework that unit of everyday life which offers the greatest guarantee of mutual solidarity combined with a sense of collective existence, so that mutual members will feel compelled, out of respect for group honor, to refuse to approve loan requests of those they honestly feel will be unable to meet reimbursement installments.

Michel KBITA, in a three-part article, likewise argues in favor of focusing mutual group organization on the camp,

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rather than on administratively-established nomad tribes or groups, and for the same reason ["Projet de mise en place des unités pastorales au Niger Centre-Est," Sahel Hebdo, No. 225, 2 June 1980, 30-32; No. 226, 9 June 1980, 28-30; and No. 227, 16 June 1980, 25-29.

Ari T. IBRAHIM, Minister of Rural Development, in his then-capacity as Nigerien Livestock Service Director, suggested in December 1978 that the nomad tribe would in many cases be an appropriate for cooperative and herder association organization. However, he took this position because he felt the tribe met the criterion of a viable local unit of organization [RN/MDR/DSEIA, "Exposé au Séminaire sur la gestion des coopératives organisé par l'ACCT ; Efforts d'organisation des éleveurs au Niger (note complétée par les tentatives d'organisation des éleveurs produites par la reconstitution du chaptel)".

Thus general agreement exists that the most viable unit offers the best framework for the GMP's. It is an empirical question, to be answered by research findings, whether tribe or camp best meets their criterion. Controlling legislation will, or presumably could be, modified to take account of relevant findings.

Potential Problems Inherent in
Current Cooperative Legislation

Unfortunately, model cooperative statutes proposed by

UNCC

the May 1979 UNCC seminar, as well as controlling legislation (Ordonnance 78-19, Décret 79-05) contain some additional weaknesses. In particular, the statutes effectively preserve considerable centralized control by UNCC, the tutelary agency), through development of a standard set of statutes, and a standard set of accounting forms. These will undoubtedly simplify tasks of UNCC field agents, but they suggest the degree of self-management is not likely to be such that the new organizations could be characterized as "autonomous cooperatives." UNCC agents can attend cooperative meetings as "observers" or counsellors, and are given a potential role in preparation of meeting agenda and minutes (Arts. 20-21).

The Administrative Council of the cooperative, which has responsibility for agenda setting, planning and supervision of program implementation by cooperative officials and managers, can only act when all members are present - a highly restrictive rule (Art. 36) - and they cannot be paid (Art. 32). Other articles (43, 45-46) provide for a substantial degree of financial control by the tutelary authority. UNCC retains the right to dissolve cooperative (Art. 47). Note these model statutes may be modified before UNCC finalizes them by administrative decision.

From a broader perspective, one of the serious disadvantages with UNCC tutelage of the pastoral zone coopera-

UNCC

tive movement lies in the lack of field agents available to provide technical assistance to groups interested in forming their own cooperatives. This may result in inadequate supervision of cooperative activities during critical initial stages; inappropriate policies and practices might then be entrenched, resulting in effective violation of cooperative principles set out in Article 5 of Ordonnance 78-19.

One of these principles, furthermore, may occasion serious difficulties, not as it applies to cooperative activities per se, but rather as it relates to the possibility of organizing range management associations. If UNCC cooperatives effectively monopolize possibilities for collective organization in the pastoral zone, there may be no way to enforce grazing restrictions so long as water is freely available to non-cooperating herders: no one, according to the terms of Article 5, can be compelled to become a member of a cooperative against his will. If this principle is strictly maintained, then priority water use rights could not be attributed to cooperatives established in particular areas of the pastoral zone, since this would be tantamount to forcing non-members to join in order to remain in the area: cooperators would evidently be within their rights to refuse watering privileges to non-members. If on the other hand the prohibition on forcing entry to

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was interpreted loosely, as not precluding attribution of priority use rights, then there would be no particular conflict with range management programs. It seems unavoidable that any range management program be based on some such effective system of sanctions as refusal of stock watering rights as a sanction for violating range management regulations.

Another problem of some consequence may hamper efforts to establish cooperatives throughout the pastoral zone: UNCC cadres are, at present, largely specialized in operation of producer marketing organizations. They may have some difficulty reorienting themselves to promote consumer cooperatives (e.g., for the purpose of purchasing millet for resale to members), and may offend pastoral zone residents if they place too much emphasis on UNCC cooperative marketing functions, especially since the major product to be marketed will obviously be livestock. If the cooperative can obtain better prices for its members on animals they have to sell to finance necessary payments or expenditures, it will be appreciated. However, cooperative agents may pressure people to sell more animals than they think wise, as part of a drive to convert nomads from "...extensive livestock raising based on prestige considerations which inevitably lead to the creation of large herds..." "to a form of stock raising technically and economically more

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rational in the given ecological context" [speech by the Assistant Director of the Livestock Service at the May 1979 UNCC seminar; Appendix "Philosophie (d'approche du monde rural," p. 1]. In that case, nomads may begin avoiding UNCC activities and organizations.

APPENDIX 4: OTHER RANGE MANAGEMENT PROJECTS IN NIGER

Two other range management projects currently function in Niger: the Niger Centre Est project and the Sud Tamesna project,

Niger Centre Est

Niger Centre Est, a World Bank-financed operation, has responsibility for realizing the common herder organization/improved service provision/enhanced livestock productivity goals which have been assigned the three projects. The jurisdiction covered by Niger Centre Est includes the entire pastoral zone area bordered roughly on the west by Tanout and extending east to Lake Chad. The area include Tuareg, Fulbe, Wodaabe and Tubu herders.

Project Director AKILOU Abou has opted for a combination of research activities and direct attempts to extend service provision networks within the project zone. Research assistants have been trained to participate in surveys of livestock production activities. A series of pastoral service extension points (relais pastoraux), providing for the moment a range of basic necessities, have functioned since 1980 with variable results.

Herder Associations

The combination of research and service provision, it is expected, will permit development of a strategy which will facilitate creation of herder associations, each based on or related to a pastoral service extension point. The idea is

in essence to organize herders through associations, facilitating thus determination of their opinions and needs, on the one hand, and on the other, to facilitate technical service activity in the project zone by staking out centers of contact between mobile herders and technical agents responsible for service provision. Once these extension points have been established, it will be possible to motivate herders to restrict their movements at least somewhat, it is thought, so they remain during the dry season within reach of the central points.

Model Herder Association Constitution

Niger Centre Est Director AKILOU has, as a step preparatory to creation of herder associations in the project area, proposed a set of model statutes (in effect, a model constitution) for such organizations [aspects of the model are discussed in Chapters 6 and 9, above] The constitution provides for a single, large-scale jurisdiction, membership in which is to be acquired by individual herders directly, without regard to ethnic, political or religious criteria.

The association jurisdiction will have to be geographic in character (even if vaguely defined), according to AKILOU, and not based on GON administrative tribe/group complexes because many members of a tribe/group simply are not present in the area where the leader is incorporated into the administrative hierarchy.

Meetings are to be held at least once a year; the model provides for a herder association board and officers, elected annually. The board and executives will take charge of associations affairs whenever the association's general assembly is not in session. To motivate herders to stay around these centers, they are to be refused access to services by all associations except their home one.

Director AKILOU believes it will not be inappropriate to exclude chiefs over the long run from a controlling role in the association, but he is extremely skeptical about feasibility of a frontal assault on the power of traditional chiefs now. Thus they will probably be admitted to leading roles in Niger Centre Est associations, if they desire them and can muster the votes.

Tutelary Relationship: UNCC

The model statutes provide an option for any herder association to vote to convert itself into a cooperative and series of mutuals, under temporary tutelary aegis of UNCC. Associations which select that option lose their status as associations and are from then on automatically organized and governed in accord with cooperative legislation now in force in Niger (Ordonnance 73-19 of 12 October 1978 and Décret 79-05/PCMS/MDR of 13 January 1979).

Pastoral Zone Agriculture

The director is disturbed by the extent of agricultural

activity in the pastoral zone. To his mind, the pastoral zone should be devoted solely to livestock production. Permitting agriculture in such a high steppe environment risks not only restricting or eliminating livestock production, but soil erosion on a grand scale. Predictably catastrophic results for preservation of that environment would follow. This is an even more serious loss when account is taken of the substantial amounts of livestock products currently produced in the project zone.

In AKILOU's opinion, a new northern limit on agriculture should be established after prior consultation with people, traditional leaders, and GON officials. Once the new limit is legally established, he advocates a total ban on any kind of agriculture whatsoever in the protected zone.

Sud Tamesna Project

Financed by the European Common Market's development fund (FED) and operational since 1980, the Sud Tamesna project is the smallest of the three GON-authorized efforts to promote herder organization and increased livestock productivity in the high sahelien pastoral zone. Sud Tamesna is located astride the border between Niamey and Tahoua Departments, in a region to the west of the city of Tahoua. The project zone is an ethnically-complex locality. Information in the remainder of this section was supplied by Project Director BADEMASSI Djariri.

Goals

Sud Tamesna's goal, which it shares with NRL and Niger

Centre Est, is to organize herders. For Director BADEMASSI, the sooner that goal is achieved, the sooner the project can be phased out - because it will have achieved its purpose - and the better that will be for all concerned. He hopes Sud Tamesna will benefit from lessons learned by both NRL and Niger Centre Est, particularly concerning approaches to herder organization.

BADEMASSI conceives of the Sud Tamesna project as focused on a specific area, to achieve a specific purpose. Herders' needs are the factors which will determine project operations.

The first year of the project's activities will be devoted to observation and to answering three specific questions:

1. How are local herding societies and groups currently organized?
2. How do herders wish to organize themselves in the future?
3. What can the Sud Tamesna project do for herders in its zone?

Final Objectives

The long-term goals of the project are four:

1. Organization of livestock production in the project zone;
2. (rational) exploitation of groundwater and pasture resources.

These goals suppesentwo other activities will be undertaken

and maintained:

3. strengthening of veterinary and zootechnical programs;
and
4. development of the social framework of livestock production, in the form of cooperative structures.

These goals are seen to fit rather closely with objectives of the Development Society [see above, Appendix 2, pp. 191-205].

Sad Tamesna personnel are aware of differences which exist between various parts of the pastoral zone, and are concerned to avoid premature generalizations about appropriate methods of achieving the above objectives.

Technical Services and Range Management

Director BADEMASSI expects to proceed in two stages. The first, which is to some extent already underway in the initial year of observation, focuses on improved provision of technical services. During a second stage, range management activities will be attempted. This approach is conditioned, however, on willingness of different herding peoples in the project zone to participate.

Herders must be organized, but it is not yet clear how they will be. Taking the existing ethnic organization as a starting point appears a reasonable way to begin, and a necessary step in understanding current forms of indigenous organization, but Director BADEMASSI expresses reservations about feasibility of such an approach over the long term given the ethnic complex-

ity of the area in which the project is operating. He feels it will be appropriate in the short term to allow each group substantial liberty to organize its internal activities in **ways** it sees fit.

Pastoral Zone Agriculture

The problem of pastoral zone agriculture he sees as a complex one. He considers diverse origins of pastoral zone cultivators - some herders ruined by the drought, others immigrants from more southerly portions of the country, may impose different responses in the two cases. He currently believes it will be difficult to exclude fanning and farmers from the pastoral zone [which implies some way must be found to deal with consequences of zonal agriculture, or at least to control it].

Current Activities

Sud Tamesna is now pursuing four specific technical operations:

1. distribution of cereal grains, via several pastoral service extension points (relais pastoraux) in the southern part of the project zone;
2. a campaign of anti-parasite treatments for herds in the area;
3. construction of six (6) vaccination installations, to facilitate medical treatment of animals; and
4. drilling of a well-borehole, which will restrict grazing pressure by (technically enforcing) manual

extraction of water. It will be open to any herder willing to pull his own water. This well will be located in some pasture area within the zone, which is currently under-exploited for lack of water resources. The exact site will be determined through discussions with local people and relevant administrative authorities.

APPENDIX 5: INDIVIDUALS CONSULTED DURING FIELD INVESTIGATIONS

<u>LOCATION</u>	<u>1981 DATE</u>	<u>INDIVIDUAL INTERVIEWED</u>	<u>ORGANIZATION</u>
Niamey	1/09	Project Director ALI Dankin- tafo	Niger Range and Livestock
"	1/09	Assistant Program Officer Sidney Bliss	USAID/Niger
"	1/09	Assistant Project Director AHAMADOU Bourahima	Niger Range and Livestock
"	1/14	Acting Director Dr. ALOU	Livestock Ser- vice
"	1/14	Secretary-General Salao BAR- MOU	National Commis- sion for Crea- tion of the Development Society
"	1/16	Acting Director Ousmane YAROH	Adult Literacy and Continuing Education
"	1/16	Director Salao KANE	Rural Extension Service
"	1/16	Tutelle Director Maiga Fiti AHAMADOU	Ministry of Interior
"	1/16	Head of Political and Admin- istrative Affairs Bureau	Ministry of Interior
"	1/17	Assistant Director E.H. Dan- tata AMADOU	UNCC
"	1/17	Personnel Section Head BAGNI- BABA	Rural Extension Service
"	1/20	Director Ali SEYNI	Rural Engineering
"	1/20	Director Laoualy ADAMOU	Herd Reconstitu- tion
"	1/21	Minister Brah MAHAMANE	Ministry of Rural Development
Maradi	1/23	Project Researcher Bill FitzGerald	NRL
"	1/23	Project Researcher Cindy White	NRL
"	1/24	Project Director Ali DANKIN- TAFO	NRL
"	1/24	Project Researcher Jim Knight	NRL
Niamey	(1/08)		
"	1/24	Dr. Louis Loutan	NRL

<u>LOCATION</u>	<u>1981 DATE</u>	<u>INDIVIDUAL INTERVIEWED</u>	<u>ORGANIZATION</u>
Maradi	1/25	PCV Dana Glazier	North Dakoro Ranch
"	1/25	PCV Karen Husserl	Ibécétène Ranch
"	1/26	Project Associate Bud Rice	NRL
"	1/26	Adjutant Prefect	Departmental Administration
"	1/26	Conseiller Technique Daniel Mignot	Plan
"	1/27	Project Associate Bud Rice	NRL
"	1/28	Project Research Bill Fitz- Gerald	NRL
"	1/28	Project Researcher Cindy White	NRL
Zinder	1/29	Adjutant Prefect Hama AMADOU	Departmental Administration
"	1/29	Conseillers Techniques San- dro Cerrato, Franco Tran- quilli	UNCC
Mirriah	1/29	Subprefect Rhony ISSOUFOU	Arrondissement Administration
Zinder	1/29	Kel Owe Tuareg Chief Tambari LIMAN (Mirriah)	Arrondissement Administration
Tanout	1/30	Adjutant Subprefect	Arrondissement Administration
"	1/30	Head Abdoulaye MAHAMANE	OPVN
"	1/30	Conseiller Technique Patrick Paris	Niger Centre Est Project
Gourbobo	1/30	Tanout Wodaabe Lamido REA	Arrondissement Administration
"	1/30	Malam ADAMOU (REA Counsellor)	No official affili- ation
"	1/30	Two young Wodaabe men from Lamido REA's household	No official affili- ation
"	1/31	Tanout Wodaabe Lamido REA	Arrondissement Administration
Belbedji	1/31	Subprefect Maï Moussa DIKOU- MA (Tanout)	Arrondissement Administration
Baté	1/31	Livestock Agent Inoussa OU- MAROU	Baté Ranch
"	1/31	Livestock Agent Hassane HAROUNA	Baté Ranch
Belbedji	1/31	Tanout Subprefect Maï Moussa DIKOUA	Arrondissement Administration

<u>LOCATION</u>	<u>1981 DATE</u>	<u>INDIVIDUAL INTERVIEWED</u>	<u>ORGANIZATION</u>
Belbedji	2/01	Belbedji Canton Chief/Mousgou Tuareg Tambari Samaro ALGA-BIT	Arrondissement Administration (Tanout)
Olléléwa	2/01	Olléléwa Canton Chief Ibrahim MANO	Arrondissement Administration (Tanout)
Zinder	2/02	Acting Director Ibrahim ABDOU-SALAM	Adult Literacy and Continuing Education
"	2/02	Director Akilou ABOU	Niger Centre Est Project
"	2/02	Conseiller Technique Patrick Paris	Niger Centre Est Project
"	2/02	Fulbe Chief Brah GOURGOUDOU	Arrondissement Administration (Mirriah)
"	2/02	Mirriah Kel Owe Tuareg Chief Tambari LIMAN	Arrondissement Administration (Mirriah)
Tahoua	2/05	Adjutant Prefect Malam KAFOU-GOU ABBA	Departmental Administration
"	2/05	Departmental Head Dr. Abdou-laye GOURO	Livestock Service
Abalak	2/05	Livestock Agent Mouhamadoune ABDOURABAH	Livestock Service/NRL
"	2/05	Project Researcher Bill Fitz-Gerald	NRL
Tamaya borehole	2/06	Bodéado man	No official affiliation
Road to Ibécétène Ranch	2/06	Livestock Agent Mouhamadoune ABDOURABAH	Livestock Service NRL
Ibécétène Ranch	2/06	Director Tahirou ABDOU	Livestock Service/ Herd Reconstitution
Road to Edouk	2/06	Livestock Agent Mouhamadoune ABDOURABAH	Livestock Service NRL
Edouk	2/06 -2/08	" " " "	" " "
"	2/07	Ita Wari Tuareg men	No official affiliation

<u>LOCATION</u>	<u>1981 DATE</u>	<u>INDIVIDUAL INTERVIEWED</u>	<u>ORGANIZATION</u>
Bush, Tchin Tabaraden	2/08	Project Researchers Cindy White, Bill Fitzgerald Dr. Louis Loutan, Live- stock Agent Mouhamadoune ABDOURABAH	NRL NRL NRL Livestock Service/ NRL
Tchin Tabaraden	2/09	Subprefect	Arrondissement Administration
Ibécétène Ranch	2/09	Director Tahirou ABOU	Livestock Service/ Herd Reconstitu- tion
Abalak	2/09	Project Researcher Bill Fitz- Gerald, Livestock Agent Mouhamadoune ABDOURABAH	NRL Livestock Service/ NRL
Tahoua	2/10	Conseiller Technique Gerard Roumier	Sud Tamesna Project
"	2/10	Director Djajiri BADEMASSI	Sud Tamesna Project
"	2/10	Adjutant Delegate Zakari CHEFOU	UNCC/Departmental Delegation
"	2/10	Departmental Head Dr. Abdou- laye GOURO	Livestock Service
Agadez	2/11	Departmental Head Ousseini ZAKARA	Livestock Service
"	2/11	Adjutant Prefect Maman BAKO	Departmental Administration
"	2/11	Departmental Head Sani MAMAN	Plan
"	2/11	Adjutant Delegate Mahamane Lamine TAHIR	UNCC/Departmental
"	2/11	Adjutant/Arrondissement Director Idil ag AYABA	Adult Literacy and Continuing Education
"	2/12	Departmental Head Zaidou SEYDOU	OPVN
"	2/12	Conseiller Technique Hilpron	OFEDES
"	2/12	Arrondissement Head Mahamed SALA	Rural Extension Service
"	2/12	Departmental Head Ousseini ZAKARA	Livestock Service
Ingall	2/12	Administrative Post Head Harouna KALLAM	Arrondissement Administration (Agadez)
"	2/13	Kel Fedey Tuareg Chief Mahamed SIDI	Arrondissement Administration (Agadez)

<u>LOCATION</u>	<u>1981 DATE</u>	<u>INDIVIDUAL INTERVIEWED</u>	<u>ORGANIZATION</u>
Ingall	2/13	Administrative Post Head Harouna KALLAM	Arrondissement Administration
Wellington, Ingall Road	2/13	Wodaabe men	No official affili- ation
Tamaya borehole	2/13	Wodaabe men and three Wodaabe headmen (<u>ardo'en</u>)	Official affilia- tion unknown
Tamaya bush	2/13	Wodaabe <u>ardo</u> (headman) and son	Arrondissement Administration (Dakoro)
Tahoua bush	2/15	Cindy White Project Researcher	NRL
	2/16	Project Affiliate Angelo Maliki	NRL
Tahoua	2/16	Departmental Head Harouna MAYAOU	Plan
"	2/16	Department Head Maoudé KORO- NEY	OFEDES
"	2/17	Departmental Head Chitou AB- DOU	CNCA
"	2/17	Departmental Head Abdoulraoui SIDI	Adult Literacy and Continuing Education
"	2/17	Juge Alginy Hama AMADOU	Civil Court Sys- tem
"	2/17	Adjutant Prefect Malam Kafou- gou ABBA	Departmental Administration
"	2/18	Departmental Head Maman GARBA	OPVN
"	2/18	Departmental Head Louché MAHAMANE	Rural Extension Service
Maradi	2/19	Adjutant Head Abdou BANI	OPVN
Dakoro	2/20	Subprefect	Arrondissement Administration
"	2/20	Arrondissement Head Tahirou ABDOURAHAMANE	Livestock Service
"	2/20	Arrondissement Head KASSOUM	Rural Extension Agency
"	2/20	Arrondissement Delegate Maï- kibi HASSANE	UNCC Delegation
"	2/20	Arrondissement Head Issoufou	OPVN
Gadabedji	2/20	Kel Ferouane Tuareg Chief	Arrondissement Administration
	2/21	KINNEY	(Dakoro)

<u>LOCATION</u>	<u>1981 DATE</u>	<u>INDIVIDUAL INTERVIEWED</u>	<u>ORGANIZATION</u>
Niamey	2/23	Assistant Director E.H. Dantata AMADOU	UNCC
"	2/23	Lean Section Head Mme. KANE	CNCA
"	2/24	Pastoral Zonde Modernization Program Head Pierre Inné	Livestock Service
"	2/24	Director Adamou SOUNA	OPVN
"	2/24	Training and Research Section Head Ousseini DJIBO	Rural Extension Service
"	5/23	Training and Research Section Head Ousseini DJIBO	Rural Extension Service
"	5/23	Director Salao KANE	Rural Extension Service

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