

Institution Shopping and Resilience Grabbing: Changing Scapes and Grabbing Pastoral Commons in African Floodplain Wetlands

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Abstract

This article argues on the basis of a comparative study in floodplain areas in Cameroon, Tanzania, and Zambia that land tenure issues have to be related to historical institutional changes not only to property rights in land, but also to land related common pool resources. It further outlines that in addition to privatisation of resources, pastoralists face challenges from the fragmentation of cultural landscape ecosystems, which serves to undermine local common property institutions and their reciprocal resource management arrangements that provided resilience in floodplain ecosystems. Colonisation and postcolonial constellations led to a major institutional change from common to state property in African rangelands, and created legal and institutional pluralism which enabled more powerful state and wealthy actors to shop for institutions that suit them best, especially privatisation and open access constellations (Haller 2010). The article argues that it is this institutional change that transformed the previous cultural landscape ecosystems, that conservationists and governments now want to protect by excluding pastoralists. It will analyse how governments and environmentalists increase their bargaining power in order to appropriate these landscapes in the form of land as commons and green grabbing. It will do so by combining a New Institutionalism and Political Ecology approach (NIPE) with Appadurai's notion of scapes (1996) in a way that unpacks power dynamics for legitimacy-based governmentalities that link global and local scales. The article unpacks the idea of ideoscapes and adds a four-step historical phases model to the concept. This illustrates the scapes pastoralists are in (state, neoliberal, neoliberal applied including investment and conservation, and terrorism and control scapes). These scapes provide legitimacy capital for powerful actors, shape platforms for strategic selection of institutions (institution shopping) and act as Anti-Politics Machines (APM).

Keywords: new institutionalism, political ecology, pastoralism, common property, land grabbing, resilience, floodplains, Africa, scapes, ideology

INTRODUCTION

Comparative anthropological research in African floodplains indicate that problems of unsustainable use are triggered by two main factors: 1) large scale technological and land use

transformations; and 2) the institutional transformation of common property regimes. The first reduces the resilience of pastoral land use systems, the second leads to de facto open access and problems of coordinated use of pastures (Haller 2010, 2016). These are then further interrelated: the more coordinated use is undermined, the more access to resources important for resilience is lost. Inspired by Pauline Peters work (2013), this article indicates that one needs to address land issues historically and through an integrated resource management lens as key issues at stake are not just privatisation but fragmentation of cultural landscape ecosystems. As will be outlined below, the term refers to the fact that different forms of human use and resource management regimes, often in the form of common property institutions, created these landscapes

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that are not “pure nature” as conservationists might suggest (see e.g., Fairhead and Leach 1996, Haller et al. 2013). Not only did these local institutions provide access for members within clear boundaries, as well as devices for monitoring and sanctioning (the transaction cost argument pushed by the work of Ostrom (1990)), they also enabled adaptation strategies to a risky environment including natural parametric (climatic variability and others) as well as political factors (other groups as allies or enemies). Therefore, locally developed institutions are designed to be flexible and permeable, as can be illustrated by floodplain ecosystems (Haller 2010). They allow for reciprocal arrangements with other pastoral groups as well as with fishermen and farmers that cross-cut legal systems imposed by French and British colonial powers.

Colonial regimes misunderstood this element of the local institutions, and misread local tenure systems under colonial legal systems as not being “real” property (see Peters 2013). This has created an enduring legacy with the formal legal realisation of state property and a growing range of different forms of privatisation. This misunderstanding has continued since major land reform transformations in the last 20 years, during which African states were changing their legal tenure and management systems. These changes were, and still are, based on frameworks pushed by neo-liberalism and approaches of new decentralised governance lead not just to privatisation but also to de facto open access. Such legal and institutional pluralism sends contradictory signals to pastoralist actors and their neighbouring groups.

However, as this article argues, actors with high bargaining power are able to pursue what is called institution shopping (Toulmin 2009, Haller 2010, 2016): the term was influenced by the concept of forum shopping (Von Benda-Beckmann 1981; Pradhan and Meinzen-Dick 2003)—meaning the strategic selection of legal forums such as customary or state courts in Indonesia (Von Benda-Beckmann 1981). Institution shopping extends this meaning to the process of strategic selection of laws, rules and regulations in a context of legal pluralism and plural institutions. The concept gives grounds for the argument that depending on relational power configuration of actors, they select among these options in an often confusing and contradictory setting in order to declare and legitimise assertions of control over property, land and land related resources which are under increased pressure.

In order to elaborate this argument, we need to go deeper into a historical comparative analysis of pastoral systems using concrete case studies. Therefore, this article focuses on pastoral groups in three African floodplains (Kafue Flats in Zambia, Waza Logone in Cameroon, and Pangani floodplain in Tanzania) in order to show how different stakeholders deal with this legal pluralism stemming from new land acts or new governance arrangements or even international legal frames, which provide avenues not only for land grabbing (Borras and Franco. 2012) but also for green grabbing (Fairhead et al. 2012)—or what I would rather call commons grabbing (for example for conservation or large scale land acquisitions, see Haller 2010, 2016). In this article I only briefly

illustrate central elements of precolonial pasture institutions (covered elsewhere in Haller et al. 2013, Haller and van Dijk 2016) but go on to argue that the new setting of the commons is confusing. This is so because we are dealing with multiple and overlapping processes of institutional change: first, financially and politically weak states are no longer able to manage land and land related common pool resources, then they lack the financial means to do so. As comparative research in African Floodplains shows (Haller and Merten 2008, Haller 2010), pasture, water, wildlife and fisheries managed in state property are costly and as the states are not able to meet the costs for monitoring and sanctioning these resources become de facto open access and are overused. However, those who overuse it are often external users who use the discourse of citizenship to argue that these are resources to which they as citizens have a right of use. Therefore, we face the paradox of the state being present and absent at the same time (*ibid*). In a next step, as the states are no longer able to manage the resources and as they are pressured by a neoliberal international order, these externally driven changes include privatisation, decentralisation, and democratisation of state policies. Nevertheless, states are still present but show often fragmented governance in the neoliberal order. This leads to contradictions between different state ministries (i.e., between conservation and agrarian investment policies) as well as local and external capitalist investors. Finally, it creates new rules of the game related to the notion of security and terrorism, which are also of high concern of international and former colonial powers (see Haller and van Dijk 2016, Oxby and Walentowitz 2016).

This legal pluralism leading to institutional pluralism is interrelated with changes in relative prices for land for agriculture, livestock, pasture and related resources, triggering strategies of different actors and interest groups within and outside the pastoralist groups. Based on the different groups’ bargaining power the main strategies of different pastoral interest groups seem to be to pursue institution shopping. The cases discussed in this article show how powerful actors try to assess what brings them most profit in this pluralism and use ideologies to legitimate their strategic choice leading to conflict or cooperation in the use of common pool resources. These ideologies, including narratives and discourses, are related to Appadurai’s (1996) notion of ideoscapes which I extend historically and relate to Ferguson’s (1994) Anti-Politics Machine (APM). These processes, I will argue, lead not just to commons but to resilience grabbing (alienating the capacity to recover after ecological and economic as well as household related turbulences) with finally negative consequences for livelihoods of less powerful groups and cultural landscape ecosystems (Haller 2019a,b).

Framing legal pluralism and institution shopping in the context of pastoralism

A large literature on pastoralists, particularly those in Africa, indicate that this activity has suffered from many challenges in recent years—from devastating droughts to Land Grabbing

or Large-Scale Land Acquisition (LSLA) processes. Whether these pastoral groups be in Western Africa or Eastern Africa as well as areas in the Horn, the outlook is not promising for nomadic pastoralism and this not just because of the hegemonic climate change discourse in dry- and semi-dry lands (see Homewood 2008 for a summary). However, the purpose of this article is not to argue that heterogeneous pastoral groups are not hit by climate change but that loss of the commons makes them more vulnerable and less resilient to climate change (see also Haller 2015, Ribot 2010). I will try to focus attention on geographical areas where people profit from seasonal inundations, which buffer lack of water and droughts. However, institutional changes in combination with extreme weather conditions undermine the resilience of pastoralists and other resource users in these areas. But the challenge is how such processes can be analysed for comparison.

I therefore use Appadurai's notion of scapes in order to structure this article's analysis. Based on his work *Modernity at Large*, four historical phases of institutional change and the creation of specific scapes are included that integrate the use of ideologies (defined as world views by Ensminger (1992) and extended by Haller (2010) as including discourses and narrative as sources of justification and legitimacy, see discussion part). Appadurai's (1996) concept of scapes is useful in this context as the notion of scapes is a pragmatic way of dealing with ideological, discursive, and narrative legitimacy producing hegemonic issues of globalisation that confront pastoralist groups—especially the issue of development, the negative labelling of the commons, issues of mobility and violence. He argues that these scapes are the result of global cultural flows and interrelations and he distinguishes five scapes, which are however interrelated Ethnoscape (Migration); Mediascape (image of the world); Technoscape (relation through technology), finance scape (flow of capital), and especially ideoscape (global flow of ideologies), and are all useful to analyse pastoral constellations. I will touch on technology, finance, and media but especially ideoscape. This last will provide an overlap with the new institutionalism approach in social anthropology as a scape that provides ideological justifications. But I would like to extend this scape by adding four time-related dimensions of subideoscapes, which shall structure the article and which will embed the evolution of pastoral constellations for institution shopping in four historically interrelated time frames or phases. With these four sub-typologies I would like to indicate that we are dealing with specific frames of discourses and narratives; these change over time, they change contexts, and they give always new forms to legitimise in hegemonic ways the selection of institutions by powerful actors on the state and global capital level. This is important because the content of these subideoscapes containing several phases differ greatly according to the hegemonic type of discourses and narratives used, which also affect pastoralists in different ways and which could otherwise not be explained. Neither arguing that we are dealing with different narratives and discourses can give justice to the analysis of the processes that we describe nor

are we able to understand the way the selection of institutions is justified as I will show in the discussion section. These new sub-typologies that are referring to several historical phases are as following:

- 1) from interconnected commons to fragmented state property during colonial and early postcolonial times, (state scape);
- 2) from fragmented state property to de facto open access/privatisation up to the 1990s (neoliberal scape);
- 3) investment driven commons and resilience grabbing in LSLA and Conservation (married neoliberal and neo-colonial company scape); and
- 4) marginalisation, rebellion, and counter-rebellion (security, green war and terrorism scape).

All these scapes also contain aspects of hiding the political- and power-specific constellations behind their discourses and narratives which work as APMs, as they obscure interest of powerful groups in these contexts. Many of them include classical aspects of APMs in the form of development discourses and elements of control (see Ferguson 1994), others are more related to the way Africa is labelled and thus refer to a wider understanding Ferguson has on the concept, referring to ethnic conflict, statehood and modernity and also disorder and terrorism (see Ferguson 2006). The latter issues have in common that they hide power asymmetries and political as well as economic strategic interests of local elites up to administrators, investors and the international level, who at different stages also share conservation concerns as a tool for enclosures.

I will illustrate three of these scapes—scape one, two and three—with examples from Zambia, Tanzania, and Cameroon. Following this, I will briefly indicate that the fourth scape is illustrated by the instability and unrest in the Sahel today, starting with the situation in the very northern part of Cameroon. All these four scapes are analysed by the theoretical framework of New Institutionalism in economic anthropology (Ensminger 1992, Haller 2010, 2013) and are combined with issues of power and ideology (Haller 2013, working on ideology with the use of discourses and narratives in order to produce legitimacy) and access (Ribot and Peluso 2003, Poteete and Ribot 2011) in recent work in political ecology.

An important point to be mentioned in this debate, and especially relevant for conservation debates, is the fact that during precolonial times common property institutions created the cultural landscape that conservationists now want to protect by excluding local users—and their institutional rules—whose management and use created these landscapes and their biodiversity in the first place (see Haller et al. 2013). I argue that the different subscapes, in which the natural resource-based activities of floodplain pastoralists are reconceived, are utilised by elite actors to claim legitimacy for rules which not only exclude an acknowledgement of the pastoralists' creation of the existing biodiversity in the common pool resource, but are also used to: a) appropriate by dispossession and b) create blame which acts as legitimacy for disempowerment. This double APM has taken different

forms since colonial times up until the present, which we need to trace back in order to understand what this means for conservation issues in these areas. Furthermore, I will show in the discussion and conclusion section how these subideoscapes and several forms of APM constellations can be analysed in a larger theoretical framework combining new institutionalism and political ecology in order to explain how and why these subideoscapes influence the bargaining power of local actors, the selection of institutions, and the undermining of resilience during the different historical phases by using an adapted model of institutional change (Ensminger 1992, Haller 2010, 2019).

Precolonial pluralism: enabling different pathways and resilience

Before discussing the impact of these processes, we start from a differentiated set of precolonial local forms of common and interrelated private property institutions combined with issues of conflict and coordination of use of pasture and water as well as other resources pastoralists depend on (game, fisheries, veldt products, forestry). This situation led not just to communal property rights but, additionally, to rules governing the coordinated use of the natural resource regarding timing, intensity, and adaptation to seasonal conditions. These show elements of reduction of transaction costs but go beyond that because they are culturally embedded.

Cases from African floodplains illustrate such precolonial processes in Cameroon, Tanzania and Zambia. In Waza Logone floodplain (Cameroon) (see Figure 1: Map of Waza Logone) autochthonous sedentary fishery groups (the Kotoko) organised in small Islamic precolonial kingdoms were respecting common property of villages for fisheries (including complicated fishery institutions adapted to seasonality (see Landolt 2010)) but also tried to profit from pastoral groups such as the Fulani and Arab Choa, attracted by the lush pastures after the retreat of the water. To legitimise their governance, they refer to ancestral spirits handing down the right of management. In order to coordinate and to limit conflicts, the Kotoko had an office with administrators to coordinate timing of use, which as institutions, were monitored and enforced. Thereby, pastoralists had a well-regulated and secure access to pastures in the floodplain area, a situation which was also welcomed by the fishing people as exchange was made possible and conflicts were mitigated. However, the institutional system was flexible regarding timing and involved multiple local legal features enabling this flexibility (see Fokou 2010). In the floodplains of Pangani (Tanzania) (see Figure 2: Map of the Pangani River) and adjacent mountains, the Maasai had used floodplains in the dry season and Maasai membership ruled access to these commons. At this time the floodplain commons were of little interest to the sedentary mountain people in the Pare mountains. It was the Maasai who established their ways of using the floodplains and there were no competing interests as Maasai respected the irrigated fields of the Pare at the base of the mountains, who claimed that ancestral spirits gave them the right to use the commons. The Maasai themselves used pastures in a flexible way based on traditional plural legal internal settings that

allowed for seasonal adaptations for mobility (Mbeyale 2010). In the Kafue Flats (Zambia) (see Figure 3. Map of the Kafue Flats) the Ila agro-pastoralists immigrated in the eighteenth century into an area already used by a fishing and hunting minority, the Batwa. The Ila were attracted by the rich fish, wildlife, and pasture ground. Big men leaders competing for prestige and power established territories in which common pool resources (pasture, forestry, and fisheries) were communal property of all members of an area. Regulations were set up that followed seasonal changes and which were overseen by coordinators (access to pasture, communal fishing areas, and hunting grounds as well as communal fishing and hunting events). Although rules also included a set of sanctions, they did enable reciprocal use of common-pool resources.

Summing up, one can conclude that the major institutional feature of resource governance among these groups is a co-ownership of common-pool resources, by which often leading elites or groups of people acted as coordinators. Furthermore, they were accountable to the local groups, while trying to legitimise themselves with the notion of spiritual ownership. Based on this notion, rituals and other religious means were used as the basis for coordination purposes the use of common-pool resources in a shared ownership. All these institutions have been crafted by different local actor groups with different power constellations, and as these actors were exposed over

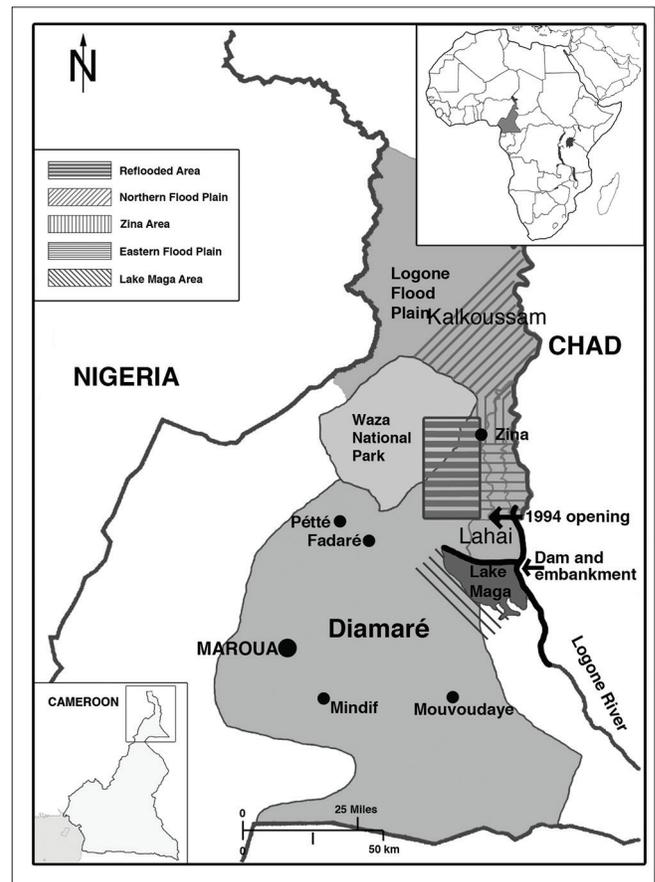


Figure 1
Map of Waza Logone

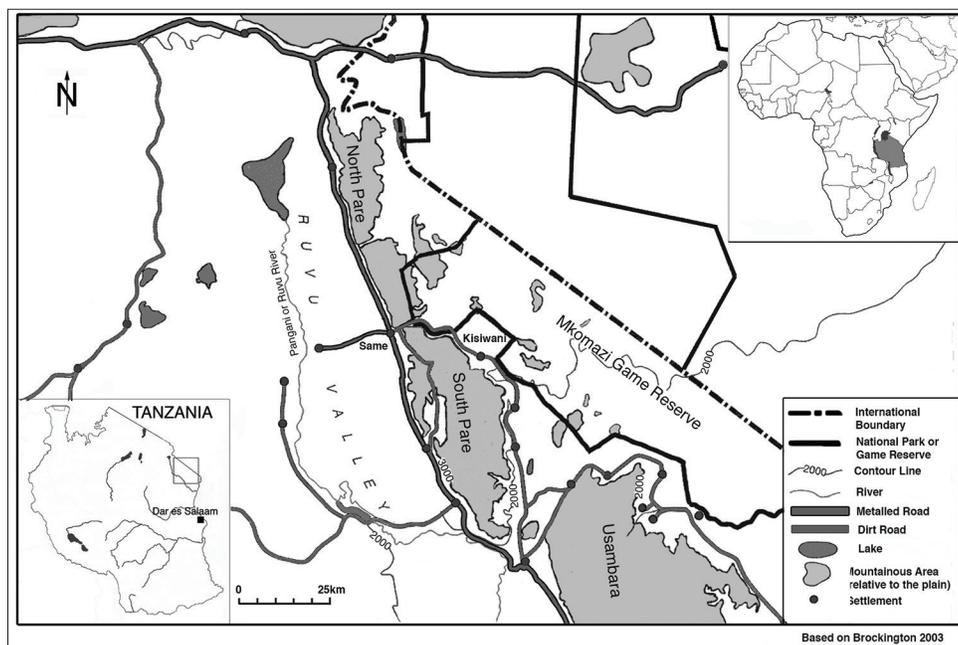


Figure 2
Map of the Pangani River

time to internal and external changes, the institutions were also adapted accordingly. All the institutions showed elements of legal pluralism that refer to changes in the landscapes and were adapted to variable weather conditions via reciprocal sharing as well as flexibility rules. This form of institutional pluralism contributed to the economic resilience of these groups because they were able to adapt to changes and still maintain the setting. Shared ownership of resources and flexible coordination of resource use during and between seasons as well as reciprocal arrangements and rules for monitoring and sanctioning provided a context in which recovery after shocks was possible within the system. Moreover, common property institutions helped to create and maintain biodiversity and multiple niches for many species, and as such, it can be analysed in terms of the way it helped to produce cultural landscape-scale ecosystem, which later on conservationists perceive as being pure nature to be protected without its creators. Interestingly, it never seems to have occurred to anyone that when the colonial powers came to these area, these were not empty but inhabited and thus the ‘pure African nature’ must have been strongly human influenced and crafted environment. This ‘pristine’ African ‘Nature’ is now actually only in need of conservation because of the external colonial and postcolonial disruptive state and private property (or open access) management in the form of land and green grabbing.

The following sections outline how the different ideoscapes historically change the context in which pastoralists have to operate and how this adds to institutional pluralism and institution shopping by more powerful actors.

From interconnected common to fragmented state property during colonial and early postcolonial times (state scape)

In the first phase, institutional change occurs during the colonial process with a transformation of local forms of

common to state property. I have argued (Haller 2010) that this change is due to trying to control and valorise the colonies. Under this kind of valorisation French and British colonial authorities sought to use productive land with abundant water supplies for agriculture which would act to provide food sources for populations engaged in other commercial processes such as mining, cash crop production, and other state-led activities. States then categorised areas they considered less economically useful as land in customary tenure, where elites were selected for indirect rule, often declared as being chiefs. This customary tenure was described as commons, but not as “real property” (see Peters 2013). These were hinterlands in which work force for mining and plantation economies were to be recruited and reproduced or where cash crop production was supported by subsistence economies and unpaid female reproductive labour (see Neo-Marxist approaches such as Meillassoux 1982, as well as political ecology approaches such as Blaikie and Brookfield 1997, Robbins 2004).

There is another central change in this phase that refers to a new form of legal pluralism: while precolonial legal pluralism refers to flexibility and permeability of territorial borders during and between seasons to buffer risk—a part of an economic and political minimax-strategy¹—the colonial legal pluralism refers to something else. The colonial powers in this phase installed frontiers cross-cutting movements of pastoralists. This changed the nature of their interactions with sedentary people and limited the movements of transhumant agro-pastoral groups. The colonial powers also initiated a new legal separation of land from related common pool resources as these were seen as property entities of the state, but to be managed separately from the land itself and

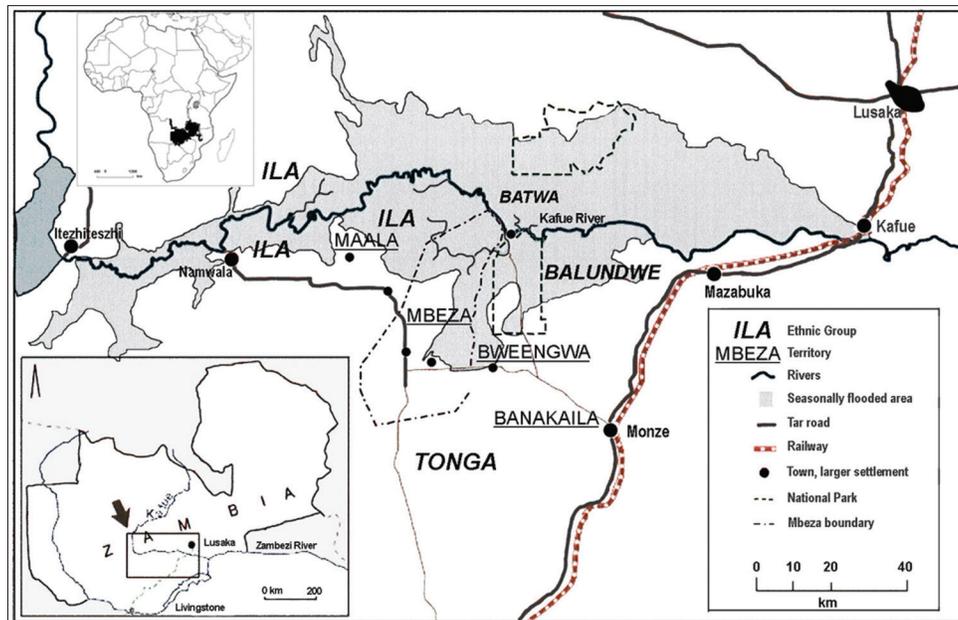


Figure 3
Map of the Kafue flats

managed in different state organisations (ministries) with different institutions (laws for fisheries, game, forestry, pasture, fisheries). This development gives the basis of legal and institutional pluralism as interrelated resources were now being managed by multiple legal orders and interests, and by organisations with often competing interests. While pressure in this phase was not always fully felt by local people, pastoral nomads still suffered from these early changes of transferring lands into state property, disconnecting land from pasture and water resources, and giving influence to state departments (wildlife and fisheries) and their institutions in domains that adversely affected flexible access to pasture for nomadic and transhumant groups and arrangements with sedentary neighbouring groups.

After independence many of these colonial state-related property institutions were taken over. In Cameroon (Waza Logone area in the north) the state controlled the new borders and viewed pastoralists as foreign people from outside the country. The authority to manage and control pastures in reference to the floods and the fisheries was since colonial times no longer in the hands of the Kotoko as these resources were now categorised as state property. Nevertheless, leaders of the Kotoko were used by the French for administrative purposes such as collection of tax and providing different services for the French during colonial times and the new state took over this structure. The coordination of fisheries and pastures was, however, undermined as governance of these resources was taken out of the hands of local actors. This basis was laid in colonial times but increased in importance during early postcolonial times until the 1970s as the state had still revenues from cotton as a major cash crop. This also contributed to limiting areas for pasture as cotton fields were extended and

access to water was no longer possible in the same way as before. At the same time the state was demanding tax payments at the border from the pastoralists of the Fulani and the Arab Choa often coming from Nigeria or Chad, undermining the authority of local Kotoko to regulate access to pastures as tax payments gave these nomadic groups open access to the pastures, undermining the coordination institutions of the Kotoko (Fokou 2010).

In Pangani (Tanzania) the colonial state viewed land and related resources as British property while local people had only use rights. The best land was given to white settlers; the local people were settled in areas that were perceived as customary lands. Local people had no right of property in these lands and there was a clear state property of land-related resources of the floodplains. However, in colonial times this did not interfere much in practice with Maasai pastoralists as the floodplains could still be used by them and movements were still possible, limited only by the areas cultivated by white settlers and conservation areas in the region. Following independence, however, the state scape was maintained but it added to more state control than in Cameroon. as the leading figure, President Julius Nyerere, declared an African Socialist State. A President Nyerere started redistributing land and regrouping people in villages where they were given equal access to resources (Ujamaa-policy). Despite its socialist outline this did not really differ in the notion of state property of all land and land related resources. The state not only acted as owner of all the resources but also acted as distributor of resources again via different state organisations based on resource specific and fragmented land and common pool resources (ministries for agriculture, for water, for wildlife, for example). Pastoralists did not really fit into this scheme

and found it difficult to get access to pasture as the focus was on agriculture (Mbeyale 2010). The third case in the Kafue Flats (Zambia) shows similar patterns for a transhumant agro-pastoral group. State ownership of the commons also followed the division of areas in which the state was interested (mining and plantations) and customary land with customary tenure. In the southern province this meant that areas close to the rail line linking the south with the mining towns in the north was of central interest but not the hinterland, which received a customary land status. However, in this case water, pasture, fishery and wildlife also moved from common into state property, with the focus on these being used as a means to provide food for mining towns in the north of the country. These resources were then managed by different departments which themselves had their own legal system, often leading to contradictions (water vs fisheries laws, fisheries vs wildlife laws, veterinary vs wildlife regulations, and more). In addition, during this time several protected areas were installed by grabbing common land from local people. All these movements affected the Ila transhumant pastoralists. In the beginning the impact was not really felt as the area was seen by the state as a hinterland and not so much controlled. Furthermore, since precolonial times the Ila and Balundwe were rich cattle owners. Some of the Balundwe-people lost access to their pasture especially close to plantations such as in a sugar cane area of the city of Mazabuka (still today the main area for sugar production in Zambia) where pasture land was transformed to irrigated cane production. After independence, not unlike Tanzania, a socialist regime under Kaunda came to power that extended state regulations despite him promising during the liberation movement that resources would go back to the people. The idea was to invest and modernise the agrarian sectors with medical and new seed technologies and an overall modern development strategy. Cattle and transhumance was not seen to be of high value. Nevertheless, many Ila as well as Balundwe groups still stuck to herding animals but also increasingly became involved in growing maize for the domestic consumption and the government. The state gained basic external revenues from copper mines, that were still in state property, and the government was able to extend its administration and enforce its institutions that were set up to manage the common pool resources, especially for fisheries, wildlife as well as for water and pasture use (Haller and Merten 2008, 2010, Haller 2013).

In summarising, this phase of creating ‘state-scapes’ led to institutional changes of fragmenting resource management and establishing a state that crafted multiple legal settings that were often not coordinated or adapted to one another: water is managed for the use of irrigation but not for cattle or fisheries, wildlife is taken out of local hands, pastures are controlled by the state as is mobility of herders. Therefore, local institution within nomadic groups no longer worked, as the state has authority of former pastoral areas which are also blocked by state-installed protected areas as a form of older green grabbing mechanisms. At the same time access arrangements with sedentary groups no longer held. These developments

are serious but do not fully unfold in the sense as they lead immediately to severe crisis. However, the important issue is that the structural legal pluralism as well as land and green grabbing mechanisms are already in place. Most local actors among pastoralists no longer saw resources as their own. In all the cases we have evidence from local interviews indicating the discourses that the common pool resources now belonged to the state and no longer to local groups (see Haller 2010).

From fragmented state property to de facto open access/privatisation up to the 1990s (neoliberal scape)

After the first phase of postcolonial times up to the 1980s, state scapes are transformed into neoliberal scapes. In this transformation institutional features that stem from the colonial state and are characterised by the institutional change from common to state property begin to show serious crisis starting in the mid 1970s. One of the basic issues was that state elites speculated on the income from cash crops (Cameroon, Tanzania) or from mining (Zambia). However, the relative prices for these foreign exchange income generation activities fell dramatically in the 1980s and the 1990s; due to overproduction prices for mineral raw material such as copper (Zambia) or prices for cotton, coffee, and sisal and others began to fall while oil prices rose (based on the oil cartel strategy). All three countries discussed in this article—as many other African countries—took loans in the boom time and became heavily indebted as revenues started to decline and credits and interests for credits could no longer be paid back (see details in Fokou 2010, Haller and Merten 2010, Mbeyale 2010). This led to lowering wage labour options and less cash for cash crops in any sectors. It also meant less payment for state administration, which was unable to monitor and sanction the common-pool resources in state property institutions. Thus, common property institutions had been undermined and state institutions were no longer working. In this situation a de facto open access developed for pasture and other land related resources (see Haller et al. 2013). At the same time, prices for cattle (and therefore pasture), fisheries, wildlife and other resources rose. However, only rich pastoralists seemed to gain, as only some of them managed to keep large numbers of cattle, while urban-based absentee herd owners profited from the free access to pasture as they were able to invest much money in cattle for market purposes and not for subsistence. Therefore, the undermining of common property institutions, and the lack of monitoring and sanctioning of state institutions, resulted in land and cattle being of higher value but not often being in the hands of pastoralists themselves.

Furthermore, the high indebtedness of states made governments subject to structural adjustments from international donors (especially IMF and World Bank), which demanded the opening of their land and resources for markets and imposed the condition that new money would only become available if the African governments cut back expenditures for state administration. Therefore, the states handed out land for use in private property,

interestingly also in cases such as Tanzania and Zambia that had socialist systems designed against privatisation before the imposition of structural adjustment. This pressure led to multitude of land tenure reforms initiatives—often introducing forms of legal land tenure reform that allowed leasehold titling for up to 99 years—as a condition set by large donor organisations, which had materialised by the end of this phase. Legal transformations from common and state to private property also reached other assets such as cattle—previously a common property of extended households and kin groups—which were then claimed as individual private properties, leading to sales and undermining traditional risk-minimising strategies of keeping the animal herds together.

This is the phase of neoliberal scape with development discourses where impacts for pastoralists in the case studies became severe: in *Cameroon*, pastoral groups have to pay taxes to the state in order to enter the area. But within the area they are free to go wherever they want and are no longer bound to Kotoko rules. This also leads to more conflicts between pastoralists and fishermen as well as sedentary farming people. The state fails to manage the pastures around the floodplain area while local power of the Kotoko to coordinate the use of pasture is undermined. This leads to pressure and overcrowding in several areas. In addition, the government starts to invest in new large-scale irrigation dam schemes (several extensions of the Maga Dams) that are based on state land but which reduce water and pasture areas as well. Additionally, pastoralists lose access to land as a result of new privatised land rights in the mid 1970s. Previous flexibility is further reduced by a protected area (Waza National Park), which limits access to pastures and causes conflicts. Furthermore, state staff are not well paid and supplement their income with the cash received from all parties during mediation work in the increasing conflicts between fishermen, agriculturalists, and pastoralists. Under these conditions, all actors try select among several institutional options strategically (later on referred to as institutions shopping, see Toulmin 2009, Haller 2019) based on their different bargaining power by choosing local and multiple state institutions and selecting ideologies to legitimise respective choices: on the one hand, pastoralists argue that they have paid taxes to the state and thus do not want to have restrictions, on the other hand, fishermen and farmers who have established fishing canals and traps as well as fields in previously not cultivated areas have them destroyed claim compensation on the basis of the idea of private property (Fokou 2010).

In the *Pangani* floodplains, peasants suffered from low coffee and sisal prices and migrated from the villages into floodplain areas because they lost their area on the east side of the mountain to irrigation schemes. Although these schemes were set up for the development of local Pare peasants, they lost their land to wealthier people in town, as the poorer peasants were not able to pay for the expensive infrastructure. This led them to migrate to floodplains where they grabbed dry season pasture from the Maasai. The Maasai then came under increasing pressure as a result of growing private and

conservation NGO-investment in protected areas for tourism. They were expelled from these areas (such as the Mkomazi Game Reserve) in instances of green grabbing based on the ideology that these areas represent “pure nature Africa” (see also Brockington 2002). The discourse, that this area has to be protected, is sustained by the narrative that local people cause wildlife, soil, and plant degradation. At the same time as losing access to the economically important floodplains, local inhabitants (farmers, pastoralists, fishing communities) also suffer from the ideological notion of modernity that claims that they are not modern and developed, and thus less relevant for national production. But while pastoralists face loss on the one hand because of de facto privatisation, they also suffer on the other hand from free and open access in other pastoral areas. Often, these areas get overused by the more powerful pastoral actors within the groups which leads to further tensions and conflicts. This is exacerbated as the enforced scarcity creates a competitive context, in which, every pastoralist group tries to secure their livelihoods (see Mbeyale and Songorwa 2008).

In the Kafue Flats (Zambia), the state’s presence initially lowers access to fisheries and wildlife but not to pastures for the Ila and the Balundwe. However, two developments become important. First, the socialist state economy based on copper exports suffers from falling prices for copper which reduces state income drastically. This then leads to changes in relative prices in the hinterlands as the rising price of fish and game proves attractive to many unemployed people in the mining and urban areas, while the state lacks the means to enforce its institutions to manage the disconnected common pool resources. In these sectors a de facto open access situation emerges. The pastoral commons remain robust as long as land is not being sold or reduced for conservation. However, in the Kafue Flats too, the commons were reduced because of the creation of protected areas such as the Lochinvar National Park and a Game Reserve around the park. This can be conceived as a form of green grabbing and conservation control of local people, who are in some parts not able to continue transhumance practices between the settlements and the Kafue Flats. By the 1990s then, after a political change from a single- to a multi-party state, and after a series of structural adjustment programmes before and after that political change, a new land act was passed in 1995 leading to the option to give out leasehold titles for land. While decentralisation and subsequently privatisation policies became mandatory, local chiefs were also involved in handing out leasehold titles for 99 years. Even before that period, cattle among the Ila could be privatised individually (a new inheritance and widow act enabled widows and orphans to receive their own share of the husband’s/father’s herd) and, therefore, many families’ herds got divided into individual property. This then led to an increase in the number of cattle camps, while during several periods of economic crisis the cash needs of many of these cattle owners resulted in selling their cattle to the so called ‘briefcase-business men’. These so called businessmen were supported by the free opening of markets as it allowed them to move into the flats and buy cattle directly. At the same time

high cattle prices also attracted absentee herd owners who sent their cattle for one to three months to the communal pastures on the flats by bribing local herders in order to receive access to the pastures. Therefore, coordinated use of pastures and coordinated movements to and from pastures were no longer possible. Second, infrastructure technology—technoscapes—such as roads and dams altered access to the flats and inundation patterns in the flats. During the dry season, suddenly cattle might find themselves in flooded areas and have to be moved to drier places where they are more affected by ticks that transmit diseases such as East Coast Fever (*theileria*). Third, this change presents itself with the changes in subvention policies of the state (no vaccinations and treatments of cattle as revenues are lacking) leading the cattle to become increasingly vulnerable to the *theileria* disease. In addition, change of flooding patterns (less water in dry seasons) has led to a change in vegetation as pasture is lost to shrub-land. Therefore, legal and institutional plural settings including aspects of common, state and private property as well as open access are occurring in parallel led to environmental changes mostly affecting the already poorer actors, while powerful actors in these settings (rich cattle herders, absentee herd owners and immigrants) can argue that the commons are now state resources and that these are freely accessible to all citizens of the state. However, although ideologically present in these statements, the state is effectively absent at the same time and unable to impose restrictions on who can access state property resources. These powerful actors then profit from the institution shopping of privatisation or open access backed up by the discourse of citizenship (Haller and Merten 2010, Haller 2013).

Common pool resources, now managed in neoliberal scapes as open access or privatised state property, are not just transformed into commodities for the market. They appear under legal and institutional pluralisms which enable powerful actors to selectively chose the institutional setting under which these resources can be acquired in the most profitable way; this is the strategy we call institution shopping. A similar process also occurs when conservation organisations are removing pastoral lands from local people for the purpose of conservation. This then appears as a form of green grab, strategically backed by state and international conservation laws. These are selected and ideologically legitimated as the protection of ‘pure nature’, which can be sold for tourism and to donor agencies. In this context of institutional pluralism, poor nomadic, and marginal sedentary actors face enormous challenges to cope with this scape. They have to find new ways of legitimising access to the commons. neoliberal scapes involve economic formal crisis and a dismantling of state services, while still keeping the state alive in a skeleton like form, however malfunctioning as financial means (such as tax and export income) are not available or are massively reduced also due to privatisation processes. This can be seen in all three cases because the state depends on a few income-generating export goods, which change in price. This constellation produces a flexibility for the most powerful and leads to their strategy of short-term institution shopping, as more and

more market logics are involved. Development policies, that increasingly include conservationist positions while at the same time focusing on more market integration and on institutional change in the direction of private property, impact these tendencies in positive feedback loops. The more an area is of development and conservation interest, the more marginality is created via commons grabbing in an double-accumulation by dispossession process (for economic development and conservation). However, it is not the marginalised who create degradation but the combination of plantations, irrigation schemes, and protected areas without locally managed use changing the conditions of these previous cultural landscape ecosystems. This then becomes evident in the third phase.

Decentralisation, investment and conservation driven resilience grabbing (fulfilled neoliberal and company neo-colonial scape)

These tendencies are then continued in the 1990s as decentralisation and investments increase. They follow neoliberal tendencies and are, in fact, their logical continuation, territorialisation and fixation. Again, modernisation theory with the fragmentation of resources into more and more privatised entities give powerful actors options to grab former communally owned resources. Development is now left to market forces, on the expectation that they will bring a healthy shock and provide opportunities for wage labour as local subsistence—that up to now has subsidized capitalism in various ways²—has been undermined. The promise of development (see Ferguson’s *Expectations of Modernity* (1999), narrating the behaviour of mining people longing for modernity and development that is not coming) had been part of the state discourse for some time but now it reaches more and more pastoral groups in remote areas. Deprived of their resources people don’t have many options to critically react to these developments and while some of them do, they face negative labelling consequences, as we will also show in the concluding section. Pastoral groups are caught in this scape as in a new way their activities are labelled to be ineffective and destructive. Therefore, they are prone to what the hegemonic state and company discourse labels effective large-scale investment for development but is from pastoralist perspective rather “land and related resource grabbing” (see Schoeneveld 2011, Cotula 2012, Haller et al. 2013, 2019a,b, Abbink et al. 2014, Bollig et al. 2014).

In the floodplain cases presented in this chapter we find traces of pastoralism immersed in this scape. First the situation in the Zambia is outlined before discussion the cases in Cameroon and in Tanzania followed by more general information on this trend.

In the Kafue Flats in Zambia the combination of environmental, political and economic changes triggered a multitude of institutional and legal changes and led to institution shopping with competing legal norms: a local chief was considering ownership of a former rich pasture area under this context of the fulfilled neoliberal and company scape—an Italian company was said to provide the money. This was

contested by an opposition leader who was also interested in receiving a leasehold title. They started to compete using different forms of institution shopping and different forms of legitimacy discourses. This conflict was triggered by the food crisis in the area, which again stemmed from limited access to fisheries, wildlife, and bad crop yields based on the agrarian crisis. Some rich cattle owners—often the ones that retained the view of cattle as the communal property of the larger kin group—were using the pastures, while others did not have cattle any more, including the local chief. The chief then tried to receive support from an outside Italian investor to bring irrigation agriculture to the area by pushing the narrative that agro-pastoral activities are a failure and stressing the discourse of modern development. He also introduced a class conflict discourse by arguing that the rich cattle owners using the pasture will not let the poorer members of society use the area in a more equitable and economic way. He was then countered by a rich cattle-owning opposition leader, who argued that setting up an irrigation scheme would violate the Ila way of life (tradition discourse) which helped them to survive for centuries. The hunger crisis was explained by arguing that the state no longer provided subvention for the agrarian sector with medical treatment and that the dams in the area changed the whole ecosystem by changing the flooding pattern, which subsequently transformed the grasslands vegetation. Therefore, the narrative blamed the way the state stopped support and changed the environment. Both the chief and the opposition leader hid the fact that the new land reform triggered an interest both had in the land leasehold titles for 99 years. Based on this new institution, the chief was in a better bargaining position as handing out leasehold titles was based on the President's as well as on the chief's agreement. Therefore, an investor would have brought the local chief a new financial dispensation to distribute resources and thus provide him with political capital and power via prestige. Similarly, the opposition leader was hiding his interest in the land for a private ranch. Therefore, both claimed development as well as community interests by doing institution shopping (development claims by the state used by the chief; traditional ways of life rules pushed by the opposition leader). In this case, the option and possibility of an investment triggered the conflict as in the nearby area of Mazabuka, a commercial sugar cane plantation (Nakambala Sugar now belonging to British and South African investors (Illovo)) took away large parts of the former pastures with further extensions in recent years (see Haller 2013). Therefore, the fear of losing land to potential investors is great. This fear has been exacerbated because over the last ten years, more and more farmers from Zimbabwe have moved into the area and Zambia generally has been transformed into one of the key regions for LSLAs or land and commons grabbing processes in Southern Africa. At the same time, green grabbing processes combined with tourism and the private sectors (conservationists helping to create company environmentally sound identities) are visible in the WWF funded strategy called Partners for Wetlands by which a local chief of the Balundwe is financed to green grab

land from his people to be managed by WWF and Nakambala Sugar for wildlife conservation (Chabwela and Haller 2010).

In Northern Cameroon investments have been made in recent years in dam and irrigation projects that were initially part of development schemes to increase rice production. While attracting donors was not of importance until the 1990s, since then the government has sought to attract funders. Cotton and rice production are in private hands now due to neoliberal state policies and privatisation is extending in this area. Although pastoralists' access to dry season pastures and mobility had already decreased over the past 20 years, the expansion of irrigation systems and the increase of fishing channels has further reduced their options and pushed them to more unfavourable areas. The issue here regarding legal pluralism and institution shopping is that different actors move back and forth between traditional regulations and state as well as company rules as they seek to select what is best fit for them. Pastoral groups such as the Fulbe and the Arab Choa on the one hand try to use the state legal frame related to tax payment but also, on the other hand, rely on traditional friendship arrangements with local community members in order that they do not miss local support by richer sedentary people (herding cattle for rich sedentary people and being able to use milk). But as fishing catches are being reduced and more and more 'rational' types of investments are being introduced by the state as well as by elites, there is a general drive towards investments in irrigation agriculture. This again will attract more investment in the future as soon as the issue of terrorism (see next section) is solved. Green grabbing will also continue to be an issue with the Waza Logone National Park and its possible extensions.

The Pangani River basin in Tanzania has for long time been a region of investment in Sisal and other cash crops such as coffee on higher lands. Nevertheless, as Tanzania started to move towards a more neoliberal economic orientation, irrigation schemes and tourism were pushed by the government for the benefit of company investments in agriculture and conservation. Pastoralists have been losing land, especially dry season pastures, to these multiple investments. Sedentary people and state officials then claim on modern rules and use the discourse of development to argue that pastoralism does not add to the wealth of the nation and is environmentally destructive. On the other hand, pastoralists themselves try to argue that they have been using the area since precolonial times and had in fact been protecting fauna in the area (see Mbeyale 2010). These counter discourses and narratives should legitimise institutions that accrue primordial rights to pastoralists but struggle to boost bargaining power against the legitimacy of more powerful privatisation and food security schemes and institutions which companies and the state refer to. The major point here is that access not just to pasture but also to water is reduced for less powerful actors among the pastoralists as this common pool resource now belongs to the state, that hands it to foreign and local companies for free. This does not just happen in the Pangani area but also further south where the investment boom is just about to increase

again in the so-called SAGCOT investment corridor, where in an area of 300-500 km from the Indian Ocean to the shores of Lake Tanganyika companies get free access to the former commons and land under very cheap conditions for green economy foreign investment (see also Bergius, Benjaminsen, and Widgren 2018).

In all three cases the neoliberal state and company scape structures the institutional setting in favour of powerful actors. State property is then transformed into either open access or private property but all actors (state, company, local elites, and rivals as well as local less powerful actors among pastoral groups) choose what serves them best in competition with other users. This leads to what I call commons and resilience grabbing. It is also important to note that the external interest in economic development and in conservation strongly influences the change in relative prices for land and related resources in the context of increased neoliberal conservation approaches. More powerful actors combine these approaches with global development and green economic rationality and development discourse which increase their bargaining power. In this way they have stronger options to choose and shape institutions which fit their interests best. Less powerful pastoralists have fewer options for institution shopping. The richer among them will try to use their economic power to opt for more private property to control land and water resources or to use state institutions to control access to former common property. But the bulk of pastoral people are left with very little means and have to struggle hard to keep some animals and central family and kinship relationships to still profit from vital common pool resources.

The problematic issue is not only about lack of livelihood and environmental degradation that reduces flexibility but it is also about the loss of climate change resilience capacity that goes along with the process. The fewer opportunities that pastoralists have to stabilise their minimax strategies, the more vulnerable and less resilient they become, and the less capacity they have to use resources in a sustainable way. This, again, leads to the negative labelling of this way of life—despite its proven adaptability. Neoliberal conservation policies (see Fletcher 2010) play an important role in this scape as these represent the logic of ‘other part’ of the neoliberal extension of privatisation and de facto open access processes for capital gains: they can be used to argue that conservation is so much needed because of all the environmental destruction, and is also supported by companies. All the three areas experience such types of privatised neoliberal conservation tendencies, which also act as anti-politics machines because they hide both private and remaining state economic interests. In addition, the power of actors in this field is hidden behind the notion of pure nature to be protected in a more or less participatory way for the broader humankind, while they are part of a global conservation business (see Büscher et al. 2014). A newer development is that companies do not only claim they help to support conservation but that their activities themselves add to the greening of the world (see Bergius, Benjaminsen, and Widren 2018).

Marginalisation, rebellion and counter-rebellion (security and terrorism scapes)

The repercussions of this increasing marginality due to ‘green economies’ and conservation business are not only felt in the fields of sustainability and poverty, or in the fulfilment of Sustainable Development Goals (SDGs). There are also repercussions on the issues of security and of violence. This is the case in the context of conservation, that can be labelled as green wars (see Büscher and Fletcher 2018) but also embedded in a more general scape on security and terrorism to which pastoralists are directly or indirectly linked. The increase of violence and the negative labelling of pastoralist people are evident in several areas and in the context of the empirical examples; there are three levels to be addressed:

- 1) Conflict between victims: Using the least violent case—Tanzania—the marginality of many pastoral households leads to the usual farmer versus pastoralist low level conflict, which is actually a conflict between two groups that are both the victims of development
- 2) State support of farmers vs. pastoralists: However, farmers are better able to use state support because their way of life is supported by the state and its legal framework. Small-scale tenure conflicts are thus solved through the state in favour of sedentary people and not for pastoralists
- 3) Institution shopping on international conventions: As an exception, pastoral groups and actors such as Maasai NGOs and Maasai leaders have used the law to accuse state and farmers of violating pastoralists’ rights. However, they have had little success because, unlike other areas of the world where law such as the ILO Convention 169 carries some force, the Maais cannot rely on international standards for indigenous peoples or minorities (see Mbeyale 2010). Nevertheless, this leads to what has thus far been a rather peaceful reputation for Maasai in Tanzania, but not for Maasai and other pastoral groups in Kenya (Samburu, Turkana, Pokot).

These conflicts are frequent and also violent (see Greiner 2013, Bollig et al. 2014), and the issue of violent conflict can be related to what I label terrorism scapes that may include what Büscher and Fletcher (2018) have labelled green wars.

In Zambia, the conflict stemming from the neoliberal and company scapes indeed led to very violent conflicts with death threats to the chief, rallies, and interventions by the state which sent armed forces of the police to protect the chief’s government building. In the national discourse in the media commentators said they were not surprised as the Ila are known for their violent past and the image of being fierce warriors. Such comments served to increase the negative labelling. On the conservation front, people faced a combination of continued open access situation alongside extreme violence against local people (killing of alleged poachers in the field), while local actors also destroyed the ‘partners for wetlands approach’ by pulling down fences. As a result, the wildlife population is at its lowest level (a visit to the area in 2018 revealed that actually most of the endemic Lechwe Antelope

(*Kobus leche*), although in decline but still living in estimated numbers of 4,000 in the early 2000, had almost become locally extinct (E. Kuntashila, Department of Agriculture, UNZA pers. comm. July 2018).

The Cameroon case, however, fits much more the scape pastoral groups might slip into, without really being directly involved themselves. Although it lies close to Chad and Nigeria, until the 2000s the previously described constellation in Waza Logone was not an area with high levels of violence and security problems. Changes to the common property of the Kotoko fisherfolks and their arrangements with pastoral groups did lead to conflicts, but not so much to violence (see Fokou 2010). However, the situation has since changed as Chad became increasingly unstable as a state and more and more armed groups started to touch the very northern part of the country in the area of Mora and the Waza Logone Park. Travelling during the night times was no longer possible. Rumours began to spread that pastoral groups were involved in terrorist attacks in the area (pers. comm. G. Fokou, 2014). However, this was rather related to state weakness (of Cameroon and of Chad) and not linked to what I would label a terrorist scape. But this has changed massively in the past six years. Although it is not possible to ascertain whether it is true or not, the Fulbe and the Arab groups are said to be linked with violent groups of a radical Islamic background. However, the rise of Boko Haram and their increasing attacks to the Northern Cameroonian Lake Chad and the Waza Logone area has put the nomadic groups into a negative context by, for example, linking poaching and terrorism. However, the nomads have hardly anything to do with this radical group but, in contrary, are victims of Boko Haram. As Pennaz et al. (2018) argue the poacher-terrorist narrative allows Boko Haram to extend their pressure on the pastoralists even more, while the government can use the narrative in this scape to hide their unsuccessful conservation strategy. Thus, pastoralists become victims in a double sense become victims of excessive state force and incorrect media narratives in this scape. In addition, since the incursions of Boko Haram in the area, reports from my former fieldwork assistants highlight that there was a lot of military presence and also attacks. These render the area vulnerable and also change the area to a terrorist scape, in which, everyone is suspect and considered a potential collaborator for one side or the other. This is then linked with the growing presence of national military groups and refugees looking for shelter in the Mandara Mountains (pers. comm. different representatives of the Ouldeme ethnic group between 2015-17).³ This situation limits the options of pastoral groups to cope with the other issues facing them, such as food security and climate change in the area, although different groups try to form coping strategies (see Ogbozor 2016). The ability to get out of this scape is very difficult as it becomes the dominant discourse of the state as well as of international forces, which are increasingly justifying their presence with their political interest to fight terrorism. The case of Niger now shows the direction in which this labelling can move. Young Tuareg men were attracted by the late Gaddafi, as they felt they had no better option to

continue their nomadic life against pressure from the state of Niger that had done all it could not to support this ethnic group which then began to organise resistance against the state. Having nowhere to go and no economic basis to sustain their traditional livelihoods, some of them appear to have turned to more radical Islamic groups in order to fulfil the hope that they would be able to set up their own state. The Tuareg-led Movement for AZAWAD in the neighbouring Mali addressing similar causes, made it clear that they were fighting to get better conditions for bottom-up governance and a certain level of independence. However, representatives of al-Qaeda took over forces and started also to threaten the uranium mines in Arlit (Niger) (see Bruijn and van Dijk 1999, Walentowitz and Oxby 2016). Suddenly, the area became a large-scale insecurity area narrated as a no-go or a 'frontier' zone from Mali to Chad and this image is further strengthened frequent attacks by Boko Haram up to 2017. The increasing unrest since then in the whole Sahel regions shows that a new form of so called extremism is taking place, linked to local groups (see Oyewole 2015, Bassou 2018), which make pastoralist again the target of national antiterrorist policies.

The major issue of this part of the article is that pastoralist groups—whether they are Islamic or not—come under increased pressure in this scape. It remains unclear for them how things will be going on as they have lost property in land and related resources. Meanwhile, state actors and other powerful groups can boost their bargaining power and use the discourse of terrorism defence that enables them even more to refer to state rules. Within these rules they choose privatisation and open access, which as part of ideology levels (legitimising security discourses and pastoral violence narratives) enables them to grab further commons (see also Haller 2019b).

DISCUSSION AND CONCLUSION

This article has tried to relate the discussion on institutional change and on institution shopping with the notion that Appadurai (1996) has labelled scapes, which are dominant forms and landscapes of globalisation that change over time. However, together they form the core of a situation analysis of actors. I argue that these scapes are captured by the more powerful to channel their interests via shaping the institutional setting. They all entail legal plural forms and plural institutional settings which actors try to enforce on other actors by raising bargaining power and by legitimisation that the institutional choice—especially the choice of property forms but also broader rules, laws, regulations and norms—provides. From Appadurai's scapes it is thus the ideoscape that I am referring to. I have distinguished four subscares of the ideoscape: 1) state scape; 2) neoliberal scape; 3) fulfilled neoliberal, neocolonial company and conservation scape; and 4) terrorism scape. Technoscape and finance scapes are formally reinforcing each other. For a further analysis and discussion, I will use a neoinstitutional framework and show how Appadurai's notion of ideoscapes with the inclusion of the proposed subideoscapes can be used fruitfully as this approach integrates the perception

of property rights' change. Many pastoralists in African contexts are said to roam freely and this is often considered an unsustainable system by those influenced by Hardin's (1968) view that "freedom brings ruin to all." Several comparative studies on African pastoralists show that open access might occur temporarily during a season but it does not occur during all times and everywhere. Rather, it occurs particularly where there is high variability of water and pasture, depending on how widely spread resources are during the season: during periods when resources are scarce and widely scattered there are constellations of open access; when they are more concentrated and abundant, more commons can be found, up to and including private property institutions (see Haller et al. 2013, 2016 for literature overview). Authors such as Homewood (2008) underline that all pastoralists have a notion of territoriality although I would argue that these boundaries are seasonal and also permeable. Any such analysis has to deal with the issue of space and time as well as seasonality and the perception pastoralists have on these issues (see Bollig et al. 2014). In addition, adaptation to what can be called 'political environment' (including other groups, such as the state, new powerful actors from the state or from local and global business) need to be considered in the adaptation strategies of pastoralists. Under these considerations a combined New Institutional and Political Ecology approach (NIPE, see Haller 2017, 2019) is useful in order to analyse strategic responses and outcomes especially because there is room to analyse plural institutional settings, and the institutional choices that actors make in reference to their interests and bargaining power. It also adds an analysis of how these choices are legitimated and how this is related to historical changes and discourses which are related to these changes. What I have tried to show is the fact that the four subscapes of the ideascapes are linked to several different phases and contexts of processes hiding political and power-relations (APMs according to Ferguson (1994)). These are part of what Ensminger (1992) has called ideology in her model of institutional change, which has an increasing effect on institutional pluralism and institution shopping by powerful elites in all the domains that we look at. Referring her model (Ensminger 1992, see also Haller 2013, 2019 for adaptations), institutional change is driven and strongly influenced by external variables including environmental and political-economy/legal contexts, demography, and technology (new techniques, new infrastructure, and more). These changes have an influence on what Ensminger (1992) calls "changes in relative prices" (see Figure 4, additions by the author). This term refers to changes in concrete prices of goods and services in comparison to other resources. Ensminger (ibid) argues that this leads to changes in bargaining power of different actors and the way they chose and legitimise the selection of institutions. I have extended this view of relative prices by including actors' valuations of a context or an area/landscape compared to other areas. For example, a wetland in a dryland can change from being a dry season pasture to a newly valuable spot for sugar cane plantation and thus changes its value completely. These evaluations also change over different time periods in

an area as labelled by market and powerful actors; therefore, a rumour of an investment, a road to be built, a development or government programme is able to shape a context as well as real economic changes happening in such a context (see Haller 2010, 2013). These changes have a strong impact on power positions of actors (bargaining power) within a local setting and influence the way actors select, transform, craft, and use property rights and other rules. This is influenced by the form of organisation of actors and the way they legitimise their position and the selection of institutions. In the context especially, the change from common to state and private property or open access as well as general rules governing mobility and access to seasonally available resources such as pasture and water). Such interactions furthermore influence behaviour of actors and actor groups in the way common pool resources are used and distributed. As the model is related to system theory, distributional outcomes (undermining access to the commons) and behaviour (contestation and conflicts over the commons) also has an impact on external variables, relative prices, and internal constellations perceived by actors through feedback loops (for a more detailed analysis see Haller 2010, 2013).

In such an analysis the pluralistic institutional context and processes of institution shopping are important because these have broader implications on sustainable management of common pool resources in rangelands and floodplains in rangelands. Colonial and postcolonial constellations generated a multiplicity of institutions within the historical contexts of their respective eras as well as through the four phases mentioned above, which led to a large variety of institutions being deployed in order to legitimate the way resources are used. Actors are then able to select among the available institutions (for example property rights) which suits them best, as well as to transform them. This view refers to political ecology: actors do differ based on their power configuration regarding which institutions they can use and transform. It is not the most efficient and market-oriented institutions that are selected but those that act in the interest of the more powerful (see North 1990, Ribot and Peluso 2003, Robbins 2004). This does not create a sustainable but rather an unsustainable outcome, often leading to privatisation or de facto open access to resources, increasing competition processes of commons grabbing and resource depletion experienced by local people, exacerbating resource scarcity, degradation of cultural landscapes and loss of resilience. In addition, this contributes also to political instability in some of the cases as I have shown. This adapted model of institutional change is profiting especially by unpacking the issue of ideology regarding what Appadurai (1996) calls ideascapes and linked to their different phases and its subideoscapes over the last 100 years as well as the analysis of different processes of anti-politics machines related to these phases and subideoscapes. Although these subideoscapes can be seen as separate it also becomes apparent that prior subideoscapes can still be present and as Boltanski and Thévenot (2006) argue such ideologies related to orders can coexist with variable degree of legitimacy, which then, however, also compete with each other as they also refer

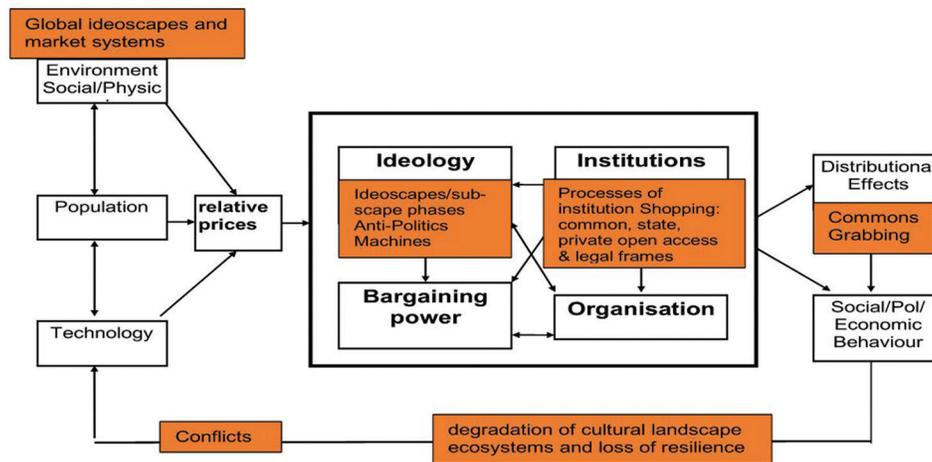


Figure 4
Modelling institutional change and ideology (ideoscapes and anti-politics machines)
 Source: Ensminger (1992:10), see also Haller 2010, 2013

to different “orders of worth” and thus could also be referred to the issue institution shopping. These are issues which are part of what Comaroff and Comaroff (ed. 2001) call neoliberal order in millennia capitalism produces several spheres of wealth in the context of so called weak states, obscuring different power constellations, violence and exclusion leading to different identity processes and also the fact that state actors are still having a great influence. The different forms of anti-politics machines during the several phases I have indicated are thus also the result of neoliberal processes, in this sense.

To summarise the phases, it is not the aim of the article to show an ideal picture of the precolonial social groups. However, it seems obvious that the lack of knowledge about how complex common pool resource constellations, often in common property institutions, were managed in the past, does undermine an adequate analysis of colonial and postcolonial constellations. It is this basic paradox, that a so called ‘unruled past is narrated’—contradicted by many findings of researchers—while the state rule then leads to a de facto open access or to privatisation, by which local rules are undermined. It is this stage of state rule which is responsible for the overuse of common pool resources as a consequence of commons and resilience grabbing that state rule legitimates. The debate on conservation in political ecology as well as in other disciplines addresses that aspect. However, combining this perspective with a new institutionalist approach in social anthropology as well as Appadurai’s (1996) notions of scapes shaping discourses and narratives, could highlight important dynamics. In such a New Institutional Political Ecology framework (NIPE, see Haller 2017, 2019a,b) we see major changes operating:

1) State scapes represent formal moves from common to state property as well as the fragmentation of the common pool resources and new legal plural and institutionally plural forms since colonial times. It includes “expectations of modernity” (see Ferguson 1999) but also entangles strategic actions of interest groups and powerful actors in

the colonial and postcolonial process. All the three cases show that the influence of this scape is strong and often remains up to today as it offers plural options: in the Kafue Flats case as well as in the Waza Logone and the Pangani area resources are transferred to state property and given to more powerful people, who are then given the authority from the state to select the institutional design

- 2) These state scapes are then concretely interwoven with the neoliberal order of space. As state governance entails high transaction costs and as lack of financial means occurs because of reduction of relative prices of export products, the former state scapes moves into neoliberal scapes because open access and privatisation seem to cut transaction costs: in the Kafue Flats several departments dealing with a fragmented and disconnected resource base move to a situation where the state is present and absent at the same time. This is the case especially as it cannot find the financial means to govern the common pool resources in state property and thus creating more plural norms and regulations. Of this institutional pluralism the more powerful actors can strategically select and from which elements of the ideoscape can be chosen (citizenship, business, ethnicity, for example). In the Waza Logone, this is also the case with the Fulbe and Arab Choa as well as the first comer group of the Kotoko and the later arrivals of the other peasant groups, while in the Pangani River Basin neoliberal policies led to commons and resilience grabbing contexts in which more powerful state and company actors are the winners of this constellation. From this plurality in all the three settings more powerful actors choose either privatisation or open access and they choose the basic institutional setting from which they profit most and which they can legitimate easily also via the paradox of the state being present and absent at the same time and by making reference to the dominant discourses and narratives of the state scapes
- 3) Part three on the fulfilled neoliberal policies, company investment and conservationist scapes shows that the

neoliberal order is either being fulfilled or opened up for new investments, which then increases commons and resilience grabbing. This in turn is also legitimated with development issues, partially boosted with a reference to sustainable development and green economy. Among the Ila the different leaders and chiefs struggle among themselves and select institutions to either open up or to restrict access to the commons for companies and or for powerful state actors, depending on that they have to offer. Similar processes can be seen in the Waza Logone Area, where state administrators and the different groups interact in the exchange of cash and refer to different legal and institutional norms (open access for pastoralists while privatisation of land and waterways for fisheries), and in the Pangani River Basin the way access and property regimes are negotiated is strongly influenced by options commercial companies have in this third scape. It reinforces what we call the commons and resilience grabbing by local actors

- 4) The last scape is then related to issues of violence and of labelling of groups as being terrorist or linked to terrorism, sometimes also linked to conservation issues. By doing so mediascapes are important and are reinforcing ideoscapes that create plural views for different actors. As security and violence become international issues, this ideoscape helps us understanding why and how the external labelling of areas are made, that fit different powerful interests in floodplain areas but again reduce livelihoods and mobility in space formally managed by pastoral users and their common property institutions.

Insights from neoinstitutionalism, political ecology and other approaches stemming from more symbolic and postmodern analysis could be a first step in order to make sense of empirical material and to link strategic action with more collective action with global dimensions. This is also where Ferguson's APM (1994) helps to highlight mechanisms of development and conservation discourses hiding interests of government and investment actors. More comparative work along these lines is needed to shed light on the different phases and how these phases provide actors with opportunities for institution shopping and resources of legitimacy that affect pastoral worlds and their resources. For the sake of better security in the "glocal" world such knowledge should not be ignored and would help us to recognise and see beyond the new different anti-politics machines.

NOTES

1. This term stems from peasant literature in social anthropology and describes the economic strategy of subsistence producers to minimise maximum losses or maximise minimal returns with the result to buffer the risk of for example a crop failure by mixing different crops to not get maximum possible but the most secure yields. It is also a strategy that increases resilience of local producers (see Haller 2007b for a summary of this literature).

2. Older Neo-Marxist literature highlights that production of subsistence actually provides the reproduction of the working force free of charge for the capitalist economy (see Haller 2007b for an overview).
3. Actual information obtained by my former research assistances however indicate that this situation less violent since 2018 (pers. comm. January 2019).

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