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Conciliating Without Recording: The Institutional Amnesia of Agro-Pastoral Conflicts in Kompienga (Burkina Faso)

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Abstract

In Burkina Faso, legislation on pastoralism and rural land requires prior conciliation before any litigation, and local practices largely comply with it. This article asks why this convergence between law and custom, far from drying up agro-pastoral conflict, allows recurrent disputes to persist in the commune of Kompienga (Eastern Region). It draws on a field survey of 125 households, on interviews with technical services, the gendarmerie, administrative authorities and farmers' organisations, and on a register of 157 conflicts recorded between 2014 and 2019. The results reveal a three-tier settlement system (arrangement between the parties, conciliation before the village chief, departmental court) which pacifies in the short term but leaves

no enforceable trace: customary agreements are neither recorded nor monitored, 5.2% of respondents cite poorly settled conflicts as a cause of new tensions, and prevention relies on projects whose limited time horizon undermines achievements, as illustrated by the contestation of the Diabiga grazing zone negotiated in 2015. We propose to describe this configuration as institutional amnesia: a system that settles without memory, and that treats each conflict as an isolated event without linking it to the spatial and land tenure conditions that reproduce it. The article discusses the conditions for an articulation between customary, administrative and judicial arenas that avoids the twin pitfalls of institutional inflation and captive formalisation.

Keywords: Land governance, legal pluralism, conciliation, agro-pastoral conflicts, practical norms

Introduction

Conciliation enjoys a good reputation. In Sahelian policies for the prevention of agro-pastoral conflicts, it appears as the happy meeting point between local traditions of mediation and the requirements of modern law, to the point that legislators have made it a mandatory prerequisite for any contentious proceedings. In Burkina Faso, the 2002 framework law on pastoralism, the 2009 law on rural land tenure and its implementing decrees, as well as the legislation on judicial organisation, converge on this point: one must first attempt to reach an agreement. Custom, for its part, has never done anything else. This is a rare configuration, in which official law and local norms prescribe the same course of action.

Yet conflict persists. In the commune of Kompienga, which borders Togo and is a transit area for herds coming from the interior of the country and from neighbouring states, 157 conflicts were recorded between 2014 and 2019, the vast majority of them concerning crop damage, and studies conducted in the same area show that agricultural encroachment on livestock corridors mechanically generates opportunities for dispute. The puzzle addressed by this article is therefore the following: how can a settlement system that complies with the law and is rooted in local practice coexist with the reproduction of the conflicts it is supposed to resolve?

The literature offers several avenues. Analyses of legal pluralism have shown that the coexistence of several normative orders is not in itself a problem, but that the way in which litigants move between them (Griffiths, 1986; Merry, 1988; F. and K. von Benda-Beckmann, 2006) and the way in which the rights of different parties are reconfigured (Meinzen-Dick and Pradhan, 2002) determine the effective security of rights. Hagberg's work in political anthropology (1998, 2001) on the settlement of conflicts between farmers and herders in western Burkina Faso has described arrangements

between local notables whose effectiveness rests on the legitimacy of the mediators. The notion of practical norms, proposed by Olivier de Sardan (2008), invites us to look at actual forms of regulation rather than official rules. Finally, the critique of decentralisation by Ribot (2004) and Ribot, Agrawal and Larson (2006) reminds us that the transfer of powers is only meaningful if it is accompanied by effective authority.

Our contribution consists in highlighting a mechanism that links these perspectives: conciliation pacifies without recording, and it is this absence of any trace that deprives the system of memory and, consequently, of the capacity to learn. Three questions structure the analysis. How, in concrete terms, does the conflict settlement chain unfold in Kompienga, and what are its strengths and blind spots? What role do support organisations play in prevention, in particular the Pastoralism Communication Network (RECOPA), and under what conditions do their achievements last? How can customary, administrative and judicial arenas be articulated without multiplying structures or freezing local arrangements?

This contribution is also geographical in that it invites us to consider conflict settlement as a territorialised process. Decisions are produced in situated arenas and concern precisely identifiable spaces — fields, livestock corridors, grazing zones, water points or reserves — but the information produced about them circulates little between institutions. "Institutional amnesia" thus also refers to a weak capacity to transform localised experiences of conflict into "territorial memory". The analysis proposed here differs from studies devoted to the spatial production of agro-pastoral risk in the same commune. Whereas those studies mainly examine how land tenure transformations, mobility and the organisation of space produce situations of conflict, the present article shifts the focus downstream of the conflict: its settlement procedures, the circulation of decisions between arenas and the capacity of institutions to retain the memory of past disputes. The same field site thus serves as an observatory of two distinct and complementary mechanisms of conflict.

Materials and Methods

Study area

Located in the south of the Eastern Region, the commune of Kompienga covers approximately 615 km² and comprises seventeen villages. The impoundment of the hydroelectric dam in 1988 opened the area to agricultural migration, which increased the population from 29,286 inhabitants in 2006 to just over 42,000 in 2015 according to estimates. Land tenure is organised around the authority of the village chief, who is also the earth priest among the Gourmantché, the lineage-based transmission of rights, revocable use rights for migrants, and modern law, whose application

gives rise to tensions with customary authorities, who see it as a threat of expropriation. Figure 1 shows the location of the commune and the surveyed villages.

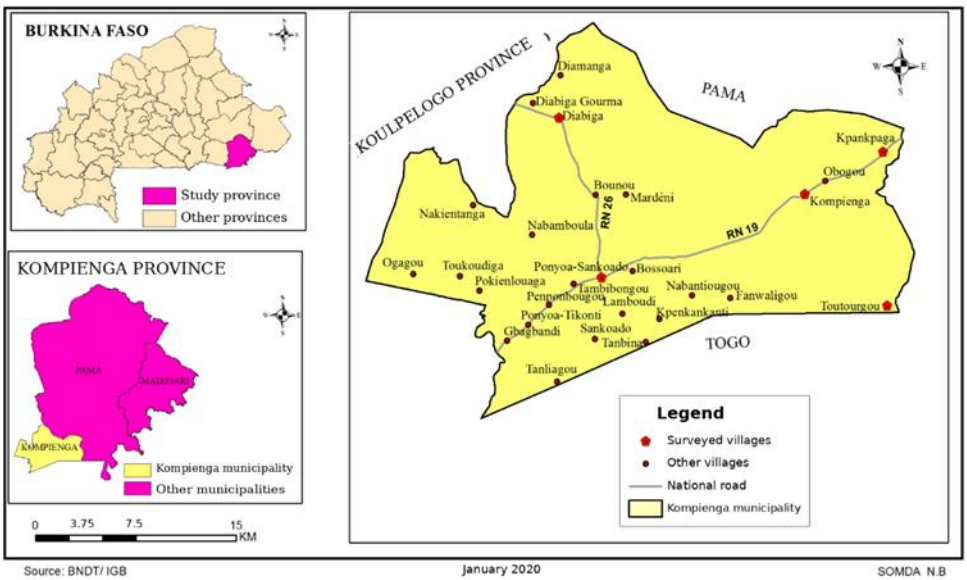


Figure 1: Location of the commune of Kompienga and the surveyed villages

Data and sampling

The data used are of four kinds. A questionnaire survey covered 125 households (60 farmers and 65 herders) in five villages selected on the basis of the presence of pastoral resources, the passage of livestock tracks, the recurrence of conflicts and involvement in RECOPA activities. Semi-structured interviews were conducted with the technical services for agriculture, livestock and the environment, the prefect-mayor, the gendarmerie brigade commander, herders' associations (Rouga) and RECOPA, using separate interview guides for each category of interviewee. Data on conflicts were obtained from the gendarmerie and the departmental court for the 2014-2019 seasons. Finally, a documentary analysis covered the legal texts in force, RECOPA reports and available evaluations.

Analysis

The qualitative material was classified by theme (settlement methods, strengths and weaknesses, role of support actors, applicable legislation) and compared with the legal texts in order to assess the compliance of local practices. A three-tier analytical grid made it possible to characterise each mechanism according to three criteria: legitimacy in the eyes of the litigants, the production of an enforceable trace and the existence of follow-up on implementation. This grid does not constitute a quantitative measure of the

effectiveness of the mechanisms. It serves to compare their institutional properties on the basis of information gathered in the field and the formal requirements of the legislation. In particular, it makes it possible to distinguish the social legitimacy of a mechanism from its capacity to produce a lasting trace and to ensure follow-up on the decision. The spatial tool, which was used to map risk areas, is drawn upon here only as context.

Limitations

Several limitations should be noted. The conciliation sessions were not directly observed, so their proceedings have been reconstructed from accounts. The institutional data do not distinguish conflicts according to their outcome (settled, partially settled, reopened), which makes it impossible to measure the frequency of recurrence. The number of households surveyed, approximately 4% of the 3,096 households in the five villages, warrants a qualitative reading of the percentages. Finally, much of the data predates the deterioration in security experienced by the Eastern Region from 2018 onwards, which we do not address.

Results

Four families of conflict, one and the same land tenure matrix

The local typology distinguishes four main families. Conflicts between farmers and herders arise from damage to fields, which increases with the expansion of cultivation and the development of extensive livestock farming. Conflicts between transhumant and sedentary herders, linked to access to water and pasture in drought years, pit herders against each other who regard one another as either having priority or being wasteful. Conflicts between humans and animals, which take the form of damage during night grazing and sometimes result in injury to or the death of animals, are frequent in areas reserved for animals. Finally, conflicts between local populations and state agents occur in forest reserves, when herders graze their animals or lop trees in protected areas.

On another level, the nature of disputes is divided between boundary disputes (encroachments on small portions of land, intentional or not), ownership disputes (oral transmission of rights, transfers of land by people who had no right to dispose of it, rivalries between brothers or cousins), crop damage (the most frequent, mostly accidental) and the obstruction of tracks, grazing zones and resting areas, which their prolonged fallow makes fertile and therefore coveted. Conflicts are described as generally non-violent, with amicable settlement predominating.

The perceived causes are ranked as follows: crop damage (77.4% of respondents), ancestral prejudices (14.2%), conflicts not or insufficiently settled (5.2%), lack of consultation and failure to observe good practices

(2.1%) and lack of knowledge or misapplication of the legislation (1.1%). This last picture, shown in Figure 2, deserves attention: nearly one respondent in twenty identifies the failed settlement of previous conflicts as a source of subsequent conflicts. This result does not constitute a direct measure of recurrence, as the available data do not allow the same disputes to be followed longitudinally. Rather, it indicates that some respondents explicitly establish a link between the quality of the previous settlement and the reproduction of conflict. This distinction is important in order to interpret the figure as an indicator of the perceived reproduction of conflicts, and not as an estimate of their recurrence rate.

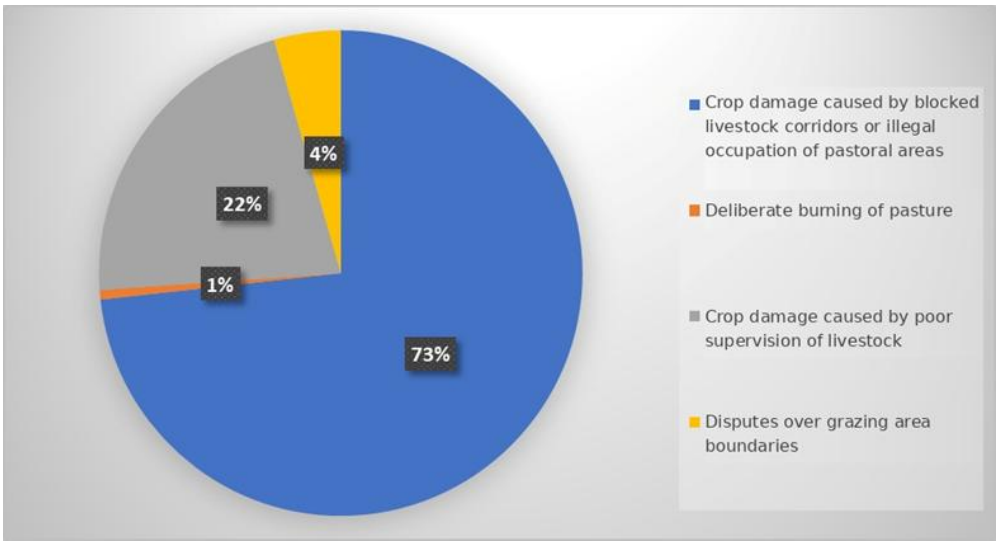


Figure 2: Causes of farmer-herder conflicts according to respondents (n = 125)

A three-tier settlement chain

The settlement of disputes follows a sequence recognised by all. In most cases, the parties first meet within their community, especially when the person responsible for the damage has been identified and is willing to reach an agreement. If this fails, they refer the matter to the customary authority, that is, the village chief, who, surrounded by his council of elders, gives his position and calls for the preservation of social cohesion. The departmental court intervenes only as a last resort, less and less frequently, and requires an on-site assessment: the prefect requisitions the agriculture, animal resources, environment and security services to draw up an official report establishing the damage, on the basis of which the dispute is decided.

The succession of these three tiers does not, however, mean that the information produced at the first level is systematically passed on to the next. Moving from one arena to another constitutes more of a break than documentary continuity: the local agreement generally remains attached to

the people who negotiated it, while the administrative assessment or court decision produces its own documents. This discontinuity is a first indication of the system's weak institutional memory.

The strengths of this system are the willingness to conciliate on the part of parties who often carry out the same activities, the standing of village chiefs and the care they take to surround themselves with notables and resource persons, as well as the time devoted to explanation and advice. Its weaknesses are threefold: no formalisation of the decisions reached through customary conciliation (no deed, no document making it possible to monitor the implementation of the conclusions), the absence of any formal mechanism for following up decisions, and lingering resentment, particularly after court decisions, which is a source of new conflicts. Added to this, as reported by respondents, is a suspicion of collusion between administrative, judicial or customary authorities and one of the parties, which fuels the temptation to take the law into one's own hands.

A law that prescribes what custom practises

Comparison with the legislation reveals remarkable compliance. Article 67 of the 2002 framework law on pastoralism provides that, before any contentious proceedings, the settlement of pastoral disputes is subject to mandatory conciliation before a local commission bringing together representatives of farmers and pastoralists, with an official record of conciliation or non-conciliation. The 2009 law on rural land tenure establishes in each village a village land conciliation commission; the 2012 decree specifies that land conflicts must be the subject of an attempt at conciliation before any legal action, and Article 32 authorises the creation of inter-village, communal or inter-communal commissions. The legislation on the departmental court requires the presiding judge to attempt to reconcile the parties, the signed record having the force of an enforceable title, with failure opening the contentious phase. Finally, a 2015 decree allows the creation of observatories for the prevention and management of community conflicts at departmental and village level. This monitoring architecture should not, however, be equated with a system that is automatically operational in every territory. The decree provides for departmental and village-level branches as well as functions for the collection, processing and dissemination of information on conflicts; the issue is therefore one of their effectiveness and their capacity to circulate this information between the areas and institutions concerned.

Local practice thus complies with the letter of the law, except on one point that is far from trivial: the lack of formalisation and the absence of any structure for following up decisions reached through amicable settlement. The law requires an official record; custom produces none.

Prevention through projects: the RECOPA experience

RECOPA has played a central role in prevention. With the support of German development cooperation, it set up communal dialogue forums which created a framework for exchange that had not previously existed (a respondent from Pognoa-Sankoado sees this as having contributed to calming tensions in the village), consultation frameworks on resource sharing and a process for drawing up local conventions, defined as agreements negotiated in a participatory manner for the concerted management of common resources. Above all, it led the securing of pastoral resources using a three-stage approach (obtaining social agreements, formalisation, physical demarcation of corridors), which made it possible to negotiate 56.9 km of track sections, 20 km of which have been marked out (35.14%) and are monitored by three committees.

The perceived effects are clear. Seventy-six per cent (76%) of respondents consider that RECOPA's actions have improved conditions of access to common resources, and testimonies describe easier movement and less crop damage. This assessment does not, however, allow the change in conflict levels to be causally attributed to RECOPA. It establishes a positive perception of its interventions and documents the mechanisms through which they may have influenced access to resources, without making it possible to isolate their specific effect from other transformations taking place simultaneously in the commune. It should also be borne in mind, however, that this assessment is based on perceptions and not on a before-and-after comparison of recorded conflicts, so no measured reduction can be concluded.

The limitations of the action are also apparent. The Diabiga grazing zone, negotiated in 2015, is being contested by some users: markers have been destroyed, fields are being established inside it, and Diabiga is the village most affected by conflicts. The case of Diabiga is particularly revealing of the gap between negotiated and lasting securisation. The existence of a prior agreement does not prevent the gradual reoccupation of the area concerned when the mechanisms for demarcation, surveillance and reminding people of the rule lose their capacity to act. The difficulty therefore lies not only in initially reaching a compromise, but in preserving it institutionally and spatially. The intervention relies on projects funded by external partners, whose lifespan is limited, and the management committees, deprived of operating resources (fuel for surveillance patrols), are no longer able to ensure monitoring once the funding ends, leaving the field open to new occupations and obstructions.

The structures provided for by law, yet to be established

One fact deserves to be highlighted: the local land management structures provided for by law (communal rural land service, village land commission, village land conciliation commission) had not, at the time of the study, been established in the commune, which is due to receive support for this purpose from a food security project. Some of their functions are therefore de facto performed by support organisations. It is within this institutional vacuum that the study's proposals are situated, which we summarise here: the creation, at communal level, of a communal land conciliation commission representative of all socio-professional categories (customary authorities, religious authorities, women's and youth organisations, migrants, farmers, herders), the establishment of a departmental observatory and village observatories, and that of a light follow-up committee, made up of people from outside the commission so that they are not both judge and party, responsible for monitoring the implementation of decisions and reporting on it. At the time of the survey, not all of the structures formally provided for by the legislation were operational in the commune studied. This finding does not mean that they are legally absent, but points to a gap between their normative existence and their local effectiveness. Certain prevention, information or mediation functions were thus partially performed by other actors, notably the support organisations operating in the area. The legislation thus provides for an institutional architecture intended to bring together the prevention, conciliation, observation and settlement of conflicts. Figure 3 shows its main components and the relationships planned or proposed between them. It should, however, be read as a representation of the normative framework and of its analytical adaptation based on fieldwork, and not as a description of an institutional system that was actually fully operational in Kompienga at the time of the survey.

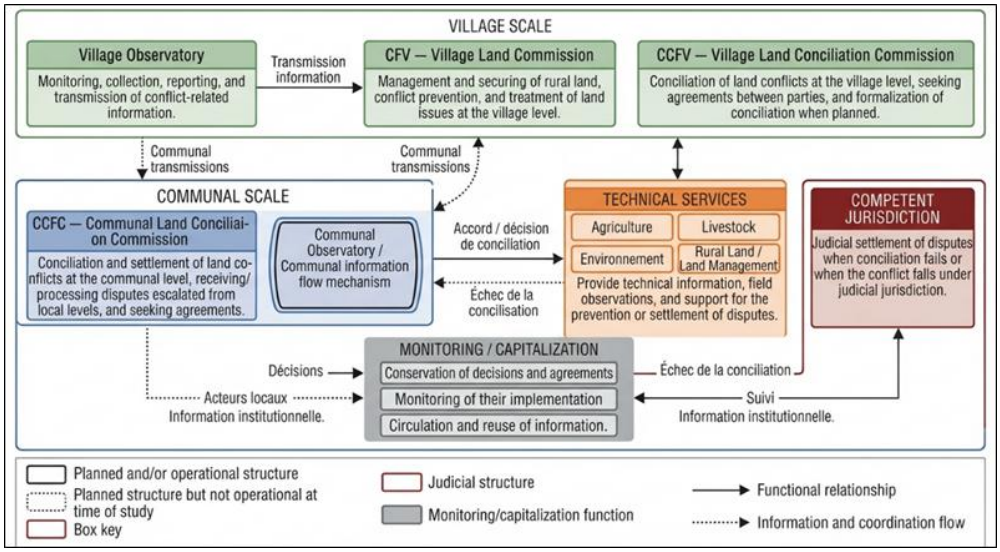


Figure 3: Institutional system planned for the prevention and settlement of agro-pastoral conflicts at local and departmental level: structures and information flows

Figure 3 presents the proposed system for the prevention and settlement of land conflicts, based on a gradual articulation between local monitoring mechanisms, village and communal conciliation bodies, and a departmental coordination level. The aim is to shift institutional intervention upstream of the conflict, giving priority to the early identification of tensions, dialogue between the parties and the search for negotiated solutions before they escalate.

At village level, the observatory constitutes the first level of monitoring and early warning. It makes it possible to gather information on emerging tensions and to facilitate their handling as close as possible to the actors concerned. When the situation requires formal mediation, the Village Land Conciliation Commission (CCFV) intervenes to promote the consensual settlement of the dispute. Situations that go beyond the village level or that require a more structured intervention may be referred to the Village Land Commission (CFV) and then, depending on their nature and level of complexity, to the Communal Land Conciliation Commission (CCFC).

The departmental level thus plays a role of coordination, monitoring and support for local mechanisms. This organisation does not seek to substitute a new structure for existing systems, but to strengthen their complementarity and their capacity for anticipation. The scheme is therefore based on a principle of subsidiarity: dealing with the conflict at the level closest to the actors when a local solution remains possible, while providing for escalation mechanisms when the dispute exceeds the capacity for local

settlement. Such a configuration would make it possible to reduce response times, limit the protraction of disputes and promote more preventive, territorialised and participatory management of land conflicts.

Discussion

Institutional amnesia

What these results reveal is a system that functions without remembering. Each of the three levels produces appeasement: the arrangement between parties because it responds to the wish to maintain neighbourly relations, conciliation before the chief because it mobilises the authority of people whose word is recognised, and the court because it decides. But none of them durably records what has been decided, verifies that the decision is implemented, or compares cases with one another in order to draw lessons from them. The conflict is treated as an event, not as a symptom.

We call this property institutional amnesia. In this article, institutional amnesia therefore does not refer to a general lack of memory among the actors, but to a property of the settlement system: the collective inability to transform decisions taken in one arena into accessible records, follow-up mechanisms and lessons that can be drawn upon in subsequent arbitrations. It can thus be understood along three complementary dimensions: the traceability of agreements, the monitoring of their implementation and the circulation of information between the different arenas of dispute settlement and land management. It is their joint deficit that allows us to speak of amnesia rather than mere informality. The absence of formalisation should not, however, be mechanically confused with the absence of social memory. Actors may retain and orally pass on the memory of an agreement. The institutional problem arises when this memory remains attached exclusively to individuals and does not become a resource durably accessible to the various bodies called upon to intervene on the same space or on the same type of dispute. It has three consequences. First, the impossibility of capitalising on experience: without a register or official minutes, it is impossible to identify recurrences or to locate hotspots, even though the data show that conflicts are concentrated in a few villages (Diabiga and Kompienga together account for nearly 44% of cases). Second, the fragility of the given word: an oral agreement, however solemn, does not withstand a change of chief, of generation or of balance of power, which echoes Berry's (1993) observation that African land arrangements are social constructions that are constantly renegotiated. Finally, the erosion of trust: when the parties suspect the authorities of collusion, and when the victims of unresolved or poorly resolved conflicts bear a grudge, the decision does not extinguish the dispute, it merely puts it on hold. The figure of 5.2% of

respondents who identify poorly resolved conflicts as a cause of new conflicts is modest, but it touches on what gives a settlement system its value: its capacity to bring matters to a close.

This reading extends that of Lund (2006) on twilight institutions, in which public authority is diffuse, plural and constantly renegotiated, and that of Hagberg (2001), for whom the effectiveness of local mediation rests on arrangements between notables whose strength is also their fragility: they rely on people, not on procedures. It departs from a romantic view of customary conciliation, which would make it a self-sufficient mechanism, while rejecting the opposite thesis, according to which only legal formalisation could secure settlements.

Pluralism without bridges

One of the surprises of this case is that legal pluralism does not raise the classic problem of conflicting norms. State law and custom prescribe the same approach. Yet analyses of legal pluralism have always stressed that the coexistence of normative orders is only problematic when it leaves litigants with no grip on the way decisions circulate from one order to another (Griffiths, 1986; Merry, 1988). The problem in Kompienga is therefore not plurality, but the absence of bridges: a decision taken before the chief is not added to the court file if the case resurfaces, an official report of findings drawn up by the technical services feeds into no municipal database, and a negotiation over a livestock route conducted by a support organisation is not entered in a land register that would give it legal force.

The literature on forum shopping (K. von Benda-Beckmann, 1981) has shown that litigants choose their arenas according to their perceived chances of success. In Kompienga, the sequence is largely imposed by custom, which limits such strategies, but the suspicion of collusion reported by respondents indicates that the credibility of the arenas is at stake. When trust erodes, the way is open to self-help justice, which, moreover, is among the risks that awareness-raising is meant to prevent. Institutional pluralism is therefore not in itself synonymous with dysfunction. It can offer actors several avenues for settlement and make it possible to adapt the response to the nature of the dispute. The difficulty arises when these different arenas operate without adequate mechanisms for transmission, capitalisation and follow-up. It is this discontinuity, more than plurality itself, that fuels the deficit of institutional memory here.

Olivier de Sardan's (2008, 2015) notion of practical norms is illuminating here. The real regulations governing land and conflicts are not those of the texts, but those imposed by everyday constraints: people avoid the court because it is distant, costly and leaves resentment, and they prefer the chief because he is close by and his decision preserves the relationship.

The point is not to condemn these practical norms, but to accompany them with light mechanisms that give them durability.

Projects as interim government

The second salient finding is that prevention relies essentially on project operators. This is a phenomenon well known to the social sciences of development (Bierschenk and Olivier de Sardan, 1998): in the absence of established and adequately resourced local institutions, projects act as an interim government, with the advantages (method, funding, technical legitimacy) and the risks (short time frames, dependency, bypassing of institutions) that this entails. In Kompienga, RECOPA has produced results that are appreciated, but the establishment of the structures. The expression "interim government" is used here in an analytical rather than an institutional sense: it refers to the situation in which a temporary project performs, for a limited period, functions of coordination, mediation, materialisation of rules or monitoring that ordinary mechanisms are unable to take on durably. It therefore does not mean that these organisations legally replace the public authorities provided for by law also depends on project support. The contestation of the Diabiga grazing area shows the cost of this dependency. In Ostrom's (1990) logic, robust management institutions combine clear rules, monitoring by actors accountable to users, graduated sanctions and low-cost conflict-resolution arenas. The livestock route management committees fulfil the second condition as long as the funding lasts, and cease to fulfil it thereafter. The lesson echoes that of Ribot, Agrawal and Larson (2006) on recentralisation under the guise of decentralisation: the transfer of responsibilities is only meaningful if it is accompanied by resources and effective authority. The data also make it possible to draw a relevant recommendation from this, namely that support actors should adopt an approach of supporting existing structures rather than creating parallel mechanisms, and should make budgetary provision for their operation..

Articulating without stacking: the proposal under debate

The proposal for an observatory, a municipal conciliation commission and a monitoring committee calls for frank discussion. Its merit is that it tackles amnesia directly: the monitoring committee, separate from the commission in order to avoid confusing judge and party, produces memory and feedback, and the municipal commission offers an intermediate level between the village and the court. The idea of a broad composition, including migrants, women, young people, farmers and herders, responds to what the literature identifies as a condition for the legitimacy of local arenas (Agrawal and Gibson, 1999).

Three risks must nevertheless be weighed. The first is institutional inflation: multiplying structures (village and municipal commissions, observatories, committees) in a municipality where those provided for by law have not yet been set up may produce empty shells, as many experiences of decentralisation have shown (Ribot, 2004). The second is captive formalisation: recording customary arrangements also means freezing them, with the risk that they will be captured by those best endowed with social capital and legal knowledge (Peters, 2004; Lund, 2008). Chauveau (2000) clearly described how the institution of tutorat, which organised the reception of outsiders and the recognition of their rights, was weakened by the logics of commodification and control; and it is precisely the disappearance of the practice of the host (logeur) that is noted, the person who introduced every newcomer to the village leaders and decided on the opening of pastures and access to water points. Rehabilitating this function of reception and guardianship, adapted to transhumant herders, would undoubtedly be more effective than creating an additional structure. The third risk is that of disconnection from space: an institutional mechanism that failed to address the spatial conditions of conflict (obstruction of corridors, trap fields) would treat the effects without touching the causes, which the data make it possible to recognise when it is noted that past strategies have merely settled conflicts without addressing their source.

It therefore seems more fruitful to design an articulated institutional minimum than a juxtaposed institutional maximum. This requires three light mechanisms: a municipal register of conciliations, fed by simple official minutes, including for customary arrangements, which would provide a memory and a basis for monitoring; an organic link between this register and the land file of pastoral resources, so that a repeated conflict over the same corridor triggers a review of its status; and municipal budgetary coverage of the operation of the monitoring committees. The perspective of polycentric governance (Ostrom, 2010) invites us to think of this articulation in the form of nested arenas that respond to one another rather than levels that are simply added together. The proposal is therefore not to create a new autonomous institutional layer, but to strengthen the linking functions between mechanisms that are already provided for or already practised. The aim is less to add actors than to organise the circulation of information, the preservation of decisions and the monitoring of commitments at the municipal level. From this perspective, the conciliation register, the monitoring of agreements and the mapping of the areas concerned**.**

What the case tells us about the geography of conciliation

The Kompienga case differs both from West African cases that see local mediation as a robust mechanism (Hagberg, 2001) and from those

that see it as a source of selective injustice (Peters, 2004). The scope of this interpretation nevertheless remains tied to the period observed. The empirical data correspond to a period preceding or contemporaneous with the first effects of the deteriorating security situation in eastern Burkina Faso and do not allow the mechanisms described to be transposed directly to the current situation. The case should therefore be read as a situated analysis of a given institutional configuration rather than as a timeless model of conflict resolution. It reveals a conciliation that is legitimate but has no memory. The difference may lie in the geographical configuration: a transit municipality, whose most exposed users (transhumant herders) are also the least integrated into local mediation networks. Studies of pastoral mobility have stressed that rights of passage rest on repeated negotiations rather than on titles (Thébaud, 2002; Hesse and Thébaud, 2006), which makes a written record all the more valuable for those who are not present to defend their rights orally. In this context, institutional memory has a decisive spatial dimension. Keeping a record of an agreement does not merely consist in archiving a decision: it also means maintaining information on a route, a boundary, a grazing area or a crossing point within the ordinary mechanisms of territorial management. When this information disappears with the people who took part in negotiating it, the territory once again becomes open to competing interpretations. Finally, it must be borne in mind that the deterioration in security that the region has experienced since 2018 has disrupted pastoral mobility and inter-community relations, and that the mechanisms described here were tested in a context that is no longer quite that of today. Analyses of the central Sahel show that conflicts between farmers and herders can then become embedded in political and armed power relations (Benjaminsen and Ba, 2019) that far exceed the capacity of local conciliation mechanisms. This caveat makes the question of institutional memory an additional challenge: the more unstable the context, the greater the risk that fragile gains will disappear without a trace. Indeed, the problem therefore does not lie in the complete absence of any documentary record, since formal procedures provide for official minutes to be drawn up and registered. Rather, it lies in the discontinuity between the different forms of record produced, their accessibility to the actors concerned, their follow-up over time and their use in subsequent arbitrations. The issue is thus less an absence of documentation than a fragmented institutional memory.

Conclusions

In Kompienga, law and custom agree on conciliation, and yet conflicts recur. We have proposed to account for this paradox through the notion of institutional amnesia: a settlement system capable of appeasing in the short term but poorly able to record, monitor and learn, underpinned by

prevention driven by projects whose achievements, such as the Diabiga grazing area, remain open to contestation. The challenge is not to add structures, but to connect those that exist and give them memory. The implications are practical. The argument is not that all conflicts in Kompienga result from a lack of institutional memory, nor that documentary formalisation would be sufficient to prevent them. Rather, it is to show that, in the absence of mechanisms for preserving, linking and reusing the information produced by previous settlements, each dispute is likely to be treated as a relatively isolated event, even though it is part of recurring spatial and land-tenure configurations. The municipality must be provided with a register of conciliations and a monitoring committee independent of the settlement bodies; priority must be given to setting up the land structures provided for by law rather than creating new ones; agreements on corridors must be backed by progressive legal recognition; municipal budgets must be planned for the operation of the committees; and the function of reception and guardianship for transhumant herders must be rehabilitated. For research, the case invites us to examine, beyond the conformity of practices with the texts, the capacity of local settlement systems to produce memory, that is to say records, follow-up and learning. It is perhaps here, more than in the scarcity of resources or the violence of clashes, that the durability of agro-pastoral peace is at stake.

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Declaration for Human Participants: All participants were informed about the purpose and nature of the study prior to data collection. Oral informed consent was obtained from all participants before their participation. The confidentiality and anonymity of participants were respected throughout the research process.

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