

# Decentralized Natural Resource Management

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*Nature and Democratic Decentralization  
in Sub-Saharan Africa*

*A summary report prepared for the UNCDF symposium on  
Decentralization Local Governance in Africa*

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## Introduction

Development agencies and NGOs around the world are promoting greater participation by local populations in the use, maintenance and restoration of forests, pasture lands, wildlife and fisheries in order to improve local development and environmental management.<sup>1</sup> Under the rubric of 'decentralization' governments across the developing world are also transferring environmental management responsibilities and powers from central government to a variety of local institutions.<sup>2</sup> These reforms aim to increase popular participation to promote more equitable and efficient forms of local environmental management. Such decentralizations across Africa are re-shaping the local institutional environment in which natural resource management takes place, promising to have profound effects on who manages, uses and benefits from nature.

The key to effective decentralization is increased democratic participation in local public decision making. *Downwardly accountable representative authorities* with *meaningful powers* constitute the basic institutional elements from which to expect the local efficiency, equity and development benefits that decentralizations promise.<sup>3</sup> Effective decentralization concerning powers over nature are no exception. However, when examined in detail, community based and decentralized forms of local natu-

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<sup>1</sup> *Unlike the other papers in this publication, this one uses endnotes instead of footnotes. Please see the end of this section for the endnote references.*

ral resource management often lack representation, downward accountability or sufficient powers. As The World Bank has pointed out, "...decentralization is often implemented haphazardly."<sup>4</sup> This is apparent in projects and reforms related to the environment, where poorly structured decentralizations are threatening both environmental management and equity, and at times threatening decentralization and local democratization.

Decentralizations in Burkina Faso, Cameroon, Guinea, Malawi, Niger and Zimbabwe, for example, are devolving decision-making powers to various unaccountable local bodies, threatening local equity and the local environment.<sup>5</sup> In Zambia, decentralization of control over forests without sufficient environmental management and use guidelines reportedly has led to over-exploitation.<sup>6</sup> Many governments, such as Senegal, The Gambia and Zimbabwe, are devolving insufficient benefits to motivate local actors to carry out new environmental management responsibilities. Across the board, the appropriate mix of powers and functions of different local actors in environmental matters is at best poorly defined.<sup>7</sup> Further, there is little empirical data or experience from which to derive the best local institutional arrangements or to show which factors link these institutional reforms to improved social and ecological outcomes.<sup>8</sup> The social and ecological outcome of such 'decentralizations' remain largely unexplored.<sup>9</sup>

Decentralization of environmental powers cannot be discussed without addressing the institutional arrangements of decentralization writ large—for these arrangements constitute the system of governance and authority to which environmental powers are transferred. Therefore, good decentralization and local democratization are environmental concerns. Decentralizations of environmental powers, however, often witness the transfer of powers to centrally controlled, non-democratic or unaccountable local institutions, the failure to transfer significant powers that help create a meaningful domain of local discretionary decision making, and the use of insecure transfer mechanisms, such as ministerial or administrative orders. Representative and accountable local actors securely holding meaningful powers constitute democratic decentralization—whether these are powers over nature or other public concerns. This is the arrangement—of authority, powers and accountability—that enfranchises local populations. It is the arrangement that transforms subjects into citizens. It is the arrangement that theory tells us will provide equity, efficiency, development and environmental benefits. This is why they are central in decentralized environmental reforms.

This note addresses a few of the key issues concerning environment in decentralizations. The most important is basic institutional infrastructure—locally accountable and representative authorities. This is examined under the category of **Local Authorities**. The second most critical is that addressed under the heading **Powers**. Without powers, representative authority is empty. This note also addresses the issue of **Management Planning**, since it is part of almost every environmental decentralization. The **Conclusion and Recommendations** addresses some Sequencing issues. Other topics important to decentralization and the environment, such as the re-emergence of custom, the legal enabling environment, capacity, and means of transfer, are touched upon under other headings and will be more fully addressed in an expanded version of this paper.

## Local Authorities: Decentralization, Democracy and the Environment

Decentralizations are of great interest to environmentalists because they reshape the institutional infrastructure for future local natural resource management—potentially establishing institutions for sustainable and equitable community representation and inclusion. Natural resource management and use is of interest to promoters of decentralization and local democracy, because they are a source of revenue and power, and therefore potential legitimacy for new local government authorities. Whether, however, the transfer of natural resource powers within or into the local institutional landscape will promote or undermine representative, accountable and equitable processes depends strongly on which authorities are being entrusted<sup>10</sup> with powers over nature.

Natural resources play a special role in local democratization because local populations rely on them for their daily livelihoods and governments rely on them as a source of wealth. But, if allocated to non-democratic institutions environmental powers can also play a counter productive role. Local chiefs, for example, have historically relied on control over land and natural resources for their authority. The colonial state used allocation of land control to legitimate and strengthen their local agents, customary authorities, for the purposes of controlling and managing local people.<sup>11</sup> Today, environment is again becoming an arena of struggle for chiefly power.<sup>12</sup> As Africa is democratizing and decentralizing, new and more representative forms of local government will also have to rely—at least partly—on natural resources to have an economic base to work from and to build their own legitimacy. Allocating environmental powers to chiefs or other administrative or non-representative authorities or institutions, reinforces their powers at the expense of representative authorities, slowing the democratic transition.

Decentralized natural resource management and use decisions can, conversely, be a fulcrum for democratic change.<sup>13</sup> Local representative bodies need powers over resources that affect their constituencies in order to become legitimate actors around which civil society and citizens rally for justice, sustainable livelihoods and economic improvement.<sup>14</sup> In some parts of Mali, for example, “farmers perceive decentralisation as a threat that may take their existing power to control resources in their *terroir* [commons] out of their hands and give it to the commune [the new elected local governments].” But, this may have a positive effect on local governance, since, “the village...is likely to play an active role in commune politics in order to retain control of decisions made about resources.”<sup>15</sup> The placement of natural resource management decisions with representative local government engages local people with local government given the importance of these resources in their daily lives. These environment-democracy linkages can be a source of strength for both environmental and democratic objectives.

Ironically, while the benefits of decentralizations stem from increased popular participation, rather than supporting new and democratic forms of rural participation and representation, many decentralizations are strengthening or reproducing top-down rural administration or inequitable and non-representative local authorities.<sup>16</sup> Power over natural resources is often being devolved to non-democratic and often unaccountable or upwardly accountable local institutions such as chieftaincies, religious or

ders, non-governmental organizations and forest service or project-organized committees constituted mostly of private interests. In forestry, almost all of the arrangements for decentralized or participatory natural resource management involve the creation of management committees with some direct relation to local governments and to the forestry service. These committees are usually constituted to make decisions on behalf of the local community—although they are often created simply to administer management activities. The most common problem with these arrangements are that the committee does not represent nor is it accountable to the local population, or it is not constituted by or under the direct authority of local representatives. More often, they are constituted by the forest services, they represent a few commercially interested parties or are under the control of local elite. Representative authorities are often only one among many committee members, with no controlling role. There are notable exceptions to this pattern in Uganda where some management committees are constituted by elected local government.<sup>17</sup>

Empowering authorities who are not held downwardly accountable to local populations can imperil the long-term environmental well being expected from more accountable local management. It can imperil democracy by taking resources away from emerging democratic structures while strengthening and helping to entrench the very non-democratic institutions that democratic reforms aim to replace. Successful environmental decentralization programs must take advantage of, support and work with democratic reforms.<sup>18</sup> Successful democratic reforms will benefit from careful restructuring of the environmental sector.

In short, as in any other sector, the basic institutional infrastructure for decentralization is *downwardly accountable local representative authorities*.

## Powers

Mali and Uganda provide Francophone and Anglophone cases of progressive decentralizations in which democratically elected local governments have been established as the recipients of decentralized powers. In Mali, however, the environmental service (*Direction National de la Conservation de la Nature*) is still reluctant to transfer significant powers to elected local government although it is possible in the new forestry laws.<sup>19</sup> Similarly, in Uganda, powers transferred to local institutions are limited by required restrictive management plans.<sup>20</sup> Uganda's proposed Forestry Act of 2001 does not specify guidelines for which powers—if any—will be transferred and to which levels of local government, making it difficult to foresee the kind of decentralization that the new reforms will result in.<sup>21</sup> In both cases the laws give local authorities the right to manage natural resources, but under management requirements and plans imposed by the central environmental agencies. These management plans re-centralize any autonomy that might be implied by the transfer of 'rights to manage'. Further, in these two countries many forests previously in the public domain are being privatized in the name of decentralization. Taking public resources away from democratic institutions and transferring them to customary and other private bodies neither supports nor follows the public logic of democratic decentralization.

In current decentralized forestry regulations, many powers remain centralized that could be devolved without any threat to forests other powers are being privatized without concern for the ecological or social implications. Management standards and obligations are being set by the central government that far exceed necessary minimum standards. Forest services across Africa choose to control the commercial values from forests by fixing in legislation or through decree who can cut forests, when they can cut them, who can transport forest products and how, where they can sell the products, who is permitted to sell them, etc. They retain at the central level of government control over the lucrative aspects of the sector. Further, central governments have set up such complex systems of forest management and management planning that their services are required by local governments to establish a management plan before local governments can make any decisions as to how, when or by whom forests should be used. In effect, only the most trivial decisions and onerous obligations are devolved while the forest service maintains strict control over valuable aspects of forestry.

The mix of powers and obligations to retain at the center and to be devolved is a complex matter that requires critical analysis and informed public debate.<sup>22</sup> Without such critical analysis and public debate, forest services around the continent will follow their natural tendency to micro-manage the forestry sector—for power and profit rather than for ecological sustainability and social justice. The principle of ‘subsidiarity’ calls for decisions to be located at the lowest political-administrative level possible without negative effects at a higher level.<sup>23</sup> Following this principle, decisions that can be made by citizens without any regulation, should be established in the domain of citizen rights. Decisions that can be made by representative local government without jeopardizing social and ecological well-being should be retained at that level. The subsidiarity principle does not appear to be followed in most African environmental decentralizations.

The appropriate degree and mix of powers to be devolved is linked to a number of important democratization issues. Entrusting local institutions with environmental decision making, rule making and adjudication contributes directly to the building of democracy. Without powers local governments cannot gain the legitimacy they need to effectively represent local populations. Rural councilors in Senegal in the late 1990s were embarrassed to hold their positions because with limited powers they could do nothing for their constituents. Local people went instead to village chiefs or merchants for assistance and advice.<sup>24</sup> They went to those authorities who were empowered to respond. In India, civil society organizations were observed to crystallizing around empowered local government. It is only logical that civil-society organizations form when there is a chance that they can have influence. A local government that has no powers or is not at all downwardly accountable is an ineffective rallying point for civil action.<sup>25</sup>

In short, insufficient powers are being devolved in the environmental arena. Powers over commercial rights allocation, for example, could be devolved to local governments, but are not. More powers must be devolved to establish effective environmental decentralization. Which powers those should be will require more research and reflection. One arena in which such reflection must take place concerns the use of management planning to specify which powers local communities have.

## Environmental Planning

Planning processes are part of the institutional arrangements of decentralization. National governments set up planning processes to coordinate between local and national development goals, and to harmonize the actions of actors in different sectors, such as forest management, health services, road construction, and policing, within the local arena. Planning in the local arena is needed so that local decision makers who must allocate their funds and capacities among all of the social needs of their jurisdiction can do so in a systematic balanced manner. Planning also helps to coordinate actions among local jurisdictions and between local-, intermediate- and national-level authorities. Environmental ministries have tended to avoid these integrative local planning processes in which the environment is one sector among many entering into a local democratic decision-making process. Instead, they have opted to manage the local arena through another kind of planning—the development and application of environmental management plans on a community by community basis.

The implication of this pattern is that the environmental sector has remained insulated from some of the more democratic processes of decision making being established in the name of decentralization. There is, of course, always a "...tension between the technocratic practices of development managers and the newly pluralistic political practices created by processes of democratization."<sup>26</sup> Environmentalism is not exempt from this problem. In some cases this means remaining outside of local integrative planning processes and in others it means avoidance of local democratic institutions and processes altogether. In Niger the forestry service has chosen to create separate local decision-making processes from those developed in the more integrative rural code. In Guinea the U.S. Agency for International Development's environment team refused to work with elected local governments because they felt it would be 'inefficient'. While it may have slowed down their management program, there could have been positive long-term benefits of supporting an elected local institution. In promoting local natural resource management in a manner consistent with larger values of social justice there will have to be some interim tradeoffs between an improved environment and a more just and empowered society. There is no reason why environmental decisions cannot be part of larger local-planning processes.

The complement to this pattern is a tendency for environmental services to create elaborate planning processes bilaterally with local institutions they choose to work with—which, as mentioned earlier, are often not locally elected representatives. In Cameroon, for example, communities wishing to set up a community forest under the 1994 forestry law must create and register a community forestry management committee with a written constitution, cartographically demarcate their 'traditional' territories, compare those boundaries with allowable zones in a Forest Service forest use plan (*Plan de Zonage*), determine the extent of forest accessible for the community forest, and establish a simplified forest management plan to be approved by the prefecture authorities and the Forest Department. "Several commentators, remarking on this procedural complexity which is quite ill-adapted to the realities of rural community life in Cameroon, consider that the existence of such substantial legal hurdles is a reflection of the fundamental mistrust of rural people's motives and management capacities on the part

of many expatriate and Cameroonian foresters, who have little sympathy for notions of community forestry.”<sup>27</sup> Under pressure from donors concerning the difficulties these requirements posed, the Ministry of Environment and Forests set up a Community Forestry Development Unit to provide implementation assistance to communities.<sup>28</sup>

In the environmental sector management planning of this nature is becoming a more and more important management tool for central environmental ministries. Unfortunately, planning processes where central ministries specify in great detail what plans must look like, undermine the notion of local autonomy and become new tools of central control. In Burkina Faso, Cameroon, Mali, Senegal and Uganda, the forest service requires management plans for each jurisdiction that wishes to engage in commercial woodcutting. These plans are cumbersome to develop, in most cases they are not necessary for ecological sustainability, and they usually leave very little decision making to the local authorities.<sup>29</sup> But more importantly, if local jurisdictions in Burkina Faso and Senegal decide that they want to conserve their forests—a decision that is decidedly not ecologically damaging—the forest service does not allow this. Local authorities are only allowed to decide to use the forests for the production purposes set out by the forest service. If they decide that they do not want to cut their forests, they risk losing their forests to private concessions who will come in and cut the forests out from under them. Here the most significant decision of whether to cut or conserve forests is not a local decision. The decision forest villagers are faced with is whether to cut the forests themselves under the strict management of an imposed plan, or to risk losing the forests to outside interests. Such arrangements do not inspire confidence in the intentions of the state to decentralize and democratize environmental management.<sup>30</sup>

Arguments evoking the lack of local ‘capacity’, or the alleged inability of land-hungry peasants to control their exploitation, are often used to justify need for elaborate central planning.<sup>31</sup> Such pessimistic views of human-environment relations in Africa often justify the perceived need for such central planning and management in the first place. These are also often not justified.<sup>32</sup> Indeed, at times it is the lack of central-state and donor capacity that is in short supply.<sup>33</sup> Further, state control has “...systematically devalued local environmental knowledge....”<sup>34</sup> There is a great need in environmental circles to rethink the actual minimum requirements for sound environmental use and protection. It is time to scope out and create the maximum domain of local autonomy—through minimum standards. Planning should not be the means to limit such empowerment. Planning may be a positive tool if it is one that local populations can choose to use if and when they decide to take on activities that require it. Elaborate planning is not always required for devolving responsibilities and powers over nature to the local arena. Many powers can be transferred without it.

## Conclusion and Recommendations

Decentralization of environmental powers is in its early stages. To date, the experiment does not yet seem to have taken place in which environmental powers are devolved to local downwardly accountable representative local authorities—that is the environmental decentralization experiment has not yet begun. Below are a few observations from the above discussion—most concerning sequencing—that may push the experiment along.

### Democratic Local Government First

The kinds of outcomes expected from decentralizations are predicated on some form of downwardly accountable local representation. Establishing representative institutions is a clear priority—perhaps an *a priori*. Establishing representative institutions is a matter of legislation. Often it is a matter of small changes in legislation, such as the move taken by Mali and Senegal to incorporate independent candidates into local elections—rather than depending on party lists. In other places, such as The Gambia, it may involve widening suffrage and creating limits to the terms of the elected local government representatives, rather than appointing them for life.<sup>35</sup> These small changes form the foundation for democratic decentralization. Without systematic means for public participation and voice in local decisions over decentralized powers, transfers of power to the local arena become deconcentration or privatization by default.<sup>36</sup> Accountable representation is an environmental issue if sustainable and effective decentralization of power over nature is to occur.

### Apply Multiple Accountability Measures

Accountability measures, in the presence or absence of representative local government, however, can foster a degree of downward accountability of whichever authorities hold powers over nature. Elections are clearly not the only means. Based on his observations in Zimbabwe's CAMPFIRE wildlife management program, Mandondo argues for an incremental approach to democratizing natural resource governance where democratic institutions are not established. "The initial front of engagement could include advocacy for transparency and accountability..., for instance through: providing information to peasant communities on the structure and function of governance structures, emphasizing potential areas of local empowerment; ensuring that there is effective participation during by-law formulation at RDC [Rural District Council] level; ensuring that communities are effectively consulted before the by-laws are approved; advocating for transparent and timely disbursement of CAMPFIRE revenues to local communities; advocating for more community representative in the RDDC [Rural District Development Committee], and helping community representatives in the RDCs to demand that the RDDC reports and is accountable to the council; advocating that RDCs demand greater coordination among research, development and advocacy organizations working within their areas; and, intervening at ministry, cabinet and national assembly levels to ensure that local interests are taken on board during the preparation of legislation with implications on natural resource governance."<sup>37</sup> A series of such accountability mea-



asures could be applied with or without more democratic forms of local government to improve the responsiveness of any local authorities to local people.<sup>38</sup>

### **Freedom within Oversight—Establishing a Domain of Local Autonomy**

With overbearing systems of environmental management planning and *tutelle* by line ministries, local government ministries and ministries of interior,<sup>39</sup> how can local authorities develop capacity to operate independently and how can they develop legitimacy within their own communities. One of the priorities, indeed one of the defining characteristics, of decentralization is the creation of a domain of local autonomy. In environmental decentralizations, this domain is constrained by 1) lack of powers (of decision, rule making, enforcement, adjudication and implementation), and 2) restrictive oversight. These elements must be attended to even to create the seeds of local autonomy. Without local autonomy, local authorities are unlikely to be respected and legitimate in the local arena and they are less likely to be the channel of communication and action around which civil society will form. Local representation without a domain of autonomy is not decentralization.<sup>40</sup>

### **Revenue-Neutral Powers First**

Given the difficulty in getting central ministries to transfer fiscal resources to local governments, it seems to make sense that the first powers to be transferred to local authorities should be those that are revenue neutral. Decisions that are revenue neutral for the state include some powers of decision over natural resource use and management. This may include local allocation of lands and of rights to use other natural resources in the local arena. Decision over commercial exploitation of nature and allocation of access to commercial rights may be officially revenue neutral for the central state. But, it will not be politically neutral since these powers have been traditionally allocated along patronage lines.<sup>41</sup> They are not revenue neutral for the merchants involved. It also may not be revenue or power neutral for the allocating state agents. Devolving such powers will certainly create political consternation, but it may be easier than getting the central state to directly transfer finances. Revenue-neutral transfers may also include powers to make rules concerning such use and to adjudicate certain kinds of disputes among citizens within the local domain.

Revenue-generating powers, such as powers to tax land, income, and natural resource exploitation may also be less threatening than transferring funds from central government. The natural resources sector is a potentially very lucrative arena. In the western United States, stumpage fees from timber have traditionally supported specific local government functions. These revenues have typically been earmarked for supporting school systems on the US Pacific Northwest Coast.<sup>42</sup> In Cameroon, fees on timber harvesting are returned to village committees in 'community forests' and to local governments in 'communal forests' for collective investment.<sup>43</sup> Similarly, in Uganda a portion of revenue from wildlife and forest reserves are returned to the local government system for discretionary use.<sup>44</sup> This cross-sectoral financing through local government could be very productive. Drawing on local revenue sources also does not have to be independent of redistribution functions of the central state. Central govern-

ment can still tax or take a portion of these revenues for such purposes.

## **Power before Capacity**

‘Capacity’ is a chicken and egg problem.<sup>45</sup> There is reluctance on the part of central governments to devolve powers before capacity has been demonstrated, but without powers there is no basis on which local authorities can gain experience needed to build capacity and there is no basis on which they can demonstrate capacity has been gained. Further, lack-of-capacity arguments are often used as excuses (rather than justified reasons) not to devolve powers.<sup>46</sup> Strategies must be developed to deal with this problem. More research is needed to identify how capacity arguments are used—when are they real reasons or just excuses not to transfer funds.<sup>47</sup>

## **Questions for Discussions**

### **1. Moving Toward Participation Through Local Representation**

- A. Why and how should local government play a greater role in natural resource use and management? Should local governments that are not representative or downwardly accountable receive environmental powers?
- B. How should environmental management decision-making committees and other institutions be linked to accountable representative local government?
- C. Why are decentralizations empowering non-representative individuals and groups—such as private bodies, NGOs and Chieftaincies? How can such transfers can be made without undermining democratic processes. How can this problem be addressed?

### **2. Increasing Accountability of Environmental Power Holders**

- A. How can local decision-making bodies—elected, appointed, or private—be held downwardly accountable to the local population as a whole?
- B. What mechanisms of accountability—ranging from civic education to elected comptrollers or central government legal oversight (see endnote 38)—can easily be legislated and implemented?
- C. What are the roles of procedural rights—such as access to justice, access to decision making, the right to assemble?
- D. Is there effective separation of powers between executive and judiciary in the environmental sector?
- E. What are the institutional arrangements that assure environmental justice?

3. **Transferring Powers: Building Principles for Environmental Subsidiarity**
  - A. What criteria should be employed in deciding which environmental use and management powers belong with central government and which belong in the local arena.
  - B. Are minimum environmental standards approaches more appropriate than local management plans for transferring decision-making powers to local populations?
  
4. **Sequencing for Capacity**
  - A. Which transfers can be made without additional local 'capacity'?
  - B. Which powers can be transferred without the need for management plans?
  - C. Which actions require management plans? Can these be graded by the degree of management complexity?
  - D. How can power transfers be used to build capacity?
  - E. Can minimum environmental standards approaches be combined with management planning to create a maximum domain of local autonomy?
  
5. **Means of Transfer: Creating Environmental Rights Rather than Privileges**
  - A. What 'Means of Transfer' create secure local rights?
  - B. Which 'Means of Transfer' create dependency and patronage opportunities?
  - C. Which powers can be transferred as rights?

## About the Author

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## Endnotes

<sup>1</sup> Article 10 of the Rio Declaration on Environment and Development, for example, begins with the statement that "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level." ([http://www.accessexellence.org/AB/IE/Rio\\_Declaration\\_On\\_Envirmt.html](http://www.accessexellence.org/AB/IE/Rio_Declaration_On_Envirmt.html)).

<sup>2</sup> This reform is part of a much larger trend in which, all but twelve of the seventy five developing and transitional countries with populations over five million claim to be transferring political powers to local units of government (see Dillinger 1994:8, cited in Crook and Manor 1998; cf. World Bank 2000). This global pursuit of decentralization, even if it appears novel, is not new (see Ribot 1999:51; Fisher 1991).

<sup>3</sup> Mawhood 1983; Romeo 1996; Crook and Manor 1998; Agrawal and Ribot 1999; Smoke 2000; Mandondo 2000.

<sup>4</sup> World Bank 2000:107.

<sup>5</sup> See Nhira et al. 1998; Schroeder 1999; Ribot 1999; Delnooz 1999.

*Deconcentration*, rather than decentralization, takes place when devolution is to local branches of the central state (prefects, administrators, or technical agents such as foresters). These upwardly accountable bodies are local administrative extensions of the central state. They may have some downward accountability built into their functions (see Tendler 1997), but their primary responsibil-



ity is to central government. *Privatization*, also often done in the name of decentralization and participation, takes place when public resources are devolved to private groups, such as individuals, corporations, donor-organized management committees, NGOs, etc (see Hilhorst and Aarnink 1999). These bodies may only serve the interest of their members (Guyer 1994; Fox 1990; Fox and Brown 1998). They may be upwardly, downwardly or horizontally accountable (to their peers) within certain legal and moral bounds, but their objectives are determined by their members—not the public as a whole. Such privatization can lead to more exclusion than participation and to less public accountability. Devolution to other authorities, such as local chiefs or other ‘customary’ authorities, may fit into any of these latter categories, depending on whether the chief is an administrative auxiliary of the state (hence upwardly accountable), a person responsive to the local population (downwardly accountable) or just an autocratic local power (an effectively private body).

“Orchestrated participation” such as RRA, PRA, participatory mapping, stakeholder approaches, etc. include techniques to mobilize populations that may increase participation, but are not institutionalized or permanent forms. They are only briefly discussed in this proposal since they do not represent changes in institutional arrangements, although they may become tools or practices for new institutions and authorities to use.

There are also, of course an number of principal-agent relations that can emerge in decentralizations creating a mix of private and state actors and a set of indirect accountability relations through delegation, subcontracting, etc. These are important to consider when examining how local decentralized actors are accountable and the kinds of accountability relations they set up in carrying out their tasks. Indeed, there is scope for such arrangement in some decentralization statues such as in Uganda, Mali, Senegal, and Malawi.

6 Walker 2000.

7 See Onyach-Olaa and Porter 1999.

8 See Little 1994.

9 Brock and Coulibaly 1999:30, The World Bank (2000:109) also points out that there is little evidence to support connections between decentralized services and improved outcomes and that this is due to the difficulty in demonstrating causal relations.

10 I use the term entrusted to mean discretionary empowerment. Entrustment and trust are important and complementary concepts. To *entrust* in this context means to ‘devolve powers to’—as in the central government entrusting Local Government with real resources and real decision making powers. Webster’s Ninth New Collegiate Dictionary defines *entrust* as: “to commit or place in one’s hand or keeping.” Shipton (1995:172) uses the term ‘entrustment’ to explore relations of lending and borrowing in Kenya. I expand the term to describe the relation of local public authorities to both central government and the populations they serve (see Ribot 1999a; cf. Mandondo 2000). The key idea is that for local governments to be democratic instruments, they must be entrusted with a domain of discretionary power.

11 See Mamdani 1996:140; Chanock 1991:64; Hesseling n.d.; Watts 1993; Bassett and Crummey 1993; Downs and Reyna 1988; Fisiy 1995:50; Geschiere 1993:166. Lawry (1989:5—cited in Murombedzi 1998) observes that “It should be borne in mind that the [colonial] state’s principal objective in centralizing control was to assert its political authority over local interests, not to impose a new resource management regime.”

12 Land and NRM are being renewed as arenas for chiefly power. NGOs “...appear to have turned chiefly office into an arena of brokerage, thus opening new perspectives and avenues for entrepreneurial activity.” Natural resources and land allocation are described as domains in which chiefs “...nostalgic claims to authentic ritual power are effectuated in terms of real political power....”

Chiefs use this discourse to their advantage in their relation with postcolonial African States. Chiefs use the domain of natural resource management and land allocation to manipulate this relation to their own advantage. "In most cases chiefs succeed in invoking ritual rights from the 'past', which they then translate into instruments for 'hard' political brokerage. Chiefs negotiate their positions in the context of global discourse on sustainability, environmental awareness and national and international interest in ecological preservation." (van Rouveroy van Nieuwaal and van Dijk 1999:6).

Manor (2000) and Lungesile (1999) have argued that chiefs are re-emerging as a force against local democracy in South Africa. Muhereza (2001) has pointed out that control over forests in Uganda may contribute to the strengthening of Kingdoms at the expense of the democratically elected Local Council system.

13 Natural resources are revenue generating as opposed to other important public services, such as health and education. Because of this, they can provide revenues needed to make local government more independent, and they can give local governments allocative powers, both of which help build local government legitimacy.

14 Anu Joshi (personal communication, IDS, Sussex, 1999) shows in the case of India that strong local governments served as a rallying point around which civil society organizations crystallized.

15 Brock and Coulibaly 1999:31.

16 See Ribot 1999; Schroeder 1999. Many decentralized and participatory environmental management policies and projects rely on NGOs, project- or government-organized management committees, village chiefs, local project administrators, local government administrators or technical service agents, to represent local communities in matters of natural resource decision making. Even where elected local representatives exist (as in Senegal, Mali, Zimbabwe, South Africa and Uganda), they are rarely allowed, invited or entrusted to represent the local communities in significant matters of natural-resource management (their powers also remain highly circumscribed). Local representative bodies are often given control of some management decisions (many of which were already locally controlled), but not of commercially valuable resources. In Mali where new laws give local government control over forest management, World Bank *gestion de terroir* and other projects still circumvent these local representatives in favor of project-selected committees or 'customary' authorities, where custom is often a pretext to engrain gender, caste and ethnic inequalities. When representative local government is in place, the empowering of alternative authorities—which is done frequently by donors, NGOs and by environmental ministries—undermines the function and ultimately the legitimacy of the new democratic local authorities. In short, governments and donors working on decentralized community based natural-resource management often choose not to reinforce forms of democratic decentralization which would be institutionally sustainable, spatially replicable (through legislation across a given nation's territory) and capable of embodying the institutional arrangements necessary for reaping the benefits that participatory and decentralized approaches promise.

Equally, donors and NGOs pursuing decentralizing programs often sideline elected local authorities, owing to their general lack of confidence in any form of government (See Evans 1997 and Tendler 1997 who question the basis for the lack of confidence), favoring non-state bodies (as in *Gestion de Terroir* approaches) (cf. Romeo 1996) or, out of their concern to show sensitivity toward 'indigenous' claims, preferring to work with customary authorities. This problematic emphasis needs to be explored. Local chiefs are often as much administrative creations of the colonial state as local governments are creations of the post-colonial states, and further, they are not necessarily, downwardly accountable or representative (Mamdani 1996; Ribot 1999). They may often be quite inequitable (Nhira et al. 1998:61). A related question we will investigate is whether in privileging 'customary' local authorities, projects undermine the establishment of more accountable representative local governments helping to keep rural populations as the subjects of administrative managerial authorities.

There are many opportunities in decentralization yet to be realized. Some are already legislated but few people are acquainted with their provisions. Some could easily be instituted but have not been. Our objective is to look at the opportunities—de jure and de facto—to better understand what they are and why they are or are not seized.

17 See Mandondo 2000; Namara 2001; Kanyesigye 2001; Bigombe Logo 2001; Brown 1999; Graziani and Burnham 2001.

Different arrangements have been used for the investment and distribution of fiscal resources derived from nature. In Uganda, revenues from xxxxx goes directly to LC5 who holds the power to determine how to redistribute and to invest it and which other levels of local government to involve. Revenues from Uganda's xxxx, however, goes directly to xxxxx level. In Cameroon timber revenues accrue to the committees created by local communities for the 'community forests' and to the elected councilors of the rural communes for 'communal forests'. These revenues, however, first go into central state coffers and are then re-distributed to the communes and committees in question. They often do not get back to the level of the commune (Bigombe Logo 2001).

18 In Guinea, for example, USAID failed to capitalize upon inter-sectoral linkages to between their democracy and environment efforts. Their environmental program refused to work with democratically elected representatives because they did not see it as efficient for achieving their aims, while the democracy program did not support representative local government.

19 Personal communications, Yaya Tamboura, Directeur National, Direction National de la Conservation de la Nature, Bamako, Mali, November 2000.

20 Namara 2001; Kanyesigye 2001.

21 ROU 2001.

22 The level of political-administration at which powers over nature are usually placed is justified on ecological criteria and arguments concerning the 'national good'. The kinds of decision that must be made at a higher level of political-administrative aggregation include technical matters of national-scale management or the determining of national minimum environmental standards. These decisions might include the kinds of landscapes to be set aside for national or even global heritage or the kinds of practices required by all corporations and citizens to protect the quality of forests, pastures, agricultural lands and rivers. In forestry, they may include restrictions against woodcutting on steep slopes, a list of species to be protected, cutting techniques that optimize natural forest regeneration, or restrictions on size and age of species to be harvested to help optimize the economic value that can be derived from the nation's forests. In the urban landscape they may include air quality, sewer system and treatment plant standards. More local jurisdictions would be obligated to follow these nationally set standards with the option of including standards of their own that could be stricter, but could not violate the minimum set at the national level.

There is also an ecosystem-scale logic that may dictate the lowest political-administrative level that decentralization of environmental powers can take. River systems, watersheds, migrating wildlife, nomadic pastoralist livelihoods, and trans-boundary pollution events cannot solely be managed from the most local level. Some form of higher-level coordination and planning is called for. There are, nevertheless, many decisions over the management and use of nature that can be devolved to the domain of individual rights, local governments, etc.

23 See principle 10 of the Rio declaration. This principle could be very powerful in combination with a nested minimum environmental standards approach in which central governments set the *minimum* requirements for environmental management and use. Local government must meet or surpass these standards. The standards allow for a variety of activities that have minimum negative effect without any controls. Activities that have impacts require some actions to minimize them. Manage-

ment plans and other such tools are not necessary unless major actions that absolutely require them are undertaken.

24 Ribot 1999.

25 Joshi (personal communication, IDS, Sussex, 1999).

26 Shivaramakrishnan 2000:431.

27 Graziani and Burnham 2001:3.

28 “What strikes one immediately when reading the detailed texts relating to community forests in the [Cameroon’s] 1994 Forestry Law, is the complexity of the procedures that communities must negotiate, and it seems doubtful whether, without outside technical assistance, a rural community could ever pass through them successfully” (Graziani and Burnham 2001:15).

29 Ribot 1999.

30 Ribot 1999a; Delnooz 1999.

31 In natural resource management in Africa it has been a long-standing practice of governments to represent local populations as if they are ignorant and unable to manage their resources. However, this has been well challenged over the past two decades (see Ostrom 1990; Peluso 1992; Fairhead and Leach 1996 among many others). Nevertheless, the arguments that local people are unable to manage local environmental resources is still very common (Ribot 1999). This argument was presented to me by the director of Mali’s Environment Service as recently as November 2000. Such attitudes are widespread and represent a major obstacle to rethinking the vertical distribution of powers over nature.

32 Ribot 1999, Fairhead and Leach 1998, Tiffen, Mortimore and Gichuki 1994, Cappon and Lind 2000.

33 “Most often it is argued that until there has been a marked improvement in Local Government capacities and institutional practices, they will fail to respond to needs expressed by their constituencies, will tend to neglect national policy priorities and, in the main, behave in unaccountable and inefficient ways.” But important research in Uganda has made it “...increasingly evident that Local Government performance is greatly dependent on and is actually being constrained by inability of central government agencies and their donor partners to deliver on their mandated responsibilities.” (Onyach-Olaa and Porter 2000:3.) In short, local government performance may be more a function of Central Government and Donor accountability than local capacity per se.

34 Murombedzi 1998; cf. Fairhead and Leach 1996.

35 Ribot 1995.

36 Many donor agencies and governments engage NGOs before establishing local governments as an alternative to local government representation. This practice could be detrimental to establishing empowered local government because it may take away public powers that would otherwise be within the local government’s domain. Similarly, when administrative bodies serve and act as representatives of local people this can undermine the legitimacy of local representatives by competing with or taking away their role. This set of issues requires more reflection. Some might argue that such competition is what increases efficiency, but that is not clear (cf. Tandler 2000; Onyach-Olaa and Porter 1999).

37 Mandondo 2000.

38 Some other non-electoral mechanisms for increasing local or downward accountability—of elected or any other local actors—include: procedures for recall; referenda; legal recourse through courts; third party monitoring by media, NGOs or independently elected controllers; auditing and evaluation; political pressures and lobbying by associations and associative movements; providing of information

on roles and obligations of government by the media and NGOs; public reporting requirements for governments; education; embeddedness of leaders in their community; belief systems of leaders and their communities; civic dedication and pride of leaders; performance awards; widespread participation; social movements; threats of social unrest and resistance; central state oversight of local government; and taxation. Although long, this is not an exhaustive list. All these mechanisms can contribute to local accountability. These are all discussed further in Ribot 1999 and 2001, and in Agrawal and Ribot 1999.

39 Etoungou 2001; Namara 2001; Oyugi 2000:7-8; Ribot 1999; Schroeder 1999.

40 Oversight may be needed, but it should be at a distance and it should be to assure local action is within the law and not to approve every decision and move that local authorities make. To date, it appears that very few, if any, local authorities have freedom from such strict administrative oversight in the environmental domain.

41 Bates 1981; Ribot 1993; Yates 1996.

42 In Nepal, revenues from natural resource management have been used to support healthcare and education (personal communication, Jon Anderson, December 2000).

43 Bigombe Logo 2001.

44 Namara 2001; Kanyesigye 2001.

45 Conyers (1990:30) points out that “it is frequently argued that decentralization should not take place until the necessary capacity exists; but this tends to be a ‘chicken and egg’ type of argument, since more often than not it is only the pressure of decentralization which motivates the action necessary to improve capacity—and motivates the existing staff and the local level to recognize their own potential and demonstrate their real abilities.”

Ahwoi (2000:4) lists lack of adequately trained human resources as a local government problem in Ghana. The argument that powers cannot be devolved without the capacity and the resources to receive them is common and may well be specious (Clauzel 1995:49; Oyugi 2000:10; Ribot 1996). But, as Conyers (1990:30) and Fiszbein (1997) indicate the relation between the ability to receive power and local capacity is not unilinear. The ‘capacity’ argument is often evoked to avoid transferring powers or reducing the degree of *tutelle* or oversight. But it appears that capacity can follow power.

46 Brown 1999; Ribot 1999; Fairhead and Leach 1996.

47 Local environmental decisions must conform with certain nationally set minimum standards. Some of these may be technically complex or require skill to interpret or apply. But, before asking whether local people have the technical capacities, the first question is whether these standards are necessary or overly complex. In forestry in the Sahelian countries, for example, most of the environmental planning requirements are not needed (Ribot 1999b). The complex planning requirements are used as an excuse to allow the Forestry Service to maintain control over commercial forestry.

Claims that technical management or skills are needed are often argued on specious ‘scientific’ grounds. These cannot easily be challenged by local governments or local people. Minimum sets of standards must be identified through independent research and public debate. The agencies directly involved may have too much of an interest in maintaining excessive requirements. Local democracy involves the risk of allowing local people to make their own decisions—within some *minimum* set of guidelines—even when the outcomes are not optimal from a central government perspective.

