

**RFGI WORKING PAPER No. 34**

**Responsive Forest Governance Initiative (RFGI)**  
Supporting Resilient Forest Livelihoods  
through Local Representation

# **RFGI Handbook I**

## **Leveraging Local Democracy through Forestry**

**Field Testing Version**



**Jesse Ribot**

RFGI Handbook I  
Leveraging Local Democracy through Forestry

## **Responsive Forest Governance Initiative (RFGI) Research Programme**

The Responsive Forest Governance Initiative (RFGI) is a research and training program focused on environmental governance in Africa. RFGI is jointly managed by the Council for the Development of Social Science Research in Africa (CODESRIA), the International Union for the Conservation of Nature (IUCN) and the Social Dimensions of Environmental Policy (SDEP) Program of the University of Illinois at Urbana Champaign (UIUC). RFGI was generously supported by the Swedish International Development Agency (SIDA). RFGI has focused on local representation in climate adaptation and mitigation in the forestry sector in Burkina Faso, Cameroon, the Democratic Republic of Congo, Ghana, Kenya, Mozambique, Nigeria, Senegal, South Sudan, Tanzania, and Uganda, with comparative cases in Nepal and Peru. The initiative trained young, in-country policy researchers so as to build an Africa-wide network of environmental governance analysts. The present handbook is a product of phase one of RFGI that conducted field research and analysis from 2011 until 2015.

Nations worldwide have introduced democratic decentralization reforms. Such reforms aim to make local government responsive and accountable to the needs and aspirations of citizens so as to improve equity, service delivery and resource management. The decentralization of natural resource management, particularly of forests, is a significant development, since these provide local governments and local people with needed revenue, wealth, and subsistence. Responsive local governments can provide forest-dependent populations with the flexibility they need to manage, adapt to and remain resilient in their changing environment. RFGI aims to enhance and help institutionalize widespread responsive and accountable government, by which we mean representative, local governance processes that reduce vulnerability, enhance local wellbeing, and improve forest management. RFGI places special emphasis on developing guidelines to ensure fair and equitable implementation of forest management and use, natural resource management and use, and on such programs as the Reduced Emissions from Deforestation and Forest Degradation (REDD+) and other climate-adaptation interventions.

Fair and sustainable natural resource management will require permanent local representative institutions that can integrate local needs with national and international objectives. This document uses the results from RFGI reflections and research to outline project and policy guidance to help achieve this goal.

# RFGI Working Paper Series Editors' Note

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James Murombedzi, Jesse Ribot  
and Gretchen Walters

Struggles for control over and access to nature and natural resources; struggles over land, forests, pastures and fisheries, are struggles for survival, self determination, and meaning. Natural resources are central to rural lives and livelihoods: they provide the material resources for survival, security, and freedom. To engage in the world requires assets that enable individuals, households, and communities to act in and on the world around them. The ability to accumulate assets and the ability to access government and market services depends partly on such resources along with the political-economic infrastructure – rights, recourse, representation, markets, and social services – that are the domain of government. Democracy, which both enables and requires the freedom to act, is predicated on these assets and infrastructures. Since the 1980s, African governments have been implementing local government decentralization reforms aimed at making local government more democratic by making them responsive and accountable to citizen needs and aspirations; in many places this has been done through a decentralisation of natural resource governance to local administrations. In order to be responsive to individual, household and community demands, local governments, too, need resources and decision-making powers. There must be a public domain – a set of public resources, such as forests or fisheries, which constitute this domain of democracy, the domain of decisions and services that citizens can demand of government. Natural resources, when decentralized into the domain of local authority, form an important part of the resources of individuals, households, communities and governments, making possible this move toward local democracy.



Natural resources provide local governments and people with wealth and subsistence. While nature is not the only source of rural income, the decentralization of natural resources governance is a core component of local government reform. However, governance reforms have been implemented in a context broadly characterized by an enduring crisis of the Western economic and financial systems, which in turn has stimulated privatization and liberalization in every sphere of life, including nature. The process has deprived local governments of public resources – depriving individuals and communities of a reason to engage, as a powerless government is not worth trying to influence. Privatization is depriving forest-dependent peoples of their access to formerly ‘public’ or traditionally managed resources. National governments, as well as international bodies such as the United Nations programme, titled the Reducing Emissions from Deforestation and forest Degradation (REDD), further this trend as they collaborate with private interests to promote the privatization of natural resources. The resulting enclosures threaten the wellbeing of resource-dependent populations and the viability of democratic reforms.

The specter of climate change is deepening the crisis of enclosure. A key response to climate change has been the attempt to mitigate greenhouse gas emissions through enhancing the capacity of forests in the developing world to store carbon, ostensibly for the benefit of the atmosphere as well as the communities who use these forests. UN REDD seeks to pay communities, through their national governments, to conserve their forests as carbon storage. A plus ‘+’ was added to REDD, forming REDD +, to call for improved ecosystems services, forest management, conservation, forest restoration and afforestation to enhance the capacity for carbon storage. Designed on the basis of similar payments for environmental services (PES) schemes, REDD+ has the potential to inject vast new sums of money into local resource use and governance. In the context of fragile local governments, nascent democracies and powerful private interests, such cash inflows result in the commercialization and privatization of forests and natural resources and the dispossession of local resource users. This financialization of natural resources grossly diminishes the scope for democratic natural resource governance schemes. To be sure, the implementation of REDD+ can also learn from and avoid the pitfalls experienced in these PES schemes, especially if they represent local interests in natural resource governance decision making.

The Responsive Forest Governance Initiative (RFGI) is an Africa-wide environmental-governance research and training program focusing on enabling responsive and accountable decentralization to strengthen the representation of forest-based rural people in local-government decision making. Since January

2012, the programme has carried out 33 case studies in 12 African countries, with comparative cases Nepal and Peru, to assess the conditions under which central authorities devolve forest management and use decisions to local government, and the conditions that enable local government to engage in sound, equitable and pro-poor forest management. Aimed at enabling local government to play an integrative role in rural development and natural resource management, these case studies are now being finalized and published to elicit public discourse and debate on local government and local democracy. This Working Paper series will publish the RFGI case studies as well as other comparative studies of decentralized natural resources governance in Africa and elsewhere that focus on the intersection between local democracy and natural resource management schemes. Using the concepts of institutional choice and recognition, the cases deal with a comprehensive range of issues in decentralized forest management in the context of REDD+, including the institutional choices of intervening agencies; the effects of such choices on accountability and representation; and the relationships between local government and other local institutions. The series will also include syntheses discussing the main findings of the RFGI research programme.

Based at CODESRIA, and funded by the Swedish International Development Agency (SIDA), the RFGI is a three year collaborative initiative of CODESRIA, the University of Illinois at Urbana-Champaign (UIUC) and the International Union for Conservation of Nature (IUCN). RFGI working papers and documents, including the background papers, the RFGI programme description, and the RFGI Methods Handbook, can be found on line at:

- <http://www.codesria.org/spip.php>,
- <https://www.iucn.org/theme/forests/our-work/locally-controlled-forests/responsive-forest-governance-initiative>
- <https://sdep.earth.illinois.edu/programs/democracyenvironment.aspx>

**RFGI is a program of:** The Council for the Development of Social Science Research in Africa (CODESRIA), International Union for the Conservation of Nature (IUCN) Regional Offices for West and Central Africa (PACO), Eastern and Southern Africa (ESARO) and University of Illinois at Urbana-Champaign (UIUC).

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The Council for the Development of Social Science Research in Africa (CODESRIA) is an independent organisation whose principal objectives are to facilitate research, promote research-based publishing and create multiple forums geared towards the exchange of views and information among African researchers. All these are aimed at reducing the fragmentation of research in the continent through the creation of thematic research networks that cut across linguistic and regional boundaries.

CODESRIA publishes *Africa Development*, the longest standing Africa based social science journal; *Afrika Zamani*, a journal of history; the *African Sociological Review*; the *African Journal of International Affairs*; *Africa Review of Books* and the *Journal of Higher Education in Africa*. The Council also co-publishes the *Africa Media Review*; *Identity, Culture and Politics: An Afro-Asian Dialogue*; *The African Anthropologist*; *Journal of African Transformation*, *Méthod(e): African Review of Social Sciences Methodology*, and the *Afro-Arab Selections for Social Sciences*. The results of its research and other activities are also disseminated through its Working Paper Series, Green Book Series, Monograph Series, Book Series, Policy Briefs and the *CODESRIA Bulletin*. Select CODESRIA publications are also accessible online at [www.codesria.org](http://www.codesria.org)

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# Executive Summary

## Introduction

The Responsive Forest Governance Initiative (RFGI) has developed this RFGI Handbook I, ‘Leveraging Local Democracy’ and the RFGI Handbook II ‘Bringing improved natural resource governance into practice: an Action Learning handbook for Sub-Saharan Africa’<sup>1</sup> (by IUCN), to enable donors, policy makers, practitioners and environmentalists to support local democracy as they design and implement forestry, REDD+, adaptation and other natural resource management interventions. This executive summary and policy brief condenses RFGI’s principles of democratic forest governance and recommendations for a policy audience from RFGI Handbook I. The principles, recommendations, and assessment tools presented in this handbook are derived from RFGI studies on forestry policies and project implementation in eleven sub-Saharan African countries: Burkina Faso, Cameroon, the Democratic Republic of Congo, Ghana, Kenya, Mozambique, Nigeria, Senegal, South Sudan, Tanzania and Uganda, with comparative cases in Nepal and Bolivia. The RFGI research working papers are listed in Annex F and available online. Supporting local democracy in forestry is crucial to enhancing social wellbeing. Democracy helps ensure that forestry interventions respond to local needs and aspirations, and can have long-term sustainability, scalability, equity and efficiency benefits. And yet, despite participatory and democratic objectives of forestry policies and projects, most public decisions in forestry are centralized; local democratic authorities are not allowed to influence forest management or use. Central forestry authorities often rely on trained foresters or hire outside experts to determine what should happen to forest resources, but these forestry professionals are usually ignorant of local priorities. They are also accountable to the central authorities rather than to the local people who live in and around forests. Elected local representatives make few forest management decisions of importance to local people’s livelihoods.

Other non-representative institutions involved in forest management, such as customary chiefs, non-governmental organizations, and private bodies, also often make important forestry decisions about public local natural resources that affect their local livelihoods. These authorities operate in parallel to, but rarely with, elected local governments. Despite being designed to be representative of local people, elected local government is rarely involved. Indeed, many intervening agents (including donors, government agents, and project designers and staff) lack the skill and training to identify and support democratic local government or democratic practice in their projects. Yet, sustainable forest management and use efforts such as biodiversity conservation, sustainable forestry, carbon forestry (such as REDD+), agroforestry, and alternatives to shifting cultivation programs require a conscious approach that takes democratic principles into account.

Ensuring democratic local decision making in forestry involves transferring the public decisions over forest management to representative locally elected governments. To effect a transfer to these authorities means identifying the appropriate powers to be exercised locally and identifying the higher-level and parallel authorities that currently hold these powers, so that they can be moved from these institutions to local representatives. These essential transfers will require administrative orders, new regulations and legislation and support from intervening agencies to ensure that local elected authorities have sufficient and meaningful powers (decisions and resources) to respond to local needs and aspirations regarding forestry. The identification of public powers in the forestry sector and the attempt to move these powers to where they belong (with democratic local leaders) cannot be achieved without a clear understanding of what democracy is and how it works. Donors, environmental and development practitioners and other intervening agents in forestry projects should be encouraged and assisted to develop consistently democratic practices in all aspects of their work. If, as is all too common, intervening agents do not know what democracy is and how it works, they will be unsure of how to identify and support it. This handbook provides them with tools to help them assess local democracy in forest-related decision making as well as clear methods to systematically support and increase it. Working with local democracy can strengthen local participation in forestry decisions so as to make them more efficient, more equitable, and more sustainable. By working with local democratic institutions forestry can also support the consolidation and building of local democracy. Forestry and other environmental interventions that do not support local democracy, however, are likely to damage it.

This Responsive Forest Governance Initiative Handbook defines basic democratic concepts and explains how democratic governance works. It then lays out responsive

forest governance principles to be used when working with local government, parallel organizations, and citizens. Finally, the handbook provides two assessment tools. The first, the Preliminary Institutional Landscape Assessment (PILA) is presented in the body of the handbook. The PILA is an abridged version of RFGI's more comprehensive evaluative instrument, the Local Environmental Governance Assessment (LEGA), which is provided in Annex A. The PILA is easily carried out by anyone involved in a potential forestry intervention, whether or not they are on site. While it should always be regarded as preliminary, the PILA (1) provides intervening agents with a basic sense of the level and nature of democratic practice that exists in their intervention area and (2) enables them to make initial observations about how their project design could support democracy. The PILA also helps pinpoint the crucial elements of democracy that intervening agents should consider and clarify before proceeding with an intervention. The RFGI Handbook strongly recommends carrying out the PILA only as a first cut prior to conducting a more thorough assessment, the LEGA, which requires a site visit and a team of researchers.

This handbook is aimed at a general audience of practitioners, policy makers, activists, and students. It is designed to be used as a basic text in policy maker workshops and practitioner training courses and to guide policy and project assessments in the field. Policymakers and practitioners with more experience will be able to use this as a policy and project design tool and to guide implementation in project sites.

## What is Local Democracy

In order to support democracy, intervening agents must have a clear understanding of what democracy is and know how to analyse its basic elements. The elemental concepts of democracy are: responsiveness, representation, democracy, accountability, public domain, and citizenship.

1. **Responsiveness** of leaders to the people is the outcome that democracy aims to accomplish – decisions that *respond* to local needs and aspirations.
2. **Representation** is the responsiveness of leaders to the people. When leaders are *responsive* to citizens, their decisions represent or reflect the aspirations and needs of the people.
3. **Democracy** is in place when leaders are *accountable* to the people. This accountability to the people generates democratic representation. Note that leaders can be responsive and can represent people without being accountable; but this is not democratic representation, rather, it is called benign dictatorship.
4. **Accountability** is the ability to sanction someone for their actions – to reward or to punish them (by voting, by protesting, by taking them to court, etc.).



Democratic accountability ('downward accountability' to the people) is when the people can sanction leaders for their actions. Accountability is what ensures that leaders are and remain responsive.

5. **Public Domain** is the set of powers that are under public authority. These are the powers of government (executive, legislative, and judicial). These powers constitute the space of democracy – the matters over which democratic authorities or leaders decide, and on which they are accountable to citizens.
6. **Citizens** are people who are empowered to influence their leaders – who can sanction them or hold them accountable. *Citizenship* is the power to demand that leaders respond to peoples' needs. Without this power of sanction, people under a given authority are mere subjects.

In short, democratic representation is in place when *leaders are accountable and responsive* to the people. Thus the components of local democratic representation are: authorities (or leaders) who hold significant and meaningful public powers (that make up a public domain) and who can be held accountable by and to the people (or citizens) of the jurisdiction in which they govern.

### **Democratic Decentralization and Natural Resource Management**

Democratic decentralization reforms have established elected local governments in most nations of the global south. But many of these elected local governments cannot really be called democratic. Most often, they lack either the power to be responsive to local people or the accountability that would drive that responsiveness. When elected local governments are empowered, our research finds that they tend to be upwardly accountable to donors, international NGOs or to central government. When they are downwardly accountable to local people, they are usually deprived of sufficient power to act. Of course, downward accountability without power is empty and ineffective, and power without downward accountability is autocracy or imposed management. Neither can be called local democracy. Democratic authorities must be both empowered and accountable.

If empowered and made accountable to the people, elected local governments are a potential home for participatory and democratic approaches promoted by many natural resource programs and projects. Because local governments are permanent local institutions, rather than temporary project-based committees or NGOs, they are sustainable – they endure over time. Because local governments exist everywhere inside national territories, they can be the basis of the scaling-up of participation through this scaled-up democratic representation.

This handbook aims to be useful in areas where elected local governments exist; today that includes most parts of most nations of the world. The principles of responsive forest governance, guidelines, and case examples laid out in the following chapters promote sustainable and institutionalized local participation in the form of local democracy. Naturally, the principles of democracy can be applied at any scale and in many institutions. Nevertheless, this handbook focuses on their reinforcement in elected local governments. The objective of this handbook is to help natural resource management and protection agents to support laws, programs and projects that merge empowerment and downward accountability within elected local authorities.

## **The Principles of Responsive Forest Governance**

The assessment tools and discussion provided in the handbook are based on principles from the literature on democracy and democratic decentralization and insights from RFGI case studies. They are designed to guide support for democracy in forest interventions.

### ***Orienting Principles***

- *Educate Policy Makers, Government Officials and Agents, Development Practitioners, Environmentalists, and Donors about Local Democracy.* Intervening agents must use this handbook and many other sources (see Annex F) to learn what democratic representation is, what its basic parts are and how it works, so that they can support it. Intervening agents should not assume that they know what democracy is, what it involves, or why democracy is relevant to sustainable forest and natural resource management.
- *Foster Social Sustainability.* If local people do not feel that a law, program or project is just, they may not engage with it and are more likely to resist or sabotage its implementation. Giving local democratic representatives serious negotiating powers over law, program and project decisions will help make these interventions locally relevant, legitimate, welcomed, and therefore socially sustainable.

### ***Principles for Working with Elected Local Government***

- *Choose Democracy.* Choose to place public decisions with decision makers who are accountable and responsive to local citizens. Therefore, where it exists, projects must work through elected local democratic government. When local governments exist but are not democratic, work to make them democratic.

- *Strengthen Local Democracy Where it is Poorly Constituted.* Do not circumvent poorly constituted or corrupt local governments. Where local governments are weak or unaccountable, strengthen them and make them accountable. Where local governments are corrupt, fight corruption. Do not assume that local governments are any more corrupt or less efficient than ‘parallel institutions’ such as NGOs, customary chiefs, village committees, private companies or central governments.
- *Provide Power to Democracy.* Ensure that democratic local authorities have sufficient and relevant decision-making powers and means so that they are able to be responsive to local needs and aspirations. The powers held by local democratic leaders constitute the local public domain of democracy; there is no democracy without them.
- *Give Local Democratic Authorities the Powers to Negotiate with External and Higher-level Actors.* To represent citizens and to negotiate effectively, democratic authorities need to have the right of refusal: the right to say ‘no’ (or ‘yes’) to outside interventions. The right of refusal (or acceptance) is a foundational element of fair negotiation.
- *Do not Treat Elected Local Governments as Mere Implementing or Service-delivery Agencies.* The power to deliver services that people need or demand is part of democracy. The power to deliver pre-determined services prescribed by projects or by higher levels of government is not democracy. To be responsive, local authorities need the power to deliver services that they choose. They cannot be responsive if the services to be delivered have been prescribed by higher authorities. They are not democratic if they are only given the power to implement an outside agenda without the power to respond to what local people want and need.
- *Make Democratic Authority Accountable to Citizens.* Elections alone are never sufficient to ensure accountability. Use multiple means, in addition to elections, to keep democratic authorities accountable and their activities transparent. (A full discussion of accountability mechanisms is provided in Annex B.)

### ***Principles for Working with Parallel Authorities***

- *Keep Customary Authorities, NGOs and Private Bodies Focused on Private Decisions of and for their Groups.* Parallel actors such as indigenous leaders and chiefs, NGOs and corporations have many important roles within society. But in a democratic system they do not make public decisions except where

they have been elected to do so or where democratically elected leaders have delegated decision-making powers to them.

- *Promote Equity.* When working outside of local government, systematically engage with local organizations representing all classes, genders, orientations, castes, ethnicities, and ages. Level the playing field through practices and policies that affirmatively favour the poor, women, and other marginalized classes and groups.
- *Place Public Decision in the Hands of Local Democratic Government.* Local public decisions belong with local democratic government. When working on public decisions with groups or individuals outside elected local government, these parties should operate under the authority of or through delegation by a local democratic authority.

### ***Principles for Working with Citizens***

- *Inform Local People of their Rights and Powers.* Let local people know: which decisions are public; which powers their local authorities hold; how local authorities use them; what services local authorities can deliver; what means of accountability they are able to exercise; and how they can access those means.
- *Empower Local People to Sanction (i.e. Punish and Reward) Government.* Support the right and provide the means for local people to influence and hold accountable the authorities that govern them. These means should be made available to all residents of the use area or jurisdiction where the natural resources under consideration are located.

With the above principles in mind and an understanding of the components of local democracy, forestry project or policy designers and practitioners can begin the Preliminary Institutional Landscape Assessment. The PILA opens with questions to help intervening agents to identify ways of supporting local democracy through their interventions:

- Does your project support the RFGI Principles?
- What would your projects or programs do differently were you to re-design and implement using RFGI principles?

More specifically, project designers, practitioners and evaluators must conduct self-evaluations to ask:

- Are the leaders you intend to work with, or are working with, democratic?
  - o Do they have sufficient and meaningful powers:

- o Are these powers locally meaningful: do they relate to key forest management decisions of importance to local people?
  - o Are these powers sufficient: are the powers enough to say ‘yes’ or ‘no’ to outsiders concerning decisions being made? Are they enough to respond to local needs and aspirations?
  - o Do they have sufficient decision-making discretion and resources to be flexibly responsive to their citizens?
- o Are they systematically accountable to the people?
  - o Through what means do they share information?
  - o Through what means can they be rewarded or punished by the people of their jurisdiction?
- Are all local people empowered as citizens with the appropriate and sufficient means to hold their leaders accountable?
  - o Are multiple means of holding leaders accountable in place?
  - o Are these accountability means known to citizens?
  - o Are accountability means accessible to the full array of residents of the jurisdiction of the forest in question? Can marginal groups use them with the same effectiveness as others?

Thoughtfully evaluating the answers to these and other questions will help policy makers and project personnel to better design, implement and evaluate democratic forest management policies and interventions. They can also help activists or local populations to evaluate and rethink the degree to which their own local institutions are democratic. These questions aim to enable practitioners to (1) assess whether their project supports RFGI principles and, if not, (2) to imagine what they would do differently if their project were designed using the principles outlined in this handbook.

### **RFGI Recommendations**

This RFGI handbook recommends that intervening agents strengthen democratic local government. The recommendations involve *expanding the public domain and making elected local government more accountable to the people*. To do this RFGI recommends that policy makers and intervening agents working on natural resource management:

- *Build the public domain*: place the powers that should be public under the authority of elected local government.
  - o Transfer decision-making powers that are public to local elected governments

- o Take them from line ministries that resist democratic decentralization
- o Take them from parallel institutions that presently exercise these public powers
- o Place parallel institutions that exercise public powers under the authority of elected local government (by supervision or delegation).
- *Make elected local authorities more accountable to the people.*
  - o Apply multiple accountability measures outlined in the document
  - o Enable people to act as citizens making the exercise of accountability available to all local people.

How to achieve these goals? The identification of public powers (executive, legislative, judicial) in the forestry sector is a political project of determining those powers that should be under local public control. Identification can be guided by principles of appropriate distribution of powers, called ‘subsidiarity’ principles, outlined in the handbook. Many of these powers are centralized based on false technical arguments made by forest services that prevent local authorities from making decisions over the uses of forests. To counter this common situation requires counter-experts who are versed in forestry but who are not beholden to the command-and-control culture of forestry. Their transfer to representative local authorities requires the identification of where these powers are currently held in line ministries and in parallel authorities. Democratizing forest governance requires legislative action and practices that then move these powers into the domain of democratic local government – so that local elected authorities have sufficient and meaningful powers with which they can respond to local needs and aspirations with respect to forestry. Local people must be enabled to hold their elected leaders accountable.

### **Site-specific Solutions**

Obviously, achieving democratic decentralization in forestry is not easy and there is no simple formula for accomplishing it. The rich and powerful rarely give up their wealth and power voluntarily. However some changes in who holds power have to happen if forest management and use are to be democratized under elected local government, as decentralization reform mandates. There will be resistance at every step. That is normal. The challenge is to continue to work for democratic decentralization of forest resources in the face of central authorities, powerful line ministries and parallel authorities who do not want to give up their privileges, even when discourses of



decentralization indicates they will and laws demands them to. They certainly will not do so just because intervening environment or development agents ask them to. But each time pro-democratic policy makers or practitioners intervene in forestry, they can insist that the public decisions made in the local arena be under the jurisdiction of local democratic elected government and that their powers be exercised with checks and balances that ensure accountability to local citizens.

All projects are unavoidably political and embedded in many layers of interest particular to each intervention site and country. Practitioners will need persistence and sensitivity to develop locally appropriate and creative strategies for supporting and increasing democracy. Intervening agents must always remember that no project site is exactly like another; there is too much variation from place to place to say exactly how any practitioner must achieve democratic outcomes. Besides, democratic outcomes are not achieved once and for all. They are a continuous struggle; they come and go. However they are more durable when the institutional arrangements, empowered local elected democratic authorities and aware and empowered citizens, are in place to fight for these outcomes. This is why the handbook offers recommendations and actionable principles rather than prescriptions. Methodical and persistent application of RFGI principles should result in more and more durable democracy and democratic outcomes, and in more sustainable forest management in the long run.

## **Content of the RFGI Handbook**

The RFGI Handbook is organized into three parts. The 'Introduction' lays out why, how and where the RFGI Handbook is relevant and applicable. The second section, 'Guiding Principles', elaborates and explains the principles summarized above. These are followed by 'The PILA: A Preliminary Institutional Landscape Assessment Tool' and 'Developing Preliminary Recommendations'. A glossary is provided after the main text and Annex A provides the RFGI's more in-depth assessment method, the Local Environmental Governance Assessment (LEGA), and further guidance for those who wish to develop their understanding of democratic practice and of democracy-related issues in forest management.

Note that the IUCN's RFGI Handbook II, the Action Learning Handbook, is a separate document that is aimed at forest villagers' better understanding of the same forest governance issues that are discussed in this Handbook I. There is also a 'Policy Brief' version of this Executive Summary in Annex G.

# I

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## Introduction

REDD [Reduced Emissions from Deforestation and forest Degradation] opens up political space to address questions of governance, corruption, land tenure and the rights of indigenous peoples. If REDD is to succeed, it will have to progress on these complex political and social problems.

Korina Horta 2009:3

Forestry interventions on public lands affect public values, public decisions, local institutions and local democracy. The RFGI Handbook is about promoting public interest represented through democratic processes concerning public forest resources. This introduction outlines who should be interested in this handbook, where it applies, why local people's interests must be protected, and why environmentalists should care about local democracy when making interventions. By addressing why RFGI issues matter to different groups, this section outlines many of the principles on which the Handbook is based.

### **The RFGI Handbook – Who are the Users?**

Designing interventions without a solid grasp of democratic principles and without sufficient local knowledge is irresponsible. Yet RFGI research shows that many practitioners do not know how to define democracy or structure democratic interventions (Mbeche 2015; Nuesiri 2015; Marfo 2015; Baruah 2015). This handbook is aimed at the wide range of people involved in the design, implementation, monitoring, and evaluation of socially sustainable<sup>2</sup> forest management laws and project interventions. You are the policy makers, professionals, practitioners, activists and researchers concerned with the implementation of equitable, just and sustainable forest management policies, programs and projects.

To use this handbook, you should have some background in local development issues and a desire to understand local political and economic conditions in the area where you hope to intervene. This handbook will help you implement your projects more effectively and in a manner that supports local rights and representation.

### **The RFGI Handbook – To what Resources does it Apply?**

This handbook is applicable to project interventions on forest and natural resource management in decentralized contexts. It is applicable to REDD+<sup>3</sup>, the program to Reduce Emissions from Deforestation and forest Degradation, with added (+) co-benefits to local people, other carbon-forestry programs, other Payment for Ecosystem Services (PES) programs, participatory, co-managed and community-driven forestry, and most forms of forestry and biodiversity conservation interventions popular today.

### **The RFGI Handbook – What is it for?**

Forests are important to local livelihoods, national business and industry, and international trade. They are important to the local, national and international supply of raw materials and ecosystem services, to supporting wildlife and biodiversity conservation, and for carbon storage. Many people have a stake in forest management – from local forest users and farmers to people in the nearby and far-off urban centres who rely on wood fuels, timber, and other raw materials. The rights of these various users, and the decisions they make, affect people and the environment at many levels. Yet too often, local people – along with their knowledge of local contingencies, needs and aspirations – are systematically excluded from decision-making about forests. Their exclusion is unjust and poses a threat to sustainability. If we are to sustain the world's forests, democratic, just and equitable local participation is needed (see discussion of Ethics and Justice in Annex E).

As you design forestry interventions, you should always ask: (1) Who are the various people and groups whose lives and livelihoods are connected to the forests? (2) What are their rights? And (3) how should these rights be represented and balanced in forest management decisions? The guiding principles and assessment tools provided in this handbook are designed to help you, the policy makers and practitioners, pose these questions effectively and use their answers in your policy and project design and work. If you keep our guidelines in mind, your work is

more likely to protect the interests of the poor, marginalized, and other typically under-represented populations who live in and around the world's forests, and your projects are more likely to have long-term sustainable effects (see Box 1: The Expedience of Elite Capture and the Inconvenience of Representation).

**Box 1:** The Expedience of Elite Capture and the Inconvenience of Representation

In the 1990s the government of Ghana initiated a program to involve local population in natural resource management and benefits under the title of Collaborative Resource Management Programs (CRMP). Forestry CRMPs were executed in Community Resource Management Areas (CREMA) under the direction of the Ghanaian Forestry Commission (FC). Forestry CREMAs focus on forests and trees on farmlands and rely on the expertise of the district Forestry Services Divisions for implementation. The guiding documents for these programs called for support from NGOs and civil society (FC 2004a, FC 2008). Thus, local, national and international non-governmental organizations often act as implementing agencies, providing funds, technical support and assistance to CREMAs (FC 2004:14).

Bontori CREMA was established by an Accra-based NGO, Agroforestry and Rural Development (ARD) in 2004. The International Union for the Conservation of Nature (IUCN) facilitated ARD's development and formalization by providing technical and financial support. In Bontori, chiefs are integrated into the administrative structure of the CREMA, partly due to state legal and administrative guidelines that frame the collaborative resource management programs, and also due to donor support for these policies. In addition, local NGOs chosen by ARD to implement the CREMAs also depend on the approval of the traditional elites (the chiefs). The claims of autochthony and the inclusion of chiefs play an important role in legitimizing local NGOs, so NGOs are eager to associate with them. They often use chiefs to help legitimize the creation of their CREMAs. However, despite their local legitimacy, these chiefs' local accountability is questionable; indeed, the chiefs incorporated within the CREMA were later accused of mismanagement and embezzlement.

The international NGOs' and donors' choices of local NGOs to implement the CREMA also helped create a new local elite. These were people with good connections to 'traditional' local elite, the chiefs, and with state administrators and international organizations. Their connections helped them gain access to international funding for projects like the CREMA. This new elite played an important role in promoting privatization. They actively pursued and put in practice privatization via the local NGO, which persuaded the farmers of the advantages of private tree ownership on individual farms and the ownership of revenues derived from them. These arguments were made to help facilitate privatization for REDD+.

While there are elected local governments in these areas, the CREMA process rarely transferred funds, resources or discretionary powers over forestry resources to the local

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government. Existing legal provisions also limited the ability of the elected government to respond to people's needs in the forestry sector. On the other hand, despite claiming that they aim to establish local 'representation', the authorities who are chosen to manage 'community-based forestry' initiatives in the CREMAs are not accountable to local people but rather to donors and traditional authorities.

In this context, under the guise of achieving broad-based local interest and economic development, collaboration of government with NGOs allowed educated, opportunistic and entrepreneurial individuals, a 'new elite' to dominate the decision-making processes to serve collective private interest and advance the underlying agenda of the state to secure the tree resource base. The NGOs such as IUCN are also supportive of private tree ownership through CREMAs as they fit into their broader forest management approach and are policy oriented towards REDD+. In the end, the only village residents who were aware of the CREMA or its agendas were the members of CRMC and their relatives and friends.

In the context of elected local governments and national line ministries, why do the international NGOs choose to circumvent these representative local authorities to the benefit of a new and narrow local elite? The international NGOs are also well aware of the representation issues within the CREMA, but as one IUCN representative said "the process of identifying such representatives is time consuming" (interview by Baruah, 4 July 2012). They said that ensuring adequate democratic representation in institutions like CREMA, with multiple user groups and traditional authorities, was resource-intensive and complex. So, they gave a list of stakeholder categories to community liaisons for representation in meetings and forums.

Another NGO staff member said "Good representation is important, but as organizers we are often concerned about whether the representatives have the capacity to participate in the dialogue, whether they can relay the messages to their communities. Representatives also bring their own biases, sometimes come without any preparation on the agendas they should bring to the discussion, so most often the process of stakeholder identification just becomes a formality. It is too time consuming to follow procedure, we have to stick to deadlines and goals." (NGO Official 1, Wassa Amenfi West District, Ghana, 4 July 2012.)

So, donors and implementing NGOs like IUCN are well aware of the undemocratic process through which the committee members are selected. Nevertheless, they choose not to interfere in community decision-making processes. They do so because they must be 'sticking to deadlines and goals'. Through non-interference, the Forest Department and NGOs supporting the establishment of CREMAs prioritize their instrumental objectives of implementation over the processes of representation and inclusion.

As one District Forestry official said: "We leave it to the community. Participants are either elected or nominated to represent their communities in their own way but they also have the duty to report back to the people. There is a need for checks and balances, and institutionalized and regularized feedback mechanism. But there are costs related to

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keeping a check.” (Government Official 6, Forestry Services Division, Wassa Amenfi West District, Ghana, 6 July 2012.) Here, the Forestry Department is putting the responsibility of ‘accountability’ and responsiveness on the shoulders of the people, in a context where they do not have the choice to select their own representatives.

The arrangements put in place by ARD and the Forest Service allowed local elites to monopolize the CREMA decision-making processes. When the same NGO staff was asked about the ‘continuity of existing representatives’ and its implications for a few people monopolizing the process, the response was that ‘there is not much perceived value among the population on attending meetings on forests or environment related issues, so it is the ‘interested’ ones who attend these meetings’. Indeed, many CREMA residents are unaware of the project and are never included in the local CREMA decision-making process. So, they do not have a basis to know if they are interested or not. Further, society is always filled with people who lack the knowledge and time to engage in all issues. This is why we have representatives, so that voice does not just come from those with knowledge and time. Public resources belong to the whole public, even to those that do not use them or know about them. Even those who are ‘not interested’ have rights in public spaces and public resources regardless of whether their livelihoods depend on them directly or indirectly.

The irony of this story is that the basic reason to work with representative authorities such as local government is so that those not interested or who do not have the time and knowledge in a particular public problem do not have to spend their time worrying about it. Representative government allows them to elect someone to represent them (Schumpeter 1944). This way they delegate governing to someone who can dedicate themselves to a whole range of issues that most individuals are not directly concerned with. But, in the CREMA, the uninterested parties are not represented at all.

Source: Baruah 2015.

## **The RFGI Handbook – Why Focus on Local Democracy?**

Although many of the claims to forests and their resources are driven by global civil society, international governing authorities and global market forces, local people are physically the closest to these natural resources. They depend on forests for their livelihoods, and use and manage the land where forest resources are found.

Thus, the people most directly affected by forest management interventions are the local forest-dependent populations. However while they may have the longest-standing claims to forest resources or the most immediate dependence on these forests, they often have little say in the setting of local, national or international priorities imposed on these forests. Local forest users are typically very poorly represented in forestry decisions and in most cases, forest resources are legally,



extra-legally, non-legally, or illegally controlled, managed and used by local elites and higher-level actors.<sup>4</sup>

In forestry, priorities are set and programs are developed with little local control, and local people are expected to comply (Nuesiri 2015; Oyono 2015; Mbeche 2015; Walters 2015; Baruah 2015). In many cases local people are not even consulted (Mbeche 2015). In some cases they are consulted on only the most minor details of forest management and use. In cases where they are more fully consulted, their demands are not binding and their positions can be ignored. Local people's claims (what they would consider their rights regarding the forests, the natural resources they produce, and the land upon which forests grow) may have little weight in the face of national and international objectives, interests, and laws. Indeed, their rights, even those rights recognized by national and international law, are often ignored and overridden by implementing agents and by environmental projects, as well as by commercial interests and illegal users both in and outside of government (Baruah 2015; Faye 2015a; Jusrut 2015; Hiraldo 2015). Yet non-democratic control of forest resources leads to conflict among diverse claimants. Representation of local interests is essential if forest management and use interventions are to be just and sustainable and if they are to lead to cooperation between actors rather than to conflict.

People interested in forest conservation should know two things. First, local people's input can be invaluable to your project's success. They have knowledge that can be useful to conservation, wellbeing, and development priorities.<sup>5</sup> Second, when their needs and interests are not respected, local people can sabotage and undermine externally imposed forest management priorities, driving up costs and driving down intervention effectiveness (Mandondo 2015; Kijazi 2015; Nakangu 2012). Democratic local leverage in decision making can mobilize their knowledge and gain their support. It also provides channels for local people to fight the dynamics that exclude them from decision making and from benefits. This handbook will help you to support local democracy so that the benefits of local input may support both local aspirations and project goals. It is also designed to help rework project goals when they conflict with local needs and aspirations. (Cf Box 1, above.)

## **The RFGI Handbook – What Evidence of Need have we Observed in Practice?**

RFGI research has identified many ways that democratic representation shapes forest management and vice versa. There are too diverse to discuss fully here, but many of our findings are presented in detail in the RFGI working paper series

(Annex F). This section presents some of the most salient research observations along with, in the boxes, striking examples of specific project interventions that, despite claiming to support local democracy, instead damaged local democracy and hurt the projects' chances of gaining long-term local support. You will find it useful to read the boxes and the working papers carefully and reflect on them as examples of the observations appearing in the bulleted list below. Among our findings are the following:

- Many projects, including REDD+, do not engage with existing elected local government authorities (Nuesiri 2015; Marfo 2015; Mbeche 2015; Baruah 2015; Oyono 2015; Rutt and Lund 2014; Faye 2015a, 2015b; Anderson and Zerriffi 2012; Ece 2015; Adjei 2015).
- Democracy is often circumvented because it is considered 'inconvenient' and 'time consuming' by donors, development agencies, or other international or national implementing agencies or NGOs (Baruah 2015) (see Box 1).
- Democracy is often touted by national forestry programs (especially REDD+) but is not implemented in practice; instead of actual democracy, programs work to maintain a mere illusion of local participation and representation. The result is a performed image of participation and representation (Mbeche 2015; Nuesiri 2015; Marfo 2015; Adjei 2015; Baruah 2015). See Box 2 and Box 3.

**Box 2:** The Farce of Representation in REDD+ – Feigning Democracy to Produce Administrative Freedom in Cross River State, Nigeria

The United Nations UN-REDD Programme is training the government of Nigeria to implement REDD+. REDD+, however, entails taking some public forests and titling them to private individuals and companies. What will happen to the livelihoods of the people who depend on these forests as a common public resource? How will their livelihoods be compromised, or protected? To protect these local people's interests, UN-REDD has developed a set of social safeguards informed by a declared commitment to strengthen local democracy to prevent elite capture of REDD+ benefits. To translate this into operational guidelines, UN-REDD prescribes a stakeholder participatory approach to REDD+ programme design and implementation.

In Cross River State in Nigeria, however, elected local governments were circumvented in the National REDD+ consultative process. The organizers of the process chose instead to work with NGOs and chiefs whom they called on to speak on behalf of their members and subjects. Citizens of local jurisdictions were not

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represented through their existing democratic institutions. The REDD+ preparation process developed a discourse of representation and even of democracy, yet they did not include substantive representation as part of the required REDD+ Free, Prior and Informed Consent process.

In the Nigerian consultation process, the REDD implementing agents had a strange notion of what democracy is. Rather than being about the accountability of leaders to the people, implementing agents viewed it as a cacophony of voices handpicked by the Nigeria-REDD secretariat to inform the UN-REDD process. This arrangement allows the UN-REDD secretariat and organization (international and national) to choose the local voices that will, in turn, support the actions that the secretariat and organization see fit. They can also then claim that they have the backing of local people.

This farce of representation and pretence of democracy is a necessary step they must go through in implementing their programs: programs that will be implemented whether or not local people need, want, consent to, or benefit from them.

Source: Nuesiri 2015.

- When local people are not represented in decisions over forestry interventions they disengage from projects (Mandondo 2015; Kijazi 2015; Jusrut 2016).
- When communities disengage from interventions, they often resist or sabotage projects (Mandondo 2015, Kijazi 2015; Nakangu 2012; Adjei 2015).

### **Box 3:** Committee Captured by a Company – Non-democracy in Mozambique

In the district of Gorongosa in Mozambique, a carbon forestry company set up camp within the Nhambita Community. To work with local people, the company engaged with the community through a democratically constituted land committee vested with the community's land and resource rights in accordance with Mozambique's 1997 Land Law. Land committees are very well structured attempts at democratic engagement. Their governance principles are:

- A clear specification of the rights and duties of various organs of the committee.
- The separation of and balancing of power between a general assembly, a management committee wielding executive duties and responsibilities and a supervisory council spelled as providing oversight.

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- A democratic foundation established through elections every five years of all the people in the general assembly, who remain the principals, and who delegate the daily affairs of the institution to the management committee.
- Mechanisms of accounting for conduct or sanctioning of such conduct enshrined through the requirement to 'submit to the general assembly for approval, the committee's activity plan, annual budget, balance sheet and accounts and reports of past and present exercise' (Item 22b of the Nhambita Land Committee Constitution), with judgments and sanctions passed through subsequent general assembly meetings.

In practice, however, these principles did not translate into democracy in Nhambita. The committee achieved some semblance of democracy in only one of the four wards over which it presided. Although it had considerable discretionary powers to make decisions over the use of royalties from the company's sale of accruing carbon credits, the committee ended up acting mostly at the behest of the company at the expense of the community. It became an elected implementation body, with committee elites serving to integrate company objectives with local objectives instead of responding to the needs and aspirations of the entire community. Many problems emerged, with disengagement of representatives from the other three marginalized wards being the most profound.

The committee had twelve members with a required quorum of five. However the quorum was rarely met. It did not appear worthwhile for most members to participate. As one committee member in the village of Musambidzi said, "leaving the matrimonial bed in the coldness of early dawn (*mazakweshu*), to trudge back empty handed in the darkness of the night (*mudima wagugugu*), with nothing to offer your wife for the cooking pot...is a recipe for divorce." Clearly his participation in the committee was not worth his time. Indeed, the members of the committee got little from participation, not even bicycles to ride the long distances to and from meetings.

But, most importantly, except in one of the favoured wards, the committee was not a body of the citizens for the citizens. It ended up as a body of (company and committee) elites for the elites. This was reflected by one member of the committee after four of the twelve members had dropped out:

I was an executive member since the committee's inception in 2001. Initially all appeared well, as I got trained by the company as a technico in agroforestry activities, doing 'good work' training others in this area. A very good working relationship then existed between the community and the project. The then manager was someone with the ordinary people's interests at heart. Many projects were initiated and accomplished, with farmers receiving more meaningful rewards for their effort. But things came to a head when the manager was

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replaced by the incumbent, who brought much havoc. I temporarily stopped participating out of frustration, but made up my mind to try and change things from within, but was stunned finding a set of 'entirely new faces' claiming to be committee members on my return in 2010. As a result I quit, and I am not the first one to do this, neither do I presume to be the last.

In short, while the Land Law envisages a form of local procedural democracy in land committees, the Nhambita Land Committee could not be democratic. Company and committee elites connived to entrench their interests through the committee at the expense of larger segments of the community.

Source: Alois Mandondo 2015, based on RFGI field research.

- When local people are not represented in decisions about forestry interventions, elites are able to capture benefits (Mandondo 2015; Kijazi 2015; Jusrut 2015).
- Forestry interventions often lead to elite capture of project benefits and create conditions for formation of new elites that remain unaccountable to local people (Baruah 2015; Eteme 2015; Jusrut 2015).
- Many projects work with hereditary customary chiefs who may be unaccountable and abuse their powers (Mbilizi and Maindo 2015; Nuesiri 2015; Adjei 2015) (See Box 4).

#### **Box 4:** Accountability Deficit of DRC Chiefs

Customary chiefs in Yasekwe in the Eastern Province of the Democratic Republic of Congo (DRC) rule by heredity. There are no elections or public processes to choose these leaders. These chiefs hold the authority to manage for the community the customary fee associated with forest use. But, the traditional chiefs in this part of DRC are not accountable to the people. Indeed, they refuse to show how they manage the customary fees on artisanal logging. They also do not reveal the financial compensation that they receive from loggers for the local community, concealing information on their arrangements with artisanal loggers and payments they receive in cash and in nature. There is a downward accountability deficit that makes for poor political and social representation of the population and prevents the economic empowerment of the people. The village chief of Yasekwe leaves no room for people to act as citizens; there are no means for sanctioning their chief and so they are unable to influence those who, in the name of tradition, govern them. Forest exploitation continues and the villagers remain poor and outside of the decision-making processes.

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Many studies show that the lack of accountability of chiefs is widespread across the continent; it is not just the practices in this part of DRC.

Sources: Mbilizi and Maindo 2015; also see Makalamba and Oyono 2015; Nuesiri 2012 for a review of the literature on chiefs; Ntsebeza 2005.

- Projects often work with project-created local committees even when there is elected local government with jurisdiction over resources (Faye 2015a, 2015b; Chomba 2015a; Adjei 2015).
- In some cases, chiefs and well-structured and monitored project committees can be more representative and accountable than dysfunctional elected local governments, but circumventing local government risks undermining their improvement and the long-term development of local democracy (Chomba 2015a; Eteme 2015).
- Even when local elected authorities are corrupt (and this is not unusual), working through parallel institutions, even through elected committees, can further delegitimize local democratic authorities (Chomba 2015a; Faye 2015a, 2015b).
- Local democracy can be a threat to projects, such as REDD+, that aim to commercialize forests for profit; when projects turn forests into commodities for profit many people will resist profit by a few, so to achieve their goals, projects can be motivated to, and often do, circumvent and weaken democracy (Hiraldo 2015; Faye 2015a, 2015b) (see Box 5).

### **Box 5: Profit-driven Projects that are Against Democracy**

In coastal Senegal, forest conservation and restoration projects are driven by private profit. The aim of these projects is to ensure that a private owner, here a private company and an NGO, earns profits through the sale of a commodity (carbon credits and services to tourists in a protected area) that other individuals produce. For this objective to be achieved, the leaders of these projects have avoided allowing villagers to participate in crucial decisions about the project, including decisions about: a) who produces the commodities (who plants mangroves and who works for the tourists) and b) how the monetary benefits from the sale of these commodities are distributed. In the case of the carbon project, villagers plant mangroves yet they do not know that the mangroves they plant are intended for carbon credit production. In the case of the protected area, villagers are aware that the NGO is profiting at their expense by appropriating the revenues coming from the hotel in the protected area, but when they try to challenge this appropriation as well as their loss of access to mangrove resources due to the creation of the protected area, their claims are ignored by the NGO and state actors,

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or they are repressed. For example, when four fishermen and forest users complained, they were arrested by the National Parks service and two protected area workers were dismissed from their jobs by the NGO. Despite the fact that villagers produce the commodities, the private company and the NGO (who do not engage in production) have appropriated all the revenues. These villagers only earn 1.5 to 4.8 Euros per day for their labour. The lack of inclusion of villagers' voices in decisions about how labour and revenues are distributed in profit-driven projects such as REDD+ is not the failure by donors and project leaders to choose and recognise democratically elected actors (i.e. local governments), who under project pressures have not intervened to avoid the economic and political inequalities of these projects. Instead, lack of democratic decision-making and uneven relations of production and distribution are the means through which the project achieves its ultimate objective, making profit for a private owner.

Source: Hiraldo 2015.

- Benefits derived from natural resources are almost universally unequally and inequitably shared (Agyei 2015; Eteme 2015; Yamo 2015; Faye 2013, 2015a, 2015b; Baruah 2015; Nakangu 2012; Mbilizi and Ngonga 2015; Hiraldo 2015; Adjei 2015).
- Projects often design accountability so that local implementing agents and beneficiaries are upwardly accountable towards the project organizers and institutions rather than downwardly accountable to the people (Chomba 2015a; Karambiri 2015; Mbeche 2015; Adjei 2015).
- NGOs can be corrupt and unaccountable to local people (Baruah 2015).
- Forestry interventions often weaken the community voice by failing to provide communities with sufficient information, material resources and social skills to demand representation and accountability from those who govern, even where there are electoral forms of representation (Nakangu 2012; Samndong 2015; Adjei 2015).
- Forestry interventions, even when attending to gender inequality, often compromise gender representation (Samb 2015; Jusrut 2015; Bandiaky and Tiani 2010) (see Box 6 and Box 7).

**Box 6:** Divisive Effects of Circumventing Elected Local Government – Women's Groups in Somone Nature Reserve

The Somone Nature Reserve in Senegal's Thiès Region is managed by neighbouring communities under the supervision of the National Park Service. According to decentralization regulations, the nature reserve should be managed by the elected local

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government councils of the rural community of Sindia and the town of Somone. But the National Park Service chose to mobilize women to manage the reserve in order to (1) reduce the population's 'aggressions' against the natural resources in the mangrove swamps, and (2) to involve women as local development actors. The Park Service has thus supported women in four villages bordering the reserve to create Women's Promotion Groups (WPGs). The presidents of the WPGs represent these villages in a reserve management committee also established by the Park Service.

The WPG received 20% of the revenues of the reserve. Their presidents report to Park Service officers about conservation activities and the use of these funds. They are barely accountable to the population and to the community and town councils – to whom the decentralization laws gave the right to manage. The larger population feels excluded. The people, especially the men, do not accept this arrangement for decentralization of resource management. The community does not recognize the WPG leaders as representatives of its villages. To regain control, the population, especially men, has developed informal sanctions against or resistance to the program, such as refusal to participate in conservation activities, threats of sabotage, and the filing of complaints to village leaders. This creates inequality between men and women regarding access to resources, whereas before the Park established the WPGs the reserve was used by both women and men.

There are also tensions among women within the WPGs due to a lack of transparency in the management of the 20% of the revenue that they manage. Some WPG members denounced the leaders for a lack of transparency and for favouritism in credit allocation. Others have ceased to invest their time in conservation and have chosen to join other women's groups active in areas such as tourism or fishing. The overall result of working through the WPGs, rather than through an institution such as the elected rural council that represents the whole community, is a division of the community along the lines of gender and a stratification among women along class lines. The Park Service management of 'decentralized' natural resource use has divided the community.

The responsiveness of the WPG to its members and to the community is also low. First, the WPG leaders have been given insufficient powers. Indeed, even power over the revenues is usurped by the Park Service, which is present in the reserve management committee and exercises close control over the use of revenues. The perception in the community that there is poor responsiveness is also explained by the fact that, when revenues are distributed, more consideration is given to the specific needs of women who are WPG members. According to men, the reserve is not the property of women alone. Hence, the men feel that there is no justification for the appropriation of the 20% of the reserve revenues by women's groups. They accuse the WPG of grabbing public resources, especially since the men also contributed to mangrove reforestation efforts.

In sum, the democratic decentralization of natural resource management in the Somone reserve is not 'democratic'. Institutional arrangements chosen by the Park Service have

(Continued)



instrumentalized women to control the use of resources, instead of empowering them through a real transfer of authority. Moreover, elected officials who serve in the community and town as a whole are excluded from the management process, despite the law giving them resource management responsibility.

Source: Samb 2015.

- Forestry and biodiversity conservation objectives often conflict with shifting cultivation and other locally valued local land use and livelihood strategies (Pollini 2015; Pollini and Namara 2015; Karambiri 2015; Hiraldo 2015).
- Forestry interventions often fail to provide local people with the resources (powers and means) they need to act as citizens to influence those who make forestry decisions (Samndong 2015; Eteme 2015; Faye 2014).
- Communities are often portrayed as lacking capacity to manage forests, even where the capacity is not necessary; foresters use scientific-sounding arguments (that are often not actually scientific) to take away or to withhold powers and decisions from communities (Faye forthcoming).

### **Box 7: REDD+ as Woman's Burden in DR-Congo and Cameroon**

REDD+ projects are often implemented in areas where swidden cultivation is practiced, because this land use is generally the main direct cause of deforestation in Central Africa. REDD+ projects typically propose alternative land uses aimed at concentrating agricultural activities on fallow land, in order to stop or reduce further primary forest clearing. This provokes changes in labour burdens that have strong implications for gender groups. In swidden cultivation systems, women typically carry out all the agricultural tasks from sowing to harvesting while men are responsible for clearing and burning vegetation and preparing the plot. Cutting large trees in primary forests represents a heavy workload while managing the crops does not require much work, as yield is elevated and weed and pest invasion is low, except when large mammal control is needed, which is generally done by men.

In each of the ten sites visited to study the effects of REDD+ on swidden farmers, however, Pollini found that restricting cultivation to fallow lands resulted in decreased workload for men with an increased workload for women. The labour burden for men went down because there are no large trees to cut, while the labour burden for women went up due to an increased need to control weed invasion. So, the shorter the fallow, the higher the labour burden for women, unless new tools (i.e. ploughs, animal drafts) and input (chemical herbicides and fertilizers) are introduced, or unless men change their work habits. The gender effect of REDD is thus, generally, an increase in women's labour burden in the short term, and a redefinition of the household division of labour in the long term.

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In this context, REDD+ policies and projects should propose labour-saving innovations and accelerate changes in cultural norms regarding the division of labour. Unfortunately, these measures are rarely taken. The consequence is that women are generally more burdened and they, more than their husbands, resist participation in agricultural activities proposed by REDD+ projects. They also tend to withdraw more often from village associations or development committees in charge of organizing these activities. They refuse to weed the collective school fields (see photograph 1) created with support of REDD+ projects. From their standpoint and that of their community, this non-presence and non-participation in village 'REDD+' parallel institutions is a good thing because it enables them to concentrate their efforts on ensuring the subsistence of their family.

Calling for women participation thus makes sense only if the activities to which their participation is called for represent a benefit for them and their community, that is, if accountability mechanisms exist and sanction can be exerted against institutions that promote activities and agendas that are not congruent with the interests of women and their community (if women are represented in these institutions). Unfortunately, such protections are rarely put in place.

Source: Jacques Pollini (2015), based on seven case studies in DR-Congo and three case studies in Cameroon on the sites of ten REDD+ and proto-REDD+ projects in 2013. This work was conducted for the Forest Carbon, Market and Communities program of USAID, and for the United Nation Development Program in DR-Congo.

**Photograph 1:** Weed Invasion in an Experimental School Field Supported by a REDD+ Project Isangi District, Kisangani Province, DR-Congo

Only part of the field has been weeded because most project participants quit the association. Women complained of the heavy labour required for the new techniques, for weeding as well as for other tasks.

Source: Pollini 2013.



This incomplete list of insights reconfirms the findings of many authors who have made similar observations in the past.<sup>6</sup> The illustrative list provided here is the tip of the iceberg. It demonstrates that intervening agents must pay close attention to the local institutional landscape and must make concerted systematic efforts if their interventions are to be legitimate, locally supported, socially sustainable, and supportive of democracy.

### **The RFGI Handbook – What is it Designed to do?**

This handbook is designed to help you, the designers and implementers of forest management interventions, to ensure that local people are adequately represented in forest management and use decisions. It is also designed to enable monitoring and evaluation of how well local people are represented in policy and project design, implementation and evaluation decisions, by governments, third parties, donors, practitioners and intervention recipients. In addition, it is designed to make certain that forest management interventions support (rather than undermine) local democracy, so that strong sustainable representative arrangements can become a permanent feature of the local forest-dependent world.

This handbook can also inform local people of the kinds of representation they should demand in decisions that affect them. Representation of local people can help redress double standards and level the uneven playing field that excludes them from forestry decisions and benefits. Rich forests are still occupied by very poor people (see Peluso 1992) who do not benefit from the forest's wealth. However environmental management (in the form of conservation, Payments for Ecosystem Services (PES), or REDD+) should benefit local people and give them new opportunities, rather than causing, as it often does, renewed or deepened suffering.

Achieving local representation, improved equity and/or justice is not easy, as anyone attempting to use the lessons in this handbook will see. But there is no choice. Basic human rights as outlined in the United Nations Universal Declaration of Human Rights should be respected.<sup>7</sup> Protections are obligatory. Local representation is a means for protecting rights. Democratic representation is one of the most basic rights; it is the right to shape the rights that one holds.<sup>8</sup> True citizenship, something that the RFGI Handbook aims to support, is the right and ability to influence those who govern.

## **The RFGI Handbook – Where does it Apply?**

### ***Decentralized Contexts***

Decentralization is the transfer of forest management decisions from central government to lower levels within the political-administrative hierarchy of government (Mawhood 1983; Agrawal and Ribot 1999). It became a global movement in the 1980s, justified on the grounds that if properly structured it can, among other things: increase participation, management efficiency and sustainability; help to alleviate poverty; and contribute to political stability (as summarized in Ribot 2004; Larson and Ribot 2005; Bazaara 2006). Decentralization is, however, rarely well structured or democratic. This handbook applies in areas where decentralization is in progress to help those decentralization initiatives to be democratic: the condition under which promised benefits of decentralization are supposed to accrue. All the RFGI case studies were conducted in countries where decentralization laws regarding forest governance were in various stages of promulgation and implementation. This handbook thus uses the RFGI research results, along with related research in countries with democratic decentralization, to suggest the best approach project intervention in decentralized contexts.

### ***Areas under Customary, Project or NGO Rule***

This handbook does not apply to areas without democratic government. While customary authorities and NGOs can operate in such areas, and both may manage resources in democratic ways, this handbook focuses on areas where local democratically elected government exists. The lessons in the handbook can certainly be used to strengthen accountability and responsiveness if applied to customary authorities or projects and NGOs anywhere, but our focus is on areas where democratic local government exists. Further, these authorities should never be assumed to be democratic, since they usually are not (viz. Nuesiri 2012, 2015; Ntsebeza 2005).

The RFGI framework does not consider any authority that is not systematically accountable to the people to be an appropriate repository for *public* powers over natural resources. In areas where there is democratic decentralization, there are often customary authorities, projects and NGOs; unless there are clear means by which these entities are held accountable to local citizens, usually by being subordinate to and accountable to elected local government (who can delegate power to them and oversee them), the RFGI principles do not consider them to be the appropriate authorities for public natural resource decision making. The RFGI Handbook focuses on strengthening elected local government.

### ***Public vs. Private Resources and Decisions***

This handbook, like democracy itself, applies to *public* decisions. Private decisions over private forests, such as how a farmer will plant his cocoa plantation that s/he owns, are not subject to democratic decision making; that is what makes them private. Private decisions such as whether a customary authority like the Queen of England will make her private lands accessible to the public as parks or reserves are not subject to democratic decision making; they are private decisions (unless publically determined zoning dictates otherwise). Democracy is a *public* process.<sup>9</sup> However, if a public decision-making body, such as a central government, brings into question the public good of private holdings such as a cocoa plantation, then the status of private property can be brought under public scrutiny and debate and under democratic decision making. This process of bringing land or resources back into the public domain often occurs through such means as 'eminent domain' laws or through legislation. (Also see Box 21 in the glossary for further discussion of private-public boundaries.)

The privatization of public forests, that is, taking them out of the public domain and giving titles to individuals or corporations, should be a public process and should always be subject to democratic decision making. The RFGI Handbook does not recognize the sanctity of private property in cases where its privatization was achieved through illegal or unjust and undemocratic means. In general, however, since this handbook applies to public decisions, the domain of democracy, it does not apply to publically recognized private spaces unless and until the public re-incorporates them as public property or unless there are publically applied restrictions on these private properties, such as with zoning or other regulations.

### ***Central vs. Local Resources and Decisions***

Many forest resources are under central government jurisdiction; these may include conservation areas, parks, timber reserves, hunting reserves, primitive areas, and military zones. These areas are not under the jurisdiction of local authorities. Nevertheless, the central authorities that govern these areas (park services, forestry services, or the military) often create rights and forums for local public decision making concerning management and use of these areas. These public decision-making considerations can be subject to RFGI principles.

Which powers belong in central versus local control is a separate question. This is the question of subsidiarity. The subsidiarity principle states that all decisions should be made at the most local level possible without negative consequences at higher scales of political, administrative or social organization. This is a key

concept in RFGI, and for local democracy in general, and you should familiarize yourself with subsidiarity so as to use it to guide your policy and project analysis and design. Remember that subsidiarity principles are outlined in Box 8.

**Box 8:** Proposed Environmental Subsidiarity Principles

Earlier research in democratic decentralization in forestry suggests some subsidiarity principles. Many others might be appropriate. Subsidiarity principles are one guide. But where powers are located within society is ultimately a social and political decision. The following are principles that suggest themselves for optimizing local enfranchisement in control over natural resources:

- **Create Discretion:** Discretionary powers must be transferred to give local authorities some independence. Without them local authorities cannot be democratic.
- **Provide Significant Powers:** Powers must be of value to local people. Devolve powers such as land and forest access control, which are meaningful to local people and reinforce the authority of the recipients due to their significance.
- **Fund Mandates:** Mandates must be matched by sufficient fiscal resources and technical support; they should not be the only powers transferred to local authorities.
- **Mandate Funding:** Transfer revenue-raising rights to local authorities. Transfer powers to borrow, to tax, to charge fees, etc.
- **Devolve Lucrative Opportunities:** Commercially valuable opportunities for resource use should be transferred to local authorities in addition to subsistence-oriented usufruct rights.
- **Do not Conflate Technical and Political:** Technical decisions (such as which species to protect), some of which need to be made at a central level, must not be conflated with political decisions concerning use of resources (such as who should have access to and benefit from them).
- **Maintain the Public Domain:** Public resources, including most forests, fisheries, and pastures, should be kept within the public sector. They should not be privatized.
- **Assure Security:** To assure the security of transfers, powers should be transferred to representative local authorities as secure rights and not as retractable privileges.
- **Separate Powers:** Separate and balance executive, legislative and judicial powers at each level of government.
- **Balance Powers in Government:** Powers given to each level of government should be sufficiently balanced with those of other levels so that each level of authority has the ability to use their powers and to negotiate with other levels of authority.
- **Balance Powers over Commercial Resources:** Give local authorities control over whether outside industries can operate in the local arena. Outsiders have an exit option and therefore do not treat the resource with respect (Bardhan and Mookherjee 2006).

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- **Match Powers to Scales:** Account for scale of resources and financial and technical economies of scale. But opt to give powers to the most local level and federating those authorities to address a given higher scale problem before opting for creating special districts or giving powers to higher levels of authority.

Source: Ribot 2004.

### *Public Resources and Decisions*

Public resources are those resources that belong to the public and are subject to public decision making. The public domain is the set of decisions that apply to the use of any public resource or public concern. These decisions are ‘public decisions’. Public forests are in the public domain and should be subject to public decision making. The RFGI Handbook applies to public forests. Six propositions shape our treatment of the public domain.

1. Public decisions must be subject to democratic decision making. All public decisions about forests must be subject to democratic representation including decisions that influence privatization, management and use (see Boxes 9 & 10).

#### **Box 9: Attenuating Democracy via Privatization**

Democracy is a system of governing. The first, and most common colloquial meaning of democracy, which we use in this document, is that democracy is a system of enfranchisement, enabling people to influence government so as to shape their fate and to claim a share of the good of the world. Democracy in this framing is, fundamentally, built on a mistrust of government; it is a system to keep government in check and to ensure that it serves the people and to prevent it from abusing people or dispossessing them of the wealth of nature or the products of their labour. Democracy is the ability of people to hold leaders accountable and to demand that leaders respond to their needs and aspirations.

A second meaning of democracy, and an important one to keep in mind in order not to be hoodwinked into complacency, is that democracy is ‘...a mode of governing populations that employs popular consent as a means of limiting claims for greater equality and justice by dividing up the common world’ (Mitchell 2011:9). This could be cast as ‘democracy in practice’, helping to explain why the first kind of democracy rarely comes into full being. In this second framing, one way that ‘democracy’ limits freedoms is by defining some arenas as public and subject to popular claim making while defining other areas as private and outside of the bounds of democracy.

Mitchell (2011:9) explains this second framing: ‘...governmental practice can demarcate a private sphere governed by rules of property, a natural world governed by laws

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of nature, or markets governed by principles of economics. Democratic struggles become a battle over distribution of issues, attempting to establish as matters of public concerns questions that others claim as private (such as the level of wages paid by employers), as belonging to nature (such as exhaustion of natural resources or the composition of gases in the atmosphere), or as ruled by laws of the market (such as financial speculation)'. In this sense the sphere of the private and of the market are non-democratic spheres created by the government that diminish democracy. Of course, as Fraser (2011), drawing on Polanyi (1944), argues, markets can also be emancipating, providing opportunity and service to people who need and want it. Rights can also be emancipatory in their protection of freedoms and liberty (Dworkin 2011).

RFGI sees no inconsistency between these definitions; one of the major struggles in democracy is between the enclosures that take land and resources from the democratic public domain and efforts to keep decision making over matters of general concern within the public domain. It is not a matter of 'bad private' and 'good public'; it is a matter of balance, a balance that should be subject to public review. Because this struggle is larger than RFGI can possibly address, simply note that enclosures need to be viewed as potential attenuations of democracy, whether they be justified as private, natural or market spaces. Hence, while the rules that are in place to define boundaries of the public need to be attended to, they also need to be continuously challenged in order to maintain meaningful spaces of democracy. The economy, nature, and even private property are arenas that must be subject to and defined by democratic process.

2. Private decisions and acts are not in the democratic domain. However, they become public when they affect the public domain.
3. Government-owned forests are public. Therefore:
  - i. Decisions about privatization of these forests are public.
  - ii. Decisions about private use of these forests are public (including usufruct, leases, permits, licenses or any other permission to enclose or exploit).
  - iii. Decisions about the purpose and management of these forests are public.
4. Forests owned or managed by any collective to which people belong involuntarily (by dint of their residency, ethnicity, religion) fall within the public domain. Such forests must be subject to public decision-making processes (to protect the interest, needs and aspirations of citizens encapsulated in forms of non-democratic authority). These include forested areas and decisions under:
  - i. Customary chiefs/Indigenous leaders



- ii. Religious or private authorities with landholdings on which people live (e.g. wakf, church, or plantation lands)
- iii. Projects or NGOs that impose 'project rule' on an area.

The criterion that makes decisions under these authorities public is that exit from these authorities' jurisdiction cannot be achieved without undue expense to the individual. The decision as to what is an undue expense is a public decision (see Box 21 in glossary).

#### **Box 10: Contracts and FPIC in REDD+**

Contracts, such as those signed in REDD+ agreements, are a special case of public-private interface. Contractual relations are regulated, whether they concern the relation between two private parties, two public parties or a public and private party. Contracts between government and a private body that give rights over public resources to the private body are a form of privatization and should, before being signed, therefore be subject to democratic public scrutiny. It is important that the regulation of these relations, which is a public matter, be upheld. In REDD+ implementation, Free, Prior and Informed Consent (FPIC) is the basic regulatory framing that international bodies implementing REDD require (see Anderson 2011; Mbeche 2015; Nuesiri 2015). It requires public scrutiny and consent. Hence FPIC must be upheld in all contracts concerning REDD+. It is important to take contracts seriously since:

...the contracts that shape foreign investment in carbon sequestration projects can create substantial risks and liabilities for governments while threatening the access that local communities have to land and other resources. Furthermore, because of the way that contracts are framed as 'hard' law between two 'commercial' parties (the investor and the state) they also threaten to counteract or negate progress made in other fora on the recognition of the rights of indigenous and other forest-dwelling people, particularly the right to participate in decision-making. (Tienhaara 2012:553.)

It is for these reasons REDD+ contracting must be subject to serious (and not the normally perfunctorily practiced) FPIC and must be considered a public matter for democratic decision making.

All private contracts must be subject to public scrutiny under democratically representative authorities. This should be true of contracts between foreign investors or central government and private owners, collective private owners, and local governments. When forests are contracted for carbon under lease or concession, all provisions of those contracts must be made public and subject to democratic public scrutiny. Public scrutiny is extremely important due to the sanctity of contractual relations in international law. Even contracts

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made under despotic regimes will be held up in international law, even after the demise of those regimes. Hence, it is incumbent on any intervening agent to be wary of how carbon or REDD contracts are established and how they are subject to local public review and contestation.

5. Forests owned by a public body but managed or used by any non-government or private body (e.g. NGOs and corporations who have been delegated public decision making powers) are public.
6. The *public domain* is important since it is the set of resources and decisions that democratic authority can engage. These powers (resources and decisions) make democratic authority meaningful and functional. Without a public domain there is no democracy. Public resources and decisions are the substance of democracy. When forests or any other resources or decision-making powers are privatized, the public domain is diminished (enclosed) and the domain of democracy made smaller (See Box 11).

### **Box 11:** Public Domain

The public domain is very important for local democracy. It consists of all resources and powers over which public authorities (elected or appointed) have jurisdiction. Public authorities include any authority that makes decisions over public resources. For conservation, this would include management and use decisions; for REDD+, this could be any decision concerning the carbon in public trees. This means that when a traditional authority, project or NGO is delegated to exercise public powers, they become a public authority in so far as their decisions should reflect public needs and aspirations as articulated by the publically accountable authority that is responsible for them and has delegated their responsibility. They should be subject to democratic oversight and should be made responsible to the public. For a discussion of the boundaries of what is considered public, see Box 21 in the glossary.

**What's Ahead?** The principles outlined in this handbook are designed to provide methods for: (1) identifying democratic institutions in the local institutional landscape, (2) choosing which institutions provide a plausible base for sustainable local democracy, and (3) identifying the elements that must be put in place for forest management and use (including conservation and ecosystems services supply) interventions to support permanent local democratic institutions. These principles and their use are further developed in the sections below: Guiding Principles, Preliminary Institutional Landscape Assessment, and Developing Preliminary Recommendations.



## 2

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# Guiding Principles: What Democracy is and Why it Matters

This section defines democratic representation. It then examines why it is important for forest management and why it is a good in and of itself. The section then provides a set of principles for you to take into consideration when designing, implementing, or evaluating a project, program or policy.

### **Principles of Democracy**

Democracy is the system of government in which leaders are accountable to the people. To be effective, democracy must consist of leaders who hold enough power to act on behalf of their people, and those people must have means to hold their leaders to account. Accountability comes from being rewarded or punished through positive and negative sanctions. Accountability is a product of the means that citizens can use (the accountability mechanisms such as elections, courts, and protests) to make leaders responsive to their needs and aspirations.

Democracy, as its observers know, is an inadequate and flawed system. It can be plagued by tyranny of the majority, compromised by elite capture, or attenuated by corruption. It often produces the least objectionable rather than most efficient solutions, and can be a very slow and arduous process. But, democracy is still better than the alternatives – autocratic and dictatorial forms of rule.<sup>10</sup> Inefficiency is still much better than the more objectionable alternatives. This section defines democratic representation and its working parts so that you will be better able to identify and support local democracy in practice.

Many development programs label their projects ‘democratic’ or ‘participatory’ just so that they can ‘check the box’ of democracy, participation or consent required

by donors or by law. In RFGI research we found many instance where REDD+ preparatory projects created theatrical performances of Free, Prior and Informed Consent processes or of Representation and Participation of affected parties, without there being any real representation or participation (Mbeche 2015; Nuesiri 2015; Marfo 2015; Anderson and Zerriffi 2012). To ensure actual democratic practice, you need to know what democracy is and how to assess and to promote it.

This handbook and the principles in it emphasize the *substantive* elements of democracy to enable you to assess when institutions called ‘democratic’ are sufficient or inadequate, and to identify which elements of democratic institutional arrangements are missing. With this information you can propose pathways toward democracy as practice rather than democracy as a mere perfunctory label.

### *What is Democratic Representation?*

Representation is when leaders (see Box 12) are responsive to the needs of the people. Representation is democratic when those leaders can be held accountable to the population they serve. Representation without accountability does occur. It is called benign dictatorship. Many non-democratic leaders are legitimate, good to their people, and serve their needs. However, without accountability, responsiveness is at the will of the leaders, and history tells us that leaders’ actions veer away from the people’s needs and aspirations (Agrawal and Ribot 1999; Manin, Przeworski and Stokes 1999) (see Box 13 on Accountability).

#### **Box 12:** Local Leaders

There are many local authorities that play roles in public decision making. An authority is merely a person who exercises power in a legitimate manner. Legitimate here means that the power is exercised in a manner that people accept. It does not mean that they like this leader, nor that they like her or his actions. It merely means that they do not violently resist the acts of this individual. The most important characteristic of any authority is the way they are held accountable and to whom. Leaders are defined by their accountabilities. If they claim to be accountable to God(s), they are usually categorized as religious leaders – including gurus, rabbis, imams, priests, or some traditional healers. Many dictators also claim to rule by divine right, calling on God to justify or legitimate their roles and actions.

If local leaders are accountable to central government they are categorized as administrative authorities. This might include prefects, sub-prefects, and district officers, or it may include local line ministry agents such as local foresters or local wildlife managers from the national forest or park service. Administrative authorities also often include

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customary or indigenous leaders who may have been created by or are salaried and work for central government.

Local actors who are accountable to the people as a whole (that is to citizens) are called democratic authorities. Some customary chiefs may also fit into this category, depending on how they are held to account. Elected local leaders may or may not fit into this category. The accountability of elected leaders always depends on much more than elections. Elections are often flawed. They may not include independent candidates. They may take place in situations where there is not sufficient competition among candidates. Even when elections are well crafted, real democratic accountability requires multiple accountability mechanisms, such as freedom of speech, courts, rights for people to protest, etc. Hence, just because someone was elected does not necessarily mean they are substantively 'democratic'.

There are also many private authorities, including union leaders, NGO heads, cooperatives presidents, corporations CEOs or individuals, who are accountable to only their members, boards, owners or funders, or are accountable to no one with respect to the powers they exercise. These actors often exercise public powers or use public resources. They may be given rights to use public resources by government or by projects (whether or not projects have the right to give this right). It is important to view these actors as private since they are not representatives of the public or of government.

In practice, we find that most local actors who exercise public authority have multiple accountabilities. Elected local authorities are accountable to the central government and to differing degrees to citizens. Customary chiefs may be accountable to the central state and to local people or just to a narrow elite. Administrative authorities too can be accountable to local people and central government or to private corporations and elites. The important question to ask when assessing the degree of representation of a given authority and a given act is: to whom is this authority accountable with respect to the specific power(s) that they are wielding (e.g. as identified through Table 1). This is not an easy question to answer. There may even be many answers, and they may differ for each kind of power wielded.

Assessment of local leaders becomes more complex since there are really no pure administrative, customary, democratic or private authorities. Many different authorities – administrative, religious, or private – claim to be acting in the public interest. Whether or not they are depends on who the public is and their appreciation of the actions of these institutions. But it is not as simple as that. People who are used to being dictated to may feel that this is the legitimate and only way that they are or will ever be governed. They may not question local despotic leaders and they may accept imposed decisions – whether or not they like these decisions. Here it is important then to explore the actual accountability mechanisms in place rather than just the appreciation of local people of the legitimacy of their leaders. Many unaccountable dictators are legitimate. This does not mean they are liked or that they are good for the people within their domain of influence.

Local democratic representation, the kind of representation RFGI promotes, is made up of three basic elements: (1) *local authorities* (or leaders), with (2) sufficient *powers* (including institutional support and resources) to respond to needs and aspirations of *the people* (citizens), and (3) who are *accountable to the people*.<sup>11</sup> Strengthening local democracy means strengthening these three elements.<sup>12</sup> It means ensuring that the leaders are appropriately empowered and accountable to the people. It also requires that ‘the people’ be an inclusive category reflecting universal suffrage.

It should be very clear by now that any attempt to promote local democracy in forestry requires a clear and sophisticated understanding of the elements of democracy. Again, the key terms are ‘powers’, ‘public domain’, ‘accountability’, ‘citizenship’ and ‘citizen’. Let us restate the definitions here:

- **Powers** – the typical executive, legislative and judicial decisions that a given authority is enabled<sup>13</sup> to make.
- **Public Domain** – the set of powers that are under public authority. These are the powers (executive, legislative, judicial) of government. These powers are the substance of democracy – the matters over which representative authorities decide and with respect to which citizens can hold them accountable.
- **Accountabilities** – the means of punishment and reward (sanction) that keep a given authority accountable to a given group (see Box 13 and Annex D).

### Box 13: On Accountability

As we can see, accountability is central to all modes of governance. Accountability of leaders to the people defines democracy. Without it we know an authority is not democratic – even if that authority is responsive and representative, and even if that authority is appreciated by the people. So, what is accountability? Accountability is merely counter power. It is the power held by one actor that can be used to hold another actor in check. There are many theories of accountability. For the purposes of this handbook, we can have a simple notion of accountability that helps us to measure its presence or absence. Accountability is the ability of one actor to sanction another: to punish or reward them. Democratic accountability is the ability of citizens to sanction leaders who make public decisions, such as how to use or manage a forest. So, the easiest way to think about accountability is to consider the mechanisms by which it is exercised. What do citizens do to reward and punish leaders in order to incite them to respond to citizens’ needs and aspirations? Do they vote? Do they protest? Do they throw rotten eggs at their leaders? Do they embarrass their leaders publically through public statements or editorials? Do they use magic to punish their leaders? Alternatively, do they give their leaders money or flowers or throw parties for them to positively sanction, or reward, them for their good behaviours? Do they re-

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elect them and praise them? Do they use a free media to influence the broader public to engage and sanction government? All of these are what we call 'accountability mechanisms'. See Annex B for a long list of accountability mechanisms that should be in the repertoire of means of accountability that you look for when assessing whether a given authority is 'accountable'. The question of whether and how people exercise available mechanisms is another important problem to explore later in this handbook. The important thing here is to think of accountability as a set of means by which the people can reward or punish leaders.

Sources: Agrawal and Ribot 1999, 2012.

- **Citizenship** – the ability to influence (hold accountable) the authorities that govern (see Box 14). It is membership in the category of people who have this ability.
- **Citizen** – someone who is able to influence those who govern them.<sup>14</sup> The opposite of a citizen is a subject.

#### **Box 14:** On Citizenship

Who are citizens? What is citizenship? In a democracy everyone belongs to 'the people'. There are many forms of belonging that are characteristic of different kinds of institutions. There are residency-based forms of belonging by which everyone living in a given place belongs. This is what RFGI calls citizenship. There are interest-based forms of belonging in organizations such as forestry unions, farmers associations, and development NGOs, in which people interested in the focus of the organization can become members. Then there are identity-based forms of belonging that are usually associated with traditional or religious leaders. In these organizations everyone who is Christian or Muslim may belong or everyone who is from a given ethnic group or a given language group may automatically belong. Some identity-based authorities are organized around indigenous versus migrant or around young versus old or women versus men. Hence identity can be along lines of religion, ethnicity, language, autochthony, age or gender. What distinguishes public authorities from all others is that public authorities – democratic or not – usually base belonging on residency. Everyone belongs. These are inclusive forms of authority. Of course even public authorities exclude people. In some places former felons lose their citizenship. In others migrants occupy a subordinate status and are excluded from membership in voting or in public services. In general, however, while the boundaries are not always clear, a public authority is the most inclusive. Democratic public authorities inclusion should be fully inclusive, although they are not always so inclusive.



These concepts fit together as follows. The powers held by representative authorities are called *the public domain* since these are powers exercised by these leaders for the public good. This is public decision making (see Box 15). In a democracy, the people are the public; they are the ‘citizens’ who are able to influence those who govern them. Influencing government is done through positive and negative sanctions, or accountability measures. Elections are one accountability measure, but there are many others, including courts, audits, recall votes and protests (see Annex B). Accountability measures link leaders to the people. They are what make democracy a system by and for the people. While communicating to leaders informs them of what people need and want, accountability measures are what make leaders listen and respond. Accountability measures are the counter-powers that citizens can use to make authorities responsive; accountability makes leaders *responsive*, driving them to use the public domain for public good (Agrawal and Ribot 1999). As the name of our initiative and the title of our handbook affirm, responsiveness is the desired outcome of democracy (see Box 15).

#### **Box 15:** Power and Responsiveness

Leaders need powers in order to respond to citizens’ needs and aspirations. If people sanction their leaders and the leaders are powerless to respond, the leaders cannot represent the population. They may hear what is being asked for and they may want to respond. But if they are powerless to respond, then the system cannot be considered democratic or even representative. Often local leaders, even elected local governments, have powers to implement specific programs that are earmarked by central actors such as central governments or international donors. They may have the funds and mandate to build schools. But, if this is something they are required to do from above and that they cannot change if asked to by their citizens, then the exercise of these powers is not democratic. They may deliver desirable products and they may be responding to local needs, but without the discretion to do what local citizens ask for, these powers are not democratic powers. They are administrative powers to implement pre-determined programs. Democratic local leaders need discretionary powers: the power to build a soccer field or throw a feast if that is what local people prefer and demand. Otherwise, these leaders cannot be responsive to local demands. So, democracy requires empowered leaders in addition to citizens with the means to sanction their leaders.

You now know the basic elements of local democracy. They still boil down to actors (local authorities), with powers (that constitute the public domain), who are accountable (through sanctions) to local citizens (the people we want to empower with control over those who govern them).

Democracy is supported or undermined by every project or policy intervention – whether or not democracy is its goal. Projects (1) choose local authorities (or institutions, which have leaders who are local authorities, see Box 11, above); (2) choose powers to devolve to these authorities; and (3) can have an influence on accountability relations by supporting accountability measures or by choosing to work with publically accountable authorities versus unaccountable ones. The important thing to remember is that any intervening forest management program or project is *choosing* a set of local institutional arrangements composed of these basic elements: authorities with powers and accountability relations. Projects and programs therefore decide whether or not and to what degree they will support local justice and democracy. The effects on democracy of local institutional choices made by project interventions are never neutral.

### ***Why does Representation Matter for Forest Management?***

Democracy, at any scale, is a valued good in and of itself. You may wonder: “Why should I be interested in democracy and how will it help achieve my project objectives”? Observations and existing theory provide general guidance on the advantages that well-structured representative local authorities can have when they form the basis for forest and natural resources management and use interventions (Manin, Przeworski and Stokes 1999; Agrawal and Ribot 1999; Ribot 2003, 2004; Ribot, Chhatre and Lankina 2008).

Democracy’s potential contributions to forest management agendas are in the areas of efficiency, legitimacy, sustainability and equity:<sup>15</sup>

- **Efficiency.** In theory, local democracy promises more efficient outcomes than other kinds of local institutions such as the local offices of environmental ministries, NGOs, project committees, traditional authorities or private individuals and corporations. Since these ‘parallel’ local institutions do not have to confront the messy and slow processes of democratic decision making (as representative local government does), they may, in the short term, be quicker at implementing environmental projects and achieving specific outcomes. However, local democratic institutions can help to better match resources to needs, draw on a broad base of local knowledge, internalize externalities, and, in the long-run, they are far more likely to produce efficient, ongoing, meaningful results (Tiebout 1972; Oates 1972:11-12; Bish and Ostrom 1973; Ostrom 1990; Weimer 1996:49-50; Kaimowitz and Ribot 2002; Ribot 2004; Agrawal 2005). There are often tradeoffs between conservation and livelihoods. Communities may

therefore reject conservation in favour of efficiently achieving the other community objectives.

- **Legitimacy.** Environmental management and conservation interventions often fall prey to sabotage. Many environmental policies are perceived as unjust – often because they *are* unjust. Excluded and un-served segments of the local population (those who lose access to land and resources or are inconvenienced by environmental projects) often sabotage management decisions they perceive as unjust. They may ignore the rules and continue to exploit resources as they have in the past, or destroy resources, such as natural forests growing on land they consider their own, or trees that have been planted on land where they used to grow crops. These acts of sabotage will be more pronounced if people feel that others are benefiting from these forests and resources, for conservation or carbon storage, at their expense. Representing a full range of concerns in decision making, and gaining the confidence and support of at least a majority of the population, can give interventions social legitimacy, even when these interventions may be unfavourable for some. More inclusive and legitimate local democratic processes may also play a role in conflict avoidance, mitigation, and resolution. Inclusive decision making also helps to develop local trust in the programs and projects or laws<sup>16</sup> (Kaimowitz and Ribot 2002; Ribot 2004). In addition, ‘environmentality’ research shows that when local people control the means of environmental regulation they are more likely to act to protect the environment (Agrawal 2005).
- **Sustainability.** Local democracy provides an institutionalized form of the ‘popular participation’ that environmentalists are almost universally trying to support in their forest management and conservation interventions. Local democracy is an institutionalized form of popular participation that is *already in place* and which intervening agents should build on. Because local government is a permanent institution, local democracy endures after interventions have been completed. While the participatory processes currently practiced can increase efficiency and equity as described above, and can even be used to enhance representation by various local authorities, they are labour-intensive and as ephemeral as the projects they accompany. Further, support for non-democratic local institutions (which environmentalists often support) can undermine the formation and consolidation of democratic ones by taking away their functions and powers. Circumventing elected local democratic authorities is a circumvention of democracy. The short-term instrumental aims of forest interventions should not undermine the procedural objectives of democracy, which may strengthen the

instrumental forest management objectives in the long run. (See Kaimowitz and Ribot 2002; Ribot 2004; Ribot, Chhatre and Lankina 2008.)

- **Equity.** Of course, many environmentalists are concerned with equity. Equity is also linked to legitimacy and sustainability. When people perceive intervening agents and their projects to be equitable and respectful of local concerns, needs and aspirations, these projects are more likely to be legitimate and sustainable. Equity, justice, and the keeping of tyrannical authorities in check, are the advertised benefits of democratic systems (Manin, Przeworski and Stokes 1999).

**Efficiency, legitimacy, sustainability and equity** are the theorized outcomes of local democratic decision making. These outcomes are produced by the presence of substantive democracy: some form of collective local decision making that is bound by local concerns (democratic representation), and which requires that there be significant decisions being made at the local level (local powers).<sup>17</sup> These outcomes of value to environmentalists are associated with local democratic representation. They follow from empowered leaders who are accountable to the people.

### *Why Representation Needs Special Attention*

Many forest management interventions claim to use democratic representation, local inclusion, local participation, and Free Prior and Informed Consent (FPIC) (see Box 16). However, even in projects that claim to be democratically inclined, we usually find approaches that do not promote local democratic or inclusive practice (Ribot 2004; Manor 2005; Ito 2007; Nuesiri 2015; Mbeche 2015; Marfo 2015; Faye forthcoming; Hiraldo 2015).<sup>18</sup> The local institutions being chosen by environmental policy makers or projects in the local arena rarely empower democratic local partners. Many projects promote institutional arrangements that do not support local democracy. They lack the key elements of effective local democracy: downwardly accountable local authorities with significant discretionary power. They simply do not have accountable representatives with the powers needed to actually do what local people want, need and request. While many interventions increase local participation in forest management decisions, they may do so in ways that do not sustain or institutionalize local democracy within permanent local authorities.

**Box 16: Consent or Consultation in FPIC?**

In 2000 the World Bank commissioned an independent report on the Extractive Industries to determine whether resource extraction aligns with the Bank's mission of poverty alleviation and sustainable resource use. The report 'Extractive Industries Review' (2003) argued for FPIC because it would empower communities with self determination. However, the World Bank was concerned that 'consent' in FPIC would promote a veto by local individuals and groups, and opted instead to use the term 'consultation,' geared towards gaining the broad support of affected communities. However FPI-Consent differs from mere consultation, and 'consent' is now the foundation for legal contracts and other regulatory mechanisms designed to protect local people's rights (see Colchester 2010). 'Consultation' cannot be used in this way. FPI-Consent now plays a substantively significant role in the way decision-making authority is exercised and legitimated.

Consultation requires only an exchange of information between project implementers and communities, but does mean that final project decisions are based on the views and needs of the affected communities, especially since they cannot say 'no' if they do not like the proposed intervention. FPI-Consultation is not democratic and it does not confer self determination. As practiced, we also find that FPI-consent is not democratic. While it masquerades as a means for gaining 'consent,' it is usually just a consultation or even merely a semblance of consultation. Usually these consultations are run as propaganda campaigns to prepare local people for the coming intervention. Or, people 'consent' because promises are made, many of which do not materialize. That the World Bank cannot even tolerate consent – because they privilege the implementation of their projects over real balanced negotiation – illustrates exactly why representation needs special attention from intervening agents.

Sources: Marfo 2015; Nuesiri 2015; Mbeche 2015; Colchester 2010.

It is very attractive for project designers and implementers to work through non-democratic local authorities since they are faster and can show results. Without a messy democratic fuss, these institutions can carry out the concrete measures that a project or program is contracted to achieve, such as tree planting, management plans, forest protection, or carbon contracts. But working through local 'parallel' institutions (such as project committees, project implementation units, corporations, customary authorities, forest service local offices, or NGOs), when there are elected local governments, is a circumvention of local democratic authorities. While fast work can show 'success' and help sustain funding for projects, it may not sustain the project objectives in the long term (Baviskar 2004).

Further, RFGI and other research shows that choosing to work with parallel institutions often results in those parallel institutions being accountable to donors rather than to local people (Karambiri 2015; Chomba 2015a; Baruah 2015; Manor

2005; Ribot 2004). Project staff are accountable to those above them in their own hierarchy, not to the people. Staff and officials are rewarded for demonstrating that they have achieved the objectives agreed to by their parent institutions or donors (even when they feel dedicated to local participation). They may not be rewarded for supporting democracy, especially if democracy means that they are more likely to fail to meet their project objectives in other realms (see Hiraldo 2015). In cases where implementation is done through corporations, NGOs, or customary chiefs, achievements may be demonstrated in the short run, but the democratic dividends (the equity, efficiency and emancipatory benefits of democracy) are lost. Safeguards are needed to prevent this kind of short-term, short-sighted behaviour. Slow and steady democratic processes are certainly more just, and in the long run, they are much more likely to win the conversation race.<sup>19</sup>

### **Recommended RFGI Principles**

We have learned from RFGI case studies, and from a vast and growing literature, that the choice of local institutional arrangements (actors, powers and accountability relations) shapes local democracy. As such, institutional choice is a local democracy-building tool. The choice of local partners matters. It influences the formation and consolidation of local democracy by affecting democratic representation (constituted by powers and accountabilities), citizenship (constituted by citizen powers and the same accountabilities), and the public domain (constituted by the powers in public).

While we still have a lot to learn about the best ways for governments, donors, and large NGOs to support local institutions to foster the emergence and consolidation of local democracy, RFGI research and the literature yield a number of important initial recommendations. To support local democracy while conducting local-level environmental interventions, we suggest that intervening agents (central governments, donors, large national and international NGOs, conservation organizations, and development and environmental professionals) follow the Responsive Forest Governance Principles outlined in detail below.

## **Responsive Forest Governance Principles**

### ***Orienting Principles***

- *Educate Policy Makers, Government Officials and Agents, Development Practitioners, Environmentalists, and Donors about Local Democracy.* You, as ‘intervening agents’, need to know what democratic representation is (what its basic parts and how it works) so that you can support it. You must also insist that other

intervening agents understand what local democracy is and that democracy will also benefit their long-term objectives. Do not assume that development agents, environmentalists or foresters know what democracy is, what it involves, or why it matters to sustainable natural resource interventions.<sup>20</sup>

- o Many intervening agents do not know why representation may result in more socially sustainable outcomes.
- o Many intervening agents lack the training to define democracy in a way that it could be implemented in practice.

When faced with choices between promoting their environmental objectives versus promoting the slower processes of democracy, intervening agents often circumvent democracy for a quicker result.

- *Foster Social Sustainability*: Forest sustainability and social sustainability are integrally linked. Perceived unfair or inequitable treatment of local people in forestry laws, programs or projects breeds resentment. Local people can withdraw from, undermine and sabotage forestry endeavours faster than foresters or environmentalists can implement them. If local people do not feel that a law, program or project is just, they are not likely to engage and are more likely to resist its implementation. Giving local democratic representatives serious negotiating powers over law, program and project decisions will help make these interventions locally relevant, acceptable and socially sustainable.
  - o Intervening agents are often aware of these problems but continue to focus on their ‘instrumental objectives’, such as conservation or environmental management, rather than focusing on ‘procedural objectives’ or democracy. However, democracy must be prioritized over efficiency (Easterly 2013).
  - o Even if intervening agents say that they support local representation, the powers they give to local leaders are often inadequate and the accountabilities insufficient to make decision makers responsive to local needs.

### *Principles for Working with Elected Local Governments*

#### Choosing Democracy

- Choose Democracy: Choose to place public decisions with decision makers who are within institutions that are structured to be accountable and responsive to the local citizens. Work with elected local democratic government where it exists.
  - o Elected local government is the institutionalized form of accountable representation.

- o Elected local government is territorially complete (covering the whole of any nation that has established it) enabling the scaling-up of local representation.
- *Do not Circumvent Poorly Functioning Elected Local Government:* Engage directly with elected local governments to make them more effective, more competent, interested, trusted, responsive, and democratic. Where they are corrupt, fight corruption; at a minimum, resist it by working through local government in ways that emphasize accountability. Circumventing local governments by working with chiefs or NGOs or by creating parallel institutions such as village development committees will not address these problems but can prolong or deepen them. Do not assume that local governments are any more corrupt or less efficient than ‘parallel institutions’ such as NGOs, customary chiefs, village committees, private companies or central governments.
  - o Intervening agents often circumvent local government when they believe it to be corrupt.
  - o Intervening agents rarely consider damaging long-term effects on the legitimacy and effectiveness of elected local government of working through parallel institutions.
  - o Intervening agents often assume, without basis, that parallel institutions are less corrupt than government.
  - o Circumventing local governments delegitimizes them and undermines their ability to act as democratic institutions.
- *Strengthen Local Democracy Where it is Poorly Constituted:* Insist that elected authorities be entrusted with sufficient meaningful resources and decision-making powers. Question the electoral laws when poorly structured. Build multiple accountability mechanisms between leaders and citizens. This mandate may involve agents intervening in domains they feel are beyond the scope of environmentalism. Nevertheless these engagements are necessary.<sup>21</sup> They are not optional. Actions as simple as the creation of closely monitored and audited committees under the jurisdiction of local leaders is better than circumventing them altogether (see Chomba 2015b).<sup>22</sup>
  - o Local elected authorities are often not effectively democratic; they lack either appropriate powers or accountabilities.
  - o Electoral laws are often designed to be inadequate for establishing accountability.
  - o The best elections are inadequate for establishing democratic practice; additional accountability mechanisms and ethics are required.



## Powers

- Provide Power to Democracy: Democracy without power is empty. Democratic authorities need *discretionary* powers so that they are able to flexibly respond to the needs of citizens. They need powers that are sufficient to provide adequate responses and that are meaningful to local people.<sup>23</sup> Ensure that they have meaningful and adequate powers over the natural resources in question and the opportunities and revenues that derive from them. Follow subsidiarity principles (Box 8, above) when identifying the appropriate powers for local democratic authorities. The powers devolved to democratic local leaders are the powers that constitute the local public domain of democracy.<sup>24</sup>
  - Natural resource powers of local governments are often inflexible (earmarked for pre-determined projects), making it difficult to use them in response to local needs.
  - Natural resource powers of local governments are often grossly inadequate to be meaningful to local people.
  - Devolved natural resource powers often do not correspond to what local people need and want from the natural resources around them.
  - Most natural resource powers that could productively and safely be devolved to local government are retained by environmental departments of government.
  - Specious scientific arguments are often used as an excuse to keep natural resource powers with central government agencies.
  - Public powers over natural resources are often privatized, thus removing them from the public domain of democracy.
  - The legally circumscribed public domain is usually inadequate to be the basis of democracy.
- Give Local Democratic Authorities the Powers to Negotiate with External and Higher-level Actors: Negotiation via deliberation, participation in decision making, cooperation in design and implementation, and consent to a project intervention are important. But they are all meaningless if the local representatives with whom you or any other outside entity is negotiating do not have the *right of refusal*: the right to *not consent*. To represent citizens and to negotiate effectively, democratic authorities need to have the right to say ‘no’ to outside interventions. The right of refusal is a foundational element of fair negotiation.
  - Programs and projects often ask for consultation rather than consent. See Box 16.

- o The option to say ‘no’ to an intervention is usually lacking.
- o When people lack the right to say ‘no,’ their negotiating power is reduced to resistance. Their options are reduced to withdrawal, obfuscation, sabotage, violence, and other channels that extend their ability to make claims beyond what is legal.
- Do not Treat Elected Local Governments as Mere Implementing or *Service-delivery Agencies*: The power to deliver prescribed services does not constitute democracy. If elected local government only implements natural resource management policies and projects prescribed by higher-level intervening agents, then it is not a democratic natural resource management institution. Projects and services are important, but they are not democracy unless local people can meaningfully shape, accept or reject them.
  - o Local governments are usually treated as implementing agents for higher-level authorities.
  - o Prescribing the roles of local government diminishes their discretion.
  - o Treating them as an administrative implementation branch of central authorities diminishes their democratic function of response to local needs.

### Accountabilities

- *Make Democratic Authority Accountable to Citizens*: Elections alone are never sufficient to ensure accountability. Use multiple means, in addition to elections, to keep the activities of democratic authorities transparent and accountable. Transparency must be established through publication of budgets and activities as well as through public deliberation. In addition to elections, citizens must be able to reward and punish democratic local authorities – using mechanisms such as protest, referendums, courts and media (see Annex B). Make these means of accountability equally accessible to all categories of local people. If it is not accountable to citizens, an authority is not democratic. Where local people have no rights to sanction or to demand a response, which is often the case, then inform them that they have no democracy and that its absence is problematic. Silence condones.
  - o Elections are not a strong means of accountability.
  - o Multiple accountability mechanisms are always required for democracy to work.
  - o Accountability measures are often not accessible to local people.

- o Rights of local people are often inadequate to sanction governments or to demand services.

### Working with Parallel Authorities – NGOs, Chiefs, Private Bodies

- *Keep customary authorities, NGOs and private bodies focused on private decisions of and for their groups.* Indigenous leaders and chiefs have many important roles within society, but in a democratic polity they do not make public decisions, except where they have been elected to do so or have been delegated decision-making powers by democratic leaders. The same is true for NGOs or private bodies. Otherwise, their decisions are private and concern the members of the groups who take them to be their leaders. In a democracy, private and other parallel bodies do not make ‘public’ decisions. Public decisions must remain with public decision makers. Customary or traditional authorities, such as NGOs and private bodies, co-exist with public institutions; they have their own domain, making private decisions for and with the members of their group. Parallel institutions should only make public decisions when they are accountable to democratic authorities vis-à-vis those decisions.
  - o Customary authorities are not public decision makers; they interact in public, but rarely represent the public as a whole.
  - o NGOs and corporations are not public decision makers; they interact in public, but do not represent the public as a whole.
- *Promote equity:* There are many instances when projects work in the private domain and interact with private bodies (individuals, NGOs, chieftaincies, religious leaders, or corporations). When working outside of local government, systematically partner with local organizations representing all classes, genders, orientations, castes, ethnicities and ages. As one would do when working with local government, level the playing field through policies that affirmatively favour the poor, women and marginalized groups. Neutral policies are not sufficient; equitable policies and interventions must be affirmatively skewed in favour of disadvantaged groups (see Bandiak 2007; Larson and Ribot 2007). Ensure that they have meaningful and adequate powers over the forests in question. Recognize that pre-existing inequalities require affirmative action to remedy if they are not to be reproduced or reinforced (Taylor 1994; Fraser 2000).
  - o Neutral policies reproduce inequalities.
  - o Work affirmatively to level the biased playing fields in all arenas.
- Local public decisions belong with local democratic government: When working on public decisions with groups or individuals outside elected local

government, these groups or individuals should operate under the authority of or through delegation from a local democratic authority.

- o Public decisions should remain under representative public authority when non-governmental bodies are involved in them.

### Principles for Working with Citizens

- *Inform local people of their rights and powers:* Let local people know which decisions are public, which powers their local authorities hold, what services local authorities can deliver, what means of accountability are available to them, and how they can access those means of accountability. Inform local people of subsidiarity principles and engage them in the analysis of which powers should be local so they can compare these with what their governments have given them.
  - o Local people often have too few rights.
  - o They often do not know what local government can do for them.
  - o They often do not know how to hold public authorities accountable.
- *Empower local people to sanction government:* Support the right and provide the means for local people to influence the authorities that govern them. Include all residents of the use area or jurisdiction within which the natural resources under consideration are located.
  - o Existing accountability measures in most observed cases are inadequate for citizen engagement.
  - o Access to accountability measures and means of voice are often unequally and inequitably distributed within local societies.

### Additional General Principles

*Help local governments to engage in collective bargaining for laws that favour the populations they govern:* Enable local governments to federate so as to: (1) bargain collectively with central government to ensure that they are granted the rights they need to manage their forests and (2) ensure that the rights they have been granted in law are transferred to them in practice. Facilitate representation of rural needs and aspirations in national legislatures. Leverage can be established through local representative federations or through legal recourse mechanisms that provide local authorities with influence at the national level.

- *Harness elite capture for public good:* Elite capture is pervasive and inevitable. Enable the people to capture the elite who capture power. Ensure that elites who rule are systematically held accountable to the majority and to poor and marginal populations. Make certain the multiple accountability mechanisms apply to elites and are within reach of all citizens. Work to make elites into public servants. This is democracy.
- *Remember that democracy is a system that mistrusts government:* Government is a ruling institution. It requires powers to rule. Democracy does not trust government. Therefore it builds accountability through creating checks and balances into the system of government. It entrusts government with discretionary powers and then applies multiple accountability measures so that the trust is not blind. Trust combined with the threat of punishment when that trust is breached is a starting place for the building of good government

Environmental organizations (perhaps even your own) that are promoting sustainable forest management programs have been reluctant to embrace local democracy. They are at times unaware that their interventions have an effect on local democracy or that local democracy has effects on their programs. They are often unsure about how to engage with democracy (see Box 17). Yet elected local government could become the basic sustainable institutional infrastructure for the popular participation that forest management projects often strive for. Democratic local governments have the potential to increase the efficiency, equity, sustainability, and legitimacy of forest management interventions, as well as to generate incentives for local people to become involved. The above summary recommendations offer ways for you, as an intervening agent who cares about sustainability and the public good, to support local democracy while attending to your immediate and long-term forest management and conservation agendas in a manner that gives your efforts a just and sustainable, local institutional home.

**Box 17:** Do your Colleagues Understand Local Democracy?

This handbook provides enough information so that you can evaluate the state of knowledge about local democracy within your organization. Can your colleagues define democracy? Do they know its working parts? Would they know how to operationalize it in projects, programs and laws? It is important to evaluate your own organization to see what they are doing and how they are doing it so that you can also guide your whole institution toward better practice in project, program and legal design.

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## Preliminary Institutional Landscape Assessment (PILA)

This section provides a set of questions that you, the project and policy designers, practitioners, evaluators or recipients, can ask yourselves in order to think through whether the project or policy you are concerned with is adequately representing local populations, and whether your policy or project is supportive of or is undermining local democratic institutions. This set of questions, which together form what RFGI calls a *Preliminary* Institutional Landscape Assessment, or PILA, can be used to carry out a preliminary analysis of local governance in project design and in project practice. The PILA is a *first step* toward helping you to reflect on existing projects, programs and laws and on any potential future project design. Ideally, you, together with a team of researchers (*including* social scientists), will also carry out a field site visit and conduct the more in-depth assessment (LEGA), provided in Annex A. While RFG guidance is designed for someone without a social science background, having a social scientist on any evaluation team is highly recommended. With or without a social scientist involved, however, it is still important that ecologists, biologists and other people working in forestry projects and laws be aware of how local democracy works and how to support local democratic institutions and processes. Remember that the PILA is only a starting point for thinking about how to support democracy through your intervention.

Based on the RFGI principles outlined above, you can now evaluate laws, programs or projects that you are designing or involved in implementing. However, to apply your understanding of RFGI principles in your existing or proposed site, you first need information about the place and people affected by your intervention, and on the intervention if it is already up and running.

## PILA: Sources of Information

Any evaluation of local democracy or of the effects of a project on local democracy involves doing some research. To reflect productively on your intervention (policy, program or project) you need to learn as much as you can about the site you are working in and the actors involved. For the PILA you can use your own experience if you have made a site visit already. Whether or not you have made a site visit, you will certainly want to use existing literature, project documents and talk to people involved in the project area to better understand the actors involved, their powers and their accountability relations.

*Literature about your area exists.* Read the existing research literature (sociology, anthropology, political ecology, history, political science) on your area of intervention. There is almost no place on earth that has not been written about by researchers interested in some of the things you need to know. If you cannot find these written materials, interpolate from writings on nearby fields or similar situations. You should also talk with social scientists who know the area well; they invariably exist, and with a little legwork you will be able to find them. Typically they are very happy to help.

*Visit your target area.* If at all possible as you carry out the PILA, do go in person to the area where you intend to intervene. Talk with other project or program staff (if they are already in the area), government agents, the whole array of local leaders, and a large sample of local people. They will not only know about the area and help you identify the issues at hand, but will also likely know of earlier studies and earlier researchers who have worked there.

Again, we do not expect you to conduct in-depth long-term research on this topic; this is why the PILA is considered *preliminary*. However, we do expect you to read and get to know the data that is available. There are real pitfalls to shallow understanding (see Box 18).

Annex A, which outlines the more in-depth and detailed Local Environmental Governance Assessment (LEGA) (an assessment of the local environmental governance landscape) provides more guidance on the kinds of data you need and on sources of this data. Even if you do not go on to do the in-depth, comprehensive LEGA, it is still important to familiarize yourself with Annex A.

### Box 18: Pitfalls of Shallow Analysis

Giving you guidance on the evaluation of local democracy places the Handbook's authors on the horns of a dilemma. It is irresponsible to act before doing in-depth long-term research.

(Continued)

However, people act all the time without doing the necessary groundwork. Indeed, you will also most likely do so. We cannot, however, suggest that you do the research, unless you are a trained social researcher, since this kind of research requires years of training and a long-term commitment to being in the place you are intervening. Nevertheless, the more you can gain a sense of the place, the more you can identify the representative institutions, the more you can bring representatives into your decision-making process and the more you can work with local people to inform this kind of an evaluation. Ultimately, the evaluation aims to help make interventions more democratic.

Each person you interact with in the local arena has a position and has stakes in the decisions you are making. You do not want to take anything anyone tells you at face value. You do not want to uncritically believe the things said by project people, government people, local leaders, NGOs, customary chiefs, or villagers. You also do not want to uncritically believe the documents you read. You must learn to triangulate. You want to get many opinions and try to evaluate which actors hold which powers and are accountable to whom, based on a multi-perspective analysis. This is not easy and we cannot give guidance without recommending long-term training; bringing a social scientist into your team would be the best thing to do. Knowing how to identify and understand the underlying relations and hidden institutions in the place you are working is difficult and always incomplete (see Scott 1990). You must operate with caution and you must always realize that local actors will ultimately be the judges of what you come up with. They will accept or reject it based on who it strengthens and who it threatens; if it threatens autocrats and strengthens democrats the autocrats are likely to act against you. If it strengthens the poor and weakens the rich, the rich will resist your work. Even positive change is a fight. You must develop strategies creatively tailored to the context with the help of those who will benefit from the strengthening of democracy.

### **Using the RFGI Principles in the PILA – Questions to Ask Yourself**

The PILA begins with a reflection exercise. You should ask yourself these questions:

- Does your intervention follow the RFGI principles?
- What would you do to redesign your interventions in each area where application of the RFGI principles is weak?

To answer these questions you should refer back to the RFGI principles and ask yourself these questions for each of the principles. Then, with a sense of how your program addresses the RFGI principles, it is time to begin evaluating the state of local democracy and what you can do to support democratic institutions and practices.



## Evaluating Local Democracy

To evaluate how to foster democratic local governments through your interventions, it is important to examine the degree to which a) local governments are democratic and b) their relation to other local authorities who have claims to or exercise public decision making over forests. In this way you can develop recommendations to strengthen local democracy by strengthening their ability to be responsive (reinforcing the powers they hold) and reinforcing their accountabilities to the people.

**Three key questions** will help us evaluate what must be done to strengthen local democratic government:

1. Do elected local government authorities have adequate, sufficient and meaningful powers over forests to be responsive to local needs and aspirations?
2. Are elected local authorities sufficiently accountable to the people?
  - i What mechanisms are available to hold them to account?
  - ii Do all citizens have access to these accountability mechanisms?
3. Are there public powers outside of elected local government that need to be transferred to or brought under the authority of elected local governments?
  - i Held by central authorities?
  - ii Held by parallel institutions in the local arena?

To answer these questions we need to understand:

- The accountability of elected local governments
- The powers over forests these elected local governments hold
- The powers over forests that have public implications but that other parallel local authorities hold or exercise
  - o Whether these powers can be transferred to elected local governments, or
  - o Whether the other parallel authorities exercising them can be brought under the jurisdiction and authority of elected local governments, that is made accountable to them, with respect to the exercise of these powers.
- The ways in which the powers that are held by other parallel local authorities can be brought under the authority of elected local governments
  - o Via transfer of power, or
  - o By making those authorities accountable to the elected local governments.

- The degree to which downward accountability mechanisms are accessible to all citizens.

The task is to strengthen democratic elected local government by making it more accountable to citizens and by bringing powers over forests that have public implications under their authority. When these powers remain under other authorities these powers are not the local public domain and are not subject to local democratic process; they are under central public authorities or they are the private domain of parallel authorities, corporations, and individuals.

### ***Powers and Accountabilities of Elected Local Government***

For your PILA you need to evaluate the means by which local elected governments can be held *accountable* to citizens, and local elected governments and other actors concerning the *powers* they exercise. Use the following questions to evaluate whether accountability relations and the powers local governments hold are adequate to create local democratic representation within your project:

- Are the elected local leaders you intend to work with, or are working with, democratic (that is, do they have significant powers and are they downwardly accountable to the people)?
  - Powers:
    - Which kinds of powers do the different actors (local governments and other actors) have to act on behalf of the people with respect to forest management and use?
      - Do they have executive powers?
        - Can they make decisions over use and management?
        - Do they have powers to act on behalf of citizens with respect to forest-use contracts (such as for hunting, carbon forestry or timber concessions, or the gathering of forest products)?
      - Can they enforce decisions they make?
        - Do they have legislative powers
        - Can they make rules concerning forest use?
      - Do they have judicial powers
      - Can they engage in dispute resolution?
    - Are these powers meaningful; do they relate to key forest management decisions of importance to local people?

- o Are these powers sufficient? Are the powers adequate to enable the leaders to say 'yes' or 'no' to outsiders concerning decisions being made? Are they sufficient to enable local leaders to negotiate effectively with outside actors? Are they adequate to enable local leaders to respond to local needs and aspirations?
  - o Accountability: Are elected local leaders systematically accountable to the people?
    - o Evaluate the means by which citizens can hold them to account. See Annex B for a list and discussion of possible accountability mechanisms. Elections are only one means of accountability among many.
    - o Are there multiple means of accountability that can be applied to these leaders? Multiple means in addition to elections are required.
- Are the people empowered as citizens with appropriate and sufficient means to hold their elected local leaders accountable?
  - o Are multiple means of accountability present for citizens to use?
  - o Are accountability means accessible to citizens of the jurisdiction?

If the answers to these questions about local authorities is that a) yes, they have sufficient powers, and b) yes, they are accountable to the people, then you are probably looking at a democratically representative authority.

Of course, however, local authorities will have some powers and some accountabilities in place and you will have to evaluate the effectiveness of these powers and accountabilities so as to determine for which of these decisions taken by these authorities are they accountable to and representing the general public with respect to the forest management and use decisions you are focused on. The same authority may be representative with respect to some key decisions while not being representative with respect to others. Evaluating in which decisions people are represented and in which they are not gives you a basis for identifying where strengthening of discretionary powers or of accountability is needed. In short, local governments may hold power they exercise without accountability and powers they exercise with accountability to the people. They may also hold some powers that are public while not being able to exercise others. You need to identify the key and most important powers for local governments to hold over forestry decisions: those that are meaningful to local people. Next you must ascertain whether they are (1) in local government hands and (2) are exercised

with democratic accountability. This evaluation must be done decision-making power by decision-making power. To help you organize your evaluation of elected local government powers and accountabilities, see the table and discussion in Annex C.

### ***Powers of Parallel Local Institutions – NGOs, Committees, Chiefs, Individuals and Corporations***

Once you have a good sense of the powers and accountabilities of local governments, the next part of your PILA is to assess the powers of parallel institutions. Since many parallel institutions are not legally required or even expected to be accountable to the general public, you are not as concerned with their accountabilities. Hence, the questions concerning parallel institutions are about those powers they hold over forests that are of public concern. You must find out if parallel institutions are making decisions over forests that should be (1) in the public domain and (2) subject to democratic processes: The questions here are simple:

- Which parallel local authorities and actors exercise powers over forests?
- Which of those powers are of public concern and significant and meaningful to local people?

Asking yourself these questions about powers and accountabilities while thinking carefully about each of the related RFGI principles above will guide you as you re-craft your projects or laws so as to strengthen democratic local decision making about forest management and use. The PILA exercise has given you some preliminary data. With the RFGI principles and this data, you have the tools to help you to choose democracy. The health of local democratic decision making in your intervention area is now up to you.



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## Developing Preliminary Recommendations

Your recommendations will follow from the information you have been acquiring and documenting in your PILA and your reflections on your findings so far. The RFGI handbook cannot prescribe answers. Along with the guiding principles, you must use your own judgment. This means taking into account local needs and aspirations as they relate to forests and forestry decisions. Circumstances differ from place to place. For each of the following issues you should be able to make some recommendations, although you must remember that recommendations from your initial assessment can only be ‘preliminary’ and should be used with caution.

- **Authorities:** Suggest which local authorities are best to work with in order to support long-term institutionalized democratic decision making. Which of the parallel institutions should be brought under the jurisdiction or authority of the elected local government vis-à-vis key and meaningful forestry decisions?
- **Powers:** Make recommendations about which powers local governments need for their decision-making capabilities to be appropriate, sufficient and meaningful. *Include the power to judge and accept or reject the objectives and agendas of external interventions (including your intervention).* Which of these powers are already in the hands of elected local authorities? Which are with parallel institutions and need to be transferred to elected local government or brought under their jurisdiction for democratically delegated or supervised decision making?
- **Accountability:** Make recommendations about how to strengthen accountability relations between elected local government leaders and the people, suggesting how to improve or add new accountability mechanisms.

- **Citizenship:** Citizenship, substantively defined, is the ability to influence those who govern. Make recommendations about how your intervention can support inclusiveness such that all local people can act as citizens. Local people should be enabled to exercise accountability mechanisms and to receive the services their leaders are empowered to provide. See Box 19 for an illustration of how a poorly designed environmental intervention can damage, rather than fortify such belonging.

For each of these categories you can then make recommendations. These recommendations are your first cut. Then: (1) consider all of the issues explored below, making notes for yourself; and (2) return to your original recommendations and revise them in light of your notes and questions.

### **Box 19:** Belonging is not Just for Environmentalists

Legislation passed in Thailand defines community as “the group of people that live together as a society in the same area and pass down their culture together” and which demonstrates a “culture of coexistence [with forests] that favours forest protection” (Forsyth and Sikor 2013:116). What is wrong with this definition? Two things. First, it defines belonging only as those who share a common background, precluding the inclusion of the diversity that characterizes most communities around the world. Second, it pre-determines the legitimate users to be only those people that share the forestry objectives imposed by outsiders. Both of these elements of this Thai legislation can compromise representation of local needs and aspirations. The legislation implies that those who are of a different background should not be recognized as citizens – they should not be represented – and it implies that those who do not see forest protection as the priority should not be recognized or represented.

Of course, intervening agents of all sorts (governments, donors, international NGOs) recognize those local groups that favour their objectives. In this case such skewed recognition is made legible in law, and without shame. The real challenge of democratic intervention is to create ways to work with people of all backgrounds and all positions, to create spaces of deliberation and debate where opposing views can learn from each other. Forestry interventions that merely favour those who favour the interventions carry grave risks, if that group is not the vast majority, of resistance, alienation, division and failure.

Forsyth and Sikor (2013:116) ask: ‘Does discussing local farmers as “indigenous” or as “communities” really emphasize questions of local justice such as food security, land rights, and overall development? Or, does it imply that communities are acceptable as long as they adopt “traditional” land use?’ Relegating local people to tradition without their consent is not democratic. Outsiders should not presume the

(Continued)

aspirations and needs of forest-dependent populations. Local people should be part of the process that defines local land use. Environmental interventions can reinforce these kinds of unjust laws when they accept and work with them without questioning their effects on democracy, equity, or long-term sustainability of their interventions.

Source: Forsyth and Sikor 2013:116.

## Actors

### *Where there are Elected Representatives*

Remember that local elected governments are the sustainable institutionalized form of participation. So, they are preferable to any temporarily established new institutions that will make public decisions only for the duration of the project. Where there is elected local government, RFGI recommends that you work with it, no matter whether it is corrupt, disliked, or even considered illegitimate by local people. The reason for this is that interventions often have the power to help make these authorities less corrupt, more responsive, better liked and more legitimate. When working with elected local governments that lack accountability or responsiveness, put into place checks and balances to ensure that they are empowered, accountable and able to be responsive to local needs – at least with respect to your intervention's concerns. This is no small task. How can this be done?

One way to work with problematic (or even well structured) local governments is to have the elected local authorities create committees that operate under their jurisdiction. These can be project-supported committees. The important thing is that these committees be responsive to the representative elected local authorities. The committees themselves can be populated by elected members or members appointed by the elected local government authorities. Such project-specific committees must, however, ultimately be units within or under the authority of the local government. They are not parallel institutions. (See Box 20, and see Chomba 2015a).

Another method is to bring elected local government leaders into project decisions and give them binding decision-making powers. This can put the project at risk, but it reinforces local government's right to say yes or no to project decisions (the right of refusal). If the local government does not want the project, or if the conditions required by the local government are not acceptable to you, or any other project designers or implementers, the project can leave or go elsewhere. That can certainly be a good democratic outcome.



**Box 20:** Improving or Circumventing Ineffective Local Government

Should projects work with elected yet still unaccountable and ineffective local governments or should they create their own more-effective and representative committees? In Taita Taveta County, Kenya, where a prominent private-sector REDD+ project is being implemented, there was a provincial administration represented by appointed chiefs and appointed Local Development Committees (LDCs). This provincial administration was earmarked by the 2010 constitution to be transformed into elected local government by 2015. The new local governments will have elected representatives called Members of County Assemblies (MCAs). Given their future representative role, these local governments might be the first choice of local partner if the project were aiming to support and work through democratic local government. However, the devolution process was yet to be fully functional and the MCAs did not have sufficient structures and funds to operate. The LDCs that were still operating during this research in 2013 and 2014, as one villager noted, however, were corrupt:

LDCs were working well after their formation in the late 1980s and early 1990s. As time went by, some LDC members turned the institution into a cash cow, demanding bribes and failing to attend meetings to approve projects if the bribe was not paid. If any member of the LDC was seen to be working with the NGOs without requesting for a bribe, or was vocal about real issues that affected the community, the core leaders [chiefs] would drop them from the committee and not call them to attend subsequent meetings. LDCs were later referred to simply as 'leaders meeting' so that if any excluded committee member was not invited and made an inquiry as to why, he would be told it was just a 'leaders meeting'. (Village elder, 23 July 2013.)

Chiefs and LDCs were also seen as overburdened and inefficient. So, as private-sector actors, the REDD+ implementing agents avoided these institutions. The project created single purpose 'elected' Location Carbon Committees (LCCs) and worked with existing Community Based Organizations (CBOs). They directed resources through these local bodies, skirting state-sanctioned institutions that have the mandate to represent local citizens.

The project, being part of REDD+, had a fraught choice in meeting the universal principles of participation, representation and democracy under the United Nations' conventions and declarations, as well as those mandated for REDD+. Their choice to circumvent the 'representative' local government institutions appeared to contradict the REDD+ safeguarding principle of ensuring full and effective participation of all relevant stakeholders. Indeed, while the project could claim their committees were representative due to elections, the committee elections were hardly democratic. In a community meeting (*a baraza*), voters had to bow their heads so they could not see others and raise their hands to be counted by the administrative chief. In this case voters had to trust the chiefs to count

(Continued)

correctly and feared that others would tilt their heads to see who they voted for. Of course voters might also not feel free to express their positions in front of powerful chiefs. In short, this system was nothing like the secret ballot that would constitute a fairer election.

This adoption of parallel governance structures for REDD+ is problematic. It risks perpetuating a view that existing local governance structures are incapable of dealing with local needs. It also creates new parallel institutions at a moment when the local state bodies are being democratized. Further, it creates institutions that masquerade as representative but remain under the powers of chiefs and the social pressures of visibility. Chomba (2015a) recommends that in the short term, REDD+ can work with LCCs and CBOs, but should place them under the authority of elected governments and councillors rather than appointed authorities such as chiefs and LDCs. She recommends integrating decision making into elected local government, but requiring project-imposed checks and balances in the form of public meetings, audits and other public accountability mechanisms. As a result, communities involved would learn critical lessons on how to address their needs through elected leaders, and to hold their leaders accountable.

Instituting democratic governance in the long run, however, will require the implementers of REDD+ to entrust democratically elected local government with resources and discretionary powers, when local governments have been made accountable through the normal politics and multiple accountability relations that ensure democratic practice. Chomba (2015a) concludes: 'Explicit strategies are required to enable learning from such parallel governance models and to migrate them into mainstream local governance structures in order not to undermine local democracy.'

The principle to retain from this story is that decisions over public resources such as forests need to be kept in public institutions that should represent the public. Rather than creating parallel institutions, it is best to strengthen and democratize public authorities.

Source: Chomba 2015a.

### *Where there are no Representatives*

In many areas there are no representative authorities at the local geographical level where forest and resource use decisions are taken.<sup>25</sup> In these cases, our work is especially difficult, and we rely on the principle of subsidiarity (see Box 8). According to the principle of subsidiarity, it is imperative that (1) the power over the intervention be located within the most representative body possible, *and* (2) that decision-making powers be taken at a scale that is as close as possible to where forest management and resource use decisions are ordinarily taken.

It is also important that whatever institution has decision-making power be made systematically accountable to citizens. If you work through locally elected committees:

(1) make sure that multiple mechanisms are in place to enable their accountability to citizens and (2) place the locally elected committee under the control of higher-level democratic institutions. Also make sure that the committees represent *everyone*, not just the users and interested parties. Forests do not just belong to charcoal makers, woodcutters, gatherers or hunters; they are the patrimony of the whole population (see Box 19). Making a committee of mere ‘users’ is not sufficient. Public resource decisions should be made by a broader cross-section of interests. The committee need not include a representative of every interest group in the community, but it must be elected by universal suffrage so that it can be held accountable by everyone. If you do not ensure that the committee is elected by universal suffrage, you are effectively privatizing the resource to the user group. In short, if possible, public decisions over resource management and use should be subordinated to democratic decision-making processes at whatever scale they exist, with the more local scale being most appropriate (see Box 8, below, in the section on subsidiarity principles).

### ***Committees, Traditional Authorities, NGOs, and Deconcentrated Administrative Bodies***

Public powers belong in accountable and representative institutions. Ideally, they will be located in public institutions or be made dependent on and accountable to public institutions. But this may not always be possible.

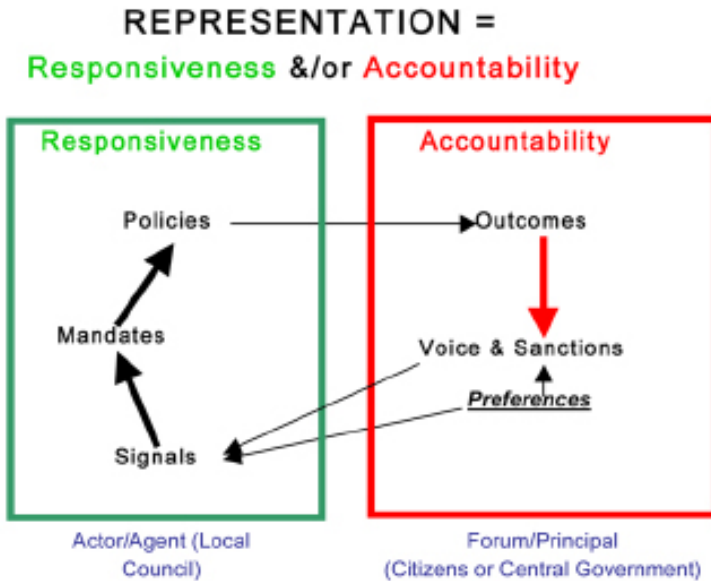
When choosing a local institutional partner, you should know the characteristics of authority or institution you are supporting. There are lots of local institutions everywhere. Some institutions, such as traditional authorities and regional or local branches of central government, are permanent. Using these existing permanent institutions for intervention management is often problematic. Traditional authorities are often not representative and are even often despotic (Mamdani 1996; Ntsebeza 2005; Nuesiri 2015). Administrative bodies of the central government are also very difficult to make responsive to local needs and aspirations. Additionally, they may represent a form of central control in the local arena. Other institutions, such as NGOs, are not permanent. They tend to be more ephemeral and they can be just as corrupt as any private or public institution (Baruah 2015; Hiraldo 2015). Of course, this is not always the case. Local administrative bodies and NGOs *can* be made accountable to local people (Tendler 1997). But do proceed with care and be sure to apply RFGI principles to your choice. Where elected government is absent, public institutions such as deconcentrated administrative authorities or universally elected project-established committees may be the best option. If you proceed in this way, be

certain to propose multiple and locally effective accountability mechanisms (see Annex B) so that public decisions over natural resources are more likely to be made in response to local needs and aspirations.

### *Institutional Pluralism in a Democratic Setting*

As you know, the local arena typically contains a mix of institutions, with overlapping constituencies, concerns and functions. This is known as ‘legal pluralism’ or what we will call ‘institutional pluralism’ (von Benda Beckman 1981). This plurality of institutions can compete or cooperate with, complement or displace each other. For such local institutional pluralism to reinforce democratic decentralization, public resources should be under representative authority (see Figure 1). While projects often want to encourage institutional pluralism, spreading authority among local institutions is not democracy; it does not make decision making more public.

**Figure 1:** A Conceptual Diagram of Democratic Representation



As Blair (2000) argues, other institutions with a role in using or managing public resources should be accountable to the public through the local representative authorities. If they are not, there is likely to be a weakening and delegitimation

of the representative authority by the diffusing of powers over public resources among multiple institutions with no or limited accountability (also see Manor 2004). Remember that meaningful representative authority requires powers over public resources. If these powers are diffused across many parallel institutions, representative authority is weakened. These parallel institutions are taking away powers that local government would otherwise be exercising, thus local government is left with nothing to offer the people.

If institutions with control over public resources are not accountable to some form of representative authority, then the best placed and most powerful authorities and institutions are likely to capture power over resources, whether they are chiefs, NGOs, businesses, or user groups (Baruah 2015). They then become the 'legitimate' local institutions. Further, without the mediation of representative authority, a plurality of institutions is a formula for elite capture (Manor 2005; Baruah 2015; Faye 2016; also see Chomba 2015b).

If accountability mechanisms are in place to enable checks and controls for all involved institutions, however, institutional pluralism can be an asset (Figure 1). Creating or supporting democratic institutions does not mean the elimination of other parallel or subordinate institutions. There is no reason that people cannot make decisions or resolve conflicts over forest or land use through a customary authority, head of a household, a religious leader, or an NGO before or instead of bringing them to the elected local government.<sup>26</sup> However, people should use these institutions by choice and not because they have no alternatives. Indeed, the existence of elected authorities or accessible courts to which people can turn will influence the ways in which these other institutions behave. The mere option of appeal to elected authorities or courts may increase the likelihood that decisions will be made fairly by non-elected authorities, reducing the likelihood of conflict. Knowledge that people can take their grievances to an elected authority may discipline the household head, customary authority or Imam to make more equitable decisions and to be more even-handed in arbitration.

The creation of democratic local institutions is not meant to replace, displace or destroy other local authorities. It is meant to create an alternative that local people can choose and to create democratic checks over the powers of these authorities, especially when these authorities intervene in public decisions. Understanding the powers and accountability of existing local authorities and their interdependence is key to making a sound institutional choice that supports democracy in your intervention. Where they exist, representative authorities must be the central hub of public resource decision making. Ensuring that you partner with or support a democratically elected and accountable institution will help you to achieve your RFGI goals. In all cases,

creating competition for legitimacy or cutting down the domain of authority of local democratic institutions makes local democracy less likely to succeed (Summers 2001 in Mansuri and Rao 2003:2; Manor 2005; Blair 2000).

This sub-section on actors provides some of the issue areas you should be thinking of when you re-work your first-cut recommendations: which authorities should be empowered, what mix of authorities should be empowered, and in what relations to each other. The next section poses key questions that arise in the allocation of public powers.

## **Powers**

### ***Are the Appropriate Powers Public?***

The power to make public decisions must rest with public authorities: authorities that are accountable to the public. If decisions that should be public are not being made by public bodies, then make sure that these decisions are placed into the most public decision-making arena available. These decisions should be in the hands of authorities that are accountable to the people. Public decisions in private hands are no longer public decisions. When private bodies make decisions over forests or other natural resources this is tantamount to privatization.

### ***Are the Powers of Representative Authorities Adequate?***

We often see elected local governments with so few powers that they cannot respond to local needs and aspirations. As one anonymous external reviewer of this document said, 'In most cases the power over forests and natural resources are very high up. Rarely do local authorities have any say.... In some case a forest guard can have more power than a local government when it comes to forest resources. Some state laws have all land in the hands of the state.' In your area, do local powers have adequate power over forests and natural resources? Are they able to respond to local needs and aspirations? Local authorities must be able to make decisions that are significant to local people. Do they have sufficient power over forests and natural resources to be considered decision makers? Forest services are usually only willing to give very small roles to local governments. Securing power for local authorities takes a long time and a lot of work.

### *Subsidiarity Principles*

Clear environmental subsidiarity principles will help you identify which powers should be located at different levels of government, and which should be located even outside of government. Principles that might be helpful for you, as activists, practitioners and policy makers, might include: create discretion; provide significant powers; maintain the public domain; fund mandates; create local revenue-raising opportunities; devolve lucrative opportunities; do not conflate the technical and the political; assure security; separate powers; balance powers in government; balance powers over commercial resources; and match powers to scales. If you are unsure about any of these terms, refer to Box 8.

Decisions as to which powers can be transferred cannot be made solely by interested parties within environmental ministries. Procedures for determining the optimal division of powers must involve multiple parties. Capacity arguments and technical arguments for retaining powers at the centre should be weighed with great care. They are as often specious as true. Many environmental experts are also incapable of making clear decisions due to their mistrust of local decision makers, hence they keep decisions centralized (regardless of what projects or laws demand). At the centre there is much fear of losing power. There are also many false scientific-sounding arguments that can misguide these decisions. Some of the biases introduced by specious science and multiple hidden interests can be balanced by having a critical theorist specialized in political ecology involved in the analysis. Counter-experts can help analyse where powers over nature can be relocated without threat to nature and in support of subsidiarity principles.<sup>27</sup> Critical reflection on specious science can be a very helpful part of a discussion of subsidiarity. Of course local users can also help balance this bias, but they are often intimidated by 'technical' and scientific language and propositions that they cannot judge or are told they cannot judge.

There is often a mismatch between the scale at which local people are represented and the scale at which those with whom they must bargain on policy and on contracts operate. If a local government or even a private land owner tries to negotiate with a REDD entrepreneur, the entrepreneur can withdraw their offer, since they are able to go to the next village and get a better deal. How can local representatives and individuals bargain successfully with an entity that can pit local actors against each other, bargaining them down to the lowest prices for carbon? How can local actors fight against this race to the bottom? In addition, central government agencies often retain powers that should, following subsidiarity principles, be located in the local arena. What can be done about this? Local actors

can federate to demand that subsidiarity principles be taken into account. They can create a national association or union of local elected representatives. They could create a national union of forest-based elected local authorities. In short, especially in these modern times where mobile phones and computer connections are becoming more widespread, collective action at a scale that matches the scale of the nation's forests and forest users can prevent unfair or skewed bargaining and can be used to leverage the powers of elected local governments.

The issues raised in this sub-section on power should help you reflect on whether your first cut assessment has captured whether the powers of local elected governments are appropriate and adequate and are allocated following rational subsidiarity principles. The next three sub-sections address (1) the accountability of the people who will be involved in forestry decisions; (2) how to ensure broad-based belonging in your intervention area; and (3) whether you have a clear understanding of institutional legitimacy.

### **Accountability**

Accountability is essential to functioning democracies. No matter which institutions you choose to work with, you should put in place multiple mechanisms of accountability. Information must flow. The actions and accounts of local authorities must be published periodically, public records must be open to scrutiny, public meetings must be held to discuss what local authorities have done and what they plan to do (well in advance of the doing). Means of sanction, from voting and recall to courts, protests, media shaming, freedom of assembly, should be available (see Annex B). Evaluate existing accountability practices and mechanisms. Recommend adding any new means of accountability that are practical and feasible.

### **Belonging**

To be as democratically inclusive as possible, it is important to understand who belongs, or can belong, to the institutions you choose to work with. Typically, institutions use one of three kinds of belonging to decide who is a member: residency-based belonging (based on where someone lives); identity-based belonging (based on someone's ascribed or adopted way of being described); and interest-based belonging (based on one's preoccupations or objectives). An institution that uses identity-based excludes people from decision making who do not fit the particular description or 'identity.' Institutions that use interest-based belonging exclude any people from decision making who do not share their goal or who do not have the



means to pursue it. For democratic decision making, residency-based belonging is most appropriate. People who live in a community that has a forest nearby should all be included in decision making. It is not only those nearest the forest resources who should have a say in how forest resources are managed, it is everyone in the jurisdiction. This includes people who do and do not use the forest, and who do and do not live near it. If it is a public resource, then the whole public should be involved in the decisions; residence in the jurisdiction should be the criteria of belonging to those who may engage in decision making, or electing decision makers. Remember that residency-based belonging is typically associated with citizenship, and citizens are the most important actors who are represented in a democracy. The greater the suffrage, the more democratic the institution. See Annex D for a discussion of citizenship and its various dimensions.

### **Legitimacy and Choice**

The road to hell is paved with good intentions. Recommending changes in a place you do not belong to and that does not belong to you is a dicey job. By acting at all, you are imposing your values and ideals on other people. “But,” you might say, “we are here to promote self determination and democratic representation. What could be wrong with that?” Beware! It is essential to act in concert with others from within the country you are working in who also share these values and ideals. Presumably the countries you are working in will have already made the moral and legal decision (legislated) that local democracy is among their objectives and values. Therefore, you should be able to find allies within the country, at most institutional levels, and, most important, in your local area, to work with you on these goals. At a minimum, the local elected authorities whom your program is likely to support will be among your local allies. Working with such local allies can help to legitimate your presence and the uptake of your offerings.

Time and again, you will notice that many local institutions are considered ‘legitimate’ by local people. Development and environmental agents will also argue that one should work with locally legitimate institutions. Indeed, many programs do enter the local arena and seek the legitimate institutions to speak for the people. In the colonial period the British did this under a system called ‘indirect rule’ in which the colonial powers sought to work with ‘legitimate’ local chiefs. They reasoned that they needed locally legitimate people who could rule and could legitimate and implement colonial programs. In the 1930s, colonial powers (England and France) sent many anthropologists to the field to seek out the real and legitimate chiefs. They then co-opted and empowered these chiefs to

work with the colonizers. They believed this was a great system of just and fair rule. As liberal anthropologist Lucy Mair (1936) wrote, ‘The basic aim of Indirect Rule is the development of an African society able to participate in the life of the modern world as a community in its own right.’ History, however, has shown that Indirect Rule was, at best, a despotic system (Mamdani 1996). Take this as a cautionary tale: not all institutions that appear ‘legitimate’ are actually broad-based, inclusive, or accountable to the people. Indeed, local people often view despots as legitimate (Ntsebeza 2005). In addition, keep in mind that, despite making a public show of relying on ‘legitimate’ local authorities, colonial leaders used local authorities to implement their policies and not to represent local people. In the process, local traditional authorities lost legitimacy in the eyes of their most important constituency: the local people who, initially, had empowered them.

Many people you encounter will argue that chiefs and other local bodies (NGOs, local strong men, local user groups, etc.) are legitimate and therefore should be your local interlocutor. It may be true that they are legitimate – that people will tolerate them without violent resistance (*à la* Max Weber 1978[1954]). It may even be true that they are more effective because of their legitimacy than are other institutions. Keep in mind, however, that legitimacy does not mean ‘good’ or ‘representative’ or ‘democratic’. It means that people submit to these authorities without violent reaction. Remember that they may do so out of habit or fear. They may do so because, in their memory, it has always been like this. They may justify this on grounds of ‘tradition’. Ntsebeza (2005) showed that chiefs on the Wild Coast of South Africa were often despised by their subjects. People did not like what they did. People thought elected local government was a better option. However when asked who was the legitimate decision maker over land, they named the chiefs.

Your objective is to foster, in whatever way possible, a move toward democratic rule such that democratic rule can reflect local needs and aspirations. The objective is to do so in concert with the other democratic impulses in the territories you are operating in. It is not to reproduce despotic legitimacies. The RFGI choice is democracy.

### **Make Preliminary Recommendations**

By now, you should have a lot of notes about how these principles and guidelines might shape your intervention, and perhaps you have some initial ideas about institutions you might work with or recommendations you might make. However, (1) you must keep *reflecting on* and *questioning* your observations; and (2) you must

remember at all times that your recommendations, whether preliminary or (as they might be after more research, and the LEGA) more firm, are *recommendations* only. They are not dictates. Your recommendations, no matter how you might want to perceive them, are about imposing external ideas. They may be very good ideas, but you are imposing them since they effect others. Also be aware that, because you are associated with a powerful outside entity, whatever you say is likely to have disproportional weight in the politics of institutional choice. You must recall at all times that your goal is not to support and reproduce what is. If the institutions in place are not democratic, you must not work with them, and your recommendations must not support them. The hope is that the institutional arrangements your recommendations foster will enable local voice and needs and desires to steer the decisions by leaders who govern.

Whether you are redesigning and refining an existing intervention or proposing a new one, your recommendations should address the following key topics: authorities, powers, accountabilities and belonging.

- **Authorities:** Suggest which local authorities are best to work with in order to support long-term institutionalized democratic decision making.
- **Powers:** Make recommendations about which powers local governments need for their decision-making capabilities to be appropriate, sufficient and meaningful.
- **Accountability:** Make recommendations about how to strengthen accountability relations between elected local government leaders and the people.
- **Citizenship:** Make recommendations about how your intervention can support inclusiveness so that all local people can act as citizens.

Now that you have carried out your PILA and have a list of preliminary recommendations, you should share your work with others in your organization, with actors on the ground, and with any others who can help you to further refine your thinking about supporting local democracy in your work. If you can, you are heartily encouraged to pursue your research further and to carry out the LEGA, which you will find in Annex A.

# 5

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## Synthesis

Development and environmental workers are not encouraged by development agencies to acquire the years of training in ethnographic methods, deep knowledge of social theory, and deep grasp of local history required to work successfully in their intervention areas. Without such training and knowledge (and without a sophisticated understanding of what democracy is and how it works) many projects and policies fail, and even do great harm to the communities these projects and policies aim to help. But since democracy is often not the priority of environmental programs or many of their funding agencies, you have to do the best you can to be supportive of local democracy with what you have learned. Without considerable experience working in your area, and without sociological training, the PILA (or LEGA, Annex A) that you have done is only a starting point. Nevertheless it is a real beginning that gives you broad guidelines with which to proceed.

RFGI urges you to apply the principles outlined here and to continue to educate yourself as much as possible, in all ways, about the communities you are working with. You may feel that at this moment that you only have the most general impressions. And though they are probably much better than those used by most development projects to design their interventions, they can still be sharpened. What you can do to help yourself and your project to succeed is to use your findings in collaboration with the most representative local people you can find to make decisions about the processes by which your intervention will help to promote, establish and strengthen local representation. Review this handbook. Familiarize yourself fully with the RFGI principles, and use these principles whenever you design a project or reform a policy.

Again, in review, before your intervention you must know:

1. Which authorities hold public powers
2. How they are accountable to the people
3. Which powers they hold
4. Which powers that could be devolved to local authorities are devolved and which are not.

With some general sense of the answers to these questions, plus the vast amount of knowledge gained through your reading and observation in answering these questions, you are now in a much better position to develop recommendations for project or policy design and implementation than when you started the PILA or LEGA process.

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## RFGI Glossary

**Accountability** has many definitions in the literature. Bovens (2006) specifies the principals and the agents ('accountor' and 'accountee') of accountability and its substance (performance).<sup>28</sup> Goetz and Jenkins (2005:7) define accountability as 'the ability to sanction poor performance by rulers in an effort to improve it'. In *Development as Freedom*, Sen (1999) argues that the ability to hold leaders accountable is a central benefit of political liberty. The other central benefit is voice – the shaping of shared values through deliberation. In common usage, increasing accountability usually refers to efforts to codify moral claims into law, or efforts to bring *de facto* accountability closer to *de jure* ideals. These efforts aim to produce more just law and to assure that the law is applied. These are efforts to enable less powerful actors who hold certain rights to place checks on more powerful actors whose actions affect them. In common usage then, Goetz and Jenkins (2005:11) point out that accountability is usually shorthand for 'democratic accountability', which refers to accountability to the people and to the legal framework (see Goetz and Jenkins 2005:10-11). In RFGI we think of accountability as the ability of one body to sanction another in response to their actions (Agrawal and Ribot 1999, 2012). Accountability constrains and limits people and institutions because it requires that those with power tell other people what they have done and why, and because those other people have the authority to authorize sanctions (rewards or punishments) against the power wielders.

**Belonging** refers to whether an individual is a member (or not) of a group. It can be defined in terms of identity (belonging to an ethnic group, clan, lineage, caste), residency (belonging to a municipality, district, or country where one resides), or interest (belonging to a political party, a civil society organization, an informal group). Belonging, when recognized, gives political rights within the group one belongs to.

### **Choice: see ‘Institutional Choice’**

**Citizenship** is the ability to be politically engaged in and shape the fate of the public polity of which one is a part. RFGI defines citizenship substantively as the ability to hold public leaders to account. Here, a public leader is a leader who is subject to broad public accountability. People who are under the rule of a public authority but do not have the ability to influence that authority are not citizens, but subjects (following Mamdani 1996). For public leaders to hear local needs and aspirations, and for leaders to be sanctioned by local people, the people must engage as citizens, expressing their needs and aspirations and holding leaders accountable for delivering on demands. Citizenship, like authority, requires *power*: the power to hold local leaders to account, the power to express needs and aspirations and to sanction leaders who do or do not deliver.<sup>29</sup> In short, democracy requires leaders and citizens with powers.<sup>30</sup> Under democratic authorities, belonging is inclusive of those who reside in a jurisdiction. This kind of inclusive belonging is called residency-based citizenship. In liberal democracies, citizenship is usually associated with entitlement to certain civil, social, and political rights irrespective of one’s identity and interests (Sparke 2004). These rights can enable popular engagement. However, ‘rather than merely focusing on citizenship as legal rights’, following Isin and Turner (2002:4), we accept that ‘citizenship must also be defined as a social process through which individual and social groups engage in claiming, expanding or losing rights’. Citizenship has come to be a process of being politically engaged and of shaping the fate of the polity in which one is involved (Isin and Turner 2002). Hence, for RFGI, we define citizenship as the ability to hold leaders to account.

**Decentralization** is any act by which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy of government. Decentralization is typically divided into democratic decentralization (see below) and deconcentration (see below) (Mawhood 1983; Agrawal and Ribot 1999, 2012).

**Deconcentration** (also known as administrative decentralization) concerns the transfer of powers to local branches of the central state, such as prefectures, administrations, or local technical line ministries. These upwardly accountable local bodies are appointed administrative extensions of the central state. While some downward accountability may be built into their functions, their primary responsibility is to central government. Deconcentration is considered the weaker form of decentralization because downward accountability is not as well established as it is in the democratic or political form of decentralization.

**Democracy** is substantively defined by the accountability of leaders to the people. Accountability is a means of ensuring responsiveness. Responsiveness is, of course, possible without accountability, but we call that state of affairs a benign dictatorship. Popular accountability of government via elections is called electoral or procedural democracy. We define democracy substantively, since elections, while important, are never a sufficient means for ensuring democracy. Also see Box 9.

**Democratic Decentralization** (often also called **political decentralization** or **devolution**) occurs when powers and resources are transferred to authorities, typically, elected local governments, that are representative of and accountable to local populations. Democratic decentralization aims to increase public participation in local decision making. Democratic decentralization is an institutionalized form of the participatory approach. Of the two primary forms of decentralization, democratic decentralization is considered the stronger and the one from which theory indicates that the greatest benefits can be derived.

**Democratic Representation** occurs when a leader is responsive to the needs and aspirations of her or his population. When the population can sanction the leader so as to hold the leader accountable, then the representation can be considered democratic. Representation is at the heart of democracy and occurs when leaders are responsive to their people and the people under their jurisdiction are able to hold them to account.

**Identity** is the way a person or a group defines itself or is defined by others. It can be expressed through multiple attributes such as family, clan, lineage, ethnic group, gender, caste, social class, class age, economic group, etc. Identity is usually the basis upon which rights to access to resources are determined in customary systems. In these systems, people belonging to dominant identity groups (clans or lineage who first settled in a given area) typically have access to land and other key resources, while recent migrants need to develop social ties (through marriage or by providing various services) to obtain access.

**Interest** is a set of preferences, and the goals and/or domains of action in relation with these preferences, that a person or group adopts or is willing to adopt to increase its satisfaction. Interests can be economic (preference for certain crops or income-generating activities to increase income), political (preference for certain leaders to gain political influence), or cultural (preference for certain diets, goods, behaviours and norms to improve well-being) depending on the type of satisfaction that is searched for. People tend to group depending on their interests. Through their belonging to interest groups, they can make stronger claims to influence their political leaders and increase their satisfaction, although at the detriment of other groups structured around different interests.



**Intervening agents** are higher-scale institutions, including governments, local, national and international NGOs, donor agencies, and international development agencies, that make decisions concerning the design of REDD and other interventions within the local arena. The intervening agents, however, are not all distant higher-scale agencies. They are also those front-line foresters and development workers who work for governments, development agencies and NGOs in the design and implementation of REDD and adaptation efforts.

**Institutional choice** in RFGI is defined as the identification by intervening agencies (such as central governments, international NGOs and development agencies) of the locus of decentralized authority, the local partner with whom intervening agencies work, and therefore to whom they transfer powers or provide support. Institutional choice can be inferred from observing the institutions with which intervening agencies have decided to work. The effect of choice is 'recognition' (defined below). The term 'choice' is used to attribute agency to these actors so that we can trace outcomes back to their decisions. With this tracing of the design and implementation of projects and laws back to their designers and promoters, the concept of choice enables us to target findings toward those responsible for and capable of affecting change. We also use the term 'choice' differently from its use in 'institutional choice' and 'public choice' economics. In our definition 'choice' is about the agency of authorities that make decisions. We do not assume, as in public choice theories, that governing decisions are merely an aggregate of individual choices articulated through governing actors.

**LEGA (Local Environmental Governance Assessment)** is the term that RFGI uses to describe detailed initial and on-site research conducted to assess the structure and effects of environmental governance. The LEGA is described in detail in Annex A.

**Local** is very difficult to define. In RFGI we will use the most local scales of sub-national government to define the 'local'. This is usually a sub-national jurisdiction of anywhere up to 50,000 people that is governed by a locally established authority: elected local government, customary authorities, warlords, etc. In most cases 'the local' will be defined empirically by local institutional mapping. Be aware that what people consider local can vary greatly in scale.

**Parallel institutions or authorities** include those institutions or authorities in the local arena that exist alongside elected local government. These can be appointed local government officers or bodies, customary chiefs, indigenous leaders, religious leaders, project committees, unions, corporations, women's groups, user groups, project implementation units, etc. They are any institution

or body that is not the elected local government. They are called ‘parallel’ since they often exist in the local arena and are not under the authority of the local government. Thus they operate alongside the local elected governments. When these authorities are not subordinate to (do not answer to) the elected local government, they should not, in a democracy, exercise powers over public resources; they should not be making decisions for the public. Public decisions should remain the domain of government. However, when appointed or delegated authority by elected local government, then they can make public decisions due to their indirect democratic accountability; they are accountable to elected authorities who are accountable to the people.

**PES (Payments for Ecosystem Services)** are voluntary, conditional transactions between suppliers and users of well-defined environmental services (Wunder and Albán 2008; Wunder 2005). Environmental services, or ecosystem services, are the benefits provided to people by ecosystems (Chan et al. 2012). In the case of forests, examples of environmental or ecosystem services are timber, carbon sequestration and climate regulation. PES may involve environmental services directly, or land uses that can reasonably be expected to provide these services (Wunder and Albán 2008). Payments for ecosystem services require measurement of the services provided, so that they can be quantified and sold. They also require some sort of guarantee from the land owners/users that the services that have been paid for will continue to be provided for a specified time into the future. These arrangements presume and are facilitated by clear use or property rights that enable the specification of buyers’ and sellers’ responsibilities and rights.

**PILA (Preliminary Institutional Landscape Assessment)** is a general evaluation of the degree to which a project, program or law supports local democracy.

**Private** qualifies things or processes that are under the control of a particular person or group (individual, household, lineage, clan, association, customary chief, NGO, or corporation), and that are used or managed according to the particular preferences and goals of this person or group. The management of private resources emphasizes the protection from other individuals and groups or from state interventions of the particular person or group’s interests and rights, through the securing and broadening of individual rights. This is done, for instance through a private property regime. The term ‘private’ implies the exclusion of additional users and rejection of their claims over the resources. Also see Box 21.

**Public**, in contrast to ‘private,’ qualifies things or processes that are under the control of a governing body that manages them for the common good. Public things and processes are managed according to preferences that have been defined by a collective that includes all people having legitimate claims over these

things or processes. A public governing body is given management authority by the collective after acknowledging that private control is technically impossible (e.g. the air we breathe cannot be managed by the individuals who breathe it) or would not lead to an optimal social outcome (e.g. water management could be conducive to people upstream capturing the resource to the detriment of people downstream). In many cases, there is ambiguity about whether a resource is private or public. Also see Box 21.

**Box 21:** What is public, what is private?

The boundaries of what is considered public are always ambiguous. Private property has what are called ‘attenuations’. A private forest owner may not be allowed to cut protected species or may not be allowed to set their forest on fire. Even though they ‘own’ the resource, they are subject to rules that diminish their freedoms over it. They may also not be allowed to conduct activities that are damaging to people or resources outside of their private domain. These external damages are called externalities, such as pollution or hazards that their activities might cause. Lastly, all private ownership can be re-considered by the public when private ownership compromises the greater good of the society as a whole. In such cases, private property can be taken by government, through eminent domain of the state. Compensation may or may not be required, depending on the political and legal system in which you are operating. A detailed treatment of attenuation, externalities and eminent domain as regards private property or private resources are beyond the scope of this handbook, and we focus solely on public forests.

Nevertheless, in many forest areas, a situation of legal pluralism prevails, and you may face situations where it is not clear whether a forest is private or public. Primary forests are generally public in the sense that they are not privately titled and belong to the public domain of the state. Alternately, they may be privately titled or gazetted as parks or reserves. However they may also be under the authority of customary chiefs at the village scale. Customary chiefs may divide such forests into inheritable sections attributed to specific lineages within the village, and these may be divided again and attributed to individual households within the lineage. Such forests have a private character, manifested by physical marks on boundaries and reflected in their management by lineage elders or individual households. They are rarely sold, and ‘ownership’ may be reversible in case of non-use.

Secondary forests are often managed and used by the individuals or households that cleared and cultivated the land before the forest regrew. They may be fallows to which different parties have claims. Their private character is more pronounced and there are cases where they are rented and sold by their informal or traditional ‘owner’. Such overlapping claims often bring practitioners into conflict and in such cases the boundaries between the private and public good may be very unclear. Disputes over ownership or use rights to

(Continued)

secondary forests under traditional management will have to be worked out within the local set of laws, customs and conventions and also should be subject to public scrutiny.

Boundaries between public and private are even blurrier when it comes to determining whether private collective bodies, such as corporations, cooperatives, indigenous leaders, and NGOs, are private or public. These bodies (village chiefs and lineage elders in the example above or religious leaders elsewhere) often formally own or informally claim forests and make decisions over forests. These bodies often have powers over the decisions relevant to the implementation of REDD+ or other forestry interventions. When are the lands under the control of these bodies considered to be private and therefore outside the realm of mandatory democratic representation? When is it appropriate to subject the decisions of private collective bodies to democratic process?

The line we use to separate public from private in this arena is the nature of belonging under these different authority structures. Those who belong by choice to an NGO or corporation or cooperative or lineage or religious group that 'owns' a territory or makes decisions over resources, are making a private decision. They are deciding to be subject to that authority and that is then their business. However, those who belong by force or without choice – for example because they are member of a customary group or living on a privately held territory on which they depend or cannot leave – are subjects rather than citizens. In our view, those who belong involuntarily or are subjected to the decisions of such authorities must be represented by a broader democratic decision-making body.

For example, those who are ruled by indigenous or customary authorities may not belong to that authority voluntarily. While subjects can choose to move away from some indigenous or customary groups to avoid being subject to their decisions, the cost of moving may be high. These costs make leaving prohibitive and place the burden of exit on the individual or household. This constitutes an involuntary situation created by the private exercise of public powers that turns citizens into subjects by depriving them of influence in the decision-making process. The principle of citizenship is violated, since citizens are citizens because they can influence those who govern them. Subjects cannot. This is a case for higher-level public intervention so that those who choose to influence those who govern public resources can do so.

NGOs also often claim to speak for the public and, like corporations, may also hold (by licence, lease or concession from public authorities) powers over public resources. Such NGOs should also be subject to public scrutiny, since those living in the NGOs' jurisdictions may not belong voluntarily. We use the following rule: If the authority is organized territorially and rules all people of a given identity or origin within that territory, then that authority should (1) be made public or (2) given the high cost to the individual of exiting the collective, the decisions should be transferred to a public body. These kinds of collectives must be ruled democratically when making decisions over resources they hold collectively in the name of those they govern.

**Public domain** consists of the resources and decisions under public control that are the basis for public decision making. The public domain is a domain of powers and knowledge that citizens may be able to influence. These powers and knowledge define the space of representative democracy. They are the basis of responsiveness that makes an authority ‘representative’.

**Recognition** is the acknowledgement of another person, culture, or institution. The choice of local authorities or organizations by the government or by international agencies is a form of acknowledgement or recognition. Local institutions are recognized through the transfer of powers, partnering in projects, engagement by contracts, or via participation in dialogue and decision making. As an analytic concept, recognition helps us focus on the effects of the transfer of powers to, and backing of, select local institutions. See Ribot, Chhatre and Lankina (2008).

**REDD+ (Reducing Emissions from Deforestation and Forest Degradation)** is defined by Angelsen et al. (2009:2 as cited in Sunderlin et al. 2010) as ‘...an umbrella term for local, national and global actions that reduce emissions from deforestation and forest degradation, and enhance forest carbon stocks in developing countries (REDD+). The plus sign indicates enhancement of forest carbon stock (also referred to as forest regeneration and rehabilitation, negative degradation, negative emissions, carbon uptake, carbon sequestration or removal) and the recognition of the importance of incentivizing non-carbon benefits. REDD+ is shorthand for both a set of policies or actions that aim to reduce emissions and increase removals and for the final outcomes of those policies or actions (i.e. reduced emissions and increased removals).’ For more discussion of REDD, see Anderson and Zerriffi (2012) and Rutt (2012).<sup>31</sup>

**RFGI – The Responsive Forest Governance Initiative** was a five-year research program (2011-15) involving 34 researchers in 12 countries in Africa, funded by the Swedish International Development Agency (SIDA) and executed by the Council for the Development of Social Research in Africa (CODESRIA), the International Union for the Conservation of Nature (IUCN), and the University of Illinois at Urbana Champaign (UIUC). RFGI aimed to ‘enable responsive and accountable decentralization’ in forestry and strengthen the representation of forest-based rural populations in decision making. RFGI works to identify ways to enhance responsive and adaptive governance processes that reduce vulnerability, enhance wellbeing, and improve forest management.

**Representation**, defined politically, is the responsiveness of government to people. It is democratic when it is driven by accountability of government to the people. It is benign dictatorship when it is driven by the ideology of the leaders without any accountability mechanisms.

**Residency-based belonging** is a form of belonging predicated on being a resident in a given place. People 'have' residency (or are residents) if they permanently live in or have their main 'home' in that place. Residency is the most inclusive form of belonging, since any person inhabiting a given geographical area as defined by its administrative boundaries, belongs to that area. However, residency is generally not attributed immediately when someone settles somewhere. A new settler needs to follow administrative procedures and/or adopt local social and cultural norms (e.g. local language) to be granted residency status there.

**Rights** are claims that are enforceable through law, custom or convention (MacPherson 1978).

**Subsidiarity** is the idea that the best level for policy and procedural decisions is the most-local-possible level at which decisions are not likely to produce negative effects for higher scales of economic, social or political-administrative organization (Ribot 2004). These are the most local scales to which central authorities can transfer decision making without concern about negative impacts for society.



# Annexes

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## **Annex A: The Local Environmental Governance Assessment – LEGA**

### **Introduction**

The LEGA in this Annex is simply a way to push you (hopefully guided by a critical-thinking rural sociologist, anthropologist, political ecologist, or political economist) to become more sensitized to the context in which you are acting. Action is never done in the presence of perfect knowledge. However, it is all too often done in the absence of any real knowledge of the context or of how interventions will affect democracy and other local relations. The authors of this handbook urge you to go slowly and with care and to privilege representation of local needs and aspirations by helping to build democratic institutions as you proceed.

If, in your reading of this handbook, you have completed a PILA, you can use some of your initial observations as a starting point for this more comprehensive assessment. The PILA in the main body of the handbook is an analytic tool that can be used before you have done field research. It is primarily for your own use, or, ideally, for you to share with other social and natural scientists as you work together to complete a LEGA. But the LEGA will give you even more important insights into the state and level of democracy in your research area. You will find that your understanding of the institutional landscape will deepen and change as you continue to examine your data. Before beginning the LEGA (or even before you conduct a PILA), we recommend you carefully read through this annex to give yourself an even better sense of the kind of variables and relations you need to take into account (see Box 22).



**Box 22:** The stages of a Local Environmental Governance Assessment (LEGA)**STAGE 1:** Delimit your project intervention area

- Which forests and natural resources are you looking at?
- Which forests and resources use decisions matter in your intervention?
- What scale will your interventions use?
- Where is the best place to conduct your evaluation?

**STAGE 2:** Actors, powers and accountability mapping

- Institutional mapping: which authorities (e.g. legal, customary, civil society, etc.) act in your field site?
- Decision mapping: which actors/authorities wield which decision-making powers and to whom are these actors accountable?
  - Evaluate laws
  - Evaluate practice
- Representation mapping: which authorities and institutions represent the public (even if they wield no resource decision-making powers)?
- How do forest management and resources use decisions and representation overlap?

**STAGE 3:** Analysis of findings

- How democratic is resource decision making?
- What works? What is missing?

**STAGE 4:** Recommendation development

- What needs to change to improve the situation?
- What can be done to strengthen democracy?
- How feasible is each of your ideas?
  - What problems might arise?
  - How will you address or avoid them?

**The Four Stages in a LEGA: The Introduction**

The LEGA is a four-stage situational analysis that should ideally be carried out by an interdisciplinary team. A well-trained social scientist can execute a LEGA on her or his own, but, again, crosschecking and asking for input from other social scientists and natural scientists is very important.

Once you are satisfied that you have gone through the LEGA as thoughtfully as you can, then you should share the results more widely (with local actors) and

ask for input. Certainly if your final LEGA becomes an input to your program design and implementation, it should be subject to public scrutiny and may be altered through a democratic process. However the LEGA is, first of all, a tool you can use to assess your own initial understanding of the intervention area and planned or existing interventions and begin to identify positive steps that you might take. The four stages of the LEGA analysis are meant to help you to begin to clarify and articulate your understanding of your intervention area and begin to formulate questions and possible approaches you might use to make your intervention more supportive of local democracy. The four stages are: **Case selection**, **Initial institutional mapping**, **Analysis of mapping**, and **Developing recommendations**. The stages are briefly summarized below, and each stage is discussed, one by one, in full, in the sections that follow.

**Stage 1: Case selection.** This first stage of the LEGA requires you to delimit the project area or jurisdiction you will be focusing on for your assessment. To do this, you will need to identify: the natural resources of interest to your project (or the intervention you are evaluating or interested in proposing); the decisions that matter to your project and to local people about these resources; and the particular places where decisions over these resources take place and can best be evaluated. You need to identify the areas you need to go to, such as villages, political-administrative districts, forests, eco-zones etc., to conduct a thorough LEGA. In short, you are choosing your case study: of what resource, which resource decisions, and where.

**Stage 2: Initial institutional mapping.** This second stage in the LEGA requires you to (1) identify the actors (authorities and institutions) that make public decisions over the forests and natural resources you are interested in; and (2) identify the institutions that represent local people in these decisions. In this stage you will use what you already know from previous experience (if you have been to the site), existing literature, documents and laws, as well as the work you have done in the PILA, to fill in a table (Table 1, introduced below) designed to help you map out the actors, their powers and their accountabilities. Then you must visit your field site in order to question, deepen and complete the information you have put into this table. This stage in the LEGA provides you with a kind of map of the institutions (the actors, their powers, and their accountability relations) in your case site.

**Stage 3: Analysis of mapping.** This stage requires you to analyse the information in your institutional mapping table. Here you need to determine: which decisions are already in the hands of democratic local authorities; and which of the decisions that are not in democratic hands *should* be (either according to existing laws or to

subsidiarity principles; see Box 8). In other words, you are identifying those public powers that have been taken out of public local decision making and should be returned to public decision making so that the contracts, laws, programs, or projects you are interested in can be considered democratic.

**Stage 4: Developing recommendations.** This final stage of the LEGA is where you examine the changes that should be made to evaluate the best ways in which they might be made in order to make resource decision making democratic. Questions to ask yourself are: What changes could make the situation you are examining more democratic? How can you design your intervention to support democratic forms of local decision making? The typical recommendation must be feasible within the political-economic context and budget you are working in. You therefore must evaluate feasibility. Are the resources and support needed to effectively implement your changes readily available? If not, will you be able to secure them? If you conclude that the situation is not democratic *and cannot feasibly be made so*, you must ask yourself if it is ethical to go forward with your project.

## **The Local Environmental Governance Assessment – LEGA**

Local democracy is constituted by those authorities that act in the local arena (local actors), who can make public decisions (holding powers), and who are accountable to the population as a whole (publically accountable). We will evaluate actors, their powers and their accountability relations to assess the institutional landscape in forest and natural resources management. In this section we will lay out simplified ways of identifying the array of existing actors who make decisions over forest management and resources use, determining which powers they hold over forest management decisions, and the means by which they are held accountable to the people they represent.

### **LEGA STAGE 1: Case Selection – Delimiting your Case to Analyse Forest Representation**

To begin a local environmental governance assessment, you need to make decisions about what is important and relevant to you and to your institutions concerning your own intervention: you as an outsider are coming in with an agenda and with an idea of what is important. So, if you are involved in a forest management project, you have already decided that forests matter. Local people may or may not think so, but you do. Your first step is to acknowledge what is important to you. Then you need to figure out how you can reformulate your intervention so

that it is more likely to address and be accountable to the priorities and needs of those who live within the area you will be intervening in. So, you need to start by delimiting your case. You choose the natural resource, the particular natural resource decisions, and area you will be evaluating. To do this you first need to answer the very basic questions below.

*Which public natural resources are you looking at?* You probably have already decided whether your project is about forest resources writ large or about a sub-set of those forests and resources. You probably know if your project is about a kind of resource or a kind of zone; is it about timber, charcoal or wildlife (i.e. resources) or about a park or reserve (i.e. a type of zone). Within your focus area, you may have specific resources or places you are concerned with. You need to define your focus as narrowly and as clearly as possible.

In listing the resources of concern to you in your intervention, you should consider the forest or eco-zone over which decisions are to be made as well as the products of concern and value within those areas: food, fibre, fuel, fodder, timber, medicines, etc. The land upon which these forests and products are found is also a resource, insofar as alternative land-use options may be considered valuable resources.

Once you have clearly stated the resources in question, you must distinguish clearly between private and public interests in relation to those resources. As noted in the previous sections, private decisions over privately held resources can affect and often impinge on public resource use. If, for example, you are looking at carbon forestry in an area where forests are public, then you need to determine which aspects of private carbon forestry contracts have an effect on resources that are (or should be) publically held. If privately held carbon forestry contracts will attenuate local people's pre-existing use and access rights to forest resources, then your evaluation should explicitly address this tension between public and private forest use. If an area of public forest is to be privatized or placed under a private concession, then taking these areas out of public circulation should be a public decision.

You also need to think through how the resources of interest to you may affect other resources. If you stop timber use in one area, then where will timber come from? Will it be taken from elsewhere? Where will it come from? These other areas and the resources in them are also of concern in a LEGA. Are there any tradeoffs between different resource uses? Resource uses that are incompatible or conflict with those in your intervention will need to be considered in the LEGA.

*Which public resource decisions matter in your evaluation?* Once you have identified the public forests and resources of interest to you, what decisions have to be made about

these forests? These might be decisions about use or conservation or about whether or not to maintain these forests and resources in the public domain. They may be decisions about who should manage these forests and how, whether the use should be taxed or subject to fees, who should get those taxes and fees, and how those taxes and fees should be spent. As you consider these questions, you must always keep in mind how the public resource decisions concerned will affect local people.

*What scale will the findings of your evaluation apply to?* How extensive does your case study need to be so you can generalize from it? You are conducting an evaluation of the democracy effects of a given intervention. To get a clear picture of the impact of your future work on local democracy, what will you need to do? Do you need to study all the areas in which that intervention takes place or do you need to choose a limited area that can represent the whole area? Your intervention may be in a specific forest, but in addition to studying that forest and the people living in and near it, should you also study the jurisdictions that have decision-making powers over that forest? You need to identify the jurisdictions in which people have rightful claims over the forests and its resources. This means you need to know what the legal and other claims are and where those claims sit. If the forest is under local government jurisdiction, then you probably want to study the local government's jurisdiction since the people living on the far side of that jurisdiction with no access or proximity to the forest are still relevant; they have rights to the forest just as much as those living in it. Most natural resources, forests, pastures, and rivers have multiple claims on them. The national government may set out rules of management. The local government may have the right to determine the purposes for which that management will take place. You need to determine which scales of political-administrative jurisdiction are most relevant to understand decisions being made in your intervention area.

Where is it best to conduct your evaluation to gain the most useful insights? The best place to conduct your study is the place where you can see most clearly the interactions between relevant decision makers and affected populations. Given the forests or natural resource you will focus on and the kinds of decisions that are most relevant and have significant consequences for local people (this means decisions your project will affect, such as ownership, access, use restrictions, management burdens, etc.), you need to choose places to work where these decisions and their outcomes can be observed. In this sense, the core of your case is a resource decision that is meaningful to (will affect) local people and will be affected by your intervention.

So, your case may explore a resource use decision concerning a specific resource in a specific forest, with individuals or groups who are involved in using

that resource and that forest. That decision will involve the local government jurisdiction where the forest is located, the Local Forest Service office that has oversight of the forest, the Ministry of Environment that sets out the rules that the Forest Service and local government must follow, etc. Together, these are your case, starting with the resource decision and progressively contextualizing it in its multi-layered institutional environment. Choose a case study that focuses on an important decision; that decision will be located in a place and nested in an institutional environment. For instance, a decision to conserve carbon in trees affects people who are using a particular forest. And: that forest is in a local government jurisdiction; the local government is in a larger district; that larger district administration is located in a province or region, which is located in the nation. Like Russian dolls, the institutional relationships are nested and proliferating. Get to know how the institutions of governance at each level work concerning that forest and resources and the particular decision or decisions you are focusing on.

In short, we suggest you choose one specific forest to focus on and that you choose one or two key resource decisions that affect people using that forest to look at. Looking closely at that decision, its key actors, and the interlocking multi-layered institutional relationships that constitute the local and larger contexts of that decision, will provide you with a manageable, meaningful case study.

## **LEGA STAGE 2: Institutional Mapping – Actors, Powers, Accountability Table**

Institutions are constituted by actors, their powers and their accountability relations. Now that you have clearly identified the resource(s) and how you will assess their legal context as well as the public aspects of their management, you will fill in Table 1, below, as you identify the actors involved in current decision making about the resource. To fill in Table 1, you will need to know which actors hold important powers in forest management and to whom these actors are accountable. Setting down this information in a systematic way will also help you to see which actors in your case represent local people in a democratic manner. After filling in the institutional mapping table based on your own knowledge of local institutions, you will complement your own knowledge with information available in documents, studies and laws. Third, you will spend time on the ground to gather data in the field sites you have chosen. You will gather data in the field by speaking with multiple actors with multiple different relations to each other and the resource. Together, your knowledge, the documents and laws

available, and your time in the local area will give you the information you need to make a cursory evaluation of representation in your case area and to make recommendations for the design, implementation or reform of your project, program or laws.

If you do not have the time or resources for a field visit, you may decide to simply rely on your previous knowledge and the knowledge of others involved in the evaluation, the literature, and projects and legal documents. In that case, RGI strongly urges you to carry out a thorough PILA, and to be as detailed and systematic in your research and analysis as possible. However, be warned that the PILA, while it is a useful and fundamentally important preliminary analysis, is *only* that: a preliminary analysis. Carrying out a site visit and doing the complete LEGA is the RFGI ideal. A PILA alone is not as rigorous.

### ***Identifying Relevant Authorities and Institutions – Institutional Mapping of Actors, Powers and Accountabilities***

The institutional mapping is designed first of all to identify the institutions important to forest management decisions and to local representation. Remember that, ideally, forest interventions are designed to support local democracy. It is important to clearly identify the most representative existing institutions and to consider choosing them as your institutional partners on the ground.

The first step in measuring representation is to identify with whom (which individuals, authorities and institutions) powers (public and non-public; customary and legal) are located in forest management, and then to identify which of these local authorities represent local people more generally in public decisions.

We are interested in the classic powers of governance as they relate to forests. These are: executive (decision making and implementation); legislative (rule making); and judicial (dispute resolution). These decision-making powers may be located in institutions operating at many scales. Some may be located within the villages being studied. Some may be at higher levels of political-administrative organization, such as the district, arrondissement, region, province, state, catchment area, park jurisdiction, or nation. Some may be public offices in government and some may be private offices of donors or corporations that own large areas. These all need to be identified if they make decisions relevant to local forest management and use decisions, including decisions about the benefits from forests and rights to those benefits.

Although you will need to understand how powers are distributed vertically among layers of governance, this mapping table focuses on institutions in the local area. And while you must also consider the horizontal distribution of powers among different kinds of institutions in the public and private spheres (private including NGOs, chiefs, other individual and moral persons), a first step is to identify those institutions that are public in nature.

By understanding the distribution of governing powers within the institutional landscape, you can determine: (1) whether there are democratic local institutions in the local arena, and (2) whether the appropriate powers over forests are in the hands of democratically representative authorities for the purposes of democratic conservation, REDD+ and forestry decision making.

Local actors exercise powers that they gain through law, custom, convention, direct control over economic resources or even by threats or use of violence. Holding power can mean having the right to make a decision, but it also requires the resources (cash, equipment, land, labour, force) and knowledge or skills to make enforceable decisions.

### *Sketch of the Institutional Landscape*

As a policy designer or practitioner, you need to know the institutional landscape before you begin your work. Someone in your team must already know something about the local institutions, perhaps from having read about or visited the site or perhaps because they have already conducted a PILA. If you do not, you need to be in touch with people who do. Working with them, the first step is to fill in the table below. This table will give you a first sense of what that landscape looks like. But, you have probably missed a lot since there is sociological, historical, legal and technical knowledge that is needed to really fill this table out. The first column of this table has generic names of institutions. When you fill it in, you need to use the actual names of the institutions you know of in your local arena. But, whether or not they have any roles in forest management, the elected local governments and the appointed local administrators must always be kept in this table.







If the answer to a given question does not fit into the square, use another sheet of paper to take notes. You may want to use a separate sheet to keep detailed notes for each institution since there is usually a lot more to say than can fit in the table. The table is just to make a very dense summary. The table format is intended to be useful to you but you should feel free to alter it to suit your needs. It is also very important to admit what you do not yet know. If you do not know the answer, make a note and see if you can find a way to increase your knowledge later in the process. Box 23 has explanations of each column in this table. These explanations must be consulted before you start filling in the table.

Once you have filled in this table to the best of your knowledge, then a deeper analysis, cross-checked with other practitioners, documents and field observation, must be conducted to confirm that you have identified the important institutions and authorities for the forest management decisions you care about.

**Box 23:** Definition of Rows and Columns of Table 1, Annex A

**1. Name of authority or Institution**

In this column please place the specific name of the institution in question. For example the village chief may have a family name or a name identifying her or him vis-à-vis the village s/he is chief of. So, Chief of Kedougou would be an identification for a chief. For an institution, you just need to put the name of that institution – such as Tambacounda Regional Forestry Office. For a discussion of kinds of local leaders see Box 12 in main text.

**2. How constituted – elected, appointed, self-selected, hereditary**

The means of establishment tells us something about an institution's accountability. Being elected does not mean that an institution is democratic and being hereditary does not mean it is not representative, but it is important for you to know how each institution or authority in your case study is constituted. More information will be needed to understand which authorities are or are not representative or democratic, and later we will look at accountability relations more fully. The information you provide here is an important starting point. If you do not know yet how an institution's membership is constituted, simply note that you don't know. You can find out later.

**3. Powers & roles in forest management – attributed by law, custom or convention**

Knowing the powers and roles of each institution can tell you about the decisions that this institution or authority can make about forest management. Later, when we know if this authority represents public or private interest, and whether it is democratic or authoritarian, then we can evaluate whether its forest management decisions are being made in a democratic or non-democratic manner. For example, if an institution has the power to give consent in a FPIC process, you will need to evaluate how accountable that authority is to the people. If the institution that holds this power is not accountable to the local people, then the FPIC

(Continued)

cannot be considered to serve or represent the community as a whole. For now, simply fill in the roles attributed to each institution by law, custom or convention.

For authorities that play major roles in forest management, you may need more space than the table provides. Feel free to lay out this information on a separate sheet. But be selective as you identify each institution's powers and limit them to those that are relevant to your forest intervention. You do not want to end up with a whole Forestry Code in this column! How will you know which powers are relevant to your analysis? If you are analyzing a REDD+ intervention, you want to know how forest ownership is determined, and who has the right to use the forest and who decides how the forest can be used. For example, you will want to know who can decide whether or not a forest should be included in a forest conservation or REDD scheme. Someone with that power determines the use of the forest and may also have the power to allocate use rights as well as to exclude people from forest use. The person who has such powers may include who owns the forests legally, it may include who has historic claims on the forest and is able to exercise those claims through customary law.

If you are looking at timber extraction, then you will want to know who has the right to cut wood, who has the right to give permits for woodcutting, who sets the rules of wood cutting, who monitors and enforces woodcutting rules, who allocates transport permits, who allocates concessions, etc. The powers you are outlining are **ONLY** the powers that matter for the decisions you are concerned with.

When looking at the distribution of powers over forests, it is important to keep legal powers, those attributed by laws and regulations, and custom or practice, distinct. The reason is that these two domains of claim may be in conflict or may reinforce each other. You want to know which institutions believe they can exercise which rights. Legal rights, however, are different since they represent the actual will of the government. They tell you what government really is set up to do – even if government officials or discourses say something different.

Be aware that you may find contradictions in the laws. The national decentralization laws may state that forests are managed by elected local councils. The forestry laws, however, may specify that the forest service makes most important decisions. Since these laws govern the enforcing body in forest management, these more restrictive laws determine the decisions elected local institutions or authorities can make. Eventually you will also need to look at practice to know how powers are ultimately exercised and by whom. To develop strong, feasible recommendations, you will need to both read the laws and by talk to people in the forest service, elected local officials, and forest users.

#### **4. Belonging**

Understand the bases on which people belong to institutions will help you to evaluate how inclusive or how representative an institution or authority's decision making can be. It is also important to consider the actual characteristics of those who belong.

(Continued)

- **Basis of membership or belonging – residency, identity, interest**

Each authority has a basis on which people belong or are excluded. The bases are usually: residency, identity, or interest. These forms of belonging and exclusion are simple. A public authority generally includes everyone who is living in and a citizen of a place (See Box 15 on citizenship). This is residency-based belonging. It is a very inclusive form of belonging. Some institutions or authorities, like religious or ethnic groups, include people based on their identities, such as being a Christian or Muslim, or based on an ethnicity, a language spoken. Other institutions include people based on age or gender – such as a youth group, a council of elders or a tribal council that excludes women. There are also institutions that include people on the basis of interest. Interest-based groups may include a cooperative, a forest user's group, a professional group or a community forestry protection group. These latter two categories – identity and interest - can easily overlap. A professional forest management group can limit its membership to men or women or to people of a particular language group or ethnicity. They can also limit their membership to citizens or to migrants.

In this column you want to simply state whether the institution concerned includes people on the basis of: formal citizenship, non-citizenship (as in a group or migrants), identity, or interest.

- **Membership – specific characteristics of people who belong**

Above you have noted the form of belonging that your institution or authority is based on. Here you want to be a bit more detailed and say, briefly, who belongs. For 'residency-based belonging,' you will want to name the particular area; for 'interest-based belonging,' name the interest that group member share; for 'identity-based belonging,' note the particular identities concerned. For example, if the form of belonging is 'interest', in the box for 'characteristics of people who belong,' you might say 'charcoal producers' or 'timber merchants'. If membership is 'identity-based,' you might say 'women' or 'Muslims' or 'immigrants', etc. Here your goal is to say who belongs, how many members there are, the geographic extent of that membership, and any other specific characteristics of the group that are subject to or citizen under that authority.

## **5. Accountability**

- To whom is this institution accountable

In this column you need to note to whom this authority is accountable with respect to the forest management decisions you are concerned with. Are they accountable upward to an administrator in the forest service, are they accountable downward to the population, or is it both? Are they accountable to a local political authority or elected council or are they accountable to a far-off administrator in the capital city? Are they accountable to an NGO or a donor who is creating a project in their area? Any institution can have multiple accountabilities.

(Continued)

As you note to whom this institution is accountable, you should also identify which accountability relations appear the strongest.

- Via what mechanisms

What are the mechanisms that hold this institution or authority accountable to its membership? Remember the discussions of accountability mechanisms on pages x and y.

Accountability mechanisms (each described in Annex B) include but are not limited to:

- o Voting
- o Legal recourse through courts
- o Independent or third-party monitoring by elected comptrollers, NGOs, or the associative movements
- o Lobbying
- o Transparency, openness to public scrutiny or to provide information on the roles and obligations of government
- o A free media to monitor governments or shape public action
- o Freedom of speech
- o Public discussion or debate in public meetings
- o Participatory processes
- o Civic education to empower people to know their rights and to know the powers and obligations of their representatives
- o Reputations that public figures wish to maintain
- o Civic dedication
- o Magic
- o Administrative dependence on local elected authorities can increase administrative accountability to local populations
- o Taxation, whereby taxed populations demand accountability
- o Central government's oversight of local government can help ensure that local government is accountable to local populations
- o Social movements
- o Funding relations

- **Is this institution or authority paid – and by whom**

There are many means of accountability. However here is meant what is important is whether an institution is funded or salaried and who provides those funds and salaries. Like elections or appointment, which help us understand accountability relations, funding is an important determinant of accountability.

In this column all you need to specify is whether or not the institution or authority is paid and by whom.

### ***Legal and Project Document Analysis***

After your initial institutional mapping, or along with it, you will need to examine laws and regulations (constitutions, organic codes, electoral codes, fiscal laws, land tenure laws, and forestry laws) to identify the institutions created by law and to assess their legally attributed powers and accountabilities. The forestry codes, laws and regulations are particularly important. Be sure to examine both legislation and regulations and decrees and orders. Most decentralization laws will 'delay' the attribution of powers, leaving it to the environmental sectoral laws and regulations or to decrees and circulars from the director of the Forest Service. It is in these sectoral laws that the division of jurisdiction and decision-making powers between central government and local authorities is established.

The decentralization laws may say that forest management powers are under the jurisdiction of the elected local governments, but the sectoral codes will then define what that means. For example, for the forest sector, the elected local government may have the right to decide to participate in forestry on the condition that it conducts difficult tasks that are not worth the outcome: such as implementing cumbersome management plans, cutting firebreaks, planting and watering seedlings, etc. If they decide not to 'participate', the forest service might give the forest to commercial merchants to cut down, leaving the rural council with nothing to manage or allocate. In the end, the rural council's powers usually boil down to the right to provide labour to forest service projects. This is not trivial. A careful analysis of the laws will enable you to analyse exactly what powers are transferred by law. These legal powers may not be the same as the powers transferred in practice. That is to be determined later through your field observations.

Using the laws, project documents, and other existing literature, identify the existing institutions in the local arena: elected local governments, line ministry offices, prefects, district officers, customary authorities, secret societies, rotating credit associations, project implementation units, user groups, NGOs, corporations, etc. Later complete this information through direct observation and interviews.

After you have mapped the initial set of institutions you are aware of, you should crosscheck your mapping with the ways that authorities are designated and the powers they hold within national laws and regulations.

### ***Current Forestry Laws & Institutions***

Under current forestry laws, which institutions and actors are recognized within the sector? Consulting the existing laws and regulations should help you to:

- Describe the country's political-administrative structures (see the table in Annex C).
- Describe the kinds of forest land categories in place (state, community, protected, reserved, classified, private, etc.).
- Describe the institutions that govern each category of forest land (under whose jurisdiction they fall).
- Describe the organization of these institutions. Organograms of existing institutions are very useful.
- Describe the power attributed by law to elected local governments with respect to forest management and use.
- Identify where laws place different decision-making powers that are of concern to you.

Through an assessment of existing laws you can get a clear sense of how the government views forest and land ownership and the scale at which each kind of land category is governed. This can help you decide which areas are within the public decision-making domain of the national government, which are within the local public domain and which are private. It can also help you identify contradictions where you may see traditional or private claims on what are designated as national or local public domain lands or forests.

### *Current Project Interventions*

With a focus on forest management, you should also be aware of the current projects and programs, all forest management, REDD readiness, REDD, REDD+, PES, sustainable forestry, biodiversity conservation, sustainable land management, and rural development projects and programs in the area you will be studying. Each intervention works with a local interlocutor that they either have recognized among existing authorities or have created. For each intervention you should be able to identify:

- Means by which local people are engaged by the intervention (what are the provisions for participation, representation and accountability)
- The decision-making and resource use powers exercised by these local authorities and project units.

These too constitute actors with powers that are relevant to your institutional mapping.

When you make your field visit, use the simple questions above to get a little better sense of place and of issues.<sup>32</sup> For a very cursory analysis, it is also possible



to go directly to the analysis based on the data you have been able to put into your table based on your previous knowledge, the literature, and the documents at your disposal. Indeed, it is a good idea to do that even if you are going to make site visits. A preliminary analysis of the data you have brought with you to the field allows you to see where there are gaps in your information and it may also point you to other kinds of information you may want to complete your analysis.

### *Site Observation & Interviews*

Exploring the local institutional landscape is the first step when arriving in a field site. Your institutional mapping table will be a great tool for getting you started. Bring it with you (at least in your mind) and talk over its contents with ordinary citizens, various leaders, and people involved in or potentially involved in the implementation of the project or law you are concerned with. Assume at every step that local people's knowledge is valuable. You are certain to find many contradictions; people you talk with will tell you very different things. These contradictions could be due to the ignorance of those you are talking to. They can also be due to strategic representation of the situation by people who want to support one authority over another. Apparent contradictions can also be due to different people having to go to different authorities for their needs due to the groups they belong to (such as migrants, men versus women, different ethnic groups or different religious affiliations). So, you must take all answers seriously and try to learn from them. Ignorance is information. It tells you that there is need to inform people or that the authority is so insignificant that people do not even care to know about it. It may mean that interested parties are hiding information from people to prevent competition. Your work is to figure out which groups depend on which authorities for which decisions and which authorities have the power to make decisions. Use your conversations with people to adjust and correct your initial findings; local people are in a position to provide you with important information that you cannot get from any other source.

Before you start any interviews, also look over your table and decide who are the representatives of this population as a whole? With which local institutions are the powers over natural resource management and use located? Are they the same? Are there congruencies in the public-private divide such that representatives are making key decisions over public natural resources? Is there a disjuncture such that representative authorities are not making decisions over public natural resources? You want to have a sense of who the five or six main natural-resource decision-making authorities are in the local arena and which powers they hold over natural resources.

You also want to know who the main democratically representative authorities are and the degree to which they are involved in these public natural-resource decisions. Having this preliminary sense will help you to focus your field visit. You want to know whether public resources are being made by public (representative) decision makers. Knowing where the laws and existing practices have generated representative authorities and placed powers before you start will help you to ask questions that can not only help you identify who exercises which powers in practice, but also can help you to ask questions that can explain why different people control which decisions; the why, which you should ask at every step, is very important in helping you to understand what can change and what practices may have very deep roots and be difficult to change. Why is a question to ask after you get to some of the answers to the questions below, especially when the answers are not self-evident.

Some crucial questions to ask yourself as you speak to people are:

- Did you capture the main institutions involved in representation and in decisions over the resources you are concerned with.
  - Are there any missing institutions?
  - Are there any you included that are not relevant?
- Which of these institutions do people in the local arena think are the most important? Keep a tally on how many people you talk with identify which institutions as:
  - Most representative
  - Most important in decision making over the resource of concern
- Have you accurately represented the accountabilities of the institutions concerned?
  - Are there other means of keeping them accountable?
  - To whom are they primarily accountable?
- Have you accurately characterized which institutions make decisions about the management and use of the resources you are concerned with?
- Have you accurately characterized the membership people have in different institutions, that is, who belongs?
- Which of these institutions do people like? Why?
- Which do they not like? Why?
- What do these institutions do for you concerning the use and management of the resource?

Ask local people some simple questions about use of the resource you are concerned with:

- Do you use the forest/resource?
- What do you use in the forests/resource?
- Who else uses the forest?
- Is everyone allowed to use the forest?
- Who is allowed to use the forest? Who is not?
- Who gets to decide who can use the resource?
- Who do you have to go to if you want to use this resource?
- If you did not ask permission and went ahead and used the resource, what would happen?
- Have you ever had a disagreement about who is allowed to use the resource? Please tell the story.
- Who do you have to go to if there is a conflict about who gets to use the resource?
- Can you tell me about any other conflicts that have happened in the past? Who was involved? Who helped to resolve it? What was the outcome?
- What is the history of this resource and its use? Has it changed over time? Were there other people involved in its management and use before? Who were they? What events do you remember about this resource?

If there is already a project in place that you are looking to improve, ask people about that project:

- When did the project arrive?
- What is it trying to do for the use and management of the resource in question?
- Who is the project for?
- When it began working in the area:
  - Who was involved in the project?
  - When it began its work, were there conflicts?
  - Who was happy with the project? Why?
    - What did they gain from the project?
  - Who was not happy with the project? Why?
    - What did they feel they lost from the project?
    - What did they do about being unhappy?
    - Who did they go to?

Questions to ask local authorities are similar to those above. You simply want to add to these kinds of questions new questions about the history of who makes which decision and how that came to be. You can also ask them about why different authorities are making certain decisions and how that came to be. You will find that while people may not be willing to talk about different authorities and they may not know what different authorities do, the authorities themselves may be more willing to talk about each other and may be more knowledgeable. It is well known in conducting this kind of investigation that the 'losers' will talk more openly about their competitors than the 'winners' will. So, be sure to interview the people who are supposed to be the authorities who manage natural resources but who have difficulties in asserting their authority. See what different authorities say about each other: about who should make which decisions, who does make different decisions, who is representative, who is not, and why there are any contradictions between law as you have been able to understand it for the establishment of your table and practice that you learned about from other leaders and from the people you have interviewed.

There are other angles from which you can learn about the resources you are concerned with and about representation; one important one is called 'triangulation'. Triangulation is a method where you ask the same people the same question in very different ways. For example, you may ask people 'have there been conflicts around woodcutting in this forest?' They may say 'no'. Then you ask 'have you had problems with anyone or has anyone ever challenged your right to cut wood in this forest', and they may say 'yes' because this may be seen as a broader way of asking the same thing. Or, they may only tell you about conflicts if you ask them to tell stories about people who were not happy with what other people did. Another way of triangulating is to ask different people about the same event. If someone tells you about an incident where there was conflict, you want to ask people on the other side of the conflict what they think happened. You may get very different stories. You can then ask third parties and see how the three stories compare. From this you can derive a sense of what you think happened and you may be able to see by understanding the conflict which authorities intervened (without even having to ask about authorities). So, ask questions about the same thing from various perspectives and ask various people about the same thing. Here is where congruence and contradictions among answers can help you understand a lot. They help you know which questions you do not yet have answers to, where there are too many contradictions or where two different stories are equally plausible. You need, in these instances, to dig deeper.

When you visit the area you are evaluating, be sure to interview a large enough sample of people to have a sense of the different opinions and positions within the village. If there are several ethnic groups, your sample should represent them all equally. Your sample should represent men and women equally. You should also try to keep track of the kinds of professions of the people you are interviewing. It is important to interview people directly involved in forest use as well as people who are not. Interview people who have been excluded from forest use as well as people who are benefitting from it. Your sample should represent different age groups and different interests. Remember that getting a representative sample is not easy. To have a truly representative sample, you would need a large set of interviewees, depending on the structure of the community in question. The best way to go about getting a general sample, however, is to target categories like male and female and young and old and to choose a random sample of households to speak to. One way to get a random sample is to include one in every ten households as you walk across the settlement. You can also learn about other sampling methods by doing a bit of research into social science methodology. This is a good place to consult a professional social scientist. Suffice it to say that you should try to interview as many people as you have time for. A small number that will give you a good initial sense of place might be 30 to 60 citizens and 5 to 15 local leaders.

When you choose who you will talk with, keep in mind that local authorities and existing project personnel may try to influence your sample. They may try to send you to people they hope will give you a particular version of the situation (usually one that will make them look good). So, if you ask local authorities who you should be talking with, certainly interview those people while keeping in mind that these people are likely to be telling the rosy story for the person who led you to them. However, in order to avoid biased responses, be certain to go to people who are clearly outside of the group they indicated. Be sure that the group they indicate is not dominating your sample. It is best not to ask your project personnel who are the best people to talk with, but they will probably tell you anyhow. Following their advice without trying to balance its significance is a sure way of getting biased responses. Figure out how to talk with people who are not indicated by the authorities you are associated with or whom you meet.

Also, try not to interview people with any other authorities around. Do not come with project staff or others who are known in the settlement. Respondents may not be truthful if they do not feel comfortable talking in front of others. People you are brought to by authorities or projects may act as their mouthpieces. If it is not possible to interview people without some authorities or project staff with you, then be aware that your data are not likely to be reliable, and keep your

eyes out for instances when your respondents seem uncomfortable or are telling you things you have already heard from local authorities and project staff. Also remember that how you represent yourself will also make a difference in your local reception. People will respond differently to people they think are associated with government or projects. If you send in someone who will do interviews for you, their ethnicity and place of origin or cast will perhaps shape the responses they get. If they belong to a powerful local family, this will bias responses. You need to think carefully about how either you or your research assistant, who will be doing some of the interviews, can enter the situation as neutrally as possible.

The above guidance is very general. It is important to tailor your questions and approach to the resource issues you are interested in for the place you are going to conduct interviews. It is impossible to provide a full set of field method guidelines in a short handbook. But, these should get you started and get you to observe the main actor, power and accountability contours of your case study.

### **LEGA STAGE 3: Analysis of Findings**

Your table should tell you: who the local leaders are; how they are accountable and to whom; what powers they hold and whether they are able to wield them responsively; and who the local citizens are. Now you need assess whether the basic elements of democracy are in place in your area, to what extent and levels, and in particular, with respect to the resource decisions you care about. Having read the material up to this point, you should be able to recognize a democratic leader by their attributes. You should know if there are plausible downward accountability mechanisms, and if the powers you are concerned with are held by representative local leaders. You should be able to tell if the people represented are really the people as a whole or just some subset of the people. Terms to keep in mind at every step in this crucial analysis stage are actors (the leaders and the people), powers, and accountability.

The data you have gathered in the forested areas should be used to more fully fill in Table 1. You may find that the data you gathered in the field site requires you to revise your initial findings. This is natural, and indeed it is good; being able to make informed revisions to your initial assessment is a sign that you have been careful and open to really hearing people on the ground, and that your analysis reflects current conditions. Once you are satisfied that this table gives you a sense of the actors, their powers and their accountabilities, then you need to figure out if public powers are in the hands of democratic representative leaders and, if not, how to get them there. The segments below provide questions you can ask yourself about different aspects of democracy and leadership most suitable to your case study.

### ***On Elected Democratic Leadership – Not Just Concerning Natural Resources***

- Are there elected local governments?
- Is their accountability to the people sufficient to make them democratic?
- Do they hold powers that enable them to respond to some local needs and aspirations?
- In short, are they democratic in practice?
  - o If not, what are the elements of democracy that appear to be lacking?
  - o What kinds of changes would be required to make them more democratic?

#### Where Elected Democratic Leaders Exist

- What are their powers
  - o Do elected leaders hold the powers over forestry decisions and resources that you are interested in?
  - o If not, with which authorities (central and local) are these powers located?

How can these powers be transferred to elected local government, or how can these other authorities be brought under the authority of elected local government?

- What are their accountabilities
  - o Are these leaders subject to sufficient accountability measures to make them accountable to the people with respect to forestry decisions?
  - o Are multiple accountability measures accessible to citizens to sanction these leaders?
  - o What accountability measures could possibly be added to bolster accountability of leaders to the people?

#### Where Elected Democratic Leaders Do Not Exist

- Which existing local leaders are most substantively democratic?
- Are these leaders inclusive of all people living in the jurisdiction?
- How are they accountable to the people?

- What powers over forestry do they exercise?
- In these cases, how can their accountabilities to the people be strengthened?
- How can these authorities be made more inclusive?
- How can their powers be restricted to those with respect to which the local people as a whole can hold those authorities accountable?

Your analysis of the data collected in LEGA stages 1 and 2 and supplemented in Stage 3 should provide a good sense of: (1) which local actors can be considered democratic; (2) by which accountability mechanisms can they be held accountable; and (3) whether they hold sufficient powers to make decisions on behalf of the citizens of their jurisdiction.

Some of the authors of this handbook feel that projects and interventions should not even work where there are no local elected governments. The good news is that local elected governments do exist in almost all parts of the developing world. Where they do not exist, the national government of that country is making a clear statement that they do not want democratic local representation. These are countries that can be avoided. There are also many places with elected local authorities that are dysfunctional. These are places where there is at least potential to push to reform them, by working with them and applying controls that enforce their accountability to the people. So, just because they are dysfunctional does not mean that they do not exist. Work with them.

### Assessing Actors

Using the table, and all of your notes about it, you can also assess which actors are public in so far as they are making public decisions and their constituency is the entire population, the citizens of the zone in question. These actors may or may not be democratic; this will depend on their accountabilities. All actors who wield public powers should stay in your analysis; some will wield these powers on behalf of all citizens, and some will be using these public powers for their own objectives and benefit (having effectively privatized these public powers). Both need to stay in your analysis since you ultimately need to think about how to transfer public powers to those who are making decisions for the public or making those who are using what are supposed to be public power for their own benefit accountable to the public or to authorities that represent the public.



## Powers

We are interested in knowing two things about powers: who holds them and are they appropriate (i.e. meaningful and adequate). Here we are concerned only with public powers. However these public powers are distributed in ways that require critical analysis. Who holds them you can read from your table, to the degree that your data are accurate (something that is itself hard to know but that you should have a sense of via triangulation, having obtained data from many sources). Are the powers held by each actor or set of actors appropriate? This is a question that requires the application of subsidiarity principles (see Box 8).

### Powers and Subsidiarity

The principle of subsidiarity holds that governing powers should be located at the level of the smallest unit of authority that is closest to the people, but only if the exercise of those powers will not have negative effects on higher- or larger-scale social and political functioning. Some decisions should be taken at a higher level than others. For example, if managing a forest requires some decisions to be coordinated among districts, then the power to coordinate must be located at a high enough level to coordinate fairly and effectively. This is especially true if coordination may have uneven effects, such as being a benefit for some districts and a cost to others. In this case a higher authority needs to mediate this relationship. In other cases, management is best and most effectively done at a lower level and at a smaller scale. This is one of the stated goals of decentralization reform, but it is often barely implemented, and most powers that should be more local are retained at an inappropriate level or scale, usually at a higher scale within government or in the hands of private operators.

In many cases in forestry we find that powers that could (or should) be devolved to local elected authorities or even to individual users are kept with the forestry departments. This failure to devolve powers to their appropriate scale results in inadequate powers residing at the local level. These powers are often retained at higher levels based on specious arguments of forestry departments that there are scientific reasons that management decisions must be taken by foresters (Faye 2014, 2015a). In other cases, forestry departments impose commercial decisions that should really be local political decisions taken by local elected authorities. So, for example, if a local forest is deemed by the forest service to be open for commercial use, then whether or not it is exploited can no longer be considered a technical decision by the forest service. The decision to exploit should be made

locally since exploiting or not exploiting has been judged by the higher level to be acceptable. Perhaps the decision that it *can* be cut was a technical decision that needed to be made by the forest service. But the decision as to whether it *will* be cut once it has been judged that it can be cut is not technical; this is merely a use-preference decision. If the local authorities choose protection of the resource, then the decision not to cut (which has no negative ecological consequences) can be taken by local authorities. This decision requires no fancy technical skills since the technical work of assessing whether the forest could be cut is already done. It requires a decision as to whether or not local people want their forests to be commercially exploited or conserved. Nevertheless, forest services usually decide a forest can be cut and that means to the foresters that it must be cut. However, 'must cut' is not a forest service decision under appropriately applied subsidiary principles.

Knowledge of the powers that can be exercised at the local level is an essential part of your analysis. There are many the powers that could be devolved to local jurisdictions without causing damages to higher-scale values (such as deciding to implement conservation rather than to exploit a forest); these are the powers that can come into your recommendations for change and improvement. These are the powers that can be used to 'empower' local people.

The power to negotiate with outside interests is linked to the powers that are devolved to the local arena. So, for example, if a local elected authority has the power to say 'no' to commercial production, this right can provide a bargaining position with merchants who want to buy timber or sell carbon credits. If local elected authorities have the right to decide who is able to exploit, then they can create competition among those who may be interested in working locally, and with that competition they may be able to increase local revenues. However, negotiation also requires knowledge. If local people living at a subsistence level do not know how much these merchants are profiting, they may be happy to be paid a subsistence wage to give up very valuable forest resources. For example if, in a negotiation over a REDD contract, the contracting agent offers the local people a subsistence wage for enclosing their forests as carbon storage zones, a subsistence wage may be adequate, or sufficient, to get local people to agree. However, if the contracting REDD companies are paying low wages while walking off with great wealth, then something is out of balance here. The local people need to know what powers (resources, finances, incomes) may accrue from use of their own resource, if they are to demand a fair share of that income. In the application of the subsidiarity principle, what is adequate must be equated with some sense of the possible and with some sense of fair.

What you must ask in your analysis of the distribution of powers is whether those decisions that can be devolved to local people are being devolved and whether they are being placed in the hands of representative authorities. Many decisions can be devolved but are not.

### Public Powers

The boundary between the public and the private is not always fixed. While your analysis is focused on public powers, it is perfectly appropriate to ask if private powers *should* be public. The private is not sacrosanct. In many instances, multiple claims, some public and some private, are made on a single resource. Often, that resource has been privatized by illegal means: illegally arranged land grabbing, for example, or by fiat of a non-democratic authority. In these cases, the boundary between private and public needs to be subjected to public scrutiny under the authority of a democratic body. These are sticky issues that will emerge again and again in analyses of powers and rights over things.<sup>33</sup> There is no clear guidance for how to analyse them. Nevertheless it is important for analysts and practitioners to be aware of overlapping claims and illegitimate or problematic forms of private ownership.

### Summary on Powers

In short, look at the powers that are in the local arena. According to the subsidiarity principle, are the powers appropriate and adequate? For your area, ask:

- Are the powers held in the local arena meaningful and adequate for local people's purposes?
- Are there powers that could be devolved without damages at higher scales that are not being devolved? So, even if the powers held locally are meaningful and adequate for local purposes, they may still be only a small portion of what could be devolved.
- Is the current allocation of these powers fair? Does it provide equitable distribution of opportunity for benefiting from the resource? Do local people have at least the same if not greater rights to these resources than do outsiders operating at different scales?
- Do the powers that are being devolved to local authorities include the powers to allocate the full benefit of the resource? Allocation of rights to use the resource by local authorities is a very important power. Subsidiarity principles tell us that this power should be local, even if the decision to

allocate might need some higher scale input, the allocation itself (that is to decide who has rights to exploit or use the resource) is a power that belongs to local authorities.

- Do local people know what powers are available, that fit the subsidiarity mould and do they know the benefits that are being derived or could be derived from the resources around them? This knowledge helps them know why the decision-making powers over public resources are important and should be important to them. Knowledge is an essential element of power.

The question of how to move public powers over forests to representative authorities while making authorities that hold public powers more accountable to the people is an open-ended one. You can identify which powers could be local and which should be in the hands of public representative authorities. However, whenever change is introduced, resistance follows. The moment you try to change anything in your intervention area, then you will understand who really holds which powers and *how* they hold them. Change throws the distribution of powers into clear relief, making it very visible. Observing change in a place where an intervention is taking place or has taken place is the best way to know who holds which powers, and this may differ greatly from what you imagined from an analysis done in a non-changing or stable situation. Nevertheless, you often have to start your analysis for a project intervention before change has taken place; that is, before your project has intervened. The process of identifying and reallocating powers is iterative; you need to do a cursory static analysis (filling in your table), then intervene, then observe, then analyse, and then rework your table and your interventions. Analyses as well as interventions must be done iteratively if they are to fit and reflect local context.

All policy reform is redistribution. There are always winners and losers. The losers will always fight change. The winners will very carefully support change, but perhaps not publically and perhaps not in ways you will see. The ways that change is resisted and supported are place-specific. They depend on the stakes and who holds them. The RFGI approach recognizes that there are stakes and that they matter. However, we also recognize that the stakes are often held in unequal and unfair distributions (and that not all stakeholders should be holding the stakes they hold) especially if private bodies are making public decisions. The RFGI approach does not give voice to the 'stakeholders' who hold public powers without being accountable to the public. To give a short example, while an urban-based merchant may make a million dollars a year by harvesting timber in a forest in the jurisdiction of a local community and the local community makes only one thousand dollars a year, that merchant still has zero 'stake' in local decisions over the forest. Because the

forest is public, forest decisions are a stake held 100 per cent by that local public; these merchants can negotiate with their wealth, but they have no formal right to public decision making. The RFGI approach reinforces the public representative voice over all others in matters concerning public natural resources.<sup>34</sup>

### Assessing Accountabilities

Accountabilities are difficult to measure. You must remember that the exercise you are involved in (the analysis to which you are committed through application of the LEGA process) does not give you answers like '27' or 'yes.' It gives you answers like 'perhaps' and 'plausibly'. Accountability cannot be measured with callipers or a ruler. All you can do is observe whether the mechanisms of accountability exist and whether people actually use them. You can then look across different local authorities and see if one is subject to more of these mechanisms than others; if people use these mechanisms on some authorities more than others. The analysis is comparative; you need to determine which authorities are more or less accountable. Given the difficulty of judging accountability and because it cannot be measured and assigned a number, you need to make this comparison based on broad observations. There are ways of measuring responsiveness (which is partly a product of accountability) or of measuring how often certain accountability measures are used, but these measures require surveys and research methods beyond the scope of this kind of a quick analysis.

One of the great challenges in assessing accountabilities is that even where there are accountability mechanisms for local authorities, people may not use them. They may fear for their life if they accuse the chief or the elected local government of something or if they bring the forest service to court. They may have access to courts but not be able to afford to take a day off to file a complaint. They may be allowed to file a complaint but may be illiterate and unable to write. They may be viewed poorly if they make demands on public figures. They may be viewed as out of place if they are female or of the 'wrong' caste and voice objections or even affirmations of public decisions in public.

The only way to know if accountability mechanisms are effective is to see if they are used and if leaders respond adequately to them. Correlating the use of accountability mechanisms to leaders' responsiveness is beyond the scope of this exercise. But you *can* observe whether there are the mechanisms in place that would make accountability possible. If the means of ensuring accountability are

not present, then you know they cannot be used. If they are present, you can also ask for examples of when accountability mechanisms have been used and to what effect. And through interviews and observation, you can find out whether accountability mechanisms are used, by whom and under what conditions, and whether they can or do have an effect.

In your site visits, you asked if people reacted happily or angrily to decisions made by a given authority. Then you asked if people made their reaction known to the authority who made the decision, and how, and whether this resulted in any change. Review what people told you and see if you can characterize your findings in terms of local people's use of accountability measures and leaders' responsiveness: their accountability to the people they are meant to represent.

After reflecting across the authorities, their accountability mechanisms and the ways in which those are used, you can identify the authorities you think are most accountable to the people and you can assess the ways in which those accountabilities might be strengthened.

#### **LEGA STAGE 4: Developing Recommendations**

The development of recommendations, this final part of the LEGA process, is outlined in the main body of the handbook above. After steps 1-3 of the LEGA you can return to the last section of the handbook entitled 'Developing Preliminary Recommendations' to complete your analysis. Having completed the LEGA analysis you can return to the development of recommendations with a greater knowledge of the case you are working on.

The LEGA analysis you have now completed is an exercise in having done the reading, the investigation, and thinking needed to know for your intervention area: (1) who the local leaders are; (2) what powers they hold; and (3) how they are accountable to the people. There is no magic formulaic analysis that takes place at this point. The table you have elaborated (along with the many notes you have on the side) tells part of the story. You need to use your head and heart in dialogue with the most representative actors in the local arena and with local people to choose the best institutions to work with and to begin working toward combining public power into one authority that is accountable to the people.

## **Annex B: Accountability Mechanisms**

Below is a list of accountability mechanisms that emerge in the literature (see Ribot 2004). Brinkerhoff (2001) provides an excellent analysis, making accountability issues much more legible. Hirschman's (1970) analysis of exit, voice, and loyalty may be another frame for organizing an analysis of accountability (see Box 24). This list, however, is not systematized around either framework. Nevertheless, it illustrates that there are multiple mechanisms that policy makers can use to establish greater public accountability of government and of other local authorities that hold public powers.

### **Box 24: Loyalty, Voice and Exit – Reflections on Pathways of Influencing**

The range of acts through which citizens hold authorities to account as they claim, expand or lose rights is diverse. These tend to be reported in the forest management literature through long, if cumbersome, lists (e.g. Ribot 2004). Hirschman (1970) has attempted to organize these from the perspective of how consumers react under scenarios of declining performance by firms. He holds that users reward organizations that perform satisfactorily with loyalty, and that two responses are likely when performance becomes unsatisfactory: voice or exit. Voice involves expressing displeasure to the management or some other authority in the hope of eliciting changes to address the problem. Exit involves opting out of using the organization's product or stopping to be its member, with users usually resorting to this when they feel that their voice has ceased to count. In the Nhambita carbon forestry initiative in the Gorongosa District of Mozambique, exit and voice were at play. In this initiative, a private company facilitates communities living in an area adjacent to the Gorongosa National Park in central Mozambique to grow trees and conserve forests to sequester carbon in return for cash rewards. The company interfaces with the community through the Nhambita Land Committee. Mozambique's 1997 Land Law vests group title over land and resource rights at community level in such land committees. Land committees are democratically elected by citizens within given territories.

The Nhambita Land Committee presides over four villages. The committee was responsive and accountable, however, to only one out of the four villages (Mutana). Because the favoured village was more satisfied with the committee's general conduct, the community rewarded the committee and the company through loyalty, or voice or ongoing engagement, in the isolated instance where a grievance arose. In contrast,

(Continued)

the other villages reflected generally negative sentiment, viewing the committee with suspicion and scepticism. They were particularly critical of the committee's lack of responsiveness, initially sanctioning the committee through voice, and later through exit, since people believed their voice had ceased to count.

Hirschman (1970) argued that exit is bound to occur if service users believe that their voice has ceased to count. So, the exit after voice in the case of the three other villages in Nhambita was no surprise. But why did voice fail? What enabled and triggered exit? The answers lie well beyond local forces. A slump in carbon prices in voluntary carbon markets compromised the company's ability to respond fully and adequately to local needs. The company could not even consistently pay their carbon producers. Further, the committee could not impel the company to provide plausible explanations or compel it to respond, driving producers to direct their voice to government officials. Exit triggers appear to lie in how, after being roped in, high officials of the province failed to resolve the problem, making producers doubt whether their voice would still count if that of, for instance, the Provincial Governor did not. Exit combined with voice, the voice of sabotage, when participants destroyed planted trees and began opening conserved forests for cultivation.

Source: Hirschman 1970, author of box: Alois Mandondo 2015.

Legal recourse through courts is an important means of accountability. Independent judiciaries are critical for holding public figures accountable. However, they do not always constitute a real accountability mechanism. Often, for numerous structural reasons, the judiciary is not independent. For example, a court from within a jurisdiction that may very appropriately have the power to adjudicate among local citizens over some forestry issues should not adjudicate inter-jurisdictional cases between people of its jurisdiction and people of other jurisdictions (Oloka-Onyango 1994:463; Mamdani 1996; Agrawal and Ribot 1999). Similarly, a forest service may have jurisdiction over forests, and the right to adjudicate disputes, but if the dispute is between the forest service and local people, this must be taken up by a higher-level court, outside of the forest service.

Regardless of whether courts are well structured, they may be inaccessible to many citizens in Africa. They are often too far away or too expensive or complex for average citizens to use. Public interest law associations can help to ensure that poor and marginal populations have greater access to legal recourse (Veit and Faraday 2001). Rothchild cites the office of the tribunal *administratif*, which was introduced by the French, and the office of the ombudsman as two useful recourse structures (Rothchild 1994:6). Such complaint officers have been established in South Africa, Tanzania, and Zimbabwe (Therkildsen 2001, 27, fn. 26, 29–30).<sup>35</sup>



There is often a failure to separate powers of the judiciary, legislative, and executive, particularly at the local level. Without separation of powers, there is no balance of powers within government and no alternative routes for people to challenge representatives and administrators or to change or even enforce the rules by which all branches of government operate. Checks and balances among government institutions are what O'Donnell (1999:38, in Brinkerhoff 2001:3) call 'horizontal accountability'. In the colonial period, the judiciary and executive branches were fused in the local arena both through the *indigenat* courts of the French system and in the British system of Indirect Rule. This failure to separate powers denies recourse, as it does in Uganda's local governments. This failure is a problem in many other countries as well. The failure to separate powers often denies recourse to individuals who have disputes with technical services (Mamdani 1996; Oloka-Onyango 1994:463).

Ostrom (1999) argues that polycentricity (a kind of plurality of institutions that govern) of government and the balance of powers are important structural aspects of accountability. A balance of powers in which there are counter-powers to the central government can increase accountability by increasing the number of actors with a voice in politics and the ability of non-central actors to scrutinize central institutions. The World Bank (2000:112) suggests that there is a need to institutionalize the balance of powers between national and local governments through rules that protect and limit the rights of sub-national governments. Ostrom (1999) supports the notion of polycentricity of government, suggesting it introduces such a balance. She argues that multiple loci of power, combined with higher levels of government whose role is to protect people from the excesses of power of local elite actors, are necessary for balancing power.

Independent or third-party monitoring by elected comptrollers, NGOs, or the associative movements can help construct downward accountability. In some countries, such as the United States, there are elected town comptrollers. These officials monitor the affairs of local government for the local community. NGOs and other associations can also play a monitoring role. While they should have no powers over community resources or decisions (since NGOs are private bodies and are not necessarily accountable or representative), they can monitor local and national government to ensure they are meeting their legal obligations. They can also inform the local population and/or file suit if the government is not living up to its requirements. NGOs and associations can also, of course, lobby on behalf of the portion of civil society that they represent.

The literature contains good examples of independent monitoring. Blair (2000:24) describes Bolivia's vigilance committees, which were created to monitor elected bodies; its members are 'selected' from traditional local governance systems, including peasant unions and neighbourhood councils. In Canada, Native American women recently

accused tribal chiefs of ‘rigging elections, stealing government money, and going on fancy gambling vacations in the States, while their people live in third world poverty’ (Brooke 2001:A3). These women have formed the First Nations Accountability Coalition. One member has used hunger strikes to demand accountability of the Native American chiefs and of the members of Canada’s government who support them. The group also has put together a document recounting numerous instances of corruption and has held ‘hearings’ on the matter around the country. They have also delivered their findings to Canada’s Senate.

Confederations, federations, and unions of associations and other groups within society can constitute an associative movement. One example is Senegal’s FONG (the Federation of NGOs), which is a nationally constituted lobbying group representing a variety of rural associations around Senegal. Such associative movements can be supported by enacting legislation permitting associations, federations, and confederations to form, and by organizing assistance. They can foster accountability by monitoring, informing, and lobbying. While lobbying has been supported as an activity to hold governments to account, it can be very difficult and risky in the absence of recourse and other legislation that allows people to organize and pressure their governments. Of course, lobbying can also reduce accountability toward the less powerful and be highly skewed toward more powerful interest groups.

Transparency (that is, openness to public scrutiny) is an accountability mechanism frequently called for by international organizations.<sup>36</sup> The members of working groups at the 1993 international conference titled ‘Local Self-governance, People’s Participation, and Development’ held in Kampala ‘stressed again and again the necessity for greater transparency and accountability at all levels of government to ensure efficiency and honesty. . . . Democratic reforms and checks and balances at all levels of government are needed to ensure that good governance can be sustained over time’ (Rothchild 1994:6). Another means to increase transparency is to provide information on the roles and obligations of government. This information can be provided by the media, by NGOs, and even by government as indicated in public reporting requirements.

It is important, however, to remember that transparency is not enough. In many countries corruption is transparent. It is often plainly visible that ministers and other government officials drive cars and live in houses that they could never afford on their salaries, but nothing is done. Transparency does not work by itself. By making information available, though, transparency can trigger the bottom-up formation of other accountability mechanisms enabling people to sanction government.

A free media can also play a monitoring role. A free media can shape public action. Sen (1981) argues that free media can avert famine. The media can also disseminate important information to local populations on what their rights are and what they can

expect from their local government leaders (cf. Tandler 1997:15). The participants in a 1994 conference on decentralization in Ouagadougou agreed that while representation is necessary, 'citizen participation in local affairs is necessarily limited when there are constraints on the freedom of association and the liberty of expression' (Mbassi 1995:28). Freedom of speech more generally, then, is an important issue. It is needed at the national scale in terms of free media and legal protections of freedom of expression. It is direly needed in the most local arenas, where women and minorities are often unable to express themselves freely, particularly in public meetings and through representatives.

The practice of public discussion can also increase transparency. This practice is often used in Africa where elders gather to discuss community matters in public. Also, in the Mhondoro cults of Africa, spirit mediums speak and are interpreted in public to express the will of ancestors (Spierenburg 1995). The practice of holding public meetings with representatives to discuss budget and policy decisions can also increase transparency. In Uganda, many local people did not feel listened to by their representatives. Nonetheless, people felt it was very important to gather and to exchange views with each other at local council meetings. One survey reported that sixty-three per cent of Ugandans claim to participate in the local council decision-making process (Saito 2000:8). Public fora have serious limits since marginalized groups, such as women, religious minorities, or immigrants, may not feel comfortable voicing their opinions. As a result, public fora should not provide the only opportunities for people to express themselves. A requirement of public reporting, such as the weekly posting of budgets in local papers or just on the wall of the local government building, is another mechanism to render government accountable. If budgets, decisions, and planned programs and spending are publicly posted, people will have an easier time discerning whether local government is serving their interests. This is a very easy mechanism to legislate.

Participatory processes can also be employed to improve dialogue between government and people. Through facilitated processes of participation in which information is exchanged, people can learn which services government can provide, and expectations can be built. In this manner, people can learn to make more demands on their representatives. Orchestrated participation can also increase public participation in decision making in a way that complements or strengthens other representative organs and adds to the public's ability to make demands on local authorities. The danger is when 'participatory' methods are used as an alternative to representative and accountable government, indeed, as a way of avoiding government. This use of participation can undermine the legitimacy and accountability of local government. Participatory methods can also be instrumental to convincing local actors of the inescapability of certain agendas and on the higher efficiency of certain solutions designed by external experts. In this case, participatory methods turn into co-optation devices.

Civic education is important for building accountability of government. It empowers people to *know their rights and to know the powers and obligations of their representatives*. In Uganda, many local people do not know how the elected local councils work. Many are suspicious that ‘the local leaders are eating [their] money’. Explaining democratic local government to people can engage them in governing processes. One Ugandan woman to whom decentralization was explained for the first time said, ‘In the past I was unwilling to pay my tax because I was not clear how the money was used. Now I am willing to pay it since I now know how it is used’ (Saito 2000:10). Education writ large is also important for forming a critical citizenry. General education, which includes literacy, numeracy, analytical skills, history, and other information dissemination, is another way to empower people to make demands on their representatives.

Placing discretionary powers in the hands of local leaders can increase the accountability of government and increase the engagement of civic organizations in public affairs. Co-financing, in which communities are required to provide a portion of the funds for a given program, has been proposed as a way to give communities ‘ownership’ of local programs. While ‘experience so far is that this is both patronizing and empirically difficult to substantiate’, co-financing may produce some positive outcomes, according to Onyach-Olaa and Porter (2000:25). They observed that where the funds transferred were truly discretionary and seen as a supplement to local funds, local councils ‘have no difficulty in principle in contributing a major share of their revenue’, and where there is no required contribution, local councils ‘have begun to utilise the funds in very inventive ways’ with higher efficiency and ‘multiplier’ effects.<sup>37</sup> ‘If truly discretionary resources are made available, experience so far suggests that room begins to be created for better “downward accountability”, to local constituents who expect and demand that councillors will stretch the resources as far as possible’ (Onyach-Olaa and Porter 2000:25). Joshi (personal communication, Institute of Development Studies, Sussex 1999) observed that in India civil society organizations begin to form around and lobby strong local governments; this supports the argument that having discretionary powers within the local arena is one way to make local government accountable. Without powers, there is actually no reason for anyone to even try to hold local government to account.

Proximity of leaders to their community and their embeddedness in local social relations can also make some difference. Community-based natural resource management is believed to increase accountability because the community is nearby and is closely involved in the formulation and implementation of natural resource management (Hue 2000:4). The way authorities are embedded in social relations within their communities may help to make them more accountable to the local population. Authorities within the communities they govern must live with the consequences of

their decisions on people they know and who know them. This fact may influence their decision making. Clearly, different ideologies or belief systems of leaders and their communities can also have an influence on accountability relations although these may be less amenable to policy intervention. For example, the Fon (Ghanaian chief) feels that the community is in his hands and that this is a responsibility he has inherited. He is held accountable by his ideological belief that he must serve.

Civic dedication can play an important role too. Tendler (1997:15) shows that public sector workers can be highly dedicated to their jobs. In Northeast Brazil civil servants were given greater autonomy than usual and performed quite well at their jobs. 'On the one hand, workers wanted to perform better in order to live up to the new trust placed in them by their clients and citizens in general. The trust was a result of the more customized arrangements of their work and the public messages of respect from the state. On the other hand', Tendler continues, 'the communities where these public servants worked watched over them more closely. The state's publicity campaigns and similar messages had armed citizens with new information about their rights to better government and about how public services were supposed to work'. Along these lines, awards for community service can be another accountability mechanism. Codes of conduct for politicians and civil servants can be another means of moral leverage; these have been applied in South Africa, Tanzania, and Uganda (Therkildsen 2001:27, fu. 26).

Reputations that societies hold people to and people want to maintain can also shape their public and private behaviour (Bourdieu 1977). An authority interested in having a good reputation so that they will be re-elected might try to respond to local needs.

Trust is another element that, if developed, is believed to improve the accountability of local governments. Putnam (1993) argues that environments with numerous civil society organizations; social networks that link people to government, society, and business; and relations based on shared values and trust, all enjoy greater levels of mutual accountability within state, market, and civil society. This in turn is argued to lead to more efficient government and a more synergetic relation between state and civil society (Evans 1997; Bebbington and Kopp 1998:13).

Administrative dependence on local elected authorities can increase administrative accountability to local populations. Blair (2000) points out that administrative bodies should be accountable to elected authorities and elected authorities should be accountable to the people. Entrusting local government to manage service and development activities within the public domain involves making public-resource users and public-service providers accountable to local government. This can be accomplished by enabling local government to contract out service provision, to provide it in-house when appropriate,

and to have control over the advisors and experts they hire or who offer them services from NGOs or the central state. Creating mechanisms so that local government can contract competitively with line ministries or private service providers and experts may affect the accountability of these service providers (cf. Therkildsen 2001:27, fn. 26). This strategy attempts to create competition among service providers and incentives for providing better services. For this purpose it may require central government to commit to providing local government with a budget (a budget drawn from the resources that central government would ordinarily have spent directly supporting line ministries) or it may require taxation powers.

Administrative dependence may also involve making private organizations and NGOs accountable to local government by requiring local government approval for the use and management of commonly held public resources. For outside projects involving ad hoc or permanent planning and coordination committees, local government authorities would have the final decision-making power over their activities to ensure that these activities were under representative community control. The law can make local administration (even deconcentrated services) subordinate to elected local government. In this manner, local elected government can have decision-making powers, veto powers, or other forms of control over the decisions of central government ministries in matters determined to be within local jurisdiction.

According to some analysts, taxation arrangements can seriously affect the relations of accountability between people and their governments. Moore (1997) has forcefully argued that governments that depend on taxes derived from the earned income of their populations are more likely to have populations that make demands on government and hold their governments accountable. (Therkildsen [2001:30] has found that user charges serve a similar function.) Moore also has argued the converse, that governments dependent on outside assistance are not likely to be accountable to their populations. See also Guyer (1992) and Yates (1996). In much of Africa, local governments have had difficulties collecting taxes. Local tax rates and collection have declined in countries such as Kenya, Nigeria, Tanzania, and Zimbabwe (Therkildsen 1993:84–5). In southern Nigeria, rates fell from eight per cent of income in 1968 to less than two per cent for poorer farmers by 1988. ‘With such low contributions ...’, writes Guyer, ‘financial management becomes a poor basis for people’s demands for accountability; with no graduation of taxation there is no official theory of inequality and no way for the poorer majority to demand higher contributions from their wealthy brethren; with no property tax there is no basis for. . . growing outside business in the area to support its development... The material basis for a [Western style] form of democratic struggle for accountability and control is more or less defunct’ (Guyer 1992:57, in Therkildsen 1993:85).

Central government can play the role of ensuring accountability of local government; it must also be accountable for some services to local government. Central government's oversight of local government can help ensure that local government is accountable to local populations (cf. Tandler 1997:15). As Uphoff and Esman (1974) state, 'Sanctions to control the acts of leaders of local organizations should be balanced both from above and from below to get the best performance' (emphasis in original). Parker (1995:35) also argues for central monitoring and sanctions to 'penalize institutions that do not carry out their functions appropriately'. Tandler (1997), however, cautions against this sanction-based approach, pointing out that greater degrees of local autonomy can improve government performance of community services. (Cf Evans 1997.) A system of internal performance audits can also ensure accountability (Rothchild 1994:6).

Social movements are another effective tool for holding governments accountable to their people (Mamdani and Wamba-dia-Wamba 1995). Resistance and threats of resistance can motivate governments to act on behalf of concerned populations when other accountability mechanisms fail. Social movements, resistance, sabotage, and other forms of rebellion can be effective ways for local populations to create a domain of local autonomy or to make government responsive (Ribot 2000; cf. Scott 1976). However, as the participants in a 1994 conference on decentralization in Ouagadougou agreed, while representation is necessary, 'citizen participation in local affairs is necessarily limited when there are constraints on the freedom of association and the liberty of expression' (Mbassi 1995:28). Such freedoms are critical for enabling the formation of groups ranging from NGOs, peasant organizations, and vigilance committees, to whole social movements. What Scott (1985) called 'weapons of the weak', resistance, sabotage, withdrawal, provide another set of means for holding the powerful accountable (see Box 25). Through sabotage and foot dragging, peasant farmers often withdraw from or undermine development projects or government programs (Scott 1985). This withdrawal is a means of holding governments accountable by showing government that it cannot accomplish its objectives if they do not take into account local needs and aspirations.

**Box 25:** Disgruntled Responsiveness in the Offinso Forest District of Ghana

Taungya is a system of reforestation. Under Taungya, trees are planted in agricultural fields where forests once stood. The watering of the fields nourishes the trees, which mature into a forest. The farmers can cultivate for the years until the trees shade out their crops. They then move on to a new deforested area and start over, leaving behind a new forest. In the High Forest Zone of Ghana, a Modified Taungya System (MTS) which promises adequate representation in terms of participation of local people in forestry decisions and

(Continued)



benefit sharing compared to a former Taungya intervention, has been implemented for more than two decades, and for almost ten years in the Offinso Forest district. In Offinso, the Forestry Commission of Ghana has designed their MTS to represent and respond to local needs. To do so they have created Modified Taungya Groups (MOTAGs). According to the MTS guidelines the MOTAG members are to elect executives (representatives) every two years; these elected representatives are to serve a maximum of two terms (four years); the representatives must ensure proper documentation, dissemination (reporting) and safekeeping of all transactional documents; the executives must be guided by a MOTAG Constitution to avoid abuse of power and ensure effective representation; monthly meetings of MOTAG executives with members of MOTAGs must be organized to ensure accountable and transparent representation; problems with executives or members are to be reported and appropriate sanctions prescribed including dismissal where necessary; and quarterly meetings of MOTAG executives with District Forest Service Division (DFSD) staff must be held.

The Forestry Commission states that it implements the MTS on the premise that recognition of local actors and institutions in community forestry management will enhance local representation and participation in forestry decisions, management and benefit sharing. Yet this well-designed system, based on the MOTAGs, did not translate into local representation in practice. The Taungya heads were appointed by local customary chiefs to work with the MOTAGs; the Taungya heads then nominate other executives for approval from the chiefs and DFSD field staff; monthly MOTAG meetings have been replaced with occasional emergency meetings (in most cases once a year) for allocation of forestlands to farmers; the four-year-maximum term of office for executives (Taungya heads) has been replaced with tenured office occupancy; the quarterly MOTAG executives meetings with DFSD staff have been reduced to occasional meetings and informal interactions; the failure to create a MOTAG Constitution in all four areas studied meant there were no guidelines for effective engagement of executives by members.

The system resulted, according to Adjei, in what he called 'disgruntled responsiveness': a system in which needs were articulated but without sufficient response. This was because the effective system in place was one of reporting upward in which Taungya heads reported to chiefs and to the DFSD. The powers transferred to the Taungya heads were very limited and the formal accountability mechanisms envisioned (such as elections and accounting transparency) were never implemented. The local representatives were disgruntled because when the local people asked for two acres of land on average they received a quarter acre; despite that most farmers requested fire fighting and pruning equipment they never received it; when they requested financial support none was forthcoming; when they were not directly supportive of the project they were removed from the MOTAG. In short, the powers transferred to local authorities were merely those of enforcement; they had no substantive means to be responsive to local needs. However, they also lacked any downward accountability to MOTAG members given the failure to implement the program guidelines. So, even if they had powers to respond, it is not clear that they would.

(Continued)



Decision-making powers of Taungya heads in the MTS project were limited to determining which MOTAG members would, on a yearly basis, be engaged in the project and by their engagement derive benefits from the project. This was important since the right of local people to engage local authorities supervising the MTS intervention at the village level, influence forestry decisions and demand responsive and accountable representation in the local arena is granted by their exclusion from or inclusion in the project. The Taungya heads could determine who would and who would not be MOTAG citizens. Of course, the real term is 'members'; since the MOTAG was not inclusive of all citizens, it was not a democratic public institution, but rather was the private domain of its select members.

In short, the MTS represented a non-democratic privatization of access to agricultural lands areas targeted for reforestation. The process enhanced the powers of chiefs over local people and created an upwardly accountable authority in the person of the Taungya head. Despite that there are elected local governments in Ghana, they were given no role by the Forestry Commission; they were not used as the democratic entry point into the local arena. One reason for this compromised situation is that the Forestry Commission and DFSD prioritized the forest regeneration goals over the local democracy goals of the program. These intervening agents provide support for achieving the development goals (providing seedlings for reforestation), but fail to provide adequate information about the procedural requirements for MOTAGs formation to the farmers as well as support and supervise their observance.

Despite the lack of powers and the lack of accountability, local people resisted and did sanction leaders. They did so through the typical weapons of the weak (Scott 1985): sabotage by refusing to plant or nurture seedlings, complaints to other leaders, discrediting the leaders through story-telling, and mocking leaders through name calling. It appears that when formal accountability mechanisms are not implemented, people will find alternative ways of sanctioning their leaders. These alternative ways may not be as productive and may even undermine the ultimate goals of the project. Hence, the pretence of democracy without democracy may be damaging to both democracy and to the instrumental objectives of the project. It produces disgruntled subjects. While their demands may not be translated into action, their disgruntlement is translated into these subtle forms of resistance. Real representation may be a more effective strategy for project or policy success.

Source: Adjei 2015.

## Annex C: Assessing Elected Local Government

While a local government may be elected, it may have few powers; it may also have very poor accountabilities. The existence of elections is not sufficient, alone, to tell you how democratic the elected local government or any other institution is. To assess the degree to which a local institution is democratic requires an analysis of each of its accountability mechanisms. A full analysis of the degree to which an elected local government is democratic is beyond the scope of a LEGA. However, for an ambitious LEGA, you can query the degree to which a local government’s electoral mechanisms really make that authority locally accountable. The typical indicators of a more accountable local elected government are: (1) there is competition among parties in a party list system; (2) there are independent candidates; (3) the mandate is less than five years; (4) elections are held when mandates end; (5) the most local elected level of government is sufficiently small to be considered local. By asking simple questions about each of these indicators, you will be able to assess how democratic a local government is in practice (see Table 2).

**Table 2:** Local Government Assessment Table

	Relevant levels of sub-national government (e.g. region, district, arrondissement, municipality, rural community, village)			
Data for relevant sub-national govern- ment & administration	Level	Level	Level	Most- local level
No. of this entity nationally				
Average scale (in area)				
Average scale (in population)				
Form of representation/council at each level [how is it organized: number of reps, mayor, council, council president elected by councillors or at large, etc.]				

Form of election for each political level <ul style="list-style-type: none"> <li>• Candidature</li> <li>• Suffrage</li> <li>• Winner take all/proportional [describe in detail]</li> </ul>				
Process of appointment for each administrative level				
Functions of each political and administrative level				
Powers of each level <ul style="list-style-type: none"> <li>• Executive [means, implementation, enforcement, etc.]</li> <li>• Legislative [rule/by law making]</li> <li>• Judicial [dispute resolution functions]</li> </ul>				
Mandates from above <ul style="list-style-type: none"> <li>• Funded mandates</li> <li>• Partially funded mandates</li> <li>• Unfunded mandates</li> </ul>				
Discretionary powers				
Sources of revenue available to councils [taxes, fees, loans, private grants, block grants from central government, other funds from central government and ministries]				
Criteria for central funding allocations				
Indicators of the horizontal distribution of revenues from each source at each level				
Age of councillors/presidents				
Gender mix of councillors/presidents				
Ethnic mix of councillors/presidents				
Education level of councillors/presidents				

What data and literature are available on councils, elections, accountability, and performance? Constitute a bibliography for each level of political administrative hierarchy.				
Non-electoral formal accountability mechanisms in place (recall, courts, civil liberties and procedural rights for third parties, etc.)				
Requirements for reporting to citizens (publishing meeting minutes, publishing budgets, participatory budgeting)				
Requirements for reporting up the hierarchy to ministries				
Requirements for reporting or complying with the political parties.				
Government oversight and approval systems for decisions made by local councils (does district officer sign off on decisions....)				
Arrangements for public participation (participatory budgeting, open meetings....)				
Arrangements for separation of powers in local arena				

## **Annex D: What is Citizenship and Why does it Matter**

In this document we define citizenship substantively as the ability to influence those who govern (Isin and Turner 2002:4; Mamdani 1996). We are not defining it as a piece of paper or a passport that includes someone in a polity, although a passport or citizenship papers can be important in enabling someone to influence those who govern them. We use this substantive definition in order to assess who is included in the group of people represented by government; and to explore who is included and who is excluded so as to attempt to make belonging in the polity as broad as possible. In our view, everyone residing in a polity should be a ‘citizen’, able to influence those who govern them.

Who should be included when making decisions on forest management and use? In many forestry interventions, we see groups such as ‘stakeholders’, indigenous people, and ‘community’ indicated as the targets of projects. However, are these categories appropriate? Are they inclusive? Do they indicate who should be the right holders in forests (see Box 19)? (Forsyth and Sikor 2013:116). These categories, typically used by development projects, tend to be narrow and non-inclusive. Forestry interventions rarely use broad-based forms of belonging, such as residency, as their prime category of inclusion, despite that in a democracy everyone should be a citizen. Yet in RFGI we consider ‘citizen’ an inclusive category that should be constituted of all residents in the jurisdiction where a given forest is located. For a county forest, citizenship means all of the residents of that county. For a national forest, it is the people of the nation.

Using residency-based belonging as a criteria for participation in forestry decisions extends citizenship to all residents and makes a real difference to how democratic a project and its administration can be said to be. Remember that citizenship, as a form of belonging, has two dimensions. The first is who is included in a group; who is recognized as a member. The second is what a person can do as a member of that group: what rights and privileges and what inclusion confers. If it does not confer ability to influence those who govern, then it is not substantive citizenship.

Using categories less inclusive than ‘citizen’ or ‘resident’ when planning your intervention can be very problematic. Villages and other rural jurisdictions are heterogeneous. Yet diversity among indigenes and within a community is rarely considered (Burga 2013) when projects are choosing partners and assessing forms of membership in decision-making bodies. Forest villages may have multiple ethnicities and may be stratified by race, class, gender, age, caste or religion. How are all groups integrated into a whole when we call that whole something like ‘indigenous’ or ‘community’? If we say ‘indigenous’, are we leaving out settlers (who may have settled there generations ago)? If we say ‘community’, who does that include? Why are indigenous people favoured over the ensemble of households living in a forest (some of whom may not be ‘indigenous’)? Does ‘community’ mean only those who use the forest, or does ‘community’ include everyone who has a right to be represented in a forest jurisdiction (where the forest belongs to everyone since it is ‘public’)? RFGI believes that everyone who resides in the jurisdiction under consideration belongs to the polity. We call these people local citizens. Of course local and national laws give out identity cards and determine who can vote. RFGI accepts that elected authorities are responsive to those formal citizens. Nevertheless, programs and projects can be more inclusive, broadening the definition of ‘citizen’ to include everyone who lives in the area. Using RFGI principles, you can strive to also recognize in your work people such as migrants, who are not enfranchised, but who live in the local jurisdiction.<sup>38</sup>

Determining who the stakeholders in forest management decisions are is a complex question. Is it just local citizens? Is it timber merchants living in the capital city? Is it environmentalists who represent urban or northern groups with claims to interest in the forest? When it comes to decisions about local public forests, the primary ‘holders’ of legal ‘stakes’ are the local people whose voices are represented in democratic local decision making. If these local citizens do not want to engage in a conservation project and they have plausible claims to the natural resources around them, then their voice is the voice that is relevant with respect to any decisions that have been deemed by law or tradition to be local decisions. The important concept here is ‘plausible claim’. What decisions over forests have been delegated or transferred or are located at the local level? Those are the decisions that citizens are concerned with. This means that while an urban merchant may have an economic stake in a far-away forest belonging to a local jurisdiction, s/he has no democratic stake in decision making over that forest, even if s/he makes a million dollars there every year. Democratic decision making belongs to the citizens, not to all ‘interested’ parties.

Two cases are of particular importance in forests with a multi-scale set of interests. First is the case where local people have clear rights over the forests.

Second is the much more common case where those rights are not clear (White and Martin 2002). In the first case, the holders of stakes are those who have clear rights in the resource. There is no ambiguity here. For instance, the merchants and environmentalists have no rights and are in a relation of negotiation with citizens. Citizens have the rights and others must negotiate with them. In this first case, if outsiders want to influence decisions, then local people must agree to the terms offered or no deal can be made.

The second case is much more difficult. In the eyes of outsiders, the claims of local people, regardless of their historical depth or the degree to which people's lives or cultures depend on the resource, may be ambiguous. The forests may be owned by governments, who may have sold or leased them to corporations, or may have placed them under the management of donor projects or NGOs. In this second case, local people are still 'stakeholders' since their lives and livelihoods, and often their cultural and individual identities, depend on these forest claims. Here the degree to which these claims can be supported is based on the extent to which the government recognizes local use rights, and on the ability of the local people to exercise political power, to resist, to sabotage, or to appeal to national and international human rights laws or agreements, in order to maintain their use rights. In both cases the local populations need representation.

How can the protection of local livelihoods be balanced against the urgent need to control global carbon emissions? Are individuals in forests more or less valuable than people living on low coastal lands in Bangladesh or New York's floodplain? The answer from a humanist perspective is that all are valuable and all must be given full protection of their lives and livelihoods, their dignity and their liberties. In this context local populations living in forests must be represented democratically and must regroup as citizens such that their representation reflects the ensemble of needs and aspirations of those people. Local forest populations must have rights to challenge decisions being made that affect them even where their rights to forests are in question. In this sense, it is important that all forest-based peoples be respected and represented in local, national and international decisions.

Decisions that are taken should satisfy the local people's criteria for justice and fairness; hence these people, through their representatives, must also have binding decision-making powers concerning whether or not they accept decisions being made. The only way to ensure that they are respected and heard is if they have binding powers to prevent action on the territories they depend on. Further, those who negotiate on their behalf (those who represent them) must be accountable to them. If this is accomplished, then at least when decisions are taken that are

not in local people's interest, those decisions will be made explicitly and the intervening body will be forced to be aware of and acknowledge the damages they are doing to other humans. Agreements must have local consent, as is a requirement under REDD+ and should be required of any forest management intervention.<sup>39</sup> Local people need the bargaining chip of consent to negotiate a solution with other holders of stakes. When there is ambiguity, requiring local people's consent provides protection and ensures appropriate compensation if that consent is obtained under Free, Prior and Informed conditions (see Box 16).

In short, citizenship should involve residence-based belonging and should substantively entail the ability to influence those who govern. The ability to influence those who govern is the foundation of democracy. Democratic representation is a necessary condition to keep external interventions democratic and in the service of forest-dependent groups.<sup>40</sup> Those groups should strive to include all those living in the territories in question: use areas and local jurisdictions in which target forests are found.



## **Annex E: RFGI Handbook – How does it Support Ethics and Justice?**

Objectives such as forest conservation and sustainable natural-resource use all matter. Local engagement can help to achieve them. It is equally important, however, that forest management interventions attend to justice. Most environmentalists concerned with forest conservation are also interested in human welfare. Protection of humanity from global environmental crisis is often their first motive. Protecting local people from bearing the costs of conservation for broader human welfare is an imperative for protecting humanity as a whole. Further, violent expropriation of resource access, often leading to unjust displacement, delegitimizes and undermines the very goals of global wellbeing that drive conservation. All human life and social wellbeing must be respected if conservation is to gain global public respect and support. Otherwise conservation may be viewed and rejected as a coercive and abusive endeavour.

The damages and burdens sustained by local people from forestry policies and programs tarnish the global image of the forestry conservation, whether for REDD+, biodiversity, or any other conservation objective. Like forest commerce, forest protection loses support and gains foes (local and global) when it hurts people. Local people resist unjust conservation efforts while international groups also call for establishment of social protections. But more importantly, any injustice perpetrated against forest-dependent populations, even in the name of global wellbeing, is cruel and therefore unacceptable.

Whether or not local forest-dependent people have legal rights to the forests, it is shameful to pay them subsistence or below-subsistence sums for conservation in a wealthy world. Without adequate compensation, it is unethical to subordinate their needs and priorities to those of commerce or conservation; it is unethical to prevent them from accessing land and natural resources they have used for generations or even just for a decade; it is unethical to pay them paltry sums to do without goods they need so that others can have services; and it is unethical to undermine their cultural heritage and their livelihoods by moving and degrading

whole communities. Further, it is unethical to prevent them from having a voice in decisions that affect their everyday lives and their families' and cultures' futures. Subsistence, inadequate, late and denied compensation are all shameful dimensions of modern forest management in the developing world. Preventing such abuses requires new and strong social protections.

'Adequate' compensation is, of course, a term that must be subject to multiple levels of public democratic scrutiny. Certain public values do override local needs and aspirations; this is why such concepts as 'eminent domain' exist. Eminent domain is the right of government to take people's land and property for the larger public good. There exist, however, protections by courts and democratic processes to ensure that eminent domain is not abused. The exercise of eminent domain is never the mere decision of a project director or an administrator. It is not for a practitioner to say whose values should be overridden. Takings are political decisions. Prior to the exercise of eminent domain, for those of you who believe in markets, the ability for local people to bargain from a secure position – with the ability to say 'no' – is a good starting point. Social protections that enable local people to have voice and recourse are another.

Subordinations, marginalizations, exclusions, exploitations, are not helpful for conservation agendas, because they accentuate antagonisms and trigger conflicts. In contrast, with local representation in decision making and agenda setting, local people can express their needs, claim their rights, and negotiate a fair treatment through benefit sharing and/or compensation schemes. Once their rights are recognized, they can benefit from and help conserve the forests they live in and around. If treated fairly and engaged with respect, if entrusted with the means of regulation and management, and if in a position to negotiate fair compensation in the case of reduced access to natural resources, they will support and help sustain forest conservation efforts (Ribot 2004; Agrawal 2005; Seymour, La Vina and Hite 2014; Pollini and Lassoie 2011).

The good news is that if people have real bargaining power and the program is implemented only if they say 'yes' to it, then the program will receive their support, if they are not coerced into saying yes and if the person saying yes actually represents them. Change happens, rules are needed, and policy always involves winners and losers. This is why the recognition of people's rights and needs and fair compensation arrangements are necessary. Sustainable forest management rules need to make sense to local people and must honour their dignity, needs and aspirations. Forestry interventions should not negatively impact local people's livelihood without their seriously free, adequately prior and well-informed

consent.<sup>41</sup> If genuine consent is not forthcoming, then more suitable alternative management schemes, compensation packages, and livelihood strategies need to be offered. These are conditions of meaningful negotiation. If the answer is no, then perhaps the environmental community does not value conservation enough to pay for it, and this is a logical outcome of the market-based environmental movement.<sup>42</sup>

While rules to limit forest use are necessary, they need to apply to local people and non-locals alike (e.g. tourists, hunters, timber companies, miners). Local people respect rules more when they are applied in a manner that allows local people to agree to or reject external use, and permits them to engage in all allowable uses. If the rules of management give local people the same opportunity to benefit from forests as outsiders, they are more likely to support rules of management and use. So, if outsiders have access to lucrative forest activities, local people must also have equal access. If local people are forbidden, outsiders must also be forbidden to use forests. Where use and benefits (or costs) are far apart, the rules should also be consistent; local people should be compensated for what those benefits are worth to the far-off populations, or the decision should be conferred to a higher-scale democratic process.

Resentment and resistance are likely when double standards allow outside timber interests or tourist operators to use and sell forests while local people are relegated to low-paying labour, or when concessions, licenses and permits are awarded to far-away actors to the exclusion of locals (Ribot 1996; Larson and Ribot 2007; Faye forthcoming). The same goes for conservation. If conservation is seen as inequitable, resistance is born, and will be born again when quelled. The solution strongly urged by RFGI is to ensure that local people are represented equitably in significant and meaningful decisions over forest management and use.

## Annex F: Recommended Readings & RFGI Research Working Papers

### Recommended Readings

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## RFGI Handbooks

The RFGI Handbooks are all available on line at:

**[https://sdep.earth.illinois.edu/programs/rfgi\\_working\\_papers.aspx](https://sdep.earth.illinois.edu/programs/rfgi_working_papers.aspx)**

RFGI Handbook I: Leveraging Local Democracy. A Field Testing Draft. UIUC. 2015.

RFGI Handbook II: Bringing improved natural resource governance into practice: an Action Learning handbook for Sub-Saharan Africa, Edmund Barrow, Kenneth Angu Angu, Saadia Bobtoya, Regina Cruz, Sophie Kutegeka, Barbara Nakangu, Moumini Savadogo, Gretchen Walters of IUCN. 2015.

## RFGI Research Working Papers

The working papers are all available on line at:

**[https://sdep.earth.illinois.edu/programs/rfgi\\_working\\_papers.aspx](https://sdep.earth.illinois.edu/programs/rfgi_working_papers.aspx)**

- No. 1: The Effects of REDD+ on Forest People in Africa: Access, Distribution, and Participation in Governance. By: Emily Anderson & Hisham Zerriffi
- No. 2: Review of REDD+ and Carbon-Forestry Projects in RFGI Countries. By: Mukundi Mutasa
- No. 3: Social Protection in REDD+ Initiatives: A Review. By: Rebecca Rutt
- No. 4: Studying Local Representation: A Critical Review. By: Prakash Kashwan
- No. 5: Choix, Reconnaissance et Effets de la Décentralisation sur la Démocratie . By: Jesse Ribot
- No. 6: The Re-emergence of Customary Authority and its Relation with Democratic Government By: Emmanuel Nuesiri
- No. 7: Calling for Democracy? Villagers' Experience of the Production of Class Relations for Ecotourism and Carbon Markets in Niombato, Senegal. By: Rocio Hiraldo
- No. 8: Quand la Représentation résulte à des Fragmentations d'Identités de Genre. By: Coumba Dem Samb
- No. 9: Gouvernance Climatique dans le Bassin du Congo: Reconnaissance des Institutions et Redistribution By: Phil René Oyono
- No. 10: Zonage des Terres, Conservation des Paysages et Représentation Locale Déboîtée en RD Congo By: Phil René Oyono & Floribert Ntungila-Nkama
- No. 11: Representation in REDD: NGOs and Chiefs Privileged over Elected Local Government in Cross River State, Nigeria By: Emmanuel Nuesiri
- No. 12: Représentation Locale Compromise Dans la Gestion de la Rente Forestière Communautaire au Sud-Est Cameroun By: Antang Yamo
- No. 13: Institutional Choice and Fragmented Citizenship in Forestry and Development Interventions in Bikoro Territory of the Democratic Republic of Congo By: Raymond Achu Samndong
- No. 14: At the Expense of Democracy: Payment for Ecosystem Services in Hoima District, Uganda By: Aggripinah Namara
- No. 15: The Illusion of Democratic Representation in the REDD Readiness Consultation Process in Ghana By: Emmanuel Marfo
- No. 16: REDD+ Institutional Choices and the Implications for Local Democracy in the Kasigau Corridor, Kenya By: Susan Wangui Chomba

- No. 17: From Recognition to Derecognition in Senegal's Forests: Hemming in Democratic Representation via Technical Claims By: Papa Faye
- No. 18: Déficit de redevabilité dans la gestion de la rente forestière communautaire By: Billy Kakelengwa Mbilizi et Alphonse Maindo Monga Ngonga
- No. 19: Gouvernance de la redevance forestière annuelle et citoyenneté au Cameroun- By: David Eteme
- No. 20: Démocratie locale « en berne » ou péripéties d'un choix institutionnel « réussi » dans la gestion forestière décentralisée au Burkina Faso. By: Mawa Karambiri
- No. 21: Choix institutionnel, gestion autoritaire et privatisation de la rente forestière communautaire en Province Orientale (République démocratique du Congo). By: Patrick Matata Makalamba et Phil René Oyono
- No. 22: Effect of institutional choices on representation in a community resource management area in Ghana. By: Manali Baruah
- No. 23: Representation through privatisation: regionalization of forest governance in Tambacounda, Senegal. By: Melis Ece
- No. 24: Waiting for democratic representation in Africa's social forests. By: Alois Mandondo and Poonam Jusrut
- No. 25: Assuming women's representation in carbon forestry projects. By: Doreen Ruta
- No. 26: Autochthony, democratisation and forest: the politics of choice in Burkina Faso. By: Muriel Cote
- No. 27: Land governance, local authorities and unrepresentative representation in rural South Sudan. By: Phil Rene Oyono and Deng-Athoi Galuak
- No. 28: Decentralization, institutional choice and the production of disgruntled community representation under the modified taungya forest management system in Ghana. By: Prine Osei-Wusu Adjei
- No. 29: REDD stakeholder consultation: symbolic or substantive democratic representation in preparing Uganda for REDD+? By: Robert Mbeche
- No. 30: Resources, rents, representation and resistance: the struggle for just conservation on Mount Kilimanjaro. By: Martin Kijazi
- No. 31: Examining the Democracy Outcomes of Environmental Subsidiarity. By: Alois Mandondo
- No. 32: The Process of Institutional Choice and Recognition for the Decentralized Forest Management in Charcoal-Producing Zones of Tambacounda, Senegal. By: Poonam Jusrut
- No. 33: Chiefs, Representation and Non-citizenship in Forestry: Lessons from the Social Responsibility Agreement in Ghana. By: Frank K. Agyei

## **Annex G: RFGI Policy Brief for Environmental Policy Makers, Donors and Practitioners**

This policy brief is a shortened version of the Executive Summary of the RFGI Handbook I. It is designed to stand alone. If it is used separately from this document, however, annexes B and F of the Handbook must be appended to this Brief.

### **Introduction**

How can donors, policy makers, practitioners and environmentalists support local democracy as they design and implement forestry, REDD+, adaptation and other natural resource management interventions? This policy brief presents principles of democratic forest governance and recommendations for policy and practice derived from the Responsive Forest Governance Initiative (RFGI) research program of CODESRIA, IUCN and UIUC supported by the Swedish International Development Agency (SIDA). The principles and recommendations in this brief are based on RFGI studies on forestry policies and project implementation in eleven sub-Saharan African countries: Burkina Faso, Cameroon, Democratic Republic of Congo, Ghana, Kenya, Mozambique, Nigeria, Senegal, South Sudan, Tanzania and Uganda, with comparative cases in Nepal and Bolivia. The RFGI research working papers and other RFGI readings on how to better analyse and support democracy within natural resource management interventions are listed in Annex F.

Supporting local democracy in forestry is crucial to enhancing social wellbeing. Democracy helps ensure that forestry interventions respond to local needs and aspirations, and local democracy can have long-term sustainability, scalability, equity and efficiency benefits. Yet, despite participatory and democratic objectives of forestry policies and projects, most public decisions in forestry remain centralized; forest services and natural resource projects do not allow local democratic authorities to make forest management and use decisions. Central forestry authorities often rely on trained foresters or hire outside experts to determine what should happen to forest resources, but these forestry professionals are usually ignorant of local priorities or



simply do not see local priorities as important. These experts are accountable to the central authorities rather than to the local people who live in and around forests. Elected local representatives are only allowed to make minor forest management decisions despite the importance of forests to local people's livelihoods.

Other non-representative institutions involved in forest management, such as customary chiefs, non-governmental organizations, and private bodies, also often make important forestry decisions about public local natural resources that affect local livelihoods. These authorities operate in parallel to, but rarely with, elected local governments. Despite being designed to be representative of local people, elected local government is rarely involved. Indeed, many intervening agents (including donors, government agents, and project designers and staff) lack the skill and training to identify and support democratic local government or democratic practice in their projects. Yet sustainable forest management and use efforts such as biodiversity conservation, sustainable forestry, carbon forestry (such as REDD+), agroforestry, and alternatives to shifting cultivation programs require a conscious approach that takes democratic principles into account.

Ensuring democratic local decision making in forestry involves transferring the public decisions over forest management to democratically representative local elected authorities. To effect a transfer to these authorities means identifying the appropriate powers to be exercised locally and identifying the higher-level and parallel authorities that currently hold these powers, so that they can be moved from these institutions to local representatives. These transfers will require support from all intervening agencies to ensure that local elected authorities have sufficient and meaningful powers (decisions and resources) to respond to local needs and aspirations regarding forestry. The identification of public powers in the forestry sector and the attempt to move these powers to where they belong (with democratic local leaders) cannot be achieved without a clear understanding of what democracy is and how it works. If, as is all too common, intervening agents do not know what democracy is and how it works, they will be unsure of how to identify and support it. The principles in this brief and the two handbooks help agents intervening in forestry to understand and support democracy.

Working with local democracy can strengthen local participation in forestry decisions so as to make them more efficient, more equitable, and more socially (and thus ecologically) sustainable. By working with local democratic institutions, forestry can also support the consolidation and building of local democracy. Forestry and other environmental interventions that do not support local democracy, however, are likely to damage it.

This brief defines democracy and summarizes responsive forest governance principles to be used to support democracy when working with: local government, parallel organizations, and citizens.

## What is Local Democracy

In order to support democracy, intervening agents must have a clear understanding of what democracy is and know how to analyse its basic elements. The elemental concepts of democracy are: responsiveness, representation, democracy, accountability, public domain, and citizenship.

- **Responsiveness** of leaders to the people is the outcome that democracy aims to accomplish – decisions that *respond* to local needs and aspirations.
- **Representation** is the responsiveness of leaders to the people. When leaders are *responsive* to citizens, their decisions represent or reflect the aspirations and needs of the people.
- **Democracy** is in place when leaders are *accountable* to the people. This accountability to the people generates democratic representation. Note that leaders can be responsive and can represent people without being accountable – but this is not democratic representation, rather, it is called benign dictatorship.
- **Accountability** is the ability to sanction someone for their actions: to reward or to punish them (by voting, by protesting, by taking them to court, etc.). Democratic accountability ('downward accountability' to the people) is when the people can sanction leaders for their actions. Accountability is what ensures that leaders are and remain responsive.
- **Public Domain** is the set of powers that are under public authority. These are the powers of government (executive, legislative, and judicial). These powers constitute the space of democracy – the matters over which democratic authorities or leaders decide, and on which they are accountable to citizens.
- Citizens are people who are empowered to influence their leaders – who can sanction them or hold them accountable. *Citizenship* is the power to demand that leaders respond to peoples' needs. Without this power of sanction, people under a given authority are mere subjects.

In short, democratic representation is in place when *leaders* are *accountable* and *responsive* to the people. Thus the components of local democratic representation

are: authorities (or leaders) who hold significant and meaningful public powers (that make up a public domain) and who can be held accountable by and to the people (or citizens) of the jurisdiction in which they govern.

## **Democratic Decentralization and Natural Resource Management**

Democratic decentralization reforms have established elected local governments in most nations of the global south. However, many of these elected local governments cannot really be called democratic. Most often, they lack either the power to be responsive to local people or the accountability that would drive that responsiveness. To be effective, democratic authorities must be both empowered and accountable.

If empowered and made accountable to the people, elected local governments are a potential home for participatory and democratic approaches promoted by many natural resource programs and projects. Because local governments are permanent local institutions, rather than temporary project-based committees or NGOs, they are *sustainable*: they endure over time. Because local governments exist everywhere inside national territories, participation through institutionalized democracy can *scale up*: it can then be *scaled up* to cover the whole of a national territory. The principles outlined here are designed so that forestry activities in areas where local governments exist support rather than undermine the consolidation of local democracy.

## **The Principles of Responsive Forest Governance**

The assessment tools and discussion provided in the handbook are based on principles from the literature on democracy and democratic decentralization and insights from RFGI case studies. They are designed to guide support for democracy in forest interventions.

### ***Orienting Principles***

- *Educate policy makers, government officials and agents, development practitioners, environmentalists, and donors about local democracy.* Intervening agents must use the RFGI handbook and many other sources (see Annex F) to learn what democratic representation is (what its basic parts are and how it works) so that they can support it. Intervening agents should not assume that they know what democracy is, what it involves, or why democracy is relevant to sustainable forest and natural resource management.

- *Foster social sustainability.* If local people do not feel that a law, program or project is just, they may not engage with it and are more likely to resist or sabotage its implementation. Giving local democratic representatives serious negotiating powers over law, program and project decisions will help make these interventions locally relevant, legitimate, welcomed, and therefore socially sustainable.

### ***Principles for Working with Elected Local Government***

- *Choose democracy.* Choose to place public decisions with decision makers who are accountable and responsive to local citizens. Therefore, where it exists, projects must work through elected local democratic government. When local governments exist but are not democratic, work to make them democratic.
- *Strengthen local democracy where it is poorly constituted.* Do not circumvent poorly constituted or corrupt local governments. Where local governments are weak or unaccountable, strengthen them and make them accountable. Where local governments are corrupt, fight corruption. Do not assume that local governments are any more corrupt or less efficient than 'parallel institutions' such as NGOs, customary chiefs, village committees, private companies or central governments.
- *Provide power to democracy.* Ensure that democratic local authorities have sufficient and relevant decision-making powers and means so that they are able to be responsive to local needs and aspirations. The powers held by local democratic leaders constitute the local public domain of democracy; there is no democracy without them.
- *Give local democratic authorities the powers to negotiate with external and higher-level actors.* To represent citizens and to negotiate effectively, democratic authorities need to have the right of refusal: the right to say 'no' (or 'yes') to outside interventions. The right of refusal (or acceptance) is a foundational element of fair negotiation.
- *Do not treat elected local governments as mere implementing or service-delivery agencies.* The power to deliver services that people need or demand is part of democracy. The power to deliver pre-determined services prescribed by projects or by higher levels of government is not democracy. To be responsive, local authorities need the power to deliver services that they choose. They cannot respond if the services to be delivered have been

prescribed by higher authorities. They are not democratic if they are only given the power to implement an outside agenda without the power to respond to what local people want and need.

- *Make democratic authority accountable to citizens.* Elections alone are never sufficient to ensure accountability. Use multiple means, in addition to elections, to keep democratic authorities accountable and their activities transparent. (A full discussion of accountability mechanisms is provided in Annex B of the RFGI Handbook.)

### ***Principles for Working with Parallel Authorities***

- *Keep customary authorities, NGOs and private bodies focused on private decisions of and for their groups.* Parallel actors such as indigenous leaders and chiefs, NGOs and corporations have many important roles within society. However, in a democratic system they do not make public decisions except where they have been elected to do so or where democratically elected leaders have delegated decision-making powers to them.
- *Promote equity.* When working outside of local government, systematically engage with local organizations representing all classes, genders, orientations, castes, ethnicities, and ages. Level the playing field through practices and policies that affirmatively favour the poor, women, and other marginalized classes and groups.
- *Place public decision in the hands of local democratic government.* Local public decisions belong with local democratic government. When working on public decisions with groups or individuals outside elected local government, these parties should operate under the authority of or through delegation by a local democratic authority.

### ***Principles for Working with Citizens***

- *Inform local people of their rights and powers.* Let local people know: which decisions are public; which powers their local authorities hold; how local authorities use them; what services local authorities can deliver; what means of accountability they are able to exercise; and how they can access those means.
- *Empower local people to sanction (punish and reward) government.* Support the right and provide the means for local people to influence and hold

accountable the authorities that govern them. These means should be made available to all residents of the use area or jurisdiction where the natural resources under consideration are located.

With the above principles in mind and an understanding of the components of local democracy, forestry project or policy designers and practitioners can begin the Preliminary Institutional Landscape Assessment. The PILA opens with questions to help intervening agents identify ways of supporting local democracy through their interventions:

- Does your project support the RFGI Principles?
- What would your projects or programs do differently were you to re-design and implement using RFGI principles?

More specifically, project designers, practitioners and evaluators must conduct self-evaluations to ask:

- Are the leaders you intend to work with, or are working with, democratic?
  - o Do they have sufficient and meaningful powers:
    - o Are these powers locally meaningful: do they relate to key forest management decisions of importance to local people?
    - o Are these powers sufficient: are the powers enough to say 'yes' or 'no' to outsiders concerning decisions being made? Are they enough to respond to local needs and aspirations?
    - o Do they have sufficient decision-making discretion and resources to be flexibly responsive to their citizens?
  - o Are they systematically accountable to the people?
    - o Through what means do they share information?
    - o Through what means can they be rewarded or punished by the people of their jurisdiction?
- Are all local people empowered as citizens with the appropriate and sufficient means to hold their leaders accountable?
  - o Are multiple means of holding leaders accountable in place?
  - o Are these accountability means known to citizens?
  - o Are accountability means accessible to the full array of residents of the jurisdiction of the forest in question? Can marginal groups use them with the same effectiveness as others?

Thoughtfully evaluating the answers to these and other questions will help policy makers and project personnel to better design, implement and evaluate democratic

forest management policies and interventions. They can also help activists or local populations evaluate and rethink the degree to which their own local institutions are democratic. These questions aim to enable practitioners to (1) assess whether their project supports RFGI principles and, if not, (2) to imagine what they would do differently if their project were designed using the principles outlined in this handbook.

### **RFGI Recommendations**

RFGI recommends that intervening agents strengthen democratic local government. The recommendations involve *expanding the public domain and making elected local government more accountable to the people*. To do this RFGI recommends that policy makers and intervening agents working on natural resource management:

- *Build the public domain*: place the powers that should be public under the authority of elected local government.
  - o Transfer to local elected governments decision-making powers that are public
    - o Take them from line ministries that resist democratic decentralization
    - o Take them from parallel institutions that presently exercise these public powers
    - o Place parallel institutions that exercise public powers under the authority of elected local government (by supervision or delegation).
- *Make elected local authorities more accountable to the people*.
  - o Apply multiple accountability measures outlined in the document
  - o Enable people to act as citizens making the exercise of accountability available to all local people.

How to achieve these goals? The identification of public powers (executive, legislative, judicial) in the forestry sector is a political project of identifying those powers that should be under local public control, guided by principles of appropriate distribution of powers, called ‘subsidiarity’ principles, and outlined in the handbook. Many of these powers are centralized based on false technical arguments made by forest services that prevent local authorities from making decisions over the uses of forests. Countering this common situation requires

counter-experts who are versed in forestry but who are not beholden to the command-and-control culture of forestry. Their transfer to representative local authorities requires identifying where these powers are currently held in line ministries and in parallel authorities. Democratizing forest governance requires legislative action and practices that then move these powers into the domain of democratic local government, so that local elected authorities have sufficient and meaningful powers with which they can respond to local needs and aspirations with respect to forestry. Local people must be enabled to hold their elected leaders accountable.

### *Site-specific Solutions*

Obviously, achieving democratic decentralization in forestry is not easy and there is no simple formula for accomplishing it. The rich and powerful rarely give up their wealth and power voluntarily. However, some changes in who holds power have to happen if forest management and use are to be democratized under elected local government, as decentralization reform mandates. There will be resistance at every step. That is normal. The challenge is to continue to work for democratic decentralization of forest resources in the face of central authorities, powerful line ministries and parallel authorities who do not want to give up their privileges, even when discourses of decentralization indicates they will and laws demands them to. They certainly will not do so just because intervening environment or development agents ask them to. But each time pro-democratic policy makers or practitioners intervene in forestry, they can insist that the public decisions made in the local arena be under the jurisdiction of local democratic elected government and that their powers be exercised with checks and balances that ensure accountability to local citizens.

All projects are unavoidably political and embedded in many layers of interest particular to each intervention site and country. Practitioners will need persistence and sensitivity to develop locally appropriate and creative strategies for supporting and increasing democracy. Intervening agents must always remember that no project site is exactly like another; there is too much variation from place to place to say exactly how any practitioner must achieve democratic outcomes. Besides, democratic outcomes are not achieved once and for all. They are a continuous struggle; they come and go. However, they are more durable when the institutionalized apparatus, empowered local elected democratic authorities and aware and empowered citizens, are in place to fight for these outcomes. This is why RFGI offers recommendations and actionable principles rather than prescriptions.



Methodical and persistent application of RFGI principles should result in more and more durable democracy and democratic outcomes, and in more sustainable forest management in the long run.

### **Handbooks**

This brief summarizes the principles and recommendations that are presented in two handbooks that were developed from the RFGI research program. These more elaborate RFGI tools are the 'RFGI Handbook I: Leveraging Local Democracy through Forestry' and the 'RFGI Handbook II: Bringing Improved Natural Resource Governance into Practice'. The handbooks provide methods to analyse the democracy effects of natural resource interventions and how to engage more actively in supporting local democracy.

# Notes

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1. RFGI Handbook II is available online at: [https://www.iucn.org/about/work/programmes/forest/fp\\_our\\_work/fp\\_our\\_work\\_thematic/locally\\_controlled\\_forests/lcf\\_projects\\_partnership/responsive\\_forest\\_governance\\_initiative\\_rfgi/](https://www.iucn.org/about/work/programmes/forest/fp_our_work/fp_our_work_thematic/locally_controlled_forests/lcf_projects_partnership/responsive_forest_governance_initiative_rfgi/)
2. We define sustainable management as a form of management that maintains both environmental and socio-economic assets in the long term, assuming that both dimensions are interdependent. Sustainability is not only natural. It is social. Sustainability, to be socially relevant, must be defined by those who are affected by forest management and use.
3. The Cancun Agreements (UNFCCC 2011: Annex I, pp. 26-27) recognize the dangers associated with the non-democratic implementation of REDD+ interventions and provide safeguards against anticipated negative impacts, especially on local communities. Specifically Annex I (2) a-e provide that: ‘When undertaking activities referred to in paragraph 70 [REDD+] of this decision, the following safeguards should be promoted and supported: (a) Actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements; (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty; (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples; (d) The full and effective participation of relevant stakeholders, in particular, indigenous peoples and local communities, in actions referred to in paragraphs 70 and 72 of this decision; (e) Actions are consistent with the conservation of natural forests and biological diversity, ensuring that actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;

For these safeguards to be realized, the needs and views of the affected communities must be represented in the decision-making process.

4. There is a vast literature on multi-scale natural-resource-related (and many other) struggles for rights and representation of marginal populations. See for example: Blaikie 1985; Peluso 1992; Leach and Mearns 1996; White and Martin 2002; Ribot 2004; Ostrom 2009; Peet, Robbins and Watts 2011; Sato 2014; Easterly 2013 and many others.
5. See Scott 1985; Peluso 1992; Ribot 2004 and many others.
6. Ribot 1996, 2004; Bandiaky 2007, 2008, 2010; Bazaara 2006; Chhatre 2008; Lankina 2008; Larson 2005, 2008; Mongbo 2008; Bandiaky 2008; Hara 2008; Baviskar 2004; Cousins and Kepe 2004; Ntsebeza 2005; Pacheco 2005; Resosudarmo 2005; Mearns 2005; Oyono 2005; Manor 2005; Burga 2005; also see <http://www.wri.org/publication/ea-bellagio-documents> and <http://www.wri.org/publication/market-access-institutional-choice> for a series of working papers on these topics.
7. See text of the United Nations Universal Declaration of Human Rights: <http://www.un.org/en/documents/udhr/>.
8. Somers (2008) believes that the right to have rights is the most basic human right and that it is called 'citizenship'. However, we believe that it is even more basic a right to be able to shape (through democratic processes) the rights that one has. Also see Article 21 of the Universal Declaration of Human Rights of the United Nations, which also affirms the right to representation.
9. Private forests are private. They have been removed from the public domain. One can only hope that they were removed through democratic processes. Private decisions are the sovereign domain of private right holders. Those who own forests outright are not subject to democratic rule within their private domain except concerning attenuations of their rights by the setting of legal limits, externalities of their private activities, or where eminent domain is exercised for the greater public good. This handbook does not deal with private property or private decisions in any systematic way.
10. Other systems of decision making like consensus or customary chieftaincies can be democratic in their operations and in substance. However, consensus has very oppressive and exclusionary tendencies (see among the many critiques, Ballowe and Chambers 2002), and as Adam Smith pointed out, consensus is impractical except in the smallest of groups (Green 1993). Customary leaders are also rarely democratic and there is no reason to believe they should be; they need to be subject to the same scrutiny as any authorities that claim to represent a population (Ribot 1996, 2013, 2014; Ntsebeza 2005; Nuesiri 2014). In rare instances, customary authorities are democratic, but in ways that are very difficult to reproduce (see Spierenburg 1995; Mann and Roberts 1991).
11. Following Manin, Przeworski and Stokes 1999. Also see Ribot 2003, 2004 and Ribot, Chhatre and Lankina 2008.
12. Our definition of democratic representation is based on the Actors, Powers and Accountabilities (Agrawal and Ribot 1999) and Choice and Recognition analytic framings (Ribot, Chhatre and Lankina 2008).

13. 'Enabled', here, means having the legal and social backing and the material resources, including knowledge, finances, labour, and equipment, needed to act.
14. This is a substantive definition. It refers to what belonging to a democracy establishes for those who belong: the ability to influence leaders.
15. For a counterview that does not see in decentralization any necessary benefits of responsiveness or freedom, see Riker 1964:142; he writes, 'To one who believes in the majoritarian notion of freedom, it is impossible to interpret federalism as other than a device of minority tyranny'.
16. It is important to note that legitimacy is not always a good thing. While we want any authority that is representing local people to be legitimate, many despotic and non-democratic authorities are legitimate. Legitimate does not mean good. It means, following Max Weber, that the authority is tolerated without being violently overthrown. So, for example, people may accept a customary chief as being legitimate, but they may not feel that that chief is fair or even good for the community (Ntsebeza 2005). They may desire an alternative authority, but not feel that putting one in place is possible.
17. Until better new insights are derived from further research, the existing empirical observations and theory are our best guide for action. This is the state of our current understanding. See Ribot 2004 and Ribot, Chhatre and Lankina 2008.
18. Privatization, contractualization, deconcentration, 'NGOization', selective civil society inclusion, participatory processes, co-management, adaptive co-management, management by project implementation units, and committee-based project implementation are often done in the name of democratic decentralization and popular inclusion. Some of these are quite the contrary and others reduce local representation in decision making.
19. Easterly (2013) argues that the old approach to first bring economic growth and then democracy does not and never has worked. Democracy precedes economic growth for the poor. So, efficiency should never override self-determination and representation in local decision making.
20. It is also important to educate local elected authorities. They often do not know the rights that they hold as local representatives. So, Enable Local Democratic Authorities to Exercise their Rights as Public Decision Makers: Inform them of their powers and obligations concerning forests and natural resources, and help them to exercise their powers in instances where their rights are challenged or denied. Inform them of what democracy is so that they can engage government to expand the space of democracy where the existing laws and practices limit democratic possibility. Local elected authorities fail to exercise the powers given to them in law since they are rarely allowed to exercise them, or because they have been taken back by other laws.
21. *Of course, no intervening agents can support local democracy by themselves.* Local democracy requires legislation at the national level, cooperation from environment and forest services who must transfer significant powers to local leaders, respect from the business sector who must treat public goods as public and pay local taxes, engagement by local populations who may be reluctant to engage with government institutions under governments that have

historically beaten them down and facilitated their exploitation. Intervening agents must therefore appeal to others to make local democracy work. However, demanding support from other agents is part of the responsibility of intervening. Demanding higher-level change is not beyond the scope of the intervening agent.

22. *Fight corruption*: When elected local authorities are corrupt, ineffective, incompetent, uninterested, mistrusted, or simply non-responsive and undemocratic, work to make them less corrupt, more effective, more competent, interested, trusted, responsive, and democratic. Do this by *not circumventing them* and working *with* them (as difficult as this may be) while establishing multiple accountability mechanisms. Circumventing them will only make them leaner and meaner (Evans 1997). As Agrawal (2005) observed, the way to make non-environmentalist authorities into environmentalists is by entrusting them with the power to manage and regulate the environment. Fighting corruption (a never-ending battle) is the only way forward. It is also important to fight the corruption of central governments, donors and NGOs that transfer public powers to private bodies and circumvent local democratic processes.
23. Including executive (implementation and enforcement) and legislative (rule making) powers, and some judicial (dispute resolution) powers.
24. Build the public domain: Work to create a set of public powers over natural resources that are directly or indirectly under the jurisdiction of elected local authorities. These powers make elected authorities worth engaging by enabling them to be responsive to local needs and aspirations. They constitute what we call 'the public domain', e.g. the public decisions and resources that constitute the space of democracy. Elected local authorities must have the freedom to exercise these powers using their own discretion (within the context of accountability to the public). These are the powers over which democratic decision making takes place.
25. This mismatch could be a matter of scale; decisions are taken at the village level while elected local government is at the scale of 50 or 100 or 200 villages. It may be that there just are no elected local authorities.
26. In Europe and the US there are many 'customary' institutions and authorities that have not been replaced by democratic institutions. When a crime is committed among siblings, the siblings may go first to their parents for help. If this fails, they may go to their synagogue or mosque or even to binding arbitration well before they even consider going to the courts.
27. Peet (1977:6) defines 'radical science' as science that 'provides alternative explanations which trace the relationship between "social problems" at the surface and deep societal causes' (in Holifield 2009:647). Radical science is important practice in the development of counter-experts.
28. 'The most concise description of accountability would be: 'the obligation to explain and justify conduct'. This implies a relationship between an actor, the *accountor*, and a forum, the *account-holder*, or *accountee*. . . . Explanations and justification are not made in a void, but vis-à-vis a significant other. Accountability in this sense usually involves not just the provision of information about performance, but also the possibility of debate, of questions

by the forum and answers by the actor, and eventually of judgment of the actor by the forum. Judgment also implies the imposition of formal or informal sanctions on the actor in case of malperformance or, for that matter, of rewards in case of adequate performance. This is what I call *narrow accountability*' (Bovens 2006:9).

29. 'In order for citizens to exercise the vote (a primary good), they first must have recognition as a member of the political community and a minimum level of: education, information, economic resources (e.g. transportation to the polls), and the personal security enabling them to pursue concerns beyond mere survival. However, great asymmetries of wealth and power produce great asymmetries in capabilities and thereby distort democratic participation and subvert justice. The capability component of justice thus reveals the interdependence of distribution, procedure and recognition (Schlosberg 2007). It also expands the scale of justice beyond the liberal focus on individuals to recognise that *groups* (e.g. communities of place, interest or ethnic identity) can also have capabilities, enjoy collective rights, suffer collective disadvantages, and form social movements' (McDermott, Mahanty and Schrekenberg 2011:9).
30. Of course, those powers must be significant enough to matter to local people and to enable leaders to act. They can be executive, legislative or judicial powers (Agrawal and Ribot 1999).
31. The most recent REDD+ guidelines that have been agreed to by the international community are articulated in Draft Decision 1 of the Sixteenth Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC) (Decision 1/CP.16.Add.1).
32. Before you do interviews in villages, it is a great idea to read Zakes Mda's novel *Heart of Redness*. This novel highlights how deep history can produce situations that you as an outsider will never understand and therefore need to be very wary of. Divisions and political battles within communities matter. You need to be aware of this. You also need to know that you cannot know these histories without living in these villages for years (and perhaps not even then). This is partly why representation (local voice and local control over decision making) becomes so essential in making resource decisions.
33. Also see Ribot and Peluso 2003.
34. In this sense, the RFGI approach differs from the typical 'stakeholder' approach that assumes everyone with a stake has a legitimate role in the discussions of how to use and distribute access to and benefits from resources and decision-making processes. A wealthy merchant may have a very large stake in a decision over village forests; for example, that merchant may stand to gain hundreds of thousands of dollars from a single deal. However, if they are not local residents they should have zero voice in determining the use of the forest. They may make an offer, but it is up to the local representatives how that offer is judged and responded to. Similarly a merchant who is a member of the forest village of 200 people may also be wealthy and have an opportunity to gain great wealth from the forest. However, their voice should be one half of one per cent of the voices in the village, that is, it should not be weighted by

the wealth of the individual. It should be weighted by the ensemble of voices that have a share in this public resource.

35. 'The Zimbabwe ombudsman handles on average 100 complaints a month, while the Tanzanian handled 200 cases per month during its first 20 years of existence' (Therkildsen 2001:29).
36. According to Therkildsen (2001:27), 'transparency, translated into clear and explicit managerial targets combined with increased managerial autonomy and incentives to perform, makes it easier to establish the basis for managerial accountability and to achieve outputs (without which the notion of accountability becomes irrelevant . . .). This, in turn, increases political accountability in two ways. By making targets explicit, it is easier for managers (in dialogue with politicians) to match them with political priorities. And by monitoring the extent to which targets are met, politicians can, in turn, hold managers accountable for their performance or lack of it'.
37. This observation may challenge Moore's (1997) claims, discussed below.
38. Citizenship is a complicated matter. A project or intervention operates within existing law. Hence citizens recognized by the state are the citizens of a given elected polity. Thus, this can be an incomplete category, under-recognizing migrants and, in some place, particular ethnic groups. In most places, however, citizenship is broader than professional user group, ethnic or indigenous group, or religious group.
39. For REDD+, consent is inscribed in the principles of Free, Prior and Informed Consent (see Anderson 2011; Mbeche 2015; Nuesiri 2015; UNFCCC 2011: Annex I, pp. 26-7).
40. We acknowledge that 'forest dependent' is a very broad category. We are referring to those whose local livelihoods depend to some critical degree on forests and forest products.
41. We add the adjectives seriously, adequately and well to the Free Prior and Informed Consent (FPIC) concept since it is rarely practiced as any of these. Hence, we hope that the reader of this document will read these words for their colloquial meaning and not as the UN and World Bank procedures that belie the very words they use (Anderson 2011). See Box 16 on FPIC.
42. The authors of this document do not promote the market-based system of payment for ecosystem services for a number of reasons (including that these resources are not produced by the market and therefore cannot be efficiently valued by the market). In this sense nature is a fictive commodity (Polanyi 1944.) However, those who argue for payments as the basis of conservation should be willing to take the consequence of their position (that people may find payments of any level inadequate and therefore may not accept conservation agendas over their own uses, whether or not these uses are destructive of the environment and whether or not these uses affect people upstream and down). If you believe in the Coase (1969) theorem, then pay people what they want or accept the outcome; don't *daven* about conservation being necessary.

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