

Participation Without Representation: Chiefs, Councils and Forestry Law in the West African Sahel

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Participatory development aims to redress the failures and inequities of top-down centralized development strategies. But, what is community participation without representation? Does it redress central control? Does it include community in decision making, resource control or benefits? Can there even be community participation without some form of locally accountable representation? Community or popular participation is about communities having decision making powers or control over resources that affect the community as a whole, such as forests and grazing commons or community development. But, for such decisions to internalize social and ecological costs or to assure equitable decision making and use, they must be devolved to a body representing and accountable to the community.

Across Africa responsibilities for natural resource management are being devolved to rural communities in the name of decentralization and popular participation. This movement is based on *efficiency*, *equity* and *development* arguments in which community management is seen to improve performance in each of these spheres. But, a closer look at participation in West African forestry reveals that it is less inclusive than the name implies. In the wooded savannahs and forests of the West African Sahel participatory forestry projects and policies devolve a limited set of responsibilities and benefits to commercially interested, non-representative groups and individuals, as well as to largely unaccountable state and non-state local authorities. These local authorities are often given only a tangential role in decision making. Community participation, however, requires the devolution of *real powers* of decision to *representative bodies*.

This paper explores representation and decision making in so-called participatory forestry projects and policies in four Sahelian countries: Burkina Faso, Mali, Niger and Senegal. It examines existing structures of representation in all four countries and then presents two sketches of how representation is integrated into participatory forestry. The paper concludes that participatory forestry does not integrate community representatives even in the few cases where such representatives exist. Without accountable representation, these participatory policies and projects become forms of covert privatization of forest use rights or a modern reproduction of indirect rule--replete with 'participatory corvée'. Real participation must begin with generalized rural democratization--it is about enfranchisement and cannot only be done project by project or through forestry policy alone.

Existing Structures of Local Representation

Village chiefs and the Rural Councils of local state governance structures are frequently taken to represent rural populations in participatory development and natural resource management projects. In the countries of the West African Sahel *villages* are the most common unit of social aggregation around which local use and management of woodlands is organized both by local populations and by outside agents. Each village, averaging 100 to 500 people, typically has a chief, and some have specialized chiefs overseeing forest use. There are also other poles of authority within villages, such as Imams, marabouts, sorcerers, non-village based pastoral chiefs, griots, heads of certain castes (hunters in Mali) and chiefs of the young (maasamari in Niger). Colonial rulers, however, relied on village chiefs, disproportionately shifting power to the village chief compared to these others. While these other figures are involved in resource management, most state and outside organizations still privilege chiefs as their primary village interface.

In all four countries most chiefs gain their position through inheritance via a male lineage tracing back to warriors, the founding family of the village, or families chosen by colonial powers to replace antagonistic local leaders. In Senegal and Burkina Faso there are state-sanctioned processes for choosing village chiefs. In Senegal village chiefs (usually the head of the hereditary male line) are elected by heads of households, who are virtually all male. In Burkina Faso each village is divided into committees of Youth (men eighteen to fifty), Elders (men over fifty), Women (over eighteen). At national elections, each committee elects its representatives and these representatives constitute a village council. The village council then elects from its members a village council president. All of these processes systematically under-represents or exclude women, but to a much lesser degree in Burkina Faso where women have one third of the village vote.

In Mali, Niger and Senegal chiefs hold their position for life. They neither represent nor are they systematically accountable to the village as a whole. In Burkina Faso the process for choosing village council presidents appears more accountable than other village chiefs within these Sahelian countries, due to regular periodic elections. Although there are various local mechanisms of accountability, the accountability of chiefs is by no means assured--some are despots, others responsive leaders, depending on the personality of the chief, the specific history of the village in question, and its location in a larger political economy.

Local Government is another form of rural governance in the Sahel. Since independence from France in the early 1960s, Burkina Faso, Mali, Niger and Senegal have established local units of representative government. The smallest unit of government in the study countries regroups five to fifty villages (similar in scale to U.S. counties). These Local Governments have both elected governance bodies, called Rural Councils, and an appointed central government administrator, called a *Prefect*.

In Burkina Faso the Rural Council is constituted from elected representatives of village committees. These representatives form a council and elect a president from among themselves. In the other three countries the candidates for Rural Councils are presented for election by nationally registered political parties. Each party presents a list (or slate) of candidates to fill each council. The list with the majority of votes takes the council and elects a president from among its

members. While there is universal suffrage, independent candidates cannot run for election to these councils (nor can any individual or group present lists without a party's endorsement). Since villagers have little influence over national political parties, nor the resources to form parties, they are unable to choose their own candidates. Indeed, villagers I work with in Eastern Senegal feel that Rural Councils do not represent them, they represent political parties. Further, few parties have the resources to organize Local Government slates, so there is little competition in local elections.

The official role of Rural Councils in all four countries is to *advise* and *assist* the *Prefect* on political and administrative matters. Decisions of the Rural Councils of Local Governments must be approved by the Prefect. So, even in Burkina Faso where Rural Councils are relatively representative of local populations, they are simply not autonomous decision making bodies.

Participatory Forestry Policies and Projects

Given the limitations on existing forms of representation, how do 'participatory' policies and projects construct local control? Who makes decisions and who benefits? Below are thumbnail sketches of participatory approaches now being promoted. In Burkina Faso and Niger projects are *creating* village-level participatory structures. Mali and Senegal are using Local Government as the basis for participatory forestry. I present Burkina Faso as an example of the village-based approach and Mali as a Local Government-based example.

Burkina Faso: Participation by Committee in Nazinon

Burkina's new participatory forestry laws are being modeled on a joint United Nations Development Program and Food and Agricultural Organization project in the forest of Nazinon thirty miles south of the capital, Ouagadougou. This scheme is based on the creation of cooperatives in villages surrounding the forest of Nazinon and a union coordinating the cooperatives.

In Nazinon village-level cooperatives are responsible for forest management. In each village the project constituted a cooperative filled with villagers interested in woodfuel production. Each cooperative elects a President, Secretary, Treasurer and Manager. The project also set up a union of Nazinon cooperatives with a General Assembly constituted of all managers, secretaries and treasurers of the village cooperatives. The union's Administrative Council is constituted of the cooperative managers and a president elected from the General Assembly. The Administrative Council is empowered to make daily administrative and business decisions of the union and is responsible for surveying the implementation of all laws concerning the union and forest management.

A Technical Office of the union is set up by the national Forest Service to develop forest management plans in collaboration with the Administrative Council. These plans must be approved by the Forest Service. The manager from each cooperative is charged with assuring the plan's implementation, under the guidance of the Technical Office. In addition, a Control Committee, including representatives from the national government's Control Service, the Minister responsible for cooperatives, the Minister of Territorial Administration, and a Village Council representative, surveys the union's and cooperatives' accounts.

In general, the new policies place some responsibilities for and powers over woodfuel management into the hands of a group of economically interested individuals. Decisions over the disposition of forests (that is management plans) and over the revenues from forest exploitation are in the hands of these individuals and of the Forest Service. The Forest Service maintains complete control of all production and management decisions through required approval and through control of the rules by which production and management can take place. A local representative (from the Village Council) is only brought into the national Control Committee where s/he is just one member among many. In a study on decentralization, Burkina Faso's Prime Minister's office pointed out that these committees should be representative of the village community, but are not. Further, this committee makes no decisions over forest use. In short, little control is devolved to local authorities. It stays with the Forest Service and private groups.

Mali: Participation through Local Government

Mali's 1994 forestry laws assign responsibilities for forest management to Local Government (called Decentralized Territorial Collectives). The new laws give Local Governments a forested domain within their territorial jurisdiction and the right to protect or conserve part or all of their forested domain. According to the new laws, any individual or group of individuals wishing to commercially cut for woodfuels within the forest domain of a Local Government must organize a Rural Wood Management Structure (WMS--*Structure Rurale de Gestion de Bois*). A WMS can be a cooperative, corporation, association or any other form of organization recognized by the state. In practice (as in Burkina Faso's and Niger's committees) these are groups of private individuals interested in practicing or investing in commercial woodcutting.

Before a WMS can begin using the forest, the Forest Service must propose a management plan for approval by the Local Government. This plan includes an annual woodfuel production quota which, according to forestry officials, is to be determined by the sustainable potential production of the forested domain of the Local Government in question. The annual quota will be set by ad hoc commission composed of two representatives of the WMSs, one from Local Government, and one member of the Forest Service. Recognizing the contentious political nature of quota allocation, the new laws also create a regional commission to resolve conflicts over the fixing and distribution of quotas. This commission is to be organized by the Minister responsible for forests. Finally, once a management plan and quota have been established and approved, a cutting permit can be delivered by the Forest Service upon the payment of a forest exploitation tax.

In 1986 Mali's President Traoré began stringently implementing colonial forestry laws. In order to show foreign donors that Mali was serious about environmental protection, fines for breaking branches, cutting trees or starting forest fires were raised well beyond the average annual income. In the following years fining binges by the Forest Service became routine. After good harvests foresters went so far as to set fires so they could fine surrounding villages. When no one would admit to the crime, villagers (including village chiefs) were thrown in jail. Reports of beatings and extortion came from around the country. Those fined appealed to their Deputies in the National Assembly who thrived on the arrangements. Deputies could intervene to free the villagers, getting local political credit and often payoffs in the process. The foresters, who were entitled to twenty-five percent of fine revenues, raked in profits. The brutal years of fining, taxation and extortion paid off. By 1988 Mali's forests were virtually paved with international forestry projects, supporting various Forest Service activities. But, after years of oppressive behavior by the Forest Service, the most salient State presence in rural Mali, foresters were reportedly burned alive and chased from the countryside during Mali's 1991 revolution. In the National Conference to reconstitute the government after the revolution one of the first demands of the rural representatives was the *elimination* of the Forest Service. The revolution may help explain Mali's new relatively progressive forestry laws.

**1: New Polices from an
Oppressive Past in Mali**

Mali's new participatory forestry laws, replacing a system in which the Forest Service delivered permits to whom, where and when it chose, give Local Governments considerable power over the disposition of forests. Indeed, Mali has developed the most progressive forestry laws in the Sahelian region. Local Government representatives can decide to protect the forests by decree or they can control exploitation through approval or rejection of forest management plans. They can also use these powers to control which WMSs can exploit local forests. The Forest Service, however, has maintained control over how much wood can be cut, where, when and how (via quotas and management plans).

As in Burkina Faso, Mali's Local Government representative on the quota committee is only one among four members and is not guaranteed a controlling role. The "...mode of allocating the quota..." in this committee is left to the order of the Regional Governor (a central government appointee). The Forest Service has also reserved the role of quota dispute resolution for itself, a role better fit for a more neutral body such as the courts.

In sum, in Mali some significant decisions have been devolved to Local Government bodies. But, two factors cancel the most progressive aspects of these new policies. First, since independent candidates cannot present themselves for local elections, Local Government is not representative or locally accountable--so these 'local' decisions are not necessarily community decisions. Second, jurisdiction over forests may not be devolved to Local Government, but rather to intermediate-level governance structures such as Cercles and Regions (many forests will also remain under central government control). These governance structures, which are also not representative, cannot even be considered local.

Participation by Whom in What?

Who participates in what benefits? The benefits in these cases include labor opportunities in woodcutting, income from these labor opportunities and from woodfuel sale, and some role in forest decision making. Labor opportunities are important since this work often has gone to migrant or urban workers from outside the woodcutting area. Integrating local labor increases village income. There is also profit from the sale of wood. In Burkina Faso, firewood prices fixed by the Minister of Commerce keep prices in participatory projects above those received by independent woodcutters. These opportunities and profits go largely to the private individuals who make up management committees and woodcutting organizations. Membership is self-selected or influenced by foresters and village elites--these are effectively private organizations. In addition to private income and profit, in two cases some benefits are directed at the community as a whole. In Burkina Faso, each cooperative has a fund fed by a firewood tax, part of which is earmarked for *public works* serving the larger village community. In Niger, ten percent of non-tax revenues from woodfuel sales go to the village chief--this too is ostensibly to benefit the community as a whole.

While some villagers benefit from labor opportunities, local woodfuel sale and fees collected for community funds, most profit in West African woodfuel markets accrues through access to transport and urban trade. Unfortunately, the Forest Services in all of these countries have maintained tight control over the delivery of transport permits and have refused to assist local woodcutters in gaining access to transport or merchant licenses. Villagers in all four countries have expressed their desire to operate in transport and urban markets. This most lucrative segment of the woodfuel sector is currently dominated by urban merchants and truckers. In short, villagers are permitted to 'participate' in forest labor but only in a limited portion of forest-based profits.

Who participates in decisions? Management plans and quotas reserve decisions over where, when, and how much wood will be cut for the Forest Services. In Mali and Senegal, Local Government representatives participate in the daily decisions of plan implementation and have some control over the plans. In Burkina Faso and Niger it is the village-level committees of cooperatives and unions that can make daily implementation decisions. But the rules of cutting and management that they must follow and the quantities they can cut are defined by the Forest Services--based largely on questionable ecological grounds.

The most critical decision, whether forests surrounding a given community will or will not be cut, has been reserved by Forest Services in all cases but Mali. In Mali's new forestry laws Rural Councils have the definitive right to protect all or any of their forested domain (although the proportion of forests in the local domain will be determined by what a national committee decides is in the national interest). In Burkina Faso, Niger and Senegal, however, the Forest Service can give woodcutting rights in any forest to anyone they chose, regardless of local wishes.

In these latter countries local communities have no legal mechanism for protecting local forests. Foresters can allocate exploitation rights via parastatals, concessions, state sale of parcels and the delivery of exploitation permits. Communities in project areas who choose not to accept the conditions of 'participation', and those simply not chosen for projects, have no legal control over the disposition of forest resources: Forest Services can sell the forests out from

under them. These Local Governments and village communities simply do not have the right to say NO to Forest Service sanctioned cutting in surrounding forests. This is hardly participatory forestry.

In short, participation amounts to the Forest Services managing forests with the assistance of private groups within local communities, with increased labor opportunities and profit for these private groups and some income earmarked for whole communities. Critical decisions over forest disposition are only devolved into 'local' hands in Mali. But, even in Mali, it is only over the limited area of forests assigned to Local Governments by a national committee.

Ecology of Central Control

Forest Services control of woodcutting may seem to make ecological sense. Indeed, the maintenance of Forest Service control over management plans and quotas is often argued on 'technical' ecological grounds--to protect the national good. But, the ecological evidence does not support the need for such centrally controlled management. Sahelian vegetation is resilient. The little evidence that has been collected indicates robust natural regeneration after woodcutting. Villagers and woodcutters in each country say they return to cut in the same area after five to twelve years. They are not cutting gallery forests. The main anthropogenic cause of permanent deforestation in this zone is agricultural expansion. But, foresters do not have control over agricultural policy, instead they focus their attention on woodcutting--even if it is not the problem. There is also no scarcity of woodfuels in this region, so micro-management--to accelerate regeneration--is not essential.

Participatory forestry projects across the Sahel are managing forests to optimize commercial firewood production. Many forest users, however, are interested in spiritual aspects of woodlands and in grazing, hunting or gathering of multiple other forest products. Firewood cutting seriously undermines these other forest uses between cutting and regeneration. In Niger, researchers and lawmakers working on new rural land use laws are concerned that forestry projects setting up "Woodfuel Management Structures" (decision making committees) to maximize firewood production go against integrated resource management. Ironically, while these Structures ostensibly protect forests from village and commercial use, it is the other forest users who need protection from woodcutting projects. Integrated village participation in forest decision making, through more representative structures rather than woodfuel focused committees, could mitigate such problems.

2: Integrated Agro-Sylvo-Pastoral Participation

Without locally accountable representation the ostensible objectives of participatory approaches are unlikely to be met. There are no guarantees that the social or ecological externalities of commercial forestry will be internalized, and there is a great risk that the benefits will not return to the community as a whole.

Devolving control or decision making powers to non-accountable or non-representative bodies or individuals (such as hereditary or male-elite-picked chiefs, party-picked Local Councils, cooperatives, village associations or NGOs) is just a new, slightly obscured, form of 'privatization' via privatized use rights. It is not devolution to the community as a whole. Rather it gives powers over community resources to sub-groups within the community with an economic interest in the forest or to individuals in positions of authority.

Participation without representation is tantamount to forced labor when it involves responsibilities without choice. By assigning responsibilities in the name of participation, for example, Senegal's new forestry laws give the Forest Service the means to mobilize rural labor. It does so with no checks or balances, creating a potential for what might be dubbed 'participatory

The ecological evidence brings into question the need for detailed management plans or production quotas. The 'participatory' (rather centralized) distribution of decision making powers and forest control among foresters, private groups and representatives cannot be justified on ecological grounds, or on grounds that villagers lack needed technical ecological knowledge or that their decisions threaten the forests. Further, national governments, Forest Services and state agents in all four countries have long histories of profiting--legally and illicitly--from forest control. There is a danger that withholding management plans and quotas or allocating them to powerful figures could become new extractive tools in the hands of foresters. Technical ecological arguments, it seems, are helping Forest Services maintain a long-standing stake in this lucrative sector. They help justify central control and also happen to attract donor financing.

In the West African Sahel, much more forest control could be devolved to local communities without threatening the forests.

Conclusion: Representation With or Without Participation

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corvée'. Further, when villagers' alternative to participating is the potential loss of forests to outsiders, labor in 'participatory' forestry can hardly be considered voluntary.

Further, participation is a modern reproduction of indirect rule when it uses local non-state authorities to legitimate and carry out external projects of the state and international organizations (such as environmental management). Like colonial rule, it can also strengthen and legitimate the non-representative, un-accountable governance forms it relies on.

Until local authorities become more systematically accountable to local populations, governments, NGOs and donor agencies involved in participatory approaches must ask themselves if they are unwittingly supporting and strengthening non-representative or un-accountable governance--which is unlikely to accomplish the ostensible goals of participation. Indeed, by problematizing local representation these groups could support the emergence of more spatially and temporally generalized, participatory rural governance processes.

Conditions for locally accountable representation, for example admitting independent candidates in local elections, is a pre-requisite to generalized rural participation. This is not to say that accountably structuring representation can guarantee community inclusion. Rural elites always try to manipulate candidacies, electoral processes and those in elected positions. Inclusive processes cannot create accountable representation. They simply make it a possible outcome of struggle among village classes, castes, interests groups and elites. Some communities will take advantage of this possibility. Others will not. Unfortunately, given the electoral codes in most of the Sahel, this is not yet even a possibility. Indeed, current laws block such possibilities. Enfranchisement through rural democratization is a first step toward participation.

With locally accountable representation participation becomes meaningful when these representatives have powers of decision over valuable resources. In Mali Local Government has some real powers, but is not representative. In Burkina Faso there is accountable (although gender-biased) representation, but no local decision making powers. Representation without powers is as much of a farce as powers without representation: Popular participation requires both.

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