



Local practices and the decentralization and devolution of natural resource management in French-speaking West Africa

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The dimension of local institutions: new powers and old authorities.

This article reflects on local practices and the decentralization and devolution of natural resource management in French-speaking West Africa. The term "local practices" means not only local approaches, methods and techniques for managing natural resources but also, and more significantly, the roles and functions of local institutions and structures - non-governmental organizations (NGOs), small farmers' associations, youth associations, local administrative units, traditional and local chiefs, decentralized technical and administrative structures, etc. - that are actively involved in managing the resources.

The article does not dwell on the context of natural resource management or on how devolution is proceeding in the countries of the subregion; rather, it concentrates on identifying the main questions that challenge the various actors.

DUALISM IN NATURAL RESOURCE MANAGEMENT IN THE SUBREGION

Functioning traditional systems that lack a legal basis

Throughout the subregion, communities have established customary systems for managing bodies of water, forests, agricultural land, etc., many of which satisfactorily balance equity and social justice, efficiency, sustainability and the preservation of biodiversity. Examples include the local system of fishery management in the floodplains of the Logone River in Chad and Cameroon (Drijver, van Wetten and de Groot, 1995), traditional systems of land and forest management in the Nagot country of Benin (Onibon, 1995) and fairly common local systems for managing the fuelwood required for cooking and other domestic purposes in the Sudano-Guinean savannah environment of the southern Sahara (Keita, 1985).

[Local institutions and structures that are actively involved in managing forest resources can include non-governmental organizations, small farmers' associations and youth associations](#)

Such traditional systems of natural resource management are based on institutional and regulatory frameworks that are well adapted to the social and environmental conditions of their

respective milieux.

Unfortunately, forestry authorities, both in colonial times and after independence, ignored customary approaches to natural resource management when designing forestry policies and drawing up broad legislative concepts and principles. Communities were thus deprived of their legal rights with respect to management of the rural areas.

Nonetheless, almost everywhere in the subregion the real functions of natural resource management are still carried out by traditional institutions, even today.

Non-functioning legality

In almost all West African countries, the state has declared itself the owner of natural resources with authority over their management, but it has in practice been unable to assume this responsibility. This is what Soumaré (1998) calls a situation of "non-functioning legality". According to Keita (1985) and Onibon (1995), the state's action in stripping traditional institutions of their age-old rights with regard to natural resource management, while these institutions in fact still carry out such management, has made them function illegally. This situation would seem almost bound to lead to a loss of control. Forests, which like fisheries have been declared state property, may be invaded by destructive users, while at the same time conflict may arise within the communities.

Persistence of a sterile dualism

The institutional and legislative framework for natural resource management in the subregion is thus distinguished by the persistence of what might be called a sterile dualism. On the one hand, the law that makes the state the main owner of natural resources is not operative either for the state or for local inhabitants, while on the other, traditional systems remain the frame of reference for rural inhabitants in their day-to-day involvement in the management of natural resources (Soumaré, 1998). In a number of countries there is, in addition, a religious system that must be distinguished from the traditional system, which in West Africa is essentially pre-Islamic. Villagers will often draw on these spheres of legitimacy in different claims that depend on their identity (e.g. women or non-indigenous groups conferred equal rights by the modern legislature) and the nature of the resources (access to project credit or land) to be captured.

This sterile dualism is the background against which the various countries of the subregion have undertaken their individual decentralization and devolution processes. The aim is for the state to transfer authority to the various local administrative units. The question is how far devolution can enable local communities to meet the challenge of assuming true responsibility for managing natural resources.

DECENTRALIZATION: A CROSSROADS FOR THE COUNTRIES OF WEST AFRICA

Decentralization and natural resource management are today major challenges, especially for developing countries. Like decolonization and independence in the 1960s, and democracy and multiparty systems in the 1990s, decentralization is now seen by many as an increasingly non-negotiable alternative.

However, decentralization is not anew phenomenon in African countries, particularly in terms of territorial and administrative organization; in fact, some analysts consider decentralization a political and legal constant in the countries of West Africa. While decentralization was a theme during the colonial period, it became a more prominent issue after independence, and especially in the 1980s. Issues of decentralization and natural resource management gained momentum in the wake of such events as the 1992 United Nations Conference on Environment and Development (UNCED) and, for West African countries, the Regional Conference on Tenure and Decentralization, held in Praia, Cape Verde, by the Permanent

Interstate Committee for Drought Control in the Sahel (CILSS) in June 1994.

Nevertheless, talk of decentralization and natural resource management still generates much heat and passion, for it presupposes both a certain way of using and preserving natural resources and also a redistribution of power among various actors on all levels.

The current situation

Although the processes under way in most countries in French-speaking West Africa are not identical, they have three main features in common: they are fostered and carried out by the state; their main stress is on the drafting of texts; and they are based on the creation and installation of decentralized institutions.

For the moment, decentralization processes tend to stress the reform of territorial administration. Although the transfer of responsibility to decentralized administrative units has attracted attention, decentralization often has not resulted in the devolution of responsibility for the management of development and the environment - or forests - to traditional, local institutions. Thus, the responsibility for forest management has basically been transferred to decentralized administrative units, but the people and bodies who are in charge of this sphere in practice - the traditional institutions and their regulatory frameworks, made up of local customs and practices - have not been taken into account.

In fact, even if the aim is clearly stated to be that of transferring authority over local spheres of responsibility to decentralized administrative units so that they can take control of their development, decentralization in the subregion has often been undertaken not because it is sought by the ruling government, but because it has been made a condition for aid by international donors (FAO, 1997).

A basis in the positive law of each state

Decentralization has received major juridical attention in all West African countries; it has been the subject of formally enacted and promulgated laws and legislative documents and is sometimes a constitutional requirement. It has also led to the establishment of institutions of public law: ministries, decentralization missions, national commissions, etc. Such heavy juridical attention may turn out to be a major constraint if decentralization is not accompanied by a devolution that really does transfer power to those who are in fact responsible for managing natural resources, i.e. local institutions.

The institutional context is marked by the creation of structures and bodies generally known as "decentralized local administrative units" (*collectivités locales décentralisées*). Varying slightly from one country to another, these bodies are found on three levels: region, province or department; commune; and district (made up of several villages). With few exceptions, of these levels only the commune exists as a legal entity, has autonomy in financial management and is administered by an elected authority.

The principle is that the state divides up authority over local spheres of responsibility, including the environment and natural resource management, among the various decentralized administrative units.

The power of local institutions

In almost all the villages in the countries of French-speaking West Africa, the authority of various local institutions, both traditional and modern, in specific spheres is acknowledged by all (CILSS, 1994). As traditional leaders are often viewed as sanctioning patriarchy and social inertia, and as they have been compelled by colonial indirect rule to collect taxes and mobilize forced labour, today they are not always in a comfortable position and have sometimes acquired their "constituency" by default. But although the legitimacy of some of the local institutions is

sometimes challenged today, their power is still undeniable.

In rural Mali, for example, decentralization has been interpreted distinctly as "power returning home", with all the implications of such an interpretation in a context in which the rationalism of traditional power dominates in the villages (Béridogo, 1997; Koné, 1999). In fact, in Mali there has always been a policy of integration of village authorities - the village chiefs and lineage councils (*conseils de lignages*) who represent the official power at village level. However, although this fact is often overlooked, these authorities do not necessarily hold the real reins of power within the communities insofar as local decisions on tenure rights and natural resource management are concerned.

As the central state gradually withdraws its influence as a result of the current decentralization policies as well as recent political events, the influence of village authorities over natural resource management is often expected to grow increasingly strong. However, questions remain unaddressed by government, regarding the accountability of the village authorities designated to be included in the decentralized administrative units. There may be a risk that the local customary authorities that are really responsible for natural resource management would lose some of their traditional authority with decentralization. This could perhaps create tensions at community level. There are also uncertainties regarding what degree of power is really devolved to the village authorities.

The commune, which is generally the decentralized unit granted authority with regard to natural resource management, may encompass a range of different traditional systems for managing natural resources. In most such cases, the commune, as the body granted legal power, is not congruent with the local and traditional institutions that hold the real reins of power with regard to natural resource management.

POINTS FOR REFLECTION

In reality, who transfers and who receives?

Given the de facto exercise of power by local institutions with regard to natural resource management, in what sense is the transfer actually made? Is it from the state to the new decentralized administrative units, or from local institutions to the decentralized administrative units? If it is the latter - which appears closer to the truth - what are the implications for customary social interactions?

Which will be stronger, the new legality or the de facto situation?

The decentralized administrative units of the future will have legal responsibility, but it is virtually certain that traditional local institutions will continue to claim their rights and in fact to exercise them. Will the state be able to persuade customary holders of such rights to hand over to the newly elected authorities the management of resources that may even have a sacred character for them? And supposing that they do agree, is there any guarantee that the new decentralized administrative units, given their limited financial resources, will be more effective than the state in performing the tasks of natural resource management?

Seen from this perspective, the state seems to be in the process of offloading legal responsibilities that it has been unable to fulfil properly, with no guarantee that the new holders will do any better.

Will the transfer of responsibility be able to solve the problem of sterile dualism?

As envisaged, decentralization processes seem quite simply to be transforming the conflict of the state versus local and/or traditional institutions into a conflict of decentralized administrative units versus local and/or traditional institutions. As they are on the spot, the decentralized administrative units will be in a better position to try to exercise the authority transferred to them, while the local and/or traditional institutions are unwilling to let it go. Thus,

the challenge of a sterile dualism is as present as ever. This new kind of dualism may be even more conflict-ridden than what came before.

Could decentralization distort customary social interactions?

In certain cases it appears that the objectives of decentralization policies cannot be achieved because neo-traditional élites may exploit decentralization measures to reinforce their power at the expense of desired rural development outcomes (as, for example, in Mauritania; cf. Abdoul, 1996). This shortcoming can be redressed only if innovative and judicious ways are found to integrate locally accountable traditional community institutions into the processes in appropriate ways (Ribot, 1995; Ribot, 1996).

A new challenge

The weaknesses revealed by the above analyses suggest that the countries of West Africa seem to be unaware of the challenge raised by decentralization. But how aware are the other actors, in view of the great enthusiasm aroused by these processes? Has the challenge been correctly identified today? Are the actors committed to meeting it? And by what process? What are the responsibilities of the main players, including governments, local institutions, decentralized administrative units and national and international programmes?

CONCLUSIONS

Attempts to implement decentralization have often failed to take into account the dimension of local institutions, both traditional and modern. In general, throughout the subregion, local or traditional institutions have been in place with responsibility for natural resource management. Yet not one country mentions explicitly or even implicitly the responsibilities of these organizations in its decentralization laws. Power is devolved to newly created institutions: the decentralized local administrative units. These in general remain distant from the local populations and inevitably compete with the institutions of the old existing order. Even in Senegal, where devolution has transferred power as close to the base as possible, there is latent conflict between the new powers and the old authorities whose functioning has become illegal.

Local authorities do not necessarily hold the real decision-making power within communities

It is increasingly important to start considering the capacity of local institutions not as an alternative but as a complement to both central and decentralized institutions. Today, the key question remains "who transfers and who receives?". It is by no means evident that transfer of responsibility from the centre to decentralized administrative institutions will empower local actors. In fact, the result can be quite the reverse.

Bibliography

- Abdoul, M.** 1996. Les communes dans le processus démocratique: la quête difficile d'un pouvoir local effectif en Mauritanie. *Afr. Dev.*, 21(4): 75-92.
- Béridogo, B.** 1997. Processus de décentralisation au Mali et couches sociales marginalisées. *APAD Bull.*, 14.
- CILSS.** 1994. La problématique foncière et la décentralisation au Sahel. *Actes de la Conférence de Praia, Cap-Vert*. SAD/D(94).
- Drijver, C.A., van Wetten, J.C.J. & de Groot, W.** 1995. Working with nature: local fishery management on the Logone floodplain in Chad and Cameroon. In J.P.M. Van den Breemer, C.A Drijver & L.B. Venema, eds. *Local resource management in Africa*, p. 29-45. Chichester,

UK, John Wiley & Sons.

FAO. 1997. *Relations de processus de décentralisation et pouvoirs traditionnels: typologie des politiques rencontrées*. By N. Bako-Arifari. Decentralisation and Rural Development No. 15. Rome. Also available on the Internet (www.fao.org/sd/ROdirect/ROan0014.htm).

Keita, J.D. 1985. Le rôle des administrations forestières publiques dans le développement rural. In *Rapport du séminaire sur l'administration au service du développement*, 26-29 November 1985. Tunis, FAO.

Koné, F.Y. 1999. Les micro-communes (Mali): expressions de logiques locales. *APAD Bull.* 14.

Onibon, F.A. 1995. Mission de formulation des actions pour la conservation et la promotion de la biodiversité dans la région des Monts Kouffé: étude des systèmes locaux de gestion.

Ribot, J. 1995. *Local forest control in Burkina Faso, Mali, Niger, Senegal and the Gambia: a review and critique of new participatory policies*. Washington, DC, World Bank.

Ribot, J. 1996. Participation without representation: chiefs, councils and rural representation. *Cult. Survival Qtly*, Fall (special issue).

Soumaré, S. 1998. La gestion des ressources naturelles, un des principaux enjeux de la décentralisation en zone rurale au Mali. Paper presented at the Forests, Trees and People Programme seminar, Dakar, 20-28 October 1998.

