

**DECENTRALIZATION AND PARTICIPATION IN SAHELIAN FORESTRY:
LEGAL INSTRUMENTS OF CENTRAL POLITICAL-ADMINISTRATIVE CONTROL¹**

Jesse C. Ribot
Research Affiliate
Harvard Center for Population and Development Studies
#20 - 885 Mass. Ave.
Cambridge, MA 02139, USA
ribot@hsph.harvard.edu

Stream: Theory

15 January 1998 Draft

In refocusing this piece hone in on the distinction between Citizens and Subjects. Explain that this is the critical distinction between enfranchisement and continued exploitation. It is this distinction that has not been addressed in NRM projects. This is also where the question of having a domain of autonomy comes in. Current fetishism around nature has wrenched control over forests from local hands in the name of global environmental necessity. This is another thing to get into.

Non-elected persons on decision making committees. This problem is a big one. In Malawi, Geist and Ng'ethe (1998:14) report that "District Development committees were constituted in the UNDP pilot districts, but with a rather odd, truncated political membership--Members of Parliament, the Chairman of the Local Council, the chairmen of the local political party branches, the Chiefs of the Traditional Authority areas, (a hereditary, not elective, office), and two representatives of NGOs. Only the MPs are truly elective and they have the national parliament for a forum; local elected councilors are not members."

As a form of rule, apartheid is what Smuts [1936] called institutional segregation, the British termed indirect rule, and the French association. It is this common State form that I call decentralized despotism.

Mahmood Mamdani, *Citizen and Subject*, 1996:8.

Africans have been infantilized and naturalized since the earliest part of the colonial period to justify their subjugation through separation from Europeans.¹ Policies of 'Indirect Rule' under the British and 'Association' under the French created an 'institutional segregation' in which most Africans were relegated to live in a sphere of 'customary' law while Europeans and urban

¹Paper presented in the Environmental Politics Seminar, Institute of International Studies, U.C. Berkeley, 6 February 1998.

citizens obeyed civil law--customary law being an administratively driven form of State ordained and enforced regulation. Looking back at practice, in 1936 British colonial officer Lord Haily wrote: "...the doctrine of differentiation aims at the evolution of separate institutions appropriate to African conditions and differing both in spirit and in form from those of Europeans" (in Mamdani, 1996:7). Mamdani points out that "The emphasis on differentiation meant the forging of specifically `native' institutions through which to rule subjects...." He continues:

"...although the bifurcated State created with colonialism was deracialized after independence, it was not democratized. Postindependence reform led to diverse outcomes. No nationalist government was content to reproduce the colonial legacy uncritically. Each sought to reform the bifurcated State that institutionally crystallized a State-enforced separation, of the rural from the urban and of one ethnicity from another. But in doing so each reproduced a part of that legacy, thereby creating its own variety of despotism." (1996:8)

By uncritically privileging local government and `customary' authority, decentralization and rural participatory development projects and policies can maintain and even deepen this ongoing legislated apartheid. Projects and new policies launched within this decentralized despotic set of rural relations take on the contours of their context. While so-called `participatory' development projects are bringing benefits to rural West Africa, they cannot be widely transformative while embedded in a bifurcated political-administration. Without great care they may reinforce the very structures of unequal privilege they seek to upset. Participatory efforts not only parallel the colonial experience in context, but also in practice when they appeal for their legitimacy to local, indigenous, non-State authorities, legitimizing these authorities in the process. Participatory approaches to rural development are in a bind. They must use or construct community representation if they are to proceed. But they must do it under conditions where locally accountable representative bodies do not exist and representative alternatives are difficult to construct beyond the temporary legitimating presence of outside development agents.

The forms of rural representation in decision making and the powers of local authorities today are similar to those of the colonial period. Chiefs today are no more representative than those in the colonial past. Their use in participatory projects is that of State administrator, intermediary or just as a symbol of the `indigenous', legitimating the project to local population as well as giving it a local and indigenous flavor for project personnel and advocates supporting participation from afar. Further, while there are now elected local rural representatives the structure of elections makes them upwardly accountable, rather than accountable to the populations they ostensibly represent. This was the structure of *Association* and Indirect Rule: Central control administered through local appointed authorities (whether called chiefs, councils or administrators) backed by the State and presenting only a semblance of local representation. This is the structure of `decentralized' `participatory' forestry in the West African Sahel.

Through forestry projects and policies in Burkina Faso, Mali, Niger and Senegal, this article explores participatory development in its political-administrative context. The focus is on the legal-administrative instruments by which the State circumscribes control over forests--through control over local authorities and over the powers they are permitted to wield. Forestry laws tell only part of the story. This article therefore examines the ensemble of legal structures that impinge on who makes decisions over the disposition of forests, forest labor opportunities, forest market access and forest benefits.

This set of laws too, however, tells only part of the story of forest access (see Ribot, 1998; 1995).² Laws do not determine outcomes (cf Comaroff and Roberts, 1981; Cousins, 1997; von

Benda-Beckmann, 1995). Participatory approaches to rural development are nevertheless often contradicted by political-administrative policies that systematically disable local participation. The approach developed in this article identifies *disabling and enabling policies* that circumscribe the possibilities for expanded rural enfranchisement. The article takes a close look at the legal structures that leave today's rural populations without representation in decisions affecting their everyday lives and with little control over the valuable subsistence and commercial resources around them. Laws are one set of tools by which the State maintains rural control. The current bifurcated political-administrative structures that subjugate rural populations would not exist without them.

The research presented is based on fieldwork in the four case countries by the author in 1994. The article is divided into six sections. The first examines the role of the State in community participation. Second is a brief description of current institutions of rural representation. The third analyzes participatory forestry policies and projects in Burkina Faso and Mali. Section four is an analysis of the distribution of decision making powers and benefits from participatory forestry in all case countries. Section five compares participatory and colonial approaches. Section six concludes.

I. Decentralization and Community Participation: if ever the twain shall meet

Decentralization is the devolution of central or federal State assets and powers to local or private decision making bodies: representative local government, local administrative branches of central government, non-State organizations (NGOs, Cooperatives, associations, etc.) or private individuals and corporations.³ When it is to local branches of the central State it is called deconcentration—bringing government and its services closer to the population. When it is to non-State bodies (NGOs or other private groups or individuals) it is privatization—indeed it is a form of enclosure when it involves privatization of 'community' or public resources.⁴ When it is to 'community' and representative local government it is usually called political decentralization and can be a mechanism of community participation.⁵ Despite its problematic nature, I use the term 'community' to mean the ensemble of a specified local population.⁶ In the West African Sahel, I use it to refer to the village, which is the most common unit of social aggregation, or the population under the smallest unit of local government (discussed later).

In the 1980s the developmentalist view of the third world State flipped from a progressive force of change and modernization to a backward primordial arena of greed hindering development (Ferguson, 1996). In the process the undifferentiated category of 'civil society', flipped from primordial and backward to being the source of creative energy for modern market-oriented change—if only the State could be rolled back. A parallel flip is underway in environmentalism (Agrawal, 1997). People and local communities have turned from being viewed as environmental villains (see Ehrlich, 1978; Ehrlich and Ehrlich 1990; Hardin, 1993; Meadows et al., 1974, 1992) destroying nature through ignorance, greed and need, to heroes (see Shiva, 1989; Posey, 1985; Ostrom, 1990; Singh and Titi, 1995; Banuri and Margolin, 1993; Western and Wright, 1994) who's local knowledge and affinity with nature will save the earth's threatened resources.

Participatory approaches to environment and development got a great boost from these flips in state-society polarity. They emerged from a long history of frustration with failed top-down approaches, and now sit comfortably at the intersection of indigenous rights movements,

anti-Statist sentiments of both the left and right, fiscal crises of post cold war third world States, and structural adjustment agendas. The privileging of civil society, of 'indigenous' institutions, and of the 'local' all support a participatory approach to the various goals that outside--and many local--agents desire. Participatory development has become a means to incorporate civil society into the decisions formerly reserved for State agents. Now that the State is bad and civil society is good, decentralization and participation are ostensibly avenues by which control is being transferred from one to the other.

In the past decade aid organizations have been introducing participatory forestry (and natural resource management) around the globe on the basis that it can improve forest management, boost economic and administrative efficiency, address equity problems, foster development and help 'save' the environment.⁷ Participatory forestry is viewed as a way of achieving forest management while drawing on the skills, knowledge and proximity of local populations with the added benefit of introducing local autonomy and increased local income. Internalization and equity aspects of community participation, however, are predicated on the existence of some structure for community decision making that is locally accountable and representative. They also, of course, depend on the devolution of decisions over valuable resources (natural and financial) to these structures. In the West African Sahel, however, the instruments through which communities are being involved or represented in decisions do not constitute participation by the community. Nor are locals who do 'participate' (whether or not they represent the community as a whole) being allowed to participate in many of the critical decisions over the disposition of forests or the benefits that can flow from them. Community 'representatives' are not locally accountable, and no significant decision making powers are being devolved to them.

Participation without locally accountable representation is simply not community participation. Nor is it participation when representative bodies are created without being granted real powers of decision over valuable resources. Decentralization and participation as they are now being practiced are not necessarily devolving central State powers or creating or supporting 'community' institutions. Many apparent decentralization efforts re-centralize with one hand what they have devolved with the other. In the cases I examine, when local structures have an iota of representativity, no powers are devolved to them, and when local structures have powers, they are not representative but rather centrally controlled. In the legal maze of decentralization and participation, 'participatory forestry' efforts are often creating centralized control articulated right down to the local level through the intermediary of non-representative local, State and non-State authorities. Indeed many projects are extending the State's powers into every day decisions--by making detailed rules and contracts for participation, and policing the actions of those who get involved (Ribot, 1995;1995a;1996; also see Schroeder, 1998). Rather than empowering or enabling, these policies control and administer the local, treating rural populations as subjects to be managed and used.

Rather than opposing State and civil society, this article ends by attempting to bring the State back in as a legitimate representative of community--if and when local governance is reformed. Constituting community participation does not have to be a State/non-State dichotomy. Rather it can be about the structure and role of local State formations. It can be about whom local governance bodies represent and serve--the central State or their local constituencies--and what powers they wield. Representation is ostensibly a role of the State: a

downwardly oriented State accountable to and legitimated from below, not the upward and outwardly oriented colonial and post-colonial States accountable to colonial rulers, centralized managerial governments and international aid and financial institutions. Decentralization with participation requires a switch from the decentralized despotism of administrative apartheid to autonomous forms of rural representative governance--locally accountable governance bodies with real powers of decision over financial and natural resources. This article problematizes local representation so that inequitable forms can no longer be relied on in an un-critical manner. If decentralization and participation are to converge it will be through the generalized participation in the establishment of some form of rural democracy.⁸

II. Local Administration and Representation

In the Francophone countries of the West African Sahel, decentralization and popular participation both rely on at least three sets of laws. First are the 'organic codes' or constitutions which set up the levels of governance (federal, regional, and local) among which powers and responsibilities are divided. These codes determine the actors present at each level of government, which of these actors are to be elected and appointed, and the relation between appointed and elected officials. The second set of laws are 'electoral codes', which shape who is represented by elected officials and how accountably. These laws determine the frequency of elections, who can run and who can vote. The third set are technical codes. These are the bodies of law concerning specific sectors of society and economy such as traffic laws, land tenure, forestry and pastoral laws, specifying who gets to make which decisions over the sector in question--as in appointed officials, elected bodies, technical services (such as the Forest Service), corporations, cooperatives, NGOs, or private citizens.

Who decides the disposition of trees and forests is circumscribed by these bodies of law and upheld by judicial and enforcement bodies. Together, these are the legal instruments of political-administrative hegemony. In this section I briefly describe the current structure of local authorities typically involved in the forestry sector. These are the authorities that organic and electoral codes set up. In the following section I examine the specific division of 'technical' powers as spelled out in new 'participatory' forestry projects and laws.

Chiefs and Councils

Participatory development and natural resource management policies and projects usually rely on village chiefs or Rural Councils to represent rural populations--when they are attempting to be representative at all. In this section I question the degree to which chiefs or councilors represent or are accountable to the populations for whom they ostensibly speak. Chiefs are often seen by outside actors as a kind of authentic, primordial, pre-colonial, indigenous, local, and therefore appropriate institution of community representation. A brief look at chiefs indicates that their representativity and accountability is very problematic. Rural Councils, which are elected official representative bodies, are also quite problematic since these institutions are structured in a way that also does not accountably represent local populations.⁹

Chiefs

In 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, roughly 100 to 1500 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, merchants, heads of certain castes (hunters in Mali), and chiefs of the young (maasamari in Niger) (see Ouédraogo, 1994; Mamdani, 1996; Spierenburg, 1995). Colonial rulers, however, relied on village chiefs, disproportionately shifting power to the village chief compared to these others (Buell, 1928; Suret-Canal, 1970; Cowan, 1958; Deschamps, 1963; Perham, 1960; Alexandre, 1970; 1970a[1959]). While these other figures are involved in resource management (cf CARE-Mali, 1993), most State and outside organizations still privilege chiefs as their primary village interface. Hence, it is important to understand just who these ostensible local representatives are.

The position of chiefs across Africa has been created or deeply transformed by the process of State formation in the colonial period (Geschiere, 1993:151,165; Bayart, 1991:78; McIntosh, 1990:27; Cowan, 1958; van Rouveroy van Nieuwaal, 1987; Fisiy, 1992; Alexandre, 1970a:24; Suret-Canal, 1966,1970). Village, paramount and 'warrant' chiefs, as well as African royalty have been at the center of long debates over local government and administration. In the colonial and post colonial period they have been viewed as a vestige of the past, either to be eliminated in the name of modernization or to be preserved as a bridge to past identities. They have been viewed as a political resource and as threats. They have also been heavily tainted by the colonial experience which had at once strengthened their powers through subjugation followed by European backing, and had undermined their legitimacy through the excesses and contradictions that external backing and the exigencies of colonial administration produced.¹⁰ (Cooper, 1996:12; Mahwood, 1983; van Rouveroy van Nieuwaal, 1987.) Chiefs have also been viewed as critical elements in the construction of nationhood and as potential threats to national integration through the strengthening of tribal affiliations (Robinson, 1975; McIntosh, 1990:27; cf van Rouveroy van Nieuwaal, 1987; Mahwood, 1983).

In the countries of the West African Sahel most chiefs gain their position through inheritance via a patri-lineage tracing back to warriors, the founding family of the village, or families chosen by colonial powers to replace antagonistic local leaders.¹¹ In the early colonial period chiefs were chosen--"as far as possible"--by 'custom' (Alexandre, 1970a:52-3). But this was not very far. "In general, the first 'chiefs' were people who had served or entered into other relationships with the European authorities" (Buell, 1928:990; Bayart, 1993:135-6). Under French colonial rule, Africans, such as cooks, translators, soldiers etc, could be made into chiefs, even if they were not from the region in which they were appointed (van Rouveroy van Nieuwaal, 1987:6-7). In some cases the pre-colonial authorities sent captives or other caste persons to work with the Europeans (Bayart, 1993:135-6; cf Geschiere, 1993). In the 1930s, due to resistance to colonial rule, the French attempted to align the appointment of chiefs with local custom. For most, with the exceptions of two notable chiefs in Burkina Faso and Northern Cameroon, it was too late (van Rouveroy van Nieuwaal, 1987).

While treated as local leaders by Europeans since the pre-colonial period, chiefs have rarely been depicted as representative. Indeed, "in 1965, Ian Smith [in Rhodesia] used the chiefs as a gauge to measure the African opinion of his intention to declare unilateral independence from Britain, a plan which met with much criticism..., since using the chiefs in this way was a tacit recognition of the chief as a representative of the people" (van Rouveroy van Nieuwaal, 1987:5). In South Africa, much of the writing on tribal authorities dismisses them on the grounds that they

have often been "...resuscitated and transformed into coercive instruments which derive their authority and legitimacy exclusively from powers vested by higher authorities" (McIntosh, 1990:27). In their role as administrators they are also criticized as inefficient, corrupt and undemocratic (McIntosh, 1990:27). Chiefs were generally viewed as administrators by colonial agents whose utility was augmented by their legitimate claim to power (Mamdani, 1996:55; Foltz, 1965:13; von Vollenhoven, 1917; Robert, 1955:230-1).

In 1934 a decree covering Guinea required that village chiefs be "...designated by the authority of family heads" (Alexandre, 1970a:52-3).¹² Then in 1947 the colonial government issued a decree on "Indigenous Rule in Senegal" stating that "Village chiefs and commissions are elected by direct universal suffrage by the electors, male and female..." for a four year term (Alexandre, 1970a:58).¹³ But in 1957 the colonial government of French West Africa introduced legislation again limiting suffrage to household heads (as in 1934) and a specified list of notables, while limiting candidacy for the position to those from "...families who have a right to the chieftaincy..." (Alexandre, 1970a:61).¹⁴ No limits were set on their term.¹⁵ This system was in place at independence.

As instruments of French rule, chiefs were backed by the French military, allowing them to make and enforce native laws, *'l'indigénat'*, and gather and deliver tax revenues and recruit corvée labor and soldiers. During the 1940s, however, chiefs lost much of the power attributed to them by the French colonial state. On one side powers were shifting away from chiefs as the cadres of professional administrators and specialists within the bureaucracy grew and Africans were elected to political office. At the same time the authority of chiefs was weakened as they lost the power to recruit and use forced labor, the increased role of technical services and the activities of political parties among rural constituencies. As Cooper (1996:276,553en13) writes of French West Africa, "The ultimate sign of a shift in the nature of authority was that 'traditional chiefs' in the 1950s tried to organize themselves into trade unions," to be organized regionally and regrouped under *Union Fédérale des syndicats des chefs coutumiers de l'A.O.F.* By the end of the colonial period chiefs had risen to and fallen from the peak of their power.

At independence the French educated young leaders of the new West African nations, Boigny, Touré, Senghor and Keita turned against chiefs. But, chiefs persisted. As in the French colonial administration, chiefs in the new independent states were incorporated into the administration as civil servants, in pursuit national unity. (van Rouveroy van Nieuwaal, 1987:9,21.) Despite their destruction, invention and re-invention, for the great majority of rural West Africans the village chief remains a principal authority (Alexandre, 1970a:24; Fisiy, 1992; Ouali et al., 1994:16; van Rouveroy van Nieuwaal, 1987:23). But their legitimacy is, as Ouali et al. (1994:16) from Burkina Faso's Prime Minister's decentralization commission noted "full of ambiguity." Being aware that chiefs were often creations of the administration caused "...the *évolué* ['evolved'--meaning the French-educated Africans] to look upon the chief, not as a representative of a way of life which is essentially African, but as a tool in the hands of the administration" (Cowan, 1958:186). While chiefs cannot often oblige governments to take any positive action, everywhere in Africa they possess the power to hinder government policies by showing--as discretely as they wish--that they do not favor popular cooperation. And so, although it is seldom mentioned in the speeches and development plans, government officials in most countries go out of their way to obtain the local chief's consent to initiatives of various kinds. (Mahwood, 1983:231.)¹⁶

In independent Senegal, Mali, Niger and Burkina Faso there are still state-structured processes for choosing village chiefs (BKF, 1993c; RdM, 1995; Ngaido, 1996; RdS, 1972). In Senegal village chiefs (usually the head of the hereditary male line) are elected by heads of households, who are virtually all male (RdS, 1972:968). This system is identical to the colonial system first instituted in Guinea in 1934 and later throughout the French West African colonies under the policy of *association* (Alexandre, 1970a:52-3). In Mali, under the new laws of decentralization, village chiefs are selected by a village council (of five to seven members) elected by universal suffrage in each village, but from a list of candidates *selected* by the appointed state administrator at the level of the *cercle*. (The village council is presided over by this same state representative.) (RdM, 1995:art.62,70). The term of the village councils, and presumably of the chief, is five years (RdM, 1991:art.171).

In Burkina Faso each village is divided into committees of Youth (men eighteen to fifty), Elders (men over fifty), and 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. (BKF, 1993c.) In Niger, "traditional chiefs" have been officially recognized since the mid 1970s and their current status is laid out in a 1993 Ordinance (93-028 in Ngaido, 1996), according to which (art.7) only those "...of a given traditional or customary collectivity can be candidate to the chieftaincy of the considered collectivity, if he has customary right to it." As Ngaido (1996:19) points out "Chieftaincy becomes a caste in which only birth members can postulate to role of chief." Chiefs have the status of "administrative magistrate," allowing them to preside over local customary, civil and commercial matters. "Traditional chiefs" also preside over a village council "elected or designated" by "local structures of participation" which include youth associations, cooperatives, socio-professional groups, Islamic associations (the Imam), etc.¹⁷ The village council *advises* the local state administrator. "Customary and traditional communities are hierarchically integrated in the administrative organization...placed under the tutelage of administrative circumscriptions and territorial collectivities..." (art.2). (Diallo, 1994:12-3; Ngaido, 1996:17-20.)

These village chiefs are not necessarily representative of or accountable to the populations over whom they preside. The official processes in Senegal and Burkina Faso systematically under-represent or exclude women, but to a much lesser degree in Burkina Faso where women have one third of the village vote. In Niger and Senegal chiefs hold their position for life. They neither represent nor are they systematically accountable to the village as a whole. Further, in Niger, only members of an elite line, or "caste," can run for the office. In Burkina Faso and Mali the process for choosing village council presidents and village chiefs appears more accountable due to regular periodic elections. In Mali, however, under the new decentralization laws chiefs are effectively administrative appointees confirmed by periodic local elections.

Aside from the systems of chief selection, there are various social mechanisms of local accountability (see Fisiy, 1992:213; Spierenburg, 1995; Mamdani, 1996; cf Hirschman, 1970; cf Scott, 1976).¹⁸ These, however, do not guarantee the accountability of chiefs. Some are despots, others responsive community leaders, depending on the personality of the chief, the specific history of the village in question, and its location in a larger political economy.¹⁹ For example, in a 1994 forest rebellion involving thirty villages in Makacoulbantang, Eastern Senegal, about half of the chiefs acted in line with the wishes of villagers who by-and-large were against commercial

woodcutting in their area. The other chiefs were 'bought for a few sacks of rice' by the wood merchants (Ribot Forthcoming).

Councils

Since independence from France in the early 1960s, Burkina Faso, Mali, Niger and Senegal have created elected units of local government.²⁰ In Senegal, one express purpose of these councils was to facilitate "participation" by local populations via direct suffrage (RdS, 1964; RdS, 1972; Hesselning, n.d.:15). Participation and local autonomy are also express purposes in Burkina Faso's and Niger's decentralizations (Ouali et al., 1994; Diallo, 1994:ff6; RdN, 1992).

In all four countries, the smallest units of rural governance regroup five to fifty villages. Their spatial jurisdiction is called the Rural Community (similar in scale to U.S. counties). These Local Governments have both elected governance bodies, called Rural Councils,²¹ and a central government administrator, the *Sous-préfet* (sub-prefect), appointed by the Minister of the Interior.

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 slate of candidates for each council. In a winner-take-all system the council is then occupied by councilors from the winning slate. Each council then elects a president from among its members. In Senegal the slates fill three fourths of the council while one fourth of the representatives are chosen by a general council of producer and marketing cooperatives and associations (such as youth and women) for a five year term (RdS, 1972;1993:art.185-195). In Mali the councilors of the Rural Communities (*Communes Rurales*) are presented by party list, in a system of proportional representation, elected by universal suffrage for a five year term. (RdM, 1995:art.4,7; RdM, 1991.)

In Niger a series of *coups d'état* has periodically halted decentralization efforts since independence. To this day only about ten percent of the rural administrative units planned since independence have been established.²² The structure of representation in rural administrative affairs was first organized (in 1961) through appointed chiefs in each administrative district who presided over elected councils.²³ In 1983 a system of representation based on village councils composed of members elected or appointed by "structures of participation" (cooperatives and associations mentioned above in the discussion of village chiefs) that were under the supervision of executive appointees. This system was eliminated in 1991 and appointed state administrators ran rural affairs in consultation with political parties and other organizations (Diallo, 1994:4,16). Prior to the 1996 *coup d'état* Niger had planned to create elected representatives at the level of Arrondissements. The elections would be by party list, as in Senegal and Mali.²⁴

While there is universal suffrage in elections in Mali and Senegal, and those proposed in Niger, independent candidates cannot run for election to local councils (nor can any individual or group present slates without a party's endorsement). Since villagers have little influence over national political parties, and lack the resources to form parties, they are unable to choose their own candidates. Indeed, villagers in Eastern Senegal, where I conducted my field research, often told me that Rural Councils do not represent them, they represent political parties and the cooperatives.²⁵ As one villager explained: "the Councilors are chosen by Deputies in the National Assembly. Deputies choose people based on those who support them in their elections.... The Councils are chosen by the parties." (Koumpentoum June 1994.) As Hesselning (n.d.:17) writes

based on her research in Senegal in 1983, "They are at times nothing more than sections of the Socialist Party...." Further, few parties have the resources to organize Local Government slates, so there is little competition in local elections.²⁶ In 1977, when Senegal's Rural Council system was just being established, it was already evident to one researcher that party politics would undermine popular participation.

The Rural Community could be a body that would organize and steer desired auto-centric development. But for this, it must be removed from political controversies. Unfortunately, it is already becoming a stake for the political parties who are trying to control its executive institution. A politicized Rural Council is at risk of not serving the interests of the community, but those of the party(ies) from which its members are derived. In this manner popular expression is at risk of being strangled, one more time. (André Carvalho, 1977 cited by Hesselting, n.d.:43).

Indeed, in 1994 over 300 of Senegal's 317 rural councils were of the ruling Socialist Party.²⁷

Even if Rural Councils were openly elected, they are not independent decision making bodies. Like the councils of the colonial Lieutenant-Governors and the Governor-General, the official role of Rural Councils in all four Sahelian countries is merely to *advise* and *assist* the *Sous-préfet* on political and administrative matters. Decisions of the Rural Councils of Local Governments must be approved by the *Sous-préfet* and *Préfet*. So, even in Burkina Faso where Rural Councils are relatively representative of local populations, they are simply not autonomous decision making bodies. They are administrators for the central government, just as the colonial village and canton chiefs. Today's Rural Councilors, like colonial chiefs, are upwardly responsible to their administrative officers, rather than to the local population. So, on two counts, the administrative system of control or 'tutelage' under the *préfets* and the electoral system of party politics, their accountability is oriented upward toward the central state.

In all of the cases chiefs and councils are set up--in different configurations--to be administrative organs of the central government. While some may be representative, they are not independent. Rather, they are advisors to administrative decision making bodies. They advise those with real powers by feeding into a decision making process, but do not officially hold decision making powers themselves. In some cases they represent rural populations, but they do not have an independent domain in which to make that representation meaningful. The rural world in these cases is administered from above through variously constituted local bodies with differing degrees of local accountability. But even where the representatives are locally accountable, the decisions being made are not theirs. They must ultimately be approved from above.

Despite official structures, in practice village chiefs and rural councilors do take and hold some decision making powers. The Burkina Faso case gives one illustration of village chiefs over-riding official project rules (rules, as always, are only part of any local dynamic--see Ribot, 1998). Rural Councils, village chiefs and market elites take many un-official powers in Senegal's forestry affairs. Chiefs also, at times, represent villagers fairly (Ribot Forthcoming). The aim of the cases presented below is to illustrate that the *policies* and *laws* ostensibly designed to devolve powers to local authorities and to ensure local community participation, will not do so. They are not structured to do so. This simple fact brings into question the intentions behind what is called decentralization and participation. The cases are not attempting to explore the extra-legal powers--held by chiefs, Marabouts, Merchants, rural and urban elites, etc.--that permeate rural life.

III. Four Cases

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 through committees. Mali and Senegal are using Local Government as the basis for participatory forestry. Below I examine the details of participation in decisions and benefits in Burkina Faso and Niger as examples of the committee approach and Mali as an example of participation via Local Government.²⁸ The Senegal case is woven into the discussion.

Participation By Committee: Burkina Faso and Niger

Participation By Committee in Burkina Faso: The Forest of Nazinon

Institutional Structure of the Project

Burkina Faso's 1991 forestry code outlines extremely broad management guidelines (BKF, 1991). Specific management rules will be detailed in an application decree that is yet to be drafted (Tavares de Pinho, 1993; BKF, 1994). Within Burkina Faso woodfuel production practices range from uncontrolled production by the military to highly managed woodfuel production projects such as the joint United Nations Development Program (UNDP) and Food and Agricultural Organization (FAO) project in the Nazinon forest 30 miles south of Ouagadougou. In this section I focus on the Nazinon project. The new forestry policies to be detailed in the application decree of the forestry code are likely to be modeled after the practices in Nazinon, considered cutting edge participatory forestry. In 1994 such managed forests supplied on the order of five percent of urban woodfuel demand. These project-based practices are also being proposed for more general application across Burkina Faso (BKF, 1993b).

The Nazinon scheme creates cooperatives (called *groupements*) in villages surrounding the forest of Nazinon and a union coordinating the cooperatives. In each village the UNDP/FAO project organized villagers interested in woodfuel production into a cooperative responsible for forest management. Each cooperative elects a President, Secretary, Treasurer and Manager. A Union of Nazinon cooperatives with a General Assembly is 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. (Nazinon cooperative statute, BKF, 1993a,b.)

The national Forest Service set up a Technical Office of the union to develop forest management plans in collaboration with the Administrative Council. These plans direct the unions' management and use of the forest. The plans must be approved by the Forest Service after which the manager from each cooperative is charged with assuring its 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.

Each union also has a Management Fund, co-managed with the Forest Service, fed by woodfuel taxes and fees, gifts, inheritances, or loans (BKF, 1993b:art.16-17). In Burkina Faso, the producer, wholesale and retail prices are fixed by the Minister of Commerce (BKF, 1993:10). The producer price of firewood (the price at which cooperatives can sell to merchants) is fixed at 1610 FCFA²⁹ per stère (one cubic meter of roundwood). The entire fixed amount is paid by merchants to a local control post of the Forest Service. This control post is monitored by a representative of the Union. Each cooperative gives the buying merchant a ticket identifying the cooperative from which the wood was taken. The cooperative keeps a stub for their own records. The merchants truck the wood to the local Forest Service control post. At the post they turn in their ticket, pay the 1610 FCFA per stère and receive a transport permit. They are then free to take the wood to Ouagadougou.

The 1610 FCFA is divided four ways.³⁰ Officially, the cooperative's woodcutters receive 610 FCFA per stère. But, merchants manage to suppress this producer price through various mechanisms. Five-hundred FCFA is placed in the Forest Management Fund, 200 FCFA funds the treasury of the cooperative, and 300 FCFA pays for the cutting permit (i.e. a Forest Service tax). The funds that enter into the cooperative's treasury are earmarked to finance forest management activities, credit for cooperative members, and public works serving the larger village community.

Representation in Popular Participation: Who makes decisions?

Members of Burkina Faso's National Commission on Decentralization expressed concern that representation is lacking in natural resource management project committees:

When the members have been regularly elected, they have a legitimacy and therefore represent all of the village in matters concerning this sectoral aspect of local development policy. If one considers that the management of the commons policies is in the end a global [or overall] policy of local development, one would thus be cautious when considering the commons management committee as the structure that can represent the village in all instances responsible for management of local development. (Ouali et al., 1994:21.)

The Commission goes on to say that, since the beginning of participatory efforts in the 1960s, little real participation had been affected. Rather, local populations have been viewed as "objects of development" to be educated, informed and guided. The only participants in development have been "...international experts, politicians, and national technocrats often located in urban areas..." (Ouali et al., 1994:21-22).

The management structures being created in Nazinon are not representative. They are not participatory in any inclusive or community sense. The new policies place some responsibilities for and powers over woodfuel management into the hands of a group of self-selected economically interested individuals (cooperative members). Decisions over the disposition of forests (embedded in management plans) and over the revenues from forest exploitation are taken by these private individuals in conjunction with the Forest Service. But, ultimately, 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.³¹ Further, the Control Committee makes no decisions over forest use.

In short, in Nazinon little control over forest disposition is devolved to local authorities--despite the fact that they take more control than they are ceded. It remains officially located with

the Forest Service and private groups. But even these private organizations are given little say in forest management. No realm of autonomous decision making is specified--that is, written into law--for the cooperatives or union. The creation of such a realm is left to the Forest Service. So, while Foresters *may* decide to cede important decisions to the union and its cooperatives, it would be as a privilege at the whim of foresters rather than a right. Participation in the labor of production and management as well as some benefits (to a degree difficult to discern) is accomplished. But, this participation includes only a special self-selected sub-set of the larger community. While part of the revenues returns to the village as a whole, the decision as to whether or not to cut the forests is not in their hands.

Woodfuel Management Committees: The Case of Niger

Similar to Burkina Faso's participatory forestry, the World Bank has supported Niger's Energy II participatory rural firewood management project. In this project local participation is organized into village-level committees, called Local Management Structures (LMS). Only members of LMSs are permitted to engage in woodfuel exploitation. To operate LMSs must be recognized by and registered with the Minister responsible for forests and approved by the Forest Service. These structures are constituted of: an Honorary President--the village chief, a marketing president, a market manager and a treasurer, as well as one representative of local woodcutters, one representative of local herders, and one representative of local farmers. The LMSs are composed only of persons with customary usage rights in the local area (this innovation helps keep participation local). They are charged with managing forest cutting, protection and regeneration in a manner defined by the Forest Service. The LMS management committee sells the wood and uses the revenues to pay woodcutters, Forest Service taxes and forest management expenses.

In this system, the Forest Service determines which villages can participate based on forest production potential. Foresters first determine, in conjunction with village chiefs, the village's usufruct area (the forest commons). The Forest Service then sets total cutting quotas, based on a forest inventory. The LMS is then allocated an annual production quota fixed by an ad hoc commission composed of: one representative of the concerned LMS; two representatives of the forestry administration; one representative from the Local Government's Rural Council.

Foresters describe LMSs as "groups to reflect on woodfuel resource management and to speak for the village community." The LMS management committee does not represent the village as a whole. Since chiefs are hereditary, they can hardly be considered forcibly accountable or representative. While the architects of the LMSs attempt to include 'representatives' of farmers and pastoralists, they fail to include women, hunters, beekeepers, fishers, blacksmiths and others who are also part of the village and may have an interest in or be affected by woodcutting. Project officials justified the exclusion of women on grounds that "women are not interested in woodcutting." The author, however, found women woodfuel merchants in nearby villages. Further, women are affected by woodfuel cutting, even if they are not interested in doing it, since they gather woodfuels for domestic use and use forests for other purposes.

The quota committee is even less representative or locally controlled. In this committee decision making powers are retained by the central government. In short, decisions over forests are not in locally accountable or representative hands. The Forest Service reserves for itself the definition of management tasks. They also control the allocation rights to produce by their

discretion over which villages will be permitted to participate and they control production quotas within each village.

The members of LMSs do benefit from the woodcutting and forest management jobs that this system of management reserves for local populations. Their responsibility is in forest protection and management.

Participation Through Local Government: Mali

The Institutional Structure of Participation:

Mali's 1994 forestry laws (RDM, 1994; RDM, 1994b) 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 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 an 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. 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.

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).

Representation in Mali's Popular Participation: Who makes decisions?

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 an independent judiciary.

In Mali funds for forest management will be derived from a forestry tax. The tax revenues will be divided between the state, the Local Government from whose forests the wood is taken, and the WMS of those who cut the wood. The funds derived from a transport tax are divided between the state and the Local Government. The repartition of these funds is to be determined by decree. (RDM, 1994.)

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 necessarily 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) (RDM, 1994a; RdM, 1996:art.1-5). These governance structures, which are also not representative, cannot even be considered local.

In short, Mali's system places decisions over the disposition of forests in the hands of Local Government. It also gives Local Government control over labor opportunities and revenues from commercial forestry--for those Local Governments that choose not to reserve their forests. Unfortunately, Local Government is still responsible to political parties and under the tutelage of the *sous-préfêt* and *préfêt*. The Forest Service still retains control over the allocation of commercial rights in the form of production quotas.

IV. 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.³² 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 (a hereditary power in Niger)--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 (Ribot, 1998). Unfortunately, the Forest Services in all of these countries have maintained tight control over the delivery of transport permits and have refused to assist woodcutters in gaining access to transport or merchant licenses. This legacy of colonial apartheid has been strictly maintained. Villagers in all four countries have expressed their desire to operate in transport and urban markets.³³ 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 small 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) (RdM, 1994:art.18, 53; RdM, 1994a). In Burkina Faso, Niger and Senegal, however, the Forest Service can give woodcutting rights in any forest to anyone they choose, 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.

V. Administrative Apartheid in the Participatory Era

Since 1917 there have been at least four waves of decentralization in Francophone West Africa (Buell, 1928:929-30; Schumacher, 1975:89-90; Cowan, 1958:60; RdS, 1972; Hesseling, n.d.:15; RdM, 1977; Ouali et al., 1994:7; Diallo, 1994; Gellar, 1995:48; Weinstein, 1972:263-6). Each has created geographically smaller units of governance, appointed *administrators to manage* these units, created *councils to advise* these structures, devolved responsibilities to these new governance structures and centralized approval of all decisions in a hierarchy now stretching from the sous-préfet of the Arrondissement (also overseeing the Rural Community and villages), préfet of the Department and governor of the Region, to the Minister of the Interior and president at the Federal level. Before independence this hierarchy stretched up through the Lieutenant-Governor of each colony, the Governor-General, and the Minister of Colonies, to the President of the French Republic. These administrators are all appointees of the Federal Government. Each decentralization devolved responsibilities such as public works and schools while strengthening central controls over decision making processes and local budgets.

Under colonial rule the councils of the Lieutenant-Governors and the Governor-General were created to advise, rather than to decide on, policy matters (von Vollenhoven, 1920:189-257; Buell, 1928:930). Indigenous authorities were included in these councils as a minority. The

official role of today's Rural Councils and chiefs is to advise and assist the *sous-préfêt*. Similarly, the role of the committees set up in 'participatory' forestry projects is to advise officials of the Forest Service. To assure the subordinate role of these committees to the Forest Service, the Forest Service officials preside over the committees and must approve their decisions. In addition, local 'representative' authorities (chiefs and councilors) are included only as a minority of members on these committees just as 'native' representatives were included in the Colonial Councils, which prevented any possibility of there being an African majority (Buell, 1928:927-30). As in colonial times, government administrators (along with commercial interests who were given privileged seats on advisory councils along with trade permits, etc.) ruled the rural world. What is assured by these structures is that no decisions are in local hands except as a *privilege* allocated by administrative authorities.

Participatory projects take on the contours of these persistent colonial relations of rural administration. Like *Association* and Indirect Rule, participatory projects rely on administrative bodies to control the use of local labor and resources, legitimated by quasi-representative local appointed or 'customary' authorities. Through these administrative means participatory projects are structured to micro-manage valuable resource and rural populations, rather than to create an empowered inclusive autonomous local domain. The instruments by which the central state circumscribes local control over people and resources include: structures of representation, forms of tutelage or oversight, division of powers between central organs and local structures, and a set of ideological constructs that caste rural Africans as infantile peoples to be maintained in communities and that caste nature as fragile and in need of protection from these ignorant childlike populations.

The creation of a domain of inclusive local autonomy requires locally accountable representatives with resources and powers of decision in their hands. There are some locally accountable representatives--as in the case of Burkina Faso's village presidents (albeit biased toward male representation). Most local bodies, however, are either accountable upward to the state, that is to their *sous-préfêt* and *préfêt* or to the organs of political parties, and some, such as village chiefs elected for life, may not be accountable at all. Those representatives who are locally accountable, are only included in decision making committees as minorities--lacking any binding powers. When powers of decision are devolved to local bodies, those bodies are accountable upward or under such tight *tutelle* that their decisions are already circumscribed by administrative edicts.

The form of local representation and its accountability is critical when considering devolution of resources, since the form of local authority can shape what becomes of the resources devolved. As Mamdani (1996:58) points out: "In the absence of democratic forms of accountability, autonomy and decentralization turned into a license for on-the-ground functionaries freely to augment the local treasury and supplement their own meager salaries through extortion from local residents." Without locally accountable representation it seems unlikely that local control, as many of its advocates claim, will result in equity or in greater efficiency through internalization of social and ecological externalities.

It is not clear that it would matter if these ostensible representatives were accountable since under the present decentralized participatory regimes they have few real powers of decision. Their decision making powers in forestry are limited. They are given few important matters to deliberate over, and their decision must be approved by administrative appointees--*préfêts* and

Forestry officials. Many forestry decisions and practices to be carried out at the village level--such as when, where and how much to cut--are handed down as technical decisions of the Forest Service. Even in the case of 'local forestry funds' a large portion of the resources are earmarked for purposes defined by foresters and the remainder is at the discretion of committees or rural councils. As in the colonial period, decisions of rural authorities are administratively driven.

Local land control played a central role in maintaining the administrative apartheid. Land control in the hands of state appointed 'customary' authorities was key to this indirect administrative dominance of the hinterlands. In most places, land could not be privatized, but was rather a collective good to be allocated through the 'native' authorities. This land control is and was an important aspect of the power and legitimacy of chiefs in both French and British colonies. Mamdani (1996:140) described it as fortifying the position of 'native' authorities (cf Hesselting, n.d.; Watts, 1993; Bassett and Crummey, 1993; Downs and Reyna, 1988; Fisiy, 1995:50; Geschiere, 1993:166). In recent reforms in Cameroon, land control is strengthening the legitimacy of the new state organized forms of local governance, as land allocation functions are being slowly transferred from 'customary' authorities to state structured representative bodies (cf Fisiy, 1995). Village chiefs in Senegal, Mali, Niger and Burkina Faso still play an important role in local land allocation. Land control and state backing, still supports the influence of 'customary' authorities and the more recent rural councils who also have been given a role in land allocation adjudication.

Forests, which are state property in the Francophone countries, are now being thought of as collective resources to be placed--in however circumscribed a manner--under community control. Placing forests under state-appointed local authorities--chiefs and councils--could have an empowering effect similar to that of land. Under current local authorities--chiefs or councils--control over forests is a legitimating device, even though all of their decisions still must be approved by Forest Services or prefects. The chiefs and councils become a conduit to decision makers (administrators of the central state) occupying the same ambiguous space as past chiefs. In the hands of locally accountable representatives, control of forests could be a positive legitimating force. In the hands of the current authorities, it is business as usual.

Along with limited decision making powers, 'responsibilities' are also devolved. In the present decentralization and participatory movement, obligations, in a process called *responsibilization*, are being devolved to more local units of rural administration. In Forestry this devolution of responsibilities is accompanied by a devolution of a tighter and closer *tutelle*, a tighter and closer regulation of obligations by local bodies and a tighter and closer monitoring of local actions by both administrative and technical services of the central government. While obligations of the past involved taxes in kind and labor, today they involve tax and labor responsibilities in ecological management. One has to wonder if the enforcement of labor obligations for reforestation and environmental management will not also become powers of chiefs and councils backed by the State that will take the form of what I have elsewhere called 'participatory *corvée*' (Ribot, 1995).

Cline-Cole (1996:130) writes that dryland forestry in Nigeria was: "...administered largely 'on the cheap', through local Native Authorities and Local Government Councils, albeit under supervision from regional forestry services." Both the policy of *association* and recent participatory approaches also follow economic necessity of the central state. French Colonial authorities moved from direct rule to association because with the advent of World War I they

could not afford to extend management down to the village level without local assistance (Buell, 1928:983; Suret-Canal, 1966; Alexandre, 1970). They created a situation with incentives--at times draconian ones--for local populations to 'participate' in the colonial project. With the fall of the Berlin wall and the withdrawal of international interest--and funding--in Africa, there is a new move back to relying on, or shall we say 'responsibilizing', local authorities to carry out the tasks of outside agents--this time, independent states and the international community.

One of the most egregious and ignored aspects of the current administrative bifurcation is economic. In a form of economic apartheid, continued urban-centric control over forestry marketing is a direct result of the earliest laws giving commercial licenses only to French citizens who generally lived in the four communes (urban centers).³⁴ Today licenses and permits are still under urban control while rural populations are relegated to the residual category of usufructuary 'rights', inferior to the commercial rights since they are only valid so long as urban merchants and the Forest Service do not decide to cut the forests out from under them. Village subjects can effectively use forests--as long as they do not diminish their commercial value--until merchant 'citizens' come to take them away.³⁵ While participatory projects aim to increase rural benefits, no project has dared to increase access by forest villagers to the lucrative forestry markets from which villagers are systematically excluded by *government-policy*-supported merchant oligopolies (see Ribot, 1995;1998;forthcoming).

An important ideological parallel between participatory approaches and the colonial policies is an emphasis on community. Africans were "To be civilized 'not as individuals but as communities', to be subject to a process that one-sidedly opposed the community to the individual and thereby encapsulated the individual in a set of relations defined and enforced by the state as communal and customary..." (Mamdani, 1996:51) (cf Vaughan, 1991:11-2; Buell, 1928:996).³⁶ "As 'communities', Africans were effectively isolated into manageable groups or tribes, each under the rule of its 'native' authority. Participatory projects also have this tendency to view rural Africans as communities. Without questioning the integrity of the groups being engaged, these projects construct representations--in both senses of the word--of community through committees and both customary and state-structured local authorities, without evaluating whether the individuals that constitute the local population are empowered in shaping these representations. Participatory community development projects are based on the most convenient management units. This continued micro-partitioning of rural Africa isolates communities and subjugates individuals to ostensibly community goals under ostensibly community leadership.

At the root of this communitarian policy is an ideology casting Africans as 'primitive', childlike and closer to nature. Megan Vaughan (1991:13,20) writes of the "politics of difference" in which European colonizers produce 'Africans' as 'other' through various means, including association of Africans with nature and beliefs in the "'childlike' qualities of 'savage races'." Governor-General von Vollenhoven in 1917 argued that "The native of French West Africa is a child; he loves to live under his chiefs, as a child loves to live with his parents..." (quoted in Buell, 1928:996). This type of language is found in every corner of the colonial literature. French forester André Bertin (1919:125-7), speaking of labor policy in forestry, considered that "The mentality of all these black populations is comparable (at least for the individuals living freely without any special training) to that of children ten to twelve years old. They are very easy to manage, and naturally very obedient, if one maintains his influence over them, and if one treats them with justice and firmness." He continues: "The employer must not be a distant boss, but

must behave with his workers like the father of the family." Here Bertin is presenting justifications to employers for punishing their workers.³⁷

There are modern corollaries to the colonial infantilizing and naturalizing view in participatory forestry. One is the casting of Africans as villages or communities to be managed under their chiefs and councilors, or as subjects of projects. Like in the colonial period, this is partly due to the reliance on modes of control that still place powers over land allocation in the hands of chiefs and councils, treating rural populations as their subjects to be allocated resources according to need. An other parallel in forestry is the reliance on usufructuary rights, rather than any absolute (collective or individualized) rights over forests. Usufruct rights are inferior. When it comes to marketing, which is associated with rights and the economic civil sphere, permits are allocated to urban merchants and usufruct rights are over-ridden by the removal of the forests in which usufructuary rights were held. In this manner, as mentioned above, usufruct is a residual category, for use by those who live in or near nature. Licenses and commercial permits are a civil right--generally reserved for elites and urbanites, that were historically attached to citizenship.

A third ideological parallel is technocratic paternalism. In participatory forestry apartheid is also supported by such technocratic paternalism rooted in these same infantilizing attitudes. Forest villagers are seen as hungry (a notion that refers to their needy state and lack of self control) peasants, incompetent to make but a few highly monitored technical decisions over the disposition of forests, which they would destroy if not constrained (see Fairhead and Leach, 1996; Ribot 1995). Like in the colonial period, forests are seen as being threatened by the actions of unregulated indigenous populations (Hubert, 1920:421-2,462-3; Delevoy, 1923:471; Aubréville, 1939:486-7).³⁸ Foresters have consistently argued that their 'expertise' is needed to control this dangerous situation. Rural populations are caste as lacking the 'capacity' for understanding and for implementing the technically complex exigencies of forest management and protection. They need 'capacity building'. This view justifies an administratively driven directing of villagers into forest labor activities defined by the technical decisions of the Forest Service. They are given the opportunity to cut and sell forest products under the strict financial and labor supervision of their Forest Service superiors. Capacity arguments, which may well be unfounded³⁹, are often used as excuses not to devolve resource control to rural leaders, keeping them under the close tutelle of their father foresters.

Despite all of the similarities, the situation in rural Francophone West Africa today is also quite different from the colonial experience. Today's local authorities seem much weaker than their predecessors. Colonial chiefs wielded enormous powers over local populations due to colonial backing needed to enable them to deliver large numbers of corvée laborers, to tax local populations, and to make and implement 'custom'. Today the powers of rural authorities are somewhat less. They collect meager taxes, they resolve local disputes over land allocation, some have small budgets to work with, and they are given symbolic and sometimes decision-making roles in projects.

In the end, the current decentralization and participatory movement is devolving state-backed powers that are still administratively driven and locally administered by quasi-local bodies. While there is indirect involvement in some decisions concerning forests, there are no new rights. In the context of ongoing administrative apartheid, participatory projects and laws create *privileges* (to be allocated by foresters, chiefs or councilors), often with burdensome responsibilities, rather than *rights* for communities and individuals that the state would defend.

They administer local programs rather than devolve control. They back centrally chosen and non-representative powers rather than supporting representative systems of local governance. They are permitted into local exchange, but excluded from lucrative long distance trade. While there are many differences between the past and present, they seem to be matters of degree rather than kind.

VI. Conclusion: Participation and Decentralization--if ever the twain shall meet

Participation is shaped by its location in a post-colonial system of institutional segregation. Embedded in this context participatory interventions parallel many aspects of *Association* and Indirect Rule, and often share their justifications. *Association* and Indirect Rule were presented as humanitarian attempts to 'raise' the quality of African lives.⁴⁰ While colonial policies now look brute and un-apologetic, they were accompanied by idealist justifications in which their purveyors believed (Alexandre, 1970a:65-8; Buell, 1928; Perham, 1960).⁴¹ In 1936 the liberal anthropologist Lucy Mair, who deemed the British and French systems of Indirect Rule and *Association* to be on par, 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. In territories where it is followed government does not accept the encouragement of European enterprises as a duty, but judges its value in the light of the contribution which it can make to African development. The other aspect of Indirect Rule--the preservation of African institutions where the needs of the Africans themselves do not call for their modification--is almost a natural corollary of this attitude toward European penetration....

....

Under Indirect Rule the land of the territory is recognized as the property of the native tribes, and, though alienation is still permitted, the ruling principle is always that such alienation must produce beneficial results to the native community and must be accompanied by adequate compensation. Neither the wholesale transference of native populations nor the curtailment of their reserves to dimensions which make them unable to gain subsistence by their accustomed economic methods are permitted under such a system. Village life on the lands protected by the ancestral spirits, work organized through traditional systems of co-operation and fitting into the accustomed rhythm of alternating effort and recreation, by methods improved perhaps, not under the strain of necessity but through the incentive of increased returns, becomes the bases of an economic development, which, if properly guided, can be integrated into the structure of an African society instead of remaining an external disintegrating force.

....

...the gain in continuity of development, in willingness of the native population to accept new measures, in their respect for authority and confidence in justice, has more than outweighed the disadvantages of a certain inefficiency in the initial period. (Mair, 1936:12-14.)

With 'participatory development' substituted for Indirect Rule (and 'indigenous groups' for 'native tribes') this praise of Indirect Rule and *Association* would sound like progressive policies today. Nevertheless, the critical look at decentralization and participation in this article is not meant to condemn them as forms of neo-colonialism. Rather it is to provoke examination of the colonial past and the decentralized, participatory, natural resource management approaches of the present, to identify how these 'new' approaches could help usher in an alternative to a centralizing project.

The apartheid of colonial administration, relegating rural populations to the status of subjects, is reproduced in the present when rural populations live under administrators rather than representative governance structures; when they are allocated privileges rather than given rights; when rural governance structures have no new domain of autonomy from their administrative

superiors; and when there is a lack of access to judicial recourse for the rural poor. Administrative apartheid is also reproduced in the insufficiently critical humanitarian ideologies that see rural Africans as ignorant, lacking capacity, a threat to the forests, and as needy, dependent objects of assistance and development. West African states are still effectively divided into citizens and subjects, the prior with rights and the latter privileges. Rural rule is still under the authority of rural chiefs and 'elected' councils who have little role other than to manage a highly circumscribed set of local affairs and advise their administrative supervisors.

The language of decentralization and participation is often of local control, autonomy and benefits, yet the new structures being introduced in their name afford little. Local populations are still relegated to a carefully circumscribed set of roles and relations with the forests, little autonomy is created, and few new benefits are devolved. As before, rural populations are limited to usufructuary rights and the local sale of wood products. Locals--in the form of advisory committees--have better control over who gets labor opportunities, but they still are systematically excluded from the most lucrative part of commerce, since a system of licenses and permits, originating under colonial rule, still places trade and transport in the hands of urban elites. The new projects and laws of decentralization and participation examined in this article do not at all weaken this most economically significant part of the colonial bifurcationist legacy.

Participatory projects take on the contours of their political-administrative context. They create non-representative committees at the sub-village or sub-rural council level. These committees are under the direct *tutelle* of the central Forest Services. They are advisory rather than legislative or decision making bodies. These committees include the quasi-elected advisors--councilors and chiefs--from the local communities in question as minority members. The other members are appointed or self selected. The resulting committee is an administrative unit of the Forest Service. Even if the local authorities were independent, they have no binding say in decisions. In a system of profoundly central control extended into the countryside in successive waves of 'decentralizations' it is hard to see the new participatory approaches as more than just another wave. It is the micro-management of forests by the state with some privatization. It is not 'community' management or decision making. Nor is it democratic or popular participation.

Locally accountable representation is one pre-requisite to generalized rural participation. Such accountability could be based on admitting independent candidates in Local Government elections, making suffrage universal at the village level, giving women an equal vote in the choice of leaders, and creating specified term lengths. Perhaps there are better (electoral or non-electoral based) indigenous, local or even exogenous means for structuring local representation and accountability (cf Ouédraogo, 1994; Spierenburg, 1995; Bayart, 1993:22). The current powers of both chiefs and rural councils are structured by laws with antecedents in the colonial period. The exclusion of women and central control are explicitly written into old and *new* law. Re-working them is not a matter of reworking 'indigenous' systems, rather it is the re-working, and hopefully the elimination, of carefully crafted *disabling laws*. The current governments could change these laws, but resist. The bottom line is that these laws do not serve rural populations. They support central control. Whether representation should be based on indigenous or imported institutions is an open question. Within a long-standing system of administrative apartheid indigenous and imposed can hardly be separated. It is time to challenge both.

Whether participatory approaches and decentralization support the creation of local autonomous domains of collective action pivots partly on the question of representation. But that

is not all. There are other questions we need to be asking to determine when participation and decentralization are serious efforts to include rural populations in the powers and benefits of the state.⁴²

1. Are there locally accountable representatives? To determine this the system of election, selection or appointment must be scrutinized.⁴³
2. What are the types of tutelage (or administrative oversight) built into representative structures? When central administrators must approve decisions tutelage is a centralizing force. When it is to assure that decisions are within the jurisdiction in question it is simple oversight.
3. What are the powers being devolved to these bodies--if any (adjudication, decisions, resources, finances)?
4. In what form are powers devolved: As Privileges or Rights? Are powers devolved as discretionary privileges to be allocated by a higher authority? Are they devolved as rights?
5. What are the structures of redress? Where are courts located and are they independent from administrative and political branches of the central state? Is there an accessible independent judiciary?
6. What size are the local jurisdictions? Are they too big to be local or too small to have any significant powers?
7. How many layers of 'decentralized' government [Region, Cercle, Arrondissement, Canton, District, Rural Community, Village, etc.] are there? More layers means that the powers of the state are diffused among them, providing a more powerful formula for central control.
8. Are responsibilities being devolved that increase local burdens disproportionately to the benefits and powers being devolved?
9. What decision making powers and assets are being devolved to private bodies? Do the decisions and assets concern public or community resources? Depending on which decisions and assets are being privatized, it can be a form of enclosure and exclusion, since privatization is not 'community' participation.
10. What are the criteria for repartition of responsibilities and powers among levels of government? These would include the ideological arguments made to maintain central control or to decentralize. Decentralizing to devolve risks and costs onto local bodies may make the central government bigger and more powerful. Central control based on faulty reasoning--such as the over-extended Benthamite arguments for the national good and some environmental arguments--may cover the profitable nature or political instrumentality of this control which could be devolved without diminishing the public good.
11. Are powers of decision that should be kept central being devolved to smaller units of government? These would include, for example, the setting of policy on welfare, health and safety, taxation, and some environmental protection standards for which devolution to smaller jurisdictional units could cause competition among those units leading to the minimization of these essential government functions.

These are among the question we need to ask to understand who can decide over the disposition and use of forests and trees.

Legislation by the central state can achieve greater autonomy and participation for local populations--just as it currently prevents them. The laws analyzed in this article have moved ever so slightly in that direction--pushed, I should add, by participatory policies and projects, and the people behind them. They have nibbled at the margins of state-structured inequality, without, however, challenging its central legal bases. Welcome change is, nevertheless, underway. Members of the Government of Mali are now working on legislation to allow the admission of independent candidates into local elections. While enabling legislation was signed in December 1996, in early 1998 the application decree for this legislation was still being developed (Personal Communications, Cheikhana Soumaré, Ministry of Decentralization, Bamako, January 1998). These types of changes are clearly possible. In 1986 Uganda created a new form of local government called Resistance Councils based on independent candidates. In extensive interviews

in four districts rural populations expressed widespread acceptance of the new elected system, preferring it to forms of kingship and chieftaincy (Karlström, 1996).⁴⁴

Accountably structuring representation, however, does not guarantee community inclusion. Rural elites always try to manipulate candidacies, electoral processes and those in elected or other leadership 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 (cf Mehta, 1996). Others will not. Unfortunately, given the electoral codes in most of the Sahel, this is not yet a possibility. Fortunately, Mali is working toward opening this possibility up. Once laws change (or remain the same), whether electoral codes or environmental regulations, there is a whole realm of extra-legal, social and political economic relations that shape their effects and meanings. Diffusion, implementation, circumvention, use and re-shaping of laws as they adapts to or are resisted by local movements, interests and institutions are integral to any change that takes place (cf Ribot, 1998; Cousins, 1997:67; von Benda-Beckmann, 1995).

Each of these legal changes occurs in a specific political-economic environment. In Mali it began with a 1991 urban student revolution resulting in a *coup d'etat* and later a new democratic regime. Social movements, including tax rebellions across the Sahel and resistance by forest villagers in Eastern Senegal to Forest Service controlled forest exploitation, are pushing for change (Ribot, forthcoming). These legal changes are not single stranded events. If democratizing local councils is not accompanied by devolution of real powers of decision, then these gestures of local autonomy or empowerment are empty. Representation without powers is as disingenuous as powers without representation. Maintaining an eye on the ensemble of laws that circumscribe local control can prevent legal reforms from being just a maze of smoke and mirrors in which what is given by one law is taken away by another. Since the fall of the Berlin Wall and elections in South Africa, all of Africa seems to be in a new phase of state building. The laws that are being made now are part and parcel of the kinds of states that will result.

Participatory forestry intends to and does benefit rural populations. But without locally accountable representation and under a system of centralized administrative control, it may simply do this as a form of charity--in which some benefits are allocated among locals--and even here it is often charity to elites. It can also, however, be covert privatization; the introduction of new labor obligations (participatory *corvée*); or a modern extension of *Association* and Indirect Rule. The challenge is to use these new projects and policies to push for real and generalized participation. To sort out exactly what any given act of decentralization or participation is, requires going beyond humanitarian impetus and political pronouncements into the labyrinth of laws that spell out--quite clearly--exactly who is intended to have and use which resources and powers. Laws, however, are only part of the landscape of structures and processes shaping access to natural resources. They are, however, an important part whose role should not be underestimated.

Acknowledgments

Many thanks to Louise Fortmann and Michael Watts who provided critical and encouraging comments on a draft of this article at the 1996 African Studies Conference in San Francisco. I am also grateful to Olivier Dubois, Sheila Foster, Pauline Peters, Allyson Purpura, Neil Smith, Matt Turner for their insightful comments on more recent drafts.

Endnotes

Bibliography

- Adamolekun, Ladipo. 1991. "Promoting African Decentralization," *Public Administration and Development*, Vol. 11, pp. 285-91.
- Agrawal, Arun. 1997. "Community in Conservation: Beyond Enchantment and Disenchantment," Conservation and Development Forum Working Paper No. 1, University of Florida, Gainesville. March 18 Draft.
- Alexandre, Pierre. 1970. "Chiefs *Commandants* and Clerks: Their relationship from Conquest to Decolonisation in French West Africa," pp. 2-13 in Michael Crowder and Obaro Ikime (eds.) *West African Chiefs: Their Changing Status under Colonial Rule and Independence*. New York: Africana Publishing Company.
- Alexandre, Pierre. 1970a[1959]. "The Problems of Chieftaincies in French Speaking Africa," pp. 24-78 in Michael Crowder and Obaro Ikime (eds.) *West African Chiefs: Their Changing Status under Colonial Rule and Independence*. New York: Africana Publishing Company. First Published as "La probl me des chefferies en Afrique noire Franaise," in *Notes et Etudes Documentaires*, No. 2508, 10 February 1959.
- Aubr ville, August. 1939. "L'Utilisation Totale des Bois Tropicaux de l'Ouest Africain," *Revue des Eaux et For ts*, June, pp. 485-495 and 599-608.
- Baland, Jean-Marie and Jean-Philippe Platteau. 1996. *Halting Degradation of Natural Resources: Is there a Role for Rural Communities?* Oxford: Clarendon Press.
- Banuri, Tariq and Fr d rique Apffel Marglin. 1993. *Who Will Save the Forests? Knowledge, Power and Environmental Destruction*. London: Zed Books.
- Bassett, Thomas J. and Donald E. Crummey (eds.) 1993. *Land in African Agrarian Systems*. Madison: University of Wisconsin Press.
- Bayart, Jean-Franois. 1993. *The State in Africa: The Politics of the Belly*. London: Longman.
- Berry, Sara. 1993. *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa*. Madison: University of Wisconsin Press.
- Berry, Sara. 1989. 'Social Institutions and Access to Resources', *Africa*, 59(1).
- Bertin, Andr . 1919. *La Question Foresti re Coloniale: Mission d' tudes Foresti res Envoy e dans les Colonies Franaise par les Minist res de la Guerre, de l'Armement et des Colonies*. Paris:  mile Larose, Libraire- diteur.
- BKF (Government of Burkina Faso). 1991. "Textes Portant Reorganisation Agraire et Fonci re," Zatu No. AN VIII-0039 Bis/FP/Pres du 4 Juin 1991, Kiti No. AN VIII-0328 Ter/FP/PLAN-Coop du 4 Juin 1991, Ouagadougou June 1991.
- BKF. 1993. "Schema Directeur pour l'Amenagement des Formations Naturelles Autour de Ouagadougou," Resume, UNDP/FAO/MET/Direction de l'Environnement, Ouagadougou, July 1993.
- BKF. 1993a. "Amenagement des Forets Naturelles pour la Sauvegarde de l'Environnement et la Production de Bois: Plan d'Amenagement et de Gestion de la Foret Classee du Nazinon," UNDP/FAO/MET (OF:BKF/89/011), Ouagadougou, January 1993.

- BKF. 1993b. "Amenagement des Forets Naturelles pour la Sauvegarde de l'Environnement et la Production de Bois: Status de l'Union Pre-Cooperative des Groupements de Gestion Forestiere," UNDP/FAO/MET (OF:BKF/89/011), Ouagadougou, August 1993.
- BKF. 1993c. "Loi No. 007/93/ADP Portant regime electoral des conseillers de village, de secteur communal, de departement et de province," Government of Burkina Faso.
- BKF. 1994. "Première session du comité de suivi du projet TCP/BKF/2352 a d'élaboration des textes legislatifs sur la forêt la faune et la pêche," Compte Rendy par Albert Compaore, 28 June 1994, Ouagadougou.
- Buell, Raymond Leslie. 1928. *The Native Problem in Africa*. Volumes I and II. New York: The MacMillan Company.
- CARE-Mali. 1993. "Ogokana," Agriculture and Natural Resources Technical Report Series, Projet d'Agro-Sylviculture Villageoise de Koro, December 1993.
- Cernia, Michael (ed.) 1985. *Putting People First: Sociological Variables in Rural Development*. New York: Oxford University Press.
- Chauveau, Jean-Pierre. 1994. "Participation paysanne et populisme bureaucratique. Essai d'histoire et de sociologie de la culture de développement," pp. 25-60 in Jean-Pierre Jacob and Philippe Lavigne Delville (eds.) *Les Associations Paysannes en Afrique: Organisation et dynamiques*. Marseille: APAD, and Paris: Karthala.
- Cline-Cole, Reginald. 1996. "Dryland Forestry: Manufacturing Forests and Farming Trees in Nigeria," ch. 7, pp. 122-139 in Melissa Leach and Robin Mearns (eds.) *The Lie of the Land: Challenging Received Wisdom on the African Environment*. Oxford and Portsmouth, NH: James Curry and Heinemann.
- Cohen, John and Norman Uphoff. 1977. *Rural Development Participation: Concepts and Measures for Project Design, Implementation and Evaluation*. Ithica: Rural Development Committee, Cornell University.
- Cohen, Stephen S., John W. Dyckman, Erica Schoenberger, Charles R. Downs. 1981. "Decentralization: A Framework for Policy Analysis," Report of the Project on Managing Decentralization, University of California, Berkeley.
- Comaroff, John L. and Simon Roberts. 1981. *Rules and Processes: The Cultural Logic Context*. Chicago: Chicago University Press.
- Conyers, Diana. 1984. "Decentralization and Development: A Review of the Literature," ?????
- Cooper, Frederick. 1996. *Decolonization and African Society: The Labor Question in French and British Africa*. Cambridge: Cambridge University Press.
- Coulibaly, Chéibane. 1994. "Mali: Les Ruraux et la Gouvernance Démocratique," Institut Malien de Recherches Appliquées au Développement, Bamako, April 1994.
- Cousins, Ben. 1997. "How do Rights become Real?: Formal and Informal Institutions in South Africa's Land Reform," *IDS Bulletin*. Vol. 28, No. 4, October 1997, pp. 59-68.
- Cowan, L. Gray. 1958. *Local Government in West Africa*. New York: Columbia University Press.
- Crowder, Michael and Obaro Ikime (eds.) 1970. *West African Chiefs: Their Changing Status under Colonial Rule and Independence*. New York: Africana Publishing Company.
- Cruise-O'Brien, Donald. 1975. *Saints and Politicians: Essays in the Organization of a Senegalese Peasant Society*. London: Cambridge University Press.

- Dahl, Robert A. 1993[1961]. "Who Governs?" ch. 13, pp. 104-119 in Philip Green (ed.) *Democracy*. Atlantic Highlands, NJ: Humanities Press.
- Delevoy, G. 1923. "La Conservation des Forêts Coloniales," *Bulletin de la Société Centrale Forestière de Belgique*, September 1923, pp. 465-78 and October 1923, pp. 525-542.
- Deschamps, Hubert. 1963. "Et Maintenant, Lord Lugard?" *Africa: Journal of the International African Institute*, Vol. 22, No. 4, pp. 293-306, October 1963.
- Diallo, Mahamadou A. 1994. "Problématique de la Décentralisation au Niger," Preparatory Document for the Praia Conference, CILSS, République du Niger, Financed by the Netherlands and USAID-Niger, May 1994.
- Downs, R.E. and S.P. Reyna (eds.) 1988. *Land and Society in Contemporary Africa*. Hanover, NH: University Press of New England.
- Ehrlich, Paul R. 1978. *The Population Bomb*. New York: Balintine Books.
- Ehrlich, Paul R. and Anne H. Ehrlich. 1990. *The Population Explosion*. New York: Touchstone Books.
- Elbow, Kent M. 1996. "Legislative Reform, Tenure, and Natural Resource Management in Niger: The New Rural Code," The Land Tenure Center, Madison, WI, for CILSS and USAID, May 1996.
- Fairhead, James and Melissa Leach. 1996. *Misreading the African Landscape: Society and Ecology in a Forest-Savanna mosaic*. Cambridge: Cambridge University Press.
- Ferguson, James. 1996. "Transnational Topographies of Power: Beyond 'the State' and 'Civil Society' in the Study of African Politics." Article Manuscript, April 1996, Mimeo.
- Fisiy, Cyprian F. 1995. "Chieftaincy in the Modern State: An Institution at the Crossroads of Democratic Change," *Paideuma*, Vol. 41, pp. 49-62.
- Fisiy, Cyprian F. 1992. *Power and Privilege in the Administration of Law: Land Law Reforms and Social Differentiation in Cameroon*. Research Reports 1992/48, Leiden: African Studies Center.
- Fiszbein, Ariel. 1997. "Decentralization and Local Capacity: Some Thoughts on a Controversial Relationship," Paper presented at the FAO/UNCDF/World Bank Technical Consultation on Decentralization, Rome, 15-8 December 1997.
- Foltz, William J. 1965. *From French West Africa to the Mali Federation*. New Haven: Yale University Press.
- Fortes, M. and Evans-Pritchard, E.E. 1987. *African Political Systems*. London: KPI Press.
- Fox, Jonathan. 1990. "Editor's Introduction" to a special issues: The Challenge of Rural Democratization: Perspectives from Latin America and the Philippines, *The Journal of Development Studies*, Vol. 26, No. 4, July 1990, pp. 8-18.
- Gellar, Sheldon. 1995. *Senegal: An African Nation Between Islam and the West*. Boulder: Westview Press.
- Geschiere, Peter. 1993. "Chiefs and Colonial Rule in Cameroon: Inventing Chieftaincy, French and British Style," *Africa*, 63(2), pp. 151-75.
- Guyer, Jane. 1994. "The Spatial Dimensions of Civil Society in Africa: An Anthropologist looks at Nigeria." In John W. Harbeson, Donald Rothchild and Naomi Chazan (eds.) *Civil Society and the State in Africa*. Boulder, CO: Lynne Reiner, 215-229.
- Hardin, Garrett. 1993. *Living Within Limits: Ecology, Economics and Population Taboos*. New York: Oxford University Press.

- Hesseling, Gerti (in collaboration with M. Sypkens Smit). n.d.[circa 1984]. "Le Droit Foncier au Senegal: L'Impact de la Réforme Foncière en Basse Casamance," Mimeo.
- Hirschman, Albert O. 1970. *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations and States*. Cambridge: Harvard University Press.
- Hubert, Henry. 1920. "Le Dessèchement Progressif en Afrique Occidentale," Comité d'Etudes Historiques et Scientifiques de l'Afrique Occidentale Française.
- Jensen, Axel Martin. 1994. Presentation at the RPTES conference, World Bank, Dakar, Senegal 1 through 5 November 1994.
- Karlström, Mikael. 1996. "Imagining Democracy: Political culture and democratization in Buganda," *Africa*, Vol. 66, No. 4.
- Little, Peter D. 1994. "The Link Between Local Participation and Improved Conservation: A Review of Issues and Experiences," ch. 15, pp. 347-372 in David Western and R. Michael Wright (eds.) *Natural Connections: Perspectives in Community-based Conservation*. Washington, D.C.: Island Press.
- Leonard, David K. and Dale Rogers Marshall (eds.) 1982. *Institutions of Rural Development for the Poor: Decentralization and Organizational Linkages*, Research Series No. 49. Berkeley: Institute of International Studies.
- Mahwood, Philip. 1983. "The Place of Traditional Political Authority in African Pluralism," *Civilisations*, Vol. XXXII, No. 2 1982-Vol. XXXIII, No. 1 1983, pp. 209-37.
- Mair, Lucy P. 1936. *Native Policies in Africa*. New York: Negro University Press.
- Mamdani, Mahmood. 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press.
- Manor, James. 1997. "The Political Economy of Decentralization," 1 August draft of paper prepared for the World Bank and presented at the FAO/UNCDF/World Bank Technical Consultation on Decentralization, Rome, 15-8 December 1997.
- Mazonde, Isaac Ncube. 1996. "The Basarwa of Botswana: Leadership, Legitimacy and Participation in Development Sites," *Cultural Survival Quarterly*, Fall 1996.
- McIntosh, Alastair. 1990. "Rethinking Chieftaincy and the Future of Rural Local Government: A Preliminary Investigation," *Transformation* (Durban), No. 13, pp. 27-45.
- Meadows, Donella H., Dennis L. Meadows, Jorgen Randers and William W. Behrens III. 1992. *Beyond the Limits: Confronting Global Collapse, Envisioning a Sustainable Future*. Post Mills, VT: Chelsea Green Publishing Company.
- Meadows, Donella H., Dennis L. Meadows, Jorgen Randers and William W. Behrens III. 1974. *The Limits to Growth*. New York: Signet Books.
- Mehta, Ajay S. 1996. "Micro Politics of Voluntary Action: An Anatomy of Change in Two Villages," *Cultural Survival Quarterly*, Fall 1996.
- National Research Council. 1992. Sahr John Kpundeh (ed.) *Democratization in Africa: African Views, African Voices*. Washington, D.C.: National Academy Press.
- Ngaido, Tidiane. 1996. *Redefining the Boundaries of Control: Post-Colonial Tenure Policies and Dynamics of Social and Tenure Change in Western Niger*. Doctoral Dissertation, University of Wisconsin, Madison.
- Ostrom, Elinore. 1990. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.

- Ouali, Firmin, Paul Kiemdé and Dénise Yaméogo. 1994. "Etude de base sur l'état de la décentralisation au Burkina," summary report, Commission Nationale de la Décentralisation, Premier Ministère, Burkina Faso, June 1994.
- Ouédraogo, Hubert M.G. 1994. "Les Coutumes Relatives a la Gestion des ressources naturelles au Burkina Faso," FAO, Programme de Cooperation Technique, FAO-LEG: TCP/BKF/2352, Rome, March 1994.
- Pateman, Carole. 1991. *Participation and Democratic Theory*. Cambridge: Cambridge University Press.
- Painter, Thomas, James Sumberg and Thomas Price. 1994. "Your *Terroir* and my `Action Space': Implications of Differentiation, Mobility and Diversification for the *Approche Terroir* in Sahelian West Africa," *Africa* 64(4).
- Peluso, Nancy Lee. 1992. *Rich Forests, Poor People: Resource Control and Resistance in Java*. Berkeley: University of California Press.
- Perham, Margery. 1960. *Lugard: The Years of Authority 1898-1945*. London: Collins Press.
- Posey, Darrel. 1985. "Indigenous Management of Tropical Forest Ecosystems: The case of the Kayapo Indians of the Brazilian Amazon," *Agroforestry Systems*, No. 3, pp. 139-58.
- RDM (République du Mali). 1996. "Loi No. 96-050, Portant Principes de Constitution et de Gestion du Domaine des Collectivités Territoriales," adopted 16 October 1996, Bamako.
- RDM. 1995. "Loi No. 95-034/ Portant Code des Collectivités Territoriales en République du Mali," adopted 27 January 1995.
- RDM. 1994. "Loi No. 94____/AN-RM Portant Organisation de l'Exploitation, du Transport et du Commerce du Bois," Assemblée Nationale, RDM.
- RDM. 1994a. "Projet de Loi Portant Principes de Constitution et de Gestion du Domaine des Collectivités Territoriales Décentralisées," Primature, Mission de Décentralisation, RDM, April 1994.
- RDM. 1994b. "Loi no. 94___/AN-RM Fixant les Conditions de Gestion des Ressources Forestiers," Assemblée Nationale, République du Mali.
- RDM. 1994c. "Analyse de l'évolution des recettes d'exploitation et de transactions forestières de 1957 à 1990," MDRE, DNEF, RDM, July 1994.
- RDM. 1991. "Code Electoral", Ordonnance No. 91-074/P-CTSP du 10 Octobre 1991.
- RDM. 1986. "Loi No 86-42/AN-RM Portant Code Forestier," Adopted by the National Assembly 30 January 1986.
- RDM. 1977. "Ordonnance N77-44/CMLN du 12 Juillet 1977 portant réorganisation territoriale et administrative de la République du Mali."
- RDN (République du Niger). 1992. ""Projet d'Ordonnance portant organisation de la Commercialisation et du transport de bois dans les grandes agglomérations, et la fiscalité qui lui est applicable." Ordonnance no. 92-037 du 21 Aout 1992.
- RDS (République du Sénégal). 1964. "Loi no. 64.46 du 17 juin 1964, relative au domaine national," *Journal Officiel de la République du Sénégal*.
- RDS. 1972. "Decret no. 72-636 du 29 mai 1972 relatif aux attributions des chefs de circonscriptions administratives et chefs de village," *Journal Officiel de la République du Sénégal*, 17 June 1972.
- RDS. 1993. "Code Forestier, Loi No. 93-06 du 4 Fevrier 1993," Ministère de l'Environnement et de la Protection de la Nature.

- Ribot, Jesse C. Forthcoming. "Forest Rebellion and Local Representation: A Struggle to Participate in Makacoulibantang, Senegal," in Charles Zerner (ed.) *People, Plants and Justice*. Columbia University Press.
- Ribot, Jesse C. 1998. "Theorizing Access: Forest Profits along Senegal's Charcoal Commodity Chain," *Development and Change*, Vol. 29, No. 2, April 1998.
- Ribot, Jesse C. 1996. "Participation Without Representation: Chiefs, Councils and Rural Representation," *Cultural Survival Quarterly*, Fall 1996. Special Issue on Participation edited by Pauline Peters.
- Ribot, Jesse C. 1995. From Exclusion to Participation: Turning Senegal's Forestry Policy Around? *World Development* 23(9).
- Ribot, Jesse C. 1995a. "Local Forest Control in Burkina Faso, Mali, Niger, Senegal and The Gambia: A review and Critique of new Participatory Policies," Africa Region, The World Bank.
- Ribot, Jesse C. 1993. "Market-State Relations and Environmental Policy: Limits of State Capacity in Senegal," in Ronnie D. Lipschutz and Ken Conca, eds., *The State and Social Power in Global Environmental Politics*. New York: Columbia University Press.
- Robert, André P. 1955. *L'Évolution des coutumes de l'Ouest Africain et la Législation Française*. Paris: Librairie Autonomie.
- Robinson, Pearl Theodora. 1975. *African Traditional Rulers and the Modern State: The Linkage Role of Chiefs in the Republic of Niger*. Ph.D. Dissertation, Columbia University.
- Schroeder, Richard. 1998. "Community Forestry and Conditionality in The Gambia," *Africa*.
- Schumacher, Edward J. 1975. *Politics, Bureaucracy and Rural Development in Senegal*. Berkeley: University of California Press.
- Schumpeter, J.A. 1943. *Capitalism, Socialism and Democracy*. London: Geo. Allen & Unwin.
- Scott, James C. (1976) *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia*. New Haven: Yale University Press.
- Shiva, Vandana. 1989. *Staying Alive*. Atlantic Highlands, NJ: Zed Books.
- Singh, Naresh and Vangile Titi. 1995. *Empowerment: Towards Sustainable Development*. Atlantic Highlands, NJ: Zed Books.
- Spierenburg, Marja. 1995. "The Role of the Mhondoro Cult in the Struggle for Control over Land in Dande (Northern Zimbabwe): Social Commentaries and the Influence of Adherents," Center for Applied Social Sciences, University of Zimbabwe, Harare, and Amsterdam School for Social Science Research, Amsterdam, October 1995.
- Sullivan, Sian. 1996. "Towards a Non-Equilibrium Ecology: Perspectives from an Arid Land," *Journal of Biogeography*, Vol. 23, pp. 1-5.
- Suret-Canale, Jean. 1966. "La Fin de la Chefferie en Guinée," *Journal of African History*, Vol. VII, No. 3, pp. 459-493.
- Suret-Canale, Jean. 1970. "The Fouta-Djalon Chieftaincy," pp. 79-97 in Michael Crowder and Obaro Kikme (eds.) *West African Chiefs: Their Changing Status under Colonial Rule and Independence*. New York and Ile-Ife, Nigeria: Africana Publishing Corporation and University of Ife Press.
- Tavares de Pinho, A. 1993. "Burkina Faso: Legislation des Forêts et de la Faune," Rapport Interimaire a des fins de discussion, FAO, Rome, December 1993.

- Thomson, Jamie and Chéibane Coulibaly. 1994. "Decentralization in the Sahel: Regional Synthesis," SAH/D (94) 427, Regional Conference on Land Tenure and Decentralization in the Sahel, Praia, Cape Verde, CILSS, OECD, Club du Sahel, January 1994.
- van Rouveroy van Nieuwaal, Emile. 1987. "Chiefs and African States: Some Introductory Notes and an Extensive Bibliography on African chieftaincy," *Journal of Legal Pluralism*, Nos. 25-6.
- Vaughan, Megan. 1991. *Curing their Ills: Colonial Power and African Illness* Stanford: Stanford University Press.
- von Benda-Beckmann. 1995. "Property Rights and Common Resources," Paper prepared for the Agrarian Questions Conference, Wageningen, 22-24 May 1995.
- von Vollenhoven, J. 1920. *Une Ame du Chef*. Paris: Librairie Plon.
- Watts, Michael J. 1993. "Idioms of Land and Labor: Producing Politics and Rice in Senegambia," ch. 6, pp. 157-221 in Thomas J. Bassett and Donald E. Crummey (eds.) *Land in African Agrarian Systems*. Madison: University of Wisconsin Press.
- Weinstein, Brian. 1972. *Éboué*. New York: Oxford University Press.
- Western, David and R. Michael Wright. 1994. "Background to Community-based Conservation," pp. 1-15 in David Western, R. Michael Wright and Shirley C. Strum (eds.) *Natural Connections: Perspectives in Community-based Conservation*. Washington: Island Press.
- World Bank. 1996. *The World Bank Participation Sourcebook*. Washington, D.C.: The World Bank.

-
1. See for example von Vollenhoven, 1917; Bertin, 1919:125-7; Buell, 1928:996; and Vaughn, 1991:13.
 2. Ribot, 1998 and 1995 give detailed analyses of the extra-legal dynamics of forest resource access.
 3. Decentralization has been defined in numerous ways. I follow the very broad definition provided by Cohen et al., 1981:17-32. For a more in-depth discussion of decentralization see Cohen et al., 1981; Leonard and Marshall, 1982; Conyers, 1984; Adamolekun, 1991; Thomson and Coulibaly, 1994; Manor, 1997.
 4. Although the World Bank (1996) calls inclusion of private citizens, NGOs and corporations 'stake-holder participation', this is simply a way of including privatization (of assets and decision making powers of the state) under the banner of participation. It is also a way of sustaining the status quo. When I use the term participation, I am referring to 'community participation' unless otherwise indicated.
 5. The political, economic and social significance of any act of decentralization or participation depends on what is being devolved and to whom. There are many powers and resources that can be decentralized to many different entities. Service provision responsibilities, assets of the state, regulatory powers and decision making powers, can be decentralized to local branches of the central state, autonomous local state governance bodies, non-governmental organizations, individuals, etc. The political and economic meanings of a given act of decentralization depends on *what* is devolved to *whom*. The political valance of decentralization cannot be assumed. Each

act of decentralization must be scrutinized to understand its implications. In some instances it can be the extension of the central state, the shedding of what should be central state responsibilities, privatization or enclosure, etc. Decentralization can also be the creation of local autonomy under locally accountable representation when the right powers are devolved to the representative groups. In that case it can be a powerful form of community participation. It is here that participation and decentralization could converge. Decentralization of different powers and things to different bodies serve very different agendas. We need to examine what they are and how they function *case by case*.

6. For an excellent discussion of the idea of 'community' see Agrawal, 1997. My use of this term is not intended to imply that community is only about solidarity or uniformity. Villages are highly differentiated communities. While planners have treated them as uniform in the past this is simply not correct (Painter et al., 1994; Berry, 1989;1993; Ribot, 1995;1998). Painter et al. (1994:455) describe the interacting factors in Sahelian communities as including: terms of access to land; the size and quality of land holdings; gender; seniority; the ownership of livestock; participation in off-farm income-generating activities; status as founding member of the community or as an outsider; the size and maturity of households; access to domestic and extra-domestic labour inputs; wealth; political power; links with the state; access to credit and materials; types of production systems; membership of chiefly or noble lineages or of caste-like categories (such as ex-captives); and the nature and effectiveness of diversification strategies." Indeed, it is due to this diversity that questions of community representation discussed in this article arise.

The *gestion des terroirs* approachBone of the cutting edge donor-sponsored natural resource management schemes in Francophone West Africa--implicitly acknowledges the population of a *terroir* to be a community. "*Gestion des Terroirs* refers to the activities of community members as they go about using natural resources within the *terroir* for their livelihoods. By definition, they have a sense of collective claim on the *terroir*, and exercise some degree of social and politically sanctioned control over the terms of access to the resources by community members and outsiders." (Painter et al., 1994:450). Painter et al. (1994) also provide a well developed analysis of the limits of the *terroir villageois* concept, pointing out how *terroirs* are embedded in multiple relations that exceed their boundaries.

7. In theory, participation can increase economic and managerial efficiency by: 1) allowing the local populations who bear the costs of forest use decisions to make those decisions, rather than leaving them in the hands of outsiders or unaccountable locals; 2) reducing administrative and management transaction costs via the proximity of local participants; and 3) using local knowledge and aspirations in project design, implementation, management and evaluation. It can redress inequities by helping to retain and distribute benefits of local activities within the community. In this manner it could be a tool of social justice. Participation in the benefits from local resources can also contribute to development by providing local communities with revenues. (see Cohen and Uphoff, 1977; Cernea, 1985; Baland and Platteau, 1996; Peluso, 1992; World Bank, 1996; National Research Council, 1992:35.) Aid organizations and national forest services also often assume that community participation in resource management results in better environmental practices. While such a claim has some logical underpinnings, it is not a demonstrated fact (see Little, 1994).

8. Following Schumpeter and Dahl I take democracy to be a *method* or a set of institutional arrangements for arriving at legislative and administrative collective decisions (Pateman, 1991:3). "Elections are central to the democratic method because they provide the mechanism through which the control of leaders by non-leaders can take place...." Further, as Dahl argues, the democratic relationship should be taken as only one among many techniques by which leaders can be controlled and influenced (Pateman, 1991:8).

9. Many projects also approach sub-village groups--such as fishers, woodcutters, pastoralists, farmers, women's or youth associations. These groups, whether unions, cooperatives, NGOs or associations, however, do not necessarily reflect the concerns of a village as a whole--particularly in matters concerning public resources such as forests, streams, pastures, or public works. While they are often treated as if they were representative, they are not. They represent their particular interests and their representatives or leaders are accountable to their particular constituencies--and often only to themselves. There is no systematic basis for them to speak on behalf of the community as a whole. In Senegal, for example, cooperative presidents--usually powerful notables--treat their cooperatives as private property, often filling them with family or dummy members to obtain state services that cooperatives are entitled to (Cruise-O'Brien, 1975:128; Ribot, 1993). Spokes-persons for various local movements or organizations are often self-appointed or sponsored by outside aid agencies or NGOs and non-representative (National Research Council, 1992:35; Mazonde, 1996:56; Guyer, 1994:223). Since my concern in this article is on the ostensibly accountable and locally constituted structures of rural representation (rather than on NGOs, BONGOs, GONGOs, PVOs, corporations, etc.), I do not examine these latter groupings in any further detail.

10. Chiefs were given a meager salary and expected to collect taxes, recruit corvée labor and soldiers, etc. Chiefs often were in conflict therefore with both their Commandant de Cercle and their own people. (van Rouveroy van Nieuwaal, 1987).

11. Pre-colonial chiefs derived their authority from a variety of sources: rights of conquest, control over land, direct descent from great ruling ancestors; membership in a particular ruling family, etc. (See Alexandre, 1970; Crowder and Ikime, 1970:xi; Fisiy, 1992; Spierenburg, 1995; Fortes and Evans-Pritchard, 1987[1940]:10-11; Schumacher, 1975:87).

12. Governor General J. Brévié proposed such a policy for the West African colony in 1932 (Cowan, 1958:44).

By the 1940s the British also emphasized the need to introduce elections (Geschiere, 1993:163). Chiefs were to be replaced by elected 'native authorities'. In the 1944 a district officer in an area with "...four times as many s`strangers' as natives" argued for elections:

Here you are, the Bakweri Native Administration receiving approximately 1500 pounds sterling a year in tax money of which the strangers in your midst pay almost exactly half. You benefit by their money and you decide how their money shall be used.... This is absolutely contradictory for the things we British believe in and it is against the very things for which we are now fighting a war. (In Geschiere, 1993:163).

Ironically, as Geschiere points out, the British adage became "no taxation without representation." The Bakweri opposed elections for fear of being outnumbered in their own region. They blocked elections until 1958.

13. It would be worth digging through the colonial record to find the story behind this short reign of universal suffrage and limited terms at the village level.

14. In the late colonial period 29 of 30 heads of village households elected a chief who was "...not of aristocratic origins, nor was he even from that region...." and he was not the customary inheritor of the chieftainship. Unfortunately, the administrator objected on the grounds that it would be "...a blow to indigenous authority..." (Cowan, 1958:178).

15. In South Africa, the Governor of the Colony could appoint and remove chiefs and these chiefs were minor deputies to the Governor since 1891 (McIntosh, 1990:28-9).

16. Indeed, as van Rouveroy van Nieuwaal (1987:23) states: "When we speak of chiefs in Africa in the present context we are not speaking about an extinct or even a dying species. We are speaking at most about a threatened one, threatened by the intervention of the legislator and the administration, who are all too often of the opinion that through legal reforms, institutions such as that of chieftaincy, still firmly entrenched in African society, can be blotted out or robbed of their legitimacy."

17. The Nigerian state has viewed these institutions as means of managing the rural world. They are highly defined and structured by the state making them "...tools with which to achieve the political management of society." (Quote of a decentralization study in Elbow, 1996:34.)

18. Hirschman (1970) observed that the negotiating position of subordinate classes, was strengthened by their 'exit options' (cf Scott, 1976). Bayart (1993:22) notes that because of this:

The dependents were not without a voice within either lineage or central societies. They were (more or less) represented in a range of councils, associations and societies in which they often had important functions. One author estimates that over a third of the monarchies and the chiefdoms he investigated included councils of commoners who were involved in political decision-making and that more than three-quarters of the chiefdoms, and the quasi-totality of the monarchies, had created lay courts of justice. These figures provide some indication of the limitations which the subordinate actors were able to impose upon the leaders.

He then gives the example of how village chiefs imposed by the powerful Yatenga monarchy were not forced upon the population. Chiefs named by the king, but unwanted or unliked, may be met by silent resistance and obfuscation until "...a new assignment will be found for the unfortunate chief" (Bayart, 1993:23).

19. The notion that indigenous African chiefs were despots was used during the early colonial period to justify subjugating them to European standards of conduct. For example: "When the French undertook the occupation of West Africa they were confronted with a number of native tyrants who cruelly exploited their subjects. Life and property were insecure; slavery and human sacrifice prevailed in many areas. In a few cases, local Almanys had imposed a form of discipline, maintained by terrorism, upon thousands of unwilling subjects." (Buell, 1928:987.) Much of this view was probably European projections that served to justify the 'civilizing' mission of colonization. It was clear, however, that under the French, indigenous chiefs were despotic when they could hide behind their French backing. This latter problem helped justify the curtailing of chief's powers over "...judicial matters, land and tribute" and more direct control by the French administration (Buell, 1928:987). But these criticisms of chiefs by no means constitute a comparison with or excuse for French colonial administrative practices, which were certainly also

despotic, cruel and violent, and fostered despotism among chiefs (Buell, 1928; Suret-Canal, 1966).

20. These units are specified in 'organic codes', which shape the Ministries and their organization and the appointed officials that will represent different central government agencies within the various spatial territorial divisions, such as regions, departments, circles, cantons, arrondissements, communes, rural collectives, and rural communes. (Since the names of the most local units vary among the countries I call all of them 'Local Government'.) As such, these laws shape who (elected and appointed) will be present within the rural areas, and at what level of administration they will be present, to be making decisions over natural resources.

21. The most local level of administrative council goes by different names in each country. I will use the terms Rural Community and Rural Council to refer to the jurisdiction and its representative body respectively.

22. Niger's indigenous population is organized into "Customary Collectives" (Collectivités Coutumières), including 10,000 villages and 200 cantons and "groupements" (equivalent of cantons for nomadic populations). Niger's 17 July 1964 law on decentralization legislated the repartition of Niger into 200 communes. But, indigenous village and canton chiefs have retained their power and only 21 of the 200 expected communes were ever established. (Diallo, 1994:7.)

23. "The district chiefs had no powers at all" (Diallo, 1994:4).

24. A report on a proposed integrated rural land management law (the Rural Code), now in a pilot phase (see Elbow, 1996), described the current state of rural administration: "Despite the expansion, diversification and specialization of deconcentrated structures....the sous-préfecture effectively presents the same institutional core bequeathed by colonization" (Diallo, 1994:19).

An integrated system of rural management is also being developed under the title "Rural Code." This code proposes to establish committees representing local communities based on traditional chiefs and representatives of various associations and cooperatives.

25. Cooperatives in Senegal are usually dominated by a few powerful notables (Cruise-O'Brien, 1975:128; Ribot, 1990).

26. The role of political parties in local government needs to be examined in greater detail. At the end of the colonial period, the question "Should parties be introduced into local government?" was being contested (Cowan, 1958:221). Those against party involvement argued "...that the matters dealt with in local councils are essentially *local* in nature and that therefore the major parties whose differences may be on matters of national policy have no place in purely community problems" (Cowan, 1958:221). Clearly, in French West Africa those against party involvement lost the debate.

Further, it is questionable whether parties are appropriate in a context where they can hardly afford to organize down to the rural community level. Two problems are introduced. First is that of being unable to choose candidates who are appropriate to the local community and second is that of having no competition among parties at the local level (since so few can afford to propose candidates), thus eliminating the competition necessary among candidates to produce locally accountable representatives (Schumpeter, 1943). In Senegal, over 300 of the 314 rural

councils are organized by the Socialist Party.

In India political parties are not permitted to participate in elections for local representatives in the Panchayats. Indeed, not only are the members of the Panchayats independent from parties, but recent laws have required at least one third of all Panchayat members to be women.

27. While the party system is often praised as a way of creating national unity, the experience in Uganda may prove otherwise. In 1986, Uganda created local Resistance Councils whose members were elected independent candidates. Parties were excluded from local politics. Local populations expressed their preference for this system over 'customary' leaders. Indeed, as Karlström reports "...since political parties are excluded from it, the RC system has not been perceived as a vehicle for the manipulation and exacerbation of religious and ethnic divisions. Virtually all of my informants were adamant about the incompatibility of parties with the RC system and the local unity and solidarity that it has produced." (Karlström, 1996:15-6.) When I mentioned independent candidates in local elections in Burkina Faso, I was told "we don't want another Rwanda here." This fear of 'disorder' and conflict, which was also expressed by members of the decentralization commission in Mali, may be more of an excuse for simply maintaining party control.

28. The cases of Burkina Faso and Niger were first published in short form in Ribot, 1996.

29. Francs of the Francophone West African Community. During the fieldwork for this article in 1994, the exchange rate was approximately 350FCFA per U.S.\$. The FCFA is pegged to the French Franc at 100 FCFA per FF.

30. There are a number of ways merchants have been able to circumvent the fixed price, and by which village notables and even non-village based woodcutters have made claims on cooperatives' resources. Village cooperatives have had trouble keeping urban woodcutters (brought from the cities by their merchant patrons) out of their forests. Wood cut in one village is often sold by these woodcutters through the tickets of another cooperative, channeling the management and other funds to the latter cooperative's account. Merchants at times pay woodcutters less than the 610 FCFA in the forest and then arrange with cooperatives to receive back the 610 FCFA earmarked for the woodcutters, in this manner undercutting the fixed price. Foresters have also engaged in woodfuel commerce themselves. All this occurs under the surveillance of project coordinators and agents.

31. Cf Fisiy, 1992:227-8. "In Cameroon the land consultative boards are composed of: the sous-préfet, or district head as Chairman; a representative of the Lands Service, as Secretary; a representative of the Surveys Service; a representative of the Town Planning Service, (in the case of urban project); a representative of the Ministry concerned with the project; the chief and two leading members of the village or the community where the land is situated."

"This specifies the members of the land commission that manages National lands. The chiefs and two notables are in a minority in a commission that is dominated by bureaucrats. It is because of this composition of the land commission that Fon of Kom [traditional owner of the land]...claimed that the land was no longer his own." "The chiefs have realized that they have been co-opted into this commission and have been marginalized therein. The real power of

attribution lies with the chairman and his secretary, not with the chief and his two notables." In this case, the chief still, however, collects homage before land inspections. The homage usually includes a bottle of Scotch Whisky and 5,000 francs. Fisiy (1992:229) later points out that for some chiefs close association with State bureaucracies is significant. They can enjoy prestige and exact more tribute from their subjects by association with the State. He points out that these are usually chiefs who were dependent on or subjugated by other chiefs or were more marginal. Also see Fisiy, 1995.

32 There are a number of ways merchants have been able to circumvent the fixed price, and by which village notables and even non-village based woodcutters have made claims on cooperatives' resources. Village cooperatives have had trouble keeping urban woodcutters (brought from the cities by their merchant patrons) out of their forests. Wood cut in one village is often sold by these woodcutters through the tickets of another cooperative, channeling the management and other funds to the latter cooperative's account. Merchants at times pay woodcutters less than the 610 FCFA in the forest and then arrange with cooperatives to receive back the 610 FCFA earmarked for the woodcutters, in this manner undercutting the fixed price. Foresters have also engaged in woodfuel commerce themselves. All this occurs under the surveillance of project coordinators and agents.

33 Benefits of entering the woodfuel trade outside of the confines of village forests are beyond the reach of project participants. Members of the Nazinon union (including its president) asked Foresters and project representatives if they could be included in the transport of woodfuels from the countryside to the city and its urban distribution and sale. They were denied this access--it is not a realm that the Forest Service sees fit for them. Commerce downstream of the village is reserved for licensed merchants. Unfortunately, much of the profit from the woodfuel trade is in its transport and sale, not in production or extraction.

34 A 1941 decree restricted production permits to French citizens. Since by law the only Africans granted French citizenship were those living in the urban centers, this decree gave special privilege to urban merchants.

35 Note that Mamdani also makes the argument that "Ideologically, civic power claimed to defend rights, and customary power to enforce custom. Economically, civic power regulated market transactions and ensured the reproduction of market relations, and customary power was located at the interstices of the market and nonmarket relations, mediating the link through extra-economic coercion." This is an important parallel to the distinction between those with licenses and permits and those relegated to the administrative privilege of usufructuary rights--inferior rights that depend on the administrative branch of the state (in this case the Forest Service) not deciding to use the resource for its own purposes or give it away--license it--to concessionaires, thereby abrogating usufructuary rights by the exploitation--and often temporary destruction--of the resource as a whole.

36 Quoting a 1917 statement of Governor-General von Vollenhoven following von Vollenhoven's comparison of 'natives' to children, Buell (1928:996) writes: "the native `does not distinguish private from public affairs.... He is continually in need of something and addresses himself, to satisfy his desires, to whomever is invested with authority.... Examples are innumerable where

natives will go long distances for the most futile causes, to see the chief...! The native is not an individual but part of a society."

Vaughan (1991:11) points out "In colonial medical discourse and practice colonial Africans were conceptualized, first and foremost, as members of groups (usually but not always defined in ethnic terms) and it was these groups, rather than individuals, who were said to possess distinctive psychologies and bodies. In contrast to the developments described by Foucault [in Europe], in colonial Africa group classification was far more important construction than individualization. Indeed, there was a powerful strand in the theories of colonial psychologists which denied the possibility that Africans might be self-aware individual subjects, so bound were they supposed to be by collective identities." She continues (1991:12) "By relying so heavily on older modes of production for its very success, colonial capitalism also helped create the discourse on the `traditional', non-individualized and `unknowing' collective being--the `African'...."

37 Bertin, concerned about disciplining laborers, goes on to ask "How, in effect, can one pursue a native who, most of the time has nothing to confiscate, and escapes in this manner all manner of civil constraint?" The answer is "One must treat the un-educated natives like children, which they are in reality." It was the very lack of markets in land--created by the system of association and indirect rule and its need to collectivize land to give its local cadres a basis for their power--that also drove the colonizers use coercive means to obtain and discipline laborers.

38 Such fears of destruction are often wrong (cf Fairhead and Leach, 1996; Sullivan, 1996; Ribot, 1995). Much of the perceived ecology of the Sahel is an ecology of control. Fears of deforestation and the beliefs about its causality are often more relevant to justifying regimes of control than protection of nature.

39 Fiszbein (1997), reviewing World Bank projects in Latin America, found that `capacity' is derived from the devolution of powers. All local groups she examined had the capacity once they had the resources to work with. Hence, the notion that resources cannot be devolved due to a lack of local `capacity' is little more than an excuse not to devolve resources to local bodies.

40 In 1909 Governor-General William Ponty argued that "Each people should conserve its autonomy." "...in allowing each race to evolve according to its particular mentality, in conserving as much as possible, the individuality of the tribe, we shall contribute to favor the birth of individual effort in the midst of each group..." (quoted in Buell, 1928:996). In 1917 Governor Van Vollenhoven (in Alexandre, 1970a[1959]:65-6) of French West Africa remarked "I have explained why we need the help of the chiefs.... These reasons are not in the chief's interests. The chiefs are not ancient sovereigns whose thrones we wish to protect; the thrones either did not exist or else were destroyed by us and will not be raised again. *Our reasons are solely in the interest of the people under our authority.*" In 1932 Governor Brévié (in Alexandre, 1970a[1959]:68) stated: "At a time when *we are trying to enrich our subjects* by giving them a methodical plan for production, our auxiliaries [the chiefs] must be forced to be worthy of the gratitude of their people for the part they have played in this...." and later spoke of "*...our desire to ensure a better future for their people....*" Of course, it is never certain that the governors believed what they said. (Emphasis added).

41 In 1922 Yves Henry (in Chauveau, 1994:31-32), the Agricultural Inspector General of French West Africa argued for a participatory model of development "To educate the peasant, give him the means to work well, then progressively bring to his land tenure improvements without which any program would be but in vain...." He then asked:

How does one bring together a producer association and what financial means would one put at their disposition to improve tools and cultivation. In French West Africa these associations find an excellent base in the private mutual assistance societies [*société de prévoyance*].... But their existence will not be assured, they will not fill their duties except under the double condition of being truly agricultural associations and of seeing the structure of the current mutual societies broken from their purely administrative organs that are suffocating them. [Since] the peasant does not understand them, his initiative will not be awakened, he will not cleanly profit except if these organizations are not extremely supple and if the administrative tutelage needed at the beginning is relaxed bit by bit, to finally disappear and be replaced by a simple power of controle.

With such plans, the administration of French West Africa created an agricultural policy it believed was based on the specificities of African peasants (Chauveau, 1994:32).

42 This list was inspired by Joel Barkin's comments on a decentralization panel at the annual meeting of the African Studies Association, San Francisco, CA, November 1996. Several of these questions should be attributed to his comments. He has not, however, responded to my e-mails asking him for a copy of his commentary with its very helpful list.

43 In electoral systems this includes universality of suffrage, admission of independent candidates, duration of terms (see Schumpeter, 1993[1950]; Dahl, 1993[1961]; Pateman, 1991). The notion that party lists and party candidates are the appropriate means to supply candidates in elections does not work at the local level the countries in this study. Since few parties can afford to organize down to the village level, there are often few lists presented or even only one list presented, leaving the choice of candidates to the parties, there is therefore little if any competition. Without independent candidates there is little electoral competition at the local level.

44 This system of local elections, it appears, was abolished in 1996. (Personal communications, Olivier Dubois, IIED, London, July 1998).