

**COMMUNITY INSTITUTIONS AND
THE GOVERNANCE OF LOCAL WOODSTOCKS
IN THE CONTEXT OF MALI'S DEMOCRATIC TRANSITION**

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A. Introduction

This paper addresses two issues. First, it offers a comparative institutional analysis of two different systems for governing and managing woodstocks¹ in a sahelian area of Mali. These institutional arrangements are, respectively, state- and community-based. The analysis highlights the comparative efficiency of each set of institutions. Second, the paper explores the potential impact of community-based resource governance and management activities as one form of sectoral support for the broader process of promoting democratic governance in Mali.

The first section of the study initially lays out the assumptions underlying state forestry institutions and then describes Woodstock governance and management by the national forestry agency during the period of authoritarian rule under the Traore military dictatorship from 1968-91.² Ground-level realities of state governance and management of forest resources are illustrated by examples drawn from several different communities in Mali's 5th Region. The second section examines the same activity when conducted through village institutions after the 1991 regime change. Again the analysis begins with a brief review of the assumptions that appear to underlie community forestry institutions. To describe fully the institutional mechanisms by which community collective action occurs, this section concentrates on forestry institutions, and the behavior patterns they motivate, in a single village.

Taken together, the first two sections assess the relative efficacy of these alternative sets of arrangements conceived as competing institutional solutions to the common problem of ensuring sustained yield use of a renewable resource that provides multiple timber and non-timber products (Falconer) for

¹The term woodstocks denotes all local trees, bushes, woody vines, in short, the total mass of ligneous vegetation.

²From 1968-79 the country was governed by an overt military dictatorship. In 1979, Moussa Traore authorized a single political party, the *Union Démocratique du Peuple Malien* (UDPM).

consumption as well as non-consumptive services.³ The two sections also provide insights into the extent to which these systems are efficient in economic terms, responsive to the interests of resource users, and resistant to corruption.

State forestry institutions can be characterized as top-down in conception, ostensibly uniform in design, authoritarian in approach, non-participatory in execution, and relatively rigid and difficult to modify and adapt to changing circumstances. Community forestry institutions, in stark contrast, can be described as bottom up in conception, non-authoritarian yet authoritative in approach, determinedly ad hoc in design, participatory in execution, and somewhat more flexible and adaptable to changes within the affected domain.

The second part of the paper explores two related issues: the contemporary Malian enabling environment for community-based Woodstock governance and management, and the feedback effect of self-governing forestry activities on the broader efforts to promote democratic governance within Mali. The paper draws on four months' interviewing in the 5th Region during the period 1985-94, plus materials produced on the issue in this area by scholars and practitioners.

B. Malien State Forestry Regulations and Practices under the Authoritarian Traore Regime, 1968-91

Mali came to internal independence in 1958 and promptly initiated a drive, under the socialist regime of Modibo Keita, to concentrate the hold of the single party, US-RDA (*L'Union soudanienne du rassemblement démocratique africain*), over all political activity. Simultaneously, the regime moved to strengthen state controls over all non-political voluntary organizations and governmental jurisdictions. US-RDA politicians rapidly suppressed the cantonal jurisdictions established during colonial times. While these jurisdictions were often based on small, pre-colonial local dynasties, US-RDA decision makers asserted these units of collective action and administration had been manipulated and corrupted by the French colonial regime and no longer had any credibility with the population.

The justification - failing credibility of canton leadership - offered for this move reinforcing the Ministry of Interior's control over rural populations had some basis in fact. But many

³Non-consumptive services that woodstocks can provide include buffering soils against wind and water erosion, enriching them through recycling nutrients leached deep into the soil, enhancing water infiltration, providing habitat for wildlife, shade for humans and animals, etc. (Thomson, 1977)

of the cantonal jurisdictions in the country still represented, in 1958, semi-autonomous collectivities enjoying considerable support among their inhabitants. While some of the indigenous ruling families had been replaced by those with no traditional claim to the office, others retained their hold and their legitimacy. The blanket suppression of all Malien cantons suggests that the real purpose was to eliminate potential sources of resistance to state policies the Keita regime was already contemplating in its drive to achieve rapid economic development in Mali.

In tandem with efforts to eliminate opposition, the Keita regime took for its own, as the successor regime and representative of an independent state, the colonial assertion of imperial property rights to all lands judged to be *vacantes et sans maîtres* (unoccupied and ownerless). These formal claims ignored the realities of local production systems in many areas, where long duration fallows provided an economically and ecologically appropriate means to preserve and enrich relatively poor soils. Land fallowed for a decade usually carried a fair cover of woody vegetation, as natural regeneration processes recycled nutrients and built up soil fertility. Nonetheless the state's formal claims could be and were made binding when a state administrator saw some purpose or advantage in doing so.

Similarly, the French forestry code, made applicable throughout French West Africa (*l'Afrique Occidentale Française*) by a simple administrative decision, the *Décret* of July 4, 1935, asserted formal state ownership of vast tracts of land under woody vegetation (some heavily forested, some covered merely with brushwood). The forestry law stipulated that wood on these lands was a national common property resource under state management. It assigned to the Forestry Service authority to make and modify rules regulating use of the country's forest resources. Field agents were vested with discretion to enforce those regulations.

The Malien Forestry Service shared with other government technical agencies then-current assumptions about their mission and their fellow countrymen. They saw their task as protecting the country's woodstocks from depletion. They viewed their fellow countrymen (and -women) as all too often the depleters of those resources (Thomson and Sylla: i).

Indigenous agricultural production systems used shifting cultivation as the most rational method of maintaining soil productivity. But short-duration cultivation and relatively rapid shifts to new land, which had to be cleared of small trees and brush, clearly destroyed some forest resources. Foresters took the position that rural populations should be seen as enemies of forest resources, and did what they could to mitigate the damage. This incipient conflict was heightened by state development plans.

After independence, the state committed itself to continuing a policy of producing agricultural products, notably cotton, for export. A parastatal, the *Compagnie Française pour le Développement des Fibres Textiles* (CFDT), began to provide chemical fertilizer inputs to farmers engaging in cotton production. Under this new system, lands that would earlier have been "abandoned" and naturally reforested in due course over a twenty-year fallow came under quasi-permanent cultivation. The widespread adoption of animal traction farming equipment led farmers to remove more and more trees from their fields to facilitate efficient and easy use of plows, cultivators and other animal traction equipment. That the CFDT, subsequently nationalized as the *Compagnie Malienne pour le Développement des Fibres Textiles* (CMDT), actively encouraged farmers to adopt these new practices heightened foresters' fears that farmers would eventually destroy all forest resources if they were not checked.

The majority of Malien foresters were ill-trained. The national forestry school, though it lacked staff, training materials and library resources after a UNDP institution building program ended in the late 1970s, continued to issue diplomas to students who simply sat through the four-year training course. The part-time professors who constituted the bulk of the staff frequently failed to meet their classes because of conflicting obligations (typically government duties) or opportunities (usually, consulting contracts).

Forestry school graduates nonetheless found automatic employment in the state Forestry Service until the late 1980s, when the enduring state fiscal crisis began to force changes in guaranteed employment policies in many government agencies. Of those hired, even after the end of automatic placement, few knew much about technical forestry questions. They could operate a nursery to produce a few exogenous species for transplanting, but knew little about the characteristics of indigenous species, nor methods of propagation (indeed, few foresters anywhere at the time had acquired much useful information on that score).

What forestry graduates did have, however, was some training in police work. These skills were honed later on in their professional careers. Foresters received six weeks training in judo, ostensibly as part of their popular outreach program.⁴⁴ Martial arts skills came in handy when foresters wanted to extract collective fines rapidly in a community not particularly interested in paying them.

⁴⁴Interview, Forestry Lieutenant Modibo Keita, Bamako, Mali, September 15, 1982.

From such colonial beginnings, incorporated into the formal legislation of independent Mali, arose a bureaucratic system of forest governance and management. Yet for the first five to fifteen years of independence, depending on the region of the country, this system had little impact on the lives of many rural Malians. The explanation is simple: the Malien Forestry Service had too little manpower to control the country's woodstocks effectively. In consequence, the Forestry Agency focused first on the most heavily forested areas, and only gradually moved into more arid areas where woodstocks were less rich even though just as important in local production systems.

The service's manpower shortage meant that a large number of communities during the 1960s and into the 1970s continued to govern, manage and use local woodstocks as they had previously. In many places the need for management was limited because demand for wood did not exceed supply. Open access was an appropriate solution in such areas because woodstocks reconstituted themselves without human effort. Simple regulations sufficed in other places where communities, confronting a shortage of certain forest products, limited access and use, and established local monitoring systems. Those communities also fixed their own penalties. Community officials applied them when violations were detected.

When foresters began to visit villages regularly, however, the theoretical clash between local and state conceptions of forest property rights solidified into real confrontations. Foresters, guided in part by Forestry Code regulations (Elbow and Rochegude: 38 [Art. 78]),⁵ identified code violations and imposed fines. These official actions usually clashed with local understandings about who should enjoy access and use rights to local woodstocks. As far as peasants were concerned:

- the Forestry Code fosters serious abuses of power (bribe bargains, and even worse, the conversion of every act of pruning trees into a case of "mutilation" which merits a fine).
- in order to exploit the Woodstock legally, users must follow procedures which require inordinate expenditures of time, energy and money, to say nothing of the tendency of these procedures to dampen individual and local initiative in the area

⁵ The 1986 Malian Forest Code was, according to Paul Campbell, an American forester active in Mali from 1985-87, "...a modest revision of the Forest Code of February, 1968, which was essentially a body of laws inherited from the French Colonial Administration" (Campbell: 2).

of environmental management (Thomson and Sylla, iii-iv).

Furthermore, forestry agents deliberately tried to prevent local people from enforcing their own forest governance and management regulations.⁶ Operating in terms of the formal legislation organizing operating procedures in the Malien Second Republic, foresters legitimately sought to suppress any local rule systems that might conflict with the single, uniform, national code system governing forestry management practices.⁷ Foresters operated on the assumption that if they could prevent communities from enforcing their own rules, they would succeed in crushing that form of collective action. As far as management of forest resources were concerned, villagers would then have no one to turn to other than the foresters.

Both when foresters fined villagers for Code violations that the latter considered legitimate harvesting of forest products, and when they tried to suppress local enforcement proceedings, rural populations considered that state agents were violating their immemorial rights. As the situation deteriorated, the antagonistic relationships between peasants and pastoralists on the one hand and foresters on the other increasingly precluded any possibility of a forestry governance and management system based on collaborative co-policing, where state forestry officials would intervene primarily to reinforce local efforts to control access and regulate use. Instead relations came to be viewed solely in terms of dominance of the national code and complete elimination of local access and use control systems.

⁶This practice continues today in many parts of the Fifth Region, despite the nominal and real changes introduced after the authoritarian second "Republic" (1968-91), dominated by a military clique under General Moussa Traore, was replaced by the clearly more democratic third Republic, initiated in 1991 after the overthrow of the Traore regime in March of that year. Interviews with field foresters, Bankass *Cantonnement*, Bankass *Cercle*, Fifth Region, and with Near East Foundation representatives, Douentza, February 1994.

⁷Jack Hayward, *The One and Indivisible French Republic*, New York: W.W. Norton, 1973, p. 18, provides an insightful commentary on the thinking that underlay the effort of Mali's national government to control forestry activities:

National uniformity, conceived as a comprehensive cod of standardized rules imposed on all and sundry by Parisian officials as the guardians of republican virtue, is the keynote of the relationship between the French government and its citizens....The objects of these regulations have no choice except to conform, to "pull strings", to bribe or to revolt."

Legislation in all three Malien Republics is rooted in and continues to be strongly influenced by the French state model.

In the kinds of naked power confrontations that marked foresters' extension of their patrolling activities into communities hitherto autonomous in their use of renewable resources, foresters almost always won. They were armed while farmers were not. Increasingly they had vehicles that allowed them to cover more territory. They appeared robed with state authority and able to threaten application of even greater force in case of local resistance. Thus foresters won most of these confrontations, but they steadily lost legitimacy in the process.

The combination of foresters' almost exclusive emphasis on police work, and their lack of technical information useful to individual farmers or communities interested in increasing their own forest resources, convinced most rural people that foresters were a plague. Two different kinds of data illustrate the point. The first concerns a series of incidents involving indigenous efforts at agro-forestry. In the ex-canton of Bamba, on the southwest flank of the Bandiagara *falaise*, as part of a mixed indigenous-modern system of agricultural water management, villagers in the 1960s developed a series of gardens. These gardens, in addition to producing cotton, tobacco and calabashes, farmers deliberately promoted natural regeneration of fourteen indigenous tree species (*Acacia albida*, *A. nilotica*, *A. seyal*, *Balanites aegyptiaca*, *Tamarindus indica*, etc.).

These trees serve a variety of purposes (fencing, fruit production, firewood, construction wood, etc.). But in order to exploit them, the gardeners would be required to get an official authorization, furnished by the foresters, and to pay for the gas necessary for the latter to travel from Diakabou [20 miles distance] to the site in question, in order for any cutting to be legal.

...The villagers declare themselves able to control the use and exploitation of trees which grow on village lands, if they are actively backed by the administration in case of litigation (Thomson and Sylla: 12-13).

The villagers' sense of their capacity to control access and use contrasts sharply with the foresters' policy of fining those same villagers when they pruned thorny branches from trees (mostly the *Acacia* spp.) they had deliberately left standing in their gardens in order to fence them against roving livestock. People desperately trying to maintain resources as the basis of a production system confronted the real possibility of losing 5,000-10,000 F CFA (at the time, \$20-40 US) every time they tried to shore up that system without official permission.⁸ And the

⁸At the time, rural per capita income in the Fifth Region probably did not exceed \$200/annum.

foresters would certainly have charged 5,000 F CFA for fuel for the round trip, had villagers sought to obtain cutting permits. Thus the transactions costs discouraged people from trying to comply with the new regulations.

The second form of data - a university assignment - describes the daily realities of forestry policing work as experienced by an expatriate forester working with Malian foresters in the Koro Cercle of the southern Fifth Region during a three-year period (1985-87) at the end of the second Republic. It lays out the logic of a rents economy, and its negative consequences:

In 1987 the Malian Forest Service [MFS] had approx. 15 agents to patrol the 300 villages (total pop. approx. 200,000) and 12,000 km² of the Koro Circle. The only way for anyone to 'legally' cut any part of any living tree for wood was to seek out one of the MFS agents and purchase a cutting permit. Anyone who MFS found cutting a tree or transporting wood without a permit was fined 60,000-200,000 FCFA (approx. \$150-600). MFS collects most of the 'fine' money not by apprehending individual offenders but by periodically (1-3x/year) collecting 100,000-400,000 FCFA from each village in what amounted to a heavy wood use tax. To accomplish this armed teams of MFS agents went from village to village. The MFS agents said they knew the villagers had been cutting wood illegally - given the way MFS Koro interpreted the law this was always true - and threatened to make a house-to-house search for illegally cut wood. The villagers' option was to take up a collection and pay a single lump sum fine for the entire village. The villagers do not want the despised MFS agents in their homes and the MFS agents sense that type of search might push the villagers too far. The bargaining session that ensues may take several hours. The amount agreed upon reflects the skill of the negotiators on each side, the size of the village, the abundance of the last harvest, the MFS agents' need for money, and whether MFS views that village as cooperative or rebellious. The villagers determine among themselves how much each family contributes to the sum to be paid to FMS. In terms of assessing how much money can be extorted from a given village at that particular time, this type of bargaining session is far more suitable than a painstaking search to determine how much of what kind of wood had been cut 'illegally' by whom since the last visit of an MFS team. The latter type of enquiry would yield no information useful to MFS; a thorough search would reveal so many infractions that the villagers could never be brought to pay all the fines.

The point of this type of MFS forest police work is to extract a sustainable harvest of money from each village, not to punish each instance of 'lawbreaking'. The villagers view these periodic, unwelcome MFS visits as tax collection. Having paid their 'tax' they logically feel that they are entitled to cut some more wood without obtaining permits. Thus, the number of trees or branches cut is not reduced by this 'taxation'. If reduction in tree cutting is the goal of the forest police work it fails completely. If the goal is to generate revenue to reinvest in agroforestry and natural forest management to insure a continued wood supply for that village here too the forest police work is an abject failure: the MFS Koro office annually sends 30-40 million FCFA (\$100,000-130,000) collected from fines and permits to the national Forest Fund in Bamako and never again sees any of it (Campbell: 10-12).

The extent to which rural people in Mali despised foresters became apparent in the weeks following the overthrow of the Traore regime. Foresters, along with customs agents, were singled out among all categories of civil servants as objects of widespread popular retribution. Many were dragged from their houses and harassed by crowds; angry citizens reportedly lynched three of the worst (Thomson and Coulibaly, 21).⁹ In the aftermath, most foresters, thoroughly and understandably frightened at being targeted by aroused citizens and afraid that more and worse might follow if they began patrolling again, remained in their offices for some months. These events took on a critical political aspect: they set the stage for the flourishing of autonomous efforts by local communities to contest state property claims to local forest resources, reassert control over "their" woodstocks, and to govern and manage them.

Before turning to these efforts, a summary of the results of the state system will be helpful. The forestry management effort mounted by the Malian forestry service must be characterized as both inefficient and inefficacious. By relying entirely on its own personnel to enforce Forestry Code regulations, the service consistently failed to enlist the support of resource users in co-policing and co-management of the country's woodstocks. Popular participation in governing and managing forests could be had at almost no cost. But assumptions that neither peasant farmers nor herders could be trusted precluded this option.

⁹Rural people were however, quite selective in selecting targets for violence, and nuanced in how much they applied. Furthermore, at least one community actually turned out en masse to *protect* a forester whom they considered to be rigorous but scrupulously fair in his application of the forestry code. Interview, Maman Diakit , Douentza, February, 1993.

The inefficacy of the resulting state-based system, when viewed from the perspective of local users of woodstocks, was flagrant. Foresters assert, correctly, that they did achieve reasonably adequate firewood supply systems for urban areas, for instance, but these systems have been highly predatory and non-sustainable. Once commercial woodcutters have cleared an area they move with no effort or profit invested in renewing the Woodstock. The Forest Service lacked the budget, as well probably as the technical expertise, to ensure Woodstock renewal. Thus Mali's forest resources have been shrinking, and not only because a growing population has led to extensive land clearing.

The state system failed to take account of users' interests. Indeed, it made almost no attempt to ascertain what those interests were since foresters considered farmers and herders to be enemies of forest resources. Most large-scale tree plantation schemes in Mali were undertaken by parastatals and projects; and the Forest Service did little to promote more micro-level forest regeneration activities.

The state forestry system, based on Forest Code provisions, rather fostered corruption than deterred it. Lack of trained and disciplined manpower made it practically impossible for headquarters staff to control corruption among field officers. Indeed, Forest Code provisions emphasizing rebates on fines for identifying infractions and for obtaining convictions positively invited poorly paid field staff to enrich themselves by accepting bribes at half or less the amount of fines prescribed for Code violations.

These drawbacks in the existing system have promoted reforms, to which we will turn after having considered the alternative of community-based forest governance and management.

C. Tibouki: Community-Based Forest Governance and Management¹⁰

In the Fifth Region during the waning years of the Traore regime, several non-governmental organizations (NGOs)¹¹ spear-headed the effort to encourage villagers to intensify their forestry and agro-forestry activities. These efforts sought to legitimize system of decentralized governance and management of forestry resources. A single case, that of Tibouki village, will illustrate the major principles and organization of these local

¹⁰Unless otherwise noted, material in this section is drawn from Thomson, 1994.

¹¹The most prominent of these NGOs initially were the Near-East Foundation, in the Douentza Cercle, CARE, International in Koro Cercle; and subsequently SOS Sahel in Bankass Cercle; others, such as OXFAM, Save the Children U.K. and Africare joined these activities somewhat later.

Woodstock governance and management efforts. Case materials are organized in the framework frequently used in discussion of common pool resource management issues (Oakerson; see also Ostrom).

Tibouki village lies in Boré Forest, south of the Douentza-Mopti road in Mali's Fifth Region. The Forest occupies much of the area between the road and the Bandiagara Plateau, and is shared by thirteen villages located either within or near its borders. The first settlers founded Tibouki atop the Toundoufere plateau, which rises out of the plain like an island separated from the Bandiagara Plateau to the south. Villagers survive, in an arid environment, by skilled operation of an agro-silvo-pastoral production system based on culturing valuable trees, farming millet and sorghum, and animal husbandry. Domestic livestock get most of their sustenance from grasses and browse found in the adjacent forest.

Many village men harvest firewood to earn needed cash. But extra-village demand for firewood is so great that some cutters (locals as well as non-residents) will harvest green trees to meet it. If this trend were to continue, Tibouki's forest resources could well be exhausted early in the 21st century.¹² But Tibouki people also use forest products on their fields and in their section of Boré Forest as subsistence inputs to their production system. To anticipate the argument, *the diverse benefits they draw from the forest motivate them to use it in a sustainable manner.*

1. *Characteristics of Forest Resources*

Tibouki's woodstocks fall into two categories: (1) field trees easily visible from the village, and (2) all others where surveillance is more difficult. Trees and bushes subject to easy surveillance have the attributes of *private goods*, i.e., it is relatively simple to control access to them, and *consumption of their products is subtractive*. Villagers who invest in protecting these *easily visible* trees run little risk that anyone will steal the fruits of their labor. Because demand exists for the products of these trees, people have incentives to culture them. Such investments are both productive and secure.

¹²For information on other forest products and uses, see Thomson, 1994: 7-8.

Relatively simple institutions (ownership rights)¹³ will sustain them.

The second category of trees, those located in the forest too far from the village for easy (nearly costless) surveillance, have the attributes of *common pool goods*. In other words, it is more difficult to control access, while consumption of products is subtractive. This means that anyone who cultures¹⁴ these trees makes a **risky investment**. Trees produce desired products (wood, leaves, fruits), but those who culture have no guarantee they will reap. Non-resident woodcutters may harvest trees without community authorization. Because trees in this spatial context have the characteristics of common pool resources, *and despite the fact that people value them, they have little incentive, as individuals, to invest in reproducing such trees*. To ensure sustainable use of these resources, more complicated institutions are necessary. Before describing these institutions, we briefly review Tibouki's characteristics as a community.

2. Characteristics of Tibouki Community

Social capital "is the shared knowledge, understandings, and patterns of interactions that a group of individuals bring to any productive activity." "The norms, rules, and patterns of mutual expectations and commitments that individuals develop are the most important forms of social capital..." (Ostrom, 1993: 3, 9). The social capital a community brings to the resolution of a given problem derives from several factors: shared history, common or diverse ethnicity, shared or distinct languages, kinship forms, character and strength of religious beliefs, spatial relationship to surrounding communities, success or failure in solving other problems, and so on. Tibouki residents share much institutional and social capital; this facilitates their efforts to govern and manage local common pool woodstocks.

¹³Simple to conceive, but often much more difficult to implement. Property rights require, if they are to be efficacious, adequate systems of monitoring, unbiased courts access to which is available at low cost, and reliable enforcement mechanisms. It is by no means clear that these conditions are met in many places in Mali, particularly during and after the 23-year-long Traore regime, whose dominant governance strategy consisted of attempting to corrupt as many officials as possible (Coulibaly, 1995).

¹⁴The term *culture* covers everything from planting to marking and protecting, to refraining from overuse.

Tibouki is a relatively traditional village inhabited solely by Dogon.¹⁵ The village was settled in the early 18th century by a group fleeing conflicts that racked Mande areas further west after the collapse of the Songhai Empire at the end of the 16th century. Descendants of the first settlers still inhabit Tibouki. Villagers built a second neighborhood at the foot of the plateau about 1950, after French colonization ended the long period of unrest and Tibouki residents felt secure enough to venture down onto the plain, where they cleared and cultivated new fields.

Despite a reported 250 years of settlement, the village counts only about 500 inhabitants, divided into six extended families. Members of all six families live interspersed among each other, in both the original quarter and in the new quarter, rather than in neighborhoods segregated by extended family.

Tibouki Dogon were formerly all animists. More recently they have converted to Islam, and now have mosques in both the upper and lower quarters of the community. However, interviews suggest that residents have not entirely abandoned their earlier belief system. The magical powers controlled by the oldest males and by their sacred objects are considered to be still intact and effective.

3. *Characteristics of Rules and Institutions*¹⁶ in Tibouki

Local rules and the institutions they establish make up an important part of the institutional capital of a community. The rules that organize interactions among communities, or with overlapping jurisdictions, also form part of the community's institutional capital. We focus the analysis here narrowly on impacts of rules, together with characteristics of Tibouki forest resources and the community itself, in shaping firewood harvesting strategies of individuals and families within the village, and village leaders' strategies. Three types of rules are examined: constitutional rules, collective choice rules, and operational rules governing access and use of Tibouki's woodstocks.

Tibouki's Rules for Constitutional Choice

¹⁵The single exception is a family of Fulbe pastoralists who lost their herd during the 1983-85 drought and have settled near the quarter at the bottom of the hill.

¹⁶Institutions are defined here as sets of rules that influence and organize human behavior. In this sense, the sets of rules that define the terms and conditions of land and renewable resource tenure are institutions. Some institutions are also organizations, for example, public administrations, poetical parties, the congregation of a mosque or a church, and the family.

Community leadership is concentrated in six offices. They include two village headmen, both referred to as "chief," one of whom handles political affairs, while the other - the *anapie* - governs religious matters. The others are council members.

Political Chief

The national administration considers that Tibouki has a single village chief. Colonial officials created this post during the French occupation. The political chief always comes from the Delaba family. He also represents the Toloba family - Delaba allies - and heads the community council. Four councilors, each representing one of the other extended families (Assulaba, Soulaba, Kossuba and Kossiba), constitute the remainder of the council.

The *de facto* village constitution¹⁷ grounds intra-village organization on the six extended families as major building blocks. This provides an efficient mechanism for structuring discussion, governance and communication. Each family chooses its councilor, usually the oldest competent male, when a vacancy occurs and for a life term; the same holds for the political chief. Family members, guided by the eldest males, have strong incentives to select effective councilors, as the latter mediate their participation in the public affairs of the community.

These recruitment rules use kinship ties to reinforce the responsibility each representative feels for the welfare of those he represents. Normal solidarity within an extended family tends to discourage him from abusing his power. The councilor position normally rotates through the various units of the extended family as one incumbent after another dies. This system motivates each councilor to govern in the interests of the entire extended family, and discourages him from favoring members of his direct nuclear family: when he dies the post will likely pass to another nuclear family. If he councilor were to abuse his office, his nearest kin might suffer after his death at the hands of the new councilor.

Religious Chief

The *anapie* is the traditional office of village-wide leadership in Tibouki. While no longer a political office, its

¹⁷That is, the set of *locally-accepted*, fundamental rules defining who is a member of the village, how officials are selected for office, their mandates, controls governing their exercise of power, etc. In Tibouki, these rules combine local, pre-colonial arrangements and a set of external rules concerning the "political chief" imposed during the colonial era. At present outsiders ignore or refuse to accept many local rules. Nonetheless, from the perspective of Tibouki residents, these fundamental rules form the local *de facto* constitution.

incumbent is important in terms of organizing and regulating harvesting of natural resources (Dennison et al., 1992: 46).

The Tibouki constitution also provides for creation of intra- village units of governance or special districts to deal with interests of particular groups and with special issues. Two points stand out about Tibouki's constitutional approach and capabilities as a community:

- a practical commitment to the constitutional principle that **power divided is a good thing**, and that **checks and balances are essential elements** in local governance; and
- **ability to create new institutions** to accommodate new conditions, constraints and opportunities.

Rules for Collective Choice

The chief and councilors make community collective decisions. Elders of the extended families take part in the discussions before decisions. Anyone can submit an issue for public discussion. After debate, council members decide by consensus. Councilors and chief then communicate the decision, each to his extended family, or in the chief's case, jointly to the Deleba and the Toloba.

Council members also function as a local moot. They hear and if possible resolve disputes between villagers, as well as conflicts between Tibouki residents and outsiders occurring within the village jurisdiction. Disputes they cannot resolve they take - reluctantly - to the *arrondissement* for settlement, as they did to the canton chief at Boré, before his office was suppressed in 1958.

Tibouki Special District for Forestry Governance and Management

Until about 1972, when the Malien Forestry Service established a forestry post at Boré Forest, Tibouki maintained an institution to monitor and manage its part of the forest. This local governance unit created rules regulating access to and use of forest products, set penalties for rule infractions, organized patrols to monitor use and apply and enforce rules. The unit relied on the village moot to resolve disputes. At the urging of the Near East Foundation (NEF)¹⁸, Tibouki council in 1992 revived this special district for forest governance and management. The

¹⁸An American non-governmental organization active, among other places, in Douentza *Arrondissement*.

village has also joined, for the same purpose Walde Kelka¹⁹, a supra-village federal special district that now includes all thirteen communities located in and around Boré forest (Diallo, 1994: 1).

Constitutional and Operational Rules Governing Forest Use

Constitutional rules incorporated in Tibouki's forest governance and management district are simple but effective. The district constitution applies the principle of checks and balances incorporated in the village constitution. The forest committee, selected after village-wide discussions organized by NEF staff, contains thirteen members. Of the six extended families, five contributed two members and the last, the Kassouba, contributed three. Each family chose its representatives in accord with its own criteria. All are male, between 25 and 50 years of age, and all cut firewood commercially in the forest. This suggests choice criteria were *active males thoroughly familiar with and involved in the local firewood production system*. One can speculate that family members wanted wood cutters enabled by current knowledge to control the trade and motivated to prevent illegal cutting to protect their own interests. Making them district officials probably reduced the likelihood that they would themselves violate rules by exposing them to extended family social pressure.

The third individual from the Kassouba family is that family's representative to the village council. Here again checks and balances appear. The Kassouba, a non-chiefly lineage, provide the forestry committee head, rather than the chiefly Deleba family. The committee's main job is to monitor forest use and enforce Tibouki village regulations. The village council and the elders of each extended family set the rules after public discussion. The Kassouba councilor communicates the rules and any changes in them to committee members. The committee does not make rules; but it has full operational responsibility for applying them. Committee members make major decisions collectively, by consensus. They rely on the Kassouba councilor to advise and assist them.

Operational rules, that is, rules regulating access to and use of Tibouki's part of Boré Forest take two forms:

- *substantive operational rules* governing access to and use of the forest, as well as penalties for infractions; and

¹⁹*Kelka*, meaning "unique", is the indigenous Fulfulde name for the zone. *Walde* denotes the "assembly" or "association" of *Kelka* (Diallo: 1, 3).

- *procedural operational rules on monitoring, application of substantive rules, and resolution of disputes.*

Substantive Operational Rules

Discussion here is narrowly restricted to firewood harvesting in the forest.²⁰ Substantive operational rules address three distinct points: access control, forest product use, and penalties for infractions. Tibouki rules run counter to Forest Code rules, particularly concerning access. The former treat Tibouki's section of Boré Forest as a *community common property good*, subject exclusively to community governance and management. By contrast the Forest Code treats all Mali's woodstocks as a *national common property resources*, subject to national regulation.

Access rules. Tibouki rules firmly limit access to forest resources. Using green wood is flatly prohibited. The base rule on access specifies that villagers can cut dead wood for firewood when they wish, but non-residents can only cut dead wood in the forest after authorization by the village council. People from nearby communities can harvest dead wood for sale in exchange for a 1,000 FCFA permit issued by the council. The village council deliberately set the price low to permit small operators to participate in the trade (Dennison et al.: 48). All other non-residents are excluded. By contrast the Forest Service rules provide that any *Malien* who purchases a firewood cutting permit (typically at 6,000 FCFA for the scale of cutting involved here) can harvest wood as s/he chooses in non-classified forested areas.

Penalties for infractions of village firewood rules. Those who illegally cut firewood lose the wood they have cut as well as their axes. They are also fined, usually 2,000 FCFA. Those who resist the initial amount end up paying 2,500-3,000 FCFA.

Disposition of fine monies. Monies collected by the patrols are kept by the committee treasurer until the village council decides what to do with them. When enough money is accumulated any resident can propose that it be spent for a public project within the village. For instance, in 1992 when locusts threatened local crops, the village council used treasury funds to buy insecticides. This creates an incentive for residents to support the system.

Procedural Operational Rules and Dispute Resolution

²⁰For discussion of substantive operational rules concerning harvesting of timber for personal use, non-timber forest products, cattle track use and maintenance and land clearing, see Thomson, 1994: 16-17.

Composition of monitoring teams. To monitor and enforce rules, committee members divide into two six-person teams. Each includes a representative of each extended family. This checking and balancing strategy speeds dissemination of information about committee activities. Each family has a representative who serves as a witness and can give family members a first-hand account of monitoring and dispute resolution. Intra-village communication is both rapid and, if families have chosen well, accurate. The mutual controls inherent in this institutional design sharply reduce teams' temptations to make unfair decisions concerning residents.

Organization of monitoring activity. The institutional rig against biased judgements is important because monitoring targets residents' behavior in the forest as well as outsiders' actions. Secretly committee members fix a day to patrol for violations. They monitor all village lands, especially the forest. Committee members depart at 8 a.m., form two groups at a pre-arranged point, meet at noon at another pre-arranged point to exchange information. After the afternoon patrol committee members meet again at dusk to sum up the day's work and fix the date of the next patrol.²¹

Detection methods. Committee members say that, if they could not find a culprit, council members would help. Nominal Muslims, council members would use fetishes to punish the individual by supernatural means. As many outsiders as well as community members believe this occurs, it deters behavior illegal by local rules.

Analysis of three major types of rules - constitutional, collective choice and operational rules - involved in governance and management of Tibouki's forest suggests a careful crafting of regulations concerning selection of leaders and organization of rule implementation measures. *The principle of dividing power and checking power with power* is applied consistently in Tibouki. Regular application of this principle implies it is deliberate policy rather than coincidence. In any case, the evidence strongly suggests Tibouki residents are quite capable of governing themselves as well as managing their Woodstock resources.

4. *Resource Users' Strategies and Interactions with Monitors*

²¹Tibouki people worry as much or more about pastoralists destroying green trees to get forage for their animals as they do about outsiders cutting firewood. Committee members patrol weekly when transhumant herds are moving through the forest, and irregularly in periods of lower danger.

We examine now how Tibouki forest users respond in light of three types of incentives: (1) characteristics of Woodstock resources as economic goods; (2) nature of the community; and (3) attributes of local rule systems.

Users of Tibouki forest fall into two classes: residents and non-residents. As controlling access to the forest is difficult, all users are tempted to violate rules in exploiting resources. Resident and non-resident wood cutters may harvest without local authorities' permission or use illicit harvesting methods.

Four methods minimize these temptations: clear rules and procedures authorizing harvesting of forest products by legal means; social cohesion within the village; human monitoring; and human and supernatural enforcement. To remain a village member in good standing, each resident must be seen to abide by the resource rules the village council has established. Social pressure to abide by these rules is powerful, given the tight-knit character of the community. Unpredictable but relatively regular monitoring of forest use by committee members provides a second marked deterrent to cheating. By intensifying patrols the community system ups the risks in comparison with Forest Service efforts. Instead of a cursory bi-monthly visit by one or two foresters, twelve locals monitor on an as needed basis. Risks of being punished once caught have also risen. The institutional design of Woodstock monitoring arrangements sharply reduces opportunities for local guards, compared with foresters, to engage in corruption. The belief of many residents and outsiders that village leaders can use occult powers to penalize violations that would otherwise go unprosecuted raises likelihood of sanctions in their minds to virtual certainty. Violators can no longer expect to get away with something at others' expense, eliminating temptations to cheat "because everybody does." Both self-interest and social cohesion foster residents' respect for local rules.

Committee members affirm the new monitoring and enforcement system works as well as one the foresters suppressed, and say that Tibouki people support it. Users from nearby villages respect Tibouki forest, and residents' right to control access and use. Committee members report they initially caught equal numbers of villagers and non-residents violating forest rules. Thus far no one accused of violating Tibouki RNR rules has in the end refused to pay penalties assessed, though some at first resisted and ended up paying more. Compared to the period without local patrols, members have noticed an overall reduction in violations, and fewer violations in which they were unable to catch the culprit.

Interaction with the Forest Service has ceased. No Tibouki villagers have solicited firewood cutting permits since the fall

of the Traoré regime in March 1991. When outsiders come to Tibouki with a firewood cutting permit issued by the Forest Service, patrol members prevent them from harvesting wood. Foresters do not even come to Tibouki, much less volunteer technical advice. Local people feel that Tibouki's institutions for governance and management of its common pool forest resource function well. Woodstock conservation is now once again possible, and without the intervention and expense of external policemen.

In summary, when community-based forest governance and management systems approach the performance levels achieved in Tibouki, they can be considered highly efficient, reasonably effective, responsive to users' interests, and well designed to minimize corruption. The only major drawback at the moment in these systems is the lack of positive interaction with the Malian Forestry Service. Were a relationship of mutual trust to be established between foresters and users, it seems reasonable to expect that users might turn to foresters for assistance in increasing the productivity of their woodstocks. While few state foresters have, at present, the technical knowledge necessary to help people improve woodstocks using indigenous species and low-cost methods, once demand for such information is articulated, foresters might well begin to seek technical information that would allow them to be responsive to users' felt needs.

D. Community-Based Forestry in Mali: Enabling Environment and Feedback Effects on Efforts to Induce Democratic Governance

1. Enabling Environment

The contemporary enabling environment for community-based forestry in Mali may have improved somewhat with passage of a new forestry law (Loi № 95-004 of 18 January 1995) and a first law on decentralization (Loi № 93-008). Yet despite the proposed shift of power from the national government to the new sub-national jurisdictions mandated by the decentralization law, skepticism is justified. In the first place, neither law has yet been implemented by the usual ordinances and decrees.²² Until the decentralization law converts/creates existing administrative jurisdictions - the *arrondissements* and the *régions* - into new political jurisdictions with elected leadership, control over resources is to be exercised by the administration authorities (Art. 98, Loi № 95-004).²³ This transfers the formal locus of control from foresters to line administrators, but it does not in

²²Telephone interview, Chéibane Coulibaly, October 31, 1995)

²³The existing intermediate units, the *cercles*, are to be eliminated, while the number of regions is to be substantially increased. Telephone interview, Chéibane Coulibaly, 31 October 1995.

any sense empower communities. At present, elections for decentralized jurisdictions are expected to be held sometime in 1996.²⁴ If this timetable is respected, the projected transfer of authority should occur within a year.

Two other reservations can be raised regarding the two laws, beyond potential delays in implementation. Both occasion concern about the extent to which the approved but as yet unimplemented changes will modify the enabling environment for greater local initiative. The first objection turns on the policy decision, incorporated in the decentralization law, to refuse to recognize communities as autonomous political entities. Instead, communities are to be grouped into *communes*, each of which will contain between ten and fifty villages. The explanation of the decision to create communes as the base political unit rather than rely on existing real units - villages and pastoral *fractions* - is based in part on the presumed incapacity of local people to carry out basic government functions such as organizing elections and collecting taxes (Benjaminsen: 19-20).

Such statements reflect either the power of a statist political paradigm in shaping administrators' thinking, or striking ignorance of how Malien communities function. These statements demonstrate paradigm power if they are intended simply to justify maintaining elite control over the political system. This appears to be the case in Mali, particularly when seen in light of the consistent commitment to the principle of central government oversight of all significant decisions that has persisted from the time of the first Republic (see below).²⁵ The Malian system, as National Director of the Ministry of Interior noted:

In effect, since its accession to independence, our country has provided itself with constitutions which consecrate a distinction between power to legislate and the power to regulate. Upon analysis and in each case, it is the former which is circumscribed and limited, while all the rest of public life is ruled by means of regulations (and thus by administrative means), with the exception of the regulatory and control power entrusted to the judicial institutions (Sow: 13).

²⁴Chéibane Coulibaly, telephone interview, October 31, 1995. These proposed elections are now scheduled nearly a year later originally.

²⁵Other scholars make a comparable argument but explain regime officials' resistance to any real transfer of power on the grounds of their objective interest in maintaining a situation of centralized power and control which directly serves their economic interests (Fatton: 79-85).

Ignorance may underlie such assertions in certain cases. Those who make them apparently have no knowledge of the fact that in the country's cotton and rice farming areas, peasant communities have prepared formal budgets, mobilized monies to finance the items contained therein, expended funds and controlled those expenditures for several decades at a minimum. Communities in other parts of the country have similar experience in debating and deciding on public activities, mobilizing funds locally to finance them, and executing their projects. Experiences of this type are well documented throughout the Sahel. Villagers in Chad committed to obtaining education for their children, for instance, have mobilized tremendous amounts of money - *with no state assistance whatsoever* - to finance all aspects of primary school operation (Fass). People have selected leaders locally for years, and could undoubtedly learn to conduct elections in accord with the state system if given the opportunity.

The disadvantages of creating entirely new jurisdictions (many *arrondissements* are expected to be divided into more than one *commune*) rather than using existing community units, at least as far as governance and management of renewable natural resources are concerned, is that it flies in the face of the principle of *subsidiarity*. That principle stipulates that the smallest unit capable of dealing with an issue should be allowed to handle it, without interference. A corollary suggests that the smallest units should be allowed to call on larger units for assistance when a problem exceeds their capacity (Millon-Delsol). Clearly basic jurisdictions should be allowed to collaborate with each other when the need arises.

The case study presented in this paper, as well as others from other parts of the Fifth and Third Regions (Toure et al.; Dennison et al.; Benjaminsen: 21-22), indicate that most communities are quite capable of governing and managing their own forest resources. Yet Mali's decentralization policy, in conjunction with the new forestry law, fails to build on this local institutional capital and in fact, undermines it.

The new forestry law (Arts. 51, 53) transfers control over some forestry resources formally designated as *domaine forestier national* (national forestry domain; Arts. 2, 24) to the decentralized collectivities, but not to the communities that compose them. Indeed, the new code provides that the *commune* - the lowest level political unit recognized under the new law - will govern and manage resources for its constituent communities. Yet it is the communities and the pastoral *fractions* that have over long periods demonstrated an interest in resource stewardship and a strong desire to regain control of their resources (Thomson and Sylla: 2-3 [Rimaïbe], 3-5 [Dogon]; 5-6 [Kel Dokore/Touareg]; 6-7 [Kel Tamasheq]). In the aftermath of the 1984 drought, ten Fulbe pastoral communities specializing in

goat herding organized a forestry protection unit to prevent abusive pruning of woodstocks on their lands and applied sanctions to all violators, whether local or transhumant, in

clear violation of forestry code regulations (Thomson and Sylla: 7-8).²⁶

Nothing in the code prevents a commune from respecting the principle of subsidiarity and authorizing communities to govern and manage their own forest resources. However, as the value of these resources is significant in many places, *commune* officials will have strong incentives to retain control of them if they can, as sources of revenue for the commune. Given the untested forms of accountability that are to be applied in these proposed jurisdictions, the potential danger cannot be discounted that these resources may be squandered in some places on public activities of little value, or sold off in deals that enrich commune officials. Incentives encouraging serious stewardship of renewable resources are likely to be greater at the community level than they are within entirely new jurisdictions composed of a large number of communities, members of which may have very little experience in working collective.

The second objection highlights the national government's continued reliance on the concept of *tutelle* (oversight) to reserve for itself final say over the initiatives of decentralized collectivities in all areas, including Woodstock governance and management (Benjaminsen: 18). *Tutelle* authorizations in the new Forestry Law (notably Arts. 52, 54, 55-56, 58-59) impose non-negligible transactions costs on the decentralized collectivities in the form of various requirements they must meet before they can exploit their forest resources. These *tutelle* articles are likely to reinforce the probable lack of interest of *commune* governments in transferring to communities control over their own forest resources.

These *tutelle* articles, in addition to those imposing obligatory and optional conservation measures (respectively, Arts. 52 and 53), make exploitation of forest products contingent on creation of a management plan and its approval by the collectivity's assembly. But the law reserves to the Forest Service an effective veto over each plan as the Service must propose it to the assembly. When one considers that the Forest Service is not likely any time soon to have sufficient numbers of foresters trained to be able to develop management plans for natural bush areas - few have had relevant experience with the

²⁶However, as remarked in the quotation at pp. 8-9, above, during this same period other forestry units in other *cercles* of the same Fifth Region were operating a system similar in part to a *mafia*-like shake-down racket based on a system of collective punishment.

silviculture of indigenous species - this provision would appear to pose a serious obstacle to *commune* governance and management of local woodstocks.

The new forestry law in effect continues the Forestry Service's effort since colonial times to undermine local control systems. It reserves to foresters as sworn officers, whether of the state or the *commune*, sole authority to sanction infractions of the code. It maintains the previous system of rebates on forestry fines for the officers who identify infractions and process them (Art. 96).

Community Woodstock governance and management rules cannot be legally enforced as they have no legal standing: the communities that create them have not been recognized by the state as autonomous jurisdictions with authority to regulate conduct concerning Woodstock resources on their lands (Toure et al.: 9, 12, 38). Villagers who want to impose punishments for violations of community rules must contact a forester to have him/her initiate legal proceedings. Proceedings can only be initiated if the infraction of local rules complained on duplicates a rule contained in the official forestry code.

2. *Community Forestry and Democratic Governance in Mali*

The foregoing discussion suggests that community-based Woodstock governance and management could make an important contribution to consolidating democratic governance in Mali. As Alexis de Tocqueville pointed out more than 150 ago, local government is the most effective "school of democracy" every invented:

...municipal institutions constitute the strength of free nations.. Town meetings are to liberty what primary schools are to science; they bring it within the people's reach, they teach men how to use and how to enjoy it. A nation may establish a free government, but without municipal institutions it cannot have the spirit of liberty (de Tocqueville: I, 63).

The New England townships to which de Tocqueville referred in this passage usually counted a population of 2,000-3,000 inhabitants. By this standard, many individual Malian rural villages would qualify as "townships" or, in Malian government terms, *communes*. Others, in groups ranging from two to four or five and based on grounds of historical affinity, would aggregate sufficient population to constitute a *commune*. In such situations, the likelihood is much greater that residents would live sufficiently close together to be able to contact each other easily. That is not the case when the minimum size of *commune* is ten villages, much less when it is 50.

The issue of maintaining woodstocks is perceived as a critical issue in most Malian rural communities because production systems, cooking, heating and other activities depend on their continued existence. Communities have organized themselves to ensure stewardship of their resources. The creation of rules and the mobilization of the (human) resources to monitor compliance with them, apply them in cases of dispute, and enforce them provide repeated opportunities for rural people to occupy governance offices, exercise their functions, cope with the problems of self-governance, learn to collaborate effectively with similar jurisdictions at their own level (as do the villages of Walde Kelka) and obtain police and technical assistance from state agents in case of need. If villagers were legally allowed to proceed in this manner, the intensity of forest surveillance, and the near certainty of reasonable sanctions being applied in cases of infraction, would predictably lead, as in the village of Tibouki, to far fewer violations of Woodstock management rules.

The Malian decentralization and new forestry laws do not however take advantage of these opportunities. They do not recognize each community as an autonomous political entity with authority to make, invoke, apply and enforce its own rules for Woodstock governance and management, and to covenant with neighboring communities to achieve effective systems of Woodstock stewardship. In effect, they reject the opportunity to create a dozen offices (patrol members and a link with village council members) in each community. Instead, while they allow and encourage villagers to organize to provide surveillance of their forest resources, they make them dependent on professional foresters for any enforcement. When the transactions costs involved for villagers in tracking down a forester and getting the individual to travel to the community (probably at the community's expense) are figured in, it is to be expected that most villages will decide the game is not worth the candle.

Tension persists in contemporary Mali between two different paradigms of political order - the statist top-down paradigm in which elite control is the essential element, and the popular bottom-up paradigm based on the principle of subsidiarity. This is not surprising, given the stakes. This paper has illustrated this political struggle using an example drawn from the renewable natural resources sector, that of Mali's woodstocks.

Third Republic political leaders and forestry technicians have strong incentives to retain control of the country's woodstocks. Local communities, dependent on those woodstocks for their survival and objectively skeptical of foresters' capacity or interest in maintaining woodstocks on community lands, are just as strongly motivated to wrest control of this vital resource from state officials. How this struggle is resolved will be symptomatic not only for the capacity of Malian communities to address their own problems, but for Malian democracy.

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Governance is defined here to mean the way power is used to make and implement collective decisions, enforce rules and resolve conflicts. It is a neutral term. Human beings have used and continue to use many systems of governance, ranging from highly authoritarian to highly democratic. *Four basic principles of democratic systems of governance* are: "(1) balancing power with power at multiple levels; (2) monitoring official performance, and holding officials accountable to citizens by a variety of rule-based mechanisms; (3) accepting conflict as an important indicator of problems, and reliance on fair methods of mediation, deliberation, and adjudication to reach sustainable resolutions; and (4) vesting citizens with enforceable constitutional rights" (Ostrom, 1991) A democratic system of governance must respect these principles if it is to maintain its capacity to continue solving problems over the long haul.

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TO: FILE
FROM: JAMIE THOMSON
RE: ASA PAPER

ORIG: 15:13 Thursday, 19 October 1995
REV: 15:05 Thursday, 9 November 1995