



Managing pluralism: subsidiarity and patrimonial mediation

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Devising strategies to involve multiple partners in sustainable forest management: examples from Africa.

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[Accommodating multiple interests in the Niger: a forester meets with cattle breeders](#)

In the precolonial period, pastoralists usually had customary control of forest areas and resources in Sahelian Africa. As colonies were established, traditional usage was swept aside and colonial forest law was modelled on the forest laws of the colonizers' own countries. The assumption of state ownership of "vacant and ownerless land" amounted to a form of expropriation, with responsibility for management of the rural population's land and its resources being taken out of its hands. The state then set up a forestry service entrusted with forest surveillance and management.

Official attitudes are still heavily influenced by this approach, and each forester sees his or her task as that of ensuring steady timber yields, while protecting forests from outside aggression. This has led to the development and adoption of a model of forest management that recognizes only one actor in forest management (the state), and concentrates on managing the timber resource, despite the fact that grazing, game, gathered grass, etc., are often explicitly listed as forest products in forestry laws in Sahelian countries.

The rediscovery of pluralism with regard to forests

In recent decades, African forestry services have no longer had the resources to maintain this policy under which certain groups were prevented from using forests and offenders were punished. The idea that management might involve others as well as forestry officials took shape. This situation, together with greater understanding of the many close links between the rural population and forests, has helped to develop a community-based approach to forestry and, in more general terms, the participation of local people in forest management (FAO, 1991).

The wide range of forest uses has been increasingly recognized. While game, grazing, and wood to meet the need for timber and domestic fuel are the best known - if not necessarily the most important products, forest use in tropical zones is very varied (poles and posts, ground and shrub forage, honey, medicines, bushmeat, nuts, leaves, gum, stubble, matting, basketwork, etc.) (FAO/CIRAD/SLU/SIDA, 1997). This range of uses leads to conflict between the various users who have different ways of life and view forests differently. Forests mean different things to different peoples, and the concept varies from one category of individual to

another, sometimes even in the same place.

Apart from the existence of this wide range of uses, the human groups connected with forests also have a wide range of frames of reference and all see forests differently.

The variety in local situations is thus a result not only of this complexity - a whole range of economic and social actors in local life, and of physical conditions in terms of natural environment and climate - but also of the diversity of existing resources and the uses to which they are put. It is extremely unusual for a single area to have only one use or one user, or to be used for only one period of the year, and the opposite is more generally the case: a combined plurality of simultaneous and/or successive uses by different users, each of whom is subject to precise rules regarding access and use, and may or may not have management or decision-making power over the resources of the area in question. If each user is to pursue his or her activities, the range of methods of use and rules of access to resources means that there must be generally accepted rules, specifying the powers, responsibilities and rights of each individual or group. The actual situation is far removed from any simplistic view that would merely draw a distinction between private and common property, or confuse common property with free access. It would seem impossible to adopt such a system of rules without proper negotiation between all the parties concerned. The whole problem is thus bound up with the wide range of objectives and the often rival strategies of the parties. When these various "agendas" clash over renewable forest resources, it often leads to a "tragedy of the commons" (Weber, 1994).

Forests cannot be isolated from the rest of society. Forest areas are particularly affected by land use policies - as was seen in the past (colonization, independence) and is being seen today with democratization or decentralization policies in many countries.

Managing pluralism

How should the wide range of actors, uses and often conflicting and incompatible interests in the same area be managed? It is not a matter of providing technical keys in order to allow the right decision to be reached, but of facilitating the coordination of actors through a shared decision-making process and the development of a decentralized management style supported by these actors. Pluralism management can consist in joint decisions as to objectives and the rules of the game.

Redefining the respective roles of the state and civil society in managing renewable forest resources

In many countries, the effort to involve the population in forest management also springs from the realization that state services are incapable of ensuring forest surveillance. Control by the people concerned can be more economic and efficient than government control. Local management of renewable forest resources can be one solution to the inadequacy of forestry services' resources, and is one consequence of the political changes now under way (redefinition of the role of the state). However, any attempt to implement a thorough-going decentralization policy would seem unrealistic if the state itself is emasculated. Policies for the local management of renewable forest resources and decentralization mean that the state has to fulfil all its roles as referee, economic decider, supervisor of actions and their effects, and planner of actions in the framework of land use planning. Local management of renewable resources, especially forest resources, means that the state has to provide the structural instruments for orientation and development that are crucial if the rural population is to meet its new responsibilities.

The attempt to devise a situation of 'less but better state' by confining its tasks to those of control, guidance, supervision and maintenance of order may mean recourse to the principle

of subsidiarity. In economic terms, subsidiarity aims at effective execution of the tasks entailed by a given policy and a hierarchical level of execution that minimizes economic costs and maximizes social well-being (More, 1993). Responsibilities should be assumed and decisions taken on the lowest level that is still economically and operationally viable. The principle of subsidiarity also depends on civil society for the accomplishment of certain tasks of general interest.

Moreover, during a period of structural adjustment and drastic reduction in the resources of African governments, policies for the local management of renewable forest resources can be implemented only within a context of very low-cost solutions (institutional, organizational, technical, etc.). This means making the rural population in question officially responsible for part of the cost and benefit of local management of resources (see Box).

Patrimonial mediation

If the local population is to play a major role, it must be involved from the very start in the redefinition of management objectives and the decision-making process. "Strategies have to be devised so that each party, especially the lowliest social actor, can negotiate his or her own future" (Olivier de Sardan and Jaffré, 1991) This is the context of patrimonial mediation.

"Mediation" is a negotiating method that brings in a third, neutral, party in order to obtain agreement between the parties concerned; it is an approach in which each party's views on the issue or problem are translated to the other(s). "Patrimonial" is intended according to Ollagnon's (1991) definition as "all the material and non-material elements that work together to maintain and develop the identity and autonomy of their holder in time and space through adaptation in a changing environment.

An example of new forestry policy from the Niger

Regulatory reform has allowed responsibility for management (not ownership) of forest resources to be transferred from the state to the rural population. The transfer confers extensive local autonomy on the basis of a contract negotiated between the state and a local management structure, specifying the boundaries of the locally managed area and an annual extraction quota. The establishment of a body called a "rural wood-energy market" allows autonomous management of logging, marketing and resource regeneration. Rather than offering ready-made solutions to problems, the effort encourages the emergence of possible solutions and self-organization. The income generated helps those involved to develop a sense of responsibility for management of the resource. The aim is to give standing trees a value that will allow rural inhabitants to protect, grow and harvest them to their benefit. The division of income between woodcutter-loggers, managers and local funds, the establishment of a system for collecting taxes in markets and forestry controls at the entrance to towns provide finance for local forestry development and the implementation of a variety of local initiatives. A differentiated tax system favours wood energy coming from rural markets.

The main results and problems are (Montagne, Ichaou and Ada, 1997):

- the tax system has been in force since 1994;
- 150 000 ha of forest are now being managed;
- 100 rural wood-energy markets are in operation;
- appropriate marketing and technical methods are applied (quotas and logging techniques);
- there is a good rate of tax collection and efficient transfer of monies to the state and local communities;
- 15 to 20 percent of Niamey's needs are met by wood from rural markets (15000-20000 tonnes/year);
- producers have an annual turnover of 100 million CFAF;
- the value of stumpage rose from 5 to 8 CFAF per kg between 19X9 and 1995;
- governmental monitoring capacities have grown (deposit account fed by taxes);
- establishment costs are estimated at less than US\$10/ha;
- forest development activities are generated by the wood trade /mini-nurseries, tire-breaks, planting, etc.);

- free investment activities (construction of classrooms, purchase of carts, purchase of cereals, renovation of mosques, etc.).

But:

- the strategy comes into conflict with a whole range of established interests and powers;
- trader-carriers and forest workers often do not understand the new system extension work is needed;
- experience and knowledge are still insufficient, especially in connection with land tenure problems and forestry techniques.

The Niger's new forestry policy underscores three principles and, although it may not be possible to extend these for generalized use in other countries, they can at least provide basic inspiration:

- a comprehensive policy under which the state plans and manages forest resources at the national and regional levels and leaves local management to the local population;
- confirmation that forests are a critical factor in the way agrarian systems work;
- a reduction in management and development costs as a result of regulatory and tax reform means long-term viability for the system.

Local management of tree resources in the Niger

Starting up

The first step is to identify the groups that are really involved in what is being mediated. Then each group must be allowed to express its own views and hear those of the others on the present situation and future developments. It is particularly important to consider groups whose role is important for the future of the ecosystem but who see themselves as removed from the local situation. Communication, not "knowledge", is what matters here.

Constructing very long-term "patrimonial" objectives

An early challenge in heritage mediation is that of establishing "constitutional choices" to use Ostrom's (1990) expression - which will subsequently be considered sacrosanct and permanent reference points for action. These very long-term objectives will be institutionalized and become binding on others as well as those who generated the very long-term agreement. They thus render a large number of conflicts irrelevant and affect the focus in those that remain. Since the very long-term objectives must be "patrimony-focused", non-negotiable, sacrosanct and "constitutional", they require strong legitimation and ritualization. Legitimation is the procedure by which an agreement between a given number of people is accepted as binding on all actors, present and absent. Ritualization is the procedure by which, through a ceremony (the specific form will depend on place and culture), a very long-term agreement is rendered inalienable, non-negotiable and hard to defy.

Stages in patrimonial mediation

- Starting up:
 - identification of those involved
 - discussion of trends
 - discussion of their acceptability
- (Re)constructing constitutional choices:
 - discussion of very long-term objectives(25-30 years)
 - process of legitimation
 - ritualization
- Developing management strategies:
 - development by the concerned parties of strategies to achieve the very long-term objectives
 - selection of management instruments

- legitimization of results (without ritualization)
- Creating a local management structure

Developing management strategies

The next stage in the mediation process is that of establishing the medium-term strategies through which the very long-term objectives will be pursued. This is the point where scientific - especially economic expertise comes into play. External experts may be called on, not to say what must be done, but to carry out comparative feasibility studies of the strategies proposed by the direct participants. "The processed information must make it possible to challenge both scientific and popular views. The [actors'] lack of knowledge thus becomes productive inasmuch as it allows a question to emerge within a negotiation" (Olivier de Sardan and Jaffré, 1991).

Creating a management structure

The management structure is purely executive, implementing the agreed strategies. It must be set up in a way to permit its modification if required. It implements decisions on such matters as control of access, exclusion of outsiders, the indication of violations to the authority responsible for applying sanctions and the collection of taxes on materials extracted from the area in question. The management structure will differ from one community to another, but its main functions will be common to all.

Patrimonial mediation differs from the classical participatory approach in that it entails action based on a contract and looks beyond short- and medium-term consensual solutions.

GELOSE contracts and environmental mediators in Madagascar

Since October 1996, when it passed Law 96025 on the local management of renewable resources, Madagascar has been pursuing a policy under which management is contractually transferred to rural communities. The management of renewable resources (forests, land and water wildlife, water, rangelands) belonging to the state or smaller administrative areas can be transferred.

Law 96-025 lays down the rules governing Secure Local Management (GELOSE) contracts, which are stipulated between the state, the commune and the basic rural community. These contracts cover:

- contractual transfer to a local community of management of a renewable resource in a specified communal area; and
- relevant security of tenure, i.e. public and contradictory recognition of individual or collective occupation of all parts of the area in question.

The aim is to put a stop to free access while allowing local communities to assume responsibility for the resources of their own lands. Such contracts can be drawn up only on the voluntary request of rural communities, and must lead to the use and maximization of their resources to the benefit of the rural community and commune. Their form entails negotiation between central government, commune and local community on the basis of heritage mediation. The aim of this latter requirement is to prevent contracts from being drawn up too hastily or without due care owing to a flagrant imbalance between the contracting parties. Assistance is provided by a recognized environmental mediator chosen by the parties involved, and no actor from local social and economic life is a priori excluded. The process necessarily entails collective reflection on the long-term assignment and use of the various sections of the community's lands. Contracts are stipulated for a trial period of three years and can be extended for a period of ten years after administrative monitoring.

A village mediator (a Ray amandreny) holds a working session in Madagascar

As cosignatory of the contract, the commune makes sure that contractual obligations are met. However, it also has to guarantee the monopoly of access enjoyed by the members of the managing rural community. A GELOSE contract ratifies the rural community's right of use and management in its capacity as usufructuary, thus making the legitimate legal. It allows the members of the rural community to become the prime beneficiaries and to act as dynamic forces in local development. It seeks to facilitate local initiatives and restore confidence and responsibility to local actors.

The Malagasy environmental mediator is chosen by the rural community (*fakon'olona*) that has requested a GELOSE contract. Mediators have the task of helping local communities to draw up draft management contracts for renewable natural resources, and are therefore expected to facilitate the negotiation and drafting of contracts by reconciling the divergent perspectives, views and goals of the different actors concerned. Thus they facilitate negotiation and discussion between all the parties involved in the process of transferring management. "If the mediator is to fulfil his mission, he must first and foremost *know how to listen* The notions of trust and collusion come together in the Malagasy concept of *Ray amandreny*. The *Ray amandreny* is a mediator *par excellence*: a wise man and a reconciler, he knows how to listen and can therefore be trusted (confided in)". He has no power over the parties other than the trust he elicits through his capacity to listen. Unlike a judge called to make a ruling between parties, the mediator can only question the parties in order to bring to light concrete solutions for the contract. His sole power - but a considerable one - is that of being the only person who can decide that the negotiating process has come to its conclusion, which he does when he considers that an agreement with long-term viability has been reached (Andriatahiana *et al.*, 1996).

The use of patrimonial mediation to draw up GELOSE contracts in Madagascar will certainly attract its share of risks, painful experiences and mishaps. However, there are certain clear advantages: i) increased participation in the decision-making process; ii) assumption of responsibility by the beneficiaries; iii) redefinition of the role of the state and its representatives and of the various actors concerned; iv) the possibility of absorbing the costs of supervising resources and land. Secure local management is one of the transverse components of the Madagascar Environmental Plan (World Bank, 1996) and is linked to a Support for Regionalized Management and the Area Approach component, which is intended to assist regionally negotiated planning of development activities.

Taking account of pluralism requires organizational changes, and the development of management instruments has to keep pace. Nothing is immutable, and new types of procedure have to be offered on many points. It is also a technical challenge, which has to be met in many spheres. The Malagasy law on local community management envisages the use of instruments aimed at better exploitation of renewable resources to the benefit of the rural communities managing them and the producers or collectors. These instruments are often bound to combine economic, institutional, regulatory and taxation aspects. The precise combination and the application methods adopted for different instruments will have to be clearly defined for each resource, taking account of the economic structure of each marketing sector.

Conclusions and outlook

In many cases, the resource management methods or instruments envisaged by the different parties will be coloured by the latter's social standpoints. In the example of the rural wood-energy markets in the Niger, the forestry techniques initially advocated by the forestry service were formulated as virtually incontrovertible dogmas: only the forestry service could possess

technical expertise, and the knowledge and traditional practices of the rural population were not worth considering. However, close analysis and examination of such practices shows that they too can make scientific sense.

Accepting pluralism also means acknowledging the skills or limitations of each party - a fundamental element in applying the principle of subsidiarity. However, it raises a major problem of subjectivity, which then becomes a factor in the power stakes. The person judging skills must be above such considerations.

The rediscovery of pluralism in forestry places the forest ecosystem back at centre stage in rural development, reintegrating it into society. This ecosystem thus involves a variety of actors, as well as a variety of resources or uses. And these uses - and the users - now have to be coordinated. Concerns therefore focus on: i) the possible viability of the ecosystem and these users in a long-term perspective; ii) conditions for efficiency, aiming more at monitoring, guidance and encouragement of assumption of responsibility than at restriction; and iii) the importance of a certain equality of footing between the players in economic, social and political terms.

The effort to manage pluralism with a view to sustainable forestry and rural development is in a sense revolutionary. In the first place, it means challenging the notion of an all-powerful and all-knowing decider. Second, it means rethinking the roles and spheres of responsibility of the various actors involved in forests and their resources. Third, it is a perspective that looks beyond forests in an intersectoral approach to land use planning and rural development.

Some developing countries are tending towards an increasingly local management of forest resources and the environment. In the Niger, and more recently in Mali, a new forestry policy bases the local management of fuelwood resources on the transfer of forest management to local structures which can directly exploit production by means of rural markets. Administrative control of this transfer is subsequently carried out on the basis of these local structures' respect for a negotiated wood quota and straightforward regulations on extraction.

In Madagascar there is a much wider movement that aims at transferring the management of all renewable resources to local communities, under a full-fledged policy of administrative devolution. It is really too early to see these examples in a historical perspective, but the upheavals are so great that dangers are clearly inevitable. A first type of danger concerns the use of potentially universal solutions (decentralization, economic development, etc.) without bothering to adapt them to local situations. A second pertains to the viability of the solutions adopted. However, the schemes under way are not simple social experiments, but are an effort to reconcile the necessity for action with the principle of caution.

It is hard to assess the revolution introduced through taking pluralism into account. It is in fact a major innovation in complex systems that touch on cultural and ecological as much as political dimensions. We cannot be sure that management of this pluralism will lead to viable forest management. However, the schemes now under way are certainly doing their best by creating realistic conditions for achieving this goal. Careful monitoring will show if and how the challenge can be met.

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