

"Decentralisation, and institutional survival of the fittest in the Sahel – what hope CPRM?"¹

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The Sahel region is undergoing profound institutional, economic and political changes, which offer promising opportunities for effective community based natural resource management systems.

Democratisation across the region is being accompanied by decentralisation policies that are shifting responsibility for management of natural resources towards the local population. International and regional conventions are providing broad policy frameworks within which devolved management of resources can take place. Central governments are reforming past legislation and passing new laws in order to implement policies that will allow a far greater involvement of communities in the management of natural resources. The decentralisation process has been supported as a means of increasing efficiency, improving equity and participation and ensuring greater responsiveness of government to local populations (Agrawal and Ribot, *in press*).

However, decentralisation processes are all occurring within a highly complex institutional environment. Newly created locally elected rural councils or communes are entering an already crowded stage. The articulation of powers and responsibilities between these different institutions has always been fraught (e.g. Vedeld, 1998) and it is not evident that introducing a new layer in the form of elected rural councils will resolve these issues. Rather, the issue is how to acknowledge a new division of responsibilities between central government and local institutions and create a broad policy framework at national level which specifies roles and responsibilities, but with a high degree of tailoring of practice to suit diverse local circumstances.

This paper uses a number of case studies to demonstrate the various roles that these different institutions can play in the management of natural resources and the way in which they currently interact, either concertedly or competitively within specific political, ecological and social environments.

These case studies are provided by a number of partners in a regional action-research programme on the shared management of common property resources in the Sahel. The programme, working in Niger, Mali, Ethiopia and Sudan since January 1999, aims to research and inform ways in which common property resources (e.g. community forests, rangeland, water) can be managed in equitable, sustainable and peaceful ways by the many people who rely on them for their livelihoods. Of particular concern is how to ensure mobile groups such as transhumant herders who depend on periodic access to these resources can play an active role in the management of sylvo-pastoral resources.

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Managing change and recognising diversity

The Sahel presents particular challenges in the field of decentralised natural resource management, the most critical one being the identification of management systems that are sustainable and equitable in the face of great spatial and temporal variation.

Periodic drought is a normal and inherent feature of the Sahel and although it is unpredictable it is also inevitable. This demands non-prescriptive management systems of extreme flexibility to deal with an ever-changing resource base as a consequence of extreme rainfall variability from year to year.

To complicate matters further, the social environment across the Sahel is also typically highly variable. Centuries of inward and outward migration have created heterogeneity both within and between communities. Pastoral and fishing communities have developed highly mobile systems of production in response to the unpredictable and dispersed nature of the resource base. In addition, social factors such as slavery in the past and the search for employment and income-generating opportunities today have created socially and culturally diverse “communities” (Sharpe, 1998). Today, natural resources throughout the region are used by a multitude of different groups over time and space. Conflict and heterogeneity are the norm within communities, and membership within a community is fluid and highly dependent on the problem or opportunity faced by the group (Gueye, 1994).

Different ethnic groups within and across these communities frequently recognise different customary authorities, and rules established by any one group, particularly those that rely on social sanctions, may be of little importance to members of another. However, local people are also acutely aware of the need to adopt reciprocal, but regulated, access regimes and adaptive management strategies if they are to survive uncertain and hostile environmental conditions.

Flexibility, mobility and reciprocity which take into account the high level of variability of Sahelian natural environments and the complex social and political interactions are to a great extent embodied in customary management systems. Cultivating and constantly re-negotiating social relations is a key feature of Sahelian livelihood systems, and one which is characterised by degrees of co-operation and competition, as groups vie with each other to gain access to a natural resource base that is in constant flux.

Farmers and herders – new beginnings for an old story

“The conflict between herders and farmers is historical and goes back thousands of years to the time of Cane and Able. Why do we think we can stop it from happening now?” (a question posed by a Sudanese Sheikh of the Bederia, North Kordofan, during a training workshop on Understanding Conflict⁴ in 1999).

One of the particular focuses for this paper is the apparent breakdown in relations and the growing threat of violent conflict over access to land and resources between pastoral and agricultural land users (Little, 1987; Hussein, 1998).

Strategic pastoral areas (wetlands, forests and riverbanks) which because of their topography or soil type provide a relatively more stable and predictable resource base, are increasingly being encroached by subsistence farmers in search for land and large scale irrigation projects.

⁴ Undertaken by Responding to Conflict, a UK based NGO specialising in supporting locally-appropriate conflict transformation mechanisms.

These areas support a disproportionate number of livestock during certain times of the year that otherwise make use of the unpredictable and dispersed pastures during rainy seasons. Loss of these strategic areas is thus a threat to the pastoral system as a whole, with all the economic, social and ecological consequences such a loss would entail. However, governments across the Sahel have tended to favour agriculture, even where encroachment is clearly contrary to laws protecting pastoral access rights (see the Niger and Ethiopia case studies below). Extensive pastoralism is not considered an active form of increasing the productivity of land (*mise en valeur*) in the same way as is tilling soil for agriculture, and pastoralism has been held responsible for land degradation and desertification in the region over the past three-four decades.

Continued expansion of agriculture into these strategic areas is not a simple question of population dynamics, although clearly an increasing population in search of land is one issue. The process is made significantly worse by the on-going changes in land tenure systems that are accompanying decentralisation and the speculation encouraged by ambiguous laws and delays in enacting changes in legislation. For example, in Niger, individual titling of land has been “in the pipeline” since 1986 when a new Rural Code was first discussed and people have been expanding the area of land “under cultivation” in the expectation of receiving permanent rights to this area ever since (Lund, 1997). This process is undermining traditionally symbiotic relations between herding and farming communities where complementary linkages took the form of reciprocal labour arrangements, exchange of agricultural and livestock products and exchange of organic manure for post-harvest residues.

Elsewhere, the promotion of local management systems for common resources such as forest areas and water sources has tended to favour local resident populations to the exclusion of mobile populations such as herders and fisher folk, who have held secondary or tertiary rights of access under customary systems for generations.

Thus actual and potential changes in legislation and decentralisation policies are in effect raising the stakes considerably over land tenure and land access with pastoralists on the losing side of the equation. Current trends see pastoralists losing their rights of access to common property resources due to continued encroachment of agriculture and, increasingly, resident groups seeking to impose exclusive management rights over their use.

They are not the only groups to be on the “losing side”. However, their experience demonstrates how, where the playing field is biased towards one group or another, negotiations between users cannot take place and common property management is jeopardised. There is an urgent need:

1. to support the capacity of civil society to participate actively to ensure people are able to defend their rights and promote equitable resource management, and
2. to develop an adequate policy and legal framework which allow these groups to develop and operate to their full potential.

This process can only go as far and as fast as the current political environment allows.

Some actors (on and off stage)

A range of actors can play a part, directly or indirectly, in the local management of natural resources, including government departments, traditional leaders, endogenous and externally motivated NRM structures, influential individuals, local magistrates or administrative representatives, national and international NGOs, to name but a few. The most important actors presented in the course of this paper can be categorised as follows:

- While centralised control by the state or colonial administration has repeatedly failed to deliver effective resource management, it has successfully created a large, trained group of professional foresters, range managers, veterinarians, and others that are used to looking for top-down technocratic solutions to problems of “environmental degradation”.
- Development projects over the last 20 years have led to the creation of numerous local management structures, varying in size, mandate, origin and status from all purpose community-based-organisations to single gender groups involved in natural resource management activities. Some have been created from scratch through democratic processes of election or selection, while others are built on traditional institutions responsible for resource management and they have varying levels of both capacity and legitimacy in the eyes of the state as well as the populations they are meant to represent.
- Less well known and well documented are the customary institutions that have evolved or survived as a result of an endogenous process of self-determination.
- An associative movement, where tolerated by the State, has enabled the creation (internally and externally driven) of farmers unions, rural platforms, and pastoral organisations representing the specific interests of particular groups.
- Traditional leaders have been *de facto* managing their resources, with or without the recognition of central government. However, the level to which these leaders still represent historical systems of governance varies within and between countries.
- Government appointed administrative institutions are frequently the agents of top-down state control of local populations while at the same time representing the first level of recourse to the law in resolving local conflicts over resource use and misuse.
- Central, regional and local level elected committees have varying levels of power and capacity according to the mandate given by the State, their levels of experience, and their independence from party politics deriving from the capital.
- Where independent of politics and above corruption, the judiciary should provide a final recourse to defend or secure rights to an area of land. However, these assumptions cannot be assured in the Sahel.
- Finally, development projects themselves are potentially very powerful actors in supporting and shaping the decentralisation process.

All institutions are no more than the individuals they comprise and how and whether they function effectively and for the benefit of the populations they are supposed to represent will depend to a large extent on the personalities involved. The capacity, efficiency, and legitimacy of these institutions thus depend in large part on the selection criteria and processes of their representatives and the degree to which these representatives are held accountable.

Examples from the Field

The examples presented below represent the experience of a number of development projects that are trying to forge and strengthen relationships within and between these various institutions in an attempt to promote equitable decentralised natural resource management.

1. Niger – what role for pastoral associations?⁵

The context

Following independence in Niger, the customary laws governing pastoral areas were no longer recognised by the State. Land which was not cultivated, had no infrastructure, and was “uninhabited” was considered “vacant and without Master” and became state-owned property.

However, pastoral land use to the north of the country was legally protected under a decree that defined a legal limit to the north of which cultivation was prohibited. This was adapted in 1963 so that land could be cultivated but a farmer could not claim recompense for any damage caused by livestock.

The law, too restrictive and over-simplistic, was never respected. During the 1970s and 1980s, not only did the pastoral areas south of the limit gradually disappear, but cultivation encroached into the northern pastoral zone, uncontested by the administration. In Dakoro, in the District (*Département*) of Maradi, where this case study takes place, the limit followed a dry valley called Tarka. In 1961, the northern limit for agriculture defined in law corresponded more or less with reality, with only a few fields north of the Tarka valley. A considerable area south of the Tarka was also available to livestock. These pockets of land were generally considered marginal and not very productive for agriculture, and provided vital holding grounds for livestock as they moved to the south during the early dry season while crops were being harvested and again at the beginning of the rains as herds moved north when fields were being planted and pasture was not yet available in the drier areas. By the early 1990s, agriculture had encroached up to 30 km into “the pastoral zone” north of the Tarka valley, and agricultural village had inevitably followed.

Between 1986 and 1993, a consultation process was initiated to develop a Rural Code that would define a legal framework to address problems of tenure insecurity and conflict. Many pastoralists were hopeful that this new code would definitively identify the “pastoral zone” and establish laws protecting it from further encroachment by agriculture.

Reality fell far short of these expectations. Pastoral land still fell into the category of “*land vacant and without Master*”, further defined as any area “*on which no proof of right of ownership can be established*”. (Article 11, Chapter 1).

Furthermore, the received message of the proposed rural code can be summarised as: *the Rural Code will give a right of private ownership to the farmer over land which is his at the time of application of the text* (Lund, 1997). To date the text has yet to be applied except for a number of pilot areas through local tenure commissions, and in the interim a race has begun to extend the area under cultivation in the speculation that land will be allocated to anyone who is in current occupation, either to keep or to sell. This is true not only of the pastoral enclaves and corridors south of the Tarka valley, but also of the area to the north.

Pastoralists traditionally do not have ownership rights over land but rather have controlled access to critical dry season grazing through exercising priority rights over deep wells. To some extent, the code successfully represented pastoral realities in recognising priority rights to a “*terroir d’attache*”, an area of up to 2km from a family held well. However, the area of influence of a well extends to a radius of 15km in the dry season. A well encircled by fields at

⁵ The case study is provided by the Projet d’Appui aux Associations Pastorales de Bermo, run by AREN (Association pour la Redynamisation d’Elevage au Niger) and funded by SOS Sahel through the EU, Cooperation Suisse and HEKS-EPER.

a distance of 2 km is effectively useless to a herder for much of the dry season, since he cannot approach the well without risk of damaging crops.

Thus the code does not allow for privatisation of pastoral land which would threaten the principle of reciprocity which governs access to pastoral resources in an environment characterised by highly variable resource availability in space and time.

However, equally it does not present adequate protection from loss of pasture to agricultural land. The 1963 ruling still applies (that farmers suffering crop losses caused by livestock in field north of the Tarka valley will not be recompensed), but it is consistently ignored by government authorities and departments as well as by local magistrates. Farmers can gain considerable sums through fines to pastoralists who allow their animals onto fields within the pastoral areas, irrespective of the value of the crop itself, and small, isolated fields surrounded by pasture have become known as “trap fields” that render vast tracts of pasture effectively unusable by herders. Furthermore, it is likely that a tenure commission, once established in the zone, would support claims by farmers to land cultivated by them unless some form of *mise-en-valeur pastorale* is recognised, so the incentive for farmers to continue this practice is strong.

In the absence of any organised opposition to this interpretation of the new rural code and the disrespect for the 1963 ruling, the outlook for pastoralists in Niger looks bleak. Pastoralist groups have been taking up arms to establish rights to water among themselves and frustration at the lack of access to pasture without running the risk of incurring heavy fines has resulted in a number of violent clashes between pastoralists and villagers to the south. Relations between pastoral and agricultural land user groups have to all appearances broken down⁶.

Halting the flow from the bottom up.

Since new legislation was passed in 1990 allowing the formation of associations, an associative movement among pastoralists has been growing in strength. These associations have developed a number of strategies to defend their rights, from encouraging registration on the electoral role to promoting (and in cases co-financing) forums, bringing together representatives of line ministries, local authorities and representatives of herding and farming communities to discuss and resolve conflicts over resources.

What is relevant to this paper is the potential for these associations to be recognised at the local level as key players in defining resource management and access and the important role they can play in the broader institutional context.

The example, the attempted installation of a well within the pastoral zone, demonstrates this potential as well as some of the constraints they are up against. In March 2000, members of a local *bureau* of AREN⁷ came across a Hausa family digging a well close to the Gadabei Forest Reserve, within the pastoral zone and far from any existing settlement. Representatives of the *bureau* made their way to the offices of a project supporting pastoral associations in the “Administrative Post” (PA) of Bermo, north of Dakoro. The group discussed what they

⁶ although it is not clear to what extent relationships between individuals remain intact

⁷ AREN is an association made up of nearly 150 independent “*bureaux*”, corresponding roughly to a group of pastoralists who routinely live and move together. Groups of *bureaux* within an *arrondissement* may have voted for a “*co-ordination*”, which involves generally one representative, paid by the *bureaux*, who is responsible for representing the different *bureaux* at the level of the *arrondissement*.

should do with the technical team of four extensionists and members of the project co-ordination committee⁸.

A delegation went to see the *Chef de Post* (the government appointed authority at PA level) who agreed to join them in a visit to the site to investigate the situation. The delegation found that the family was digging the well on the authorisation of a *Chef de Groupement*, who had, in his turn, received written authorisation from the *Chef de Post* to dig a well. However the well was to be dug on behalf of pastoralists and at a location roughly 25km to the south of the current site.

The *Chef de Groupement* was challenged and he agreed to stop digging the well, as it was essentially unauthorised and the delegation returned to Bermo. Three days later, members of the *bureau* came again, this time directly to the *Chef de Post*, saying that the digging had started again and that the *Chef de Groupement* had been heard to say that no-one could prevent him digging a well in his area.

This time, the *Chef de Post* came to the project, together with the members of the *bureau*, to inform the project and the CCL of the new developments. However, he claimed he could not act without authorisation from his superiors and immediately sent a radio message to the Préfet and sous-Préfet. No reply was forthcoming and so no action was taken over the next few days. Finally, a delegation from the CCL and the AREN *co-ordination* went to discuss the issue with the sous-Préfet in Dakoro who claimed it was an open and shut case and there was no need for his involvement. To his mind, the *Chef de Post* had issued the original authorisation, his authorisation had been misused and therefore it was entirely up to him to respond at his own level and stop the well digging from continuing.

The case was not resolved at the time of writing, however a number of important issues come out of this case:

- The project clearly had a role in providing encouragement and possibly some legitimacy to the bureau's original approach to the local level Administration, although this was not necessary for the second visit.
- The pastoral association had the confidence in its own capacity and legitimacy to approach the sous-Préfet and argue its case, and was prepared to take the case higher.
- The association used legal arguments to support its case (which were entirely recognised by the administrative authorities).
- The sous-Préfet did not act immediately, on the basis of subsidiarity within the administrative system, although there was little doubt he supported the claims.
- The *Chef de Post* appeared reluctant to take active measures against the traditional *Chef de Groupement* which led to speculation that he did not want to jeopardise their relationship (financial or otherwise) unless he could defend such measures with an order from above.
- The response from the pastoralists depended on their being present in the zone to protect their interests. When pastoralists must move to find pasture for their animals, they often leave their home base unoccupied for one or more seasons. Many returned two or more years after the 1984 drought when they had dispersed as far as Chad and Nigeria to find their wells being used by villagers and surrounded by fields.

⁸ an elected body of 7 representatives from the three main pastoral associations present in the PA

The situation is exacerbated by the differential rights allocated to traditional leaders by the state. Traditional chiefs of pastoral groups (*Chefs de Groupements*) have jurisdiction only over people since pastoralists do not have rights to land, while *Chefs de Canton* enjoy jurisdiction over both the agricultural communities and the land on which they live. *Chefs de Canton* thus have an interest in extending their area of jurisdiction by encouraging the colonisation of the pastoral zone by their agricultural “subjects”. It is thought that *Chefs de Groupements* are attempting to forestall this by inviting agricultural families to install villages within their zone in the hope that ultimately this will give them rights to the land under cultivation.

Questions are still being raised as to the capacity of pastoral associations to represent their members and pastoral people as a whole. Associations tend to be dominated by men, although women are becoming increasingly involved in activities. In the case of AREN, representatives of each *bureau* meet biannually at a general assembly which is entirely financed by the *bureaux* themselves, but the degree to which the results of these meetings and others are fed back to the rest of the members and debated is unknown for the moment. However, as an organisation with the capacity and willing to act on behalf of its members, as demonstrated by this example, AREN demonstrates the potential for such associations to play a “watch dog” function and represent its members when called upon to do so.

As their confidence increases, AREN and the other pastoral associations in the area of Dakoro are now keen to engage with agricultural communities to try and resolve some of the more complex issues of land competition. The CCL, supported by the project team, is currently preparing a proposal for a Forum to discuss broader issues of resource access and management for endorsement by the representatives of the different associations in the PA. One of the expectations of this forum is that channels of communication and relations will be re-established between pastoral and agricultural groups and that the roles of the different institutions will be defined in participatory and public manner. Taking mutual decisions in public in this way can act to prevent traditional leaders from acting in their own interests and against those of the people they are supposed to represent (see the case of Afar in Ethiopia below).

Pressure on pastoralism in Niger is still high. Pastoralists need to deal with growing social differentiation within their own society following successive droughts and low levels of literacy and organisational capacity. Given a strong associative movement that can lobby for adequate independent maintenance of current laws protecting pastoral areas there is some hope. International pressure for democracy and freedom of expression is providing important support to this process. However, it remains threatened by the current scenario where land speculation by the local elite is allowed to continue, and application of the Rural Code remains in its infancy.

2. Mali – Integrating multi-village institutions and elected rural councils⁹

The context

Following a change in political regime in Mali in March 1991, a review of the Constitution and a National Conference added force to national and international calls for decentralisation.

⁹ These case studies are provided by SOS Sahel (GB) in Mali and the Near East Foundation-Mali, with background information from the network for decentralised natural resource management in the 5th Region (GDRN5).

Over the past decade, many laws regulating natural resource management and land tenure have been revised and the Ministry of Rural Development was restructured to support a more holistic and community level approach to development in rural areas.

National Codes governing forests, fishing and hunting, long denounced for their repressive nature, inadequacy or ambiguity, have been replaced by new laws governing natural resource management. Land law is also under review and a new pastoral charter is being developed with the objective of clarifying pastoral resource use and management and reducing conflict between pastoral and agricultural land uses.

In theory, Mali offers a favourable institutional climate for decentralised NRM. The changes described above focus on participation by the rural actors concerned, allowing them responsibility and recognising the local rights to manage and define their own land. The reforms have taken an approach whereby the new laws provide a framework that allows some latitude for locally appropriate interpretation and adoption. The process of review included a process of consultation with resource users at local, regional and national levels.

On an institutional level, the State is no longer the only actor in natural resource management. Other actors include, in particular, decentralised rural communes, professional or technical experts, and, to some extent, community institutions and resource users.

Legally, the new rules should distinguish between land belonging to the state, the collective and private individuals, and recognise the rights and responsibilities to manage each part respectively, sharing these roles between the state and local collectives on the one hand and community level institutions on the other.

However, the process of decentralisation has been very slow, with elections of rural councils delayed since 1995¹⁰ and there has been much resistance on the part of civil servants to release power. In addition there is now concern that existing community based institutions established with the support of development projects may be undermined following the election of the rural councils last year. Under the current provisions of decentralisation, management powers for resources have been devolved to the level of the commune. There is no legal recognition of either the village or the pastoral camp as constituting the appropriate setting at which to regulate land use in spite of the fact that it is at this level that local people have long-established tenure institutions. This has presented a major constraint to the development of local level natural resource management institutions as described in the two cases below.

Case one. Roles and responsibilities of traditional local institutions for today: decentralised management and the "Alamodiou"

The District (*Cercle*) of Bankass (in the 5th Region) can be divided roughly into three agro-ecological zones – a plateau area that is highly degraded and largely depopulated, a relatively heavily populated sandy plain (the “*Seno*”), the majority of which is cultivated and an alluvial plain (the “*Samori*”) that has recently been opened up for agriculture, commercial and household exploitation of timber and cultivation of rice within the floodplain.

The district as a whole is suffering from prolonged high levels of exploitation, including considerable reduction in forest resources especially in the “*Seno*” resulting in a wood crisis; reduction in area available for livestock which has aggravated conflicts between farmers and herders and resulted in migration towards other more favourable zones; a reduction in the fallowing period and draining of ponds, exacerbated by a reduction in the water table.

¹⁰ This process has culminated finally in the election of rural councils in June 1999.

An initial investigation phase of a development project¹¹ to establish local natural resource management mechanisms in the District identified the existence of an indigenous institution responsible for the management of natural resources in the plateau area called the “*Alamadiou*”.

The *Alamodiou* is an autonomous institution, with the capacity to punish anyone, including the members of the family of the “*Hogon*”, its supreme chief. A group of 5-10 villages descending from one central village make up a socio-cultural entity and the *Hogon* is the spiritual chief of this original village, being an intermediary between the community and its ancestors.

Natural resource management responsibilities of the *Alamadiou* included protecting economically important trees from being cut, regulating the harvest of fruits and edible leaves, combating bush fires, protecting ponds from pollution by human refuse and dredging silted-up ponds. However, while the main interest of the development project was the role of the *Alamadiou* in controlling natural resource use, its social roles were also recognised, in particular in regulating conflicts without resorting to violence, controlling crop damage by livestock during the growing and harvesting seasons, treating female sterility and preventing child deaths.

The *Alamadiou* have a complex management structure, with clearly defined responsibilities among the different members. Specific functions are allocated to certain members who are nominated by the other members according to their abilities, for example, to exert his or her will over any other member (including his/her parents), to galvanise people and organise meetings or to resolve conflicts. Other members carry out their activities at village level, in particular going on regular excursions to monitor levels of natural resource exploitation. The word “*Alamodiou*” is a Dogon word that means “unpleasant”. This name comes from the fact that the members make themselves unrecognisable while on patrol using costumes and covering themselves in mud and refuse.

Membership in the *Alamodiou* may be voluntary or involuntary. To become a voluntary member, any individual whether man or woman, young or old, Dogon or Fulani, foreign or indigenous can voluntarily join the institution by offering symbolic gestures. Involuntary recruitment may occur in one of two ways:

- if an *Alamodiou* dies, his/her family is bound to replace him/her with another member of the family; or
- if a couple requests an *Alamodiou* either to treat sterility or to reverse the death of their children, the child born or saved becomes an *Alamodiou*, be s/he woman or man.

Such involuntary recruitment is a strategy to ensure the permanence of the institution.

Decisions are taken by the *Alamodiou* during ordinary and extraordinary assemblies according to need. Annual ordinary assemblies take stock of implementation of decisions taken in past years and activities for the new year are defined. Extraordinary meetings may be called by one or more villages to discuss unexpected problems.

Implementation of these decisions is the responsibility of representatives at village level. Frequencies and timings of patrols are fixed to monitor resource exploitation and sanctions for various infractions decided upon. These sanctions vary from a general warning to payment of fines to social exclusion depending on the severity of the fault as well as the behaviour of the

¹¹ The Bankass Environmental Project, SOS Sahel (GB).

contravener. When the contravener refuses to pay the fine, the *Hogon* can order the door of his or her granary to be “locked” to his/her entire family until the fine is paid.

There exists a great solidarity between the *Alamadiou* of the different socio-cultural entities and any party from another entity found breaking the rules in another is extradited to be sanctioned by his own group. Similarly, an *Alamadiou* finding someone breaking the rules while outside his or her area has a duty to apprehend the defaulter and hand him or her over to their own group.

Fines are in kind and are generally symbolic: millet, a chicken, or a goat. The fines are divided between the *Hogon* who make sacrifices, and the *Alamodiou* towards the organisation of the annual assembly.

Evolution of the " Alamodiou "

While pre-colonial systems (the Fulani empire of Macina, and the Toucouleur of Bandiagara) weakened the *Alamadiou* institutions by giving increasing the responsibility of canton and village chiefs at the expense of the *Hogon*, they remained tacitly recognised by these systems due to the importance of their roles in the life of the communities.

At independence, however, with the creation of the forest services, Mali resorted to centralised State management of natural ecosystems in place of traditional methods of protection. Traditional systems such as the *Alamadiou* were ignored or actively fought. In spite of this, the *Alamadiou* continued to exist because of its legitimacy in the eyes of the communities concerned. When it was rediscovered during initial studies, the project saw in it a structure that offered possibilities for reconstituting a “new” institution that could assure sustainable natural resource management.

The project currently supports seven *Alamadiou* groups, representing approximately sixty villages. This support consists of

- institutional development (improving the structuring and the working procedure of the institutions on the one hand and improving partnerships between the *Alamodiou* and external institutions on the other); and
- reinforcing technical capacity relating to natural resource management.

Of particular relevance here is the support provided to institutional development. Seminars and workshops have been organised to publicise the existence of the *Alamadiou* and the importance of their involvement in decentralised natural resources management. Protocols for collaboration exist between the project and the forest service to support the *Alamadiou* in land management. The project facilitated the development and signing of a protocol between a number of groups and the local development committee (consisting of representatives from the administration and technical services). And three groups have been registered and recognised as legal entities.

As a result of these activities, the *Alamadiou* are not only no longer clandestine, but are actively committed today to natural resource management, in spite of the opposition of representatives of state technical services that still tend to regard them as illegal. Under the protocol of collaboration, the forest department has agreed that forest agents should not undertake policing missions in the zones covered by the *Alamodiou* unless the *Alamadiou* request their assistance in situations which exceeds their competency. When the rural development departments were reorganised, the new forest agents wanted to violate this clause but were prevented by the *Alamadiou* leaders. The administration and the District Deputy demanded that the forest agents respected and involved the communities in the management of their land.

From 1993 to today, the *Alamodiou* have made considerable progress in terms of natural resource management. By taking control of the exploitation of forest resources on their lands, they became an effective pressure group against illegal exploiters as well as government officials who authorised permits for illegal resource exploitation.

In spite of the positive results described above there remain considerable difficulties to address.

- There are contradictions between legal texts and local practices, in particular fixed rather than graduated sanctions for forest offences, the protection of tree species within fields, which are not part of forestry land, and the blanket protection of one of the main tree species used by the population (*Anogeissus leocarpus*).
- The technical capacity to improve local production remains low.
- Customary and modern land laws co-exist and frequently contradict each other.
- Involvement of women, young people and pastoralists within the *Alamadiou* is poor.
- Seasonal urban migration of young people reduces recruitment to the *Alamadiou*
- The boundaries of the new rural communes do not coincide with the grouping of villages within the different *Alamadiou* institutions.

In September 1999, rural councils were elected and the decentralisation process finally entered its "active phase". The District now comprises 12 communes, three of which incorporate all seven *Alamadiou* institutions. In October 1999, the project took part in a meeting between NGOs and the elected officials, and explained the goal, objectives and expected results of the project. The new rural councils must take on responsibility for natural resource management and were wished to identify areas of collaboration.

As a result of these meetings, the councils agreed to: recognise the importance of the roles of the *Alamodiou* in the development of the communes; entrust the monitoring of the area to the *Alamodiou* and to give them certain capacities to sanction infringements; and give moral support to the *Alamodiou* so long as they carry out their tasks correctly. In the event that an institution seriously fails in its responsibilities, the council will take "necessary action".

Case two. Creating multi-village institutions to resolve shared problems: the Walde Kelka of Douentza

The Kelka forest, in the district (*Cercle*) of Douentza, (in the 5th Region) is an important sylvo pastoral resource as well as providing other timber and non timber forest products to the local resident community and external traders and wood-cutters. The advent of decentralisation reinforced the desire of the 15 villages surrounding Kelka to manage their own resources and take part in the decision-making processes that had hitherto been the responsibility of the village authorities.

In response to this desire, a multi-village institution (the Walde Kelka) was created with the support of an NGO¹² which acts to control natural resource use within the forests and has a role in resolving conflicts that arise over access to forest resources. Natural resource management of the Kelka is undertaken through a process of dialogue, participation and engendering responsibility among the populations of the 15 villages involved. Village

¹² The Kelka Forest Management Project, of the Near East Foundation (Mali) has been active since 1994 and works in collaboration with the Department of Water and Forests.

associations and the Walde Kelka share common objectives of environmental protection and the development of the natural resources.

The desire of the local population to manage their resources and control levels of exploitation is evident in the levels of monitoring by the communities and the rigour with which rules agreed on by the Walde Kelka are applied on members of one village by those of another. The associations are increasingly prepared to oppose cases of fraudulent exploitation, especially of fodder (*Pterocarpus* leaves in particular) by tradesmen coming from the towns of Mopti and Sevaré, often with the complicity of forest agents. They are equally expressing their dissatisfaction at the ambiguous attitude of certain government officials in relation to the work undertaken by the village associations and the Walde Kelka and the transparent nature of the management systems established.

The Walde Kelka draws its legitimacy to a large extent from the involvement of traditional leaders – the village chief, councillors, and/or respected people of influence and traditional environmental “police” such as the “Mananana” of Tibouki, the “Serou” of Pouti and the “Kerontarou” of Télé. Supporting the election of its members into the new rural councils has been a means of broadening the legitimacy of the institution itself within the broader context of village affairs and the decentralisation processes described above.

To date the institution represents a considerable shift in mentality and behaviour both of the local population and the technical services in response to a perceived threat to natural resources. However, there are issues remaining.

The Walde Kelka still has no legal right to sanction people who do not obey the rules and regulations established by the local institutions and therefore conflicts between resident forest-adjacent populations and non-resident traders and pastoralists require external intervention from government services or the local administration which considerably undermines the institutions’ sense of ownership and mandate.

Conflict between resident agricultural and agro-pastoral communities and transhumant herders reliant on the forest for their livelihoods has precipitated a recognition among project staff of the need to involve seasonal pastoralists and other users in the decision making process in order to legitimise the authority of Walde Kelka, but there is reluctance on the part of the Walde Kelka to involve these groups in management decisions and negotiations. Historically, pastoral populations were the dominant power base in the region for several centuries until the French shifted the balance of power towards the settled agricultural communities and the legacy of this can explain in part this reluctance.

Finally, the 15 villages are now located within three different rural communes, and there is no clear indication that the rural councils governing these communes will be able to collaborate and support the achievements of the Walde Kelka to date.

Having built up the local communities’ capacity to participate actively in resource management decisions, the project is now turning to these broader institutional issues, without which the sustainability of the work to date remains under threat.

A number of issues are raised in relation to the existing articulation between institutions in these two Malian cases.

- While government departments are supportive of projects piloting community based management and local participation and reforming out-dated legislation, the new legal texts tend not to go far enough and maintain ultimate control firmly in the hands of the government.

- Locally defined management plans or local forest conventions have to be in line with national forestry laws and be endorsed by a representative body of the government (Forestry Service, district officer) with the assumption that where it does not conform local communities will forfeit their rights to manage. Future benefits are therefore not certain which ultimately could act as a serious disincentive for the populations concerned.
- Sanctions for the disregard of local conventions or bye-laws frequently remain the responsibility of the state unless a local agreement can be arranged between the councils and local institutions, a situation that disempowers local institutions and reduces the incentives for local management.
- Decentralisation only reinforces the authority of the institutions insofar as the elected communes, which have legal status, are ready to collaborate with them.
- The more an institution is anchored in the community, the larger is its capacity to mobilise the community, but support to such institutions by an external agency demands serious analysis of the institution in question with respect to representation of user groups and its capacity to function in the context of “non-members”, including government agencies. However, there is little doubt that building on existing institutions creates a solid cornerstone for new formally recognised institutions.
- The decentralisation process is providing opportunities for local populations to openly oppose non-transparent or corrupt management on the part of the government services traditionally responsible.
- The capacity of local institutions to participate and negotiate with external institutions appears strongly linked to project support. So long as project continue to negotiate on their behalf, the sustainability of these institutions as effective common property managers remains unclear.
- It is not always evident that the local population shares the same objectives (e.g. ensuring equity) as a project or programme, particularly if they are trying to safeguard their own newly established position as primary managers.
- Existing relationships between projects and particular members of a community or communities can contribute to shifting the balance of power away from other groups or neglecting the development of important future relationships between them. Projects thus have potential to encourage exclusion of different actors (including mobile resource users, the administration and government technical services).

Ethiopia – national policies and local priorities.

The context

In Ethiopia, as in Mali and Niger, land remains under ownership of the state. A process of political regionalisation has been underway over the past ten years, with the establishment of relatively autonomous regional governments based largely on ethnic lines. These young regional governments are in the process of developing their own region specific rural development policies. However they are strongly influenced by central government and national policies encouraging private investment.

One of the key issues facing lowland pastoral areas in Ethiopia is the bias of national policies towards the 90% of the population which live in the highlands. Up until now, government extensionists working in pastoral areas have had no training on pastoral production systems and livestock development activities are focused on intensive animal production entirely

inappropriate for the semi-arid lowlands. Rural development has remained highly sectoral, and irrigation, water and rangeland programme have been implemented independently, with little regard for the impact that one has on another, particularly in pastoral rangelands.

After irrigation..

The Ethiopian example is drawn from the Afar Region to the north-east of the country. Afar is a lowland arid region inhabited mainly by the Afar people – camel herding pastoralists, with a strong clan-based social structure. The Awash river that runs north-south through the entire region provides the main source of surface water and its flood plain was a strategic resource for the Afar, Karayu and Issa pastoralists using the region. Between 1962 and 1990, a total of 69,000ha (45% of the total potentially irrigable area) of these dry season riverine pastures were converted to state run irrigation schemes (Said, 1997). The creation of the Awash national park reduced the territory of these groups by a further 83000ha.

The result of these developments was two-fold: access to water and to dry season grazing along the Awash river was greatly reduced, undermining the broader pastoral system and making populations more vulnerable to drought and increasing poverty; and violent conflicts between ethnic groups increased. For the last 25 years, there has been a belt or several thousand hectares which is a “no-go zone” except in times of extreme drought.

In 1991, with the change in government, 10,000ha of irrigated land were returned to the Afar. However, major investments would be required by the Afar to make this land productive either restoring them to pasture, or to grow irrigated fodder or other crops. While the Afar diet includes grain, this has always come from trade and exchange with agricultural people living at the edge of the highlands to the west and the knowledge base of agriculture among the Afar is low. *Prosopis* species, planted to act as live hedging, have encroached into uncultivated fields and into the broader rangelands, and the Afar clans and sub-clans who have traditional rights to the returned area are requesting help and training to make productive use of the land.

The policy of the regional government, however, following the lead of the central government, has been to encourage private investors to farm the area. An Investment Bureau at Regional level defines the terms of leases with investors and gives the investors a permit to operate. Officially this is all that the investor requires to operate. However, in reality he must then negotiate a separate and informal agreement with the clan leaders in order to access the land.

For the Afar to develop the land for themselves, they need to establish a system for managing the funds required on a collective basis. If they are to open a bank account, they need to become a legally recognised institution and recent legislation has been passed to support this process. (This legislation is aimed to allow them to function as a group economically and not to act as a pastoral association in the same sense of AREN in Niger, i.e. to lobby in defence of pastoralist rights.) As a collective group, there is a reluctance to give land to investors. However, negotiations between potential investors and “the local community” tend to take place between a few influential individuals, notably the clan leaders, who can personally benefit through these agreements.

However, there is a broader institutional issue that relates to traditional systems of reciprocity among the different clans and sub-clans. As discussed above, the unpredictable nature of resource availability in such an arid area traditionally demanded carefully negotiated systems of access between groups with common property rights over different land areas. The return of land to “the Afar” has resulted in specific groups benefiting in a way that is not accessible to others and reduced the potential for traditional relationships based on reciprocity to

flourish. In an area notorious for violent conflict, such a move risks exacerbating levels of conflict, undermining the broader production system even further.

Lack of understanding of the system and the need to conform to broader national policies have left regional governments poorly equipped to predict and respond to these problems.

A number of issues can be drawn from this case;

- The conversion of pastoral land to agriculture of one sort or another appears irreversible and with it the reciprocal arrangements that dominated the pastoral system. There appears little question that the clans and sub-clans that used to have *priority rights* to the area now consider themselves the *owners* and the secondary and tertiary rights enjoyed by other clans or ethnic groups are ended.
- Traditional institutions appear to remain very strong, but only operate effectively if there is open access to information; where the wider population has access to information and decision-making is transparent, clan leaders cannot (dare not) go against the interests of the wider group. However, the relevance and therefore legitimacy of these traditional institutions are undermined where they are unwilling or unable to defend the interests of their members.
- National and regional governments are concerned with raising revenue to support national and regional development and therefore have an interest to go above the heads of the communities and encourage private investors in spite of the rhetoric of participation and decentralisation. However, many feel that taxes collected on the profits and through the lease of the land rarely make up for lost value to local communities and fear that the declared profits are well below actual profits and the formal tax revenue is in reality low.
- Lack of support to pastoralism in favour of irrigated agriculture reflects a fundamental lack of understanding of the pastoral system among professionals and politicians in the region. Extensionists are trained to support highland agriculture and are posted to the pastoral lowlands with no formal training about the system which they are supposed to “develop”¹³
- Locally elected rural councils currently play little or no role in the process, and certainly do not look to defend local interests. Accountability of these decentralised institutions remains towards the centre rather than downwards to the people that elected them.
- Land use issues have been dominated by the differences between State ownership and objectives and clan-based ownership and objectives. The current debate does not appear to view common property systems as a viable alternative to nationalisation or privatisation.

Resource management and land use policies currently favour investment and privatisation rather than communal resource management and traditional pastoralism. Development is still focused on introduction of packages and genuine participation in development debates from the local community upwards remains limited both by the capacity of the population to organise and represent itself in the face of modern institutions and by the current political environment where modern institutions supposed to represent them are more answerable to the state.

¹³ This has recently been recognised and in April 2000, the government formally accepted a pastoral extension package developed by the “Nomadic Pastoral Extension Team” which encourages a more holistic approach to pastoral development.

Recent trials¹⁴ using participatory tools to map institutional relationships between different stakeholders with members of the pastoral community in Borana in southern Ethiopia suggested a desire on the part of local communities to engage in debates over conflicting interests in natural resource management. But this kind of support clearly needs to run parallel with a change in attitudes of government departments and administration. Support is needed to foster greater understanding between, and facilitate the participation of local government, government line ministries and the local population.

Discussion

When considering the multitude of institutions, modern and customary, that represent stakeholders in natural resources management in the Sahel, and articulation between them, we are essentially concerned with decision-making processes and their roles within those processes.

Agrawal and Ribot distinguish four broad powers of decision-making as being crucial to understanding decentralisation: the power to *create rules* or modify old ones; the power to *make decisions* about how a particular resource or opportunity is to be used; the power to *implement and ensure compliance* to the new or altered rules; and the power to *adjudicate disputes* that arise in the effort to create rules and ensure compliance.

“Enlarged powers of decision making at lower levels of the political-administrative hierarchy in relation to any of the above four categories constitute some form of decentralisation... the classical issues of separation of powers and checks and balances that apply to central governments also have their corollaries in the decentralised arena.” (Agrawal and Ribot, *in press*)

Common Property Management in a Heterogeneous Setting

Much of the work on CPRM has emphasised the importance of homogeneity within the community (Ostrom, 1990; Schlager & Blomquist, 1998). However, as discussed above and demonstrated by the examples, resource users across the Sahel are anything but homogenous.

Traditional management and decision-making processes between these groups was based on principles of reciprocity and subsidiarity and flexibility. Access rights would be constantly negotiated through cultivating new and existing social and political relations, and Sahelian livelihoods depended on a high degree of co-operation and competition between groups.

Reciprocal relations between these different user-groups for access to land and other key natural resources appears to be breaking down as conflicts in the Sahel are becoming increasingly violent and widespread. Why exactly this is happening, and whether or not it is a new phenomenon, is far from clear. Decades of centralised state control stripping local people of responsibility for natural resource management and conflict resolution has certainly contributed to the situation. Rising population and drought, increasing competition over a diminishing resource base, have also exacerbated the problem. Inequitable development policies have created “winners” and “losers” whereby some groups are both directly and indirectly excluding others from the resources upon which they depend for their livelihoods, are also to blame. The latter have had a particularly adverse impact on pastoralists who are increasingly losing their rangeland to agriculture while having their rights of access to

¹⁴ Undertaken by the SOS Sahel/BoA Borana Collaborative Forest Management Project

common property resources denied by resident groups seeking to impose exclusive management rights over their use.

Decentralising natural resource management in an environment where people are dependent on those resources for their livelihoods is complicated at the best of times because it is “not only about providing services efficiently. It also requires the devolution of real powers over the disposition of productive resources” and the “resolution of divergent interests” of different actors so that no one sub group is unfairly excluded from decision-making processes or bear disproportionate costs (Agrawal & Ribot, *in press*). To date, neither local people nor centralised state management have proved themselves able to regulate competing land use needs among different users in an equitable and sustainable way. Strategic, high value common property resources such as forests, wetlands and deep wells are either being ring-fenced by local residents and non-resident elites or submitted to open access regimes leading to over-exploitation, conflict and ultimately loss of livelihoods.

In recognition of these challenges, local institutions and platforms for negotiation are emerging, with and without external support in efforts to resolve the negative ecological and social outcomes of these conflicts. These platforms involve a multitude of different institutions acting at different levels and representing the many different stakeholders in different ways. The examples above from Mali, Niger and Ethiopia demonstrate the institutional complexity that accompanies the decentralisation process in relation to issues of subsidiarity, land speculation and centralised interference and the implications for CPRM.

The issue remains how to support the member institutions with an interest in the management of common property resources to allow a level playing field for negotiations to take place in an environment where recourse to jurisprudence is costly and unpractical for most user groups.

A number of "design principles" have been identified by Ostrom that enable or facilitate common property management systems to evolve (Ostrom, 1990). The examples identify following factors in particular as crucial to this process:

Equal access to information

Accountability to the population cannot be assured while individuals are able to operate without obligation to inform the population they are representing (e.g. clan leaders in Afar). This implies the necessity for formal and informal communication and reporting mechanisms, with bottom-up demands for information as well as top-down obligations.

Rights and capacity to participate

Platforms and other mechanisms are essential if local level institutions are to operate within a context where formal jurisdiction over CPR's lies with the newly created rural communes, (or in the case of Niger, land tenure committees) that lack local legitimacy and credibility (e.g. Niger and Mali).

Rural communes need to be accountable to the population that they represent, a process that in itself *requires* participation from the population. Existing policy mitigates against indigenous or modern community-based institutions as these have not been endowed with any formal legal rights with respect to resource management. Furthermore, the vast majority of the population, including those who will be responsible for implementing policy, do not fully understand either the decentralisation process, the policy reforms or their implications for sustainable and equitable management. The danger is that local government authority risks

being co-opted by a local elite¹⁵ with potentially damaging effects on local resource management (e.g. privatisation of high value common property resources).

Support to civil society and in particular associative movements to support the interests and rights of marginal/minority groups

Elected bodies or individuals are not always accountable to their constituents, particularly where their constituency is heterogeneous with minority populations with weak voting power. Watch-dog type institutions (associative or NGOs) are essential to increase this accountability, as is legal recourse through courts, freedom of expression and access to and for the media, and public reporting to mention but a few.

A clear legal framework that allows a recourse to the law for under-represented groups.

Long-standing customary institutions (such as the Alamadiou in Mali) or more recent examples of community organisation (pastoral associations in Niger, the Walde Kelka in Mali) enjoy considerable legitimacy in the eyes of local communities and provide an important base for local level, effective negotiations over resource access and management.

The current political and policy context means that such institutions are increasingly enjoying legal recognition by the State, which has considerable implications for their effectiveness. But these institutions and the populations they represent need further support if they are to participate fully in management decisions.

Current uncertainty over land tenure is creating an environment of speculation and uneasy alliances within and between these different institutions.

Such a framework also needs to address the articulation within and between existing community-based NRM institutions, newly created locally elected rural councils or communes, government services and traditional leaders.

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¹⁵ Central government officials, retired civil servants, traditional leaders, wealthy traders, etc.

