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ENVIRONMENTAL GOVERNANCE IN AFRICA

**HISTORICAL AND POLITICAL FOUNDATIONS
FOR PARTICIPATORY MANAGEMENT AND
DEMOCRATIC DECENTRALIZATION IN MALI:**

A SYNTHESIS OF TWO CASE STUDIES

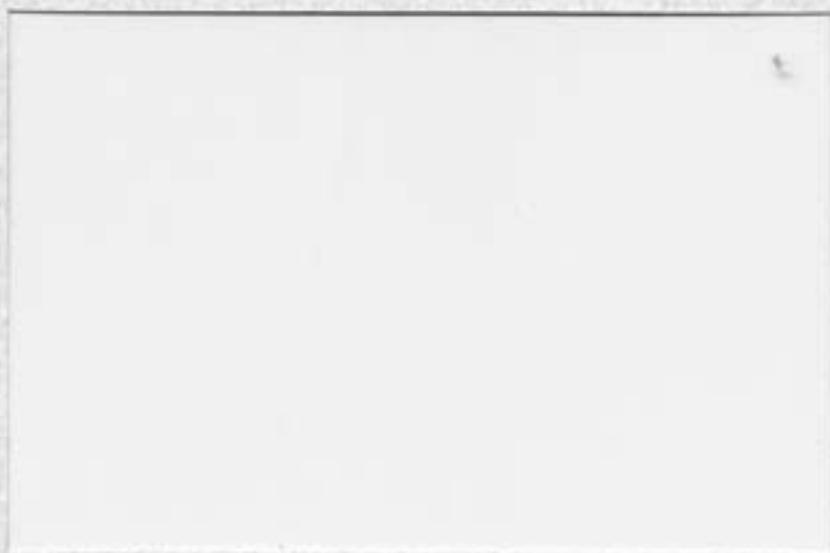
by

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September 2004



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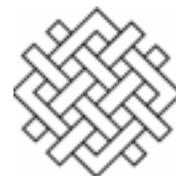
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ABSTRACT

This study examines the legal, political, and economic context in which major institutional changes in post-colonial sub-Saharan African states were undertaken. It also explores the relationship between political changes and changes in the philosophies of those in control of the State through various periods of Malian history. This work establishes direct links between the concepts of liberal democracy, the decentralization of environmental management, and democratic participation. It provides a definition of democratic decentralization as the institutional expression of the participatory approach, and takes measure of the powers transferred by the central State to local institutions and of accountability in the arena of natural resources management. The report analyzes the workings of the participatory approach as the basis for institutional arrangements. Specifically, it examines two sites in the Mopti region, one focusing on forestry and the other on herding; the analysis explores the allocation of power to key players in the natural resources domain and identifies the institutional arrangements that determine how those powers are used. It is clear from the study that the State retains the dominant role in environmental management in spite of the legislative innovations of Mali's Third Republic, which are designed to encourage broad popular participation but remain inoperative due to implementation failures.

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ACRONYMS

ADEMA	Alliance pour la Démocratie au Mali <i>Alliance for Democracy in Mali</i>
CMLN	Comité Militaire de Libération Nationale <i>Military Committee for National Liberation</i>
DNCN	Direction Nationale de la Conservation de la Nature <i>National Office of Nature Conservation</i>
FENU	Fonds des Nations Unies pour l'Équipement <i>United Nations Capital Development Fund</i>
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit <i>German Society for Technical Cooperation</i>
MDR	Ministère du Développement Rural <i>Ministry of Rural Development</i>
MDRE	Ministère du Développement Rural et de l'Environnement <i>Ministry of Environment and Rural Development</i>
ODR	Opération de Développement Rural <i>Rural Development Operation</i>
PGRN	Projet de Gestion des Ressources Naturelles <i>Project for Natural Resources Management</i>
PNVA	Programme National de Vulgarisation Agricole <i>National Program for the Promotion of Agriculture</i>
SCN	Service de la Conservation de la Nature <i>Nature Conservation Service</i>
SLACAER	Service Local d'Appui-Conseil pour l'Aménagement et l'Équipement Rural <i>Local Service for Consultation on Rural Development and Equipage</i>
UDPM	Union Démocratique du Peuple Malien <i>Democratic Union of the People of Mali</i>
UICN	Union Mondiale pour la Conservation de la Nature <i>International Union for the Conservation of Nature</i>

ACKNOWLEDGEMENTS

I wish to thank World Resources Institute for support in the research, translation, and publication of this article. My thanks also goes to my research team, particularly Naffet Kéïta, Thierno Diallo, and Cheick Oumar Diallo whose preliminary work formed an important base for this article. I express my gratitude to Jesse Ribot, Director of the Decentralization and Environment program at WRI, for his constant assistance and wise council that was invaluable in improving the quality of the work. I could not finish without thanking Linda Pervier, Catherine Benson, Anne Larson, and Jesse Ribot, who ensured a quality translation into English. I thank all those who collaborated in the realization of this work—near and far—and they are numerous.

INTRODUCTION

This study describes the problems experienced by highly centralized post-colonial sub-Saharan States in instituting reforms imposed as political conditionalities—supposedly as the solution to their internal dysfunction—by international donors. Liberal democracy and decentralization, upon which these reforms are based, require the reorganization and redefinition of the State’s role through a redistribution of powers among all the political actors at the national and local levels. Decentralization is strongly linked to democracy in that there is no real power or accountability in management of local resources if local actors do not possess the freedoms to choose and to act—freedoms that identify democratic authority. Both democracy and decentralization are rooted in the notion of participation. Meaningful participation can occur only when local authorities possess discretionary powers, reinforcing their legitimacy and giving the populations that chose them a reason to hold them to account. The transfer of discretionary power to local institutions, then, constitutes the domain of local participation. Decentralization is characterized by changes in the distribution of powers and changes in accountability relationships. The reallocation of power ostensibly affects how that power is used and can have a bearing on social justice. An examination of the history of social issues, politics and economics at the local, national and international levels will help explain the gaps between discourse and law and between legal initiatives and practical reality.

The study begins with a retrospective analysis of the various institutional approaches to environmental management employed by successive political regimes in Mali and evaluates their effectiveness within their respective legal-institutional contexts. It shows that there has been some progress at the political and juridical levels within Mali’s Third Republic. In contrast to the First and Second Republics, which retained all property rights centrally and held the monopoly on natural resources management, the Third Republic has attempted to supersede this hegemony by formally recognizing certain decentralized communities and other entities, existing alongside and within the State, theoretically clearing the way for greater local autonomy. However, while well intentioned, the establishment of multi-partisan democracy and the passing of progressive legislation are not enough to bring about radical change, in ways of governing or in local practices. They must also lead to concrete, legal transfers of power and resources and specific and binding enforcement regulations. We shall also see that, although participation has become the prime directive in natural resource management in third-world states, particularly since the 1992 Rio Earth Summit, it has not been achieved under any of the three Republics in Mali. An analysis of populist rhetoric and environmental practices shows that even the Third Republic has only operationalized just enough legislation to give the impression that it wants to produce behavioral changes in the social and environmental arenas.

The report continues with an analysis of two case studies undertaken in the Mopti region of Mali: one of forestry in Baye Commune (in Bankass Circle) and the other of pastureland management in Youwarou Commune (in Youwarou Circle). These case studies are used to “field-test” the nature of the decentralization of environmental management in Mali. They examine the following aspects of resource management in

each area: institutional arrangements; the actors involved and the division of powers among them with regard to natural resources (that is, identification of nodes of decision-making); how rules are made and enforced; how litigation is resolved; and the nature of the various actors' accountability with regard to their specific powers and in relation to the local population. Using an historical approach, the case studies explore the ways in which authority over natural resources was acquired and allocated, how it was used and how it evolved, and how authority has been perceived across systems of popular representation. They demonstrate that democratic decentralization has not yet gained a foothold in Mali, despite the institution of liberal democracy by the Third Republic and the official recognition of fully organized decentralized authorities with executive bodies at every administrative echelon (commune, circle and region). These findings constitute a report on the status of decentralization in Mali, on what is working and what is not. They encourage us to further reflect on what kinds of relationships must be established between the State and civil society in order to bring about true popular participation.

INSTITUTIONAL APPROACHES TO ENVIRONMENTAL MANAGEMENT

The Need for an Historical Approach

In Mali, the history of decentralization is intertwined with the history of political change, as played out from the colonial period to the present. We will examine decentralization and political history together, to demonstrate that changes in central institutions have a direct impact on existing natural resource legislative and regulatory frameworks, as well as on local governance and practices. The historical approach permits us to perform in-depth analyses of successive national regimes, correlating each with the context in which it developed, dominated by the conditionalities imposed both by funding agencies and by endogenous political, social and cultural factors. With this concept as an organizing assumption, we observe that the implantation of a democratic decentralization focused on popular participation is harder, if not impossible, to achieve under a centralized government that claims a monopoly on political expression. Rather, its realization requires legal guarantees as part of a broadly decentralized liberal system.

In Mali, retrospective analysis suggests two distinct stages of institutional history.¹ The first stage, extending from the colonial era until March 1991, encompasses the First and Second Republics (1960-68 and 1969-91, respectively), a period which includes the dictatorship of the Military Committee for National Liberation (*Comité Militaire de Libération National*, CMLN) and its Single Constitutional Party (*Parti Unique*

¹ According to Diallo (1996:88), "Up until the arrival of the Third Republic, legislation in the area of natural resource management had been marked by a continuity of principles inherited from colonial policies. In fact, during colonization and the period of the First and Second Republics, principles of organization of landed properties and natural resource management guaranteed the State a monopoly on all lands, and the centralization of decision-making powers worked to the advantage of State agencies for administration and technical services." Today, while decentralized communities have been instituted, they remain devoid of any real decision-making powers in natural resource management. It is pertinent to ask whether the situation described by Diallo has radically changed.

Constitutionnel, PUC). This period is characterized by the absence of freedom, excessive central administration, centralized control over natural resource management, a paternalistic, directorial approach to development, monopolization of all political life through the PUC, and centralized control over the economy. The second stage begins with the transition in March 1991 that laid the foundations of the Third Republic—the source of innovative institutional reforms such as economic and political liberalism and decentralization.

This section examines each of the three regimes in turn. Each claims to have included local populations, in one way or another, in sharing decision-making power on rural development. But what was the real nature of this participation? What kinds of powers were transferred to local authorities? What relationship did these authorities have with rural communities? What were the characteristics of institutional management mechanisms for each regime?

The First Republic

The regime of the First Republic had a fairly short life span, lasting from 1960 to 1968, its governance grounded in the politics of struggle that had led the country to independence. Inspired by the Soviet Union, the new regime adopted scientific socialism as its defining ideology. In the name of national unity, the crucible of the young nation-state, the First Republic set about the eradication of all other political movements, which led to a restriction of civil liberties and a monopoly on political expression by the Sudanese Union of Democratic African States (*Union Soudanaise Rassemblement Démocratique Africain*, USRDA) as a single party. As a result, the State was present in every domain of economic activity, and the principal sectors were nationalized. This era saw the emergence of State-run firms and enterprises that eventually dominated the economy.

Administratively, the First Republic retained the thirteen urban communes created under the colonial system, and took some steps toward standardizing their status under Law No. 66-9/AN-RM of March 1966. The concept of decentralization was already present in the nation's first constitution, drawn up in 1960, but the socialist State was careful to avoid employing it. The State did not even consider creating rural communes, as the law recommended. On the contrary, the First Republic extended the Jacobean tradition by reinforcing its hold on rural administration under the doctrine of democratic centrism and by nationalizing lands and natural resources.

Socialist ideology advocates obligatory participation of all “sons of the country” in the economic development effort. Such participation was accomplished through recruitment and indoctrination of the population by the single Party, and by tight, system-wide control of rural communities by trained police. The village became the local administrative unit within a pre-cooperative structure that encompassed all administrative levels. At the village level there was the Rural Group for Production and Mutual Aid (*Groupement Rural de Production et de Secours Mutuel*, GRPSM). The next rung up, the *arrondissement*, consisted of a group of villages that belonged to the Associated Rural Groups (*Groupements Ruraux Associés*, GRA), called Primary Units of Federation

(*Fédération Primaires*), while the Mutual Societies for Rural Development (*Sociétés Mutuelles de Développement Rural*, SMDR) were instituted at the circle level. These bodies were charged with the transfer of technology to the rural sector and with organizing the activities of rural life. These cooperatives assured primary agricultural production and later endeavored to commercialize rural products. Membership in these groups was obligatory for all rural producers. The national seminar on rural cooperation, held on May 27-30, 1968, officially noted the failure of the SMDR and GRA groups.

The next development in natural resource management was the adoption of Law No. 63-7 AN/RM on January 11, 1963, which confirmed the rights of the State to the country's land and natural resources (*la domanialité*). This was by far the most significant aspect of this post-colonial legislation, as it abolished the rights of traditional managers over natural resources on the grounds that the traditional approach constituted a feudal system. Management was given over to administrative entities such as the Water, Forest, and Farming Services, charged with enforcing regulations. The socialist State applied the principle of "the land to he who develops it," and instituted State ownership of various natural resources that it considered its own by right, supposedly to guarantee equal access to all users of the country's resources. Official permits (for fishing, logging, hunting, clearing, occupancy, etc.) were instituted, assuring free access to permit-holders.

This socialist-style law initially targeted administrative authorities and previous representatives of the colonial authority such as the former canton chiefs, and the other customary authorities—land chiefs, water masters and pastureland chiefs—whose political power and traditional control over natural resources appeared as obstacles to the development of socialism. In matters of development and environmental protection, the state, supported by local communities, initiated a series of actions: anti-brushfire efforts, diffusion of better cooking stoves, reforestation, anti-erosion measures, forest development programs, soil conservation, waterworks in the villages, and so forth. But lack of interest on the part of rural people in actively participating in resource management produced an upsurge of conflicts and ecosystem degradation, worsened by a lack of mediation by traditional managers. The socialist philosophy of participation can be described as forced participation, since it involved forced recruitment of local people without granting them the least margin of decision-making freedom.

Despite its manifest will to dictate everything, the socialist regime gradually lost its credibility and authority because of the ongoing degradation of environmental, political, economic and social conditions. The government was rendered incapable of providing for the basic needs of the population, and was thus vulnerable to opposition. The army took advantage of this situation, putting an end to the ephemeral First Republic on November 19, 1968, under the pretext of liberating the people from the yoke of the communist dictatorship.

The Dictatorship of the CMLN and the Second Republic

Introduction

The overthrow of the socialist regime by the CMLN was conducted in the name of economic liberalism and a return to democracy. However, the decade of military rule was marked by arbitrary and tyrannical mismanagement. Only under pressure from donors did the new regime initiate reforms. These included privatization of the economy, macro-economic adjustment, and a progressive restoration of normal constitutional life. An extended drought combined with the dictatorial, nepotistic and corrupt government of the CMLN gradually drove the country into famine and misery, inevitably forcing the need for outside intervention. However, certain leaders within the CMLN, already practiced in the diversion of public moneys, absconded with most of the aid funds.² Because of this misappropriation, international charitable aid was halted, giving way to mounting debt and other forms of outside involvement. One result was the creation of a constitutional single party system, the Democratic Union of the People of Mali (*Union Démocratique du Peuple Malien*, UDPM), under the leadership of President General Moussa Traoré, in 1979. The next wave of intervention imposed conditionalities, which had significant side effects on the political and economic orientation of the debtor State, and represented one of the principal catalysts of the institutional reforms (democratization and decentralization) that came about beginning in 1991.

External Conditionalities: the Role of Donors

The institutional history of the Second Republic was influenced in great part by international institutions that exerted pressure upon Moussa Traoré and his regime. This pressure shaped policy in the domains of government, economics and the environment. Mali would be used as a vast laboratory to test administrative structures, good governance, human rights and the fight against poverty. The Malian State would engage in a shell game with global institutions until the conjuncture of endogenous and exogenous forces led to critical institutional change.

Beginning in the 1980s, Mali became completely dependent on development assistance. Aid received from the International Monetary Fund (IMF) and the World Bank took the form of structural adjustment plans (*plans d'ajustement structurel*, PAS), which eventually developed into reinforced structural adjustment plans (*plans d'ajustement structurel renforcé*, PASR). These programs were designed with constraints designed to liberalize economic policy. The first goal of the PAS imposed on Mali by the donors—to restore macroeconomic balance—depended, according to Hugon (1989:64), on three basic strategies:

- opening up the economy to the world market;
- internal liberalization of commerce and reduction of State intervention (to include dismantling ministries in charge of commercialization); and
- cutting back the number of public and semi-public businesses.

² At the time, commentators spoke of the construction of ostentatious *chateaux de la sécheresse* (drought mansions), financed by the diversion of international aid funds by several heads of the military regime in Mali during the 1970s. The journal *Jeune Afrique* identified a *république des 504* (the model number of a luxury Peugeot) which was an islet of prosperity in an ocean of misery.

The consequences of these adjustment plans were disastrous. As economic conditionalities took hold, the State's capacity to affect redistribution diminished, intensifying national poverty. Eventually, political opposition and the outbreak of corporatist movements began to shake President General Moussa Traoré's single Party State.

The World Bank and IMF blamed these dysfunctions on poor governance by the authoritarian regime, which was overrun with corruption and clientelism, and in which neo-patrimonialism and the misappropriation of public goods were common. According to the IMF, the State needed restructuring to take into account the social effects of structural adjustment. As Laurent and Peeman (1996:228) have emphasized, the restructuring required "a good dose of management and the transformation of politicians and bureaucrats into entrepreneurs, as seemed to be the central objective of State reform." The transfer of accountability would have to go hand in hand with instituting better local governance.

Natural Resource Management Policies

Due to perceived environmental decline and lack of natural resource regulation and management, the international community increased pressure on the Moussa Traoré regime. The pressure peaked in the 1980s due to the role of development organizations concerned with environmental protection.

In the initial stages of structural adjustment, the Second Republic reacted very differently to the conditionalities of their development partners who suggested taking a participatory approach. The UDPM gave only lip service to the call for participation; its acts of decentralization amounted to an organizational façade, which actually preserved the power of central authorities rather than devolving it to local populations (*Démocrate Malien* 1995:10). But participation was the operational tool of the NGOs and the World Bank Projects for Natural Resources Management (*Projets de Gestion des Ressources Naturelles*, PGRN). We shall see later that conditionalities rooted in populism would be ongoing under the Third Republic, which came into being following a violent change of political regime in a climate more favorable to the adoption of populist policies, expressed by the IMF and World Bank slogans that suited the order of the day: support good governance, fight corruption, and eradicate poverty.

After the fall of the socialist State, the need for a new policy for natural resources became more urgent. In the absence of meaningful management during that era, resources had become notably degraded. Seeking political legitimacy, the military regime adopted several legislative measures and advocated a new policy for working with rural communities. The Rural Development Operations (*Opérations de Développement Rural*, ODR) were supposed to bring more rationality into the bureaucratic framework and connect rural actors to development projects in their sectors.³ The forty or so

³ See ordinance No. 22/CMLN and decree No. 33/PG-RM of March 24 and 25, 1972, regarding establishment and organization of the ODR.

development programs initiated between 1967 and 1989 encompassed nearly every domain of rural activity, including agriculture, fishing, herding and forestry. Nevertheless, the government's development policies were resounding failures and were dropped at the end of the 1980s in the face of severe drought, financial aid reductions, and pervasive ineptitude of the overly bureaucratic administration, combined with several other problems such as the exclusion of the population from the process of sectoral development.⁴

Rural Mali was subjected to a new program in line with the philosophy of the UDPM. The village association (*association villageoise*) gradually replaced the soviet-inspired cooperative format and became the basic organ of rural development. Depending on its effectiveness and level of organization, a village association could gain political legitimacy at the village level and become the body in charge of local development. Eager to represent himself as the unconditional defender of the environment in order to lay hold of international development moneys, President Traoré was intransigent about enforcing preventative measures. There was a great effort to cut down on brushfires, and those assumed to have caused them were subject to steep fines imposed by the Forest Service. Member promotions within the political divisions of the UDPM depended on one's level of engagement in protecting the environment. Agents who managed to contain brushfires and succeed in reforestation efforts received the title "pilot division with palm" (the palm signifying good performance). Less dynamic individuals were placed under guardianship and relieved of the rigors of forest control. In this way rural populations, forcibly recruited into the (supposedly participatory) "development structures," endured a participation imposed by the UDPM in line with its philosophy of development.

The State set about drawing up new legislation and regulations for environmental management. These new decrees regarding resource conservation were conservative and repressive. The State retained its role as sole manager of natural resources, excluding all other partners. Several innovative actions were undertaken with the aim of ensuring State control and people's repression. As a first step, the Waters and Forests Service was restructured (Law No. 82-100/AN-RM) into a paramilitary corps whose agents were organized into a hierarchy based on rank and function. Later, in 1986, the Service would be associated with commission sharing in accordance with Decree No. 45/PG-RM. Similarly, in the arena of land-use development, the regime established a forest classification system that automatically limited the use rights of resident populations (Decree No. 1138 PG-RM of September 16, 1979). In forestry, several development

⁴ According to Sall (1989:23), "At the time of the constitutional congress of the UDPM, held March 28-31, the Party assessed the results of the rural development policy operated under the aegis of the State, noting the 'failure of the ODR.' Rural people had been subject to the policies of the ODR without being adequately involved in any phase of identification, conception or evaluation of development activities. There were two essential reasons for this: (1) the *de facto* subordination of these organizations to the State apparatus; and (2) the lack of applicable legislation; the laws that did exist here and there, passed ten or more years before, were out of date. The Party recommended a new strategy based on two principle innovations: development of the base (village) unit, and voluntary development, which would grant more responsibility to rural peoples than they had held previously. Hence the creation in each village of a development group in which membership is voluntary: the village *tons*."

programs were also implemented, such as Forest Development and Production (*Opération d'Aménagement et Production Forestière*, OAPF) (Decree No. 1448/PG-RM of September 16, 1972) and Development and Reforestation of the Sikasso Region (*Opération Aménagement et Reboisement de la région de Sikasso*) (Law No. 82-48 of March 27, 1981).

In addition to these measures, several actions were undertaken to counteract desertification. Initiatives such as the Projects in Support of Village Plantation (*Projets d'Appui de Plantation Villageoise*, PAFV) aimed to establish experimental stations for reforestation with the goal of demonstrating its benefits to the populace. The Pilot Plantation Project (*Projet Pilote de Plantation*), financed by the World Bank and the Central Fund for Economic Cooperation (*Caisse Centrale de Coopération Economique*, CCCE) of France, organized woodcutters to exploit wood and charcoal in preparation for creating what were called "rural markets" (project-established rural vending points). There were other anti-drought and anti-desertification programs: anti-erosion measures, brush-fire control, popular promotion of better cooking stoves, creation of village plantations, forest classification and so forth. Participation of villagers in the labor associated with these programs was obligatory; similarly, installation of improved stoves was required in order to avoid heavy fees.

Of the extensive land and environmental management legislation enacted under the Second Republic, the following five laws were the most significant:

- Law No. 86-42/AN-RM (March 24, 1986) regarding the forestry code, replacing the prior Law No. 68-8/AN-RM of February 17, 1968;
- Law No. 86-43/AN-RM (March 24, 1986) regarding hunting and conservation of wildlife and wildlife habitat;
- Law No. 86-44/AN-RM (March 24, 1986) regarding fishing;
- Law No. 86-66/AN-RM (July 26, 1986) regarding burning;
- Law No. 86-91/AN-RM (August 1, 1986) regarding land and proprietorship of the State.

Notably, all of these key laws were passed in the same year, three of them in the same month, clearly in an effort to gain control over the deterioration of resources caused by a prolonged drought. Each code provided for repressively heavy sanctions against offenders. Furthermore, each seriously restricted access by the rural community to the resource in question, allowing only very limited use and thus creating great hardships for the rural population. Below we will analyze the effects of these laws on both the environment and the living conditions of the local populations, and we will look at the conclusions outlined in the *Study of the Effects of Laws related to Natural Resource Management*, presented before the National Assembly by the cabinet of the Rural and Environmental Development Ministry of the Third Republic.

The Malian central government at the time used the failure of administrative decentralization and the impact of climatic stresses on natural resources to justify a conservation policy based on intimidation, repression, and the exclusion of local

communities from the sphere of environmental management decision-making. Nevertheless, since the centralized powers were incapable of effectively enforcing this legislation, rural communities continued to exploit resources, based on their traditional right to do so. This is consistent with the findings of Faye, who stated (1990:2): “African States have, for the most part, returned to policies and laws concerning natural resource management which were in force before independence...[a process that] has not involved a fundamental questioning of the forestry codes. The people have been simply removed from the chain of accountability for preserving and developing forest resources, from which they continue to profit despite bans and fines.” In Mali, the resulting legal dualism lies at the root of a dysfunction that continues to define natural resource exploitation.

Interventions similar to those of the more general structural adjustment needed to be applied to the natural resource sector, such as transferring natural resource management responsibilities, property rights and/or access to natural resources to private individuals and to local communities. According to Faye (1990:13), “This would be a policy option similar in nature and significance to the key conditionalities (economic liberalization and privatization) of the framework of the Structural Adjustment Plans. The State would initiate an experiment,” the author continues, “by quietly asking donors and NGOs to test the participatory approach in the field, without changing existing laws.”

This option contained a major contradiction. Its overall aim was merely an experiment in natural resource management that would involve a partnership between the state and local communities, in which local communities would become influential decision-makers. How could they best accomplish such a reform without undermining the state monopoly over natural resource management? The solution proposed by specialists from major international institutions involved a populist participatory, community-based development strategy, which was to be implemented step by step with outside support.

The Participatory Approach and Community-Based Resource Management

The conditionalities levied upon the Second Republic by the World Bank, particularly those based on the concept of good governance, were intended to extend into environmental management. The process should, in the spirit of the Bank’s ideology, result in decentralized natural resource management, hence the order to the Second Republic authorities to introduce the participatory, community-based approach in this arena.

This ideology of participation was present in Mali during the colonial period across rural development interventions. In the 1990s, it was imposed after being adopted by the 1992 Río Earth Summit, when participatory approaches became widespread among those involved in natural resource management. It was also promoted by the World Bank, which, pressed by its “experts,” wanted to impose the participatory approach as an important conditionality in its new rural development policy.

The neo-populism that served as a springboard for the theory of participation was a logical reaction to the failure of previous resource management methods, such as

socialist-style cooperatives and the sectoral approach (ODR). These methods had deprived rural communities of any capacity to take initiative in long-term sustainable environmental management (Mathieu et al. 1996; Bonnet 2001). In terms of neo-populist theory, if the State is inoperative, then local communities, which are the antithesis of the State, will provide the basis for good environmental management—but only if their ability to manage is recognized and supported by the conferral of more extensive rights over resources.

This policy was imposed on the States of the Sahel region, but was reluctantly accepted. Its implementation involved several stages. The first stage was for international development authorities, such as the European Organization for Cooperation and Development (*Organisation Européenne de Coopération et de Développement*, OCDE), *Club du Sahel*, World Bank and IMF, to popularize this approach to natural resource management. Next, regional anti-desertification organizations, the Inter-State Committees to Combat Drought in the Sahel (*Comités Inter Etat de Lutte Contre la Sécheresse dans le Sahel*, CILSS), were created, which led to actions to protect the environment and manage natural resources by groups such as the National Program Against Desertification (*Programme National de Lutte Contre la Désertification*, PNLCD) and Schematic for Land Development (*Schéma d'Aménagement du Terroir*, SAT). The final stage of the process was the establishment of the PGRN at the national level.

In Mali, the Second Republic eventually subscribed to the policy in response to petitions by its development partners. But the glaring question remained: how to implement such a participatory policy under a constitutionally-confirmed regime in which there is only one party, which holds all power, to which all citizens are obliged to belong, and to whose absolute authority no opposition is permitted?

A meeting at Ségou on May 22-27, 1989, held under the auspices of the OCDE and the CILSS, defined the terms of intervention by the PGRN by authorizing the village-based approach to natural resource management (OCDE/CILSS 1989; Rochette 1988; ARD 1989). Spurred on by the development partners—notably the World Bank and the German Society for Technical Cooperation (*Deutsche Gesellschaft für Technische Zusammenarbeit*, GTZ)—the PGRN became the instrument of this participatory policy. Carefully targeted local populations, encouraged by major financial enticements (thirty-million CFA⁵ per village, or roughly US\$ 60,000) and subject to the conditionalities of the Project, found themselves deprived of decision-making freedom and forced to bend to the orders of unaccountable State technicians, whose word was always final. Thus, the program, caught in a philosophical stranglehold, very quickly degenerated into a bureaucracy of management.⁶

⁵ The CFA is the Franc of the West African Community: 500 CFA equal approximately US\$1.

⁶ The philosophy behind the village-based approach to intervention widely employed by the NGOs and Projects for Rural Development demonstrated its limits in terms of popular participation. Several authors have enumerated the approach's methodological shortcomings and negative effects (Utting and Jaubert 1998:92; FENU 2000:12-13; Bonnet 2001; Laurent and Mathieu 1995).

This kind of induced participation, without any real local power or autonomy, does not qualify as democratic decentralization. Nevertheless, it does help to develop communities' ability to manage natural resources. NGOs, whose intervention was strongly supported by international institutions, contributed greatly to strengthening the local population's environmental management capacities. They made much use of the village-level land-management model outlined by the natural resource management program of the World Bank, the principal tool of populist-inspired interventions. Since they failed to obtain any legal standing for the communities, however, the program structure retained a communitarian tendency, in which management committee members, deprived as they were of resources, legal status and the power of decision, did not possess a level of accountability sufficient to build local autonomy—essential for the establishment of real democratic participation.

At the end of the 1980s and the beginning of the 1990s, the conditionalities imposed by the World Bank took on a political orientation, emphasizing the concept of good governance, the emergence of the world market, and the pre-eminence of civil society as opposed to the State. These political conditionalities followed the economic ones, which had gone as far as they could.⁷ At this juncture, consequently, there began to appear notions that are considered indispensable attributes of good governance: the rule of law; transparency in public affairs management and routing out corruption; civil liberties; freedom of expression; and multi-party democracy.⁸ “To explain, and especially to justify, the relative economic failure, we must take into consideration the political factor,” notes Willame (1996:10).

⁷ Laurent and Peeman (1996) describe this transformation as a process of running the rules of good administration through a grid of good management criteria to arrive, for instance, at a good redefinition of policy by way of economic exigencies.

⁸ According to the report produced by the World Bank and the UNDP in 1989 titled *A Large-scale Forecasting Analysis of Africa: From Crisis to Sustainable Growth*, the deep-rooted causes of past weak economic performance must be identified among the many institutional shortcomings. The mechanisms and the initiative of the public sector are significant and must go hand in hand with good administration, efficient public functions, a reliable legal system and a public administration accountable for its actions (Willame 1996; World Bank 1989:xi.i 7).

The Third Republic

Introduction

Mali's insurrection of March 1991 led to changes in governance. The new constitution of 1992, drawn up by a transitional government, established the basis for a liberal democracy. The Third Republic instated political multi-partyism and began to develop a process for decentralization. The government declared numerous changes related to power transfers and the autonomy of local institutions, and these pronouncements produced a major transformation in the attitudes and perceptions of local actors.

Institutional Changes

A major factor contributing to the reforms undertaken by the Third Republic was a thorough review of past legislation and former practices in the arena of natural resource management, which were seen as excessive and ineffective. This resulted in a revision of the principal laws enacted in 1986, with the aim of adapting them to the new context of decentralization. A policy document drawn up by the Ministry of Environment and Rural Development (*Ministère du Développement Rural et de l'Environnement*, MDRE), entitled *Statement on the Laws related to the Management of Forest Resources, Wildlife and Habitat, Fishing and Aquaculture*, outlined the creation of environmental legislation that would support greater involvement of local communities in decision-making.

Before enacting new legislation, the Ministry conducted a thorough analysis of the environmental policy of the Second Republic and the performance of its representatives, particularly the forestry agents. The main conclusions may be summarized as follows:

1. Forestry legislation initiated in 1986 by the Second Republic was held in reproach for giving the State a monopoly on natural resource management, thereby wresting rights and authority from the people. Forestry agents abused their power, allowed rampant corruption in their ranks, and levied unjustifiably severe sanctions.
2. The laws were faulted for denying local populations any participation in forestry management, resulting in an anarchic exploitation of the forest.
3. Excessive fines for infractions had backfired; rural populations considered them a sort of tax, which aggravated their poverty, giving them the right to abusively exploit resources.
4. The authoritarian approach of the agents had led to mistrust among the populace.

All these factors had resulted in an extraordinarily high number of infractions and the ultimate failure of repressive policies. Hence the need for a critical analysis of the forestry legislation of 1986, conducted through a series of regional seminars held in February and May and culminating in a national meeting at Bamako in July 1993. This in-depth review of the State's environmental policy, performed appropriately by the MDRE, aptly represents the change of atmosphere that prevailed after the events of March 1991. The process served to focus the exasperation and recriminations expressed

by representatives of the rural population at a session on *The General State of the Rural World*, held during the 1991 National Conference of the State's department of forestry services and administration. Decentralization was identified as fundamental, and it was recommended that it be written into the Constitution. The review of forestry legislation resulted in the enactment of innovative laws that redefined the domains of forestry, wildlife and fisheries and brought an end, at least in theory, to the State monopoly over natural resources. Thus, as a result of popular pressure, the professed institutional changes should have led to the creation of a new legal and regulatory environment.

Several laws addressing the environment were proposed and adopted by the National Assembly in 1995 and 1996, replacing those passed in 1986. They included:

- Law No. 95-003 regarding the exploitation and transport of wood and commerce in forest products;
- Law No. 95-004 establishing rules for forest resource management;
- Law No. 95-031 establishing an approach to wildlife and habitat management;
- Law No. 95-032 establishing regulations concerning fishing and aquaculture;
- Law No. 96-050 outlining the organization and management of territorial collectivities.

The codes regarding property and pasturelands were drafted and redrafted. Eventually Ordinance No. 92-0042/P-CTST of June 1992 modified the August 1986 Law No. 86-91/AN-RM regarding the nationalization of lands. The most recent official code was adopted on March 22, 2000, as Ordinance No. 00-27/P-RM. Similarly, a pasturelands charter for the Republic of Mali underwent considerable reworking before being finally adopted by the National Assembly as Law No. 01-004 of February 27, 2001.

Theoretically, these various laws potentially provide for broad participation by rural communities through decentralization and the attendant transfer of decision-making powers to locally elected officials. Law No. 96-050 was the first to allow for the sharing of national lands among the State, local communities and private individuals, undoing the State's former natural resource monopoly. Local communities considered that, through this law, they had been given back the management of their own lands and natural resources, from which to draw material and financial benefits. They could even create reserves of all or part of these newly restituted lands, to prevent all exploitation. The legislation promotes a more flexible approach to rural people's rights regarding access to and use of forest resources, including their right to conduct early burns and their participation in natural resource management.

But the new laws did not always result in greater local authority. The creation of rural wood products markets and rural management structures (*structures rurales de gestion*, SRG) responded to concerns about implementing the economic option of the Domestic Energy Strategy (*Stratégie Energie Domestique*, SED), which was dependent on commercial exploitation of forest resources. Villages and other rural management units situated in and around the vast forests benefited from distribution of the profits, and the commune council received commissions. However, the weight and complexity of the

mechanisms under which the rural markets operated (with rules for drawing up a facilities plan, a management format and contract, the determination of quotas, a formula for determining commissions, transport permits, etc.) cast agents of the State into the role of primary decision-makers throughout the entire wood-energy administrative system, while private commercial operators were the principal financial beneficiaries.

Other factors also affected the issue of local authority. When decentralization was being implemented, international and local NGOs took advantage of the new legislative environment to train local populations and organizations to build their capacity to manage resources. Nevertheless, rather than working directly with decentralized communities through the elected communes, the NGOs asked the State to give legal standing to new local organizations and advocated the direct transfer of authority and resources to them. Having favored a village-based approach in their previous methodological work, the NGOs had concluded that grassroots civil society must take over State functions at the local level. This initiative would later create difficulties for the communes in reestablishing their own authority over local resources.

From 1995 to the present, several laws and decrees have been added to those cited above, and currently a veritable arsenal of legal devices encumbers natural resource management. These numerous laws fall short, however, of eliminating the dualistic mix of official legislation and customary local rights, in spite of many efforts to keep customary rights out of the law.

Reforms in Technical Administration

Legal reform should go hand in hand with new institutional systems that support power-sharing and the granting of authority to local actors. The Third Republic undertook a major overhaul of its administrative structure with the goal of adapting it to the new context of decentralization. In 1993, however, the Ministry of Rural Development and Environment put into operation a Rural Development Organizational Plan, through which the State recentralized technical services in order to develop an integrated approach to intervention. Then, through a 1995 action plan, the framework was distilled down to its simplest expression in the regrouping of services under three national departments with their regional and local subdivisions, which were: the National Office of Rural Support (*Direction Nationale d'Appui au Monde Rural*, DNAMR), which supports rural development; the National Office of Rural Development and Equipage (*Direction Nationale pour l'Aménagement et l'Équipement Rural*, DNAER), which supplies rural communities with the equipment necessary for rural pursuits; and the National Office of Control and Regulation (*Direction Nationale de la Réglementation et du Contrôle*, DNRC), which assures the application and enforcement of laws.

The Water and Forest Department, which rural populations had hoped would disappear, underwent a series of reforms that minimized some of its prerogatives in environmental management but reinforced others. The first restructuring, in 1995, resulted in the integration of the Forest Service into new bodies. The Forest Service and the National Office of Water and Forest Management became the National Office of Forest, Wildlife

and Water Resources (*Direction Nationale des Ressources Forestières Fauniques et Halieutiques*, DNRFFH). Next, the environment as an administrative category was detached from the MDRE, and a separate ministry, the Ministry of Rural Development (*Ministère du Développement Rural*, MDR) was formed, resuscitating the forest service through the creation of a new National Office of Nature Conservation (*Direction Nationale de la Conservation de la Nature*, DNCN), charged with managing natural resources.

Nevertheless, in the course of another reorganization in 1999, the MDR lost its autonomy and was integrated into the powerful Ministry for Land Use Management and Infrastructure, Environment and Urbanism (*Ministère de l'Équipement de l'Aménagement du territoire de l'Environnement et de l'Urbanisme*). The DNCN retained its functions, but the complexity of this ministry's domain meant that natural resources were not a central or constant focus. Nevertheless, the DNCN's influence was preeminent since it was represented at all administrative levels, all the way down to the commune. Finally, following the elections of 2002, the DNCN was once again moved to the purview of the MDR, re-created with all its former prerogatives. This constant re-shifting of environmental administrative responsibility indicates the importance of the environment in the national institutional schema. In fact, the environment has serviced numerous interests and ends, sustaining the tributary flow of funds to officers in strategic departments.

The Case Studies

The next two sections of the paper present two case studies of resource management projects undertaken in Mali during the Third Republic. We shall see that, despite the progressive legislation enacted in 1995 and 1996, the status quo inherited from the Second Republic remains. The intended changes have not occurred because the new laws have not been applied in practice. To date the legal domain of the local communities has not been identified and defined in a way that would make the transfer of power and resources possible. In direct consequence, local authorities lack accountability and legitimacy in the local arena. Neo-traditional forestry associations, created or reactivated by NGOs, remain deprived of official recognition. They find themselves limited to the role of forest surveillance and have no legal authority. The State, while making a show of participatory discourse, remains in actuality the only real power in matters related to natural resource management. This situation extends even to pasturelands in Youwarou Commune, where management is relegated to the deconcentrated administration and to traditional managers who have no legal proprietorship of the resource. These circumstances demonstrate that democratic decentralization, though widely touted, is not yet a reality in Mali.

CASE STUDY 1: FORESTRY IN THE RURAL BAYE COMMUNE

Introduction

Baye Commune is part of Bankass Circle, one of eight circles making up the region of Mopti. Baye Village, former capital of the once-existing *arrondissement* of the same name, is likewise the capital of the Commune, which comprises thirty-three villages that constituted the old administrative grouping. Baye Commune is one of a dozen communes comprising the Circle that came into being at the time of territorial reorganization. The Commune encompasses 21,142 square kilometers, 90% of which is covered by the vast agro-ecological formation known as the Samori, or Baye, Forest, and comprises about 11% of Bankass Circle. It has an estimated population of 23,000 to 26,000. Most of the inhabitants are *Dafing*, mixed with a variety of minority ethnic groups, some sedentary (such as the *Samogo* and *Dogon*) and some nomadic (the *Peuhl*⁹, *Bellah*, and *Bozo*). Agriculture, cattle ranching and fishing are the mainstays of this rural economy. Located upstream from Burkina Faso, the Commune benefits from hydrological installations on the Sourou River that flood lowlands and permit greater fishing as well as rice cultivation.

Bankass Circle receives a significant amount of aid from foreign development partners. Groups such as SOS Sahel-Great Britain, PGRN, GTZ, the United Nations Capital Development Fund (*Fonds des Nations Unies pour l'Equipement*, FENU) and the National Program for the Promotion of Agriculture (*Programme National de Vulgarisation Agricole*, PNVA) are active in Baye Commune, which also benefits from the contributions of Funds to Aid Basic Initiatives (*Fonds d'Aide aux Initiatives de Base*, FAIB) and the National Investment Agency (*Agence Nationale d'Investissement*)—organizations that support decentralized communities. Together these sources supply appreciable support for development activities. For example, SOS Sahel contributes an enormous amount of technical and financial assistance toward forest management, while the FENU has funded (to the amount of fourteen million CFA) preliminary research toward the preparation of 300 hectares for agriculture and truck farming in Baye Plains, as well as recently donating buildings to house the Commune's administrative offices. Despite financial difficulties that are currently straining the Commune (see below), Baye has significant tax revenues (23 million CFA in 2000, comprising 80% of the annual budget), while it received grants from the State in 1999 and 2000, each totaling 4.8 million CFA.

There are two major political parties in the area: the Alliance for Democracy in Mali (*Alliance pour la Démocratie au Mali*, ADEMA) and Democracy and Progress Party (*Parti pour la Démocratie et le Progrès*, PDP). In 1999, following fraud-plagued elections to the newly established Commune Council, there was a serious dispute between these two groups over their legitimacy at the commune level. The antagonism that set them against one another began in one family, when the Mayor's half-brother opposed him in the election, and then spread to the capital of the Commune and beyond,

⁹ Also known as *Peul*, *Fulbe*, or *Fulani*. They call themselves Fulbe. The French called them Peuhl/Peul (which means "person" in their language), and the English called them Fulani.

dividing all the villages into factions. A sub-prefect, a former chief of the *arrondissement* and State appointee, took the side of one of the disputing clans and attempted to stoke the conflict, hoping to take advantage of the disruption to regain prerogatives which, in the context of decentralization, had been reallocated to the Commune, where the Mayor was his principal rival. The case was brought before the State courts and passed through all the jurisdictional levels: the administrative tribunal, the appellate court, and the Supreme Court. It was eventually brought to a conclusion with judgment no. 25 of June 14, 2001, by the Administration Section of the Supreme Court, which declared ADEMA the winner of the 1999 elections. This verdict lent legitimacy to the contested municipal office and quieted the political tension that had poisoned Commune life and strained the performance of the Communal Council since the elections.

The Samori Forest

For Baye Commune and two neighboring communes, the timber-rich Baye, or Samori, Forest is an important resource for improving living conditions among those rural communities that are in a position to draw significant revenues from it. Covering an area of between 210,800 hectares (Diakité 1993) and 245,000 hectares (Ba 1999:5), the Forest occupies about 37% of the area of Bankass Circle. It extends across communal and national borders, stretching from the foothills of the cliffs of *Dogon* country to the interior of neighboring Burkina Faso. It is officially classified as “unorganized territory” and “undeveloped woodland,” and solutions to its management problems are impeded by the multiplicity of actors involved.

The mention of woodlands in central Africa evokes a mental image of dense and seemingly endless tracts of tropical forests. Samori Forest, on the contrary, is principally a simpler, Sudanese-type agro-ecological zone, made up of tree-bearing savannas and groves that stretch along watercourses, the Sourou River in particular. It is one of the last bush zones of the vast Sahelo-Sudanian region at this altitude. The Samori has been populated since the late Middle Ages by peoples such as the *Samogo*, *Bobo*, *Mossi*, *Maninka*, *Peuhl* and *Dogon*, emigrants from other places. Most of the Forest area was appropriated by these populations, who applied their own systems of access and use rights, both to the land itself and to its timber, wildlife and water resources. All of the rules regarding appropriation and management of this space and its resources eventually congealed into what came to be called “customary rights,” which in turn became “use rights” under colonial and post-colonial administrations. These rights continue to live in the populations’ consciousness and come into play in discussions and actions relating to management of the land and its natural resources.

The legal status of the Forest has undergone several transformations since the colonial period. The decrees of 1904 and 1906 awarded all uninhabited lands (those without “master”) to the French State (Ould Sidi Mohamed 1992:189). The Samori Forest, as part of the territory of French Sudan, was part of this allocation; however, France recognized customary use rights for populations in the region. The French administration undertook the surveying and parceling of the area in 1948, conspicuously marking areas set aside as forest reserves. The project was intended to expel populations occupying the interior parts of the zone and curtail certain activities, but it was not entirely successful. In fact,

from this time until the end of the Second Republic, classification of the forest could not be completed because the local population, in hope of forcing a relaxation of forest controls, performed acts of resistance. For instance, when the State once again took up the classification effort in 1972, the people set up “cultural hamlets” at the edges of villages adjoining the “classified” zones in order to torpedo the project. The administration permitted customary rights to have sway in some parts of the forest for habitation (cultural hamlets) or pasturelands (“pastoral shelters”). However, the forest agency retained control over exploitation rights by requiring permits for cutting (even in areas where other customary rights were honored) and police enforcement.

Forest management was placed under the control of the State, while land management, despite the enactment of the Nationalization of Lands Code, remained in the hands of customary proprietors. Myriad users exploited the forest, whether under traditional use rights or under the rules of the State, depending on the case. These users included sedentary planters, holders of “mastery rights,” sedentary *Peuhl* cattle ranchers and seasonal migrants, farmer-herders, commercial and subsistence woodcutters, artisans such as blacksmiths and sculptors, beekeepers, hunters, fishermen, healers, and women gatherers of minor forest products. In most cases, conflicts arising between competing groups of natural resource users were resolved by customary mediation mechanisms.

The multiplicity of actors and proliferation of rules have rendered management of the Samori Forest complex and conflictive, especially since management practices derive from several kinds of institutional arrangements. First among the key actors in forest management are those providing technical services, principally the Nature Conservation Service (*Service de la Conservation de la Nature*, SCN), followed by the neo-traditional management organs set up by SOS Sahel—that is, the *ton*—and elected municipal representatives that sit on the Communal Council. In the following pages we will identify these various actors and their roles, describe the origin and nature of the powers they hold, and assess their accountability to local populations. We will also try to evaluate social and environmental impacts of the current situation.

Exploitation Dynamics and Constraints

The multiplicity of actors and management regulations in the Samori has had a variety of negative effects on the resource. Frequent conflicts set traditional authorities of settled villages against migrant farmers who want access to outlying cultural hamlets belonging to the villages. If the host village grants authorization, the migrants then seek permission from the local representative of the State (the prefect or sub-prefect), and apply to State technical services, such as the SCN and the Local Service for Consultation on Rural Development and Equipage (*Service Local d’Appui-Conseil pour l’Aménagement et l’Équipement Rural*, SLACAER), for clearing permits. The *massa*, or political head, assigns a representative to be chief of the hamlet where access is sought and to keep him informed regarding the outsiders’ activities. The selection of this representative is subject to evaluation and ratification by the territorial administration, hence the hamlet must submit to village regulation and forfeit its autonomy. The migrant farmer understands that he is merely borrowing the land, which can be taken from him at any moment at the will of the proprietor—a condition that engenders a permanent sense of insecurity,

particularly since the resident population would stand to benefit by retaking fields cleared and worked by the migrant.

Increased access to water in the forest, following the construction of a dam on the Sourou River at Léry in Burkina Faso, has promoted the expansion of activities such as fishing, cattle-raising, and, in particular, rice cultivation in the floodplains. Hence, there has been an influx of migrant farmers, herders, and fishermen. Development of the Sourou River valley has aggravated conflicts between these users and natives, since some owners of inherited family lands as well as villages have begun to demand the return of parcels loaned to individuals and groups from outside. In this situation, conflicts over land that pit Karé against Kawéré and Baye against Songoré are typical (Tessougué et al. 1998:117-118; Ba 1999:40). Occupation of pasturelands has resulted in multiple conflicts between farmers who hold customary rights to the land and herders who merely have temporary user status. The influx of rice-growers to the banks of the Sourou blocks river access for herds, while planted fields obstruct animal grazing routes.

The creation of new hamlets and cropland causes forest degradation. Konaté and Tessougué (1996:15) report that, after the events of March 1991, which marked a relaxing of forest surveillance, 23 new hamlets were established in the space of just five years. These authors identified 86 hamlets, of which 73% had been established since 1970, and 49% since 1985. Setting up these hamlets appears to be a defense strategy against classification of the forest, which would dispossess the inhabitants of their lands. The tactic also fulfills the need to fix boundaries between villages by establishing “colonies” at their borders. In response to a growing population and greater demand for land, villages create clearings in wild areas without forest service authorization, and end up having to pay fines. Comparison of aerial photographs taken by PGRN in 1992 and 1996 shows a very marked deforestation in the region: wooded areas diminished by 48% over the four-year period, including woodlands along riverbanks as well as thick growth areas formerly covered by water (Ba 1999:11). It seems, then, that the deforestation is the result of conflictive and damaging farming practices rather than logging per se, which can sometimes contribute to the natural regeneration of the forest.

A number of institutional factors exacerbate this situation. In particular:

1. Inadequate material, financial, technical, and human resources deprives the State of the means of effective intervention to ensure long-term forest management.
2. Absence of an adequate forest development plan (which should include inventory, classification, a system of reserves and use plans) and coordinated management activities make it difficult to realize the potential of forest resources and impede the participation of local actors in their commercial exploitation.
3. Lack of human resources to perform surveillance and enforce regulations results in major incidences of fraud by those who exploit forests.

4. Failure to train elected communal officials in forest management and distancing them from management processes negates their normal accountability to their populations.
5. The lack of recognized legal standing of neo-traditional associations in the eyes of the SCN weakens their authority to police forest activities.
6. Exclusion of communal authorities and village associations from the distribution of tax and commission revenues is a cause of social inequity and a hindrance to local development.
7. Inequalities in access to and distribution of resources increase.
8. The population is poorly informed about natural resource decisions.

Management Systems in the Samori Forest

Traditional Management Systems

The foundations of customary authority can be traced through history. According to various written records of the oral tradition, the Samori Forest was the site of an ancient influx of people. Some authors place the arrival of the first human inhabitants, such as the *Mandé* from the West and the *Mossi* from the South, in the 12th century (Tessougué et al. 1998:34). Other researchers identify the 14th century as the time when the *Pana*, or *Samogo*, and *Bobo* first colonized the region (Ba 1999:13). This second theory is supported by the fact that the name *Samori*, in reference to the forest at Baye, means “land of the *Samogo*” in the *Peuhl* language; the region is also referred to as *Panadougou*, after the *Pana*.

As first inhabitants, these early communities of migrants acquired extensive rights over the land and various natural resources in the region simply by virtue of their primacy in the area. Customary rights are only the expression of societal relationships, which confer upon particular groups prerogatives over land management as well as social organization. Local leadership is founded on control of religious, political, legal, and economic powers. Historically, the traditional social framework in the Samori region is organized around socially defined land-holding groups managed by those who wield these powers. There are four main authorities:

(i) The *zora*, or land chief

Traditional property rights derive from rights of first habitation, synonymous with “cutting rights” or “burning rights,” in reference to the brush-clearing that had to be done before humans could settle a tract of land. These rights also render the first inhabitant’s religion sovereign in the dwelling place, by virtue of a pact between himself and the *loci*, or spirit of the space, imparting an exclusivity of rights handed down to the first inhabitant’s descendants, from father to son, based on seniority. In the Samori, the *zora*, or chief of lands, is a kind of priest whose duties include:

- officiating at purification ceremonies when the earth has been defiled by a prohibited act, such as coitus, or other disruption, such as a death caused by a falling tree;
- signaling the start of sowing, harvesting and the gathering of wild fruits;
- taking the first swing of the ax in creating a new field and the first swallow of water from a new well;
- wading first into fishing waters, thus consecrating them and opening the fishing season;
- arbitrating land disputes and punishing those in the wrong;
- dividing the land between his descendants, his allies and newcomers;
- ruling over a group of villages organized into socially-defined land-holding groups and religious entities.

There are three *zora*-ruled village groupings in the Samori, centered on the villages of Oula, Dien, and Tionou. The first two, called Ouladougou and Diendougou, are inhabited by *Samogo* peoples; the third, Tiendougou, is populated by *Marka* and *Bobo*. The succession of the *zora* is assured by gerontocratic principles.

(ii) The *massa*, or political head

Due to numerous incursions victimizing its inhabitants, the Samori has long been a politically unstable region. The *zora* were conquered by *Mandéka*, invaders from the West, to whom they had to confer some land-related prerogatives, such as functions of the land chiefs and the definition of some areas' religious orientation. Another conquering group called *Massaké* seized political power and installed *Massaden*, representatives from their own families, as the heads of the villages. The *massa*, politically and militarily dominant, gradually took over the powers of the land chief in order to control resources in many areas. His successors are no longer elected, but rather appointed from among his descendants.

(iii) The *sariatigui*, or judge

In addition to the *zora* and the *massa*, whose roles conflict, there is a third and neutral actor, the *sariatigui* or judge. The *sariatigui* exercises arbitration of internal conflicts such as those occasioned by adultery and altercations, and he denounces the excesses of the *massa* and the *zora*, with whom he establishes rapport based on trust. A neutral force, chosen from among the elders of his own family, he does not share the lineage of either of the other leaders.

(iv) The village council

The village council includes the ancestral chiefs as well as the *massa*'s councilors, and rules on all matters concerning the good of the community. The council provides the village with a pluralistic organ in which powers and counter-powers

create a balance among the participating entities and prevents the concentration of influence in any single one.

Opinions on the role of traditional authorities in natural resource management differ. According to Konaté and Tessougué (1996:5), there was no group specifically dedicated to this purpose historically. Rather, the *kana* or *ton* (bush police) were in charge of forest management, delegated and empowered by the *massa*. Comprised of youth members and designated adults, the *ton* kept surveillance over bushlands and administered local rules regarding burning, clearing, harvesting unripe fruit, and so forth. Adherence to custom held violations in check, and punishment of infractions ranged from confiscation of goods received as a result of a proscribed activity to reparations in cash or in kind. On the other hand, Ba (1999:22) says that these groups policed society as well as the environment. He notes that, in Baye and Oula, the instruments of management were the *kannas* (recalling the pre-Islamic supra-village system) and the *tondédi* (village-level organizations exhibiting the influence of the *bamanan* realm of Ségou). These organs were constituted of villagers in given age groups operating under the aegis of the *zora* or *massa*. Various youth groups, or *tondédi*, were charged with specific tasks for the community: group hunting, maintenance of wells or village waterworks, and so on. The *zora* or *massa* would assign them to policing missions that were social (such as securing goods against theft), economic (solidarity actions by the village), or environmental (resolution of problems relating to managing a given resource), according to their allotted function.

Neo-Traditional Management

Innovations in the forestry legislation of 1995 recommend developing the various traditional users' and managers' managerial qualifications, accountability, and rights to control resources. The legislation also recommends granting them decision-making powers and the institutionalization of the participatory approach in natural resource management. The objectives that gave shape to these laws grew out of the principles of: (1) guaranteed private, collective or State proprietorship over resources, according to each case; (2) simplification of administrative procedures; (3) support to socio-professional organizations and defense of their interests; and (4) elaboration of local and regional conventions relating to natural resource exploitation. Thus, neo-populism, via the participatory approach and focused on the promotion of village-based land management associations, serves as the official ideological canvas, justifying the intervention of NGOs and State services at the local level.

The Samori Forest was subject to massive interventions by diverse advocates of local development. Bodies such as the Project for the Development and Management of Village Lands in Seno-Gondo (*Projet d'Aménagement et de Gestion des Terroirs Villageois du Seno-Gondo*, PAGT/SG), SOS Sahel, French Volunteers for Progress (*Volontaires Français du Progrès*, VFP), PGRN and PNVA fought forcefully for environmental protection and local development, but without necessarily promoting structures that support local users and decision-makers (Ba 1999:4). With regard to local management of the Samori Forest, SOS Sahel is the organization that best presented a

community-based management approach, by encouraging the emergence of neo-traditional forest resource management associations under the historical rubric of the *ton*. In this study we will show how SOS Sahel integrated the *ton* with other persons and organizations identified as key contributors to the management of the Forest.

According to SOS Sahel, the Samori Forest had had a workable traditional management system under village-based groups called *ton*. These associations operated under the authority of the *massaké* to whom they reported, serving as environmental police and protecting the forest from destruction. The presence of colonial and post-colonial administrations weakened these customary structures, having removed from them all decision-making power with regard to forest resources. For villagers, the practice of wood-cutting by permit only had the effect of dispossessing them of the forest by opening it without discretion to commercial exploitation. According to them, this resulted in the most insidious form of environmental degradation. The populations had since demanded over the course of decades to play a role in the management of their forest (Diakité 1993).

SOS Sahel's nostalgic approach to traditional management of the Samori satisfied its neo-populist vision of local development based on community participation, and the NGO researched the arguments needed to justify its intervention. It had just completed work in the plateau region, where it had organized traditional associations, called *Dogon Alamodiou*, into forest watch brigades, and had served as intermediaries between the brigades and the local conservation service in negotiating joint forest management accords. However, similar associations for management of the Samori Forest had long since disappeared from the scene, and thus became a "tradition" only on the basis of being described as such by SOS Sahel. Customary leaders, the *massaké* and *zora*, still persisted in the zone, however. Research was undertaken by the NGO to confirm the existence of socially defined land-holding groups, which still operated traditionally. This research led to a partial reconstitution of socio-cultural entities comprised of villages grouped around a "mother village." Research revealed that there had been six such groupings, but the NGO reconstituted just four, excluding, in passing, the village of Baye, which had, in successive administrative reorganizations, been the capital of first the canton, then the *arrondissement* and finally the commune, responsible for the administration of the Panadougou region. The four reconstituted entities were Ouladougou, Diendougou, Zeremadougou and Tiendougou. The research for this report focused on Oula, Yira, and Minta, the sites of the head offices of the first three of these entities, respectively.

SOS Sahel's next step was the installation of management bodies following a rather hierarchical structure. Their legitimacy was supposedly rooted in tradition, which did impart a certain social legitimacy via a simple cultural transfer at the level of the system of representation in the village collective.¹⁰ As the *Dogon alamodiou* had been

¹⁰ Several experiments using a similar approach had been undertaken previously by the NGOs in the area, such as instituting the *Ogokana* in Koro Circle by CARE (CARE Mali 1998), Kelka Forest (CILSS/PADLOS 1997), the *Alamodiou* and *Bara Hogon* by SOS Sahel (Diakité 1993), and the *Siwaa* experiment in southern Mali (Hilhorst and Coulibaly 1998). All these projects aimed to achieve

commissioned by ancient leaders to keep watch over forest resources, so SOS Sahel undertook the setup of modern watch brigades in 25 of the 33 villages of Baye Commune. These brigades policed and performed surveillance of the forest and were responsible for forest conservation. Each brigade was made up of 12 to 15 members (seldom women) selected by the village executive committee. The 25 villages involved were divided into groups. In each grouping one village was assigned the role of “mother village,” and each grouping thus organized was subject to a “steering committee” of 12 members. The brigades reported to these committees in the course of communal meetings. Composed of those involved in running the watch brigades, these committees could serve as an interface between village-level organizations and the steering committees at the next echelon of administration, which had authority over multiple villages.

The establishment of the *ton* (surveillance brigades, village executive committees and steering committees), while largely choreographed by SOS Sahel, was implemented differently in each of the three areas we observed. For example, we were told in Minta that the village executive committee was created as follows: the six districts chiefs who make up the village council directly appointed “their people” (twenty in total) who formed the surveillance brigade. Then the twelve members of the village executive committee were selected. The same procedure was followed in Oula, where the members were appointed by the chief of the village and his counselors. After that “some people” were chosen to elect the steering committee, which is known as *tonba* or also *sabu nyuma*, which means “big association” or “good cause.”

During our stay in Yira, in the Ouiladougou, we learned that the village executive committee there plays the role of surveillance brigade at the same time. The village chief himself named the members of the village executive committee. Again, “some people” were appointed for the *tonba* (steering committee), which they also refer to as *benkadi*, or “good harmony.” Despite this appointment of members, the full assembly had the last word, operating on a consensus basis, on designees put forward by the traditional authorities. Certain criteria were respected, such as demonstrated commitment, as well as moral integrity in the case of the treasurer, and a literacy requirement for the administrative secretary, who was to record verbal proceedings. Members were appointed on the basis of their personal qualities and merit, without regard to their age. During the establishment of some village executive committees, SOS Sahel had recommended that people from all socio-professional strata of the village be represented.

With regard to the steering committees, which constitute the top of the pyramid, the agents of SOS Sahel recommended the nomination of the *massaké* or one of their representatives as honorary members. A steering committee was established in the mother village of each of the three systems—again, the *tonba*, or “mother association.” To create this committee, each of the villages in the particular area sent five delegates, generally assigned by the chief and his counselors. The resulting assembly of delegates chose from its own ranks twelve members to constitute the steering committee. SOS

participatory management by revitalizing the role of traditional associations in a new context of environmental management.

Sahel was involved in the composition of these groups, promoting a philosophy that socio-professional representativeness insures social balance. In addition to including the *massaké*, it recommended including the presidents of the village executive committees or of the surveillance brigades in order to achieve better coordination of activities.

In terms of accountability, the surveillance brigades answer to the village executive committees, who in turn answer to the steering committees, who, finally, report to SOS Sahel. Also, the brigades are supervised by agents paid by SOS Sahel. The village executive committee generally serves as interface between the surveillance brigade, with which it usually shares some members, and the steering committee. As an example of popular control, we were told that some members of these bodies had been relieved of their duties by the village assembly or driven out of office when denounced by their peers. Each steering committee coordinates the activities of the associations placed under its auspices, sets objectives, and plans tasks under the supervision of SOS Sahel. As envisioned by SOS Sahel, these associations would report to the village, which would be responsible for all actions taken, and would practice “assisted self-diagnosis” in evaluating the effectiveness of past efforts and the prospects of those to come. They would also influence the *ton*, rendering them more compatible with the spirit of modern organizations (embracing periodic renewal of membership, integration of women in their structures, and internal regulation).

The representativeness of the current associations is less than that of former bodies for several reasons. The old groups came directly from the *massaké* and operated on several levels at once in the social and environmental domains, in a context of abundant resources and less conflict than they experience today. The neo-traditional groups set up by SOS Sahel are designated by the village chief and his counselors; the groups’ tasks have no religious basis but rather lay status, and are hence devoid of sacred import in the eyes of the population. Likewise, fees assessed on users from outside the community vary according to their relationship with the *ton* and what interests must be defended.

SOS Sahel sought to develop the natural resource management competency of the reconstituted associations through a number of activities:

- forest territories development (a reserve of 39,000 hectares of forest was created in Zérémadougou);
- reforestation, starting with the establishment of tree nurseries;
- structuring a system for managing forest formations (an inter-village cooperative not yet operational) at Lossogou, Songoré, Tionou and Ganida—four pilot villages in Baye Commune;
- management of rainy-season water pools;
- technical training in management and development methods;
- mobilization of local populations;
- environmental education;
- literacy training for members; and
- training for farmers in reforestation techniques and tree-farming.

It became clear during the course of our meetings that it was SOS Sahel that appealed to villagers to set up forest management structures in order to counteract the deforestation and desertification that threaten their forests. SOS Sahel drew up the organizational chart and applied it to the region. Several of our interviewees did not seem to comprehend what was at stake at this stage; they simply believed that this process would permit them to recoup their lost asset (the forest) and to manage it free from all outside intervention, which unfortunately is not necessarily the case.

The actions of SOS Sahel are based on a community-based participatory approach, but SOS Sahel is clearly exercising a kind of manipulated participation. It tries to be iterative, but participation still remains induced¹¹ and stimulated from outside. It is an approach aimed at endowing rural communities with environmental management capacities while granting them neither the necessary legal powers nor the material means to actually apply these skills or receive any of the benefits associated with management prerogatives. In addition, the implementation and operation of the new organizations are far from endogenous and autonomous.

SOS Sahel undertook these programs with the aim of imparting natural resource management skills to local populations, in order to enable them to collaborate with municipal councils in the case of an eventual transfer of environmental responsibilities to decentralized entities. It can be said, then, that the activities of SOS Sahel worked to put in place management institutions to which *limited* decision-making powers were transferred. Unfortunately, this situation, unsupported as it is at the legislative level, results in numerous deficiencies, notably:

1. Lack of official recognition of the local entities, which are in fact in competition with State services charged with the management of natural resources, such as the SCN, the SLACAER, and the Local Service for Regulation, Legislation and Control (*Service Local de la Réglementation de la Législation et du Contrôle, SLRLC*);
2. Inability to amend or make compromises on decisions;
3. Lack of representativeness at the communal level, since the recommended structure is an essentially inter-village program, and the steering committees do not belong to the Inter-village Land Management Committees (*Comités Inter Villageois de Gestion du Terroir, CIVGT*);
4. Lack of power to develop and enforce management regulations;
5. Lack of power to levy taxes;
6. Lack of accountability to the base communities (primary accountability is, rather, to supervisory bodies such as the steering committee and SOS Sahel); and
7. Lack of the qualifications and means required for a sustainable and fair management of the resource.

¹¹ Meister (1977) distinguishes several types of participation: induced, imposed, voluntary, by appointment, or spontaneous. SOS Sahel's strategy is far from corresponding to the type of action we have defined through the concept of democratic or political decentralization.

Management by the State

Several State services are responsible for the regulation and management of natural resources. In the case of forests, as mentioned above, the SCN (formerly the Water and Forestry Service) plays a key role as local representative of the State.

The Samori Forest is officially classified as “uncontrolled,” since it remains non-surveyed and undeveloped. By virtue of its uncontrolled status, the Forest is the property of the State, which remains the principle beneficiary, through the local SCN, of the exploitation tax (art. 8 of Decree No. 98-402/P-RM). The State has the power to re-classify it and transfer responsibility for its management to the Commune (art. 51 of Law No. 95-004). A change of status would bring a portion of that tax into the Commune: five percent if classified as “organized” and ten percent if classified as “controlled,” according to the code regarding distribution of revenues.

Recent studies of the various actors established that the State alone, through the SCN, assures official management of the forest in Baye Commune. Only agents of the SCN can arrest and fine violators of forest regulations, and only these agents are authorized to negotiate the fines. Official informants report observed infractions to the agents and receive 10% of transaction amounts. With the help of the SLACAER, these agents control the issuance of permits for logging, clearing, and transport. Agreements were signed between the entities set up by SOS Sahel and the SCN, but the State only recognizes two rights for those local organs: to undertake surveillance of the forest and to inform on those who violate regulations.

SCN agents are accountable only to their superiors in the state hierarchy, on whom they are dependent. The attitude in the agency is that, in the absence of an official act transferring the Samori Forest to Baye Commune, the Commune has no role to play in its management. The agency further believes that local populations cannot exercise control over forests that belong to the State when, in its view, these populations need education and training about forest protection more than they need accountability.

The establishment of decentralized communities turned the commune into the basic administrative entity. As such, the commune is the lowest echelon of territorial organization (because the village does not have legal status as an entity) and should possess power in managing natural resources. However, without proprietorship of the forest, the communal council has no real power at its disposal. Furthermore, the NGOs and other contributors have neglected to develop the council’s ability to manage resources, focusing instead on the neo-traditional associations. This situation will not endure without questions arising concerning legitimate ownership of resources and the ability to manage them over the long term. Several solutions, such as establishing new agreements with local associations, have been put forward, but their efficacy in practice remains to be seen.

Accountability

Forest service agents are answerable only to their superiors; the communal administration, thus deprived of authority, loses legitimacy in the eyes of local populations. For local people, State control of commercial exploitation of the forest is inimical, since holders of official logging permits can cut down trees near the villages, even fruit-bearing trees protected by customary laws, thus wiping out years of effort that proprietors had devoted to preserving them. Cutting fruit trees for commercial purposes is an attack on private property. The ambiguity of the law results in uncertainty about the status of the resource; while the Land Code only recognizes the legitimacy of deeded property, customary law tends to combine permanent and exclusive rights to a resource with other property rights based on historical proprietorship.

Nevertheless, the effects of decentralization can be seen in the perceptions and attitudes of different actors, which suggests the appearance of a grassroots consciousness in their ranks. In managing the Samori Forest, the associations and conservation agents are engaged in a power struggle. Unable to openly oppose users armed with State-granted logging permits, the associations take action to control the permits. They limit the number and types they will accept, rejecting any that do not fulfill the letter of the law, and direct permit-holders to the zones that they have designated for exploitation. It could be said that the associations are thereby beginning to define forest usage. Thus, as a way of withholding some zones, such as pasturelands, from use by outsiders, the associations have opted to place some parcels in reserve. This has been done with the agreement of the forest service and SOS Sahel, which have helped the local organizations to establish the boundaries of forest tracts. At Minta, in Zérémadougou, 65 square kilometers have been placed in reserve in this way. Other groups are following suit; for example, Diendougou has already defined an area to be set aside.

Village groups have been denied substantial participation in commercial forest exploitation. They have not been allowed to create rural markets for wood products. Three villages, Tionou, Songoré and Lossagou, were to be pilot locations for a project called "Forest Management Units," and a village called Ganida wants to create an inter-village cooperative. These villages have already begun to define certain boundaries, but forestry agents have proscribed them from commercial operations in the absence of any development plans or use quotas. While awaiting resolution of this standoff, villagers have permitted themselves to sell wood products illegally, out of the forest service's view. Furthermore, at the instigation of an NGO, and with its help, the villages have taken steps to obtain their document of official recognition as a private-law association. At the time of our visit to Minta, the association had just obtained this legal status, and one of the members of the village executive committee told us that they had finally received the paper that gives them back the right to exploit and control "their" forest.

Representativeness and social legitimacy of the *ton*

Are the neo-traditional associations representative? Do they enjoy a meaningful social legitimacy? To answer to these questions, we need to compare the traditional and modern structures. We can postulate that the pre-colonial *ton* benefited from social legitimacy and from a certain degree of representativeness. As institutions sponsored by customary authorities, the basis of their legitimacy was rooted in a traditional belief system regarding the relationship between humans and nature, as well as the public value of their tasks. The *ton* assumed their duties under the control of the land chief (*zora*) and the political chief (*massa*), who represented legitimate authority, in a context of resource abundance and limited conflict.

The village social configuration has changed substantially since the colonial period, mainly because the State monopoly excluded the population from land and natural resources management. Further, the nature of the village authority has undergone important changes. Today the village chiefs are appointed by the popularly elected rural counselors, and very often other candidates for chieftaincy contest the counselors' preference. The candidate ultimately chosen by the council must then be submitted for approval to the administrative authority, represented by the prefect, who has the power to reject him.

The village council is officially a representative of the State administration. In the eyes of the population, it simply carries out the orders of the State machine without real decision-making power. In addition, the chief's legitimacy with regard to forest management is also limited, since that arena is a prerogative of official regulation over which chiefs have no influence. In the past, the customary authorities were the ones who collectively supervised the *ton*. This collective supervision strengthened their legitimacy.

The members of the new, neo-traditional committees could not have the same level of representativeness as the former, traditional managers. As seen above, the selection of steering committees members and surveillance brigades often came into conflict with traditions that invest the exercise of power in the gerontocracy. SOS Sahel was obliged to suggest compromise solutions to achieve a relative democratization of their structures. In this vein, the traditional authorities were conferred honorary roles, whereas the other duties were allocated to individuals on the basis of their intrinsic capacities. In this way, a young man could be allocated duties if he had the capacity to fulfill them. *Peuhl* herders and hunters, for example, were given responsibilities for forest surveillance, based on their experience and forest practices.

Another important problem for the local associations has been compliance with the legal requirements to periodically renew their legal status. In a word, the program was freeing the associations from the yoke of tradition, in order to integrate them into modernity, by giving them a new basis of legitimacy. However, institutions or associations designed by and subject to outsiders have difficulty gaining the autonomy that would enable them to become representative in the eyes of the population.

This attempt at neo-traditionalization (setting up modern structures drawing inspiration from custom) would, in theory, appear to be an ideological and political approach to

legitimization of SOS Sahel's community-based participatory interventions. SOS Sahel is putting into effect the precepts of a neo-populist philosophy that is so prevalent in current development efforts. The methods it has adopted, however, fall far short of re-producing in the present the imagined pre-colonial homogenous socio-cultural units of the past, if they ever even existed. Further, these units no longer have the same content and the same significance in the current system as in the past.

The division of national territory into geo-administrative and political entities by the succession of different hegemonic powers in Mali did not take into account the existing ethnic cultural or economic entities. Rather, this process was carried out to safeguard the political, economic and strategic interests of the powerful at each particular moment. The first divisions were the medieval provinces, followed by the colonial cantons, then the subdivision, the circle, the *arrondissement* (administrative district), and finally the commune. The current lowest level territorial entity (the commune) is an integral continuation of the former *arrondissement*, originating from the previous administrative division—far from an endogenous socio-cultural unit.¹² The nature and location of power has changed in space and time, as a result of political upheavals as well as socio-cultural transformations related to the inter-mixing of populations.¹³

SOS Sahel's future withdrawal from Baye Forest highlights a critical phase in the evaluation of its project's impacts on people, institutions, and resources in the long-term. The post-project phase is crucial, as it may lead to greater awareness among beneficiaries who appropriate the project and maintain its initial synergy, or, in contrast, it may be disillusioning, if appropriate endogenous mechanisms are not found to ensure local autonomy and guarantee the permanence of the forest resource.

Conclusion

None of the institutional systems analyzed, former or current, qualifies as democratic, according to the criteria discussed in the introduction. None of these systems establish a process of downward reporting that conditions local actors' accountability. The nature of the transferred powers does not permit discretion at the local level. This situation drains both communal councils and neo-traditional associations of representativeness.

¹² Tessougué et al. (1998:35-36), referring to Konaté and Tessougué (1996), notice a change in the ethnic identity in this zone. The change was caused by inter-marriage between the following ethnic groups: dogon, bobo, mossi and pana, or samogo. The result was the appearance of a group with a hybrid culture, called dafing. Most of the islamic samogo – except those from Diendougou who have preserved their language – recognize themselves in this new dafing identity.

¹³ Despite the assertion by SOS Sahel that socio-land units persist in the commune of Baye and in the Samori, this NGO was compelled to make substantial changes to its operational plan. First, the boundary lines of the commune of Baye no longer correspond to those of the ancient socio-land unit of the original Pana. Also, in Burkina Faso one can see satellite villages whose culture are dependent on “mother” villages located in Mali's Samori, but which are administratively separated from these roots due to colonial divisions. SOS Sahel has tied the village of Gania to the mother village of Tiondou and entrusted it with leadership in forest management for many practical reasons, including its demographic and economic importance and endowment with facilities; similarly the village of Minta was tied to the mother village of Zéréma of the Zénémadougou entity.

SOS Sahel's method of intervention (modeled on the "village approach" or the "management of soils," which drew its inspiration from PGRN) has demonstrated its limits (Laurent and Mathieu 1995; FENU 2000; Utting 2000).¹⁴ This method of intervention based on inclusion, experimental mobilization, and often on instrumentalization techniques, cannot ensure democratic participation of local populations in the management of their resources. The residual existence of a repressive regulatory and legislative framework maintains the State's monopoly on environmental management to the detriment of the other actors, despite the abolition of this monopoly by new legal texts. Practice is far from the State's ideological discourse—addressed to donors—praising Mali's decentralization. "The State says what it wouldn't do and does what it wouldn't say." But it has to accelerate the process of transferring powers to decentralized communities for a democratic decentralization to emerge. The actions of SOS Sahel and those of the other development partners should, in the new context of decentralization, foster institutions that represent the general interest of the community. The commune appears to be the entity that best plays the role of privileged partner for local development.

The implementation of criteria (such as the transfer of powers, responsibility, and accountability) that are considered to be essential conditions for democratic decentralization appears to be a pertinent method for addressing participation. It does not, however, exhaust the subject of responsibility, for in addition to democratic elections, there are other methods of control that can compel those in positions of responsibility to account for their actions to the grassroots. These include information, transparency, social pressure, civic duty, etc. (cf. Ribot 2001). Nevertheless, the commune represents important progress for the environmental decentralization process: it embodies the idea of participation, which, despite having been used to justify controversial interventions, needs to be reconsidered in this institutionalized form.

The effective participation of local communities can be achieved through the transfer of powers and resources by the State to representative local authorities. Such decentralized decision making should transfer forests and other properties to the community, and involve local authorities in their management. But, based on the discourse of representatives from the Ministry of Territorial Administration and Local Communities, it seems that the government is envisioning a simple transfer of managerial responsibilities over State properties, instead of the transfer of property rights.

Simplified procedures for access to forests and the establishment by consensus of a forest policy that is based on rural communities' environmental knowledge are needed to

¹⁴ These authors' main critiques of this approach can be summed up as follows: "the persistence of behaviour whereby the state controls the design of the projects; the desire to protect the interests of all parties by prioritizing non-conflicting issues; the lack of coherence between the management organs set up by the projects and the local structures that are exercising authority over the rest of village; the preference given to physical planning to the detriment of more conflictive issues related to local power interests; the unsuitability of the small intervention scale (village level) for the supravillage one, which is more pertinent; the impossibility of adapting organizational models that remain prisoners of their tremendous specificity; and finally, the growing importance of social hierarchy with the increase in power and status of the wealthiest people."

guarantee sustainable forest use. Also, establishing neutral legal recourse mechanisms would help to reduce the State's monopoly, thus enabling fair arbitration among all the parties involved in forest resource management. One of the main problems facing decentralization in Mali today concerns the establishment of local democracy. The transfer of power and resources to local democratic authorities will not be sufficient to guarantee democratic decentralization.

Article 71 of Law N°98-066 of December 30th 1998, the code regarding territorial collectivities, establishes local partnerships requiring the communal council to consult the village, group, and district councils concerning all issues related to their jurisdiction, such as organizing rural activities, environmental protection, natural resources management, and land conflicts. The key question is: will these local institutions be able to do more, or just be consulted? Will they have the necessary authority to oppose the communal council's decisions on issues that concern them?

CASE STUDY 2: PASTORALISM IN YOUWAROU

Introduction

Youwarou Circle is the newest and smallest circle in Mopti. Its existence, which dates from 1979, is due in part to political considerations. It is situated in the flood zone of the fifth region, called the Interior Delta of the Niger, where waters can cover 30,000 square kilometers of this wide basin during a major flood. The area supports agriculture, herding, and fishing—the three pillars of the regional economy. According to the 1996 census, Youwarou Commune had about 21,000 inhabitants at that time, distributed among 22 villages. The population includes farmers (*Rimaibé*, *Bambara* and *Marka*), fishers (*Bozo* and *Somono*), and herders (*Peuhl* and their dependents). Contrary to popular perception, the Circle is one of the poorest of the fifth region.¹⁵ This can be attributed to its isolation and precarious living conditions—due, among other factors, to climatic rigors and vulnerability to endemic diseases such as cholera, malaria, dracunculosis (parasitic Guinea worm disease), and tuberculosis.

Very few partners contribute to development activities in the area. The most important of the NGOs that do have a presence in the Circle is the International Union for the Conservation of Nature (*Union pour la Conservation Mondiale*, UICN), which is known for its environmental protection efforts. The Commune has benefited from State allocations amounting to 3.5 million CFA in 1999 and 2000. However, with very little in the way of commercial infrastructure, the State has been unable to collect enough taxes to cover essentials such as salaries, travel by elected officials, and investments. Only seven million CFA has been collected by the deconcentrated administration over the last two years, out of a total projected sum of 14 million. But other factors, particularly political ones, are at the root of the gross lack of a sense of national citizenship among the population. All actors are focused on exploiting natural resources, the only viable source of revenue for the commune, which suggests the kinds of arrangements that will prevail in the distribution of earnings.

Three large traditional families in the town of Youwarou hold a monopoly on natural resource management. These are the *Tiao*, descendants of water masters and chiefs of the *saré* (the non-*Peuhl* neighborhood); the *Yallarbé Ba* family, who are the pasturage masters (*Dioro*); and the *Diawambé N'douré* lineage, the customary chiefs of Ouro (where the *Peuhl* and their dependents live) and their allies, the *Kassé*. The *Tiao* control access to water in accordance with mastery rights conferred upon the family line; the *N'douré* family holds prerogatives relating to distribution of land; and the patriarchal clan of the *Yallarbé Ba* lineage manages pasturelands and controls, in part, access to land via the distribution of parcels within their pastures. The *Peuhl* group (the *Ba* and *N'douré*)

¹⁵ The results of a World Bank (1993) study on poverty in Mali is alarming. The national rate of primary school enrollment is just one school-aged child in four. Only one out of every four adults knows how to read and write. One fourth of all children die before the age of five and more than a third of all children are malnourished. The State devotes less than US \$2 per inhabitant annually to health care. Statistics in the central Delta area are for the most part below these national averages, but the situation in Mali overall has improved significantly over the last five years. For more details, see Kassibo 2000:92-93.

makes up the largest segment of the local population, dating from the theocratic domination of the *Macina (Peuhl)* over the region in the 19th century.

These groups play a major role in the local political arena, due to their historical predominance and their economic power, and even effect strategic policy decisions at the State level. National leadership positions are typically achieved by persons whose opinions represent those of the traditional authorities, who exercise their power over others and over resources and thus hold, in large measure, the key to the political arena. Since the time of the Second Republic, political power is the special domain of the traditional authorities of Youwarou.¹⁶ Traditional authorities are very interested in occupying the center of the political stage, where they can play a major role in preserving their privileges. The victory of the representative of the *Yallarbé* patriarchal clan (that is, the *dioro*) under the banner of the dominant party, ADEMA, in the mayoral election is an apt demonstration of this fact. The political scene is dominated by two groups, the ADEMA on one side and its opponents on the other. The opponents decry ADEMA's monopolization of communal administration for its own benefit and attempt to obstruct its initiatives and discredit the party before the region's populace. In short, controversy over the sharing and exercise of local power is evident at all levels. Officers of the decentralized administration deride the Communal Council for its "inertia, irresponsibility, ignorance and lack of ability to manage the affairs of the Commune." For their part, the locally elected councilors deplore the cumbersome weight of the administration's supervision and the authoritarian control that threatens to thwart their autonomy.

Herding is one of the principle productive activities in Youwarou Commune. The Interior Delta supports the majority of the country's bovine livestock. Pastoral activity is based on a seasonal pattern of transhumance, in which the herds move back and forth between the floodplain and the dry zone. One variety of herbaceous plant, *bourgou*, is dominant in most of the Commune's pasturelands, and lends its name to grazing tracts, familiarly called *bourgoutières*.¹⁷ Historically, the *bourgoutières* have been appropriated in three ways: through private family ownership; under the terms of a communal system called *harrima*; and via a political arrangement called *beit-el*. Pasturelands have also been managed in different ways over the course of time. The State, which has continually intervened in the organization of pastoral activity by traditional managers, has adopted several different institutional arrangements. Alongside State administrative representatives, other principal actors are the traditional managers, represented by the

¹⁶ The Kassé family of weavers affiliated with the *Peuhl* group of *ouro* monopolized the *poste de députation* from the time the Circle was first instituted until the fall of the Second Republic. Boubacar Kassé, family elder, held his post for two terms under the UPDM regime before being dislodged by his nephew, Amadou Kassé, two years before the fall of the Second Republic. At the legislative sessions of 1997, Boubacar Kassé abandoned his party to join ADEMA, whose candidate he supplanted with the complicity of the Party's leadership. But he was too unpopular to manage to get elected, provoking a schism in the local Party.

¹⁷ According to Laurent and Mathieu (1995:153): "One of the herding resources in this region [i.e. the Niger River valley] is the *bourgou*. This is a grass (*Echinocloa stagnina*) which produces very dense growth, more than 100 tons per hectare (or 10 tons dry), growing up to the water line in the floodplains of the Niger River, the *bourgoutières*. *Bourgou* is a natural fodder of very high nutritional value, a resource particularly important to semi-sedentary and traditional transhumant herding."

dioro, and the Communal Council. In this section of the paper, we begin by describing the historical evolution of pastureland management systems in the Delta Region and then examine the impact of this on current management systems in the *bourgoutières* *Yallarbé* of Youwarou.

Pastureland Management in the Delta Region

Customary Management Systems

Appropriation of pasturelands in the Delta region began with the appearance of the *Peuhl*, who arrived in staggered waves from the 12th through the 18th centuries. The nomadic *Peuhl* were led by a pastoral guide called an *Ardo* (plural: *Ardubé*). Occupation of the area involved contending with aboriginal populations (the rice-growing *Nono* and *Bozo* fishers), which were for the most part enslaved (*Rimaïbé*) or assessed tributes by their new masters.¹⁸ Furthermore, *Peuhl* control of pasturelands gave rise to conflicts with rival groups (the *Dialloubé*, *Férobé*, *Fittobé*, *Yallarbé* and *Ouroubé*) that engaged in occasional independent instances of pillaging. A few powerful military chiefs, such as the *Ardubé*, or *fondoko*, of the *Maghan Diallo* dynasty *Macina*, and the *Kounari pérédio*, managed to impose themselves and instituted a pagan *Peuhl* warrior-aristocracy (Monteil 1932; Gallais 1967; Ba and Daget 1955). The title *dioro* is a contraction of *diom ouro*, meaning “camp chief.” The *dioro*, originally set up by the *Ardubé* and charged with performing surveillance of the prairies and arbitrating conflicts, eventually acquired rights to the land and waters placed under their care. The *Peuhl* military aristocracy was built on a system of vassal-to-sovereign allegiance in which property was awarded or taken away, according to shifting alliances. It operated on a tributary system, based on military power legitimized by force. Therefore, the *dioro* were frequently deposed by the *Ardubé*. The *dioro* collected pasture access fees for foreigners’ herds, only to turn them over to the *Ardo*, who then redistributed them to his family members, allies, and dependents.

Under the leadership of Cheikou Amadou, the dominant *Peuhl* attacked the *diaélia*, or reign of paganism, in the 19th century. A holy war called the *Dina* resulted in the institution of a theocratic, *Macina*-run State in 1818. Vanquished pagan chiefs had to submit to the new theocracy, go into exile, or be killed. Several were dispossessed of their assets. The *Dina* undertook the restructuring of territories through consolidation of pastoral lands into the *Peuhl* system, confirmed and controlled on the basis of religious rights. This restructuring involved the gradual settling of nomadic herders and fishers and also the relocation of commercial centers in order to better control them. The basic unit was a hamlet called a *soudou baba*, which comes from the *Peuhl* words *soudu*, which is a “hut” surrounded by a hedge called a *gande* or *galle*, and *baba*, meaning father; *soudou baba* thus literally means “the father’s house.” This term indicates the patrilinear

¹⁸ Gallais (1967:134) says that the *Peuhl* “took possession of the Delta by military force. They ignored the rights of first occupation of the existing inhabitants, expelling them or reducing them to a state of captivity or subjugation.”

genealogical social structures of the *Peuhl* (tribal division, patriarchal group, and great family) (Gallais 1967:123). Each unit functions under a patriarchal director called *oré soudou baba*, who exerts a strong moral authority over the entire group.

Under the territorial restructuring imposed by the *Dina*, groupings of several *soudou baba* make up a village called *ouoro* or *n'gendi*. The chief and authority governing each *n'gendi* is an elder of the lineage called the *amirou* or, if he owns a pasture, the *dioro*. He must be a free man, literate in Arabic, and carry the title of *amirou* or emir. A hamlet populated by captives is called a *saré* and is directed by a *diom saré*. Villages thus constituted are in turn grouped into *cantons*, which are organized into provinces called *leyde* (singular: *leydi*) and governed by a *diom leydi* or *amiou leydi*, or province chief.

Pasturelands were integrated at the heart of this geopolitical restructuring of the Delta region. With the adoption of a sedentary life, the *dioro* became chief of the herd and the authority responsible for pasturage, the title tied to possession of pastures called *bourgou*. Under the *Dina*, a clan chief or ancestral family leader either owns or is master of a pasture, and any *Peuhl* chief who does not cannot hold the title *dioro*. The *Dina* imposed an efficient fiscal system that insured regular income from an annual tax levied on harvests and livestock. This enabled the State to maintain administrative personnel and an army—insuring, in short, a properly functioning government. With the institution of positive law, the rights of the *Peuhl* over water, land and pasture were recognized and confirmed once and for all, as were the rights of other groups to remain masters of their heritage.¹⁹ All the pasturelands of the Delta were made to conform to the State system concerning terms of allocation, rules of management and collection of fees—factors basic to securing the property to the State's domain. The *Dina* made use of three kinds of institutional arrangements specific to pasture management, which still exist today in different places and in various forms, depending on the way the *bourgou* operates. They are:

(i) The inherited *bourgou*

The *bourgou* is controlled by the *dioro* or by those whom he assigns to the task. The *oré soudou baba* collects fees (*tollo* or *diagui*) for its use by herds from outside. The rights of pasturage, originally shared among representatives of the *soudou baba*, would be better regulated by the *Dina*, to the benefit of all the rights-holders. Adoption of the Muslim inheritance principle of direct succession from father to son has altered the role of the *dioro* and progressively distanced other family members from any part in controlling the *foroba* (collective assets).

¹⁹ According to Daget and Ba (1955:81), all the *dioro diom hudo* and *dioro diom lolo* of the empire were convoked at Hamdallaye in year III (year III of the *Dina* regime, or 1920). Organized into committees, they worked with designated secretaries to record an inventory of encampments, pastures, and migratory herding routes. With the aid of this information, the Grand Council established pastoral regulations that had the force of law throughout the empire. No herder or sedentary person could flout the rules without incurring a stiff penalty. These regulations reinforced the ancient institutions of *burti* (herd migration routes or water crossings), *bille* (encampments of large and small migrating animals), *nololes* (fish dams near which herds were not allowed to water), and *harrima* (pastures which were not to be cleared or cultivated), as well as shoreline and riverbank locations reserved for watering animals.

Rights have become concentrated among the direct descendants of the official recipient as a result of segmentation of the lineage. We note, however, that some pastures have been granted by the *Dina* to non-*dioro* families, such as some of the more dominant clans, who have preserved their use rights. Similarly, we do encounter families who have certain use rights for interior parts of a pastoral tract controlled by the *dioro*. These families do not levy taxes on herds of outside users, but neither do they pay the main manager.

The pastures used to be controlled by village authorities and heirs who shared with the *dioro* the rights under which foreign herds were charged use taxes. Crowley (1991:27) affirms that the powers of the *dioro* were significantly limited because he had no power of jurisdiction in the *ouro*; villagers and descendants, rather, controlled property and pasturage rights. The *dioro* would control only secondary use rights, that is, those of migrant herders moving their livestock between *leyde*. Moreover, he could not intervene in litigation between villages and heirs.

(ii) The collective, or communal, *bourgou*

The community *bourgou* came about with the sedentarization of *Peuhl* clans and their division into administrative *ouro*, furnishing the clans with rainy-season pastures (*harrima*), dry-season pastures, and also space for dwellings (Crowley 1991:22; Morehead 1989; Ould Sidi Mohamed 1992:193). Crowley (1991:28) affirms that “the *Macina* were divided into 37 *leyde*, each administered by an agent (*dioro*) appointed by the central administration whose primary obligations were regulation of access by herds from the outside, levying pasturage rights (*tollo*), organizing the seasonal movement of all the livestock of the *ouro*, and negotiating pasture access at other *leyde*.” According to Crowley, “the *dioro* of all *Macina* territories together constituted a central commission that would coordinate herd migrations by defining itineraries as well as the schedules for transhumance, negotiating reciprocal relationships of access for each *ouro*” (Crowley 1991:22).

The *harrima* have existed until the present as village-owned property and became a source of conflict, especially after drought periods, when some private individuals tried to use the sowing of the *bourgou* for artificial regeneration, which bestows temporary property rights, to appropriate it for their personal profit. Access to the *harrima* is forbidden until the delta animals are freed during the transhumance period, after which it is open to dairy cows and old animals of the village.

(iii) The State *bourgou*, or *beit-el*

The existence of State *bourgou* is strictly a matter of politics resulting from the confiscation of pasturelands from rebel *Ardubé* or from opponents of the *Dina*. Neglected for lack of heirs, these *beit-el* were given to *Dina* political or military

leaders (province chiefs) to manage; taxes collected on their use are a form of official remuneration. Initially, members of the community had free access. The political circumstances surrounding these pastures are a source of conflict among provincial heads, who have an interest in appropriating them permanently. The collection of taxes and fees by the State on pastureland and water access recalls a feudal style of appropriation of territories via access rights (or tolls) distinct from the gifts of crops formerly offered to the land chief and to the water master, for symbolic and honorific reasons. These levies contain the seeds of future annexation of the resource by the State, which is in charge of its division into parcels or sharecropping operations, as well as its sale to private owners.²⁰

Political and military leaders have many times tried to appropriate these lands at the expense of their communities, hence generating many conflicts. Currently, for those that still exist (such as the *leydi* Uurube Duude of Sendegue), access is free for village communities, but their management rests with the village chiefs, who have tried all means to appropriate them. These pastures represent important financial stakes because of the taxes that the owners of outside herds have to pay. With decentralization there are new conflicts between the mayor and the village chief for control of this public income.

The French Colonial System

The French were always concerned with exerting their authority over land, pasture, and other territories that were vacant and “without master,” as demonstrated by the decrees of 1904 and 1906, which, as mentioned earlier, nationalized all non-registered lands. An attempt to record and codify customary rights was undertaken, and Convention No. 88 of 1904 went so far as to recognize the code of the *Dina*. To allow access by *Maure*, *Touareg* and *Bella* herders to pasturelands during the great famines of 1913-1919, Convention No. 88 was modified (Riddell 1982:42). The increase in conflicts over property and pastureland among users required the intervention of the army to reestablish order in the 1930s (Riddell 1982:43). In order to affirm France’s interests, taxes were imposed to regulate livestock access to pasturelands through transhumance permits (Ould Sidi Mohamed 1992:190). Throughout these evolving developments, the French administration maintained national ownership of land and natural resources.

During the era of the World Wars, the French first imposed livestock requisitioning, and then, for fiscal management and to encourage permanent health management, they imposed control over herd movements. Later, cattle were integrated into the regional market (Kumasi on the Gold Coast). These developments brought significant changes to the inheritance-based pastoral system of the *Dina*, which had already been weakened by a

²⁰ According to Jean Gallais (1967:140): “The complexity of the human organization of the *bourgou peuhl* is unusual. It is exceptional in black Africa that uncultivated land would be regulated. Only clearing, followed by plantation, destined a parcel to eventual control as property; using a parcel for pasture was never invoked as a precedent for property rights. Even at Fouta Djallon, the *Peuhl* of Timbo do not accept nomadic pastoral exploitation alone as foundation for actual appropriation. In the Delta, richly nuanced rules regarding the *bourgou* demonstrate the inventiveness of Delta *Peuhl* social organization.”

regional war. Conquering *toucouleurs* had deported all of the *Peuhl* of the *Macina*, exiling them to the right bank of the Niger where they could be controlled militarily. The French victory over the *toucouleurs*, however, stopped this deportation. The French also emancipated the *Rimaibé*, former captives of the *Peuhl*, who took advantage of the moment to demand the return of the land that they had occupied before their enslavement. In the process of emancipation, they became dispersed throughout the country, which loosened the grip of their former masters and thus weakened the sharecropping system. Since this period, chiefs of villages of sedentary populations have sought to increase their croplands by expanding over *harrima*, giving less attention to pasture.

Another factor that led to gradual changes in the rights associated with customary structures relates to changes in livestock ownership. In the post-colonial period, herd size became more heterogeneous, due, according to Crowley (1991:32), to the concentration of properties and the increasing proportion of cattle belonging to sedentary populations of farmers, merchants, and officials. With fewer but larger herds, owners will favor the maintenance of permanent pasturage rights.

The Post-Independence Period

Eager to reestablish equitable access for all parties to pasturelands, the regime of Modibo Keïta took on the feudalistic customary chiefdoms. The adoption in 1963 of the law on nationalization of property made the State the only legal manager of natural resources and land. Resistance from customary chiefs and traditional managers gave rise to repressive actions by the State and their loss of privileges attached to their former functions. However, nationalization under the First and Second Republics was merely a continuation and extension of colonial era legislation. Taxes on livestock were abolished in the Interior Delta of the Niger, undermining the power of customary managers. Moorehead (1989:23-24) confirms that the socialist State tried several times to replace the *dioro* with their own administrators to insure control and promote access for foreign migrants to the *bourgou*.

The Second Republic tried to exclude customary authorities from the management of natural resources, though in vain. The legal framework and centralized structure of State administration could not support the effort. Moreover, like the First Republic, the Second retained French legislation on environmental management. Civil servants as commander and chiefs of *arrondissement* were appointed in place of customary authorities to collect taxes from foreign herders in and to use them as a development tax for circles and *arrondissements*. Customary authorities accepted this tax collection by civil servants on condition that they allocated a portion to them. Only the Third Republic has adopted reforms that attempt to give environmental management decision-making powers back to local actors. As we have already seen, however, the reforms remain ineffectual to this day, due to a lack of meaningful application of the new laws.

Management of the Bourgoutière Yallarbé of Youwarou

Background

Settled since the end of the 15th century in the Interior Delta of the Niger River, the *Yallarbé Ba* clan (*soudou baba*), part of the nomadic *Peuhl* ethnic group, joined with the *Ardubé* of the *Macina* in the battle for vast *Macina* pasturelands. They received part of the conquered lands for their assistance. In the 19th century the *Yallarbé* gained significantly more property when great tracts of pasturelands were awarded them by Cheikou Amadou, sovereign of the theocratic realm of the *Macina*, as compensation for blood spilled in the course of a deadly confrontation with the *Férobé* clan. From that period until the present day, their lineage has been able to preserve the majority of forage resources as an ensemble of pastoral units called *leydi Yallarbé*.²¹ Covering approximately 1,568 square kilometers, this area is divided into five sub-units called *egguirgol*, each of which is placed under the authority of an *amirou nayi*, or representative of the lineage. These representatives, all descended from the *Ba*, are subject to the authority of a principal manager or pasturage master, called the *dioro*, who resides in Youwarou. Over the years, beginning with the institution of the *Dina*, these traditional managers of the *leydi Yallarbé* have been able to preserve the majority of their prerogatives in controlling access to the resource, despite the influence of geo-political hegemonies that have exerted authority over them. Regarded as family pasturage, the *bourgoutière yallarbé* conforms to institutional arrangements similar to those instituted by the *Dina*.

A number of factors in the management of the *bourgoutière Yallarbé* have impelled a new dynamic in the evolving pastoral system. Hereditary transmission of rights and powers has resulted in their monopolization by the *dioro* and his sons, progressively distancing extended family members. Rights disputes resulting from hereditary segmentation have weakened the authority of the *oré soudou baba* and led to murmurings for autonomy among the *amirabé nay* (under-*dioro*) and other ethnic *Yallarbé*. Changes in taxation of foreign herds, the result of a monetary-based award for access rights, have sharpened economic appetites and seriously damaged the perception of the hereditary system as an equitable one. The tenancy of rich cattle-ranchers deprives the *soudou baba* of their rightful proprietary access to familial pasturelands, and has also led to disputes regarding the managerial prerogatives of the *dioro*. The perennial presence of the rice-growers on parcels of land previously reserved for animal migration trails and shelters also threatens the interests of herders.

The Role of the State

In addition to these internal disruptive factors, the past and present intrusion of the State in resource management in the *leydi Yallarbé* must be noted. The colonial administration, in appropriating control of pasture resources through agreements and nationalization, limited considerably the amount of autonomy that the *dioro* had in decision making. The First and Second Republics maintained the *status quo*, and aimed to socially delegitimize traditional managers, eliminating the prerogatives attached to their functions.

²¹ It should be noted that, with all the intervening transformations throughout history, the *leydi*, as an administrative unit, may be seen as the real territorial inheritance in the *Peuhl* system.

The post-colonial State granted itself a number of prerogatives: setting the access calendar, selecting modes of resource exploitation, developing resource policing, and indirectly controlling some of the income from pasture rental. The result is a legal dualism in which positive law and customary rights are in continual interference with one another. From colonial times until today, the central administration has cast itself in the role of owner-manager of natural resources, interfering more and more in traditional management systems in order to reinforce its hold on these acquisitions. Traditional managers must engage in ongoing compromise processes with public powers, all the while dictating customary pastoral practices locally, preserving their legitimacy in the view of the majority of users.

There is a fundamental ambiguity concerning the status of familial pasturelands, regarded as communal village lands as dictated by custom, for which the Lands Code recognizes the rights of populations for land use but not proprietorship. Categorized as “unregistered” lands, pastures subject to customary property or use rights, and even those identified as privately-owned—whether individually or collectively, are the property of the State. At the same time, the State grants itself the power to take property—even when its customary disposition is legally recognized—in the name of the public good and in return for compensation to the private owners.

The Pastoral Charter declares family pastures to be private property. The Lands Code recognizes private ownership, however, only when any mortgage is paid, and the land is registered and recorded, a process that includes provision of a deed. Traditional managers are victims of the ambiguity of the codes. They approach the situation with a strategy of working on all levels at once. Custom grants them the legitimate collection of the *tollo*, or the right to access fees, from foreign users on their lands. The law, however, disallows all such tax collection, this being an activity reserved exclusively for the State—hence the involvement of State agents in the distribution of fees that are technically illegal.

The Role of the Commune

The institution of rural communes favored the emergence of new actors in the local arena who, under decentralization, exercise wide powers regarding natural resource management. They have become the principal antagonists of customary authorities, threatening the latter’s legitimacy and management powers. Communal territory is comprised of village lands subject to customary management; however, as the village is not recognized by the State as an administrative entity, decision-making with regard to property is in the hands of the communal council. Article 27 of the Charter affords these local communities, as it does all concerned partners, the right each year to organize transhumance and to inform all parties of the dates of departure and return of the animals from one locale to another. Under Law No. 96/050 regarding the makeup and management of territorial collectivities, the commune may draw up a plan for the development of its territory and for the supervision of all activities related to natural resource management. The council should seek the opinions of traditional authorities in making decisions about land, but strictly on a consultative basis. The decentralized community also has the recognized right to tax any lucrative activity in order to create its

own financial resource base. The central State virtually handed over to the commune, then, the full prerogatives over natural resource management that it had previously claimed for itself. Traditional managers now must struggle with the problem of preserving their powers thus threatened by decentralization.

The Strategy of the Dioro

Authorities over *leydi Yallarbé* pastoral units that extend across two communes may impose taxes on sections of pasturelands that are located within their territories and can even reclaim property. Conscious of all that threatens traditional family heritage, the *dioro* of the *leydi Yallarbé* has adopted a staggered and specific offensive strategy for managing key actors. The quest for political legality requires investing in strategic alliances with the dominant party (ADEMA). In 1999, the *dioro* finished at the top of the list in the municipal elections, supported by influential locals. As the elected mayor of Youwarou, he has acquired the institutional and legal stature he had previously lacked. Thus equipped with legal recognition that reinforces his social legitimacy, the *dioro* maneuvers to preserve the family patrimony he has already succeeded in assimilating into that of the commune.

The *dioro*-mayor has gained the support of the Communal Council. Appropriating pastoral land for itself while at the same time integrating it into the communal territory, the Council allows the *dioro*-mayor considerable latitude in management. To preserve and control this pastoral space, an inter-communal management system, involving collaboration with other decentralized bodies, and possibly a system of commissions, is strongly recommended. Integration of pastoral lands within the communal domain helps to rally opponents to the common cause. In this way the community, participating in the management of natural resources, would be able to levy taxes on pastoral rental charges, which would contribute to its development. However, article 45 of the Pastoral Charter (non-nationalized pasturage: section II) is favorable to the *dioro*. It states that private *bourgoutières* shall be managed by their owners, who may establish conditions for access and exploitation of the resource. Furthermore, the State can allocate or cede unregistered lands to the decentralized communities within whose borders they lie. The Communal Council is already anticipating the institutionalization of the *leydi Yallarbé* management methods. For the moment, however, decentralization laws have not been activated, powers have not been defined and jurisdictions have not been allocated; so the Communal Council has no real means of contributing to environmental management.

The Harrima, or Communal Pasturelands

Management of the *harrima* has not changed much since the days of the *Dina*, and the rules imposed by the former regime have often been retained. Interventions by Veterinarians Without Borders (*Vétérinaires Sans Frontières*, VAC) and the UICN in developing the *harrima* of Youwarou have resulted in the introduction of new techniques (seedlings, layering, cuttings, etc.) designed to regenerate the resource, the expansion of the management committee to include administrative personnel, technicians, civic

representatives and NGO directors, and the development of new management rules. The new rules cover the following:

- Controlled access through payment by users;
- Conservation techniques (e.g. establishment of reserves, supervision of grazing herds);
- Setting of use schedules;
- Provision for residents to have exclusive mowing rights and rights of priority access for their animals;
- Provision for certain other users to have temporary access rights which do not interfere with use by primary rights-holders;
- Exclusion of non-native groups; and
- Implementation of mowing and selling rights of the *bourgou*.

The Pastoral Charter facilitates the adoption of these management procedures.²² It recommends the transfer of community pasturelands to the local communities, who will then be able to become primary partners in drawing up the rules for the exploitation of the resource and, in particular, to benefit from the collection of related taxes. However, the sums collected are minimal; only the *leydi Yallarbé* would be able to amass enough fees to draw the attention of elected communal leaders. For the communal management of the *harrima*, several kinds of institutional arrangements are possible. The best arrangement would promote the establishment of an agreement between the communal council and the management committee, or co-management with the committee. Once powers and prerogatives were devolved, the commune would become the principal center for decision-making. However, at the present time, the commune remains absent from the scene, held back by the State, which has thus far failed to implement the laws that would permit the commune to take the lead.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The failure of the Third Republic to transfer powers and prerogatives suggests a series of important questions. One of these relates to the very existence of the commune, whose role as the hub of power is not clearly defined. One reason the State has not decentralized is its lack of confidence in elected local officials, whom it accuses of incompetence and of being incapable of assuring a sustainable natural resource management program. Transfer of authority to incompetent people, the State fears, could threaten the long-term preservation of the resource. Another probable reason is that the administration is not yet equipped with the necessary tools to conduct an efficient, large-scale transfer.

In the meantime, the decentralized communities are subject to an avalanche of interventions that threaten to diminish their autonomy even further. “One-size-fits-all” participatory development programs are imposed without tailoring them to local realities.

²² The charter, which determines access rights to natural resources, only validates such an approach (*Du droit d'accès aux ressources naturelles*, Title V, articles 38, 39 and 40).

The macroeconomic policy of the government dominates; national, regional, and local development and planning agencies proliferate and overlap; oversight is left to the State and the NGOs. With competence and resources sadly lacking, the current challenge is to assess the real capacity of the communes to assume various new responsibilities.

Another issue, which has contributed to the delay in devolution of powers, is that of land delimitation. This issue carries the seeds of eventual conflict if local cultural realities, which were ignored during the delimitation of the boundaries of existing communities, are not taken into account in the future. Determining the boundaries and the status of forests on the basis of the interests of the State and its administrative districts deprives the commune of any legitimate claim to its natural resources. The situation seems to call for application of the subsidiarity principle, which would guarantee a balance of powers among the various levels of representation. The superimposition of structures can threaten the viability of some of these, such as the circle.

A related problem is that of conflicts between the former *arrondissement* chiefs and the elected leaders of the communes. Even after the disappearance of the *arrondissements*, chiefs remained in place, under the title of sub-prefect, but most of their prerogatives have now been taken over by commune officials. The chiefs, no longer able to exert hierarchical pre-eminence over the elected leaders, try to re-appropriate powers from them. Is this not a clear indication that decision-making powers are concentrated very much as they were under the previous administration—supposedly a thing of the past? Retaining these sub-prefects in the commune capitals would seem to be in line with the corporate approach to administration favored by the State, which is eager to avoid compromising its own relevance by massive cuts in staff.

Furthermore, the thrust of the new laws of 1995—to develop socio-professional groups and local authorities as local natural resource managers—opened the door to international NGOs, whose programs, fostered among rural populations, are based on populism. SOS Sahel's initiative aims above all to promote local (village-level) management of natural resources. The Network for Decentralized Management of Natural Resources in the 5th Region (*Réseau de Gestion Décentralisée des Ressources Naturelles en 5e Région*, Réseau GDRN 5), made up of NGOs active in the fifth region, advocates conferring legal status on neo-traditional associations, so that they are formally recognized by the State, which would then transfer to them resource management powers over their territories.

GDRN 5 also wants the State to accept the village as the final link in the chain of administration, because customary village authorities, being the original possessors of rights to the land and its resources, would then continue to play a key role in their management. The arguments invoked present the village as a pluralistic entity, in which the interests of the various groups balance each other, thus safeguarding the interests of all. In reality, however, traditional village relations are not so democratic; women, younger community members, individuals of lower caste, and foreigners are inevitably doomed to marginal roles. Populist intervention based on the participatory approach to natural resource management has done nothing to reclaim prerogatives from elected officials of the commune, who have been given authority over artificial land divisions made up of groups of villages.

Another important issue is jurisdictional in nature. The existing legal environment should guarantee the legality of transfers, but users' understanding and acceptance of the laws is problematic. Malian administrators seem to have an instrumentalist concept of legislation (Hesseling 1996), in which it is assumed that laws will have the intended effects. However, a number of legal experts would argue that the current Malian legal system can make no such assurances.²³ In the process of elaborating decentralization laws, anticipatory legal writings have, in general, prevailed. Malian law is an imported law; non-specialists have to make a great deal of effort to understand it. The high rate of illiteracy in the country is also a problem; if Mali wishes to firmly anchor the decentralization of its government, a translation of the whole of the law into national languages is needed in order to put it within reach of the general population.

Recommendations

On the basis of the findings of this study, we recommend that, in order to provide an effective policy framework for the decentralization of natural resource management, the State should:

1. Undertake new and speedy distribution of the forestry, water, and pastoral domains;
2. Transfer exclusive rights over commercial exploitation of forests to local institutions and communities;
3. Guarantee equal access for women to returns on commercial exploitation of firewood and charcoal;
4. Revise development plans to reflect minimum environmental standards and agreement protocols;
5. Replace production quotas with production ceilings;
6. Institute development plans for villages and rural communes who wish to raise their production to a level higher than that permitted by natural regeneration alone;
7. Create a system of accessible channels for legal arbitration;
8. Adopt popular participation as a basic component of the reform of the forestry sector;
9. Replace short-term projects with long-term reform policies; and
10. Translate the law into national languages, so that it can be understood by the general population.

There are also several actions that should be taken to enable the communities to which powers have been decentralized to manage the environment more effectively. The

²³ Josette Habbas (1996), one of the most influential authors of the decentralization process at the Mission for Decentralization in Mali, warned against legalism. She held that: "Consistently translating every situation into law satisfies the legal conscience. Yet, the law must be enforceable, it must be in step with reality... Paradoxically, in societies in which the State's capacity to regulate, especially at the jurisdictional level, is weak, legalism does not serve the interests of the State. The job of State law is not so much to describe the entire society legally but rather to effectively enforce existing laws. Enforcement mechanisms too heavy, too precise and too ambitious risk languishing in the virtual phase. Too much law undermines the legal State."

transfer of powers will engender a culture of local autonomy in which local elected officials have natural resource management responsibility but are also subject to disciplinary action in cases of power abuses or serious ineffectiveness. Real accountability will be the source of legitimacy before the communities they serve. In order to ensure such accountability, it is necessary to:

1. Establish adequate reporting procedures, as well as channels of arbitration in cases of disputes with the deconcentrated administration;
2. Provide training, as advocated by the FENU (2000), in good natural resource management techniques, with the aim of achieving long-term increases in productivity and revenue and rendering local communities less vulnerable to ever-threatening environmental crises;
3. Develop and establish appropriate regulatory frameworks; and
4. Introduce a program of civic education and policy training for local elected officials, in order to promote a sense of citizenship and civic consciousness, develop their competence as natural resource managers, and ensure the harmonious pursuit of decentralization, which has suffered so many failures in the recent era.

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- To promote national-level administrative, legislative, and judicial reforms necessary to accomplish environmentally sound decentralizations and to enable public interest groups to hold governments and private actors accountable for their environmental management performance; and
- To develop regional networks of independent policy research and advocacy groups that are effective in promoting and utilizing the above reforms in the interests of improved environmental management.

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