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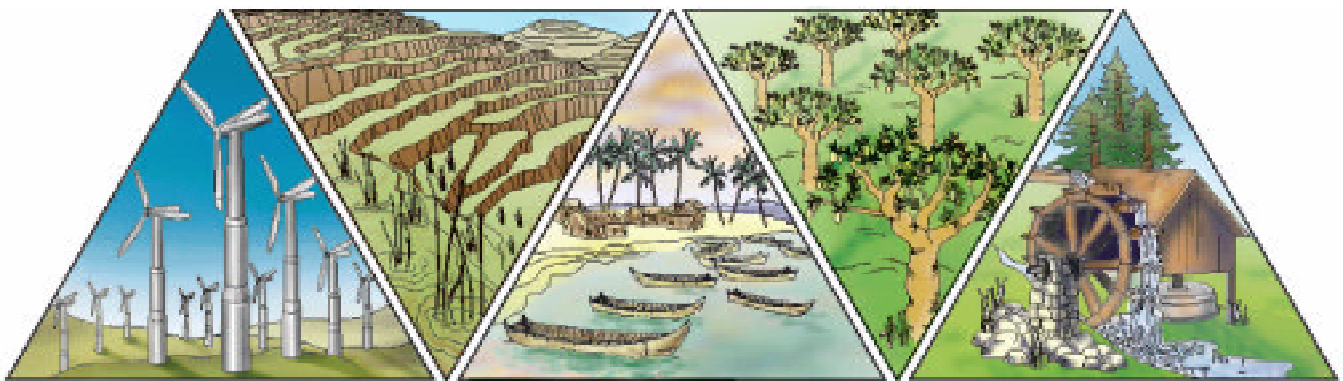
WORKING PAPERS

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**DECENTRALIZATION, PARTICIPATION, AND
ACCOUNTABILITY IN SAHELIAN FORESTRY**

LEGAL INSTRUMENTS OF POLITICAL-ADMINISTRATIVE CONTROL

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DECENTRALIZATION, PARTICIPATION AND ACCOUNTABILITY IN SAHELIAN FORESTRY: LEGAL INSTRUMENTS OF POLITICAL-ADMINISTRATIVE CONTROL

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

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

INTRODUCTION

Policies of “Indirect Rule” under the British and “*Association*” under the French created an “institutional segregation” in which most Africans were relegated to live in a sphere of so called “customary” law (or the “*indigenat*”) while Europeans and urban citizens obeyed civil law—customary law being an administratively driven form of State ordained and enforced regulation. In 1936 British colonial officer Lord Hailey wrote: “...the doctrine of differentiation aims at the evolution of separate institutions appropriate to African conditions and differing both in spirit and in form from those of Europeans.”¹ Mamdani points out that “The emphasis on differentiation meant the forging of specifically ‘native’ institutions through which to rule subjects....” He continues:

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

By uncritically privileging local government and “customary” authorities, I argue that recent decentralizations and rural participatory development projects and policies can maintain and even deepen this ongoing legislated apartheid. New projects and policies launched within this highly unequal set of rural relations take on the contours of their context. While so-called “participatory” development projects are bringing benefits to rural West Africa, they cannot be widely transformative while embedded in a bifurcated political-administration. Without great care they may reinforce the very structures of unequal privilege they seek to upset. Participatory approaches to rural development are in a bind. They must use or construct local representation if they are to proceed. They must do this, however, under conditions where locally accountable representative bodies are rare and representative alternatives are difficult to construct beyond the temporary legitimating presence of outside development agents. They must do this in a context where rural authorities are upwardly accountable to the central state, rather than downwardly accountable to the local population.

Endnotes begin on page 39.

Participatory and decentralized interventions also parallel some of the ideological justifications of *Association* and Indirect Rule, which were presented as humanitarian attempts to “raise” the quality of African lives.² Although colonial policies now look brute and unapologetic, they were accompanied by idealist justifications in which their purveyors believed (Alexandre, 1970a:65-8; Buell, 1928; Perham, 1960).³ In 1936 the liberal anthropologist Lucy Mair, who deemed the British and French systems of Indirect Rule and *Association* to be equivalent, wrote:

The basic aim of Indirect Rule is the development of an African society able to participate in the life of the modern world as a community in its own right. In territories where it is followed government does not accept the encouragement of European enterprises as a duty, but judges its value in the light of the contribution which it can make to African development. The other aspect of Indirect Rule—the preservation of African institutions where the needs of the Africans themselves do not call for their modification—is almost a natural corollary of this attitude toward European penetration....

Under Indirect Rule the land of the territory is recognized as the property of the native tribes, and, though alienation is still permitted, the ruling principle is always that such alienation must produce beneficial results to the native community and must be accompanied by adequate compensation. Neither the wholesale transference of native populations nor the curtailment of their reserves to dimensions which make them unable to gain subsistence by their accustomed economic methods are permitted under such a system. Village life on the lands protected by the ancestral spirits, work organized through traditional systems of co-operation and fitting into the accustomed rhythm of alternating effort and recreation, by methods improved perhaps, not under the strain of necessity but through the incentive of increased returns, becomes the bases of an economic development, which, if properly guided, can be integrated into the structure of an African society instead of remaining an external disintegrating force. [Mair, 1936:12-14.]

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

Direct and indirect forms of local authority and those now described as democratic can all administer rather than enfranchise rural populations. Rural enfranchisement—the shift from subject to citizen—requires locally accountable representatives empowered to make significant decisions. Competitively elected representatives whose every decision must be approved by centrally appointed administrators under the French system of *tutelle* (oversight); representatives who have no powers of decision; local elections without independent candidates; and the empowering of non-accountable local bodies in an indirect system of empowerment (through ad hoc committees, NGOs, chiefs or other notables) do not enfranchise rural populations. The two critical characteristics of enfranchisement are downward accountability of local authorities and their empowerment through the control of valuable resources and significant decision-making powers. Under Indirect Rule and *Association* rural authorities were upwardly accountable to the central state. Elected representatives can be either upwardly or downwardly accountable, empowered or not, or under tight *tutelle*, depending on the constitution, organic code, electoral laws and the multiple texts (including forestry codes) spelling

out the division of powers among levels of government and between representatives and administrators at each level. These legal codes circumscribe enfranchisement. All of them must be scrutinized when claims of community participation or political decentralization are made.

Paralleling colonial patterns, current participatory efforts appeal for their legitimacy to local, non-State authorities, supporting these authorities in the process. Chiefs are used in participatory projects as State administrators, as intermediaries or just as symbols of the “indigenous,” thus legitimating the project to local populations while providing it a local and indigenous flavor for project personnel and advocates supporting participation from afar. Although used as if they were representative, chiefs may not represent or be accountable to local populations. Nor may elected rural representatives be locally accountable. The structure of elections in Senegal and Niger makes them upwardly accountable to the central State, rather than downwardly accountable to the populations they ostensibly represent. In Burkina Faso and Mali, where electoral codes foster downward accountability of representatives, they are integrated into projects and decision-making powers as advisors to administrative or project-created bodies, rather than as empowered decision makers. This was the structure of *Association* and Indirect Rule: central control administered through local appointed authorities (whether called chiefs, councils or administrators) backed by and advising the State while presenting only a semblance of local representation. This is the structure of “decentralized” “participatory” forestry in the West African Sahel.

Through forestry projects and policies in Burkina Faso, Mali, Niger and Senegal, this article explores decentralized participatory development in a Francophone political-administrative context. It focuses on the legal-administrative instruments by which the State circumscribes control over forests—through control over local authorities and over the powers they are permitted to wield. This article examines the ensemble of legal structures that impinge on who makes decisions over the disposition of forests, forest labor opportunities, forest market access and forest benefits. Control over the disposition of forests is configured at the intersection of multiple laws—not by any one law alone. Forestry policies cannot tell us who controls forests any more than electoral codes tell us the powers that representatives can wield. Once forestry laws indicate which resources and decisions are in the local public domain, then the structure of accountability of public representatives shapes whether those decisions are indeed being placed “community” hands.

Laws, of course, tell only part of the story of who controls forest access. They are contested, circumvented, selectively applied, interpreted and re-interpreted in their making and implementation (Kreuger, 1974; Bhagwati, 1982; Bates, 1981). There is a whole realm of extra-legal, social, cultural and political-economic relations in which law is embedded that shape the effects and meanings of any laws or legal changes—whether of electoral codes or environmental regulations (Moore, 1986; Comaroff and Roberts, 1981; von Benda-Beckmann, 1995; Fortmann, 1995; Cousins, 1997; Hesseling, 1996; Ribot, 1995; 1998). They nevertheless have profound effects that make them the focus of this inquiry. Efforts at participatory rural development are often contradicted by political-administrative laws that systematically disable accountable local representation. This article identifies disabling and enabling laws that circumscribe the possibilities for expanded rural enfranchisement. It examines the legal structures that leave today’s rural populations without representation in decisions affecting their everyday lives and with little control over the valuable subsistence and commercial resources around them. The problem faced in creating greater local participation is not just about

fostering its beginnings. Rather it is about dismantling political-administrative laws that are designed to prevent it.

Section I of this paper defines participation and decentralization, exploring the role of the State in bringing them together. Section II outlines historical and current roles of chiefs and rural councils in rural representation. Section III presents two case studies with an analysis of who makes decisions about and who benefits from forest management. Section IV explores some of the broader relations between colonial and current practice in decentralized participatory forestry. Section V concludes.

I. POLITICAL DECENTRALIZATION AND COMMUNITY PARTICIPATION: IF EVER THE TWAIN SHALL MEET

Decentralization is the devolution of central State assets and powers to local or private decision-making bodies: representative local government, local administrative branches of central government, non-State organizations (NGOs, Cooperatives, associations, etc.) or private individuals and corporations.⁴ When powers are delegated to local branches of the central State the process is called *deconcentration*—bringing government and its services closer to the population. Devolution to non-State bodies (NGOs or other private groups or individuals) is called *privatization*—indeed it is a form of enclosure when it involves privatization of “community” or public resources. Devolution to “community” and representative local government it is usually called *political decentralization* and can be a mechanism of community participation.⁵ Following Donnelly-Roark (1997) I use the term “participation” to mean power sharing in decision making. Participation must include real devolution of significant powers. Despite its problematic nature, I use the term “community” to mean the ensemble of a geographically specified local population.⁶ In the West African Sahel, I use it to refer to the village or the population under the smallest unit of local government. Here “community participation” is the collective control of public resources and decisions.

In the 1980s the developmentalist view of the third-world State flipped from a progressive force of change and modernization to a backward primordial arena of greed, hindering development (Ferguson, 1996; Evans, 1997). In the process the undifferentiated category of “civil society” flipped from primordial and backward to being the source of creative energy for modern market-oriented change—if only the State could be rolled back. A parallel flip is underway in environmentalism (Agrawal, 1997). People and local communities have turned from being viewed as environmental villains (e.g. Ehrlich, 1978; Hardin, 1968; Meadows et al., 1974) destroying nature through ignorance, greed and need, to heroes (see Shiva, 1989; Posey, 1985; Ostrom, 1990; Singh and Titi, 1995; Banuri and Margolin, 1993; Western and Wright, 1994) whose local knowledge and affinity with nature will save the earth’s threatened resources.

Participatory approaches to environment and development received a great boost from these flips in state-society polarity. They emerged from a long history of frustration with failed top-down approaches, and now sit comfortably at the intersection of indigenous rights movements, anti-Statist sentiments of both the left and right, structural adjustment agendas and fiscal crises of post-cold war third-world States. The privileging of civil society, of “indigenous” institutions and of the “local” all support a participatory approach to the various goals that outside—and many local—agents pursue. Participatory development has become a means to incorporate civil society into the decisions formerly reserved for State agents. Now that the State is perceived as bad and civil society as good, decentralization and participation are ostensibly avenues by which control is being transferred from one to the other.

The last decade ushered in a global spate of new laws and projects to foster decentralization and participation in forest management (and natural resource management more generally), on the basis that these approaches can improve forest management, boost economic and administrative efficiency, address equity problems, foster development and help “save” the environment.⁷ Participatory forestry is viewed as a way of achieving forest management while drawing on the skills, knowledge and

proximity of local populations with the added benefit of introducing local autonomy and increased local income. Internalization and equity aspects of community participation, however, are predicated on the existence of a structure for community decision making that is locally accountable and representative. They also, of course, depend on the devolution of decisions over valuable resources (natural and financial) to these structures. Yet, in the West African Sahel, the instruments through which communities are being involved or represented in decisions do not constitute participation by the community. Nor are locals who do “participate” (whether or not they represent the community as a whole) being allowed to participate in many of the critical decisions over the disposition of forests or the benefits that can flow from them.

Participation without locally accountable representation is simply not community participation. Nor is it participation when representative bodies are created without being granted real powers of decision over valuable resources. Many apparent decentralization efforts re-centralize with one law what they have devolved with another. In the cases examined here, when local structures are representative few powers are devolved to them, and when local structures have powers they are not representative but rather centrally controlled. In the legal maze of decentralization and participation, “participatory forestry” efforts are often creating centralized control articulated right down to the local level through the intermediary of non-representative local, State and non-State authorities (Ribot, 1995;1995a;1996; Schroeder, this issue). Rather than empowering or enabling, these policies control and administer the local, treating rural populations as subjects to be managed and used. For these reasons, new laws and projects masquerading as political decentralization or community participation must be carefully analyzed.

In lieu of opposing State and civil society, this article ends by attempting to bring the State back in as a legitimate representative of community—if and when local government is reformed. Constituting community participation does not have to be a State/non-State dichotomy. Rather it can be about the structure and role of local State formations (cf Evans, 1997; Tandler, 1997). It can be about whom local government represents and serves—the central State or local constituencies—and what powers they wield. Representation concerning public goods is ostensibly a role of the State: a downwardly oriented State accountable to and legitimated from below, not the upwardly and outwardly oriented colonial and postcolonial States accountable to colonial rulers, centralized managerial governments and international aid and financial institutions. Decentralization with participation requires a switch from the decentralized despotism of administrative apartheid to autonomous empowered forms of locally accountable rural representative government. This article problematizes local representation so that inequitable forms can no longer be relied on in an uncritical manner. If decentralization and participation are to converge it will be through some form of generalized rural enfranchisement.

II. RURAL ADMINISTRATION AND REPRESENTATION

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

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

Chiefs and Councils

Participatory development and natural resource management policies and projects usually rely on village chiefs or Rural Councils to represent rural populations—when they are attempting to be representative. In this section I question the degree to which chiefs or councilors represent or are accountable to the populations for whom they ostensibly speak. Chiefs are often seen by outside actors as a kind of authentic, primordial, pre-colonial, indigenous, local, and therefore appropriate institution of community representation. A brief look at chiefs indicates that their representativity and accountability is problematic. Rural Councils, which are elected representative bodies, are also quite problematic since these institutions are structured in a way that also may not accountably represent local populations.⁸

Chiefs

In the West African Sahel *villages* are the most common unit of social aggregation around which local use and management of woodlands is organized both by local populations and by outside agents. Each village, roughly 100 to 1500 people, typically has a chief, and some have specialized chiefs overseeing forest use. There are also other poles of authority within villages, such as land priests, sorcerers, marabouts, Imams, non-village-based pastoral chiefs, griots, merchants, heads of certain castes (e.g. hunters in Mali), and chiefs of the young (maasamari in Niger) (see Ouédraogo, 1994; Bassett and Crummy, 1993:6; Roberts, 1997; Kini, 1994:21). Colonial rulers, however, relied on village chiefs, disproportionately shifting power to them (Buell, 1928; Suret-Canal, 1970; Cowan, 1958; Deschamps, 1963; Perham, 1960; Alexandre, 1970; 1970a[1959]). While these other figures

are involved in resource management (cf CARE-Mali, 1993), most State and outside organizations still privilege village chiefs as their primary village interface.

Few references to chiefs focus on the village level. Most examine the canton, district, or paramount chiefs, operating at larger territorial-administrative scales. The French did, however, work with, depose, appoint and regulate village-level authorities, deeply shaping the current legal standing and powers of village chiefs. The position of chiefs at all levels has been established or deeply transformed by the process of State formation in the colonial period (Geschiere, 1993:151,165; Bayart, 1991:78; McIntosh, 1990:27; Cowan, 1958; van Rouveroy van Nieuwaal, 1987; Fisiy, 1992; Alexandre, 1970a:24; Suret-Canal, 1966,1970; Ranger, 1993; Roberts, 1997). Chiefs were heavily tainted by the colonial experience which had at once strengthened their powers through subjugation followed by European backing, and had undermined their legitimacy through the excesses and contradictions that external backing and the exigencies of colonial administration produced (Cooper, 1996:12; Mahwood, 1983; van Rouveroy van Nieuwaal, 1987).⁹

Through the colonial period to the present, village chiefs have been integrated into the State as an administrative extension (Alexandre, 1970a; Suret-Canal, 1966; Lund, 1998:67). This role has been fraught with ambiguity and tension due to the dual allegiances of chiefs downward to their people and upward to the central state, and due to the competing sources of chiefly power and legitimacy within local culture and from their role as links to and agents of the outside world. In this section I briefly examine the legal underpinnings of chiefs' accountability and powers: their integration into the colonial administration and their current legal standing in the West African Sahel.

Pre-colonial chiefs derived their authority from a variety of sources: rights of conquest, control over land, direct descent from great ruling ancestors; and membership in a particular ruling family (See Alexandre, 1970; Crowder and Ikime, 1970:xi; Fisiy, 1992; Spierenburg, 1995; Fortes and Evans-Pritchard, 1987[1940]:10-11; Schumacher, 1975:87; Roberts, 1997). In 1896, shortly after the French military conquest of the French Soudan, Governor Colonel Louis de Trentinian argued for a native tribunal system in order to relieve French commandants of "little affairs." Trentinian instructed his administrators: "Do not get mixed up in the many conflicts without significance, which demand understanding of the morals and traditions of the population. Instead, give additional prestige and authority to the native leaders, who are our indispensable intermediaries" (quoted in Roberts, 1997:89). These "native leaders" included notables, village chiefs and marabouts (Roberts, 1997:89). Trentinian's approach to native justice was later codified into law in a November 1903 decree, appointing the village chief and elders to preside over civil disputes. Courts of appeal were established at the levels of the Province and Cercle. Roberts (1997:85) suggests that a 1905 appeal of a property case by local litigants to the higher courts already "...hints at significant erosion of the 'principle' of collective property rights and the powers of the village chiefs."

As the French worked through and began to back local chiefs, they chose them—"as far as possible"—by "custom" (Alexandre, 1970a:52-3). But this was not very far. "In general, the first 'chiefs' [recognized by the French] were people who had served or entered into other relationships with the European authorities" (Bayart, 1993:135-6) (cf Buell, 1928:990; Foltz 1965:12-3). Under French colonial rule, Africans, such as cooks, translators, soldiers etc, could be made into chiefs, even if they were not from the region in which they were appointed (van Rouveroy van Nieuwaal, 1987:6-7).

In some cases the pre-colonial authorities sent captives or other caste persons to work with the Europeans (Bayart, 1993:135-6; cf Geschiere, 1993). In the 1930s, due to resistance to colonial rule, the French made a greater effort to align the appointment of chiefs with what they believed was local custom (van Rouveroy van Nieuwaal, 1987).

In 1934 a French decree covering Guinea required that village chiefs be “...designated by the authority of family heads” (Alexandre, 1970a:52-3).¹⁰ Then from 1936 the colonial French West African government required that “the people” be consulted through the medium of village chiefs about the choice of a canton chief (Cowan, 1958:177), reflecting presumed representativity and legitimacy of village chiefs.¹¹ In 1947 the colonial government issued a decree on “Indigenous Rule in Senegal” stating that “Village chiefs and commissions are elected by direct universal suffrage by the electors, male and female...” for a four year term (Alexandre, 1970a:58).¹² But in 1957 the colonial government of French West Africa introduced legislation again limiting suffrage to household heads (as in 1934) and a specified list of notables, while limiting candidacy for the position to those from “...families who have a right to the chieftaincy...” (Alexandre, 1970a:61).¹³ No limits were set on their term.¹⁴ This system was in place at independence.

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

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

most countries go out of their way to obtain the local chief's consent to initiatives of various kinds. (Mahwood, 1983:231.)¹⁵

In independent Senegal, Mali, Niger and Burkina Faso there are still state-structured processes for choosing village chiefs (BKE, 1993c; RdM, 1995; Ngaido, 1996; RdS, 1972). In Senegal village chiefs (usually the head of the hereditary male line) are elected by heads of households, who are virtually all male (RdS, 1972:968). This system is identical to the colonial system first instituted in Guinea in 1934 and later throughout the French West African colonies (Alexandre, 1970a:52-3). In Mali, under the new laws of decentralization, village chiefs are selected by a village council (of five to seven members) elected by universal suffrage in each village, but from a list of candidates *selected* by the appointed state administrator at the level of the *cercle*. (The village council is presided over by this same state representative.) (RdM, 1995:art.62,70.) The term of the village council and chief is five years (RdM, 1991:art.171).¹⁶

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

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

Aside from the systems of chief selection, there are various social mechanisms—not explored in this article—that can hold village "customary" authorities or elites locally accountable (see Fisiy, 1992:213; Spierenburg, 1995; Mamdani, 1996; cf Hirschman, 1970; cf Scott, 1976; Thomson

1995:14).¹⁸ These, however, may not assure the accountability of chiefs. Some are despots, others responsive community leaders, depending on the personality of the chief, the specific history of the village in question, and its location in a larger political economy.¹⁹ For example, in a 1994 forest rebellion involving thirty villages in Makacoulibantang, Eastern Senegal, about half of the chiefs acted in line with the wishes of villagers who by-and-large were against commercial woodcutting in their area. The other chiefs were “bought for a few sacks of rice” by the wood merchants. In Eastern Senegal, village chiefs have a difficult time denying access to powerful merchants. These merchants often are close to political and religious leaders and villagers rely on them for access to loans and connections in urban centers. Village chiefs are pulled by local wishes and by the broader relations in which they are embedded. (Ribot 1995;1998a.)

The authority of chiefs, with whom international development agencies often establish their ties to local populations, is still legally structured by the State. Chiefs are not an alternative to the State, but rather a particular manifestation of state intervention in the rural arena. In the countries of the West African Sahel current village chiefs chosen through State sanctioned processes typically come into the position through inheritance via a patri-lineage tracing back to warriors, the founding family of the village, or families chosen by colonial powers to replace antagonistic local leaders. But to view chiefs as indigenous, “traditional,” local and accountable representatives of rural populations is to assume too much. Intervening through chiefs may be, as Mamdani (1996) suggests, the continued encapsulation of individuals within community through the administratively driven empowerment of these so-called “customary” decision makers to “represent” local people.

Councils

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

In all four countries, the smallest units of rural government regroup five to fifty villages. They go by various names, but I will call them the rural community or local government (similar in scale to U.S. counties). In all but Niger, these local governments have both elected governance bodies, called Rural Councils,²⁰ and a central government administrator, the *Sous-préfet* (sub-prefect), appointed by the Minister of the Interior.

In Burkina Faso the Rural Council is constituted from elected representatives of village committees (mentioned above). These representatives form a council and elect a president from among themselves. In Senegal candidates for Rural Councils are presented for election by nationally registered political parties. Each party presents a slate of candidates for each council. In a winner-take-all system the council is then occupied by the winning slate. Each council then elects a president from among its members. The slates fill three fourths of the council while one fourth of the representatives are chosen by a general council of producer and marketing cooperatives and associations (such as youth and women) for a five year term (RdS, 1972;1993:art.185-195). In Mali the candidates for councils of the Rural Communities were to be presented by party list, in a system of proportional

representation, elected by universal suffrage for a five year term (RdM, 1995:art.4,7; RdM, 1991). In Mali's new electoral code, however, independent candidates will be able to run in future elections (RdM, 1996).

In Niger a series of *coups d'état* has periodically halted decentralization efforts since independence. To this day only about ten percent of the rural administrative units planned since independence have been established (Diallo, 1994:7). The structure of representation in rural administrative affairs was first organized in 1961 through chiefs appointed by the Council of Ministers in each administrative district who presided over elected councils. However, according to Diallo (1994:4) "the district chiefs had no powers at all." In 1983 a system of representation based on village councils composed of members elected or appointed by "structures of participation" (cooperatives and associations mentioned above in the discussion of village chiefs) that were under the supervision of executive appointees. This system was eliminated in 1991 and appointed state administrators ran rural affairs in consultation with political parties and other organizations (Diallo, 1994:4,16). Prior to the 1996 *coup d'état* Niger had planned to create elected representatives at the level of Arrondissements. The elections would be by party list, as in Senegal (Elbow, 1996; Diallo, 1994). Arrondissements remain, however, under the authority of appointed sous-préfets, and under the new arrangements, "...the sous-préfecture effectively presents the same institutional core bequeathed by colonization" (Diallo, 1994:19). Niger's arrondissements are also divided into customary collectives under "customary chiefs" (Lund, 1998:64-5).

While there is universal suffrage in elections in Mali and Senegal, and those proposed in Niger, in Senegal and Niger independent candidates cannot run for election to local councils. Since villagers have little influence over national political parties, and lack the resources to form parties, they are unable to choose their own candidates. Indeed, villagers in Eastern Senegal, where I conducted my doctoral research, often told me that Rural Councils do not represent them, they represent political parties and the cooperatives.²¹ As one villager explained: "the Councilors are chosen by Deputies in the National Assembly. Deputies choose people based on those who support them in their elections.... The Councils are chosen by the parties." (Koumpentoum June 1994.) As Hesselting (n.d.:17) writes based on her research in Senegal in 1983, "They are at times nothing more than sections of the Socialist Party..." Further, few parties have the resources to organize Local Government slates, so there is little competition in local elections.²²

In 1977, when Senegal's Rural Council system was just being established, it was already evident to one researcher that party politics would undermine popular participation.

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

Indeed, in 1994 over 300 of Senegal's 317 rural councils were of the ruling Socialist Party.²³

Even if Rural Councils were openly elected, they are not independent decision making bodies.

The official role of Rural Councils in all four Sahelian countries is merely to *advise* and *assist* the *Sous-préfet* on political and administrative matters. Under the system of *tutelle* (administrative oversight) inherited from the French, decisions of the Rural Councils of Local Governments must be approved by the *Sous-préfet* and *Préfet*. So, even in Burkina Faso where Rural Councils are relatively representative of local populations, they are simply not autonomous decision making bodies. They are administrative links to the central government, advising the *Préfet* in the same manner as colonial village and canton chiefs. Today's Rural Councilors, like colonial chiefs, are upwardly responsible to their administrative officers, rather than to the local population. So, on two counts, the administrative system of control or "tutelage" under the *préfets* and the electoral system of party politics, their accountability is oriented upward toward the central state.

In all four countries, chiefs and rural councils are set up—in different configurations—to be advisory and administrative organs of the central government. Local representatives hold only limited decision making powers themselves—some of these powers in the forestry sector are discussed in the cases below. One aim of these cases is to illustrate that the *laws* ostensibly designed to devolve powers to local authorities and to ensure local community participation, may not do so. Neither the organization of representation and local authority nor the distribution of powers are structured to do so. This simple fact brings into question the intentions behind what is called decentralization and participation.

III. TWO CASES

New forestry laws across the Sahel claim participation as a core goal (BKF, 1997:art.3,7,37; RDM, 1994; RDS, 1964;1993; Kini, 1994:4). Given the limitations on existing forms of representation, how do “participatory” policies and projects construct local control? Who makes decisions and who benefits? Below are thumbnail sketches of participatory approaches now being promoted. In Burkina Faso and Niger projects are *creating* village-level participatory structures through committees. Mali and Senegal are using Local Government as the basis for participatory forestry. Below I examine participation in Burkina Faso as an example of participation by committee, and Mali as an example of the reliance on Local Government. Of the four cases studies, the two presented have gone furthest toward accountably representing and empowering local populations.

These sketches do not intended to give an ethnographic description of the ebbs and flows of local power in natural resource management. They are also not attempting to explore the extra-legal powers—held by chiefs, Marabouts, merchants, rural and urban elites, etc.—that permeate rural life (see Ribot, 1995;1995a;1998). Rather, they examine the institutional environment that these laws and projects aim to create. It is in these legal-institutional arrangements that the stance of national governments, vis-à-vis representation and local autonomy, can be evaluated. Field research for these cases was conducted in 1994.

Participation by Committee in Burkina Faso: The Forest of Nazinon

Institutional Structure of the Project

Within Burkina Faso woodfuel production practices range from military involvement forest extraction and commerce to highly managed woodfuel production projects such as the joint United Nations Development Program (UNDP) and Food and Agricultural Organization (FAO) project in the Nazinon forest 30 miles south of Ouagadougou. This section examines the arrangements in Nazinon, which are considered cutting edge participatory forestry. In 1994 such managed forests supplied on the order of five percent of Ouagadougou’s woodfuel. These project-based practices are being proposed for more general application in forestry laws across Burkina Faso (BKF, 1993b). The basis for generalization—through the creation of a local forested domain and in provisions for subcontracting under management plans—has been built into the 1997 Forestry Code (BKF, 1997).

The Nazinon scheme creates cooperatives (called *groupements*) in villages surrounding the forest of Nazinon and a union coordinating the cooperatives. The creation of these cooperatives is enabled by the new Law on Decentralization, which gives such groups legal corporate standing (Donnelly-Roark, 1997:4). In each village the UNDP/FAO project has organized villagers interested in woodfuel production into a cooperative responsible for forest management. Each cooperative elects a President, Secretary, Treasurer and Manager. A Union of Nazinon cooperatives with a General Assembly is constituted of all managers, secretaries and treasurers of the village cooperatives. The union’s Administrative Council is constituted of the cooperative managers and a president elected from the General Assembly. The Administrative Council is empowered to make daily administrative and business decisions of the union and is responsible for surveying the implementation of all laws concerning the union and forest management. (Nazinon cooperative statute, BKF, 1993a,b.)

The national Forest Service also set up a Technical Office of the union to develop forest management plans in collaboration with the Administrative Council. The new Forestry Code (BKF, 1997) requires that “The management of forests is done conforming to prescriptions of forest management plans. The forest management plans are developed by the Forest Service or under their control.” (BKF, 1997:art.41.) These plans direct the unions’ management and use of the forest in keeping with the Forestry Code. After the plans are approved by the Forest Service, the manager from each cooperative is charged with assuring its implementation, under the guidance of the Technical Office. In addition, a Control Committee, including representatives from the national government’s Control Service, the Minister responsible for cooperatives, the Minister of Territorial Administration, and a *Village Council representative*, surveys the union’s and cooperatives’ accounts. (BKF, 1993b.)

Each union also has a Management Fund, co-managed with the Forest Service, fed by woodfuel taxes and fees, gifts, inheritances, or loans (BKF, 1993b:art.16-17). In Burkina Faso, the producer, wholesale and retail prices are fixed by the Minister of Commerce (BKF, 1993:10). The local price of firewood (the price at which cooperatives can sell to merchants) is fixed at 1610 FCFA²⁴ per stère (one cubic meter of roundwood). Following the fixed price structure, the cooperative’s woodcutters receive 610 FCFA per stère. Five-hundred FCFA is placed in the Forest Management Fund under Forest Service control, 200 FCFA funds the treasury of the cooperative, and 300 FCFA pays for the cutting permit (i.e. a Forest Service tax or stumpage fee). The funds that enter into the cooperative’s treasury are earmarked to finance 1) forest management activities, 2) credit for cooperative members, and 3) public works serving the larger village community.

Practice

Policies are not, of course, implemented as specified, which a few examples can illustrate. In most cases, notables simply over-ride the authority of cooperative or union officials. Merchants, for example, have been able to circumvent the fixed producer price, and village notables and even non-village based woodcutters have made claims on the resources of cooperatives. Village cooperatives have had trouble keeping urban woodcutters (brought from the cities by their merchant patrons) out of their forests. Wood cut in one village is often sold by these woodcutters through cooperatives in other zones, channeling the management and other funds to the latter cooperative’s account. Merchants at times pay woodcutters less than the 610 in the forest and then arrange with cooperatives to receive back the 610 FCFA earmarked for the woodcutters, in this manner undercutting the producer price. Foresters also engage in woodfuel commerce themselves. All this occurs under the surveillance of project coordinators and agents. (cf Kini, 1995:28.)

A Cooperative member in one Nazinon village explained: “The notables asked for a loan [from the cooperative’s village fund] for a sacrifice in the name of the whole village, but they did not pay it back. We gave them 35,000 FCFA for a cow and 5000 for a sheep. They sacrificed at the chief’s house. They ask each year, it’s a sacrifice in the name of the village before the harvest. The cooperative is obligated to pay out. We cannot refuse.” “Last week,” an other member recounted, “the chief and préfet came to ask for money to complete the building of a schoolhouse. The cooperative had already given 300,000 FCFA to the project. The cooperative will have to meet to discuss this. In any event, the 300,000 was not paid back.” The cooperative members feel these uses

of their funds are wrong. They feel the fund is for them and that the village is “stealing” from them. The fund, however, was set up for the village. The cooperative has some control over it, but it is intended for public works since the forests ostensibly belong to the village as a whole.

According to a forestry extensions worker with the Nazinon project, however, the powers of village elites are somewhat tempered by their location in a larger set of relations:

The cooperative cannot be denied its existence by anyone in the village since the *préfet* in Léo [capital of the Department] has officially recognized it. The government is in agreement with them [the cooperative members] because the government knows that this affair is profitable for the government. So, even if the village chief is against this project, he cannot say anything. There are two reasons he can't be against it now. First, he agreed to allow the project in the beginning. Second, he took money from the project that he cannot repay. If he goes against the project he will be biting himself since he is now in debt to the project, which is the government.

This is not confusion about rules. The rules are quite clear to cooperative members and have been explained to the chief. Powers of village elites and the authority of state backing combine to shape the use of project resources, at least those resources earmarked for use by the village as a whole.

Representation in Popular Participation

The management structures being created in Nazinon are not representative. They are not participatory in any inclusive or community sense. The new policies place some responsibilities for and powers over woodfuel management into the hands of a group of self-selected economically interested individuals (cooperative members). Decisions over the disposition of forests (embedded in management plans) and over the revenues from forest exploitation are taken by these private individuals in conjunction with the Forest Service. But, ultimately, the Forest Service maintains complete control of all production and management decisions through required approval and through control of the rules by which production and management can take place. A local representative (from the Village Council) is only brought into the national Control Committee where s/he is just one member among many.²⁵ Further, the Control Committee makes no decisions over forest use. (Cf Kimi, 1995:38-40.) As a detailed evaluation of the project points out: “Although the advisory board of the cooperatives holds the highest position in the project organization chart, it has no authority to make operational decisions regarding project implementation and administration. It is the technical department located one step below and headed by a forester (*chef de chantier*) which draws the annual work plan. The role of the cooperative is confined to the provision of labor to carry out this plan.” (Kini, 1995:39.)

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

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

The Commission goes on to say that, since the beginning of participatory efforts in the 1960s, little real participation has been affected. Rather, local populations have been viewed as “objects of development” to be educated, informed and guided. The only participants in development have been “...international experts, politicians, and national technocrats often located in urban areas...” (Ouali et al., 1994:21-22). Engberg-Pedersen (1995:4,11) also found natural resource management committees of the closely related *Gestion des Terroirs* (management of the village-commons) projects set up by donors across Burkina Faso to be un-democratic, arguing that they do not represent village populations due to lack of a locally rooted participatory process and due to domination by Forest Service agents.

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

Participation through Local Government in Mali

The Institutional Structure of Participation:

Mali’s new forestry laws (RDM, 1994;1994a;1994b) assign responsibilities for forest management to Local Government (called Decentralized Territorial Collectives). The new laws give Local Governments a forested domain within their territorial jurisdiction and the right to protect or conserve part or all of their forested domain. According to the new laws, any individual or group of individuals wishing to commercially cut for woodfuels within the forest domain of a Local Government must organize a Rural Wood Management Structure (WMS—*Structure Rurale de Gestion de Bois*). A WMS can be a cooperative, corporation, association or any other form of organization recognized by the state. These are groups of private individuals interested in practicing or investing in commercial woodcutting.

Before a WMS can begin using the forest, the Forest Service must propose a management plan for approval by the Local Government. This plan includes an annual woodfuel production quota which, according to forestry officials, is to be determined by the sustainable potential production of the forested domain of the Local Government in question. The annual quota will be set by an ad hoc commission composed of two representatives of the WMSs, one from Local Government, and one member of the Forest Service. Recognizing the contentious political nature of quota allocation, the new laws also create a regional commission to resolve conflicts over the fixing and distribution of quotas. This commission is to be organized by the Minister responsible for forests. Once a management plan and quota have been established and approved, a cutting permit can be delivered by the Forest Service upon the payment of a forest exploitation tax.

Mali's new participatory forestry laws, replacing a system in which the Forest Service delivered permits to whom, where and when it chose, give Local Governments considerable power over the disposition of forests. Indeed, Mali has given local populations greater decision-making powers over local natural resources than any other Sahelian country. Local Government representatives can decide to protect the forests by decree or they can control exploitation through approval or rejection of forest management plans. They can also use these powers to control which WMSs can exploit local forests. The Forest Service, however, has maintained control over how much wood can be cut, where, when and how (via quotas and management plans) (cf Thomson, 1995:23)²⁶

Representation in Popular Participation: Who makes decisions?

As in Burkina Faso, Mali's Local Government representative on the quota committee is only one among four members and is not guaranteed a controlling role. The "...mode of allocating the quota..." in this committee is left to the order of the Regional Governor (a central government appointee) (RDM 1994:art.6,11). The Forest Service has also reserved the role of quota dispute resolution for itself, a role better fit for an independent judiciary. Mali's new forestry code devolves some significant decisions to Local Government bodies. But, two factors diminish the most progressive aspects of these new policies. First, the system of *tutelle*, or central government oversight of local representatives, is still in place, bringing into question the degree to which the new powers will be controlled by administrative appointees. Second, jurisdiction over forests may not be devolved to Local Government, but rather to intermediate-level governance structures such as Cercles and Regions (many forests will also remain under central government control) (cf Degnobl, 1994:7). These two factors could severely restrict the new powers of Local Government.

Discussion: Who Benefits, Who Decides?

Who participates in what benefits? The benefits in these cases include labor opportunities in woodcutting, income from these labor opportunities and from woodfuel sale, and some role in forest decision making. Labor opportunities are important since they have often gone to migrant or urban workers brought by forestry merchants from outside the woodcutting area. Integrating local labor increases village income. There is also profit from the sale of wood. In Burkina Faso, firewood prices fixed by the Minister of Commerce attempt to keep prices in participatory projects above those received by independent woodcutters. These opportunities and profits go largely to the private individuals who make up management committees and woodcutting organizations. Membership is self-selected or influenced by foresters and village elites—these are effectively *private* organizations. In addition to private income and profit, in two cases some benefits are directed at the community as a whole. In Burkina Faso, each cooperative has a fund fed by a firewood tax, part of which is earmarked for *public works* serving the larger village community. In Niger, ten percent of non-tax revenues from woodfuel sales go to the village chief (a hereditary power in Niger)—this too is ostensibly to benefit the community as a whole.

While some villagers benefit from labor opportunities, local woodfuel sale and fees collected for community funds, most profit in West African woodfuel markets accrues through access to transport and urban trade (Ribot, 1998). Unfortunately, the Forest Services in all of these countries have maintained tight control over the delivery of transport permits and have refused to assist woodcutters

in gaining access to transport or merchant licenses. This legacy of the colonial bifurcated economy has been strictly maintained. Villagers in all four countries have expressed their desire to operate in transport and urban markets. In Burkina Faso, Nazinon's Union president complained of their continued exclusion. This most lucrative segment of the woodfuel sector is currently dominated by urban merchants and truckers. In short, villagers are permitted to "participate" in forest labor but only in a limited portion of forest-based profits.

There are benefits of participating in donor projects. Among the diverse activities in which Sahelian households engage, providing wood to cities is not, however, a priority for forest villagers in Burkina Faso (Kini, 1995:29; Toulmin, 1993:10; cf Rocheleau, 1991). According to one researcher "The demand for natural resource management does not seem to arise from within the villages" (Engberg-Pedersen, 1995:21). He concludes his study of four villages: "...the only reason why villagers accept [natural resource management] councils are because they do not want to be impolite and they provide a means to get funds for the development of the village" (Engberg-Pedersen, 1995:26). Regardless of how donor funds are distributed, these observations bring into question the post-donor sustainability of the project-based approach. Such project funds nevertheless constitute an additional benefit of participatory forestry.

Who participates in decisions? Management plans and quotas reserve for the Forest Services decisions over where, when, and how much wood will be cut. In Mali and Senegal, Local Government representatives participate in the daily decisions of plan implementation and have some control over the plans (less in Senegal than in Mali). In Burkina Faso and Niger it is the village-level committees of cooperatives and unions that can make daily implementation decisions. But the rules of cutting and management that they must follow and the quantities they can cut are defined by the Forest Services and spelled out in project management plans.

Control of forest exploitation through Forest Service management plans is practiced throughout the Sahel. This practice assumes that exploitation of the forests cannot be entrusted to local population through the creation of rights over forest exploitation, but rather only through the specified allocation of cutting privileges. Embedded in this approach are the assumptions that the Sahelian ecology is fragile, that forest regeneration must be systematically fostered, that the knowledge of how to protect or regenerate forests is technical in nature, that local populations have neither the knowledge to manage their forests, that they cannot learn the necessary skills and that they cannot discipline themselves to operate within a set of standards or guidelines without specific instructions (plans) as to how to proceed. Fragile vegetation, however, does not exist in such a harsh environment as the Sahel. From available studies of forest cutting for woodfuel, natural regeneration appears robust (Ribot, 1998b). Without a threat to the ecology, much greater degrees of local freedom concerning the commercial and subsistence use of forests could be written into law. There is a much greater realm of local autonomy that could be transferred to village populations—under some minimal environmental practice standards or guidelines to protect threatened species and prevent soil decline. This type of transfer is not being considered.

The most critical decision, whether forests surrounding a given community will or will not be cut, has been reserved by Forest Services in Niger and Senegal. In Mali's new forestry laws Rural Councils have the definitive right to protect all or any part of their forested domain (although the

proportion of forests in the local domain will be determined by what a national committee decides is in the national interest) (RdM, 1994:art.18, 53; RdM, 1994a). Burkina Faso has also introduced a clause in their 1997 forestry code allowing local governments to reserve forests in their domain (BKF, 1997:art.23). In Niger and Senegal, however, the Forest Service can give woodcutting rights in any forest to anyone they choose, regardless of local wishes, if the local population chooses *not* to “participate” in the new and participatory community-based management schemes.

In these latter countries local communities have no legal mechanism for protecting local forests. Foresters can allocate exploitation rights via parastatals, concessions, state sale of parcels and the delivery of exploitation permits. Communities in project areas who choose not to accept the conditions of “participation,” and those simply not chosen for projects, have no legal control over the disposition of forest resources: Forest Services can sell the forests out from under them. These Local Governments and village communities simply do not have the right to say NO to Forest Service sanctioned cutting in surrounding forests.²⁷ This is hardly participatory forestry.

In short, participation amounts to the Forest Services managing forests with the assistance of cooperatives or committees of private individuals, with increased labor opportunities and profit for these private groups and some income earmarked for whole communities. Critical decisions over forest disposition are only devolved into “local” hands in Mali and Burkina Faso. In Mali, however, it will be only over the limited area of forests assigned to Local Governments by a national committee. The right to commercially exploit forests are still directly controlled by Forest Services.

IV. COLONIAL ADMINISTRATION IN THE PARTICIPATORY ERA

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

Under colonial rule the councils of the Lieutenant-Governors and the Governor-General were created to advise, rather than to decide on, policy matters (von Vollenhoven, 1920:189-257; Buell, 1928:930). Indigenous authorities were included in these councils as a minority (Buell, 1928:927-30). Similarly, the official role of today's Rural Councils and chiefs is to advise and assist the *sous-préfet*, while the role of the committees set up in "participatory" forestry projects is to advise and assist Forest Service officials. To assure the subordinate role of forestry committees, the Forest Service officials preside over them and must approve their decisions. In addition, local "representative" authorities (chiefs and councilors) are included only as a minority of members on forestry committees, preventing the possibility of representative control over decisions. As in colonial times, government administrators (along with commercial interests who were given privileged seats on advisory councils along with trade permits, etc.) rule the rural world. These structures assure that few decisions are in local hands except as a *privilege* allocated by administrative authorities.

As shown by the cases, participatory projects reproduce these colonial relations. Like *Association* and Indirect Rule, participatory projects rely on administrative bodies to control the use of local labor and resources, legitimated by quasi-representative local appointed or "customary" authorities. Through these administrative means participatory projects are structured to micro-manage valuable resources and rural populations, rather than to create an empowered inclusive autonomous local domain. The instruments by which the central state circumscribes local control over people and resources include: structures of representation; forms of tutelage, or oversight; and the division of powers between central organs and local structures. These are also accompanied by ideological constructs that support colonial as well as recent policies toward rural Africans.

Accountability of representation today is as problematic as in the past. Today there is locally accountable representation, legislated in some places, as in Burkina Faso's village presidents (albeit biased toward male representation) and Mali's new Rural Councils. Most local bodies, however, are structured to be accountable to the central state (that is to their sous-préfet and préfet) or account-

able to political parties; for some local authorities, such as village chiefs elected for life, little, if any, accountability is legally built into their positions.

Problems of accountability also accompany the tendency of environmental projects to rely on indigenous authorities. As with many current rural projects, the search for acceptance through “culturally legitimate allies” was a preoccupation of colonial regimes (Mamdani, 1997:147).

So long as the use of force could be passed off as customary it was considered legitimate, and—to complete the tautology—force decreed by customary authority was naturally regarded as customary. No wonder that when force was needed to implement development measures on reluctant peasants, its use was restricted to Native Authorities as much as possible. In the language of power, custom came to be the name of force. It was the halo around the regime of decentralized despotism. [Mamdani 1996:286-7.]

Because of colonial abuses of this sort, it is important to question today’s search by environmentalists for “authentic,” “indigenous” or “customary” groups to assume environmental management roles (such as Mali’s “indigenous” forest police, see Care-Mali, 1993). Making indigenous authenticity a standard way of naturalizing externally introduced environmental management may obfuscate the need for more representative forms of local authority to serve a more broad-based community will. Like colonial practice, this approach can select authoritarian strands out of indigenous culture and practice to support an *outside* agenda. Empowering indigenous authorities does not automatically resolve issues of equity, representation and accountability, nor does it constitute community participation.

Concerning collective resources, local accountability of authorities to ensure representation is one dimension of local autonomy; empowerment is the other. Under the present decentralized participatory regimes local authorities have few real powers of decision. In forestry they are given few important matters to deliberate over, and their decisions must be approved by administrative appointees—*préfets* and Forestry officials. Many forestry decisions and practices to be carried out at the village level—such as when, where and how much to cut—are handed down as technical decisions of the Forest Service. Even in the case of “local forestry funds” a large portion of the resources are *earmarked* for “forest management” purposes defined by foresters, and the remainder is at the discretion of committees or rural councils. As in the colonial period, the powers in forestry given to rural authorities are in the form of administrative edicts.

Land control in the hands of state-appointed “customary” authorities was key to indirect administrative colonial dominance of the hinterlands. Throughout Africa, earth, “bush” and village chiefs or priests had ritual powers, but not powers over land allocation or rule over people. Colonial powers misrepresented this role as a proprietary one, giving chiefs the power to allocate land-use rights. “In grounding the powers of chiefs in the right to allocate customary land for use, customary law tended to fortify the position of Native Authorities” (Mamdani, 1996:140). These land-allocation powers, in turn, became the foundation of “native” rule. Land control was and is an important aspect of the power and legitimacy of chiefs in both French and British colonies (cf Chanock, 1991:64; Hesselings, n.d.; Watts, 1993; Bassett and Crummey, 1993; Downs and Reyna, 1988; Fisiy, 1995:50; Geschiere, 1993:166). Because authority of chiefs was bound up in land, granting of

private rights in land would undermine rural authority, hence land rights have been kept collective (Watts, 1993; Chanock, 1991:64).

Land control empowers and legitimates local authorities. It is currently being used to strengthen the legitimacy of the new state-organized forms of local governance in recent reforms in Cameroon, as land allocation functions are slowly being transferred from “customary” authorities to state-structured representative bodies (cf Fisiy, 1995). Village chiefs in Senegal, Mali, Niger and Burkina Faso still play an important role in local land allocation. Land control and state backing still support the influence of “customary” authorities as well as of the more recent rural councils, who have been given a role in land-allocation adjudication. In Niger in recent years “...the role and legitimacy of the chiefs has been sanctioned ‘from above’ through different forms of legislation; a significant one of which is the Code Rural [the law covering land and natural resource management]” (Lund, 1998:82).

Forests, which are State property in the Francophone countries, are now being thought of as collective resources to be placed—in however circumscribed a manner—under community control. Placing forests under state-appointed local authorities—chiefs or councils—could have an empowering effect similar to that of land. For current local authorities control over forests could be a legitimating device,²⁸ even though all of their decisions still must be approved by Forest Services or *préfets*. Making administratively driven forestry decisions part of their role, however, places these authorities in the same ambiguous space as past chiefs—caught between local needs and the exigencies of administrative authorities. In the hands of locally accountable representatives, control of forests could nevertheless be a positive force for legitimating new, more autonomous governance arrangements.

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

Both *association* and recent participatory approaches follow economic necessity of the central State. Cline-Cole (1996:130) writes that dryland forestry in Nigeria was “...administered largely ‘on the cheap’, through local Native Authorities and Local Government Councils, albeit under supervision from regional forestry services.” Evers (1994:13) also points out that “Despite the rhetoric, governments [in the Sahel] see “participation” as a way of reducing financial costs by transferring responsibility for rural development to the community” (Evers, 1994:13). With the advent of World War I French Colonial authorities moved from direct rule to association because they could not afford to extend management down to the village without local assistance (Buell, 1928:983; Suret-Canal, 1966; Alexandre, 1970). They created a situation with incentives—at times draconian ones—for local populations to “participate” in the colonial project. With the fall of the Berlin wall and the

curtailing of international funding in Africa, there is a new move back to relying on, or “responsibilizing,” local authorities to carry out the tasks of outside agents—this time, independent states and the international environmental community.

One of the most egregious and ignored aspects of the current administrative bifurcation is economic. Continued central and concentrated control over forestry marketing is a direct result of colonial laws that granted commercial licenses only to French citizens living in the four communes (urban centers)²⁹ Today production and marketing licenses and permits are still under Forest Service. They are allocated to powerful, often urban-based, merchants, while rural populations are relegated to the residual category of usufructuary “rights,” inferior to the commercial rights since they are valid only so long as urban merchants and the Forest Service do not decide to cut the forests out from under them³⁰ While participatory projects aim to increase rural benefits, no project has dared to increase access by forest villagers to the lucrative forestry markets from which villagers are still systematically excluded by *government-policy*-supported merchant oligopolies (see Ribot, 1995;1998).

An important ideological parallel between participatory approaches and colonial policies is the emphasis on community. Africans were “To be civilized ‘not as individuals but as communities’, to be subject to a process that one-sidedly opposed the community to the individual and thereby encapsulated the individual in a set of relations defined and enforced by the state as communal and customary...” (Mamdani, 1996:51). According to Vaughan (1991:11-2), “As ‘communities’, Africans were effectively isolated into manageable groups or tribes, each under the rule of its ‘native’ authority.”³¹ Participatory projects share this tendency to view rural Africans as “communities.” Without questioning the integrity of the groups being engaged, these projects construct representations—in both senses of the word—of community through committees and both customary and state-structured local authorities, without evaluating whether the individuals that constitute the local population are empowered in shaping these representations. Participatory community-development projects are based on the most convenient management units. This continued micro-partitioning of rural Africa into administered units subjugates individuals to ostensibly community goals under ostensibly community leadership, while subjugating community needs and desires vis-à-vis collective resources and problems to elite individuals in positions of authority.

Behind this communitarian policy is a long-standing ideology casting Africans as “primitive,” childlike and close to nature. Megan Vaughan (1991:13,20) writes of the “politics of difference” in which European colonizers produce “Africans” as “other” through various means, including association of Africans with nature and beliefs in the “‘childlike’ qualities of ‘savage races’.” Governor-General von Vollenhoven argued in 1917 that “The native of French West Africa is a child; he loves to live under his chiefs, as a child loves to live with his parents...” (quoted in Buell, 1928:996). This type of language is found in every corner of the colonial literature. French forester André Bertin (1919:125-7) compared Africans to “children ten to twelve years old,” and advised that “The employer must not be a distant boss, but must behave with his workers like the father of the family.”³² In 1994 Mali’s central planning unit responsible for coordination of environmental activities reported that “the State should behave as a good father who assists, advises and controls” (Degnobl, 1995:10).

A related ideological parallel is technocratic paternalism, which is rooted in these same

infantilizing attitudes. In participatory forestry, forest villagers are all too often seen as land-hungry peasants, lacking the “capacity” to make but a few highly monitored technical decisions over the disposition of forests, which they would destroy if not constrained (see Fairhead and Leach, 1996; Peluso, 1992; Guha, 1990; Blaikie, 1985; Thomson, 1995:3). Like in the colonial period, forests are seen as being threatened by the actions of unregulated indigenous populations (Hubert, 1920:421-2,462-3; Delevoy, 1923:471; Aubréville, 1939:486-7)³³ Foresters have consistently argued that their “expertise” is needed to control this dangerous situation. Rural populations are cast as lacking the “capacity” for understanding and for implementing the technically complex exigencies of forest management and protection. They need “capacity building.” This view justifies an administratively driven directing of villagers into forest labor activities defined by the technical decisions of the Forest Service. Villagers are given the opportunity to cut and sell forest products under the strict financial and labor supervision of their Forest Service superiors. Such “capacity” arguments, many of which may be unfounded,³⁴ are often used as excuses not to devolve resource control to rural populations, instead of keeping them under the close *tutelle* of their “father” foresters.

The current decentralization and participatory movement is devolving state-backed powers that are still administratively driven and locally administered by quasi-local quasi-representative bodies. While there is advisory involvement in some decisions concerning forests, there are only a few (albeit significant) new rights. In the context of ongoing administrative management of rural areas, participatory projects and laws create *privileges* to be allocated mostly by foresters and councilors, often with burdensome responsibilities, rather than *rights* for communities and individuals that the state would defend. Such projects and laws administer local programs rather than devolve control. They back centrally chosen and/or non-representative powers rather than supporting representative systems of local governance. They permit rural populations into local exchange, but exclude them from the lucrative long-distance trade. While there are differences between past and present practices, these seem to be matters of degree.

V. CONCLUSION

Colonial forms of rural political-administration are reproduced in Sahelian forestry when ostensible local representatives—chiefs and rural councils—have a restricted domain of autonomy from their administrative superiors under the system of *tutelle* (oversight); when these representatives are unaccountable or upwardly accountable to the State rather than downwardly accountable to the local population; when local populations participate in forestry decisions through ad hoc advisory committees on which local representatives are a symbolic minority having no binding say; when there is a lack of judicial recourse on forestry matters; when lucrative commercial forestry licenses and permits are allocated to distant merchants while forest villagers must be content with forest labor opportunities and local sale; when villagers are allocated forest use as a *privilege*, rather being given *rights*; and when “participation” administratively directs forest villagers into forest labor activities defined by the technical decisions of the Forest Service.

Administratively driven rural rule is also reproduced in the insufficiently critical humanitarian ideologies that see rural Africans as lacking capacity, a threat to the forests, and as needy, dependent objects of assistance and development. The language of decentralization and participation is often of local control, autonomy and benefits, yet the new structures being introduced in their name afford little. Local populations are still relegated to a carefully circumscribed set of roles and relations with the forests, little autonomy is created, and few new benefits are devolved. The Forest Services still control all exploitation and management decisions through management plans and oversight. In a system of profoundly central control extended into the countryside in successive waves of “decentralizations” it is hard to see the new participatory approaches as more than just another centralizing wave. Rather, these approaches constitute a new micro-management of forests by the State (cf Schroeder, this issue) with some privatization. They are not ushering in a new era of “community” management or decision making.

Community participation and political decentralization can converge when they are about locally accountable representation *with* empowerment—that is, enfranchisement. Making representation locally accountable could be fostered by the typical means of admitting independent candidates in Local Government elections, making suffrage universal, and creating specified term lengths. Such changes are possible. In 1986 Uganda created a new form of local government called Resistance Councils based on independent candidates. In extensive interviews in four districts rural populations expressed widespread acceptance of the new elected system, preferring it to forms of kingship and chieftaincy (Karlström, 1996).³⁵ Mali is following suit (legislation has been ratified, but application decrees are not yet in place).³⁶

Procedures of electoral representation do not, of course, assure accountable representation. Rural elites always try to manipulate candidacies, electoral processes and persons in elected or other leadership positions. Inclusive *processes* cannot create accountable representation: they simply make it a *possible* outcome of struggle among various rural strata. As with India’s Panchayat experience, some communities will take advantage of this possibility (cf Mehta, 1996; Ahulwalia 1997:27), while others will not. Unfortunately, given the electoral codes in most of the Sahel, this is not yet a possibility. Fair elections, whether or not they establish accountable representation, are critical: they constitute a moral statement by government endorsing popular participation and inclusion.

Electoral procedures, while important, are also not the only one means of establishing accountable local government. Moore (1997) rejects procedural definitions of democracy, stating: “I conceive democracy as a sub-species of a broader concept: the accountability of state to society” (1997:3). He argues for taxation as a means of creating mutual and reciprocal expectations between state and society. It is about locating the source of state power in the people, rather than in international donor organizations. Taxation too is just one means among many that may, under the right circumstances, foster accountability.³⁷ I would add other means of holding local authorities (elected, appointed or otherwise) accountable to local communities, including: embeddedness of authorities in the local community; belief systems that orient authorities toward service and dedication; reputations that local authorities seek to maintain; journalists, NGOs, community organizations or individuals lobbying or acting as watchdogs; social resistance or threats of resistance; establishment of accessible independent courts; central-state oversight oriented toward downward accountability (in place of the current form of central *tutelle*); reporting requirements concerning local government meetings and activities; elected third-party controllers; open fora for public discussion; awards for good public service; information dissemination about the obligations and powers that local governments have to local populations; education and literacy campaigns; and a free media (Scott, 1976; Guyer, 1992; Moore, 1997; Tandler, 1997; Ribot, 1998c). Some of these can be legislated, others cannot. Accountability—however fostered—can build trust in local authorities. Entrusting those authorities with real powers can make it worthwhile for local populations to attempt making them accountable.³⁸

Perhaps there are better (electoral or non-electoral) indigenous, local or even exogenous means for structuring local representation and accountability (cf Ouédraogo, 1994; Spierenburg, 1995; Bayart, 1993:22). The current powers of both chiefs and rural councils are structured by laws with antecedents in the colonial period. The exclusion of women and central control through *tutelle* are explicitly written into old and *new* law shaping both “customary” and elected local authority. Re-working rural representation is not a matter of dismantling “customary” systems to favor “modern” ones. Rather it is the re-writing, and hopefully the elimination, of carefully crafted *disabling laws* that make both “customary” and new rural authorities extensions of the central government. Although current governments could change these laws, most resist. The bottom line is that these laws do not serve rural populations—they support central control. Whether representation should be based on indigenous or imported institutions is an open question. Within a long-standing central political-administrative system of managing the rural, indigenous and imposed can hardly be separated. It is time to challenge both.

Whether participatory approaches and decentralization laws support the creation of local autonomous domains of collective action cannot be determined by examining representation and the distribution of powers alone. Enfranchisement occurs at the intersection of legal structures—it cannot be created through single-stranded legislation. To determine when participation and decentralization are serious efforts to include rural populations in the powers and benefits of the state, we must ask: 1) Does legislation support local accountability of representatives (through any mix of the means described above)? 2) What are the types of tutelage (or administrative oversight) built into representative structures? 3) What powers, if any, are being entrusted to these bodies: adjudication, decisions, resources, finances, the ability to tax? 4) In what form are powers devolved: As discretionary privileges to be allocated by an administrative authority or as rights? 5) What are the structures of redress? Is there an accessible independent judiciary? 6) Are responsibilities being devolved that

increase local burdens disproportionately to the benefits and powers being devolved? 7) What decision making powers and assets are being devolved to private bodies? Are public or community resources being privatized (i.e. enclosed) in the name of “community” participation? 8) Are powers of decision that should be kept central, such as fixing minimum environmental standards, being devolved to smaller units of government? These are among the question we need to ask to identify who can legally decide over the disposition and use of forests and trees.

Legislation by the central state can foster greater autonomy and participation for local populations—just as it currently prevents them. The laws analyzed in this article have moved in that direction—pushed, I should add, by participatory policies and projects that have nibbled at the margins of state-structured inequality, but have rarely challenged its legal core. Welcome change is underway. Mali’s admission of independent candidates into local elections is a positive step. Mali and Burkina Faso’s new laws allowing Rural Councils to classify (or reserve) forests within their domain also constitute major positive changes.

Decentralized and participatory forestry intends to and does benefit rural populations. But in countries without locally accountable representation and those under a system of centralized administrative control, it may simply do this as a form of charity—in which some benefits are allocated among locals—and even then it is often charity to elites. It can also, however, be covert privatization; the introduction of new labor obligations (participatory *corvée*); or a modern extension of *Association* and Indirect Rule. The challenge is to use new projects and policies to push for real, generalized and enduring participation. If participation is to sustain—beyond the term of projects and whims of allocated privilege—empowered accountable representation must be legislated into existence. To sort out whether any given act of decentralization or participation accomplishes this, requires going beyond humanitarian impetus and political pronouncements into the labyrinth of laws that spell out—quite clearly—exactly who represents communities and who is intended to have and use which resources and powers.

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ENDNOTES

1. Quoted in Mamdani, 1996:7.

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

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

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

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

4. I follow a broad definition of decentralization provided by Cohen et al., 1981:17-32. Cf Leonard and Marshall, 1982; Conyers, 1984; Adamolekun, 1991; Thomson and Coulibaly, 1994; Manor, 1997.

5. The political, economic and social significance of any act of decentralization or participation depends on what is being devolved and to whom. There are many powers and resources that can be decentralized to many different entities. Service provision responsibilities, assets of the state, regulatory powers and decision making powers, can be decentralized to local branches of the central state, autonomous local state governance bodies, non-governmental organizations, individuals, etc. The political and economic meanings of a given act of decentralization depends on *what* is devolved to *whom*. The political valance of decentralization cannot be assumed. Each act of decentralization must be scrutinized to understand its implications. In some instances it can be the extension of the central state, the shedding of what should be central state responsibilities, privatization or enclosure, etc. Decentralization can also be the creation of local autonomy under locally accountable representation when the right powers are devolved to the representative groups. In that case it can be a powerful form of community participation. It is here that participation and decentralization could converge. Decentralization of different powers and things to different bodies serve very different agendas. We need to examine what they are and how they function *case by case*.

6. For an excellent discussion of the idea of ‘community’ see Agrawal, 1997. My use of this term does not imply that community is only about solidarity or uniformity. Villages are highly differentiated communities (Toulmin 1993:10; Painter et al., 1994; Berry, 1989;1993; Ribot, 1995;1998; Marcussen, 1994:24-5). Many planners, however, have wrongly treated them as uniform in the past. Painter et al. (1994:455) describe the interacting factors in Sahelian communities as including: “terms of access to land; the size and quality of land holdings; gender; seniority; the ownership of livestock; participation in off-farm income-generating activities; status as founding member of the community or as an

outsider; the size and maturity of households; access to domestic and extra-domestic labour inputs; wealth; political power; links with the state; access to credit and materials; types of production systems; membership of chiefly or noble lineages or of caste-like categories (such as ex-captives); and the nature and effectiveness of diversification strategies.” It is due to this diversity that questions of community representation discussed in this article arise.

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

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

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

9. Chiefs were given a meager salary and expected to collect taxes, recruit *corvée* labor and soldiers, etc. Chiefs often were in conflict therefore with both their Commandant de Cercle and their own people. (van Rouveroy van Nieuwaal, 1987). For an example from French Soudan, see the case of Mademba Sy (Roberts, 1991).

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

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

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

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

11. Proposed canton chiefs then had to be approved and appointed by the administration. *Arrêté* of 28 December 1936. (Cowan, 1958:177.)

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

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

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

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

16. The term of the chief is not specified, but presumably the position turns over with the council.

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

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

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

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

19. The notion that indigenous African chiefs were despots was used during the early colonial period to justify subjugating them to European standards of conduct. For example: "When the French undertook the occupation of West Africa they were confronted with a number of native tyrants who cruelly exploited their subjects. Life and property were insecure; slavery and human sacrifice prevailed in many areas. In a few cases, local Almanys had imposed a form of discipline, maintained by terrorism, upon thousands of unwilling subjects." (Buell, 1928:987.) Much of this view was probably European projections that served to justify the 'civilizing' mission of colonization. It was clear, however, that under the French, indigenous chiefs were despotic when they could hide behind their French backing. This latter problem helped justify the curtailing of chief's powers over "...judicial matters, land and tribute" and more direct control by the French administration (Buell, 1928:987). But these criticisms of chiefs by no means constitute a comparison with or excuse for French colonial administrative practices, which were certainly also despotic, cruel and violent, and fostered despotism among chiefs (Buell, 1928; Suret-Canal, 1966).

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

21. Cooperatives in Senegal are usually dominated by a few powerful notables (Cruise-O'Brien, 1975:128; Ribot, 1993).

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

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

24. The exchange rate at the time was approximately 500FCFA per U.S.\$.

25. Cf Fisiy 1992:227-8. “In Cameroon the land consultative boards are composed of: the sous-préfet, or district head as Chairman; a representative of the Lands Service, as Secretary; a representative of the Surveys Service; a representative of the Town Planning Service, (in the case of urban project); a representative of the Ministry concerned with the project; the chief and two leading members of the village or the community where the land is situated.” He continues: “This specifies the members of the land commission that manages National lands. The chiefs and two notables are in a minority in a commission that is dominated by bureaucrats. It is because of this composition of the land commission that Fon of Kom [traditional owner of the land]...claimed that the land was no longer his own.” “The chiefs have realized that they have been co-opted into this commission and have been marginalized therein. The real power of attribution lies with the chairman and his secretary, not with the chief and his two notables.” In this case, the chief still, however, collects homage before land inspections. The homage usually includes a bottle of Scotch Whisky and 5,000 francs. Fisiy (1992:229) later points out that for some chiefs close association with State bureaucracies is significant. They can enjoy prestige and exact more tribute from their subjects by association with the State. He points out that these are usually chiefs who were dependent on or subjugated by other chiefs or were more marginal. Also see Fisiy, 1995.

26. Thomson (1995:24) adds that in Mali “The new forestry law in effect continues the Forestry Service’s effort since colonial times to undermine local control systems. It reserves to foresters as sworn officers, whether of the state or the *commune* [local government], sole authority to sanction infractions of the code. It maintains the previous system of rebates on forestry fines for the officers who identify infractions and process them.”

27. The importance of the right to say “no” is critical. As Moore et al. (1991:6) asked: “But and above all else do they have the POWER TO SAY NO?” (capitols in original). Not only does this right/power reflect a serious willingness on the part of the state to create local autonomy, but it can also give local communities bargaining power against the Forest Service which enters these areas with an interest in supplying wood and woodfuels to urban areas.

28. Sharpe (1998:31) reported that “Many groups [whom he interviewed around Cameroon’s Korup National Park] cited the use of forest resources for development as an important aspect of government legitimacy...”

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

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

temporary destruction—of the resource as a whole.

31. Quoting a 1917 statement of Governor-General von Vollenhoven following von Vollenhoven's comparison of "natives" to children, Buell (1928:996) writes: "the native 'does not distinguish private from public affairs.... He is continually in need of something and addresses himself, to satisfy his desires, to whomever is invested with authority.... Examples are innumerable where natives will go long distances for the most futile causes, to see the chief....' The native is not an individual but part of a society."

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

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

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

34. Fiszbein (1997), reviewing World Bank projects in Latin America, found that 'capacity' is derived from the devolution of powers. All local groups she examined had the capacity once they had the resources to work with. Hence, the notion that resources cannot be devolved due to a lack of local 'capacity' is little more than an excuse not to devolve resources to local bodies. Thomson (1995) describes Dogon villages in Mali who successfully manage environmental and economic affairs.

35. This system of local elections, it appears, was abolished in 1996 (Personal communications, Olivier Dubois, IIED, London, July 1998). In addition, Uganda's attempts to democratize the local state has not been paralleled by democratization at the national level (Greenstein 1997:108).

36. Personal communication, Malian *Mission de Décentralisation*, July 1998.

37. See Guyer, 1992, for a nuanced discussion of the relation between taxation and representation.

38. Shipton (1995:172) uses the term 'entrustment' to explore relations of lending and borrowing in Kenya. His term can be expanded to describe the relation of local public authorities to both central government and the populations they serve.

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Founded in late 1996, the **BERKELEY WORKSHOP ON ENVIRONMENTAL POLITICS** emerged from a long-standing commitment to environmental studies on the Berkeley campus and from the presence of a core group of faculty whose research and scholarly interests linked environment, culture, and political economy. The workshop draws together over fifty faculty and doctoral students from San Francisco Bay Area institutions (the University of California campuses at Berkeley, Santa Cruz, and Davis, and Stanford University) who share a common concern with problems that stand at the intersection of the environmental and social sciences, the humanities and law. The Berkeley Workshop on Environmental Politics has three broad functions:

- ◆ to assist graduate training and scholarly research by deepening the theoretical and methodological toolkit appropriate to understanding environmental concerns in an increasingly globalized world;
- ◆ to bring together constituencies of local and international scholars, activists, and policy makers for transnational conversations on environmental issues; and,
- ◆ to bring community activists and policymakers to Berkeley as Residential Fellows, thus providing synergistic possibilities for developing new learning and research communities.

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