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Special Issue: Decentralisation and Livelihoods in Africa



Guest Editors: Jesse C. Ribot & Phil René Oyono

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**Special Issue:
Decentralisation and Livelihoods in Africa**

**Guest Editors
Jesse Ribot & Phil René Oyono**

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Introduction: Decentralisation and Livelihoods in Africa

Jesse C. Ribot* & Phil René Oyono**

Introduction

Indirect rule and association were the first colonial-period decentralisations. Colonial powers across Africa decentralised further after the Second World War. At independence most African nations consolidated their rule through re-centralisation, but later began to decentralise again within the first two decades of independence. The current wave of decentralisation, which began in the late 1980s and spread across Africa after 1995, is very different from these earlier movements. It is couched in the inspiring language of local representation and democratisation. Earlier reforms were described as means of better managing rural populations from the centre by mobilising local authorities and involving local people. They too used language of justice and equity—as with the French and British arguments for indirect rule and association—but they rarely pretended to aim toward democratisation. In the current wave of decentralisation reforms, governments across Africa have successfully etched ‘democracy’ into their decentralisation laws—calling them democratic decentralisations. These governments are still in the first stages of translating these laws into practice. The cases in this special issue highlight the frontiers of this Africa-wide reform movement as it is unfolding in its first decade of intensive experimentation.

The articles in this volume help to map out the progress and limits of implementation in practice, raising the important questions that will have to be asked if the enfranchising discourse of democratic decentralisation is to better the lives of rural Africans. The articles interrogate the implementation of democratic decentralisation writ large through the optic of the natural resource sector. The natural resource lens is particularly

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powerful for viewing the politics and dynamics of decentralisation because natural resources are the primary source of wealth for national governments and national elite, while also being the source of income and subsistence for a large portion of rural people. As such, natural resources are a necessary point of conflict and cooperation between central and local authorities in any attempt to transfer powers from the centre to the local arena. In the articles, this struggle is visibly played out—in central government and international organisations and agencies—in decisions concerning which powers to transfer and which institutions in the local arena to entrust with these powers. The articles focus on the effects of the resulting institutional arrangements and power transfers on local democracy and natural resource management.

The Director of Senegal's forest service recently proclaimed that in Senegal decentralisation is 'incontournable', meaning 'it cannot be corrupted nor derailed' (personal communication, August 2005). Most foresters in Senegal have recently begun to describe decentralisation as 'incontournable'. True enough, decentralisation reforms are irreversibly transforming rural governance and local democracy across Africa. Governments and their line ministries are marching ahead across the unknown terrain from legislation to practice. While the legislation is now an 'incontournable' fact, there are still many detours and deviations along the poorly marked paths to implementation, and more unknown pathways between implementation and outcomes. This volume contains examples of the winding paths of implementation and the unmapped domain of outcomes in articles on Democratic Republic of Congo, Cameroon, Mali, Ethiopia, South Africa, Uganda and Zimbabwe. These articles demonstrate that decentralisation is making headway, but over bumpy ground. While many progressive laws are in place, their implementation does not yet reflect the new discourse.

Evidence on the structure and outcomes of decentralisation reforms is only beginning to roll in from around the world (Colfer and Capistrano 2005; Wallenburg and Anderson 2005; Ribot and Larson 2005; Crook and Sverrisson 2000; Ribot 1999; 2004). This introduction will outline the contributions of the articles in the volume and will end with some research priorities that these analyses suggest.

The articles

Each article is summarised below. These summaries are not abstracts of the articles; rather they draw out what the guest editors felt were the most pertinent new insights of the authors. In this section we do not cite the primary literature used by the authors, but we do add some cross-references where the arguments relate to other authors in the volume or to a broader literature that may otherwise be overlooked.

The first three articles are on Uganda's decentralisation (Bazaara, Namara, Muhereza). Next are two articles on decentralisation reforms in Zimbabwe (Mandondo and Kozanayi, Mapedza). Articles follow these, on Cameroon (Oyono and Efoua), Democratic Republic of Congo (Nzuzi and Oyono), Mali (Kassibo) and Ethiopia (Feyissa). Together, these articles demonstrate that decentralisation is advancing over the multiple obstacles in its path. Despite resistance by those threatened by decentralisation, at the margins, local people are gaining power from these reforms.

The lead article, by Nyangabyaki Bazaara, begins with the hypothesis that decentralisation can produce the institutional infrastructure for public participation—based on the creation of empowered local representative authorities. In Uganda, a series of laws promulgated since 1992 laid a solid foundation of local representative institutions for democratic decentralisation, reorganising the relationship between citizens and the state (also see Muhereza, and Namara, in this volume). According to Bazaara, representation is the essential ingredient for effective decentralisation of natural resource management and is necessary for the engagement of citizens (also see Agrawal and Ribot 1999; Overdeest 2000; Oyono and Efoua, this volume). Bazaara's article provides several distinct insights into the dynamics of decentralisation concerning inclusion and exclusion of rural people and the nature of powers being transferred to local actors.

Bazaara shows that in Uganda a large portion of the public—or citizens—is outside of the 'represented' spaces (geographic spaces, spaces of belonging and spaces of power) in which natural resource decisions are made. First, governments exclude people from the benefits of decentralisation through a top-down choice of local institutions that represent only a sub-set of the local population. Government is transferring powers to sub-groups within the local arena rather than representative of the local population. The excluded population therefore remains subjugated—directly or indirectly—to central state authority. Second, Government is limiting local participation by restricting the territory covered (i.e. parks and protected areas). Third, government is transferring resources that have no commercial value while retaining control of resources that present lucrative opportunities, significantly limiting the powers in which people participate. Fourth, government produces dependency through insecure transfers, making local groups upwardly responsive to government if they wish to hold-on to their power (see also Conyers 2003). Fifth, Bazaara also illustrates severe procedural asymmetry between government and local institutions that makes decentralised decision making more cumbersome through excessive oversight and approval processes.

Bazaara's most salient finding concerns the functions of the conflation of technical and political decisions. He shows that government environmental agencies conflate technical with political decisions to their own benefit. They use specious technical arguments about resource management to hold onto allocative decisions. These decisions are not 'technical', they are 'political' because they are about the allocation of access and control over resources—and not about the requirements of sustainable resource management. These decisions could be made locally without threat to the resource. This insight provides us with an important guiding principle for decentralisation reforms. Central government does have a role in defining the technical bounds of resource management and use—determining what resources can be exploited, where, when and how, that is via what techniques, in order to sustain and benefit from the resource. But, government should devolve the political powers of allocation of rights—that is, government should not determine who can exploit.

Agrippina Namara looks at the nature of the 'co-management' partnership between local communities and the Uganda Wildlife Authority (UWA) in the Bwindi Impenetrable National Park (BINP). Co-management of conservation areas is widely promoted by government agencies, policy-makers, NGOs, and researchers in Uganda—as across much of the developing world. Accordingly, governments are establishing mechanisms for local government and local community participation in the management of wildlife and protected areas (Adam and Hulme 2001; see Muhereza, in this volume). Focussing on the principle of community participation, Namara is convinced that only a democratic decentralisation—with downward accountability mechanisms—can transfer real access to benefits and decision-making power to local communities, and therefore reduce tension and conflicts with the central state (see Goldman 1996; Bigombé Logo 1996). She warns against partial decentralisation (see Kassibo this volume; Muhereza this volume).

Namara recognises that a lot of 'discursive' efforts have been made by community conservation advocates to prove that community participation is actually put into practice in the BINP and that local communities have been guaranteed access to benefits. In spite of this rhetoric, however, she observes that decision-making remains highly centralised and community access to benefits is fictive at best (see Barrow and Fabricius 2002; Yam Malla et al. 2003). Under such conditions, she argues, local communities continue to be treated as subjects, rather than being enfranchised as citizens (see Ribot 1999; Bazaara this volume; Feyissa this volume). In this article, as in Namara and Nsabagasani (2003), Namara opens up a new pathway for policy-makers and for researchers when they conclude by saying that in most cases of

decentralisation, local communities are granted 'favours' not 'rights' and more 'troubles' than 'benefits'. She brings further attention to Bazaara's (this volume) concern that the powers transferred to local people are insecure. She argues that secure rights and powers in the hands of representative local authorities form an incentive to participate—and is the basis of citizenship. Privileges that can be taken away do not produce community engagement or commitment.

Namara recounts that park management was reluctant to embrace co-management, which was donor driven. The park authority is unwilling to trust resource users and to transfer any powers to them. Park rangers are threatened by co-management. They perceive the loss in their authority and do not want others 'to play the role of warden'. Under these circumstances, similar to Bazaara's observation (this volume), the parks created a kind of asymmetry that favours central control. Management plans or 'memorandums of understanding' are designed to favour the park authorities. Plans and agreements in this context become means of exclusion, rather than inclusion. These agreements are negotiated by the park from a 'position of strength', while communities negotiate from weakness. The park is unwilling to discuss resources of any significant value. This observation raises an important question in natural resource decentralisations. Memorandums of understanding, contracts and conventions are now being widely used to mediate the relation between local communities and local people. They are often portrayed as means of empowerment in which local rights are codified (IIED 2005). There is still, however, more work to be done on the line between codification as enclosure and management of rural people's domain versus agreements as security and opening of local people's rights. The line is probably more in the imbalance of initial power relations than in the tool itself, but these processes must be observed and better understood so that this potentially powerful tool can ultimately be used to serve enfranchisement.

Namara makes two other important observations. First is that local community institutions are delegitimised due to the minimal powers devolved to them. Without meaningful powers, representation of any kind is empty. She also observes that within the co-management schemes, community members were demanding to be paid '... for playing their prescribed roles'. Co-management agreements create work for local people. But, they rarely offer pay for this work. Parks and forestry agencies often see the remuneration to work in nature as the future fruits from conservation and management. They do not view this work as labour to be remunerated. While nobody would expect a local community to work without remuneration to build a highway that happened to pass through their community, there is a widespread

assumption that the work of conservation—although often justified as a national good—needs compensation. This assumption and its cultural roots within government and international circles must be further explored.

Frank Emmanuel Muhereza explores the dynamics of decentralisation reform in Uganda through the case of forest management in Masindi District. The case reveals significant decentralisation of influence—despite central resistance to real power transfers. Muhereza observes that even with progressive decentralisation and forestry reforms, in practice, reforms are implemented so that local authorities remain upwardly accountable. Local representatives are under pressure from politicians and administrators to account upwardly. Upward accountability is reinforced by the transfer of obligations to local authorities without sufficient funding to implement them, and by the ministry keeping significant controlling and supervisory roles, as well as control over the allocation of important commercial opportunities (permits and licenses). These factors conspire to keep elected authorities dependent on and accountable to the ministry.

Such inverted accountability—contrary to the tenets of decentralisation—is common in many experiments of decentralised management of natural resources in Africa and elsewhere (Larson 2004; Ribot 2004, see Mapedza 2006, this volume; Oyono and Efova 2006, this volume). Muhereza concludes that the dominant presence of the state and the absence of downward accountability in decentralised management of forests in the Masindi District compromises the engagement of local people as citizens (Mamdani 1996; also see Feyissa in this volume; Namara this volume). Nevertheless, local government in Masindi has gained significant powers in these reforms. District councils in some areas contested the Forest Department's practice of auctioning confiscated illegally harvested timber and keeping the revenues. In August 2001, the Rakai District reached a precedent-setting agreement with the Forest Department in which the district council now has the right to auction off impounded illegal timber and keep forty percent of the revenue. These changes reflect the effective powers that district councils are gaining and exercising.

In Masindi, commercial groups are also gaining power through privatisation. One pit-sawing organisation tried to use its increased power to influence forest management policy that contributed to the interdiction of a Forestry Department commissioner from office. The private group's motive was to gain a monopoly by reducing illegal competition. Hence, the pit sawyers fought corruption within the Forest Department—they did not, however, succeed in making major changes. Nevertheless, this political engagement was one unintended effect of privatisation.

Two articles recount experiences in Zimbabwe. Based on observations and interviews in the Chiredi District of Zimbabwe, Alois Mandondo and Witness Kozanayi assert that in processes of decentralisation the position of local actors is reinforced most effectively when the local actors demand and take hold powers. Decentralisations led and or granted by the state and other major actors are processes under the discretion of central actors and therefore serve central interests—they are less likely to empower or engage local people. Further, the authors note that whether empowerment is ‘demand driven’ or granted from the ‘top’, central authorities are still useful to prevent the exacerbation of local inequities and to provide technical and political support (also see Crooke and Sverrisson 2000).

Thus, Mandondo and Kozanayi contribute to the debate on the legitimacy and the continuity of the central state under decentralisations in general—see, from a different theoretical point of view, Cardenas (2004), Bazaara; Feyissa, in this volume—and under ‘demand driven’ decentralisations in particular. Local communities are not usually egalitarian. Because of this, decentralisations can lead to the exacerbation of inequality and the marginalisation of sub-groups within local communities. There is therefore a significant role for central actors in making decentralisation more just. Effective and equitable empowerment requires support from above. In addition, local actors require support from the state for political legitimation, technical advice, financial assistance, and problems that transcend the scale of local affairs.

Everisto Mapedza focuses on a co-management experiment in the Mafungautsi forest in Zimbabwe—presented by its promoters as a decentralised natural resource management initiative (Murombedzi 1994; Murphree 1990). The project established its presence in the local arena by setting up management committees—ostensibly as a forum for participation for the local population. Mapedza shows that the management committee members did not account to the local communities, but rather were beholden to external actors—the forestry administration in particular (also see Muhereza 2006, this volume). This system of local governance included a few interested parties, while excluding the local community as a whole (also see Singleton 2002; Platteau 2004; Ribot 2004; Bazaara 2006, this volume). The local community, sensing that this co-management arrangement was not meeting its needs, reacted with resistance to forestry department activities. They set forests afire and increased their poaching activities. Mapedza justly characterises these outcomes as negative ecological effects from inadequate representation (also see Oyono 2004b; Larson 2004). His key point is that exclusionary governance systems that generate only upward accountability

can produce exclusion and resistance, and can undermine or reverse environmental management objectives. Mapedza's case also illustrates co-management operating through highly unequal relations between more powerful foresters and local communities, and how co-management arrangements impose outside objectives through the imposition of outside forms of knowledge about management requirements and techniques biased toward western science (also see Mandondo and Kozanayi, this volume). He points out that for co-management to succeed, these imbalances must be redressed and the net benefits of engagement by communities must be evident to communities and must also follow clearly from the activities they are asked to engage in.

With regard to the situation in Cameroon, Phil René Oyono and Samuel Efova characterise and assess environmental representation under forestry decentralisation. Forest management decentralisation in Cameroon has created institutional arrangements to represent local communities in forestry decision-making and the management of forest-based income (as have Zimbabwe and Uganda, see Mapedza, this volume; Namara, this volume). The forest sector decentralisation reform has created the opportunity for local communities to establish and manage community forests. Management committees are representing the latter in the public arena. Most of the committees constructed to represent local communities were created with the assistance of external organisations (also see Kassibo, this volume; Mapedza, this volume; and Namara, this volume). The authors observe, however, that these committees lack local sociological and moral foundations.

There are, nevertheless, a few cases where community interests have been represented and upheld, but only via limited, weak and captured representation. The new local forest management institutions are generally governed by individual interests and by the absence of downward accountability. These institutions have produced poor results. In eastern and southern Cameroon, where most of the committee-based forms of representation have no traditional basis, management committees have inadvertently reduced community solidarity and cooperation. By failing to recognise the importance of social ties as the basis of collective action in this arena, the committees introduce a platform for individual accumulation and undermine existing redistributive norms. Based on these observations, the authors challenge whether effective representation in natural resource management can be produced or implemented without careful prior consideration of endogenous meanings of representation as it fits in existing institutions.

The authors argue that establishment of effective local representation in natural resource management must be complemented by clear criteria for environmental responsibility, systematic monitoring of both resource management and representation, and a framework of sanctions for non-representative behaviour and poor performance by committees, local government and regional and local state agents. The article raises critical questions about the combined effects of local institutional forms and practices and imposed guidelines and sanctions on the production of local democracy (also see Agrawal 2005, who argues that 'environmentality' is established by the transfer of means of regulation). To what degree must outside agents wishing to instantiate local democracy build on existing institutions? To what degree must they impose incentives that make democratic behaviour ineluctable? How can these two approaches be combined?

Phil René Oyono and Francis Lelo Nzuzi describe forest policy change in the Democratic Republic of Congo (DRC). This country has the highest reserve of forest resources in Africa. It is thus a focal point in the issue of decentralised management of natural resource. It is also a country shattered by political instability, wars and plundering of natural resources (Trefon et al. 2002; Lemarchand 2002). It was not until 2002 that a new Forest Code replaced the Belgian colonial administration's forestry laws. This new forest law makes provisions for decentralisation (Karsenty 2001; Diss 2003; Lelo et al. 2004; Malele 2004; Diaw et al. 2005), and the transfer of powers to local communities and jurisdictions (provinces). The regulatory texts (implementation decrees) of this new law are still being developed. However Oyono and Lelo Nzuzi draw attention to customary institutions, which they feel are often marginalised in processes of natural resource decentralisations (cf Ntsebetza 2004; see Oyono and Efoou, this volume). The authors argue that customary institutions should be empowered through the forthcoming regulatory texts. They argue that Cameroon provides a kind of decentralisation 'laboratory' for the Central Africa region from which the Congolese 'model'—which has the 'advantage' of still existing only on paper—should draw lessons on the limitations and achievements of forest sector decentralisation.

One of the lessons from Cameroon is that if community and its modes of representation in decision making are not well defined, there can be deep confusion over which institutions can appropriately speak on behalf of and decide for local populations. In both countries the new forestry laws were established under pressure from donors—the most active being The World Bank. The vague nature of many provisions in the new laws can be viewed as a form of resistance to these international institutions. Governments create the laws required of them under conditionalities or pressure from the outside.

But they create them with vast room for interpretation and reinterpretation—which often creates ambiguities and uncertainties that can block the decentralisation process.

Bréhima Kassibo's article on Mali demonstrates the risk of project-based forms of local participation backfiring to undermine fledgling local democratic government (also see Baviskar 2005). Since the mid 1990s, the Republic of Mali has undertaken a thorough revision of its local government and forestry laws. While new democratic local governments were legislated in 1996 and local elections were held in 1999, the 1995 forestry laws have not been widely implemented. While waiting for forestry sector decentralisation to take shape, non-state actors, NGOs in particular, have been setting up programmes to involve local communities in natural resource management. They were doing so, however, through traditional associations called *ton*, rather than through the new elected local authorities. In the case of the Forest of Baye, discussed by Kassibo, an international NGO backed by Mali's central government, promoted local participation through the re-institution of ostensibly traditional, pre-colonial management structures. By doing so, they circumvented the local elected government, who are designated by law to be the recipients of decentralised natural resource management powers. Supporting neo-traditional institutions in place of democratic representatives redirected powers that should legally have been allocated to supporting the development of the new democratic local authorities. Ironically, neither the NGO nor the government granted the NGO-backed neo-traditional associations significant discretionary authority over decisions concerning forest resources. Hence, their ability to serve as a local decision-making body through which the community could participate was highly constrained. In addition, the neo-traditional institutions do not have local legitimacy and are being reinstated in a highly transformed post-colonial landscape. Such naïve support for customary authorities of all sorts is seen throughout Africa and is posing major problems for democratisation processes (see van Rouveroy van Nieuw 1987; Kassibo 2003; Ribot 2004; Ntsebeza 2004; Muhereza 2006).

Dereje Feyissa examines the relationships between central and local authorities in Ethiopia in the context of decentralisation by examining the manipulation of ethnic elites. The author asserts that in post-Menguistu Ethiopia, the new institutional order and decentralisation policy have undermined the process of local integration into the nation by focussing on ethnic identity. Feyissa bases his argument on the case of inter-ethnic cohabitation between the Anywee-Nuer tribes in the Gambela region (Feyissa 2003). For decades now, these two ethnic groups have established local inter-penetration and integrative relations, reducing historical conflicts over access

to natural resource. In the past, the Anywee, claiming their position as ‘first-comers’, had prime control over natural resources. Over time peaceful social relations have been established with the Nuer, strengthening integration. In post-Marxist Ethiopia, ethnic groups have become units of regional political action and decentralised management, as powers have been transferred to ethno-regional groups.

The author notes that decentralisation has created horizontal conflicts at the local level, by introducing new meanings of nationality and ethnicity (Smith 2000). Feyissa assesses the political actions taken by the elite in this situation. He describes how the Nuer elite contesting past relations of local integration, have started rejecting the historical rights of the ‘first-comers’—the Anywee—over natural resource (Feyissa 2003). Putting aside other important points, Feyissa reveals two layers of manipulation introduced by the Ethiopian central state via their ethnic-based decentralisation: the ethnic elite is manipulated by the administration, and the local communities are manipulated by their own elite. By so doing, the state is reproducing its interventionism and authoritarianism (see Keeley and Scoones 2000) through the elite of one ethnic group. The ‘ethnicisation’ of decentralised resource management by the state did not reinforce the powers of communities (see Smit 2000). On the contrary, it led to the resurgence of inter-ethnic conflicts—which threatens sustainable management—and to the legitimisation of supra-local solutions that favour internal stratification.

This article brings into question the wisdom of Ethiopia’s ethnic regionalism, which brings into tension ethnic—or identity-based and residency-based—forms of belonging. The lean toward ethnic forms of belonging and interaction with the state has implications for the exclusion of those ethnic groups less able to access and use the state to back their claims. More research is needed on the effects of privileging identity-based forms of representation or belonging.

Conclusion

The articles in this volume characterise the ongoing decentralisation experiment in Africa, raising questions about implementation and effectiveness. The discourse of democratic decentralisation is, by and large, being etched in new natural resource laws. Yet the laws are yet to be translated into practice. Why are Africa’s decentralisation reforms stuck in this limbo between law and practice? What difficulties does implementation encounter? This set of papers suggests that the promise of decentralisation is being attenuated in the implementation process. Decentralisation requires local authorities that represent the local population in their jurisdiction to be entrusted with sufficient powers to play a meaningful role in local resource management and

use. The articles show that central governments, line ministries, donors, international NGOs, front line agents, and local and national elites have collectively chosen less-than-representative local authorities or have failed to (en) trust them with the minimum necessary or meaningful powers. This set of articles helps us understand how and why this happens and to see why and where the glimmering examples of incipient success can also be found.

Decentralisation is attenuated in its implementation in numerous ways (see Ribot and Oyono 2005). Examples are presented in this volume where intervening agencies and organisations limit the power of local authorities. This has been done via territorial strategies to reduce local authorities' jurisdiction (Bazaara); the diverting powers away from democratic authorities via empowerment of neo-traditional authorities (Bazaara, Kassibo) or via privatisation (Muhereza); or the limiting of access to powers via restricted forms of belonging (Bazaara). Examples are presented in which representation is limited by government or international organisations and agencies choosing inappropriate local institutions. In some instances governments and international organisations choose to interact with chiefs or so-called 'customary' forest managers (Kassibo). Kassibo describes how naive neo-traditionalism encapsulates people in externally produced notions of custom (also see Mamdani). These groups also often choose to recognise inappropriate interest- or identity-based local sub-groups (Bazaara), or they create appointed committees (Oyono and Efoua; also see Manor 2005). Democratic representation is also limited: the means of intervention divides community by working with sub-groups (Bazaara and Feyissa), fails to instantiate new institutions (Oyono and Efoua), facilitates elite capture (Mapedza; Kassibo; Oyono and Efoua), or creates upwardly accountable institutions (Oyono and Efoua to outside actors; Mapedza to government). In addition, Oyono and Efoua describe what they call *tutélisme* in which oversight by administrative authorities all but eliminates the effective transfer of powers, subjecting 'representative' local authorities to central management (also see Ribot 1999). In addition, these inappropriate institutional choices are often producing local conflict (Feyissa; Oyono and Efoua).

As decentralisations proceed, new light is shed on the depths to which each sector—certainly the environment and natural resources sectors—are still profoundly colonised by European styles of management and control. In forestry, management styles have been passed on from the School of Nancy in France. These practices were established in Africa during the early colonial period and they still serve to facilitate extraction and empower central actors. Nancy-style command-and-control forestry certainly does not enable citizens and local communities to profit from nature and to invest in achieving their

own aspirations. Across Africa, forestry and environmental agencies and the natural resource laws that they implement, function as systems of domination, extraction and taxation. These laws sometimes protect critical natural resources—but via the heavy-handed tutélisme described by Oyono and Efoua. Indeed, most of the laws labelled ‘forestry’, ‘environmental’ or ‘natural resource management’ serve more to produce taxes and rents than to protect or conserve the resource. Decentralisation—at least in rhetoric—appears as an attempt to lift this colonial form of domination by transferring the means of regulation (as Agrawal 2005 calls it) to the populations that live in and around natural wealth. The widespread resistance to these reforms throws into relief the persistence of what is a very effective sectoral form of neo-colonial rule. Decentralisation, if successful, is one front of the continuation of decolonisation—sector by sector. If it is not successful, it will turn into one more stage in the articulation of control deeper into the everyday lives of rural people. If successful, it contains a far-reaching enfranchisement potential.

In the cases described in this volume rural populations have taken some control of the resources around them. In Uganda (Muhereza) councils gained more power and commercial groups used new decentralised decision making powers to fight corruption. While the local commercial forestry groups did this in order to eliminate competition from illegal extraction so as to consolidate their own monopoly, their ability to influence local authorities led to better forest management. In Cameroon, representation worked in the interest of rural populations in some instances (Oyono and Efoua). While the results were mixed, the examples showed that rural people could effectively manage and invest funds for their own betterment. Combining these positive examples with the cautionary lessons of these cases provides scholars, activists and practitioners with the guidelines and tools to push the decentralisation experiment forward. Bazaara has provided us with one of these lessons: do not allow forestry agencies to conflate technical with political decisions—technical decisions can be made at the centre, political decisions can be made locally. Oyono and Efoua provide another: establish clear criteria for environmental responsibility, systematic monitoring of both resource management and representation, and a framework of sanctions for non-representative behaviour and poor performance by committees, local government and regional and local state agents.

Decentralisation is ‘incontournable’. But what will the word ‘decentralisation’ mean in the end? In the space between law and practice decentralisation can easily morph into ‘decentralised’ deeper central control or into local enfranchisement. Governments, donors, international NGOs, scholars, and activists must continuously ask which powers are being

transferred to which local institutions. Are the transferred powers sufficient and meaningful? Do the receiving institutions represent local people? These questions can help insure that the discourse, which has been codified at least partly in new and often progressive laws of democratic decentralisation, is translated into practice.

Dedication

It is terribly sad that two of the authors in this volume, Dr. Nyangabyaki Bazaara and Samuel Efoa, are being published posthumously. With this publication, may a small portion of their insight, dedication to intellectual work, and the inspiration they have generated be inscribed upon the future.

Dr Bazaara was the director of the Centre for Basic Research in Kampala, Uganda. Bazaara was a thinker and scholar, a musician, patron of the arts, positive-spirited man, and a mentor to many. Bazaara remains present among us through all those he has touched with his generosity, kindness, enthusiasm, and intelligence. Bazaara drafted an article for an earlier volume (Ribot and Larson 2005), which he never completed due to his untimely death in August 2003. Bazaara's last article is the lead article in this volume. His ideas and his spirit have influenced all of the contributions herein.

Samuel Efoa was a Research Technician at the Central Africa Regional Office of the Centre for International Forestry Research (CIFOR) in Yaoundé, Cameroon. Oyono and Efoa spent nearly two years working together on the empirical research for their joint paper, particularly data collection in East, Centre and South provinces. With his thorough empirical rigour, Efoa made remarkable contributions to this article in this volume before his untimely death in June 2004.

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Subjecting Nature to Central Authority: The Struggle over Public Goods in the Formation of Citizenship¹

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Abstract

Uganda is widely cited for its participatory orientation and strong commitment to implementation with regard to its decentralisation reforms. The implementation and outcomes of Uganda's decentralisation reforms are examined to test the assumption that when decision-making powers over the environment are devolved to locally elected representatives, this increases participation and leads to better environmental outcomes. This article's analysis accounts for actors who have received environmental powers, the central–local government relations, the local government relationship with local population, and social and environmental outcomes. Evidence indicates that collaborative management schemes lack decision-making powers and fail to represent all groups with interest in the resources. The centre retains control of natural resources through deconcentrated functions that are not accountable to the interests of local populations. Under such conditions it is not possible to test whether greater participation leads to better social and environmental outcomes, although it is evident that the current resource management arrangement does not favour sustainable environmental or better social outcomes.

Résumé

L'Ouganda est largement cité pour son orientation participative et son fort engagement concernant l'application des réformes sur la décentralisation. L'application et les résultats des réformes de décentralisation de l'Ouganda sont passés au peigne fin, afin de vérifier l'hypothèse selon laquelle lorsque les pouvoirs de prise de décision concernant l'environnement sont dévolus à des représentants élus localement, le niveau de participation en est accru et l'on obtient de meilleurs résultats environnementaux. L'analyse contenue dans cet article décrit des acteurs ayant reçu un certain nombre de pouvoirs sur le plan de la gestion environnementale, mais décrit également les relations entre le

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gouvernement central et local, la relation entre le gouvernement local et la population locale, ainsi que les résultats sociaux et environnementaux obtenus. Les preuves récoltées portent à croire que les plans de gestion collaborative ne comportent pas de pouvoirs de prise de décision assez forts et ne représentent pas tous les groupes ayant un intérêt certain dans ces ressources. Le centre garde le contrôle des ressources naturelles à travers des fonctions décentralisées qui ne représentent pas les intérêts des populations. Dans de telles conditions, il est impossible de vérifier si une meilleure participation produit effectivement de meilleurs résultats sociaux et environnementaux, bien qu'il soit évident que le dispositif actuel de gestion des ressources ne permet pas d'obtenir des résultats environnementaux durables ou de meilleures conditions sociales.

Introduction

Over the past decade, writers on environment and natural resources management have come to believe that the recent decentralisation reforms sweeping Third World countries are enhancing participation in environmental management and producing better social and environmental outcomes (Marcussen 1993; Driciru & Penny 1999; Langoya 1999; Mandondo 2000; Ribot 1999; Wily & Mbaya 2001). Some authors contend that prospects for realising these outcomes are greater in those decentralisation reforms where power over nature is devolved to locally accountable local authorities (Agrawal & Ribot 1999; Ribot 1999; Mandondo 2000). Others have argued that decentralisation generates positive outcomes if significant powers from the centre are transferred to that group in the society perceived as having the strongest and most sustained vested interests in the future of the resource—for example, the forest edge community or forest users (see for example, Driciru & Penny 1999; Langoya 1999; Wily & Mbaya 2001). A few of the writings have begun to associate some decentralisation reforms with environmental problems, calling for caution to avoid power transfers that lead to over-exploitation of forests at the local level (Ribot 2002; Muhereza 2003). This article argues that when the incentive structures are not proper, actors at the local level, for instance, any or all of the people usually included in the term 'local community', will collaborate with users of the forest resources to extract short-term gains, generating negative environmental outcomes. If these assumptions are correct, then there is no better place to test them than in the case of Uganda's decentralisation reform. Uganda is now widely cited as a country that designed a participatory-oriented decentralisation reform, and has shown strong commitment to implementing it (Onyach-Olaa & Porter 2000; Saito 2000; Ribot 2002). This can clearly be seen from Uganda's 1993 Local Governments (Resistance Councils) Statute.² The Statute was quickly followed and reinforced by the 1995 constitution requiring decentralisation

(Republic of Uganda 1995) and the 1997 Local Government Act (Republic of Uganda 1997).

A cursory examination of the new Ugandan laws under which the decentralisation reform is being implemented shows that many decision-making powers, including powers over natural resources, have been devolved to elected local governments (Republic of Uganda 1995; Republic of Uganda 1997). This would suggest that local governments have space within which they can make autonomous decisions regarding the environment; they have discretionary powers to make binding decisions without reference to the central government. It has been argued by several scholars on democratic decentralisation that the involvement of elected authorities can become a basis for representing the 'public', which is believed to be critical for developing institutions for sustainable use of natural resources and conferring benefits to all (Manor 1999; Mandondo 2000; Ribot 2002). Others believe that empowering elected authorities can also result in poverty reduction (for example, Villadsen & Lubanga 1996; Nsibambi 1997; Wagaba 1998; Saito 2003). These scholars imply that people can make meaningful decisions regarding natural resources, especially those in the 'public' domain when they are citizens—that is when they are represented as part of the 'public'. To become citizens entails true participation in the making of binding decisions regarding natural resources (and other public decisions)—or the ability to be able to influence the decision making process by those who represent them and are repositories of decentralised powers.

In order to study the powers that have been decentralised, how these are exercised, and the consequences, the various actors have to be identified and their relationship with those who hold the decentralised powers examined. This article argues that natural resources in the 'public' domain that are not under representative authority do not foster the formation of a citizenry. They simply become part of another domain in which people are directly or indirectly 'subject' to various forms of central authority. This conclusion is based on primary research on decentralisation in Uganda which took place beginning in 1993/1994 (Muhereza 2001).³ It also draws insights from secondary literature of the various studies that formed the basis of the Africa-wide research collaboration between the Centre for Basic Research and the World Resources Institute on 'Decentralisation and Environment in Africa' carried out between 2000 and 2003.⁴

The research shows that current decentralisation reforms have not enabled resource users to participate in the making of binding decisions and to hold accountable those to whom decentralised powers have been transferred—implying that these reforms may not be contributing to the formation of

citizenship. This has undermined all efforts aimed at democratising natural resources management. However, suffice it to mention that these conclusions are tentative, as more nuanced research is needed before solid conclusions can be made. To understand the implementation and outcomes of the decentralisation reform in Uganda this article examines: (a) the actors who have received environmental powers; (b) the central-local government relations; (c) the local government relation with local population, and; (d) the social and environmental outcomes.

Actors in environmental management

Under the 'Decentralisation and Environment in Africa' project, research in Uganda focused on four themes: (i) the politics of environment-related decentralisation in Uganda (Bazaara 2003); (ii) decentralisation reforms in Uganda with specific reference to the forest sub-sector (Muhereza 2003); (iii) local institutions for decentralised natural resources management with specific reference to co-management committees in protected area management (Namara and Nsabagasani 2003), and; (iv) community participation in decentralised natural resources management with specific reference to collaborative forest management models (Kanyesigye and Muramira 2003).

Before decentralisation reforms started in Uganda, decision-making powers over forestry and wildlife resources were in the hands of the relevant ministries and departments (Ministry of Water, Land and Environment; and the Ministry of Trade, Tourism and Industry, respectively). The conservation policy of these ministries entailed exclusion of all other groups with interests in those resources from participating in the decision-making process or accessing the resources (UWA 2000a, 2000b). In order to monopolise control over resources, the Forestry Department and Wildlife Authority projected the idea that all other groups, such as timber merchants or peasant cultivators living around the resources, had only one interest: that of cutting down the forests or hunting down all the animals.⁵ From this perspective, these groups had to be excluded from the decision-making processes and prevented from accessing the resources. It is not surprising then to find that the relevant ministries undertook management decisions regarding protected resources. Usually this involved drawing up five to ten year management plans without consulting other interest groups.

Nevertheless, here and there, a forestry officer, for example, could decide to allow some individuals to collect non-commercial or subsistence resources such as herbs or mushrooms from a forest reserve. Indeed, in the history of forest management people were also allowed to settle in forest reserves for a temporary period and under specific conditions (Uganda Protectorate 1957).

However, the access of these individuals to protected resources did not amount to a right that the individuals could enforce; it was a privilege that could be withdrawn anytime by the forestry officer.

Decisions regarding resources on private lands or customary-tenure lands were in the hands of communities⁶ or private owners. However, there were secondary laws related to prevention of erosion that defined the decision-making powers of private landowners and customary authorities such as clans. Big trees on these lands could only be cut with the permission of the forestry officer or animals could only be killed with permission of the wildlife department. In short, harvesting of resources on these lands for commercial purposes required the permission of the forestry officer, in the case of trees, and the game department in the case of animals.

Thus the key actors regarding the management of the natural resources were the ministers and the associated departments. In the particular case of protected resources, other groups with interests in the natural resources had no decision-making powers: these included peasants (interested in herbs, mushrooms, animals, cultural trees, firewood, etc.), and timber merchants (interested in wood trees). Participation in the decision-making processes was narrowly confined to a few individuals and so were the benefits. It is not surprising that when the government was unable to enforce the rules, illegal encroachments, illegal pit sawing and poaching took place without due regard to the future supplies.

Central and local government relations

Under the decentralisation reform, a range of powers has been devolved to local authorities. For purposes of clearly discerning the kinds of environmental powers devolved, we briefly describe the character of Uganda's decentralisation. The local government system is based on institutions called Local Councils. 'Local Councils' is generic term that replaced Resistance Councils, which were institutions developed during the guerrilla struggle in the 1981–86 period. In rural areas the local government structure has five levels of local councils, the lowest being the village council and the highest being the district council. In between, there are Parish, Sub-county and County councils. In urban areas, the city council is equated to a district council and the city division is equated to a sub-county council. In municipalities, local governments are the municipal councils and municipal-division councils. In towns, local governments are town councils.

It is important to note that not all levels of the councils are deemed local governments. Local Governments are those institutions with legislative and executive functions. In rural areas these are the sub-county and the district councils. In urban areas these are the city councils and the city division

councils; in the municipality these are municipal and municipal division councils and in towns these are town councils. Other levels—county, parish and village councils in rural areas and parish and ward councils in urban areas—are considered administrative bodies. Local Councils at all levels (i.e. local governments and the administrative councils) are constituted through elections based on universal adult suffrage. Unlike in the 1960s and in other countries such as Senegal, where elections are organised around political parties, in Uganda, individuals stand as independent candidates on their own ‘merit’.⁷ Despite the elaborate provisions for local participation in the decentralisation statute, few decision-making powers regarding natural resource management have been devolved to local government. With regard to protected area resources (forests and wildlife) the central government retains legislative and management powers.

In 1993, the year during which the first local government act was passed by parliament, the government transferred authority over protected resources to local governments. However, in 1995, government suddenly retracted those powers and handed them back to the line ministry (see Republic of Uganda 2001). It is not clear why the government decided to re-centralise the powers. However, according to some forestry officials, the transfer of authority was done without prior preparations to ensure that local governments were psychologically, technically and financially prepared to manage them on a sustainable basis. They argue that within two years many local governments went ahead ‘to chop them [trees] down without a plan’. However, this argument is not convincing given the fact that many officials in the forest department were involved in rackets of cutting down trees for private accumulation (IGG 1999). That corruption was, of course, equally detrimental to the sustainability of the forest resources. The next section examines which powers have been devolved and which ones the centre has retained.

Powers devolved to local governments over protected areas

When the central government re-centralised the forest resources in 1995,⁸ it still was confronted with the old problem of conflicts arising because of groups that wanted to access the protected resources and were using illegal means to make their point. Both the forestry and wildlife departments resorted to ideas that had been afloat in international conservation circles, namely community collaborative management. A number of pilot collaborative management projects were established, for example, around Bwindi Impenetrable Forest Reserve, Mt. Elgon Forest Park, Budongo Forest Reserve and Mabira Forest Reserve. These collaborative management schemes were justified in the name of improving participation of the local people in the

management of the resources, redressing past injustices and alleviating poverty of the poor communities (Republic of Uganda 2001; UWA 2000).

Under the collaborative management schemes the forest department discusses with communities the kinds of resources that can be harvested, in what quantities and during what periods. Resource-user institutions are setup in which these communities are supposed to be represented. Government departments believe that these projects or schemes promote participation and reduce conflicts since in principle they are bound by the collective decisions. This arrangement has been termed by some people as being a hybrid form of decentralisation. What powers do these institutions actually have and what are the consequences of their decisions to environment and social structure (poverty)?

Our research on collaborative management arrangements around Bwindi (Namara and Nsabagasani 2003), Mt. Elgon and Mabira (Kanyesigye and Muramira 2003) reveal that the resource user committees have no decision-making powers. It is the line ministry, for example the forest department, which designs the collaborative project and invites the communities to participate in it. Representatives of the communities cannot veto or change decisions already made by the forest department. Communities may be consulted but the central government has no obligation to take into account their feelings or views. In the collaborative management experience of Uganda a series of meeting may be held to reach an agreement on what resources may be harvested, by whom and when. Such meetings are usually dominated by the central government, which eventually has a say on types and amounts of resources that can be harvested (Driciru and Penny 1999; Langoya 1999). Moreover, decisions regarding lucrative timber trees remain an exclusive preserve of the forestry department (Muhereza 2003). Such commercial resources can be accessed only after payment of fees set by the forestry department—these fees are beyond the means of local communities around the forests.

These institutions are still being developed on a pilot basis. It is not clear in which direction they may develop. However, it is clear for now that the government (the forestry department, in the case of forest reserves, and the Uganda Wildlife Authority [UWA], in the case of national parks), and not the communities, that initiate these institutions. These institutions are not a product of community self-organisation. These programmes appear to serve a mechanism of the central government to legitimise its conservation policies and to ensure that its actions are beyond reproach.

Resources user institutions only represent a fraction of the groups with interests in the natural resources. Only those groups that get direct benefits

from collaboration in terms of accessing certain types of resources are interested in participating in these schemes. Those groups that feel that their interests are not addressed by these institutions do not respect them and engage in acts of sabotage such as burning the forests or illegally harvesting forest resources (see for example Muhereza 2001, 2003). Because they do not represent all interests, resource-user institutions do not, therefore, meet the objectives for which they were set up, namely, reducing conflict, redressing injustices, and reducing poverty.

The relationship between the communities and the government (Forestry Department and the UWA) spelled out in the memorandum of understanding is biased against the interest of the communities. First, meetings are always initiated by the forest department, which organises a series of meetings to 'consult' the communities at which they 'agree' on what resources can be harvested and during what periods. In practice, our research revealed that meetings are used to legitimate decisions that the forest department made in advance (Kanyesigye and Muramira 2003).

Second, the forests constitute a major source of livelihood for different social categories (such as women or youths), who depend on the gathering of mushrooms, firewood, and other products. The forest department, however, often enforces access through quotas that are clearly inadequate for these community needs. For example women around Mabira and Mt. Elgon reserves indicated that the amount of firewood they were allowed to collect from the forests were inadequate. In that case women were compelled illegally to collect extra firewood. The youth, whose interests were never represented in the Mabira and Mt. Elgon resource user institutions, also harvest forest resources illegally (Kanyesigye and Muramira 2003).

Third, the imbalanced relationship between communities and the government is clearly revealed in the arbitration procedures. When wild animals from the game park damage peasants' crops or kill a peasant, the matter is supposed to be settled 'amicably' between the Park authorities and the affected party. In reality, of course, it is the park authorities that decide on the kinds of compensation and the amount. When a peasant is found harvesting resources illegally, this is deemed a criminal case to be handled by the police and may involve imprisonment (Namara and Nsabagasani 2003). Thus the mechanism of arbitration does not promise justice, and we found that peasants do not trust them. This is unfortunate since trust is a very important element in realising meaningful participation and the construction of the 'idea of a public good'.

In sum, resource user groups developed around protected resources are a form of de-concentration. Decision-making powers remain with the central

government. Resource user institutions are simply advisory and can be closed down if and when the line ministries deem fit. Another example of an imbalanced relationship is related to revenue sharing schemes, which the central government assumes are important in getting the communities to respect the protected resources. In the forestry sector, government collects revenue from the permits it issues to pit-sawyers and is then required to remit forty percent of these revenues to local government (Muhereza 2001). The revenue-sharing scheme was designed by the central government. Given that many local governments are unable to raise enough fiscal resources to run their activities, the complaints are galore. Finally given endemic corruption in the forest department (discussed briefly below) and that local authorities are not informed of how much money is collected, local governments are dissatisfied with the revenue scheme.

Powers of local governments over non-protected resources

Local governments have some limited legislative and executive powers regarding the environment. Local Governments are allowed to manage local forest reserves of less than 100 hectares. However, in the present circumstances they do not have resources to hire forestry officials. They have to rely on those employed by the central government whose approach to the management of resources remains 'commandist and top-down'. Most of these local forests are reserved for water-catchment protection or to prevent soil erosion. For practical purposes they are closed off from local populations.

Local governments can play a legislative role; the passing of bye-laws on any aspect of the environment ranging from preventing soil-erosion, burning of grass to planting of trees, provided those bye-laws do not contradict national laws. Besides, the environmental officers, the District Environment Committee and the Sub-county Environmental Committees are supposed to advise local governments on any environmental impact of their development programmes (Bazaara 2002; 2003). It is not clear for now whether the Local Governments remain autonomous in deciding whether to accept or to refuse the advice.

Local communities access resources of commercially insignificant nature from public land without seeking permission of local authorities or the central government. However, once the harvesting of any resource is deemed commercial, for example, producing charcoal for sale in urban areas or felling trees for commercial timber, permits have to be procured (Muhereza 2003). The power to issue permits rests with the forestry department, not the Local Government. Thus the forestry department fuses both technical and political power over forestry resources. We shall shortly demonstrate that this arrangement leads to corruption in the forestry department, social inequalities and could be leading to negative environmental consequences.

In terms of wildlife management, the role assigned to local government is one of vermin control and dealing with 'problem animals' (Namara and Nsabagasani 2003). Still here local governments do not have decision-making powers let alone enough resources. If it is discovered that a problem animal exists in a certain locality, the local government can only report to the game department which decides whether or not the animal is indeed a problem animal. The game department then decides what should happen and which mechanism can be used. This decision has to appear in the government gazette!

Local government–local populations relations

One important aspect of the decentralisation reform in Uganda is the element of regular elections and the provision that non-performing elected representatives can be recalled. This is a radical departure from the post-1966 changes in which the central government simply appointed councillors who in turn were upwardly accountable. It is no longer possible for an elected representative to ignore the interests of the electorate.

In the past, chiefs and employees of the central government were responsible for environmental matters at the local level. These actors were not accountable to the local populations and did not mediate the different interests. Chiefs combined legislative, executive and judicial powers. As such they often misused those powers without check by the local populations (Bazaara 2002). In the current circumstances, legislative and executive powers have been transferred to elected local authorities provided the bye-laws made do not contradict national laws. The national environmental policies and laws require the local governments to ensure that environmental issues are catered for in all projects implemented in the locality. In fact they are supposed to draw up environmental action plans. The reality is that local populations are more interested in poverty alleviation than the environment. Environmental action plans read more as poverty alleviation projects rather than plans to protect the environment for future generations. It is worse in instances where donors organise the communities to draw up these environmental action plans. Communities perceive the exercise as likely to lead to funding by the donors and tailor the plan in that direction.

Councillors also perpetuate this syndrome because they would like to prove to the electorate that they garner foreign resources. Many would like to enhance their popularity with the local population. In instances where the struggle for resources is intense they can side with the electorate. Many forest resources were encroached upon because the local politicians were using these resources for vote catching (Bazaara 2002). In addition, many local councillors lack the skills and knowledge of wider environmental concerns.

In many instances, the technocrats trained in the old 'commandist' perspectives drive the environmental planning processes. In a way then, although they are downwardly accountable, local populations' ability to hold councillors accountable is still circumscribed. This is where civil society organisations may become helpful in providing support to councillors in terms of education and other forms of skills for environment planning.

Social and environmental outcomes

Social outcomes in protected areas

In social terms, the collaborative management schemes have an inherent weakness of not being all-inclusive. For this reason, not all interests benefit from the forest resources. When all is said and done, the biggest beneficiaries of the protected resources are the economically and politically powerful. Given that the collaborative management institutions do not have powers to exclude—which have remained with the relevant central governments—the permission to harvest lucrative resources such as timber goes to the wealthy and politically well-connected. Local rural populaces end up with resources, which in comparative terms, are insignificant and aimed at poverty alleviation. In social class terms, the collaborative management schemes tend to favour those who are able to access the protected area resources. In terms of generational and gender terms, the youth and women tend to be marginalised.

Social outcomes in non-protected resources

As for resources on public land, the current arrangements lead to social differentiation. One important element around which this differentiation is taking place concerns the permits given out by the forest department and the level of land tenure security. The permit is procured by those who are relatively well off. These can use it in two ways. First, they approach charcoal producers and give them advance payment to produce the charcoal. When the charcoal producer has produced the necessary amounts he or she is paid the full amount. The important point to note here is that the permit holder pays the charcoal producer at low prices. The other way the permit holder can use the permit is to hire it out to anyone who wants to trade in charcoal. The permit does not specify the number of trees that should be felled and in which part of the district. So it is possible for different traders to use the same permit at the same time. The permit holder in this regard earns permit rents: the traders earn exorbitant profits and the loser is still the rural charcoal producer (see Muhereza 2003).

Environmental outcomes

In environmental terms, collaborative management schemes appear not to lead to sustainable environmental outcomes. These schemes lead to conflict and some social categories adopt a private rather than public goods approach to the resources. The perception of those who have directly benefited from the protected resources has changed; they are now expressing the need to manage resources in a sustainable manner. However there are those who have not benefited and have not changed their practices such as illegal entry into the forests reserves. It has been presumed that these schemes can have positive impact on the environment if they are all-inclusive and armed with decision-making powers that gradually transform individuals in the communities into citizens who are conscious that protected resources are a public good.

However, conditions necessary for this to happen have not been established. We assume better environmental outcomes can only result when individuals go through the participatory process for some time, a process that changes their outlook so that they are tolerant to other viewpoints and they begin to trust the institutional framework as truly being capable of taking their interests into account. The institutional framework must be able to coordinate interests of all groups in ways in which all parties obtain some benefit, however, unequal. For example, when the institution is armed with decision-making powers—powers to decide who accesses the forests—it can tax those who cut timber, for instance, and invest the taxes in projects that benefit the rest of the groups. If negotiated with all groups, those who do not cut timber will respect the forest resources.

Conclusion

We set out to test the assumptions that when decision-making powers over the environment are devolved to locally elected representatives, this increases participation and leads to better environmental outcomes. We have seen that decision-making powers over protected area resources, such as wildlife and forests, remain squarely in the hands of the line ministries. While collaborative management schemes have been established purportedly to improve participation, lessen conflict, and reduce poverty, the evidence so far reveals that these institutions lack decision-making powers and do not represent all groups with interest in the resources. In protected area resources, decentralisation amounts to de-concentration of powers, which the centre can shift (manipulate, withdraw, or reallocate) at anytime. On the local scene, the forestry officers hold management powers. These officials are accountable to the line ministries and not to the local population. Under these conditions

it is not possible to test whether greater participation leads to better social and environmental outcomes.

On public land, local populations have some say on the management of natural resources, but subject to overriding powers of the forestry or wildlife departments. Harvesting of natural resources for commercial purposes requires express permission of the forestry or wildlife departments. Foresters hold both technical and political powers with such permits because they conflate technical issues, such as which trees should be cut, how and when, with political issues concerning who should cut them. These powers do not have to be fused and they do not have to be wielded by the forestry or wildlife departments alone. The technical decisions (what, when, how and where) can be retained by the forestry department while permits allocation (who) can be done by the local government. Given that the forestry and game departments are upwardly accountable, they do not make decisions that take into account the differing interests of varied groups. Separation of the technical and political will enable local elected authorities to conduct the work of balancing among these interests.

From the available evidence, the current resource management arrangement is not bound to lead to sustainable environmental or better social outcomes. Participation schemes as they have appeared in the history of natural resources management seem to be more about legitimising decisions made by the central government than about fostering behaviour and consciousness about natural resources as 'public goods'. Resource user groups developed around protected resources under co-management arrangements are a form of de-concentration. Decision-making powers remain with the central government. Resource user institutions are simply advisory and can be closed down as and when the line ministries deem fit.

Recommendations

- (a) Government and donors should devolve powers to elected individuals representing a cross-section of interests. Representative authorities should be able to negotiate tradeoffs and coordinate benefits from natural resources;
- (b) The forest and wildlife departments should wield only technical powers. Political power to decide who should access resources that are allowed by the technical departments should be transferred to the local government;
- (c) The local government should then take over the collection of revenue from fees and take the bulk of it. There is a need, however, for more

transparency in, and accountability for fees collected in exchange for permits;

- (d) Civil society organisations should undertake programmes that strengthen local governments to understand technical jargons in order for technical officials to be transformed into servants of local governments;
- (e) Some of the innovations by local governments attempted so far, for example, the Mukono idea of five trees planted in replacement for one tree cut, should be explored and given the necessary legal backing;
- (e) Local Governments should issue permits for harvesting resources but the permit should specify the amount to be harvested.

Notes

1. This article written by Dr Bazaara was finalised and edited posthumously by Frank Muhereza and Jesse C. Ribot. An earlier version of this article was presented at the conference on Decentralisation and the Environment organised by the World Resources Institute (WRI) held in Bellagio, Italy, 18-22 February 2002. The author revised this paper in the spring and summer of 2003 for inclusion in a special issue on decentralisation and the environment of the *European Journal of Development Research* (vol. 16, no. 1, 2004). Due to his untimely death in August 2003, the paper could not be included in the special issue. The arguments in this article have not been changed in any substantive manner.
2. The Local Government (Resistance Councils) Statute, 1993, *Uganda Gazette* No. 55 Vol. LXXXVI, December 31, 1993.
3. Uganda's decentralisation reform has been implemented in phases. Initially, only thirteen districts implemented the decentralisation reform on a pilot basis in 1993/1994 (Muhereza 2001). Fourteen districts followed thereafter in 1994/1995 and twelve districts in 1995/1996. In 1997, nine new districts were created and immediately embraced the decentralisation reform. Districts did not initiate the reform at the same time and implementation is uneven for technical and financial reasons and due to setbacks in northern parts of Uganda arising from civil wars.
4. The full title of the programme is 'Accountability, Decentralisation and the Environment: Local Democracy and Natural Resources in Sub-Saharan Africa'. Reports from this programme are available at <http://pubs.wri.org/>
5. This view is still advanced by some forestry officials we interviewed. See also Kaboggoza (1996).
6. The concept community is used here to include society that is differentiated. It is a term referring here to those who live in the area of concern or the jurisdiction under study. This usage is different from that used in some branches of anthropology where community is projected as undifferentiated people with bonds of solidarity. See also Ribot 1999 for a discussion of this term.

7. In the early years, the election was through lining behind preferred candidates. However, the system of lining up was found to be dangerous to voters and was abandoned in favour of a secret ballot system. Furthermore, the earlier arrangement became less democratic in the higher levels of the local councils. In the old arrangement all adults eighteen years and above were automatically members of the village council. These elected nine people who became the executive committee of the local council. All the executive members of all villages formed a parish council. This council in turn elected an executive committee of nine people. All executive members of all parishes in the sub-county formed the sub-county council. The sub-county council elected nine people as executive committee. All executive members of the sub-county constituted the District Council. The District Council elected nine persons who became the executive committee.
8. In 1995, the second schedule of the Local Governments (Resistance Councils) Instrument of 1995 was amended by Statutory Instrument No. 2 of 1995, in which all Forest Reserves, land, mines, minerals and water resources were defined as central government resources.

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From Paternalism to Real Partnership with Local Communities? Experiences from Bwindi Impenetrable National Park (Uganda)

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Abstract

Conserving and sustainably managing Uganda's wildlife and protected areas in partnership with neighbouring communities and other stakeholders for the benefit of the people of Uganda and the global community is the expressed mission of the Uganda Wildlife Authority. This article explores the form that conservation partnerships between the central government, local government and communities are taking in Uganda's wildlife sector. Are these partnerships paving the way from the paternalistic approach to protected area management to partnerships between the wildlife authorities and local communities that are beneficial to both groups? To what extent are institutions representing the local community able to advance local interests and contribute to decision making on wildlife management within these partnerships? Are we moving towards democratic natural resource management? These are the questions that this article ponders.

Résumé

La mission du Service Ougandais de la Faune est de conserver et de gérer durablement la faune et les aires protégées en partenariat avec les communautés riveraines et d'autres parties prenantes, ceci pour le bénéfice des Ougandais et de la communauté internationale. Cet article explore les mécanismes qui émergent du partenariat entre le gouvernement central, les communes (ou les conseils locaux) et les communautés locales dans le domaine de la gestion de la faune en Ouganda. Ce partenariat se déplace-t-il des approches paternalistes de gestion des aires protégées vers une approche collaborative entre les autorités du Service de la Faune et les communautés locales bénéfique tant à ces dernières qu'à la conservation? Jusqu'où les institutions représentant les communautés locales sont-elles capables de défendre les intérêts locaux et participer à la prise de décision à l'intérieur d'une gestion collaborative? Evoluons-nous vers une gestion démocratique des ressources naturelles? Autant de questions sur lesquelles réfléchit cet article.

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Introduction

Management of wildlife resources in Uganda, be it in national parks, wildlife reserves, or central forest reserves, is still largely centrally controlled by the Uganda Wildlife Authority (UWA) and the Forest Department (which was recently replaced by the National Forest Authority). Prior to the 1990s, management of these resources was by command and control, through a strict law-enforcement or policing approach, which protected the resources from the people. However, due to economic reforms that have been implemented since the late 1980s—notably Structural Adjustment Programmes—there have been budget cutbacks leading to fewer staff on the ground. The policing function of conservation agencies thus became ineffective in the face of the escalating depletion of natural resources by communities that derive their livelihood from those resources. The command and control approach also created conflict and animosity between local populations and protected area managers, leading to further destruction by, for example, local communities setting sections of protected areas ablaze or poisoning wildlife in protest.

These experiences sparked global concern by international agencies, donors, non-governmental organisations (NGOs) and governments, which in turn induced new approaches designed to counteract the perceived widespread decline of bio-diversity. During the 2003 Fifth World Parks Congress in Durban, South Africa, delegates from wildlife management authorities, NGOs and local communities reiterated the position that governments have to view ecosystem sustainability as essential to human life. They also agreed that, in practical terms, conservation and management of protected areas could only be effective through considering the rights, knowledge and aspirations of neighbouring populations. Moreover, ethically, the least protected areas should do is to not harm adjacent local communities; that is, no net loss of bio-diversity must be balanced with no net loss of livelihood options and opportunities for neighbouring communities.

Managing protected areas with ‘community’¹ participation² is one of the key strategies of the UWA management style as laid out in the Uganda Wildlife Policy (Republic of Uganda 1999). The mission statement of UWA as laid out in Wildlife Policy is: ‘To conserve and sustainably manage the wildlife and Protected Areas of Uganda in partnership with neighbouring communities and other stake holders for the benefit of the people of Uganda and the global community’. Thus, the ‘Community Conservation’ approach to protected area management has become a logical one to achieve conservation goals. ‘Community Conservation’ has been used by the UWA as a broad term to describe all work that involves interaction with communities living around

protected areas. It includes education and awareness programmes; conflict resolution to reduce the impact of wildlife on communities and vice versa; and consultation to get people's ideas on the best way to manage wildlife, and to create a sense among communities that they are important stakeholders. A major aspect of community conservation has been the extension of benefits to local communities as an incentive for them to assume responsibilities that support national and international conservation interests, broadly known as collaborative management.³ Benefits include, but are not limited to, access to protected areas (such as for spiritual purposes); controlled access to protected area resources; sharing of protected area revenue with local communities; and international conservation financing mechanisms, like the Mgahinga and Bwindi Impenetrable Conservation Trust.⁴

The community conservation approach is expected to reduce the animosity between local communities and protected area authorities, and to increase local communities' stake in protected resources, thus increasing their support for conservation. This approach to protected area management endeavours to link communities to the protected areas, to share with them not only the benefits, but also the responsibilities of wildlife management, which the central government has come to realise it cannot fulfil alone given the ever-dwindling human, material and financial resources available. The Uganda Wildlife Statute 1996 (section 15:1) allows the UWA Executive Director to enter into collaborative arrangements with any person for the management of a protected area or part of it. As such, the Uganda Wildlife Policy (Republic of Uganda 1999) provides for collaborative management⁵ of resources by UWA and local communities, and stresses active promotion of collaborative management. This includes a programme to enlist community support for park management, as well as participation in park management activities through community-based institutions. Community institutions have been created under different names since 1994 to serve as avenues for community participation. The current ones in Bwindi Impenetrable National Park (BINP) are the Community Protected Area Institution, the Resource User Groups, and to some extent the Production and Environment committees which are sub-committees of Local Councils.

This article explores the form that conservation partnerships between the central government, local governments and communities are taking in Uganda's wildlife sector, within the context of decentralisation, with BINP in the Southwest as an example. It takes a close look at what the UWA has advanced as 'partnerships' with local communities in order to assess whether there has actually been a movement away from the paternalistic approach to protected area management—which has been blamed for creating conflict

between communities, and thus for undermining conservation goals—to real partnerships that benefit both conservation and local communities. I try to assess whether the partnership building process has been characterised by dialogue, shared assessment of problems and opportunities, fair negotiation of decisions and actions, and mutual agreement, which are all the cornerstones of real partnerships for resource management (Borrini-Feyerabend and Sandwith 2003; Whande, Kepe, and Murphree 2003). Assessment is made of the extent to which institutions representing the local community are able to advance local interests and contribute to decision making on wildlife management within these partnerships.

The concern in the article is not to evaluate the impact of conservation partnerships between the central state, local community and local government, but rather to consider whether the partnerships are or have the potential to become real and to advance democratic natural resource governance. Because democracy is about having a certain degree of self-determination and control over decisions being made on behalf of the population in question, obtaining the local community's perspective is important in evaluating its presence. The study shows that where very minimal powers are devolved to local community institutions, their legitimacy is undermined within the local community, especially when they cannot independently make decisions about matters important to the community. Additionally, the central government remains largely unwilling to devolve substantial 'rights' to local communities and local governments, and instead passes on 'privileges' that are not legally defensible. This contradicts the present rhetoric about devolution of decision making to local governments. What is taking place in practice, as Bazaara (this issue) has noted, is a form of 'de-concentration', where the central government rids itself of functions and responsibilities not deemed critical, in line with the available operational resources.

The article is based mainly on research we carried out at different times between 1999 and 2002 in the areas around the BINP.⁶ The study also drew upon results of work done by different people and organisations working in the area. Bwindi Impenetrable National Park (BINP) was selected as the study area for two reasons. The first reason is that it is the first National Park in Uganda where the collaborative management approach to park management was tested and is still in practice. Secondly, that BINP, together with Mgahinga National Park, was among the first parks around which a programme of local government participation in park management and decision making was established through a clearly defined institutional framework. This model was used as a pilot programme and its experiences were relied upon during the drafting of the official UWA policy guidelines for community and local

government participation in protected area management, enshrined in the 'Community-Protected Area Institution Policy' (UWA 2000c). Section Two of the article gives a brief historical account of the changes in the management in BINP and interaction of the forest management regimes and local communities. These events eventually led to the alienation of local communities from the forest. Section Three outlines the efforts that have been successively instituted to re-link local communities to the forest. Section Four analyses the forms and essence of partnerships developed between the central government and local communities in terms of the kind and extent of authority that has been devolved. Section Five provides a concluding discussion.

The history of forest-resource alienation

BINP is located in South Western Uganda, situated on the edge of the Western Rift Valley occupying the highest elevations of the Kigezi Highlands. The park borders the Democratic Republic of Congo, located in Kabale, Kanungu, and Kisoro Districts. The forest was first gazetted as a Forest Reserve in 1932 and as an Animal Sanctuary in 1964 under the name of the Impenetrable Central Forest Reserve. Until 1991, BINP was managed as both a forest reserve and a game sanctuary, under the joint management of the forest and game departments. In 1991, it was gazetted as BINP, occupying an area of 330.8 square kilometres. The park was listed as a World Heritage Site in 1994 according to the World Heritage Convention of 1972 to which Uganda is party. BINP alone hosts about half of the world's population of the endangered mountain gorilla (*Gorilla beringei beringei*) with a total world population estimated at about 650.

The areas around BINP are some of the most densely populated in Uganda. The provisional results of the 2002 housing and population census indicate that Kabale District has an average population density of 290 per square kilometre, and this density has increased by thirty-four people per square kilometre since 1991. Kisoro District has an average population density of 323 people per square kilometre, which has increased by forty-eight people per square kilometre since 1991. Kanungu District has an average population density of 160 people per square kilometre, an increase of thirty-five people in the same area since 1991. The population densities in the three districts are among the highest in the country, which has an average population density of eighty-five people per square kilometre. This has had implications for the resources inside and outside the parks. As population has increased, land and other essential resources have become scarce and people's dependence on the park resources has in turn increased. The populations around BINP are primarily agricultural, with a few households owning few numbers of

livestock. Traditionally, before the forest was gazetted as a national park, they also carried out logging/pit sawing, hunting in the forests, and mining as major economic activities in Bwindi Forest. Beekeeping is also a common secondary activity that has traditionally been carried out in and around the forest.

Gradual changes in the management approaches to Bwindi Forest have altered the way local people relate to it. Increased control and protection of the forest by the state agencies created a sense of alienation among local communities. The protectionist and top-down style of forest management introduced in the 1930s gradually weakened local people's rights over the forest and changed their perceived relationship with the resources. People around BINP refer to three historical eras in the history of the management of Bwindi Forest as the pre-gazetted era, the Forest Reserve era, and the National Park Era. The pre-gazetted era was marked by the absence of a forest boundary, which was when people had unlimited access to forest resources. During this time, people say they used to obtain all the resources they wanted from the forest with no one stopping them. They cultivated on the forest fringes, hunted and trapped animals in the forest, kept bees in the forest, cut trees and converted them to timber, and mined gold (Kijoto Parish, pers. comm. 1999). It was during this era that the people felt the forest was completely 'theirs' because there was no management or control from outside the community. Some of the respondents, however, believe that had the forest not come under some form of management, most of it would have been cleared by now.

The second era began after 1938, when the first forest boundary was delineated by exotic trees planted along the government-prescribed boundaries. Local people did not understand why the boundaries were being created. This era marked the onset of the state-sanctioned resource-access regime and the reduction of community control over the forest. Although permits were issued for pit sawing and cutting trees for other purposes, illegal wood harvesting continued. Hunting, collection of forest products, and cultivation inside the boundary continued.

The third era began with the declaration of the area as National Park in 1991, which introduced stringent forest policing—a system that some of the local people have perceived as mainly benefiting foreigners. Local people were officially de-linked from the forest, and many vulnerable groups suffered adversely. For example, the Batwa (pygmies), a group which had predominantly depended on the forest for their survival, were affected to the extent that they no longer consider the forest as 'theirs', but as 'the government's' (Namara, Gray, and McNeilage 2001). Besides restricted access

to the forest resources, local people also have incurred losses (crops, livestock and occasionally human lives) from wildlife. The increased restriction by the government created hostility between the park authorities and communities around the park. To mitigate some of these negative sentiments and to reduce the pressure the communities were exerting on the forest, a community conservation programme was implemented by UWA in partnership with other conservation organisations. It was intended to address community needs around the conservation of the forest.

Partnerships for conservation

Good governance and the involvement of local governments and communities in natural resource management is prominently featured in current debates on sustainable management of natural resources, and were highlighted in the recent 2003 Fifth World Parks Congress in Durban. The main argument is that community-based natural resource management brings about empowerment and control of forest resources by the community, which in turn leads to efficient, effective, equitable and sustainable forest management. Uganda is one of the countries that have embraced decentralisation. Government has devolved some powers and responsibilities to local authorities, including those governing the management of natural resources. Agrawal and Ribot (1999) define effective decentralisation as the establishment of a realm of local autonomy by the meaningful empowerment of local authorities with decision-making powers and the resources to act on them.⁷

Effective decentralisation is based upon systems where there are locally accountable and representative bodies with powers over resources and decisions. In the area of natural resource governance which has until recently been centrally controlled, an important step in devolving government responsibilities is to recognise local institutions as legitimate actors in the governance of natural resources and to empower them to manage the resources at their levels in aspects that have been decentralised. Where no representative institutions have existed before, the establishment of local institutions in natural resource management has been viewed as a critical requirement for community involvement in conservation (Barrow, Gichohi, and Infield 2000). Recognising these institutions as legitimate and empowering them should in turn make them accountable to the users of these resources. One of the aims of decentralisation is to democratise society through representative decision-making (Ribot 2002; Oyono 2004).

However, such local institutions are often not as representative as assumed, or their value to constituencies is diminished by central authorities that only decentralise responsibilities and not powers. In this case the institutions wield

no powers to decide on critical issues. In areas of high bio-diversity importance (especially around national parks, wildlife and forest reserves), the governance of natural resources often attracts varied concerns and interests, mainly of central government, local governments, national and international conservation bodies. This is well demonstrated in the two Ugandan gorilla national parks.⁸ Activities within BINP and Mgahinga Gorilla National Park have brought together the local government, national government, and international community interests, which sometimes are not in harmony with local community aspirations, and have far-reaching effect on the outcomes of resource governance. Part of the reason why Uganda has shifted its protected area management approach to include the aspirations of local communities has largely been because of the influence from international donors represented through international organisations like the African Wildlife Foundation, the International Union for the Conservation of Nature and CARE International.

Collaborative management

Collaborative management is now a common approach to protected area management in Africa. Collaborative management lies in the middle position on the community conservation continuum, which ranges from protected-area outreach to community-based resource management (Barrow and Murphree, 2001:32).⁹ Collaborative management is focussed upon conservation with some rural livelihood benefits on state-owned resources. Similarly, collaborative management is itself a continuum, with many different models delivering different degrees of power sharing. The range of models could include: informal or semi-formal agreements between protected area authorities and other stakeholders regarding the use of specific resources; agreements largely based upon the discretion of the protected area authority staff on the ground; or formal agreements with some form of stakeholder institution, but largely limited to immediate protected area boundary communities with the main aim of regulating access to protected area resources. It is the protected area authority that largely drives this model. Other features collaborative that management can include are complex agreements with local communities in and around the protected area; shared decision-making on protected area management; multi-stakeholder protected area-management institutions, with greater roles in decision-making accorded to all stakeholders; and either a reduced role of the protected area authority or resources entirely managed and decisions primarily made by non-government stakeholders, with government represented.¹⁰

Uganda began adopting the second collaborative management model in the above continuum in 1992 around BINP, and by 1996, UWA implemented

similar collaborative management initiatives in other protected areas. In 1991, the Board of Trustees of the Uganda National Parks (now UWA) granted permission to BINP management and supporting partners to formulate arrangements with communities to allow beekeepers, on a pilot basis, to resume bee-keeping activities inside the park in 1992. The programme was later expanded in 1993 to allow more activities including access to medicinal plants, basketry materials, and seedlings of indigenous tree species and bamboo rhizomes to plant on farms, and spiritual/cultural sites. In exchange for access to resources, UWA expects Resource User Groups to use resources sustainably, to monitor and report illegal access to protected area resources, and to assist in emergencies such as forest fires. After UWA created Resource User Groups with the CARE-Uganda's Development Through Conservation Project, it was realised that they were operating in an 'institutional vacuum', due to the lack of linkages to local government structures, a fact that could jeopardise the long-term sustainability of these groups, and could potentially restrict wider acceptance of their legitimacy and long-term survival.

Consultations between CARE, UWA, and the lower level local government came to the conclusion that user groups needed to develop a formal linkage with parish structures through the Parish Production and Environment Committee, a committee of the parish local council. The chairpersons of the various Resource User Groups became members of the Parish Production and Environment Committee, and in turn the Community Protected Area Institution (CPI). This created a direct link between forest user groups, wider concerns found at the parish level, and protected-area authorities, ensuring that the interests of the forest user groups were represented on higher-level local government bodies (Blomley, Franks, and Kabugenda 2000). To a limited degree, the community-resource access programme created a sense of community ownership of the park and enabled dialogue between the communities and the park management. BINP pioneered a process of developing and implementing resource use agreements on a national level. The process helped develop and strengthen community institutions, and to some extent provided real benefits to the resource users (Worah et al. 2000).

Demand for more parishes to access resources eventually arose, however, as did demand for greater access to resources within parishes where the programme already existed. There was also a feeling within the community that the programme was restrictive regarding the range of resources, as it excluded those of high-value. In fact, some of the resource users lost interest, especially those that used to collect weaving material. Beekeepers, however, seemed to remain the most active participants in park-related activities like monitoring resource use and putting out forest fires, since they had a direct

stake in protecting their hives in the forest. This confirms Barrow and Murphree's (2001) contention that the strength of a collaborative management agreement is subject to the level of benefits derived from resource use and the contribution to local livelihoods that such resources make. This, in turn, determines the level of motivation to fulfil obligations as laid out in the collaborative management agreement.

Under the resource-use programme, Resource User Groups were expected voluntarily to monitor illegal activities within their respective multiple-use areas, and to report to relevant authorities if they detected any. Recent research has revealed that improved attitudes towards the park among local communities. Controlled access to park resources, together with other interventions within the communities, have been given as reasons for this change. The programme also seems to have been effective in enlisting willing participation of communities in controlling forest fires. The beekeepers (and at times other resource users), having a stake in protecting their hives from fire, have refrained from starting forest fires and have quickly responded to extinguish fires when they start (ITFC forthcoming). However, our research shows little change in illegal activities in the park in general, or in the areas where registered resource users carry out their activities in particular. There is also no evidence of a significant increase in the reporting of illegal activities, by registered resource users or the general community.

Many community members are still illegally accessing forest resources, including game meat, timber, building wood, bamboo and weaving material. The occasional arrest of culprits, snares and other signs of illegal activities found in the forest reflect this. This raises questions about the adequacy of the range and amount of resources allowed to be collected officially. Who really decides on what resources the community needs from the forest? Illegal exploitation is a form of protest against existing restrictions. Recent research (ITFC forthcoming) has revealed that the social costs associated with reporting illegal activities (basically, enmity created in the community) are a big hindrance to community co-operation. Communities around BINP are closely-knit, making the social costs of co-operating with park authorities highly prohibitive. However, communities have also identified the inability of park staff to respond to reports of illegal activities made by community members. This inability exists partly because the parks are understaffed. It also exists sometimes because the park rangers themselves collaborate with illegal harvesters for personal gain. People can never be certain of the affiliations of the ranger force member they are reporting to, who, too, could be part of the racket. This poses quite a risk for community reporting.

The Community Protected Area Institutions

To enlist community participation in the management of national parks, Community Protected Area Institutions (CPIs) have been instituted to represent the interests of all parishes bordering particular protected areas. The CPI is supported by the Community Protected Area Institutions Policy (UWA 2000c). Its membership is drawn directly from Parish-level Local Government. Each protected area is supposed to have one Community Protected Area Institution and, depending on whether one or more districts surround the protected area, its membership is drawn from one or more districts. Around BINP, the institution is inter-district because three districts surround the park. The inter-district nature of this institution makes it unique in a context where district governments emphasise their autonomy. Its inter-district nature is a constraint for facilitation (especially funding).

Community institutions have been evolving since the early 1990s. The CPI replaced the Park Management and Advisory Committee that was initiated in 1993/4 under Uganda National Parks. The two institutions differ in the objectives for which they were formed, their mandate, their membership, and available mechanisms of feedback to their constituencies. The Park Management and Advisory Committee was criticised for being primarily an institution to advance the interests of Uganda National Parks (and later UWA). Its membership was also detached from the existing local government structures, and it had no clear channels through which community representatives could give feedback to the communities. The experiences of the Park Management and Advisory Committee were useful in the conception of the UWA policy guidelines on community institutions, which tried to guard against the factors that caused the Park Management and Advisory Committee to fail. It was thus the intention that the CPI be ‘genuinely created and managed’ by the local government and communities to represent and advance community interests in protected area management. Its membership is drawn from existing local government structures that also provide institutionalised channels of feedback to local communities (Blomley, Franks, and Kabugenda 2000).

Key roles of CPIs were laid out in the UWA Policy Guidelines on Community Protected Area Institutions (UWA 2000c). They included providing an avenue for communities living adjacent to the protected area to co-ordinate and present their interests to park management, providing an avenue for park management to present their interests in a co-ordinated way to those communities, in turn, and seeking those communities’ active participation in park management. The committee was also expected to play an advocacy and brokering role between the communities and the management

of the park. Where appropriate, it could lobby conservation bodies of the state at higher levels and provide an avenue for discussion and negotiation on benefit sharing programmes. In particular, the CPI was expected to screen and select parish-level projects for funding under the UWA revenue sharing programme and to identify any excessive conduct of the park staff and report this to park management. The extent to which the CPI has been able to play these roles will be subject to analysis below.

Authority devolved to local institutions

How much authority has been devolved to local governments and communities? It is important to explore authority that is transferred to newly created local institutions to facilitate community participation, and the asymmetries that are built into the current laws and therefore into the relation between local people and park authorities. First, we explore the legal constraints to community and local government participation in protected area management. Some of these constraints are a result of the law and policy formulation process, while others are a result of the interpretation of the law. The National Environment Statute, the Uganda Wildlife Statute and the Environment and Wildlife policies govern the process of local government participation in management of natural resources. However, these laws were drafted with little or no input from lower level local government and communities, who were the subjects of these laws. The formulation of the National Environment Policy (Republic of Uganda 1994) was a result of the National Environment Action Plan process, which, apart from the studies that were done to identify environmental issues, involved very little consultation of local communities and lower local government. Rather, consultations were carried out among the District technical staff and Sub-county councillors, and subsequently among line ministries at national level. Due to the low awareness of environmental issues at the time (early 1990s), these consultations yielded minimal information, and the main ideas came from the technical personnel at central government level.¹¹ The National Environment Statute (1995a), in turn, was drafted based on this policy.

Likewise, the draft Uganda Wildlife Policy (1995) on which the Wildlife Statute (Republic of Uganda 1996) and the revised Uganda Wildlife Policy (1999) were based, was basically prepared by technical staff from the Uganda National Parks (now UWA), the Ministry of Tourism, Trade and Industry and the Forest Department. There was very limited input from local governments or communities. Though the various departments of UWA are expected to develop operational/policy guidelines that can include local government and community input, it is up to the concerned UWA staff to decide who to consult, the depth of the consultation, and ultimately whether

or not to use the information provided. Moreover, operational guidelines have to be in conformity with the overall environment and wildlife policy and legislation, which were formulated without community input. Thus, community input into the operational guidelines or even bye-laws cannot deeply alter the ideology behind the environment and wildlife legislation and policies, unless the process leads to amendment of the legislation. Fortunately, the current national law review may include the Uganda Wildlife Statute (1996). However, as the statute now stands, it contains provisions that disfavour local communities surrounding national parks. Below we provide two examples to illustrate this: revenue sharing, and problem-animal management. Provisions within the wildlife policy and legislation concerning both of these issues are constantly contested by local communities, who have demanded on various occasions that the Uganda Wildlife Statute (1996) be reviewed.

Revenue sharing

UWA's revenue sharing scheme remains a contentious issue, often challenged by local government. Prior to the enactment of the Uganda Wildlife Statute (1996), parks were required to share twelve percent of their total revenue with local government and communities. This, however, was just a policy decision, not a statutory requirement. In 1996, this changed to twenty percent of gate entry fees. For some parks in Uganda, this represented a net increase, as most parks made the greatest share of their revenue from entry fees.¹² For the gorilla parks (BINP and Mgahinga Gorilla National Parks) and other national parks with many tourist activities, however, this meant a decrease in the local government and community share (Blomley 2003). Gorilla trekking permits, which tourists must buy to view gorillas in the park, cost US\$ 275 per person for a single trek by a foreign tourist—foreigners being the biggest group of tourists to Ugandan national parks as of February 2004. This fee includes only about US\$ 15 as the gate entry fee into the park per person, leaving a balance of US\$ 260, which local communities do not directly benefit from. Even in other parks where tourism has been relatively high, there was a decrease in local government share of the revenue since gate entries comprise just a small fraction of the total revenues of the parks. Moreover, this initially was exacerbated by the fact that UWA sometimes did not regularly deposit local government shares to the revenue sharing bank accounts, which created greater distrust and resentment (Blomley 2003). However, this situation is now improving.

Communities around various protected areas have questioned the basis of the 20 percent figure and why it is a fraction of only gate-entry fees, and not total revenues. Faced with these questions, managers on the ground often

answer that the law provides for this arrangement, which can only be changed if the law is reviewed by parliament. Rural communities know that reviewing a law by parliament in Uganda takes a long time, and that influencing parliament to advocate issues important to communities at the periphery of political influence, like forest-edge communities, is an impossible task. Protected area border communities are marginal, illiterate and have no effective political voice at the various political levels. The top-down manner in which decisions are made (for example, who actually decides on the contents of policy guidelines) undermines the principles of democratic governance and local autonomy. Examples of decisions that are usually driven by UWA in a top-down manner include decisions about who gets concessions to operate businesses within protected areas and decisions about what resources communities can access from the protected areas, in what quantities and where. Some of these decisions are justified by references to 'science', which is itself a reflection of power relations that determine whose 'science' is accepted as legitimate. 'Science' is often used to support the dominant paradigm subscribed to by the powerful and privileged (Whande, Kepe, and Murphree 2003).

Wildlife conflict

Damage to crops and property by wildlife is one of the most widespread and significant problems faced by 'frontline' communities living next to forest and wildlife protected areas in Africa. Due to the problems of remoteness and isolation, households living immediately adjacent to national parks often have the most limited options and opportunities to diversify and sustain their livelihoods. This is reinforced by the very real threat of crop raiding—which places additional costs on already stretched households. A common coping mechanism involves the deployment of children as crop guards during daytime and older family members at night, while crops mature and ripen. Some household therefore have to deny children educational opportunities to provide the needed labour of crop guarding, further reducing their opportunities for breaking out of poverty.

According to the Wildlife Statute (Republic of Uganda 1996), vermin control is decentralised to the districts. However, only the UWA can spearhead the solutions for this problem, and may enter into collaborative management agreements with affected local governments. Moreover, before any control measures are adopted, UWA has to gazette which animals can be treated as vermin and which are 'problem animals'. Problem animals cannot be treated as vermin according to conservation status accorded by international conventions and national interests with regard to the tourism industry. UWA also has to approve the problem animal control methods that communities

can adopt. Traditionally, communities hunted and trapped vermin and thus controlled their numbers. Now, it is illegal to apply control methods not recommended by UWA. In a manner, the people have been disempowered to take action to protect themselves and their property. If they kill animals, they risk penalties.

The problem of wildlife damage around BINP has been compounded in some areas by the presence of the flagship species: the mountain gorillas. Gorillas occasionally damage crops, property and at times threaten people's lives in the areas that are close to their home range (UWA 2002; Madden 1998). Habituation of gorillas for tourism (making them familiar with the presence of human beings, so that tourists can be able to view them) seems to have increased this damage since the gorillas' fear of people is reduced. Some gorilla groups spend more time in people's gardens than in the forest. This problem is common in Mukono and Nteeko Parishes adjacent to the western boundary of the park. The problem is aggravated if park staff take tourists to view gorillas on private land owned by community members. This does not go down well with the landowners, who feel they should then get a share of the gorilla viewing fees whenever gorillas are tracked on their land. Park management continues to brush the issue off, asserting that viewing gorillas on private land is not an issue, and that communities should not be bothered since they benefit from tourism in many other ways. They insist that paying landowners for viewing gorillas on their land may become an incentive for park edge landowners actively to attract gorillas to their land, with the associated risks to gorilla and human health.

UWA and its supporting donors have instead opted to purchase the community land on which gorillas frequently forage, in the hope that this would reduce the associated health risks and reduce the conflict. Peasant landowners were given this one option. They, in turn, agreed to sell off their land, if only because retaining it would make it useless to them, since they cannot realise agricultural or any other form of production from it. The process of land valuation and purchase itself was characterised by unequal power relations, with the legally aware UWA and conservation NGO officials taking the lead in determining terms of purchase, with no real community participation. They hired the assessors and surveyors. The peasants did not enter the transaction as equal partners. They did not have all the necessary information to consider all the possible options of getting value out of their land. Perhaps this one of the best opportunities the UWA has foregone to create a real partnership with the community around Uganda's most biologically diverse national park, which would have not only contributed to resolving conflict, but also to building a strong relationship with the

community. Instead of purchasing the land, UWA could have entered into some collaborative management venture with the affected landowners so that the people could realise perpetual economic benefits from their proximity to this very important resource.

The act of buying land from the affected communities actually signifies the reluctance of UWA to involve local people in wildlife management in mutually beneficial ways. Though officials from UWA and supporting conservation organisations often argue that the land was purchased at competitive prices between willing buyers and sellers, and that the owners can buy better land elsewhere, if one considers the possible perpetual benefit from the land under tourism ventures, it might be concluded that the peasants were blindfolded. Had they been able to organise themselves into a pressure group, they could have negotiated with UWA for a more rewarding partnership. Moreover, the land purchase may not provide a lasting solution to the problem, as it only temporarily shifts the frontier. Soon the land purchased will regenerate into forest and the gorillas will then forage in it and still move beyond to the next agricultural fields, affecting other community members. Will the park authorities then continue buying an increasing amount of land? The whole process has built suspicion within the local community. People are concerned that it could have negative social implications. Other local people have expressed fears that the park is expanding and squeezing people out, and may eventually create a class of landless people, which might become a problem for remaining local communities.

The story is different around Lake Mburo National Park (LMNP), where UWA realised that large numbers of wildlife live on community land, and that the only way to protect them is to enter into partnership with the local community and the private sector to ensure that communities realise economic benefits from hosting wildlife on their land. A pilot project is being undertaken where wildlife is being utilised for trophy hunting (UWA/ FD/IUCN&IGCP 2003). The difference between the BINP and LMNP is probably the size of the community land affected. The affected community ranches around LMNP are much bigger, and probably UWA could not afford to buy them. But more significant may be the fact that communities around LMNP are much more politically assertive than the very remote communities near BINP, and would have resisted moves to alienate their land. It may also have to do with the conservation status of the wildlife species in question in BINP (the endangered mountain gorillas).

The wildlife policy and law in Uganda does not compensate for problem animal damage, whether crop raids, human/livestock injury or death. However, the policy seems to focus on protecting wildlife, with limited consideration

of the impact wildlife has on local people. Local people are unable to take legal action against UWA since the statute defines UWA as an agency managing wildlife on behalf of the people of Uganda, who, by implication, own the wildlife. In the view of local communities, control of problem animals/vermin has not been accorded the attention it deserves by UWA. Yet, members of the communities continue to be heavily fined for mere grazing or illegal entry into the park. Vermin control has been decentralised to the district governments, but the districts are reluctant to invest meaningful resources into this activity because they consider wildlife to be a resource controlled by the central government, and not directly benefiting them. Thus, the districts feel the central government ought to foot all expenses associated with it (Blomley et al. 2003; Namara, Gray, and McNeillage 2001). Furthermore, as long as the problem animal damage issue remains outstanding, all programmes that seek to enlist local community participation in environment or wildlife management will not be perceived to be of real value to the affected communities.

So how much authority is devolved?

Local Councils in Uganda wield judicial and adjudication powers. However, some park staff on the ground remain unwilling to involve local leaders in resolution of conflicts involving local people, even in instances where conflicts are officially supposed to be resolved with the consultation of communities or their leaders (Local Councils and CPI representatives). Some staff members, especially those in remote ranger posts, may do this to extort bribes from the culprits, and thus have to keep the case out of the public spheres. Others have an attitudinal problem: they believe communities have no authority over park affairs. To some park staff, increased powers in local community hands threaten their own basis of authority and power. Attempts to decentralise effective decision making over natural resources management are usually resisted by those institutions or individuals who will lose power in the process. This leaves communities confused, as the rhetoric and practice do not tally.

Conflict between the central and local bodies is bound to occur due to competing interests. Such conflict needs clear adjudication forums that are separate from the disputants. However, research has shown that in many cases in Africa, sectoral authorities such as Forest Departments or Wildlife authorities/Services also act as adjudicators or are in strong positions to influence the manner in which conflicts between them and local authorities/communities are adjudicated (Ribot 1999; 2001). This is very true for Uganda, and around BINP, local leaders feel it is also a major problem hindering the implementation of the collaborative protected area management. There is a tendency to completely overlook or undermine the authority of local

community institutions. A minimum of authority is devolved to the institutions that are supposed to participate in protected area management. In BINP, this includes handling cases/offences that are deemed 'not critical' by UWA, such as crop raids by wildlife, which many communities would definitely define as a 'grave' offence against them. However, only the UWA and the police can handle the cases that UWA defines as serious (killing of wildlife, cutting big trees). In other words, the decisions in such cases are not entrusted to local communities. It is UWA's definition of the gravity of offence that matters, not the communities' definition. Yet excluding local authorities from resolution of park-related conflict (especially illegal access to resources) hinders the success of resource protection. When park staff arrest and extort bribes from the culprits, excluding local institutions from settling the cases, it perpetuates the illegal activities.

These issues point to the important issue of legitimacy of local actors. Ribot (2001) indicates that local bodies with no powers are unlikely to be considered as legitimate by their constituencies. An important form of power that confers legitimacy is the independent power to make decisions and rules or to adjudicate. Through his research in Senegal, Ribot (2001) shows that villagers will not respect local authorities if they know that they cannot independently make important decisions. He cautions that this does not mean that there should not be oversight by the centre over the local authorities; rather, that it should be at a distance, directed to ensure that local action is within the law, though not to approve every single action that local government takes, nor to completely bypass them in decision making. The effectiveness of community institutions in influencing important decisions in the interest of communities also largely depends on how the UWA perceives their roles. UWA staff on the ground still feel uncomfortable with the CPI playing a watchdog role (Blomley, Franks, and Kabugenda 2000), for example, through reporting 'excessive behaviour' of park staff and checking that the right amounts of community share of revenue are deposited in local government revenue sharing accounts. A meeting was observed where a park warden complained about the CPI chairman who, according to him, wanted to 'play the role of a warden'. The said community leader had asked the park authorities to make available to him the records of revenue-sharing funds deposited on to the revenue-sharing account. He had also tried to intervene in a case where a local community member had been arrested and imprisoned for illegal resource access.

The trend has also been that UWA staff in the parks have deliberately refused to be transparent to the local government with regard to park revenue. Community leaders have repeatedly complained that they lack adequate

information about protected area revenues from which their revenue sharing percentages are deducted. This attitude among some UWA staff is a manifestation of the fact that the mandate of local institutions is not yet fully recognised. In fact, UWA was at the head of the process to define the role of CPI (UWA 2000c). This act of UWA to 'define' what CPI is and should do through the guidelines demonstrates a move to control the powers of the institution. This interest in developing guidelines should not be construed to indicate willingness on the part of UWA to create an enabling environment for and to empower the local institution to advance community interests in natural resources governance. Rather, it is an attempt by UWA to administer and manage the CPI to serve wider conservation goals (even if they are in conflict with community interests). It is now evident that unless UWA recognises the CPI's mandate to represent community interests legitimately and independently, its influence will be limited.

Controlled resource access: How 'collaborative'?

Communities around BINP access some park resources under what is referred to as the 'Multiple Use' programme. In Uganda, there has been a significant shift from the traditional exclusive management style of national parks, which allows no extraction of resources, to collaborative management. Under collaborative management, communities are allowed to participate in protected area management, albeit to a limited degree, and reap benefits from protected areas, including sustainable access to resources. Both national legislation¹³ and the wildlife policy indicate that natural resources are managed for the benefit of the people of Uganda and that local communities should be central actors in the management of resources in their locality, and should also benefit from such resources. Such benefits include employment opportunities, revenue sharing, and access to the forest resources under collaborative management arrangements. The Uganda Wildlife Statute states that the Executive Director of UWA may issue a permit to any person for accessing resources from protected areas in a controlled manner (amounts collected, numbers of people involved, areas where resources are harvested, frequency of collection). In BINP, activities allowed include beekeeping and access to medicinal plants, basketry materials, seedlings of indigenous tree species and bamboo rhizomes to plant on farms, and footpaths to spiritual and cultural sites. Apart from these tangible benefits, communities living around protected areas enjoy other ecological benefits including the role of the forest in control of soil erosion and climate maintenance.

By the time Uganda adopted its model of collaborative management, the government considered the adopted model to be a radical move, adopting it reluctantly: they mainly adopted it as a response to the international influence

on the local conservation agenda mainly by donor organisations. The Multiple Use programme, as it is known around BINP, has been hailed for opening the way for regulated resource use by local communities and for granting communities unchallenged access to the forest, as compared to when this previously was an offence punishable by law. Moreover, negotiations around resource use and access undertaken in the early 1990s had broader implications in that they began to open lines of communication between park authorities and local communities at a time of deep mistrust and hostility (Wild and Muteb 1996; Worah et al. 2000; Blomley 2003). Additionally, the experiment in BINP provided useful information for drafting the sections on Collaborative Management in the Wildlife Statute and Policy. Regulated access to park resources has also contributed to improving relations between local communities and protected area staff and involving local people in protected area management around different parks in Uganda (Chhetri, Mugisha and White 2003). However, as time went on, the approach became another form of state control over resources of national interest, with the protected area management authority unwilling to trust resource users and subsequently to relinquish some of its responsibilities and authority, and the resource users also mistrusting the park staff.

This mistrust, for example, has been manifest in accusations of blame for illegal activities between park staff and resource users. Yet the element of trust between parties is clearly important if meaningful participation is to be realised, and if collective responsibility for natural resources is to be built (Bazaara 2006). Part of the reason why some UWA staff remained reluctant to embrace collaborative management entirely is that it was seen to be largely donor driven as shown above, with international organisations like the African Wildlife Foundation, the World Conservation Union (IUCN) and CARE International forcing the approach upon UWA. This somehow determined the level and type of partnerships that were created in the programme, and consequently limited its value to meeting the interests of communities and conservation as shown above. This is not unique to Uganda, as it is documented that many protected area authorities in Africa remain unwilling to involve local people in genuine partnerships, which involve dialogue, shared assessment of problems, and opportunities and fair negotiation of decisions and actions (Borrini-Feyerabend and Sandwith 2003).

The process of establishing collaborative management in BINP was tainted with unequal power relations between the two main parties to the agreements: the powerful, para-military, uniformed protected area managers, who were fully aware of the governing laws and policies on one hand; and the largely illiterate and poorly organised local communities, unaware of their rights or

responsibilities on the other (Blomley et al. 2003). During negotiation, the park staff adopted a stance of negotiating from a 'position of strength' rather than entering into open-ended negotiations, with compromises made on both sides. They were unwilling to concede (or even discuss) access to resources of any significant value. The resulting agreements thus limited the number of resources permissible for harvesting and the number of people involved. However, significant reciprocal responsibilities were placed on the shoulders of local communities, including patrolling for illegal activities, reporting law-breakers within the community to park staff, assisting in extinguishing forest fires, as well as maintaining detailed records. So, to what degree does allowing access to 'non-timber forest products' provide tangible benefits to local communities? How tangible are the benefits? (Worah et al. 2000; Blomley 2003). It does appear that the rights of forest users have been outweighed by their responsibilities to UWA, and as expected, the tangible benefits do not accrue to every community member. As such, for many there is no form of 'compensation' for the costs they incur due to the presence of the park.

Blomley (2003) asks whether resource access by communities is a 'right' that local communities can demand, or whether it is just a 'privilege' offered by protected area authorities when deemed fit. The distinction between privilege and right is critical in decentralised natural resource management. Ribot (1999:45), following Mamdani (1996), points out that when local authorities only receive privileges, local people are more likely to be managed as subjects since authorities with privileges that can be taken away are more likely to respond to those who have the discretion to take away their powers.¹⁴ Having to be responsive upwards reduces the discretion of these local authorities. The discretion of local authorities and the impetus to participate becomes meaningful when powers are transferred in the secure form of rights.

On many occasions, conservationists assert that the primary objective of national parks is not resource use or even community benefit per se, but rather conservation. Collaborative management is a tool to achieve the conservation objective and not an objective in itself. As such, UWA remains unsure about whether it is wise to substantially devolve control and management of these protected areas or parts of them to the local people given the pressure for resources access and external political influences in relation to the objectives of conservation. Because of these hesitations few real rights over management or forest use are transferred to local authorities or populations. Compromise from all partners—including conservationists and government—is a must if collaborative management initiatives are to succeed. Without significant decision-making rights devolved to communities by UWA, are there real incentives and is enough meaningful discretionary

power transferred to sustain community commitment to assuming voluntary responsibility?

UWA did not allow the use of many of the resources that local people were interested in, and those that were finally allowed mostly fell short of community expectations. Moreover the memorandum of understanding that lays out the agreement between the two parties is seen by local people as an instrument that favours park management and can be revoked at any time. The needs of the Batwa (pygmies) as a group have not been addressed in the resource access program. Batwa's needs from the park include fish from the rivers in BINP, wild yams, wild honey and access to ancestral sites. However, access to these resources is not considered in the programme, mainly because the UWA believes local people use unsustainable harvesting methods. As such, the Batwa genuinely feel that their needs have been marginalised in the Multiple-Use programme, and yet the loss they incurred due to the creation of the park is relatively greater than those of other community members. As long as their needs are not addressed, they may continue to be tempted to access the resources illegally, with negative ecological impacts such as forest fires. According to Barrow and Murphree (2001), the strength of a collaborative management agreement is a function of the level of benefits derived from resource use. If resources accessed form an important contribution to local livelihood, the agreement is strong. If however resources accessed are few and unimportant for local resource users, the agreement will be weak. In BINP this could lead to reluctance to fulfil obligations as laid out in the agreement—for example, communities may be unwilling to dedicate time to monitoring resource access and controlling illegal use. It is clear that UWA wants to maintain local people as subjects within the framework of 'collaborative' management. Local authorities have no control powers; they are given limited conditional privileges rather than substantive and secure rights.

Conclusions

The 'Community Conservation' approach to protected areas has become popular in conservation circles as a form of decentralisation within the wildlife management sector. It is intended to involve local communities in protected area management, reduce animosity between communities and protected area authorities, and extend benefits to local communities as incentives for them to assume responsibilities that support conservation. In this article we have looked at efforts geared towards enlisting community participation in park management activities and sharing of protected area benefits as a means of increasing their stake in the protected area. Part of the process has been the

creation of local government and community-based institutions through which communities are supposed to participate in park management. Research completed thus far reveals that even with the rhetoric regarding the decentralisation of important roles to local governments and communities from central government agencies, the natural resource management sector in Uganda remains heavily centralised, with central agencies maintaining tight control over decision-making and resources. Even under what is supposed to be 'collaborative management' of important natural resources between the central government, local governments and communities, central government agencies such as Uganda Wildlife Agency maintain local people as subjects, with no decision making or control powers.

Local authorities are given 'privileges' rather than 'rights', and local communities are given more responsibilities than benefits. Part of this control is exercised through the legislation and policy formulation processes, which remain centralised, with little or no participation of local communities. However, even where niches within the laws could allow for communities to influence decisions about issues that affect them, central government agents on the ground remain unwilling to relinquish many of their powers, frustrating the evolution of real and effective partnerships with local communities. Clearly, effective decentralisation has to begin with the democratisation of law and rule making, but also of the everyday decisions concerning management and use. Unless communities can influence changes in law and in local decision making to reflect their wishes, decentralisation will not improve participation in protected area management. It is no surprise that even with the evident changes in policy towards community and local government participation in natural resource management, most local governments and communities still perceive resources such as national parks as owned by the central government. The centralised authority that agencies such as UWA continue to exercise over these resources makes it difficult for local people to develop a sense of ownership and collective responsibility. So even where their participation is sought by the central government under what is supposed to be 'collaborative management', local people tend to see themselves as rendering a service to the government, not to themselves. Sometimes members of community-protected area institutions have demanded to be paid for playing their prescribed roles.

There is a need for park management authorities to be open to change, to create partnerships with communities that benefit both conservation and enhance community livelihood. This, for example, should involve genuine consultation of communities on important issues and joint decision-making. For example, on the issue of problem animals, instead of buying off people's

land, which may not be a lasting solution, more of the funds should have been invested in problem animal control mechanisms and compensation of affected farmers. Compensation could have come in the form of a regular share of revenue from the parks, however limited. Granted, neither the UWA alone nor the Uganda government can possibly afford to compensate every farmer affected by the presence of wildlife. However, if safeguarding global benefits implies costs to local farmers, Uganda should not bear all the cost alone, but should seek contributions from the global community. At the 2003 World Parks Congress, it was stressed that protected areas should contribute to poverty reduction—or at least not increase poverty, and that bio-diversity be viewed not only as a national and global resource, but also for its contribution to local livelihoods. This calls for equitable sharing of costs and benefits at local, national and global levels.

There is an urgent need for the equitable participation of all key stakeholders in decision-making concerning protected area management, with particular attention to the needs of local communities and disadvantaged groups. This can be accomplished via a range of mechanisms, including full information sharing; joint visioning and participatory assessment exercises; benefit sharing; support to stakeholder organising and capacity building; negotiated management agreements; full empowerment for conservation in co-managed protected areas; and transfer of powers as rights rather than privileges. Part of this process would involve programmes to develop and strengthen institutional and human capacities for co-management of protected areas as part of efforts towards good governance and more effective management. This involves the setting up basic training and refresher courses for natural resource managers (including protected area authority staff and local communities), exchange visits and joint learning initiatives among protected area institutions and sites engaged in co-management efforts. Ultimately, however, it is the establishment of rights in the co-management negotiation process that renders these negotiations binding—and therefore meaningful and sustainable.

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Notes

1. 'Communities' are social constructs, which, in real life, are complex and dynamic. Within communities are power dynamics based on class, educational differences, ethnic backgrounds, gender and general socio-economic status that can dictate differential access to resources, services and information. Mandondo (2000), Leach (1999) and Sundar (2000) raise questions about the concept of the 'community' that is advanced by environment and development interventions. 'Communities' are usually assumed to be ideal units which, if enabled to own, manage, and use resources, will lead to better management of those resources. Such a notion is based upon idyllic images of fixed and homogeneous groups of people.
2. Often official documents will stipulate 'community participation' without being specific on its extent. Thus, it can mean anything along the continuum from 'passive participation', where communities are just informed about protected area management actions, with no response expected, to 'Interactive learning', where multiple perspectives are sought and taken seriously, and local communities are entrusted with local decisions. (Pimbert and Pretty 1995). The level of participation applied usually depends on the interpretation of protected area staff involved, but usually falls on the left side or in the middle of the continuum (Uganda National Parks 1995).
3. Collaborative management is broadly defined as 'conservation with people', where local communities gain rights of access to certain resources on state-owned land, through agreements between resource users and the state that indicate the rights and responsibilities of each party. Collaborative management is a third stage within the Continuum of Community Conservation that ranges from total control by the state to Protected Area Outreach ('Conservation for people') to Collaborative Management and Community-Based Conservation (conservation by people) (Barrow in UWA 2001:6, 10).
4. The Mgahinga and Bwindi Impenetrable Conservation Trust is an endowment fund from the World Bank through the Global Environment Facility to finance local community projects, including social infrastructure and some income generating projects around Bwindi Impenetrable and Mgahinga Gorilla National Parks.
5. Collaborative management is officially defined by UWA as a process whereby the protected area authority genuinely shares with locally resident people

benefits, decision-making authority and responsibility in the effective and sustainable management of the natural resources of protected areas. The details of this shared management are arrived at through meaningful negotiation and expressed in a written agreement (The Uganda Wildlife Policy 1999: Appendix 3). In Uganda the agreements usually take the form of a Memoranda of Understanding.

6. Namara and Nsabagasani (2003).
7. Ribot (2001) emphasises that democratic decentralisation is about rights that local governments can exercise on behalf of their constituencies; it is about enfranchisement and democratisation. He (1999, 2001) also shows that the term 'decentralisation' is often used to refer to reforms and programmes that are designed to retain central control, some of which should instead be called 'de-concentration', a system where local actors perform centrally defined functions in the local arena. This is the form that many programmes in the name of decentralisation tend to take. Local democracies are created but given no powers, or powers are devolved to non-representative or upwardly accountable local authorities.
8. Apart from BINP, Mgahinga Gorilla National Park, which is located on the Uganda side of the Virunga Ranges along the confluence of the borders of Uganda, Rwanda, and the Democratic Republic of Congo, also hosts the Mountain Gorilla (Uganda National Parks 1995).
9. According to Barrow and Murphree (2001), community-based resource management or community-based conservation is characterised by the highest form of community participation in conservation along the community conservation continuum that ranges from Protected Area Outreach to collaborative management to community-based resource management. In community-based resource management, the focus of conservation is on sustainable rural livelihoods, with communities controlling the resources, which are conserved as an element of land use. Community-based resource management is mostly practised in Southern Africa (Namibia, Zimbabwe). Protected Area Outreach as an approach is centred on conservation of ecosystems and bio-diversity on state-owned land, with the state in charge of decision making about resource management. This is common in East Africa. Collaborative management is in the middle position, centring on conservation with some rural livelihood benefits on state-owned resources. It is common in East and some Southern African countries.
10. This information was obtained from training material used in a Collaborative Forest Management training programme conducted in Uganda during 2003. The material was not referenced, but the author found it appropriate.
11. Personal communication from Margaret Lwanga, National Environment Management Authority, September 1999.
12. The Uganda Wildlife Statute (1996), section 70 (4).
13. The Wildlife Statute (1996), The Environment Statute (1994) and The Constitution of the Republic of Uganda (1995).

14. According to Ribot (2001), while analysing decentralisation and the construction of local autonomy, we need to make a distinction between rights and privileges. Local governance units or individuals can have rights. Rights are held by authorities and citizens, with citizens having the available mechanisms to influence authorities who hold powers over them or to defend the rights they have. Privileges, however, are given by an allocating authority that is free to withdraw them at whim. Privileges are not statutory or defensible; thus, they do not enfranchise populations, rather they make them upwardly accountable to the allocating authority. Democratic decentralisation is about enfranchisement; therefore, in its context local authorities should have rights, not delegated privileges which can be taken to reflect lack of commitment on the part of government to the decentralisation process.

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Decentralising Natural Resource Management and the Politics of Institutional Resource Management in Uganda's Forest Sub-Sector

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Abstract

Since launching decentralisation in December 1992, Uganda has implemented wide-ranging public sector reforms as a part of broader democratisation, designed to ensure that powers over the management of public affairs are held by representative and downwardly accountable local authorities. This article explores how these reforms have been implemented in Uganda's forest sub-sector. The forest-tenure regimes introduced under the 2003 National Forestry and Tree Planting Act have entrusted to various responsible bodies with the power to maintain, manage and control the different categories of forests. In actual practice, however, only limited powers have been effectively transferred away from the centre. Continued central control makes it extremely difficult to insulate decision making over the allocation of licences from higher-level political pressures, since the ostensibly decentralised powers are exercised by actors who are upwardly accountable to these central forces. Forest sub-sector reform outcomes reveal that this upward accountability risks undermining popular participation and weakening democratic decision making. It also fetters the equity and efficiency potential of government poverty eradication programmes in the short and long term.

Résumé

Depuis que l'Ouganda s'est engagé dans la décentralisation en 1992, de dures réformes ont été lancées dans le secteur public dans le sillage de la démocratisation, pour s'assurer que les affaires publiques sont tenues par des autorités locales réellement représentatives et responsables. Cet article explore la façon dont ces réformes ont été appliquées au sous-secteur forestier. Il soutient que les pouvoirs pour gérer et contrôler les différentes forêts concernées par les nouveaux régimes introduits par la Loi nationale sur les forêts n'ont été confiés

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à des organes décentralisés et à des acteurs périphériques responsables à cet effet que sur le papier. Dans la pratique des pouvoirs très limités font l'objet d'un transfert effectif du gouvernement central à des acteurs périphériques. Ceci ne met pas par exemple la prise de décision locale à l'abri des pressions politiques, étant donné que ceux qui détiennent localement les pouvoirs ne rendent pas compte vers le bas mais vers le haut. Il s'ensuit que les résultats des réformes du sous-secteur forestier sapent le principe d'augmentation de la participation populaire et de prise de décision démocratique, d'une part, et la capacité du gouvernement d'atteindre les objectifs équitables de ses programmes d'éradication de la pauvreté à court- et à moyen- terme, d'autre part.

Introduction

Uganda is widely cited as a model of decentralisation in Africa (Bazaara 2002a; 2002b; Saito 2003). Since 1992, the guiding principle for the state has been the decentralisation of government functions and powers intended to ensure people's participation and democratic control in decision-making (Muhereza 2003a). These reforms have involved the transfer of limited decision-making powers to a variety of lower level actors (devolution), including state appointees (de-concentration). Some powers have been devolved to popularly accountable actors or institutions (political decentralisation) or to state appointees (delegation). In some instances, the reforms have entailed privatisation where central state assets and powers have been devolved to non-state bodies including Non-Governmental Organisations (NGOs) or other private groups and individuals (Nsibambi 1997; Republic of Uganda 1998; Agrawal and Ribot 1999; Ribot 1999).

In conforming to new constitutional order, National Forestry and Tree Planting Act (assented to on 17 June 2003 and commenced on 8 August 2003) replaced the Forest Act of 1964 (Cap. 264) and the Timber (Export) Act of 1964 (Cap. 247). The new Act has been enacted to consolidate the laws relating to the forest sub-sector in order to promote conservation, sustainable management and utilisation of forests and forest produce for the benefit of Ugandans. However, our research indicates that this new policy risks undermining equity objectives of government's poverty eradication programmes as well as compromising some aspects of decentralisation intended to increase people's participation and democratic control in decision making.

This article examines the extent to which decentralisation reforms in the public affairs sector have translated into improved public accountability and management of natural resources in Uganda, with specific reference to the forestry sub-sector.¹ The period between June 1998 and January 2004 has

been characterised by massive unlicensed timber harvesting through saw milling and pit-sawing as well as through illegal timber dealings. Although this over-exploitation is blamed on state withdrawal during the long period of transition from the Forest Department (FD) to the National Forestry Authority (NFA), the situation epitomises the challenges that lie ahead for the NFA, the new lead agency in forestry matters. The crux of the challenge is not just the implementation of forest management regulations. The NFA will have to wrestle with the beneficiaries of forest exploitation, who are largely the rich, powerful, and politically well-connected.

The main argument in this article is that while powers to maintain, manage, and control the different categories of forests under their respective forest-tenure regimes have been entrusted by law to various local institutions, in practice only limited powers had been effectively transferred away from the centre. With the new Forestry and Tree Planting Act in force, the pervasive authority of the Ministry for Water, Lands and Environment continues to dominate the management of the forest estate, and this central management is being consolidated under the transition from the FD to the NFA.

Using an 'actors, powers and accountability framework' (Agrawal and Ribot 1999; Ribot 1999)² for the analysis of decentralisation, this article shows that the 2003 National Forestry and Tree Planting Act delegated management, maintenance, and controlling functions over specific categories of forests, without a commensurate transfer of effective decision-making powers. This failure to transfer powers is attributed to political pressures. Further transfers to local institutions, it appears, will depend on how well the new lead agency is insulated from political pressures emanating from highly placed political, government, and military persons with interest in continued exploitation. Because decentralisation is not a politically neutral process, the more the reforms privileged non-downwardly accountable actors in the disposition of decentralised powers, the more they are likely to be subject to the dominant forces in the society at a given point in time, irrespective of the level of decentralisation or whether or not the law, policies and institutional framework are functionally relevant and operationally coherent.

Because the NFA controls scarce and highly sought-after resources, the success of the NFA in implementing forest sub-sector reforms will eventually depend on how effectively the NFA 'sanitises' the decision-making process at the central and local government levels, relating to licensing and enforcement of sanctions for offences committed under the National Forestry and Tree Planting Act of 2003. By transferring critical decision-making powers to non-democratically accountable actors (those downwardly accountable to the people), the reforms are missing the opportunity effectively to democratise

the management of natural resources in general and forests in particular—and to support the democratisation process more broadly.

This article is divided into seven sections, including the Introduction. The actors in the decentralisation of forest sub-sector are mapped out in Section Two, while the powers they hold are examined in Section Three. Section Four explores decentralised forest management in Masindi District, Uganda—the district with the largest central forest reserve in the country and the only district where all five forest classifications specified in the 2003 National Forestry and Tree planting Act can be found. Section Five assesses accountability in decentralised forest management under the new Forestry and Tree Planting Act. Section Six reflects on the implications of the forest sub-sector reforms, while Section Seven concludes.

Mapping the actors

The 1993 Local Government (Resistance Councils) Statute,³ is the centrepiece of Uganda's decentralisation reforms, and was intended to '... increase local democratic control and participation in decision-making, and to mobilise support for development which is relevant to local needs' (Republic of Uganda 1993). The Local Government Act of 1997 created a five-tier hierarchy of local councils (LCs). Each council is elected for a four-year mandate from independent candidates by universal suffrage.⁴ Uganda currently has fifty-five Districts (LC level 5, or LC5). Each District is divided into Counties (LC4, called Municipal councils in the urban setting), of which there are over 150; Sub-counties (LC3, called Town Councils where urban) totaling close to 1000; Parishes (LC2, also called Wards in urban settings) totaling roughly 4000; and villages (LC1), upwards of 43,000 (PMA Grant Study 2001:27). In this system, although all councils are elected, LC 1, 2 and 4 are considered 'Administrative Units'. Administrative units officially provide technical and administrative support; they carry out functions for and advise local governments. LC 3 and 5, Sub-counties and Districts, are considered corporate 'Local Governments'. Local Governments have legislative powers—they are able to make and implement bye-laws.

While decentralisation has established representative institutions across Uganda, the local actors and institutions at play in natural resource management in general, and the forest sector in particular, differ among the management regimes applicable to different forest-tenure types as well as land-use categories. Under the National Forestry and Tree Planting Act, 2003, forests in Uganda are classified into the following five categories, managed, maintained and controlled by various responsible bodies, namely: (i) central forest reserves under central government; (ii) local forest reserves under local governments; (iii) community forests under local community; (iv) private

forests under an individual, group or institution, including cultural or traditional institutions or leaders, and; (v) forests with wildlife conservation areas declared under the Uganda Wildlife Statute of 1996.

The new National Forestry and Tree Planting Act also provides for the creation of community forests by statutory order of the Minister after consulting with the District Land Board and local community, upon approval by resolution of the district council [section 17(1)(a)(b)]. One district council in Uganda (that of Masindi), has so far approved the creation of a community forest, which is awaiting a ministerial order. The Act also stipulates that traditional or cultural institution or leaders can hold, own or manage forests subject to such directions as the minister prescribes and article 246 of the constitution [section 25]. A person can also register with the District Land Board a natural or plantation forest on privately owned land [section 21(1); 22(1)]. The largest part of Uganda's forest estate is constituted by forests that fall outside the protected areas system, and these account for about 70 percent of Uganda's forested area, and are held by private persons as private forests. Most of these are not registered with the DLB. There are also forest patches, which are on land that is unregistered, such as, for example, former public lands now under customary tenure. These forests fall under the category of 'public domain forests' controlled mainly by local councils. In areas where these exist, they are under pressure for conversion into arable land.

The National Forestry and Tree Planting Act of 2003 also provides for collaborative forest management. In central and local forest reserves, in working circles where commercial activities are permitted, forest user groups such as the private sector and civil society organisations can enter into co-management or collaborative management arrangements in accordance with regulations or guidelines issued by the Minister [section 15]. A local government can enter into a similar arrangement for the purpose of managing a central forest reserve. Regarding private forests, the Act states that any person may enter into a contractual or other arrangement with the owner or holder of an interest in a private forest for the right to harvest, purchase or sell or arrange for the management, harvesting, purchase or sale of all or any part of the forest produce in the private forest [section 23(1)].

Around the perimeter of parks, co-management institutions are created. For example, the Local Community Steering Committee (a sub-committee) of Mgahinga and Bwindi Impenetrable Forest Conservation Trust, which is a private group, has been delegated the authority to manage the forest for conservation purposes. The Forest Management Committee is sponsored by the district local government and chaired by the resident district administrator. It is a committee of local authorities working with the Central Government

agents. The communities are represented on the committee by the Sub-county Local Council (LC3) Chairman. The people who sit on the Production and Environment Committees are likely to be the same people on the Forest Management Committees. While no formal relationship exists between the two structures, they have forged an organic linkage as a result of operating in the same area over the same issues.

In 1998, the government launched reforms in forest sector management in a bid to halt departmental mismanagement that had led to the depletion of the forest estate. These reforms were preceded by a number of reforms in the public sector that affected the forest department as well. Under the civil service restructuring, which was implemented alongside decentralisation starting in 1993, government departments cut down staff to reduce running costs. All patrolmen and forest guards in central forest reserves were laid off, and recruitment of new staff frozen. By July 2000, 154 forest rangers, 283 forest guards, 700 patrol persons and 25 forest officers had been laid off.⁵ This reduced the department's ability to manage the forest estate. Field operations of the Forest Department, the then lead agency in forestry, were affected by reduced funding to the sector. This led to neglect by a downsized staff, with no extension workers to advise farming communities and other users.⁶ This created a vacuum that led to an increase in illegal activities in and outside protected forests. To reduce the burden of managing its large estate, starting in 1989, the Forest Department devised approaches in which it transferred management functions to organised groups in districts. Apart from collaborative forest management arrangements referred to above, the FD supported the creation of district saw millers and pit-sawyers associations.⁷

In the country's biggest central forest reserve of Budongo in Masindi, on advice of the Commissioner for Forestry,⁸ pit sawyers formed an association in July 1994 called Masindi Pit-sawyers and Wood-users Association (MAPWUA).⁹ Concessions were awarded to MAPWUA in specific parts of Budongo CFR. MAPWUA monitored activities of its members who also reported illegal pit-sawing in their operational areas. Using MAPWUA, the Forest Department was assured of revenue, timber supply, policing and monitoring of illegal activities and more effective use of forest resources without actually investing its own resources and manpower. According to the Forest Department, it was also better to deal with an association of several pit-sawyers because of economies of scale since harvesting and sale of timber was done by organised groups.¹⁰ Apart from monitoring illegal activities, in return for support from Forest Department, MAPWUA would also undertake minimal road repairs involving installing culverts, opening of canopies and drainage systems of the forest roads in their areas of operation.¹¹ In other words, MAPWUA would not only 'police' the forest against illegal users. It

would also invest in infrastructure maintenance inside the forest. While the central government would deal with its inadequacy of fiscal resources by allowing a private actor to undertake some of responsibilities, the latter increased its stakes in forest management.

The National Environment Statute 87 of 1995 created other local institutions to take on environmental management responsibilities in the local arena. It also established the National Environmental Management Authority (NEMA) to coordinate and monitor sustainable management of the environment among various national and local agencies (Muhereza 2001:7). NEMA is responsible for monitoring, planning and coordination of environmental matters throughout the country. It coordinates the activities of various governmental agencies charged with specific environmental and natural resources management functions such as the UWA, in charge of conservation areas, and the NFA, which will oversee the national forest estate.

Section 15 of the National Environment Statute of 1995 provides for the establishment of District Environment Committees (DECs), and Section 16 for the appointment of District Environment Officers (DEOs) in all districts of Uganda. The functions of the DECs are to coordinate the activities of the district relating to the management of the environment and natural resources, assist in the development and formulation of bye-laws relating to the management of the environment, and to ensure that environmental concerns are integrated in all plans and projects approved by the council. Under this statute, it is the responsibility of the DECs to identify hilly and mountainous areas, which were at risk from environmental degradation (section 39). It is the responsibility of the DECs to undertake re-forestation and aforestation of such degraded areas (section 40), and to determine the extent to which use of such areas was sustainable. In other words, these structures advise local governments on environmental impacts of their development programmes. The Parish Council (LC2) representatives elect a Parish Production and Environment Committee (PPEC). A County Production and Environment Committee (CPEC of LC4) is composed of members from a Sub-County (LC3) Environment Committee and the District Environment Committee.

The exercise of decentralised powers

Re-centralisation and delegation in the management of forest reserves

In Uganda, there are a number of large forest areas, which following donor (mainly USAID) pressures, were in 1991 turned into Forest National Parks. These include such as Mt. Elgon National Park, Ruenzori National Park, Kibale National Park, Mgahinga Gorilla National Park, Bwindi Impenetrable

Forest National Park, which serve as nature conservation reserves in which commercial logging, and pit-sawing activities are forbidden.

When the 1993 Local Government (Resistance Councils) Statute decentralised natural resources management to districts, they started depleting forests without basing their harvest volumes, techniques, location, etc., on any management plan or scientific approach.¹² The worst cases were reported in Kalinzu and Maramagambo forests in Bushenyi district. The Forest Department complained to the Minister in charge of the Forest Sector, who approached his colleague in Local Government. In 1995, the second schedule of the Local Government (Resistance Councils) Instrument of 1995 was amended by Statutory Instrument No. 2 of 1995, in which all Forest Reserves, land, mines, minerals and water resources were defined as central government resources.¹³ This instrument in effect brought the management of these resources, including all forest reserves, without any exception, under central government control. In other words, it re-centralised the management of all forest reserves.

Under the 1995 Constitution, the state assumed a broad duty of protecting natural resources on behalf of the people (objective xiii), and also took on the duty to promote sustainable development and to make the public aware of a need for rational management and use of natural resources. Further, the State took all possible measures to prevent or minimise damage and destruction of land resources (objective xxvii, and article 245). The government (national or local) holds forest reserves (among other listed natural resources) in trust for the common good of the citizens (article 237).

Following the passing of the Local Government Act of 1997 on the basis of which wide-ranging (fiscal, administrative and legislative) powers were transferred to districts and Lower Councils, a number of initiatives were undertaken in forest management resulting in the delegation and devolution of certain forest estate management functions. These included among others, the issuance, in 1998, of Statutory Instrument No. 63 called the Forest Reserves (Declaration) Order, which revoked the Forest Reserves (Declaration) Order of 1968, otherwise referred to as Statutory Instrument No. 176 of 1968. It differentiated between Central Forest Reserves, the control of which was retained by the central government and Local Forest Reserves whose control was passed to local governments. Forest Reserves covering 100 hectares and above were defined as Central Forest Reserves.¹⁴

Local forest reserves were defined by article 237 of the Constitution and section 9(3) of the National Forestry and Tree Planting Act, 2003 as areas that were to be held in trust by respective local governments for the common good of all citizens. Central Forest Reserves have management plans in which working circles of conservation, production, community, recreation and

research are designated. These working circles are further divided into blocks in which activities are implemented according to prescriptions for each working circle. In areas zoned as a Strict Nature Reserve on account of their unique bio-diversity characteristics, requiring special conservation measures to be preserved or area set aside for the protection of water catchments, the felling of trees for any purpose at any time is prohibited. There are also areas earmarked as Buffer zones to provide an interface between people and the protected nature reserves. In this zone, limited harvesting may be allowed, but is restricted to using low impact technologies in order to minimise the impact of harvesting operations on the environment. The following are permitted: collection of firewood (for domestic use), medicinal plants, mushrooms etc. Certain zones are earmarked as production zones, where controlled tree harvesting for timber is permitted. Some forest reserves have areas zoned for recreational purposes to promote eco-tourism mainly through collaboration with local communities.

All Central Forest Reserves are considered as 'protected' forests, in which commercial activities are not permitted, except in production zones. The powers of local governments are limited to management functions in Local Forest Reserves only, while the Central Forest Reserves are controlled and managed by central government through the Forest Department.¹⁵ In dual management areas, where a forest reserve is located in a (forest) national park, co-management or collaborative management is possible. The co-management or collaborative management arrangements around Uganda's protected areas (wildlife and forest parks) do not constitute devolution because, as Bazaara (2002a) notes: 'our research... reveals that the resource user committees have no decision-making powers. It is the line ministry and central government agencies such as UWA and the NFA, which design the collaborative projects and invite communities to participate in them. Representatives of the committees cannot veto or change decisions already made by these agencies'. Communities are simply consulted, but the government has no obligation to follow their advice.

Generation and collection of forestry resource revenues

Article 176 of the 1995 constitution provides for decentralisation and delegation of state duties to local governments. Article 176, section 2(b) specifies that decentralisation shall be a principle applying to all levels of local government, from higher to local government units to ensure people's participation and democratic control in decision making. Article 191, section (1) and (2) give powers to local government to levy, charge, collect and appropriate fees and taxes, in accordance with laws enacted by parliament, and shall consist of rents, rates, royalties, stamp duties, personal graduated tax,

fees on registration and licensing, and any other fees and taxes that parliament may prescribe. In conformity with article 191 of the constitution, the 1997 Local Government Act was enacted by parliament, and conveyed to local government the power to levy and collect taxes, and receive payments from the centre to undertake decentralised services (unconditional grant) and for specific programmes (conditional grant). The 1997 Local Government Act further increased the scope of service responsibility for lower-level local government and councils (including sub-counties and municipal divisions). Under the Act, control of substantial amounts of public resources was devolved to districts, sub-counties/Divisions and Municipal Local Governments, which are corporate bodies within the Local Government system. Article 176 lays down several principles regarding the system of devolution and transfer of functions, powers, and responsibilities to local governments. It especially stipulates that in order for the local governments to operate, sound sources of revenue would be established for it by the centre. Nevertheless, in practice, in taking on decentralised functions, the powers of local government were immensely curtailed.

One of the key sources from which local government obtains significant amounts of local revenue has remained natural resources exploitation and trade related activities. The Forest Produce and License Order of 2000, Statutory Instruments No. 16 of 2000, defined the fees and taxes charged on forest products. It defines fees for all the different types of forest produce including timber, poles (plantation and natural forest bush), faggots, and fencing posts (treated and untreated). The rights that individuals can exercise over forest produce are circumscribed by pervasive fees charged on forest produce, previously by government, and now by the various bodies responsible for the management, maintenance of control of the various forest categories, to which revenue-raising powers have been given. There is virtually no forest produce on which fees have not been decreed. Forest revenue refers to income accruing from the direct sale of forest produce. A fee is payable for obtaining a license to process forest produce. Taxes are charged by tax authorities as government revenues on commercial transactions.

When the 1993 Local Government (Resistance Councils) Statute transferred natural resource management functions and powers to District Local Governments, soon after the law was enacted, the Forest Department re-classified the most lucrative forests in order to re-centralise these powers, on the 'unsubstantiated' grounds that the local authorities were abusing their new powers and depleting the forests to generate significant local revenue in the shortest time possible. Powers to levy, charge, collect, and appropriate fees and taxes from forest resources in central forest reserves have been retained by the centre. Powers to collect revenue from LFR, private forests,

forests controlled by traditional or cultural institutions and leaders, as well as community forests, have been passed onto to bodies responsible for the maintenance, management, and control of these various categories of forests.

While government or a local government has no ownership over trees or forest produce situated on private land [section 27(1)], District Forest Officers issue directions to the owners of trees or forest produce situated on private land, requiring them to manage the trees or forest produce in a professional or sustainable manner. Licenses for harvesting forest produce on such lands are issued by the respective bodies responsible for the management of the different categories of forests, but are subject to the respective forest management plans [section 41(1)] approved by the Minister or a person designated by the Minister for that purpose [section 28(3)]. The terms, conditions, rights and fees for licenses prescribed by the responsible body are subject to regulation prescribed under section 92 of the Act [section 41(2)]. Those to whom powers to license are devolved should also have powers to sanction and enforce compliance. Practically, this necessitates a mechanism for collaboration between the various responsible bodies, in the absence of which the centre will assume the responsibility, and in essence function like no power has been transferred downwards, other than maintenance and management functions.

Revenue derived from the management of a community forest belongs to and forms part of accountable funds of the responsible body, specified by the Minister, and shall be devoted to sustainable management of the community forest and the welfare of the local community [section 19(1)]. The Minister can transfer protection, control and management of a community forest to a local government, if considered necessary [section 20(1)]. While all forest produce from a private natural forest on privately owned land or plantation forest on privately owned land belongs to the owner of the forest, and may be used in a manner that the owner may determine, the forest produce shall be harvested in accordance with the management plan and regulation made under the Forestry and Tree Planting Act [section 21(2); section 22(2)]. Traditional or cultural institution or leaders hold, own or manage forests, subject to such directions as the Minister may prescribe [section 25].

The DFO is still responsible for collecting fees and issuing licenses for felling trees, saw milling and pit-sawing in the more lucrative central forest reserves. Trees on private and non-gazetted lands can be harvested only with a permit from the District Forest Officer, especially if these are destined for the market. The DFO issues the owner of the trees with a movement permit. This is intended to check illegal activities in restricted areas (Muhereza 2003b). Under Forest Produce and License Order of 2000, the responsibility for charging license fees for trade in produce from outside gazetted forest

reserves is that of the District Local Governments. Such licenses are issued on a monthly basis, and include licenses for petty trade, large-scale wood-cutting, firewood transportation, charcoal production, and transportation. Fees are also charged on bamboo, pine/cypress, and seeds and seedlings of forest tree species. There are also casual trade licenses for petty trade in forest-related produce such as beds and chairs, walking sticks, stools, wood curving, wooden stools, tool handles, mortars and pestles, and forest-based food products such as bamboo shoots, palm oil, and other forest fruit trees. Licenses are charged on wild coffee, gum arabica, resins and forest minerals (bricks, sand, stones, and murrum). Districts also have the right to issue licenses for cutting, taking, and removing forest products from outside of central forest reserves (section 12ii). The local authorities can issue licenses and collect fees for exploitation within local forest reserves and village forests (section 12ii) (Muhereza 2003a).

Local government legislative powers and functions

The Local Government Act of 1997 empowered Districts and Sub-Counties (LC5 and LC3) to make bye-laws to improve the management of the forest estate outside central forest reserves and to help the District Forest Department in policing illegal activities in Central Forest Reserves. The Local Government is empowered to make bye-laws that do not contradict the constitution or other existing laws (Bazaara 2002a:7-8).¹⁶ The 1997 Act stipulates that district councils are responsible for assisting 'government to preserve the environment through protection of forests, wetlands, lake shores, streams and prevention of environmental degradation' (Republic of Uganda 1977 in Bazaara 2002a:9), and that district councils are responsible for vector control, environmental sanitation, insect and vermin control, and forests and wetlands. The Act also allows district councils to devolve control of soil erosion, protection of wetlands, vermin control, prevention of grass, bush or forest fires, and general environmental protection and the control of hunting and fishing to lower levels of local government (Bazaara 2002a:9-10). These 'powers' have been given to the districts. The powers of lower level councils depend on the discretion of the District Councils, which may choose to retain powers at the District level.

The latitude of powers held by local governments, however, cannot be discerned from the 1995 Constitution or the 1997 Local Government Act. The laws and authorities (such as UWA and the Forest Department) that govern each land-use zone determine the discretionary powers that remain for local authorities to exercise. Via the forestry laws (the 2003 Act and various statutory instruments issued thereafter), decentralisation gave District Councils significant powers to issue licenses to cut or remove forest produce

from local forest reserves). But, in practice, the Forest Service has selectively retained the right to allocate some kinds of licenses and permits by controlling the issuance of movement permits for and forest produce harvested in the district.

Recently in order to promote afforestation and re-forestation in government-reserved forest lands, government permitted commercial tree-growing by the private sector, especially in peri-urban reserved forest lands. An individual, company, association, or non-governmental organisation gains access to forest reserved lands by applying to the Forest Commissioner. Permits of 25-50 are issued for growing trees for timber if the investor has a management plan approved by the Commissioner. The local government is informed and the district forestry officers are consulted before permits are issued. Concerns raised about this private sector commercial tree-growing scheme provide a pointer to the nature of constraints likely to undermine the enforcement of compulsory tree planting. This is due to the fact that the former is an individual profit-oriented undertaking, as a result of which its beneficiaries have been mainly politicians and high-ranking government officials; while the latter is not, and yet compulsion is likely to target the less privileged in society, implying that its long-term sustainability is in doubt. Apart from the long period that trees take to mature, poor community members are usually discouraged from tree planting because of tenure insecurity.

The National Forestry and Tree Planting Act makes it compulsory for all Ugandans to plant trees. The Cabinet was to advise the President that a day to be designated as a National Tree Planting day.¹⁷ Local governments have been called upon to make tough bye-laws to punish those found guilty of destroying natural resources.¹⁸ Local governments have no powers to make bye-laws concerning access to or use of resources within central forest reserves. However, the National Forestry and Tree Planting Act, 2003, in effect empowers the District Council with the responsibility of issuing directions for planting and growing trees in Local Forest reserved lands, which specify areas where trees are to be planted, of who is to undertake the tree planting, how often, the types of trees to be planted, and on which day it is mandatory [section 39(1)]. The local governments have been mandated with legislative powers to formulate bye-laws to enforce compulsory tree planting while the responsibility for doing so with regard to central forest reserves is that of the Minister.

A few local governments (for example, Masindi) have formulated bye-laws to deter the degradation of the environment and natural resources. The restoration of degraded bare hills is the responsibility of local governments. There is no district in Uganda that has hills where this has been successfully

enforced. In a few districts, initiatives undertaken to reforest bare hills have been spearheaded by NGOs, for instance in Kisoro and Bushenyi districts (see Sowers, Kapiriri & Muhereza 2002). Compulsory tree-planting endeavours are common mainly with regard to schools and churches.¹⁹ Even after the passing of the National Forestry and Tree Planting Act, no local government had heeded calls to enforce compulsory tree planting to re-forest degraded bare hills. The reality on the ground seems different for now. The question, however, remains: how will trees planted on government land be managed if compulsory tree planting does at all take off? Suffice it to mention that the Minister retained powers to make inventories of all forests in Uganda [section 37(1)]; determining areas that require forest cover through afforestation and reforestation [section 37(2)(b)]; and appointing the body that will manage the Tree Fund, for promoting and supporting tree planting at the national level and by local governments [section 40(2)].

Decentralised forest management practices: Insights from Masindi District

‘The statutory description of powers and responsibilities may be a poor guide to how things actually work on the ground. Moreover, practice itself evolves over time’. (PMA Grant Study 2001:28). The case of Masindi District²⁰ illustrates the complexities and ambiguities with which these laws are translated into practice. Following the differentiation of the forest estate into central forest reserves and local forest reserves in 1995, and a subsequent re-centralisation of all those forests designated as Central Forest Reserves, several districts such as Masindi, whose local revenue could have been boosted by forestry resources, became apprehensive about the loss revenues from licenses, fees, fines and other royalties generated from central reserves. Following a submission from the Parent Ministry (then Natural Resources), on 31 October 1996, Cabinet decided that revenue from CFRs and public land be shared between the central government and districts where such revenue is collected in a ratio of 60/40 percent, effective from 1 December 1996.²¹ The 1997 Local Government Act then transferred management functions over local forest reserves to the District and Sub-county councils (Muhereza 2003b:6). These functions were later restricted by reducing local government jurisdiction and by Forest Department allocation of and control over permits and licenses.

In Masindi, the jurisdiction of local governments was severely restricted by re-classification of forests under the 1998 Forest Reserves Order, which placed central reserves under direct central government control and limited district management to the local forest reserves. The Order affected the

management of seventeen forests in Masindi that were re-classified as central forest reserves.²² The Order designated eight forests as local forest reserves. Only two of these, Kirebe (49 hectares) and Masindi Port (18 hectares) remained under district council jurisdiction after the others were returned to the Kingdom of Bunyoro-Kitara. In August 2000, government, in accordance with the Traditional Rulers (Restitution of Assets and Properties) Statute of 1993 and a Memorandum of Understanding between the government and the Bunyoro Kingdom signed on 19 May 2000, returned to the Kingdom several forests which, had under the Forest Reserves (Declaration) Order of 1998, been transferred to the Masindi District Local Government as LFRs, and a few others that had been re-centralised.²³ In 2001, the Kingdom was also given the Masindi Port eucalyptus plantation, leaving only the Kirebe Forest to the Masindi District Council.

A community forest was established in July 1999 in Alimugonza village with the help of a USAID-funded conservation and development project. This community forest was declared by resolution of, first, a local community in four resettlement villages in Pakanyi Sub-county, and then the Sub-county local government, supported by Masindi district council. Plans are underway to have it legally gazetted as a community forest by the Minister. The Minister is yet to issue a statutory order declaring Alimugonza forest to be a community forest after consulting the District Land Board and the local community, upon approval by resolution of a district council, in accordance with section 17(1)(a)(b) of the National Forestry and Tree Planting Act of 2003.

Budongo forest reserve, located in Masindi District, is the biggest in the country, covering 825 square kilometres, and is ranked third in overall biodiversity value, in terms of relative species richness and average species rarity (Republic of Uganda 2002). However, the changes described above left Masindi district local government with significant powers, but over very limited areas and almost over no forests. Yet it would have been expected that, through decentralisation, significant powers would be devolved to popularly elected local officials, who are considered to be more accessible to their constituents, and to have the incentive to respond to local conditions and needs, and hence more downwardly accountable for their performance (Muhereza 2003b:22-3). This is because licenses for harvesting forest produce are issued by the respective bodies responsible for the management of the different categories of forests [41(1)]. The responsible body also prescribes the terms, conditions, rights and fees for a license [41(2)]. Powers given by the decentralisation texts were cut by the diminishing of local government

jurisdiction—through centralising some forests and privatising others to commercial interests and customary authorities.²⁴

An August 2000 Memorandum of Understanding between the Prime Minister, as a representative of the central government, and the Bunyoro-Kitara Kingdom, gave the King the powers to control and manage forests within the Kingdom that had been retained by the District under the 1998 Forest Reserves Order. After the Kingdom's forests were handed over to Bunyoro Kitara Kingdom, the Commissioner Forest Department issued guidelines to govern management of the returned forests. In these guidelines, the DFO, Masindi, was directed to let the Kingdom have access to the forests to monitor revenue from them.²⁵ The Commissioner in FD directed the District Forestry Officer, Masindi, to direct revenues from the reserves to the Kingdom and to allow the Kingdom to monitor revenue collection. The Forest Department still monitors marketing and the transport fees that are earmarked for the District—although no provisions were made to assure that the district would receive them. (Muhereza 2003b:9).

Under the rubric of decentralisation, management regimes for charcoal and pit-sawing were established in Masindi District. Within the areas under local government jurisdiction, the District Council devolved the power to issue charcoal production licenses to the Sub-counties, as well as environmental health and sanitation, including monitoring the conversion of wetlands and use of hilly and mountainous areas located in Sub-counties. The central government, however, retained the power to issue more lucrative licenses for saw milling, pit-sawing, and timber movement permits (Muhereza 2003b:20). Within Budongo Central Forest Reserve, which has some of the country's most valued timber, the Forest Department transferred pit-sawing rights to private commercial interests along with powers to manage and monitor the forests. In this manner, the FD reserved discretionary control over commercial production and therefore, transfer of these powers to local government was simply a form of delegation, rather than new decentralised rights (Muhereza 2003b:8). For areas privatised to the Bunyoro-Kitara Kingdom, the King appointed the 'Bunyoro-Kitara Cultural Trust' from his trusted loyalists to manage the forests (Muhereza 2003b:10).

In a bid to have more say in the management affairs of the Budongo Central Forest Reserve, the Masindi District local government is part of the Budongo Forest Management Committee, which has established bye-laws for forest access and use, and monitors whether people who are exploiting timber in the central forest reserve have licenses and ensures that all saw millers and pit-sawyers in the forest reserve have permits (Muhereza 2003a:21). In addition to retaining some license and allocation powers for

the Forest Department, the Forest Department regulations governing all of these areas set strict limits on what local councils can do with regard to harvesting forestry resources. For example, there are nine tree species protected in all forest lands, which the LCs are supposed to enforce by ensuring that no one has illegally harvested any such species. In other words, they are supposed to hold the forestry service responsible to enforce its regulations to the letter. In addition, by requiring and controlling allocation of licenses for all commercial use of forest resources, the forestry service effectively retains control over all commercial forest products throughout the forested domain (Muhereza 2003a:19-21).

The effectiveness of the exercise of decentralised powers is also affected significantly by the limited funding that accrues to local governments from revenue collected by the centre from central forests reserves. In August 2001, after negotiating with the Forest Department, Rakai District gained a precedent—setting 40 percent of the revenues from the auction of impounded timber—previously entirely retained by the Forest Department—from Masindi District (Muhereza 2003b:22). The additional revenue, however, remained insufficient to enable the district effectively to execute its role regarding forestry services. In 2000/01, the forest department collected approximately Ushs. 172 million from Budongo forest reserve, out of which Masindi district local government received only Ushs. 25 million, and yet the district had budgeted Ushs. 50 million for planned activities in the forest department. As a result, no funds were allocated for field activities, which were financed by an European Union project including paying for 28 patrolmen.²⁶ In Uganda, while the statutes do establish new powers for local authorities, they are limited by jurisdictional restrictions and by Forest Service selective retention of the most lucrative opportunities. This, however, is at least challenged by the expectations that decentralisation has generated for local authorities.

Within the constraints of limited decentralised powers, Masindi is one of the few districts in Uganda that had exercised their legislative powers effectively, in line with section 10 of the 1997 Local Government Act. The District Executive Committee, in line with sections 18, 39 and 41 of the 1997 Local Government Act, initiated and facilitated the formulation and approval of the Masindi District Production and Environment Management Ordinance of 2002. The ordinance, among other things, ‘ensures that trees are not cut anyhow’, and will enable the district to ‘generate more revenue from charcoal business’.²⁷ The Ordinance requires every land owner/user to plant a sizeable area of at least 10 percent of his/her land under wood cover. Any land owner/user who fails to plant/maintain his/her land under wood is to be subjected to appropriate community work. The Ordinance,

which empowers the council to make bye-laws regulating charcoal production to ensure sustainability and increased revenue generated from the trade, has been forwarded to the Attorney General for approval.²⁸

Accountability issues in decentralised forest management

The discussion in this section shows how downward accountability has changed the spectrum of decentralised natural resource management, and the extent to which it can be exercised in practical terms.

Assessment of extent of public accountability

The public can exercise some forms of accountability to check the exercise of decentralised powers held by those to whom these powers have been bestowed in the following ways. Before a Minister issues an order declaring an area as a central forest reserve, the local councils and local community in whose area the proposed forest reserve is to be located have to be consulted and parliamentary approval obtained [section 6(1)(a)(b)]. In order to declare an area as a community forest, the Minister is required to consult with the District Land Board, local community and obtain approval by resolution of a district council [section 17(1)(a)(b)]. Before a Minister issues an order transferring the management of a local forest reserve to the NFA, a 90 day notice is issued in writing to a local government, within which the local government takes remedial measures or makes representations as to why the responsibility for the local forest reserve should not be transferred to the centre [section 12 (2)]. A local community, a local council in an area in which a local forest reserve is situated, or an interested person can request the Minister in writing to review the status of a central or local forest reserve with the object of seeking a reclassification as a local forest reserve or central forest reserve respectively [section 16(1)].

However, sometimes the direction of accountability is upwards. For example, all the different categories of forests are supposed to be managed in accordance with generally accepted principles of forest management as may be prescribed in guidelines issued by the Minister [section 13(3)], and in accordance with its management plan, approved by the Minister or by a person designated by the Minister for that purpose [section 28(3)]. The Ministry is the lead agency for regulating access to forest genetic resources [section 29(3)]. The power to arrest a person suspected of committing an offence under the National Forestry and Tree Planting Act, 2003, rests with an authorised person [section 88(1)], namely a forestry officer, honorary forestry officer, wildlife protection officer, or any person designated by the Minister (section 51). If there is no working relationship between owners of community forests and private forests with authorised persons, the latter may

not help stop illegal activities in forests belonging to the former where the former may not be aware of this, although they can bring an action against anyone whose actions/omissions cause or are likely to cause significant impact on the forest and for the protection of a forest [section 5(2)(a)(b)].

By retaining significant controlling and supervisory roles, accountability has remained essentially upwards to the responsible Minister, as the vanguard of 'public domain'. For example, while all forest produce from a private natural forest on privately owned land or from a plantation forest on privately owned land belongs to the owner of the forest and may be used in a manner that the owner may determine, the forest produce has to be harvested in accordance with a management plan approved by the Minister or an officer appointed by the Minister for that purpose. Owners also have to comply with regulations made under the Forestry and Tree Planting Act [section 21(2); 22(2)]. The Minister also retained powers of appointing a licensing authority for issuing timber export licenses [section 44(1)] and has powers to issue an order prohibiting or restricting the movement by any person of forest produce for such periods, in such areas and on such terms, as specified in the order [section 45]. This, in turn, gives the centre sweeping controlling powers over generating revenue from harvesting different types of forest produce.

Muhereza (2003b:11) points out that many of the meaningful powers in commercial forestry were privatised or given to customary authorities—reducing the scope for public accountability, which would have been possible if similar powers were held by popularly constituted local governments. In the Bunyoro Kitara Kingdom, the King appointed his loyal elders to a 'Cultural Trust' to manage the forests. The Trust was accountable to the King. In practice it ignored the needs of people living around the forests in question. Forest villagers expressed resentment for not being consulted and even went as far as burning trees in protest against the Trust limiting their access to the forests. Bazaara (2002a:20) reports that privatising forests to traditional authorities has undermined the ability of local governments to monitor and enforce rules for better environmental management.²⁹

Forest management function may have been privatised away from the public domain to private persons, communities, or traditional/cultural institutions; however, by allowing them to manage, maintain, and control forests, the Minister, the NFA, but more fundamentally the more popularly constituted local governments, are empowered to provide technical services to local communities, organisations, cultural, or traditional institutions and other persons involved in the development of community forests and private forests and forestry activities in general, and to charge fees for these services

[section 26(1)]. This, in essence, broadens the scope of public accountability in decentralised forest management.

The above notwithstanding, an attempt has also been made to subject these powers to downward accountability in the following limited sense. District Forest Officers issue directions to the owners of natural forests or plantation forests, requiring them to manage the forests in a professional and sustainable manner [section 21(3); section 22(3)]. Under the 2003 National Forestry and Tree Planting Act, district forest offices are to be established by district councils, but funded by the central government [section 48(1)]. The District Forestry Officers (DFOs) will be appointed by the District Councils [section 48(2)] and will be charged with the duty of advising the district councils on all matters relating to forestry [section 48(3)(a), and performing any such function as the district councils will prescribe [section 48(3)(i). While the DFO is still largely answerable to the NFA [section 48(3)(b)], the above implies that significant controlling functions over the district forestry office or officers had been transferred to the districts.

Constraints on public accountability

Besides the overarching policy formulation, planning and implementation functions related to forestry policy, the National Forest Plan and National Forestry and Tree Planting Act that emanated from the centre [section 46(a)(b)] and the NFA established under the Act as the lead agency in forestry matters in Uganda, remain under the general supervision of the Minister [section 52(3)]. The Minister is still responsible for ensuring adherence by local governments to performance standards required to implement national policies in the forest sector [section 47].

The ability of the forest service to ensure compliance to forestry regulation and to protect the forest estate has been greatly undermined by the limited nature of powers devolved away from the centre, which has increased the locus of political interference in the operation of the forest department. Residual powers over forest management at the centre have undermined the degree and extent of public accountability. The depletion of forest estate in Uganda has a bearing on decentralisation reforms in the forest sub-sector. Official reports from the FD show that indiscriminate logging and charcoal burning, which has destroyed hundreds of square miles of forest land, is orchestrated by government officials, Members of Parliament, senior army and police officers, in connivance with some FD employees. Others involved include district local government leaders, the ruling Movement government leaders and Internal Security Organisation (ISO) personnel.³⁰ Trade in forest produce, especially timber, is a very lucrative. Illegal activities have involved harvesting of timber using banned power (chain) saws, tax evasion on

imported timber smuggled from neighbouring countries, mainly the Democratic Republic of Congo, and the exceeding of stated quotas by those who were licensed.

Since 1998, timber harvesting is monitored and controlled using Timber Declaration Forms and Forest Produce Movement Permits. There is a database at NFA headquarters in Nakawa on produce harvested and revenue collected. A Timber Monitoring Unit (TMU), working closely with Uganda Revenue Authority (URA), the Police, and Internal Security Organisation (ISO), was established to crack down illegal timber dealings.³¹ This followed public outcry around the fact that most vehicles carrying timber had army or police escorts. Illegal timber dealings had become difficult to contain because they were being perpetuated by top government officials and military officers.³² In October 2003, the head of the Timber Monitoring Unit, who had been deployed in the Forestry Department by State House,³³ was sacked by the Minister and thereafter detained, questioned, and subsequently remanded on allegation of extorting money from the public, illegally selling impounded timber and impersonation.³⁴ In return, the sacked TMU head accused senior politicians and army officers of being involved in illegal timber trade and tax evasion, claiming that he had been victimised by the Minister after he arrested trucks of assorted timber belonging to the Minister,³⁵ a claim that was dismissed by the Commissioner³⁶ and denied by the Minister in a public statement.³⁷ Earlier in August 2003, there had been some correspondences originating from the Commissioner's Office requesting the release of impounded trucks carrying illegal timber, allegedly belonging to the Minister. In one such official correspondence, the Commissioner Forest Department wrote to the Permanent Secretary, Ministry of Water, Lands and Environment:

Following our telephone discussion this morning 11 August 2003, it was agreed that I discuss with Capt. Okello and have the following trucks impounded with illegal timber (mahogany assorted sizes) belonging to Hon. Col. Kahinda Otafiire released... Apparently, Captain Okello has refused the whole idea. He said that the Hon. Minister forfeit the timber to the state and pay fines for each (of the five) trucks. Please can you talk to him on this matter.³⁸

Following the sacking of the TMU head, both the Minister and the Commissioner claimed the said correspondence was a forgery.³⁹ The Minister replaced the sacked TMU head with two of his bodyguards, one of whom was believed to have a nephew of the Minister's.⁴⁰ Reports from the Forest Department indicated that between June and September 2003, six cabinet ministers, and among them a Deputy Prime Minister, lost illegally acquired timber to the Timber Monitoring Unit. The Unit had also impounded timber

belonging to six colonels, two majors, seven captains and four lieutenants.⁴¹ Justice Minister Hon Janat Mukwaya denied engaging in illegal timber dealings and told parliament that what she had been arrested by the TMU for was firewood from her father's farm in Mukono.⁴² The Inspector General of Government (IGG) launched an investigation (September 2003) of 28 high-ranking government officials and military officers said to be involved in illegal timber deals.⁴³

When illegal timber is impounded, it is forfeited to the state, and the lorry owners pay fines ranging from Ushs. 0.5 million to Ushs. 1 million, as provided for in the Forest Produce Fees and Licenses Order, 2000. Situational reports in Forestry Department indicated that the TMU had generated significant amounts of revenue from public auction sales of impounded timber, which in four months (between May and August 2003) amounted to Ushs. 180 million. Is it therefore possible that the Forestry Department officials were the victims of a very elaborate machination involving high powered illegal timber dealings? Three SRPS personnel who impounded one of the Minister Otafiire's alleged lorries recorded a statement at Jinja Road Police Station that on 9 September 2003 they were allegedly beaten up on orders of a lieutenant in the Military Police.⁴⁴

Decentralised outcomes in the forest sub-sector

It is very difficult to attribute outcomes uniquely to decentralisation in natural resource management given the many other public sector decentralisation reforms that have been taking place at the same time (also see Muhereza 2003b:18). Specifically, forest sub-sector reforms, which started in 1998, only culminated in the establishment of the National Forestry Authority that was constituted by February 2004, following the recruitment of an Executive Director as well as other four key Directors.⁴⁵ The actual impact of these reforms on the management of the forest estate will take some time to be clearly visible. However, current practices described in this article may indicate what to expect.

Institutional loopholes: The transition to the National Forestry Authority (NFA)

The NFA has replaced the Forest Department as the lead agency in forestry matters. It is a more a focussed organisation, which will provide oversight and technical support to local governments, communities, private landowners, and traditional or cultural institutions that own forests. The Authority has a Board of Directors, directly reporting to the Minister. Its Chief Executive has been given defined powers to operate the Authority, which will become the lead agency in the forestry sector. However, the run-up to the formation

of the NFA has been characterised by massive dismissals of senior staff in the Forestry Department.

The last Commissioner of the Forest Department was sacked in December 2003, barely two months after assuming office after another Commissioner had been sacked in October 2003, bringing to six the number of Commissioners fired since 1998, when reforms in the Forest Sector were launched. All six Forestry Commissioners were fired for almost the same set of reasons—running down the Forestry Department, conniving with saw millers to destroy forests, lacking a vision, etc. When the fifth Commissioner was sacked in October 2003, the executive authority of the Commissioner for Forestry was transferred to a four-man technical committee at the Ministry, chaired by the Minister.⁴⁶ The Commissioner who assumed office between October and December 2003 virtually had no authority, although among the reasons given for his sacking was ‘failure to handle complaints from Uganda Revenue Authority about the importation of timber from DR Congo without paying taxes’.⁴⁷

Between 1998 and January 2004, the forestry sector was plagued with serious management problems that undermined effective resource management. First and foremost, the power to issue licenses was being exercised by the substantive Minister of Lands, Water and Environment and the State Ministers for Environment, even after the National Forestry and Tree Planting Act came into force on 8 August 2003. In October 2003, a ban was instituted on logging in all government forest plantations. A ban was also imposed on the renewal and issuing of licences. Saw millers with running licenses were given up to 31 December 2003 to operate.⁴⁸ The Commissioner and his deputy, sacked in October 2003, were accused of issuing and renewing licences unlawfully, following the Minister’s October 2003 ban on logging in government forest plantations.⁴⁹ However, between November 2003 and January 2004, the Minister allocated logging concessions to twenty companies in other government-run forest plantations to ‘forestall’ the possibility of being dragged to court for breach of contract by companies that had invested heavily in saw milling, especially those which already had been issued with logging licenses. The State Minister issued a logging license in a government forest plantation to Kara saw mills, which belongs to an MP, three weeks after the same minister announced suspension of logging, in a bid to control excessive harvesting of timber from forest plantations.⁵⁰ A number of saw millers who were not issued with these temporary licences accused the Minister of issuing illegal ‘logging chits’. In a statement, the Minister clarified that the temporary licences were formal authority letters, and were effective until the NFA became operational. The people who received temporary licences were those who had paid logging fees before the ban on logging

was instituted. The Minister further clarified that it was never the fault of the saw millers that they were not issued authority letters in time for them to operate. Current law gives the Minister power to approve the issuance of permits, on the advice of a Technical Licence Committee.⁵¹ However, by the time the temporary licences (authority letters) were issued, the Technical Licensing Committee was not in place, so the Minister single-handedly took the initiative.⁵² This Committee was instituted on 6 January 2004, and one of its functions is to review these temporary licences.⁵³

Secondly, before a license is issued, all individual trees available for harvesting in a forest reserve or plantation have to be identified, assessed, and mapped with details of forest growth and its condition. Such information is recorded on fully computerised databases under a system known as Integrated Stock Surveys and management Inventory (ISSMI), first used in Budongo Central Forest Reserve. The plantations are divided into blocks and every individual tree allocated a reference number, which the forest staff use for monitoring and controlling tree harvesting. In awarding licenses to saw-millers, the Minister took over powers of the Forest Department, which was supposed to know the exact volume of sawn timber licensed for a saw miller to produce. This is based on accurate allocation of specific trees, whose details have been recorded. At any one time, all trees felled are supposed to be measured for volume and every licensed person's off-take on the market is required to correspond to his/her measured quota.

Most of the saw millers who benefited from the temporary licences were taking maximum advantage of the transition from the Forest Department to the National Forestry Authority.⁵⁴ It was not immediately clear why the Minister could not request the saw millers to wait for a few more months for the NFA to be constituted (since it was expected to be in operation by February 2004) in order to issue them with proper licences. By the time the temporary permits were issued by the Minister, no formal intent to sue the government had been issued by any of the affected logging companies. The legality of 'temporary authority' aside, genuine concerns were raised that the temporary authority issued by the Minister was accelerating the excessive harvesting of plantations. The saw millers were not bound by any conditions, hence wantonly harvested timber from the government plantations, as quickly as they could, before government announced new rules.

When Technical Timber Licensing Committee, instituted on 6 January 2004 by the Minister, swung into action to review the allocation of licences for saw milling in government plantations, it 'blacklisted most of the companies that held concessions allegedly allocated by the Environment Minister using "logging chits" because this created confusion with some forest officials and saw millers allegedly felling trees using fake letters'.⁵⁵ In

March 2004, the Minister dissolved the Committee,⁵⁶ which not only left observers wondering whether or not the Minister, in exercising his powers over the goings-on in the forest sub-sector, was ‘protecting’ some interests, which the committee had moved against, but also the extent to which there was genuine devolution in the management of the forest sub-sector.

Commercial groups gained significant power through privatisation. One pit-sawing organisation managed to use its increased power to influence forest management policy, which contributed to the interdiction of a Forestry Department Commissioner from office. This was an unintended effect of privatisation. While their motive was to gain a monopoly and reduce illegal competition, the private interests in pit-sawing fought corruption within the Forest Department, but they did not succeed in making major changes (Muhereza 2003b).

Even when the laws and the forest service do not give local councils clear rights, decentralisation has emboldened local government to contest policy. In forestry, Bazaara (2002a:15; also see his article, 2006) describes local governments as being ‘locked in conflicts with the central government over who should wield the power to issue permits and what proportions of the resources generated from fees and taxes should go to local government’. Local governments, however, have gained little discretion over these powers, as much of the state powers have largely remained on paper, or have been undermined through other forms of legislation. District councils in areas that have large forest estates also contested the Forest Department’s practice of auctioning confiscated illegally harvested timber and keeping the revenues. In August 2001, the Rakai District reached a precedent-setting agreement with the Forest Department in which the district council would auction off impounded illegal timber and keep forty percent of the revenue. These changes reflect the effective powers that district councils began gaining and exercising.

Environmental outcomes

The limited nature of powers devolved to local governments do not provide any opportunity for checking illegal harvesting of timber, especially in central forest reserves and those forest categories which are not under the control of the district local government. In central forest reserves, harvesting is still above the quotas specified on licenses; unlicensed saw milling and pit-sawing still occurs in and near strict nature reserves; charcoal production continues; illegal grazing continues in forest reserves; and subsistence farmers, sugarcane and tobacco growers, still encroach on forests. Tree resources from non-protected forests have been extensively depleted, as well as public (or ‘customary’) land forests—forests on non-gazetted lands that ‘belong to the

people'. The status of non-gazetted forests and forests on non-titled lands is still ambiguous in the sense that currently the majority of these forested lands are effectively 'public domain', although there is no such category of land-use.⁵⁷ The National Forestry and Tree Planting Act (2003) recognised this loophole, as it includes private natural or plantation forests on land owned in accordance with the 1998 Land Act (which can be under customary, mailo, leasehold or freehold) as one of the forms of forest tenure [see section 21(1)].

The magnitude of deforestation is captured by many recent reports. For example, NEMA sources indicate that Uganda's forest cover has drastically reduced from 45 percent to 20 percent. Figures from the National Biomass study indicate that 65 percent of the forests on private land have become degraded, while only 35 percent of the natural forest in conservation areas has been affected. Trees on private land have been wantonly destroyed because of the lack of regulations.⁵⁸

Socio-economic outcomes

Several public officials have lost their employment as a result of the recent reforms in the forest sector, and many more jobs are likely to be lost as the NFA takes root. In the meantime, the politically-connected and rich have made a fortune from illegal timber trade, depleting the country's forest estate at the expense of posterity.

The experience of Masindi district however, reveals that there is always a limit to compliance by those affected by the exercise of decentralised powers. Under the former forestry regime, in Masindi, the license fee cost charcoal producers over sixty percent of the producer price for each bag of charcoal they produced. Charcoal makers cut more trees to compensate for the high tax. The transporters paid only eleven percent of the urban price for charcoal for their licensing fees. Because of this inequity and hardship, 'many charcoal producers grew hostile toward the local and central government authorities, in some case refusing to pay licensing fees and failing to cooperate with government in other areas' (Muhereza 2003 b:8). Because of these problems, the district revenue from charcoal fees was only Ushs. 995 million out of a total expected income of 3.4 billion (about two million US dollars).

To resolve these problems and increase the revenues, the District Executive Committee resolved to change the fee from Ushs. 36,000 per producer (averaging Ushs. 1,800 per bag) to Ushs. 400 per bag. The loading fee was increased from Ushs. 700 to 1,000. To further raise revenues, the District Executive Committee formulated and facilitated the passing of the Masindi District Production and Environment Ordinance of 2002 designed to generate more revenues from charcoal production. The Ordinance requires landowners to set aside at least ten percent of their land for tree planting and enabled the

council to penalise delinquent landowners. The Ordinance also empowered the district council to make bye-laws to ensure sustainable use and increased revenue from the charcoal trade (Muhereza 2003b:8-9.) Income from licensing and taxing of charcoal production in Misindi District is used by Sub-county councils to subsidise their struggle to deliver services (Muhereza 2003b:8).

The forests that were transferred by the Forest Service to the Bunyoro-Kitara Kingdom, on the other hand, were poorly managed. The management Trust set up to by the King was accused of mismanagement, primarily through increased pit-sawing, which the Kingdom allowed in order to increase forest revenues. Masindi District Forest Officer, a centrally appointed official observed: ‘The Kingdom was selling trees like cows. They sold standing trees without undertaking an inventory to establish the volume of wood. This had partly contributed to the current over-exploitation of trees in Kingdom forests. The Kingdom officials refused to allow field extension staff to access their forests, and even issued their own licenses for harvested timber, which created a lot of confusion in the department’ (in Muhereza 2003b:10).

Conclusion

The transition from Forest Department to NFA has greatly hurt the forestry sector. Forests were depleted at a very alarming rate, as unscrupulous business persons took advantage of the confusion to reap maximum profits. It has been argued in various circles that Uganda will face a serious timber crisis within a decade if the current rate of forest depletion continues. Saw millers backed by politicians force their way into plantations and harvest trees without paying royalties. Trees are felled without being replaced.⁵⁹

The depletion of the forest estate between 1998 and 2004 has been attributed to the fact that those who managed the forestry department were uncertain about their future when the NFA finally took off.⁶⁰ The new NFA staff face a daunting task of reversing decades of mismanagement, and only time will tell whether the NFA will manage to deal with structural constraints that have bedevilled the management of the forest sub-sector. As long as the central state still retains the prerogative power of licensing, and a modicum of residual but critical powers retained by the Minister, the new NFA will find it difficult to function independently, and there will always be a temptation to encroach on these powers by the powers that be. This raises the more fundamental question of how powers over forests can be effectively transferred away from the centre where there is greater temptation to usurp them for private gain by those who hold public office or by their associates.

While laudable, the central state’s assumption of broad but difficult-to-achieve duties, some of which have been passed on to local government, opened the door to failure, charges of malfeasance, and an unwarranted

perception of incompetence on the part of forest management service. The broad duties of management, control, and protection of the forest estate may have become unachievable in the near-term because of the degree of fragmentation of the limited powers (which remain subject to the prerogative of the Minister) to various responsible bodies. Further, a precedent has been set for an imperious supervisory control over forests, for which the centre will always find justification for taking over control.

The central government or a local government holds land in trusts for the people and protects (central and local) forest reserves for ecological, forestry and tourism purposes for the common good of citizens of Uganda [section 5(1)]. Meanwhile, ownership of natural forests on privately owned land or plantation forests on privately owned land rests with the registered land owners (as private property). In keeping with the law of trusts, the role of trustee does not carry ownership. In the case of Uganda's central forest reserves, the trustee has simply 'held' onto the corpus of the trust and exercises significant fiduciary duties while relinquishing a large amount of maintenance and management functions. The trustees (the Ugandan people) are beneficiaries of the trust to a very insignificant extent. In the case of central and local forest reserves, the trustees (central government and local government respectively) are also the owners, making it difficult effectively to establish appropriate checks and balances.

It appears that the maintenance and management of the different categories of forests will become more realistic and achievable only when the requisite resources become available (funding, personnel, and others), which will probably not occur until there is a clear possibility of unmitigated harm elsewhere. It will become difficult for the new forest management structures to gain institutional credibility when governmental objectives are unachievable from the outset. For example, malpractice related to timber dealings is orchestrated by powerful people in government and in the army, who may also be license holders or owners of some category of forests. There appears to be no express mechanism set out to provide for the noted sources of local government financial support, even after private actors have assumed significant forest management, maintenance and controlling functions, previously the responsibility of the centre.

Forest produce has to be harvested in accordance with the management plan and regulations prepared under the Forestry and Tree Planting Act [section 21(2); 22(2)]. Funding for local governments of decentralised forest management services must be authorised by parliament, while the authority to tax forest produce through licensing is subject to conditions stipulated in forest management plans and regulation prepared under the Forestry and Tree Planting Act [section 21(2); section 22(2)]. Imminent shortfalls in funding

by local government and those responsible for managing (private and community) forests will undermine the possibility of professionally and sustainably managing these forests, and could easily tempt responsible bodies to take less seriously the performance of devolved duties. Again, some realistic expression of how this is to be achieved should be set out, or at least indicated in further legislation. Notably, the Local Government Act needs to recognise the role of management of private forests, and financial obligations from the centre, with regard to such responsibility.

Notes

1. The initial research for this paper was funded through a USAID grant to a research collaboration between the World Resources Institute (WRI) and Centre for Basic Research (CBR) on 'Accountability and Power in Environmental Decentralisation in Africa (2000-2002)'. Additional fieldwork has been carried between 2003 and 2004 for this paper. It is intended as a 'whistle-blower', as critics will argue that it is too early to determine the outcomes of the forest sub-sector reforms, since the NFA has only been constituted. However, the latter does not diminish the relevance of the arguments made regarding the substance of the reforms and reform process. The usual disclaimer applies.
2. Its shortcomings notwithstanding (see for example, Muhereza 2003a; 2003b), we find this framework relevant in the sense that in order to locate the possible loopholes and contradictions in decentralisation reforms in the forest sub-sector, one has to identify the powers affected by the reforms, the repositories of decentralised powers, and how they are subsequently played out in order to locate relations, directions and nature of accountability, on the basis of which the substance of the decentralisation reforms can be judged.
3. The Local Government (Resistance Councils) Statute, 1993, *Uganda Gazette* No. 55 Vol. LXXXVI December 31, 1993.
4. Article 171 of the Local Government Act, 1997 stipulates that 'the Chairperson, Local Government Councils and Administrative Councils shall be elected every four years' (see Republic of Uganda, 1997). To redress social inequities, one third of the council seats are reserved for women (Bazaara 2002a:7).
5. See Republic of Uganda. 2000. The Parliament of Uganda: Interim Report on the select Committee on Forestry Department. The Parliament of Uganda, Parliamentary Buildings, Kampala, July 2000, pp. 36.
6. World Forest Day supplement, *New Vision*, 21 March 2003, p. 28.
7. The creation of district saw millers and pit-sawyers associations was an ad-hoc administrative intervention. The 2003 Forestry and Tree Planting Act is silent on this matter, although such an arrangement would still be possible under section 15 of the Act on collaborative forest management arrangements.

8. See Min 2/99: Communication from the Chair, in Minutes of Masindi Pit-sawyers' and Wood Users' Association meeting on improvement of pit-sawing in Masindi District held on 18 February 1999.
9. See correspondence from Mr. G.W. Asaba, Chairman MAPWUA, of 17 April 2001 to Members of Parliament on the Sectoral Committee on Natural Resources, and correspondence from A.K. Nyendwoha, Chairman MAPWUA, of 20 May 2000, to the Chairman, Parliamentary Select Committee on Forestry.
10. See Min 5/99: Commissioner for Forestry Representative, in Minutes of Masindi Pit-sawyers' and Wood Users' Association meeting on improvement of pit-sawing in Masindi District held on 18 February 1999.
11. See Budongo MPA, August 2001 Monthly report, p.3.
12. There is great doubt, however, as to whether there is any evidence of over-exploitation. An official of Conservation and Development project funded by USAID in Masindi District in Uganda at the time 'did not see any evidence of this deforestation', although he admitted that there had been widespread claims of increased timber harvesting by districts that wished to raise local revenues to finance local development priorities (Personal communication, March 2003). These kinds of narratives of over-exploitation without forest service oversight are a frequently used means for forest departments to recapture control (as in the Mali Case, Ribot 1999).
13. This Statutory Instrument No. 2 of 1995 was an amendment of the second schedule (No. 2) of the Local Government (Resistance Councils) Instrument of 1995. This instrument, the Local Government (Resistance Councils) (Amendment of Second Schedule) (No. 2) Instrument of 1995, included forest reserves, land, mines, minerals and water resources on Schedule 2 of the Resistance Councils Statute, (see correspondence from Mr. E.D. Olet, Commissioner for Forestry, of 26 April 1995 to all District Forestry Officers on the subject: Statutory Instrument 1995, No. 2).
14. The Forest Reserves (Declaration) Order of 1998 (Statutory Instrument No.63), Statutory Instruments Supplement No. 23 of 11 September 1998.
15. In central forest reserves, local governments made very few gains under decentralisation. The centre retained control over the larger and financially more lucrative central forest reserves. The Act recognises the existence of forests in conservation areas controlled by UWA. However, it is not clear in the Act as to which body maintenance, management and controlling functions of these areas has been mandated. The local governments still have no powers to make bye-laws regarding the management of such areas. They can only enter into co-management agreements with UWA to access forest-based resources. In this manner, the privatisation of public lands and forests thereon has reduced the forest management jurisdiction of democratically accountable local governments. In centrally controlled protected areas, Bazaara (2002a:15) describes '... a kind of de-concentration within the line ministries in charge of particular resources... implemented through collaborative community management schemes...'

16. Under the 1949 District Council Regulations, in force until 1977, local governments below the District had no powers to make by laws (Bazaara 2002a:8). Even the powers of the elected District councils to make bye-laws was diminished by a 1963 law that transferred some powers to customary authorities in the Western Kingdoms and Busoga (Bazaara 2002a:9).
17. See 'Tree planting a must—Isoke', *New Vision*, 22 October 2003, p. 4.
18. See 'Otafiire promises tough rules on environment degradation', *New Vision*, 10 June 2003, p. 6.
19. Some schools compel their students to participate in tree planting in school gardens as part of practical work, while churches make it compulsory to access services offered nowhere else other than from the church. For example, Bunyoro Kitara diocese had started compulsory tree planting by parents of every child baptised or confirmed, and between by April 2003 had planted 4,000 pine trees at churches and parishes throughout the diocese as an income-generating project for the church (see 'Plant pine trees to fight poverty, says Bishop', *The Monitor*, 23 April 2003, p. 6).
20. Masindi District does not represent Uganda as a whole. Practices and outcomes seem to vary greatly across the country (Bazaara 2003; Namara and Nsabagasani 2003; Kanyesigye and Muramira 2001). The findings on practices and outcomes from other zones in Uganda are discussed throughout this document. While many of the dynamics found in this district are reported elsewhere, the case only should be generalised with great caution.
21. See Correspondence from E.D. Olet, Commissioner Forestry, to all District Forest Officers of 31 October 1996, reference 10/15, on the subject: 'Sharing revenue from forest resources, between Central Government and Local Administration, Ministry of Natural Resources, Forest Department, Kampala'. It is important to note that while the new Act talks about collaborative forest management, it is dead silent on the issues of CFR revenue sharing such as the 40/60, which has been operational.
22. The Forest Department has provided for arrangements between the central government and local populations involving some forest uses and revenue-sharing arrangements for local populations under arrangements for piloting collaborative Forest management. In Masindi, collaborative forest management is being piloted in communities around the Budongo Central Forest Reserve.
23. See correspondence from D.N. Byarugaba, Ag. Commissioner for Forestry, Ministry of Water, Lands and Environment, Forest Department, of 14 August 2000 to District Forest Officers of Hoima, Masindi and Kibaale, referenced 3/2. Subject: 'Return of Bunyoro-Kitara Kingdom Forests interim Guidelines'.
24. Similarly, Mali's government gave new powers to local authorities but have given them no domain over which to exercise these powers—cf. Ribot 1999.
25. See correspondence from Mr. Martin Eriagu Alomu, District Forest Officer, Masindi to the Minister for Environment, Bunyoro-Kitara Kingdom, referenced MSD., 3/1 of 29 October 2000.

26. See Forest sector coordination Secretariat, 'Voices from the field. Review of Forestry Initiatives in Uganda', April 2001, Volume 1, Synthesis Report, p. 63, quoted in Makumbi (2003).
27. See Nkunzingoma, R.D., 'Consultancy report on Masindi District (Production and Environment) Ordinance', prepared for ACDI/VOCA-EPED project, 22 December 2000. See also Min 3/99: Remarks of District Chairman, in Minutes of Masindi Pit-sawyers' and Wood Users' Association meeting on improvement of pit-sawing in Masindi District held on 18 February 1999.
28. See 'Ordinance out to boost production', *New Vision*, 25 September 2003, p. 32.
29. While we may seem to agonise over the failure to devolve decision-making powers to local governments, the traditional authorities themselves have started loudly bemoaning their apparent 'powerlessness'. The King of Buganda said in a statement issued in February 2003 that: '... kabaka ayogera obwogezi oba obwakabaka obuliwo mu linnya ng'abagezigezi bwe bagamba nti "in name" kumbe ssi bwakabaka. Tugenda netulambula abantu ne bakubuulira ebizizibu byabwe naye nga tolina ky'osobola kubakolera. Tewali kintu kyonna ky'osobola kukola kukuuma bibira byaffe wano mu Buganda...' (Translation: '... a king who cannot act, an institution which exists only in name is not worth it. People tell you their problems when you visit, and can do nothing about them. There is nothing we can do to protect our forests in Buganda...'). (See 'Bino Kabaka bye yayogedde', *Bukedde*, 17 February 2004, p. 1.) The reforms in forest sector and the Forestry and Tree planting Act of 2003 give traditional authorities/institutions or leaders maintenance, management and controlling function over kingdom/private forests. But Buganda's King feels he does not have control over Buganda kingdom forests as a result of decentralisation and other public sector reforms.
30. See 'Ministers, army bosses named in timber scam', *New Vision*, 25 August 2003, p. 3.
31. See correspondence from E.D. Olet, Commissioner for Forestry of 17 February 1998, to the Permanent Secretary, Ministry of Natural Resources, subject: 'Mismanagement of Forestry Sector', referenced C.1., in response to letter referenced CPF.2347 of 16 February 1998.
32. Among top government officials and military officers whose vehicles or employee were cited in timber/firewood deals were the Energy and Mineral Development Minister Syda Bumba and Justice and Constitutional Affairs Minister, Janat Mukwaya, Col Sam Kawagga, and Reserve Force Commander Lt. Gen, Salim Saleh's aide, Lt. Col. Kagezi (see *World Rain Forest Movement, Bulletin*, No. 74, September 2003).
33. See 'State House deployed "Capt" Okello', *New Vision*, 21 September 2003, p. 1.
34. See 'Otafiire sacks timber detective', *New Vision*, 17 September 2003, p. 1. See also: 'Police arrest Captain Okello', *New Vision*, 19 September

- 2003, p. 1; 'Captain Okello impostor says UPDF', *New Vision*, 20 September 2003, p. 1.
35. See 'Okello hits back at Col. Otafiire', *New Vision*, 22 September 2003, p. 1.
36. See 'Commissioner defends Otafiire', *New Vision*, 23 September 2003, p. 1.
37. See 'Otafiire denies timber business', *New Vision*, 18 September 2003, p. 1. See also 'Otafiire: I am ready to resign', *The Monitor*, 19 September 2003, p. 1.
38. See correspondence dated 11 August 2003, referenced 7/1 (subject: 'Captain Okello James Fred'), addressed to the permanent secretary, Ministry of Water, Lands and Environment, signed by the Ag. Commissioner for Forestry, Deo N. Byarugaba.
39. See 'Otafiire named in illicit timber trade', *New Vision*, 17 September 2003, p. 3.
40. Ibid.
41. See 'Ministers, army bosses named in timber scam', *New Vision*, 25 August 2003, p. 3.
42. See 'Otafiire: I am ready to resign', *The Monitor*, 19 September 2003, pp. 1-2.
43. See 'IGG probes Col. Otafiire', *New Vision*, 19 September 2003, p. 1.
44. See 'Otafiire named in illicit timber trade', *New Vision*, 17 September 2003, p. 3.
45. Government appointed Mr Olav Bjella, a Norwegian expert, to head the NFA on a two-year non-renewable contract. Four top officials had also been contracted to work with the Norwegian expert on a three-year renewable contract, namely: Jones Kamugisha, Isaac Kapalaga, Maxwell Akora and Hope Rwaguma (see 'Norwegian expat to head forestry dept', *New Vision*, 11 February 2004, p. 6).
46. The committee comprised the Minister, the Permanent Secretary, the Minister of State for Environment and the head of the Forestry Inspection Division (see also 'Forestry bosses sacked', *New Vision*, 5 October 2003, pp. 1-2.) In justifying the takeover of executive functions of the Commissioner by the Ministry, Minister of State for Environment, Mr Baguma Isoke said: 'The Minister (Otafiire) has recognized the need to secure and protect the forestry resources and asset base and notes that the rate at which these are being eroded and stripped is a serious threat' (see 'Otafiire fires Forests Chief', *New Vision*, 22 December 2003, pp. 1-2).
47. See 'Otafiire fires Forests Chief', *New Vision*, 22 December 2003, p. 1.
48. See Press statement issued by the Minister of State for Lands, Mr Baguma Isoke, dated 4 October 2003. While addressing the Press on 20 December 2003, the Minister (Otafiire) said that most saw millers were not following the proper procedures in extracting timber from the forest plantations, and that the ministry would not cancel the licenses because of legal repercussions, but would also not renew most of the timber licenses after they expired (see 'Otafiire fires forests chief', *New Vision*, 22 December 2003, pp. 1-2).
49. See 'Forestry bosses sacked', *New Vision*, 5 October 2003, pp. 1-2.

50. See 'State Minister Jeje Odongo issues logging chits', *New Vision*, 26 January 2004, p.1.
51. See para 5 (2) of legal notice supplement No. 6 of August 2003.
52. See Statement by Col. Kahinda Otafire, Minister of Water, Lands and Environment, in *New Vision*, 30 January 2004, p.26.
53. See provision of section 51 of the National Forestry and Tree Planting Act 2003 and the National Forestry and Tree Planting (Designation of Authorized Persons) Notice No. 6 of August 2003 para 5 (a). See Press release by Minister of Water, *Lands and Environment* of 7 January 2004.
54. See Statement by Minister of State for Lands and Environment, Mr Baguma Isoke of 4 October 2003.
55. See 'Otafire dissolves committee', *New Vision*, 9 March 2004, p. 5.
56. Ibid.
57. See 'World Forest Day supplement', *New Vision*, 21 March 2003, p. 28.
58. Ibid. See also 'Timber Crisis here', *New Vision*, 18 January 2004, p. 3.
59. See 'Otafire fires forests chief', *New Vision*, 22 December 2003, p. 1.
60. See 'Probe Forestry Department', *New Vision*, 6 October 2003, p. 12.

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A Demand-driven Model of Decentralised Land-use Planning and Natural Resource Management: Experiences from the Chiredzi District of Zimbabwe

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Abstract

Decentralisation should ideally result in the transfer of effective power and control from the state to elected local level authorities – it should take a democratic form. But most decentralisation reforms turn out to be supply-led interventions in which states and other upper level actors, most of whom have a predilection to retain far-reaching control, define the form and extent of powers to be given to local-level authorities, usually resulting in de-concentration. This paper uses empirical evidence from Zimbabwe to argue that decentralisation is likely to result in more thoroughgoing empowerment if it is demand-driven. Even if empowerment is demanded we note that relations in decentralised arenas are not necessarily always egalitarian. We therefore argue that efforts to resolve the dilemma of community marginalisation through decentralisation should not lose sight of local level equity dimensions. We caution that demand-driven decentralisation should not be misconstrued as implying that the state and other external actors should completely retire from the business of the local. Effective empowerment appears to require a preserved role for upper level (non-local) actors, especially in providing political legitimation, technical backstopping, financial support and resolving issues whose solutions transcend the scope and scale of the local.

Résumé

La décentralisation devrait idéalement aboutir à un transfert effectif de pouvoirs de l'État à des autorités locales élues ou décentralisation démocratique. Mais la plupart des décentralisations se présentent comme des démarches initiées, dirigées et contrôlées par l'État et les autorités centrales, qui en définissent la forme et contrôlent les pouvoirs dévolus aux autorités locales. Ceci conduit finalement à une simple déconcentration. L'article ci-dessous s'appuie sur des évidences

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empiriques tirées du Zimbabwe pour montrer que la décentralisation semble ne pouvoir renforcer le pouvoir des acteurs périphériques que si elle se présente comme une demande de la base, et non comme une offre étatique. Même lorsque les pouvoirs sont demandés par la base, et obtenus, les relations entre le niveau central et le niveau local dans les arènes décentralisées ne sont pas toujours égalitaires. Nous montrons en conséquence que les efforts déployés pour résoudre le dilemme de la marginalisation du niveau local à travers les décentralisations ne doivent pas perdre de vue les dimensions de ce niveau local. Nous voulons dire que même les décentralisations demandées et ‘arrachées’ ne doivent pas impliquer le retrait total de l’État central. Un réel renforcement des pouvoirs du niveau local va de pair avec le maintien de certains rôles de l’État central, comme la légitimation politique, l’appui au développement local ou l’expertise technique, et le soutien financier.

Introduction

That the world is characterised by a skewed distribution of power within and among various levels of social organisation is hardly surprising. That decentralisation is a mechanism of choice in aligning governmental powers among different levels of social organisation also appears to be stating the obvious (Murphree 1991; Murombedzi 1991; Ribot 1999). The merits of decentralisation are now more readily understood. It seeks to empower local bodies and communities by bestowing upon them ‘bundles of entrustments’¹ transferred from the central state. Such entrustments include regulatory and executive powers, responsibility and authority in decision-making, institutional infrastructure and assets, and administrative capacity. Considered in its most ideal form, decentralisation should result in devolution or democratic decentralisation in which entrustments are transferred to lower level, and preferably elected, authorities that are largely or wholly independent of central government (Bosuyt and Gould 2000).² But in practice, decentralisation often results in outcomes that are commonly referred to as de-concentration – states extend themselves into the local arena by the transfer of some entrustments to local branches of government that remain responsible and accountable to central government (Ribot 1999).

Though stated in the extreme, the above binary outcomes mirror the often under-studied question of whether or not to use decentralisation as a policy intervention. As pointed out by Ruitenbeek and Cartier (2001:4), policy makers are impatient and often seek a quick fix when things are better left to themselves. Their ‘hands-off’ reproach appears to be a crude, but poignant, reminder to environment and development practitioners to be more modest in their quest to effect change, because change cannot be invented: it is a pervasive and eternal feature of all social and ecological systems. And we have absolutely no reason to assume that peasant communities are so fatalistic

and improvident that they are incapable of appropriately adjusting to changes in their everyday social and other environments. More often than not, most such people are adapting to change in ways that are more attuned to the prevailing challenges and opportunities, and what they do, or what they are capable of doing, is often a reflection of options and resources at their disposal. Such systems evolve naturally! It is in the face of such a truism that Ruitenbeek and Cartier (2001:17) strongly argue for non-interventionism, with the related foreclosure hypothesis being that the 'premature introduction of external interventions could lead to system failure. This may occur because the introduction of such a process disrupts existing evolutionary processes within the system'.

Everyday common experiences with decentralisations appear to lend weight to the above conjecture. For instance, in pointing out how most decentralisation interventions in Southern Africa appear to have a predilection for turning into de-concentrations, Murphree (1991) observes that 'there is a tendency in bureaucratic hierarchies to seek power from levels above and a general reluctance to devolve such power to levels below'. Similar sentiments are echoed by Conyers (1990) and Murombedzi (1991), who indicate that higher level actors tend to decentralise service-type activities while retaining control of fiscal and production oriented activities. Bazaara (this issue) identifies the failure to devolve effective control as an impediment to the democratisation of natural resource management in Uganda. In summing up such tendencies, Mandondo (2001) argues that decentralisations often turn into de-concentrations because most such decentralisations are supply-led interventions that predictably result in conditional empowerment. He argues that in supply-led empowerment scenarios, state-level and other external actors hold wide discretionary powers with respect to the form and extent of power to be given to actors on the fringes of formal systems of power, including local-level bodies and communities. Mandondo (2001) articulates a language of alternatives and reversals in which he appears to be arguing that decentralisation is likely to result in more thoroughgoing empowerment if it is demand-driven. Such reversals and alternatives fall under the rubric of emancipatory approaches (Reason 1999), and have also been alternatively popularised as putting the last first (*sensu*, Chambers 1983).

The ideals, in relation to everyday common outcomes of decentralisation, therefore implicitly appear to justify a continuum of policy options that spans from full-scale and wholesome intervention to non-intervention. A mid-point logic-of-balances occupies the centre of the above continuum. Based on pragmatic considerations, it argues that: among local communities, researchers and other stakeholders, no one holds monopoly of insight or is a priori exclusively endowed with superior qualities in terms of knowing, skills etc.;

none of the stakeholders will accept to be simply wished away through approaches that are not sufficiently inclusionary; and, locals do not exist in isolation, but are in fact subsets of over-arching systems with which they are intricately interconnected. The emerging discipline therefore emphasises integration across a variety of axes-including across stakeholders, disciplines, as well as across scales (Sayer and Campbell 2003; Lovell, Mandondo, and Moriarty 2003). The aim of this study was to use empirical evidence from a decentralisation initiative that largely appeared to be demand-driven to test the wider generality of the emancipatory conjecture: that decentralisation is likely to result in more thoroughgoing empowerment if it is demand-driven. The analysis is situated within the broader context of related counterfactuals, i.e., that full-scale or some form of mid-point external intervention is still necessary.

The study was conducted in the Chizvirizvi area, which lies some 40 kilometres east of Zimbabwe's south-eastern lowveld town of Chiredzi. The community in question opted to transform from government-initiated consolidated villages that were heavily congested to a system of more spacious self-contained 'private plots', which they planned for and implemented. This community had staked several other demands, including: that they be conferred with legal titles over their plots; that there be fiscal accountability and parity between taxation and service delivery by the Rural District Council; and that appropriate authority status³ over wildlife resources in their area be bestowed directly upon them, and not on the Rural District Council, as has happened in other CAMPFIRE⁴ districts. For purposes of brevity, the present study mainly restricts itself to issues pertaining to land use planning, land tenure and resource access. The next section gives an overview of land tenure and settlement in communal areas, with special emphasis on the evolution of land tenure and settlement patterns in Chizvirizvi.

A brief history of land tenure and settlement in Chizvirizvi

Colonial land alienation and apportionment policies that were crafted in the early 1930s left a deep imprint on present day patterns of land tenure and settlement in the Chizvirizvi area. The Chizvirizvi area adjoins a private wildlife conservancy and a state national park, the Malilangwe conservancy and Gonarezhou National Park, respectively. The creation of these nature parks involved the eviction of communities then residing there into the adjacent Sangwe communal lands. Over time, the status of communal areas as reservoirs of evicted peasant communities was compounded by natural growth resulting in a general prevalence of population pressure in communal areas. Behind a backdrop of population pressure, the key features of communal land tenure have remained largely intact from colonial to post-colonial times.

Communal lands are legally state lands in which peasant communities enjoy usufruct rights. In practice, people living in communal areas enjoy de facto traditional freehold entitlement over their residential and arable plots, beyond which there are usually grazing, woodland and other commons, which people use and manage through various forms of collective or non-collective arrangements (Government of Zimbabwe 1994). But during the late 1970s most communal lands, including Sangwe, became fragmented into zones of shifting control between the Rhodesian⁵ military wing and the mass mobilisation committees of the guerilla movement, in response to which the Rhodesian regime introduced protected villages (Lan 1985; Godwin 1996). The protected villages were a Rhodesian military strategy aimed at creating buffers of uninhabited land in order to minimise contact between peasants and the guerrilla arm of the liberation movement, which depended on the peasants for material, moral and other forms of support (Lan 1985).

The abandonment of the protected villages upon the attainment of independence did not significantly alleviate population pressure within the communal lands, which necessitated the need for interventions to de-congest the communal area. Such initiatives had the twin objectives of improving infrastructure and service provision in communal areas in order to address the imbalances of colonial neglect.⁶ Colonial neglect of African reserves was the result of a fiscal apartheid in public sector capital investment policies (Wekwete 1990). The bulk of the social and physical infrastructure investment was located in European areas to support a fledging capitalist economy, which was further supported with a lot of subsidy and preferential marketing policies (Murphree and Cumming 1991; Scoones and Matose 1993; McGregor 1995). Under-investment in the African reserves reinforced the under-development of the peasant sector, which remained a source of cheap labour for the emerging capitalist economy. Over time, the peasant sector was also weakened by the downstream effects of the communal tenure system under conditions of high population growth – including lack of collateral, subdivision into smaller and smaller holdings, low productivity and declining surpluses, and very low propensities to save and invest.

De-congestion and reconstruction and development policies in Chizvirizvi were partly played out through the implementation of a government driven resettlement scheme based on a system of consolidated villages. The scheme was established on land purchased by the government from the adjoining commercial farms for purposes of resettlement. The consolidated villages⁷ were based on a system of land-use planning that divided landscapes into three major categories, including clustered villages that lay in between, and separated distinct grazing and cropping areas. It was also hoped that the centralised settlements would enhance peasant access to a variety of services,

including water, electricity, road networks and other amenities like schools, clinics, beer halls and grinding mills. In total, ten villages, each presided over by a village chairperson, were established, with all the villages falling under the control of a government-paid resettlement officer.

Modest progress was achieved in providing services and basic infrastructure within the consolidated villages. Such progress was, however, undermined by the failure of the plan to de-congest settlement. Over time people became disillusioned by the scheme's failure to de-congest settlement as well as its propensity to worsen social ills. Some of the most commonly reported issues were: deprivation of individual and family freedom and autonomy; prevalence of misunderstandings and fights; jealousy; increases in theft; suspicions of witchcraft; increased incidences of adultery; etc. Social pressure thus became one of the major drivers that inspired the search for alternatives and the coalescence of concern within the villages. Additional concerns included perceptions of rampant degradation of woodlands in areas surrounding the consolidated villages. A five-member committee of scheme residents became the vehicle through which such concerns could be articulated. Sustained concerted consultations within the committee led to the broaching of a vision of settlement based on self-contained plots as opposed to overcrowded cluster villages. The next sections of this study consider the evolution of such a plan within the framework of the hypotheses posited in the Introduction. A starting point to such critical analyses relates to the composition of the Chizvirizvi Development Committee, as the committee was later to be known. The committee has an exclusively male membership. As pointed out in the literature, gender is an axis through which privileged access to resources is often entrenched and reproduced, with men being more privileged in most of cases (Fortmann and Nabane 1992). Related implications on gendered aspects of entitlement over land in Chizvirizvi are considered in a later section.

From top-down to bottom-up visions of tenure, settlement and resource use

Community concern about congestion within and environmental degradation around government-initiated consolidated villages in Chizvirizvi came to prominence around 1987. The community, through the Chizvirizvi Development Committee, solicited the support of the Department of Natural Resources for a more dispersed resettlement scheme to be based on a system of individual plots, in which the plots-holders would be ultimately responsible for most resources within their plots. Similar support was solicited from the Ministry of Lands and Agriculture in 1989. Although both these government agencies were supportive of the idea, the rampant destruction of the natural

resources in areas close to the clustered settlement continued unabated. The support, nevertheless, gave impetus to scheme residents to put in place temporary mechanisms of apprehending violators and protecting their resources. Such measures included collective monitoring and policing of resource use.

Meanwhile, at a local level the Chizvirizvi Development Committee enlisted the support of the local chief and the chairpersons of the ten villages in question. This led to local level endorsement of the plan, with signatures of endorsement attached to the plans. The plans were subsequently formally submitted to the government through the provincial Lands Office. Although the community received a favourable response from the government in 1995, it was indicated that the government did not have funds to support the implementation of the plan. Through his links with the Zimbabwe Farmers' Union, the chairman of the Chizvirizvi Development Committee was able to meet with the Minister of Agriculture to open up avenues for funding. Although no financial support could be obtained from the ministry, the committee was able to secure ministerial endorsement to enhance access to alternative funding pathways, including donor support. On the advice of the Chiredzi District Administration the community's donor outreach strategy laid emphasis on building lasting partnerships with local potential donors. The strategy was mainly intended to avoid the projectised and the time-bound nature of externally funded projects. Thus, building strategic partnerships appears to have been vital as the community forged ahead with their vision of decentralised land-use planning and conservation of natural resources.

Subsequent to the initial community overture for funding, the Malilangwe Trust organised a multi-stakeholder meeting that included expert attendees as well as other potential learners from as far afield as Zambia, Malawi, South Africa, and even the United States of America. The Trust subsequently donated Z\$100,000⁸ to the community for surveys, mapping, and demarcation of plots. After concerted efforts at securing the support of the district and provincial agricultural extension agencies for technical support, a survey team was eventually assigned to the area in June 1999. The survey and demarcation work started in late 1999, with logistical support being mainly provided by the Malilangwe Trust, while the community provided labour as and when needed. After completing surveys and demarcation, plots were allocated by March 2000, which was witnessed by several external actors, including the district administrator, the MP for the area, as well as representatives from the President's office.

Thus partnerships at a range of levels, including the local, the district, and the national, appear to have been crucial in planning for and implementing the vision. But conceptual and theoretical debates about state-local relations

tended to dichotomise the two as disparate entities, with the state's presence at the local level often considered at best as intrusive, and at worst as inefficient, unaccountable, insensitive, obtrusive, and hegemonic (Phimister 1989). Distrust of the state's local presence is rooted in Africa's historical processes. For instance, the imposition of the state from the outside has tended to reinforce the view of governments as imperial organisations aspiring to control the entire national jurisdiction (Hessling 1996). Moreover, partly because of their quest to exert enduring and far-reaching political control, governments have indeed aspired to establish single-centre administrations. Thus, over the years, state visions of the appropriate way to manage resources have generally been implemented in peasant areas through a centrally directed structure and process (Moyo et al. 1991). Supporters of decentralisation often advocate empowering local communities by pushing back and scaling down the state's role – 'rolling back the state'. However, this solution seems to be based upon certain unrealistic assumptions: that the state has the political willingness to agree to a roll-back; that communities have the know-how and wherewithal to step in and fill the gaps left by this scaling back; and that communities, a priori, have qualities that the state lacks in terms of accountability, representativeness, and efficiency (Hessling 1996). Evidence from Chizvirizvi indicates that though the land-use planning initiative was community driven, it drew on the support of various other actors at scales that transcend the local, including the district, the national, and indeed the international levels. Effective empowerment, therefore, appears to need to preserve a role for upper level (non-local) actors, especially in providing political legitimation, technical back-stopping, as well as financial support.

The practical political economy of land allocation in Chizvirizvi

A total of 294 plots, each measuring 85 hectares in size, were to be allocated to each household from the ten consolidated resettlement schemes. However, there were other farmers who were allocated more than 85 hectares to compensate for the poor soils – this being especially so for farmers in villages 6 and 10. Allocation was done through a raffle in which people randomly picked cards whose numbers corresponded to numbers assigned to plots. Villagers took turns picking their cards, but two of the villages declined to partake in the process, preferring to remain in the consolidated village. Not everyone was subjected to the raffle, though there was a system of open and hidden exemptions. The chief was exempted from the raffle process as a sign of respect, and allocated a bigger plot encompassing his original homestead. Two plots were additionally given to the chief to allocate to nominees of his own choice. Local leaders who oversaw the alloca-

tion process had to devise a more clandestine means of exemptions in order to raise funds for the logistical costs associated with the allocation process, including the provision of food. Households that contributed funds for logistic costs associated with the allocation process, including the provision of food, were secretly allocated cards prior to the public raffle exercise, and through this arrangement were thus able to gain privileged access to prime plots. Plot 83 was specifically assigned to the youths of the area for various projects and activities. Patterns of ownership of plots were markedly skewed, with only a very small proportion of women in Chizvirizvi living at plots that are registered in their names (Table 1).

Decentralisation is often portrayed as a one-off allocation process involving transfers from one level (often the state) to another, usually the community. The implicit assumptions appear to be that resource use and other relations in community settings are more egalitarian, and that empowerment is almost guaranteed once powers are retired at that level. But as evident in the above narrative, ownership relations engendered by a community driven initiative encompass elements of both equity and imbalance. For instance, allocating land through a raffle together with assigning a plot to the youth appears to have been premised on equity considerations, while allocating to the chief and his network of colleagues, though representing a gesture of respect, could arguably be seen as entrenching elite domination. Thus, as Mandondo (2001) argues, resolving the dilemma of community marginalisation through decentralisations needs to be addressed together with intra-community inequalities of access to resources.

Table 1: A Breakdown of Ownership of Plots in Chizvirizvi by Gender

Gender of plot owner	Frequency (n = 293)	Frequency of ownership as % of total
Male registered ownership	231	79
Female registered ownership	51	17
Inherited from father	9	3
Inherited from mother	2	1
TOTAL	293	100

The raffle, together with the related system of exemptions, saw a total of 293 plots being allocated to individual households. As a sign of gratitude for support rendered, the community reserved a quota of six plots that were to be allocated to the District Administrator (DA), an agricultural commodity provider employee, Malilangwe Trust, Agritex, and other relevant service institutions. Most of these individuals appeared interested in gaining their

own plots within the scheme. Thus, as much as researchers see a dichotomy between local- and state-level and other external actors, the communities themselves show a sense of partnership and community that appears to transcend the confinements of locality. Hence, narratives of community need to portray community within the context of social and political continua within which most such communities are intricately linked. Though such narratives might proclaim the sanctity of community, there is need to recognise that other actors with which communities are linked cannot be simply wished away. Neither do the communities themselves appear to embrace approaches that appear to sever their relationship to broader social and political systems of which they are part. The above narrative of land allocation in Chizvirizvi appears to portray the land allocation process as having been largely consensual. This was not necessarily the case. The next section will consider the micro-politics surrounding the land allocation process.

The micro-politics of land allocation in Chizvirizvi

First preference to take up the new plots was given to people formerly residing in the government initiated consolidated villages. Some of these people were initially reluctant to move into the new plots mainly because they had made a lot of infrastructural investments at their homesteads. These people were to join the last minute rush for the plots, when ownership of the plots was opened to anyone else willing to own them. The rush grew in volume on the back of good crop harvests secured by the pioneer group of settlers. A diverse array of power plays ensued as various people asserted claims to the land. A group of teachers at one of the local schools was one strong constituency that had been left out of the initial allocation process. They are reported to have clandestinely instigated the local village worker to mobilise people in two of the villages to revolt against the scheme, purportedly because they had been allocated infertile plots. In the hope of limiting the ensuing conflict, the DA unilaterally took over control of the unassigned plots, but such custodianship did not last long, neither did it dampen the conflict. Realising the futility of intervention, the DA later capitulated and re-vested such control in the committee that had hitherto overseen the allocation process. To break the impasse, the Malilangwe Trust organised a multi-stakeholder meeting in which the various adversaries were invited.

In August 2000, the land allocation committee was reportedly approached by a group of sixteen liberation war veterans⁹ who felt that they were also being left out of the entitlement process. The chairperson of the land committee decided to enlist the support of the chief in deciding how best to handle the issue. For fear of squaring up against the veterans, it was quickly decided that they be allocated land as soon as possible. But the problem was how to

allocate the seven then remaining plots among the veterans. With initial concurrence of the veterans, it was decided that the plots be allocated through an elimination raffle in which the veterans would randomly pick cards marked YES or NO, with those picking the latter relinquishing their claims to the plots. Although the raffle was completed with the initial support of all concerned, the losing veterans did not honour the raffle verdict, with the majority of them just opting to grab plots that had been earlier allocated to other people. One of the war veterans annexed the plot that had been assigned to the DA, where he promptly started development. The ensuing conflict assumed legal dimensions in one instance where a certain woman just went ahead and annexed plot number 83, which had earlier been allocated to the youth. She enlisted the support of lawyers to resist her eviction from the plot. The ensuing process saw four members of the land allocation committee being sued despite their resolve to remain steadfast in endorsing the youth's claim to the plot.

Present-day conflicts mainly revolve around boundary disputes and the gender dimensions of entitlement to land by way of inheritance. Although the conflicts mostly pit local peasants against each other, there are instances in which other actors are also involved. For instance an official of the national agricultural extension agency (AREX) is currently embroiled in a boundary dispute with his peasant neighbour, with the resolution of the conflict still pending at the chief's court. In generally unwritten law, the spouse should inherit a plot on the death of a partner, with the children taking over the plot if both the mother and father die. Despite such arrangements, conflict over plots still arises depending on the nuance and entitlement and peculiarities of intra-household relations. One such inheritance conflict pitted the relatives of a deceased woman against the husband as prospective inheritors of the plot. There are diverging stories on how the woman registered the plot in her name in the first instance. One version is that the woman was able to apply for the plot instead of her husband, who was made ineligible because he was in formal employment. The second version is that the woman was able to register the plot in her name on the merit of her status as a member of the Master Farmer Club.¹⁰

There was a misunderstanding between husband and wife when the husband had retired from formal employment. This saw the two arriving at a mutual agreement in which they both occupied and lived at different locations within the plot. Over time, the wife fell ill and died, but she had reportedly made a verbal will bestowing the ownership of the plot to her brothers, and not the husband, and hence the present conflict. Inheritance conflicts come

in many shades and forms, with women being generally disadvantaged in most of the cases, unlike the above case.

Conflicts over land and resources in the plots often cascade to higher levels where customary, elected and other leaders vie for influence and control over the whole resettlement domain. Thus, over the years, the institutional setup of Chizvirizvi appears to have typified what Makamuri (in a personal communication) refers to as the 'waxing and waning' as well as the 'emergence and submergence' of institutions. At the national level, the socialist-inspired institutions of VIDCOs and WADCOs appeared to be on the ascendancy in the immediate post-independence period. The VIDCOs and WADCOs were elevated at the expense of traditional institutions of chiefs, headmen and village heads. Having acted as grassroots arms of colonial administration within the African peasantry, traditional institutions were purportedly neglected in the immediate post-independence period because they were seen as functionaries of colonial oppression (Makumbe 1996). Although the establishment of the Chizvirizvi resettlement scheme coincided with the inception of VIDCOs and WADCOs, such institutions did not necessarily emerge as prominent institutional players within the scheme. The scheme was in fact under the leadership of a government employed resettlement officer,¹¹ who was assisted by a subordinate cadre of village chairpersons, each of whom presided over each of the resettlement scheme's ten villages.

Although the scheme was established within Chief Tshovani's area, the chief's influence over the area essentially remained on the fringe, having been further jettisoned by the lack of a supporting cadre of headmen and village heads within the scheme. Over time, the clustered resettlement scheme championed by the Department of Rural Development lost favour with its intended beneficiaries, who saw it as having perpetuated the over-crowding that it was intended to alleviate. The need to de-congest the consolidated settlements saw the ascendancy of the development-oriented Chizvirizvi Development Committee, which has been earlier mentioned. Over a five-year period this incipient institution mobilised local support for the scheme, drew together the support of relevant institutions at a variety of levels, and championed the process of planning and implementing the scheme. The establishment phase of the community-driven resettlement scheme coincided with national trends towards the re-empowerment of traditional leaders. Traditional leaders, including chiefs, headmen and village heads, regained their hitherto eroded influence on the back of a land tenure commission report, which endorsed them as the more appropriate and legitimate institutions within the African peasant sector. The emerging influence of traditional leadership

appears to have had a bearing on the process of forging new political administrative institutions within the new scheme. Through the scheme, the village heads were able to recoup their lost power, displacing village chairpersons as leaders of the newly reconstituted villages with the blessing and support of both the chief and the resettlement committee.

A very strong alliance between champions of development, as represented by the resettlement committee, and the 'more legitimate' traditional leaders, appeared to have emerged by the turn of the century. The emerging configuration of institutions, however did not translate into an enduring monopoly on power and influence. Events leading to the year 2000 parliamentary elections as well as the 2002 presidential elections saw the emergence of the war-veteran movement as a significant political force. With prospects of looming defeats in these elections, the ruling party rehabilitated¹² this movement of hitherto forgotten liberators, mobilising them into a campaign machine that spearheaded the violent seizure of white-owned commercial farms for black settlement. Significant events through which this movement thrust itself at the centre of local political processes in Chizvirizvi included the seizure of some surrounding commercial concerns; the capturing of the councillorship post for the ward; and the establishment of grassroots election campaign command centres that were mainly manned by war veterans and members of the ruling party's youth militia. The coercive and often violent activities of these groups significantly eroded the power and influence of both the developmental resettlement committee and traditional leadership. To consolidate his stronghold on power, the new war veteran councillor of the ward under which Chizvirizvi falls, dissolved the Chizvirizvi Development Committee, replacing it with a newly constituted Wildlife Development Committee – which he headed, in addition to doubling up as ward councillor for Chizvirizvi.

People in Chizvirizvi now more readily attest to the benefits of their land-use planning initiative, generally including better and greater autonomy, distance from suspected bewitchers, etc. But there is nothing in the above narrative to suggest that all is blissful and harmonious in Chizvirizvi, notwithstanding the bottom-up manner in which the initiative was introduced. Orienting change in the bottom-up direction appears to be essential, but such interventions still require adequate follow up if they are to result in through-going empowerment. Thus, whether it be bottom-up or top-down, decentralisation appears to need robust follow-up efforts aimed at removing the conditions that may, from time to time, detract from the attainment of enduring empowerment. The conflicts outlined above are among such factors, and they need to be resolved. Such follow-up could thus be conceivably

achieved by rural development practitioners with competencies in conflict resolution. Caution however needs to be exercised in resolving conflicts because they are often tools and weapons through which the poor and marginalised often insert themselves into political processes (Scott 1985). There is, however, no reason to assume that the local poor and powerless can effectively stake their claims unaided given the preponderance of elite influence. The next section considers resource use relations within and between plots and the adjoining Sangwe communal area.

Resource access and use relations

The issue of accessing resources from resettlement plots was a highly contentious one: plot owners generally wanted to exercise exclusion management of resources in their plots, while neighbouring communal areas, on the basis of historical claims, wanted a continuation of open-access use regimes that used to prevail before the plots were established. The contested nature of resources within Chizvirizvi is thus a major source of conflict, with plot owners generally under siege from tenurial and use pressure from adjoining communal farmers. The views of those asserting use pressure varied from (i) extremist arguments against the compartmentalisation of land and resources, with proponents insisting on a reversion to the previously existing open access utilization regimes; to (ii) moderate viewpoints, that tended to emphasise the need for some form of dialogue and mutual use regimes, together with related win-win obligations; to (iii) acquiescent viewpoints, which tended to emphasise the need to respect the entitlement and ownership of the plot owners. On the other hand, most plot owners argued for exclusion management, with most of them advocating the fencing off of their properties, together with the need to re-erect the boundary fence between the whole resettlement area and the adjoining communal areas. Most people, however, recognised the limitations of such an option in terms of cost, and also in terms of effectiveness since an earlier existing fence had been vandalised. Most plot owners saw the conferment of formal title over plots as a key facet of the incentive structure for enhancing exclusion management.

Despite the above, seemingly conflicting, resource-use relations, there are also aspects of mutual and reciprocal arrangements relating to the use of resources. In general, the northern part of the scheme is drier and less fertile - with less arable land, but more wooded and endowed with better grazing resources. The reserve generally tends to obtain plots in adjacent communal areas as well as in southern parts of the resettlement scheme. Disparities in the spatial distribution of resources generally necessitate the need for reciprocity. Reciprocal resource use relations are mostly forged at a personal and informal level: people from the drier north negotiate for access to arable

land, thatching grass, and water from those in the southern parts of the scheme, as well as from adjoining communal areas. The latter two groups usually seek access to grazing resources, firewood, mopane worms and poles from the former. In general, people tend to seek access to resources that are closest to them.

In some cases, the need to maintain social capital often predisposes people to compromise the manner and extent to which they would otherwise exercise exclusion management. For instance, a certain scheme resident was renowned to have been very strict and hostile to resource users from the adjoining communal area. His son later died, on which occasion he received a lot of sympathy and support from his communal area neighbours. The event appears to have marked a turning point in social and resource use relations, since the owner began to condone and tolerate the use of his resources by others.

The foregoing narrative appears to have important implications regarding the scale to which solutions to dilemmas of resource access can be crafted, particularly in situations where resource use relations are of a conflictual nature. There appears to be no simple solution to the above patina of problems of access when considered in relation to scale, but what appears to be evident is the need for parsimony with an emphasis on forging solutions that match the scale of the problem. The array of possible options with regard to the above description of resource use could be: (i) to leave things as they are at the inter-personal scale where people come up with arrangements for mutual use; and, (ii) to facilitate multi-stakeholder dialogue with appropriate groups where problems appear to cascade over larger spatial and social scales. Given the polarity of opinion in some instances, particularly between communal area versus Chizvirizvi scheme residents, there may be need for neutral arbitration – a role that can be usefully taken up by external actors. Such arbitrators often turn out to be those who the anti-state fringe of the environment and development research movement is quick to vilify.

Synthesis

The general thrust of our argument is that demand-driven empowerment stands a better chance of being based on people's felt needs and priorities than top-down and supply-led modes of empowerment. We note, however, that even if empowerment is demanded, relations in decentralised arenas are seldom egalitarian. We therefore argue that, regardless of their orientations, environmental decentralisation reforms are best conceived not as one-off events in which power is abstracted from one level to be devolved to another level, but as continuous processes in which the dilemma of community marginalisation from the centres of power is tackled in tandem with intra-community impediments to such empowerment.

This article explores whether it is best to intervene fully, whether to intervene a little, or not to intervene at all in environment and development processes that include a decentralisation agenda. Subsequent findings and analyses have largely supported a mid-point logic of integration and multi-stakeholder partnership in which community should comprise the fundamental locus of initiative and change. This is best done within a framework in which other stakeholders play a more supportive role of fostering conditions that enhance that attainment of thoroughgoing empowerment, or dismantling those detract from its attainment. Contrary to the anti-state fervour of some sections of the environment and development research movement, the logic of integration and partnership sees a role for state level and other external actors. This is the case particularly with regard to the following points:

- Providing the political legitimization that community-driven initiatives are so utterly in need of;
- Providing a countervailing source of information, skills and ideas through which community-driven ideas can be scrutinized and improved. The logic is that no side has a monopoly on insight;
- Providing funding and other forms of material support to community-driven initiatives;
- Providing coordination where community-level issues and problems appear to cascade beyond scales at which communities can address them on their own;
- Providing neutral arbitration in instances where community-level polarisation limits the scope for progress.

Finally, in considering extrapolation and scaling up, we note that no context is exactly the same as the other – thus what worked for Chizvirizvi may not necessarily work in other contexts and conditions. For instance, the general applicability of the idea of self-contained plots appears not to be viable in more densely settled parts of Zimbabwe where the shortage of land is likely to be a major limiting factor. The issue of context specificity notwithstanding, we strongly argue that the demand-driven approach to transacting rural empowerment constitutes a far-better option than top-down, supply-led means, which have sadly been seldom successful.

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Notes

1. The concept of entrustments was introduced by Ribot (1999), and was adopted by Mandondo (2001) in an article that gives a historical overview of natural resource governance in Zimbabwe.
2. We use a Weberian definition of the state as a clearly defined set of institutions with official powers. Admittedly, based on Gramscian perspectives, it is not easy to draw neat lines between the state, civil society and civil society organisations (see also Holm, Molutsi, and Somolokae 1996). The state is an amorphous entity of elected politicians and non-elected civil servants and other actors with different interests and often conflicting preferences (see also Halser 1993).
3. Appropriate authority is a legal instrument in the Parks and Wildlife Act that confers custodianship of wildlife resources in wildlife-rich communal areas of Zimbabwe on peasant communities residing in such areas, with such authority being vested in Rural District Councils in which such communities reside.
4. CAMPFIRE is an acronym for Communal Areas Management Programme for Indigenous Resources. It is a programme for decentralised wildlife management in districts that have received appropriate authority status over wildlife resources in their areas (Martin 1986).
5. The former name of Zimbabwe was Rhodesia. Independence in 1980 came on the back of a guerrilla war waged by liberation fighters operating mainly from Mozambique and Zambia.
6. The policy of reconstruction and development ran under a national policy framework that emphasised 'growth with equity'.
7. The system bears parallels to colonial land-use policies that were implemented under the Land Husbandry Act. Such policies were purportedly meant to promote environmental conservation through the rationalisation of land and resource use in order to bring some semblance of order to the then perceived 'disorder' and environmental destruction in the African peasantry.
8. Currently equivalent to US\$1818 at official rate but US\$20 at parallel market rate.
9. The war veteran movement has risen from the obscurity of political neglect to a force to reckon with on the Zimbabwean political scene. War veterans forced the government into awarding them hefty gratuities for their contribution to the liberation of the country in 1998. In 2000 they spearheaded the violent

seizure of white-owned farms with tacit and overt support from the government, culminating in what is popularly referred to as the 'fast track phase' of land reform in Zimbabwe.

10. Master Farmers are farmers of repute, recognised by farmers' associations for their high production records and contribution to agricultural advancements in their areas.
11. The resettlement officer fell under the Department of Rural Development.
12. War veterans were essentially a disgruntled and forgotten lot, with their fortunes only having turned for the better around the year 2000 when they were, through an extended system of accelerated incentives, courted by the government into the political limelight. Belated gratuities for their contribution to the liberation struggle included lump sum payments of Z\$50 000, monthly pension allowances, as well as accelerated promotions for those still active in the national security services.

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Compromised Co-management, Compromised Outcomes: Experiences from a Zimbabwean Forest

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Abstract

Zimbabwe embarked on decentralisation of forestry resources after the ‘success’ of devolved management of wildlife through the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE). This paper examines the outcomes of the introduction of co-management in the Mafungautsi Forest in Zimbabwe. Decentralisation reforms of 1984 introduced new institutional arrangements, which resulted in a shift in the power loci and relationships. However, co-management in the Mafungautsi has not devolved meaningful powers to these new institutions, making them more accountable to the forestry department than they are towards their constituencies. In the Mafungautsi, this has had the result of outcomes counter to those for which the programme was implemented. The results from the Mafungautsi case study in Zimbabwe demonstrate that a decentralisation reform that establishes institutions that are upwardly accountable to the centre will more likely result in negative social, economic, and environmental outcomes.

Résumé

Le Zimbabwe s’est embarqué dans un processus de décentralisation de la gestion de ses forêts après le succès de l’expérience de dévolution des responsabilités de gestion de la faune aux communautés locales à travers le programme CAMPFIRE. Cet article s’intéresse aux résultats de la co-gestion de la forêt de Mafungautsi, au Zimbabwe. La décentralisation à travers la co-gestion a introduit de nouveaux arrangements institutionnels ici, traduits par un déplacement des pouvoirs et des relations interacteurs. Mais à bien observer, la co-gestion en question n’a pas transféré des pouvoirs significatifs aux nouvelles institutions locales (les comités de gestion). Ceux-ci sont donc devenus plus ‘redevables’ vis-à-vis de l’administration forestière que des communautés locales, dont lesdits comités sont censés pourtant défendre les intérêts. Dans la zone de Mafungautsi, ceci a débouché sur des résultats sociaux, économiques et environnementaux

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négatifs. Après avoir réalisé que la co-gestion et la décentralisation ne répondaient pas à leurs aspirations et à leurs besoins, les communautés locales ont mis en place des mécanismes de résistance pour contrer les pouvoirs de l'administration forestière. Ces mécanismes englobent des feux de brousse, des incendies 'criminels', et le braconnage. Les résultats de Mafungautsi montrent que la décentralisation crée des institutions locales qui rendent davantage compte au gouvernement central, elle enregistre à l'inverse de médiocres résultats au niveau local.

Introduction

'Please' said one chief with a sad twisted smile
'your hacking is stretching for over a mile.
These forests provide us with edible sap, and cow berry fruits;
not to mention the spirits that live in their roots.'

'Never fear', barked McGee, 'our work does no harm.
It's your very own cutting that's cause for alarm.

Why cutting in chaos for your houses and fuel
wastes fine wood we could sell in ol' Liverpool.
If you keep using forests for your insatiable needs
how will we ever supply Europe with their needs?'

(Ribot 1997)

Local communities face a profound challenge when confronted by the ostensibly 'scientific' discourse of external extractive commercial timber interests. The forestry industry tends to view 'non-commercial' use of forests by local farmers as destructive—telling local people that they are the source of environmental decline. This article shows how initiatives to involve local communities in conservation through co-management arrangements in Zimbabwe reproduce the outcomes (and tragedy) that the above citation suggests. Despite a discourse of inclusion or 'co-management', governance practice in Zimbabwe reflects the same stance: locals undermine the forest resources with their practices, and thus they cannot be trusted or empowered. Foresters and industry must oversee forest management as a protective measure.

Current environmental management ('co-management') practice in Zimbabwe must be evaluated in the context of the historical shift from fortress approaches to conservation where people and nature are systematically separated to the more-participatory approaches of the past two decades. In

the first instance people were unapologetically excluded from conservation areas—which often contained the natural resources on which they depended for subsistence. This introduction will explore the historical shift from fortress conservation through participatory approaches to co-management. While the discourse has evolved considerably, the way local populations are treated in practice has not substantively changed.

‘Fortress Conservation’ and its rationale

‘Fortress Conservation’ is the use of force backed by legislation to preserve forest resources by excluding people from gazetted areas. Gazetted forest reserves, though called by different names in different contexts, are nonetheless a common scenario in countries with valued forest resources that are considered by central government to be threatened by human activity. In Zimbabwe, the country of focus within this study, ‘Protected Areas’ have been set aside in terms of the Forest Act of 1996, largely justified by the need to protect ecosystems for reasons including biodiversity conservation. Within Zimbabwe’s wildlife sector, such reserved areas are called National Parks according to the National Parks and Wildlife Act of 1975 (amended in 1982).

The ‘Tragedy of the Commons’ rationale, first advanced in 1968 by Hardin, has since been used to reinforce the Fortress Conservation movement to place communally held natural resources in reserves (Feeny et al. 1990). Hardin (1968) hypothesised that a resource used collectively by a group would quickly be depleted as each individual pursues his or her own personal interest, which would, in turn, destroy the resource. This rationale supports the conclusion that, in the interest of a community and its collective resources, rules and management should be externally enforced, as by a state agency.

Central state actions to designate forests as ‘reserved’ can have conspicuous consequences towards land management in a country. The Southern African region has an average of 15 percent of its land area under protection. Botswana has an even higher 39 percent of its land reserved (Resource Africa web-site, accessed 2004). Designation of forest reserves is purported to be based upon technical expertise, in the interest of arresting the degradation of vulnerable forest and catchment areas. However, in some countries, gazetting takes place on a rule-of-thumb basis. For instance, in Zambia, the United National Independence Party (UNIP) arbitrarily called for the 15 percent of all land to be set aside as reserved forest in its 1959 Manifesto (Akapelwa 1996), with social and tenure issues perceived as not relevant to address resource sustainability. This sort of action is illustrative of central states’ drive to use the fortress conservation discourse to control vast tracts of resources with little accountability to residing communities and their existing land-use practices.

Recently, states have become aware that these reserved forests are continuing to experience rapid degradation. Financial and human resource outlays allocated to protecting forests have proven prohibitive for already cash-strapped developing country government budgets (Pullan 1988). Moreover, communal farmers alienated from resources they depend upon have tended to destroy the resource under contention. In addition, the Tragedy of the Commons rationale for government intervention in natural resource management has been rejected by many academics on the grounds that communal land is being wrongly treated as an open access resource, rather than as common property (Bromley and Cernea 1989; Repetto and Holmes 1984; Ostrom 1990; Feeny et al. 1990; Murphree 1990, 1991; Runge 1992). An open access resource implies unrestricted access by new users, while a common property resource has collective restrictions against new entrants, and thus the possibility for self-governance. With the discernible failure of state management of natural resources, academics and practitioners are now exploring the possibility of community-based management of natural resources.

Paradigm shift in conservation

At the 1992 Rio de Janeiro Earth Summit, environmental protection objectives were heralded as concurring with economic development objectives through the notion of sustainable development.¹ At this Summit it was further acknowledged that the imposition of fortress conservation had resulted in more failures than successes (Pearce 2003a; Brockington 2002; Hulme and Murphree 2001; Beinhart 1984, 1989). The Rio declaration represented a clear move away from the position adopted by protectionist advocates that natural resources will be squandered if they are not isolated from human activity (for example Grzimek 1960).²

In Africa, there has been a shift away from fortress conservation in the past ten years, towards community-based management. Many regard this movement as the 'new conservation' paradigm (Nhira et al. 1998; Jones 2001; Kangwana and Mako 2001; Sibanda 2001; Matose 2002; Brockington 2002). Hulme and Murphree (2001) indicate that this new approach, while not useful as a panacea for all conservation problems in Africa, provides a framework for developing workable conservation policies and institutions. In Zimbabwe, with the experience of the Communal Areas Programme for Indigenous Resources (CAMPFIRE), communal farmers have been able to prove to the state government that they are capable of sustainably managing their resources when management authority is entrusted with them (Hulme and Murphree 2001).³ In Namibia, the Kunene community-based wildlife management

programme similarly uses pragmatic approaches to resolve competing interests over land-based resources (Jones 2001).

This new paradigm has seen an increase in the advocacy of community participation in forestry, as well as an expectation that management be carried out by those immediately dependent on the resource. Despite efforts by forestry departments and states to implement participatory management programmes, it is ultimately the balance of power⁴ which determines whether co-management succeeds. Many decentralised forestry management arrangements have resulted in increased responsibility for newly formed local management units and local people, without a corresponding increase in their rights and privileges (Pénélon 1997). This renders some participatory forestry projects a burden to the local level, and such initiatives are refused or passively accepted.

In some instances the donor community has been the main driving force towards change in forestry departments. Initiatives are then implemented as 'projects' and perceived by forestry departments as a passing phase through which donor funds can be accessed.⁵ According to Pénélon (1997) participation is accepted as long as it does not disturb existing power structures. Often this leads to a restricted form of participation, adhering to project frameworks, with a limited life span (Pénélon 1997:ii). Moreover, protectionist values can be embedded in 'scientific' discourse and promoted as fact by those whose interests it serves (Forsyth 2003; Leach and Mearns 1996; Fairhead and Leach 1995, 1996; Beinart 1984, 1989; Scoones 2003; Cousins 1990). As such, 'development' activities can actually serve to entrench government power as was the case in the Thaba Tseka Project in Lesotho (Ferguson 1990).

Devolving forestry through co-management

Co-management is a form of environmental or resource management regime that features partnerships between local communities or resource users and agencies of national governments, which normally possess the legal mandate for environmental protection (Guillet 2002; Young 2002; Jentoft 1989; Pinkerton 1989; Berkes 2002). This management strategy connects local level management with government level management institutions in areas such as fisheries, wildlife, protected areas, forests and other resources (Poffenberger and McGean 1996; Berkes 2002).

Co-management can also be defined as a situation in which two or more social actors negotiate, define and guarantee amongst themselves a fair sharing of the management functions, entitlements and responsibilities for a given territory, area or a set of natural resources (Borrini-Feyerabend et al. 2000; Hobley 1996). Ideally, the state should share responsibilities in decision

making in a co-management arrangement, rather than posing a milder version of state management (Guillet 2002).

In the case of Mafungautsi, to be described below, it was found that despite changes in discourse to incorporate community involvement in management of forest resources, co-management has not really led to a change in some very specific and key aspects of practice. The institutional arrangements developed through the programme were found to be upwardly accountable to donor, government, and business interests rather than to the community which was supposed to share responsibilities. 'Scientific' knowledge continued to be imposed to justify forest conservation implementation, though it involved questionable practices. Benefits from forest resources to local level users were severely limited, making compliance difficult. Tenure insecurity and local discontent instigated by the programme altered the relationship that forest users had traditionally had with the forests. The continued exclusion of local people from decision-making as well as from benefits of resource exploitation and use has ultimately led to negative programmatic outcomes.

The remainder of the paper examines an attempt to devolve forestry management in Mafungautsi in the Midlands Province of Zimbabwe. The co-management programme in Mafungautsi aimed to improve environmental, social, economic and ecological outcomes of forest management and use. The case of the co-management in Mafungautsi will be presented and evaluated against the policy backdrop of previous approaches.

The research area

The research was conducted in the Mafungautsi area of Gokwe, which falls under the Midlands Province of Zimbabwe. The fieldwork for this research was carried out from 1999 to 2001. The study sites were the two Resource Management Committee (RMC) areas of Batanai and Chemwiro-Masawi.

The Mafungautsi State Forest is one of 24 gazetted forests in Zimbabwe. It comprises 82,000 hectares and has deep Kalahari sands. The soils are of good quality for farming in the initial years of opening up the land, but they quickly decline in fertility in subsequent years, requiring the application of increasing quantities of fertiliser and manure. Unable to afford the escalating cost of artificial fertilisers, local farmers are left with little choice but to open new tracts of land as fertility declines in older fields (makura) (Manyame pers. comm.; GRSMP 1994).⁶

The interest of local farmers residing in the surrounding communities to acquire forest land for cultivation underlies their struggle with the Forest Commission of Zimbabwe (FCZ), the state agency responsible for forest management. In 1954, 101,900 hectares were gazetted to create the

Mafungautsi State Forest. This process entailed the displacement of villagers residing within its area. Village heads were moved out of the forest against their will. During the liberation war in the 1970s, concessions were made to neighbouring communities in that a 22,000 hectare area of the forest was de-gazetted in 1972. The Batanai people were moved from their original jurisdiction under Chief Njelele to that of the Nemangwe Chieftanship in this new area. The many who were displaced did not accept this action, believing the FCZ to have stolen their land.⁷ Others, besides the Batanai residents who had been previously evicted from the Mafugautsi Forest, also settled in this de-gazetted area.

Zimbabwe achieved independence in 1980, and a great deal of political unrest ensued in some districts,⁸ leaving the government with few resources to allocate to enforcement. Some members of the surrounding communities re-settled in the Mafungautsi. However, in 1986, the FCZ camp in the Mafungautsi was burned down, and the FCZ responded to this dissident activity: all settlers were forcibly evicted by the Zimbabwe National Army.⁹ Thereafter, the enforcement became very stringent. In 1990, the Forest Protection Unit, an armed unit of the FCZ, was introduced to strictly enforce forest reserve regulations, with the power to arrest. Nonetheless, local communities have retained a sense of legitimacy of their history of land occupation and their need for forest products for their livelihoods (Baker 1997).

In 1985, Zimbabwe enunciated a multiple land use policy for indigenous forests. The FCZ tried to implement this policy to accommodate local communities by allowing for certain land use demands, such as grazing and thatch collection. At one point, they allowed families to reside within the forest through a system of permits. However, in the interest of maintaining the number of permit holders, their offspring could not reside there, and this dilemma has posed a problem for implementation. The FCZ staff have nonetheless remained very cognisant of the need to resolve conflict and to allow for further opportunity to implement the multiple land use (Baker 1997). They would encourage a programme to help them achieve both of these objectives.

It has additionally been clear to the Zimbabwean government that they cannot financially support enforcement of fortress conservation. In the 2002/2003 national budget of Zimbabwe, the Ministry of Environment and Tourism, under which FCZ falls, received the second smallest budget allocation of Z\$2,494 billion out of a total budget of Z\$78,241 billion.¹⁰

Recently the activities of the FCZ were streamlined in a bid to improve its financial position in the face of declining central government revenue

allocation. Policy toward a co-management initiative was developed at FCZ's head office, with pilot implementation to take place at field level—in the Mafungautsi. This pilot programme was to be implemented through the FCZ, and enabled the creation of Resource Management Committees (RMCs), which were to serve as bodies of locally elected representatives who would pass on the grievances from local level in a bottom up approach. The pilot project arrangement was to inform what could be the basis of future sustainable forest management arrangements in Zimbabwe.

It should be noted as a backdrop, that informing co-management's overall implementation and outcome, is Zimbabwe's decentralisation reform. Zimbabwe embarked on the decentralisation of governance with the Prime Minister's Directive of 1984. As previously discussed, central government actors in forest management include the Forest Commission of Zimbabwe (FCZ) and its armed unit, the Forest Protection Unit (FPU). The Rural District Council (RDC) is the local authority composed of 20 or more Ward Development Committees (WARDCO), which are in turn composed of Village Development Committees (VIDCO). VIDCOs make up the lowest administrative unit in smallholder farming areas. Members of a WARDCO choose a councillor to represent their ward in the RDC.¹¹ The Resource Management Committees were created in the mid-1990s with the FCZ's introduction of co-management arrangements in rural communities surrounding forests.

The RMCs were created to serve as the link between FCZ and the local people in their 'co-management' venture, with the FCZ holding oversight responsibilities. Resource Management Committees in both Batanai and Chemwiro-Masawi¹² were established in 1997. The FCZ organised the meetings to elect seven RMC members: the chairman, vice-chairman, treasurer, secretary and three committee members. The committees were to serve as the link between FCZ and the local people in their 'co-management' venture. As such, co-management was viewed as a way of democratising forestry management. Both RMCs were to acquire revenue from the selling of thatching grass, broom grass and reeds. Firewood was to be collected with the assistance of the Forest Protection Unit (FPU), situated within the forest.

The Canadian International Development Agency (CIDA) provided the resources for the decentralisation process, amounting to over Z\$12 million, serving as a driving force for the development of co-management in Zimbabwe. Most of the resources were channelled to the state forestry department with communities expected to benefit indirectly through initiatives such as the training of some of the RMC members. Most of the resources from CIDA sought to strengthen the FCZ, through the purchase of equipment

(vehicles, camping gear) and the improvement of the FPU camp at Lutope within the Mafungautsi forest.

Research findings

Establishment and operation of resource management committees

The formation process for both Batanai and Chemwiro-Masawi RMCs was clearly driven by the FCZ, which is responsible for both overseeing and endorsing RMC elections. Both RMCs were created at the beginning of the implementation process, and in both instances, the FCZ had the power to set up the rules of co-management. For instance, the FCZ directly influenced the electoral process for the RMCs. The community members of Chemwiro-Masawi tried to challenge the FCZ's choice of the RMC's composition by passing of a 'vote of no confidence'. This, however, was nullified by the FCZ on the basis that it was necessary to retain the trained RMC members, regardless of their inefficiency. In Batanai, the FCZ approved a committee with political elites who, at a later point, misused the RMC funds. The FCZ also eventually sidelined a female member they deemed counterproductive to their objectives by manipulating the number of votes that she received. This close level of control over RMC makeup had the additional result of entrenching accountability of these new organisations upward to the FCZ.

Once formed, there was further evidence of the influence of the FCZ upon the RMC's activities. As a general point, RMC members do not understand the contents of their respective constitutions and operational frameworks. The RMC constitutions and operational frameworks were prepared in English. English is not understood by most people of Batanai and Chemwiro-Masawi, who reside in an area with some of the lowest literacy levels in Zimbabwe (CSO 1994; GSRMP 1994). In both RMCs, as was the case with all RMCs created through the co-management project, the constitution was adopted without any amendment to alter the mandate of the FCZ towards its management of the forest.

With their operational framework prepared in English, rules are also beyond RMC members' comprehension. Both RMCs seem to rely upon the FCZ to organise meetings, and the FCZ is responsible for recording the official minutes at these meetings. In the event that RMC members would want to hold their own meetings, any decisions with potential impact on forest resources required the FCZ's endorsement. The RMCs are not legal entities, and as such cannot represent their constituencies in a manner independent of FCZ interests.

Powers that the RMCs have include granting permits for collecting thatch and broom grass in selected areas of the forest reserve, as well as encouraging tree planting in smallholder areas. They work closely with the FPU to fight fires within the forest reserve, and have also assumed roles of enforcement. Consequently, they are perceived by community members as a complement to the FPU. Some RMCs have even begun to request FPU uniforms and allowances for their equivalent services. This further speaks to the RMC's sense of accountability to the FCZ and its objectives, rather than to those of the communities they are supposed to represent in a co-management arrangement.

Access to financial resources

The decentralisation attempts in Zimbabwe, through the Prime Minister's Directive of 1984, appear to have been superficial in that decentralisation has been carried out to the RDC level, without real benefits trickling down to the lowest tier of governance, the village level. Revenue collection, except for very low local rates, has largely remained centralised. Most RDCs still receive more than 90 percent of their revenue from central government as tied grants—which effectively means that the central government decides the amount of resources the RDCs receive and how it must be spent. Thus, the responsibilities that the central government has devolved are in fact burdens to local authorities, as they do not beget matching resources to feasibly provide the devolved services.

With respect to co-management project in the Mafungautsi, specifically, of the over Z\$12 million budget from CIDA, Z\$8,246,422 was expended on operational costs and Z\$4,606,243 on capital costs, totalling Z\$12,852,665. Most of this expenditure directly benefited the FCZ's FPU arm through the purchase of vehicles, office equipment, FPU houses at Lutope, lodges, and camping equipment. The RMCs, on the other hand, directly received less than one percent of the total co-management budget.

As further illustration of the perceived disconnection between the financial objectives of the local level and those of the FCZ in the co-management project, prior to the establishment of the RMCs, the FCZ provided opportunities for traditional and RDC leaders from the Mafungautsi to fly in a chartered plane over the gazetted forest and the communal areas so that they could witness, first-hand, the difference between land cover in both resource regimes. From the village-level point of view, these were resources that could have been put to better use. People on the ground could easily discern that there was more tree cover in the gazetted forests than the communal areas, as demonstrated by participatory mapping exercises in Batanai and Chemwiro-Masawi RMCs. Community members viewed such

flights using funds allocated for the co-management project as bribes for local leaders to adopt co-management on FCZ terms.

Co-management activities

The co-management pilot initiative seeks to allow for and regulate specified community activities within specified area reserved forest, working hand-in-hand with communities. In the following section, findings concerning several activities conducted in the Mafungautsi Forest are illustrated.

Bee-keeping within Mafungautsi

The people of Chemwiro-Masawi were permitted to set up a bee-keeping project at the edge of the Mafungautsi Forest. The project, however, was co-opted by ten business people, most of whom did not reside in either Chemwiro or Masawi. They invited the RMC chairperson to become an eleventh member of their business. The community members of Chemwiro-Masawi regarded their RMC chairperson's cooperation with the business group as a betrayal of their interests and trust.¹³ The group of business people had a further vision of starting a dairy project within the Mafungautsi Forest. However, though the community disagreed with the business people's interests and no longer had a sense of ownership for these activities, they did not want to spend their resources buying out shares of the businesses to take back control of their operations. They felt their resources could be used for better purposes.

Access to firewood

While the issue of firewood has been important for both areas, firewood shortages are far more pronounced in the Batanai than the Chemwiro-Masawi area. Batanai is inhabited by a number of people who were relocated from the Mafungautsi Forest and forced into a small part of the Batanai area, with the result of more people occupying small pieces of land. Chemwiro-Masawi has had no such influx of migration. People living in the Chemwiro-Masawi area also are closer to the Small Scale Commercial Farming area, reasonably endowed with trees, from where they have been able to obtain firewood. There has also been much more vegetative cover within Chemwiro-Masawi RMC than Batanai RMC area (Mapedza, Wright and Fawcett 2003). These differences notwithstanding, in both communities, even with co-management, people have continued to collect firewood 'illegally'. The co-management arrangement was designed to keep firewood collection to a minimum, and this designated level has turned out to be far under household demand. Even RMC members were allegedly involved in the 'illegal' or 'unsupervised' firewood collection.

Commercial timber logging

The Communal Lands Forest Produce Act of 1987 stipulates that the proceeds from commercial timber logging go to the RDC, with FCZ receiving a supervisory fee. Commercial timber logging activities, which are not common in reserve areas, do happen to take place in the communal area of Chemwiro-Masawi. The co-management initiative thus created a window of opportunity for the local community to claim proceeds from timber logging on the grounds that co-management was supposed to involve joint management and ownership. The community contended that they should be equal partners in deriving benefits from timber, rather than being restricted to such peripheral benefits as thatch and broom grass.¹⁴ This debate ensued between the RDC and the community. The community was represented by the traditional village head in the case, who had been the secretary to the late Chief Njelele, and was a member of the Zimbabwe Farmers Union (ZFU)'s provincial committee, and was plugged into an international network of farmer's organisations.¹⁵ Through his efforts, the community successfully negotiated that the RDC pay a portion of its proceeds in the form of school furniture to the community.¹⁶

FCZ discourse versus outcome

The FCZ adopted a discourse of local participation and empowerment in order to appeal to the donor community and successfully secure funding to initiate the programme. However, it has clearly not been operationalised as expected, and this has been recognised in CIDA's mid-term evaluation (Roper and Maramba 2000).

Discussions with the FCZ itself have revealed that the co-management initiative has been primarily focused upon ecological conservation. FCZ staff, in initiating the project, believed that the objective of co-management was to conserve trees and natural resources in the forest, and that the communities should accept the 'gospel' that they were preaching. A respondent in the Chemwiro-Masawi RMC area, discussing the role of the RMC, said: 'RMCs are dying a natural death because the power was given to the RMCs and not the ordinary community people'.

At the beginning of the project's implementation, the first field officer responsible for implementing co-management said:

The Forestry Commission controls the forest area and will continue doing so after the implementation of the project. It will maintain the role designated to them by the government... co-management is meant to minimise conflicts between the Commission and the communities, which normally lead to the destruction of natural resources.¹⁷

Co-management of forestry resources in Mafungautsi was not considered to be an arrangement to be negotiated, but a new means of forwarding conservation objectives that would allow for conflict management. The FCZ did not appear to consider the values and beliefs of the local partners in co-management. What is particularly remarkable about the initiative in Mafungautsi is how the social and economic considerations of the local actors in the area were often seen as what Hobart calls the ‘obstacles to rational progress’ (Hobart 1993). The FCZ sought to use co-management to convince the people that destroying natural resources was illegal, citing sections of the Forest Act Chapter 19:05 of 1996, Communal Lands Forest Produce Act of 1987, and the Natural Resources Act 20:13 of 1996. Moreover, their explanations, conducted using English terms, were not understood, as the post-meeting interviews showed.¹⁸

Fundamentally, though the FCZ used the term ‘shared forest management’ as co-management’s objective, in reality they sought to implement ‘shared forest access’ (Roper and Maramba 2000; Palit 1994; Shah 1995; Banerjee 1996). There was no management role delineated for the communities. Management of the forest, it was argued, was still a preserve of the FCZ. The rural communities were compared to children in a household who were said to have no say in how the head of the household runs it—and probably one could add or mis-runs it.¹⁹

Negative environmental consequences

Ultimately, the co-management initiatives carried out in Gokwe South RDC have led to negative environmental outcomes, as demonstrated in both Batanai and Chemwiro-Masawi RMCs. Having come to realise that co-management was not meeting their needs, the local actors have resolved to use the varying weapons at their disposal to counter the powers of the forest department, including forest arson and increased poaching. Poaching for both trees and wildlife appeared to be on the increase. Forest fires increased despite co-management. Stealing from the forest was condoned even by traditional leaders who felt that people stealing from ‘Mugabe’s Forest’ were reclaiming their own resources.

Additionally, the co-management initiative contributed to the perception among local users that where the forest reserve boundary began was where their traditional conservation norms and practices ended. In the reserved forest, which was not controlled by the villagers through traditional leaders, traditional management rules were not considered applicable. Local people felt it was justifiable to destroy trees in the forest rather than in the village woodlands. The use of snares was often considered to be a dangerous strategy

as it harmed livestock, but the practice was all the same considered acceptable in the reserved forest.

With this background of a sense of discontent for FCZ policies were the raised hopes that communities had upon co-management's adoption that it would help them move back to their 'old homes' in Mafungautsi. As the results of co-management came to differ from these expectations, communities responded. A delegation sent to the Forest Minister by Headman Ndhilambi of the Batanai people was told that moving back into the gazetted area was not possible. They were advised to register under the government's resettlement programme.²⁰ More recently, the Chemwiro-Masawi RMC Chairman claimed there was a need for a few people to be allowed to settle in the forest to monitor illegal activities from within it.²¹ He argued that there were very productive pockets of soil within the forest area. Such actions were an attempt to address the strong interest of displaced communities to return to the forest.

By August 2001, forty-nine households had settled in Mafungautsi Forest with a total of 180 households said to have 'registered' with the new Mafungautsi village head. Interviews with those who had moved into Mafungautsi demonstrated their tenure insecurity, as they were aware of previous waves of evictions from that forest. Most of them indicated that their reason for settling in the forest was that they were previously evicted and needed to return to 'their old homes'. This movement indicates a new level of local level response to the 'land invasions' enunciated at national level (Moyo 2000; Marongwe 2002). This process of resettlement will likely accelerate the extraction of forest products, as fields for farming are opened up under conditions of tenurial uncertainty. The historical land tenure issue in Zimbabwe is complex, and arguably beyond the remit of FCZ alone. The high level of demand on the part of communities to settle back in the forest speaks to co-management's failure to achieve its objectives.

Apart from local communities serving as a threat to ecological health with their discontent with FCZ policies, weakened custodial relationships with the forest, and tenure insecurity; perverse incentives for the RDC have additionally contributed to forest degradation. In Gokwe, the concessionaires in most instances admitted to cutting well above their quotas due to poor monitoring by the RDC and FCZ. Forestry industry activities involve a perverse incentive for the financially starved RDCs to allow for more trees to be cut, as it allows them to obtain more revenue. The logic and argument that self-interested local communities will deplete forest resources if these resources are not protected appears to equally apply to the RDCs, who, though supposedly 'more enlightened' toward protecting forest and natural resources,

have strong incentives to pursue their economic interests as well. Moreover, the local communities—the very people considered by the government to attach little or no importance to trees and forests—have surprisingly resisted further actions by the RDCs to cut down trees in communal areas.

In the Mafungautsi, the FCZ has promoted an initiative to cut down indigenous trees within the gazetted forests and replace them with eucalyptus species near the Lutope FPU Camp. This initiative threatens the bio-diversity of the indigenous forests given that mono-cultural practices expose the entire forest to disease outbreaks (Shiva 1993). This raises questions concerning the premises of FCZ knowledge, which is claimed to be for the good of the forests. Such activity is illustrative of a bias towards the ‘western science and knowledge’. Some of this bias seems to be commercially driven at the expense of espoused values such as bio-diversity.

Although the new conservation, with its promise of community inclusiveness in natural resource management, is a welcome development, without proper attention to local values, beliefs, and needs, forests have in many cases become battlegrounds in which state interests wrestle the indigenous or local interests. Moreover, the current conservation achievements in reserved areas have involved significant amounts of resources to enforce gazetted forest boundaries. Thus, while it is true that aerial images of the Mafungautsi Forest show that the reserved forest area has more vegetative cover than the communal areas (Mapedza et al. 2003), the fact remains that it is possible to develop a management regime that further enhances the benefits of both the ecosystem and the human population than is currently the case under co-management.

Analysis and policy implications

Devolving forestry management in Mafungautsi is a serious challenge. There are profound rifts between discourse and practice. The Forest Commission of Zimbabwe (FCZ) is simultaneously a player, referee and coach in the Mafungautsi co-management arrangement, contradicting its supposed co-equal partnership status. Such imbalanced institutional arrangements make co-management unsustainable. The presumption of a co-equality status for participating communities is further contradicted by the non-negotiable roles that FCZ plays in management and policing, and by their staff’s professional training (Palit 1993, 1994; Schug 2000; Sundar 2000, for the Indian case).

In both Batanai and Chemwiro-Masawi, the Resource Management Committees are more accountable to the FCZ than they are to their constituency. For any co-management attempt to succeed there must be a balance of powers and a downwardly accountable arrangement. Such

arrangements could help transform community interests into actions that benefit them.

Local communities should benefit from co-management

Murphree (1990) argues that it is through the demonstration of benefits that communities are willing to incur management costs. These costs have to be clearly linked to the benefits. This does not seem to be the case in Mafungautsi. Unfortunately, the socio-economic benefits to the participating communities are not central to the Project's goal and objective (Roper and Maramba 2000). Roper and Maramba (2000) question whether there are sufficient economic benefits for communities to want to assume co-management responsibilities. They point out that where forests have limited economic potential, economic diversification is necessary to lessen dependence upon stressed forest resources.

Community-based forest management conceptually embraces the notion that forests should serve people and that the rural population should have a formal role to play in forest management. However, in Zimbabwe, co-management seems to have been conceived under a similar set of beliefs as those that underlie fortress conservation. The FCZ accepted the opportunity to develop the programme and obtain funds from the Canadian International Development Agency at a time when its financial resources were dwindling. The FCZ and district forestry bodies have half-heartedly implemented 'devolved' management, using the language of decentralisation, without meaningfully shifting the power loci to local communities.

Revisiting the 'Forest Reserve' concept

The co-management of forestry resources was a measure intended to drive down the pressure and demand for the gazetted land from the local communities in the Mafungautsi area. Resource governance at a local level, it was reasoned, would perform a legitimating role for the state property regime without making concessions on the control and ownership of the forest. This approach seems to have failed, as local communities continue to demand to settle in the forest area. This implies that there is need to review the approach of the reserved or gazetted forest altogether. Most of these forests were set up using vague 'rule of the thumb' guidelines and faulty 'science', overlooking the needs of the local communities whose livelihoods heavily depended on the forests. Innovative approaches in the management of forestry resources are needed that are based upon genuine negotiation and

a willingness to accommodate the demands and the experiences of the local communities whose livelihoods depend on forestry resources and land.

Co-management enabling legal framework

The decentralisation attempts in Zimbabwe seem to have been nominal, as they have been carried out merely to the RDC level. Moreover, decentralisation to this level has only been decentralisation of burdens in response to the austerity measures international financiers have placed on the Zimbabwean government (Wekwete and de Valk 1990; Makumbe 1998; Conyers 1990, 2001, 2003). There is a need to recognise the lower tiers as legal entities at the very least in order to empower them to make decisions, which in turn promotes downward accountability.

The reconfiguration of forestry knowledge and science

The apparent bias towards ‘Western science and knowledge’ on the part of forestry is commercially driven, with little attention to the bio-diversity objectives. For co-management to be carried forward effectively there needs to be an appreciation for traditional knowledge and methods to manage forests they have historically relied upon for their livelihoods, and an appreciation for their incentives to practice these management measures. It is important to avoid creating conditions that contribute to the view that the forest belongs to the government, relieving them of responsibility to take care of shared resources.

Conclusion

This article brings into question the notion of co-management as a means of decentralising control of natural resources to local people. In the Mafungautsi case, co-management was constituted by unequal relations between parties (the local people and the government agencies), a failure to link benefits to conservation activities, the imposition of outside ‘knowledge’ on local people and on their priorities, and a bias toward western science and knowledge. The fact that this imposition and bias persisted reflects the degree to which the programme’s activities were pre-determined and imposed from above, as well as the degree to which the programme promoted accountability upward to the administration rather than downward to the needs of local people.

The case of Mafungautsi area of Zimbabwe illustrates how co-management constituted by upwardly accountable institutions is not likely to result in a sustainable management regime for natural resources such as forests. Upwardly accountable institutions do not build trust and may not resolve conflicts between the state and the local communities (Singleton 1998; Berkes 2002). Compromised co-management efforts, intending to offer marginal

changes while largely maintaining the status quo, are more likely to result in compromised outcomes.

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Notes

1. This thinking was further reinforced at the World Summit on Sustainable Development (WSSD) in Johannesburg in 2002.
2. Williams (2003) traces this so called ‘impending ecological disaster’ perspective—attributed to the over-consumption of natural resources such as forestry—to the time of Plato, who noted that trees were disappearing in his native country of Greece. Williams also cites Cicero’s essay of 43 BC as further evidence of the negative human impact on the environment. Soil erosion has also been cited as a cause for the decay of the Roman Empire.
3. It must be noted, however, that the CAMPFIRE programme has failed to decentralise powers to the local level institutions in some cases (Murombedzi 1994; Mandondo 2000; Alexander and McGregor 1996, 2000; see also Bazaara 2006).
4. Power is a key aspect in the study of natural resource management as it helps shape the relations of production (Moore 1993).
5. Murphree (2004) argues that a ‘project’ approach towards natural resource management is not conducive for sustainable resource management.
6. Currently inflation is said to be at 1193.5 percent. The level of inflation has made it difficult to acquire agricultural inputs (Reserve Bank of Zimbabwe website 29 June 2006).
7. Headman Ndhlalambi, pers. comm.
8. In the early 1980s, the state was attempting to suppress the second largest ethnic group in Zimbabwe (the Ndebele) in order to create a one-party state.

9. Such violent conflict by the state is reminiscent of the events that have taken place in Lake Mburo National Park in Uganda (Hulme and Infield 2001) and Tarangire National Park in Tanzania (Kangwana and Mako 2001).
10. The official exchange rate is US\$1=Z\$101195 or £1=Z\$185127. However, due to the shortage of foreign currency, rates are said to be operational at twenty times the official rate on the parallel market (Reserve Bank of Zimbabwe website).
11. Zimbabwe is divided into 57 RDCs, which do not cover urban areas. They are covered by Town Boards (small towns) or Municipalities (cities).
12. Chemwiro and Masawi are two Village Development Committees that make up one RMC.
13. This was likely one of the reasons why the community passed a vote of no confidence for their RMC, which was overturned by the FCZ, as previously mentioned.
14. The interest in benefiting from commercial timber logging was also raised in Ngomeni and Muyambi Wards during the 1993 Ward Workshops. The people pointed out that the Arusha Timber Company, another concessionary company that operated in Gokwe earlier on, should not have benefited alone from the concessions, as the community felt it was entitled to the benefits.
15. He had had the opportunity to visit Sweden as part of a group of farmers to assess the operations of farmers' organisations in other countries.
16. It should be noted, however, that there was no commitment made by the RDC as to when and how the payment would be made. Debt collectors had to be sent after the RDC for payment.
17. Citation obtained from C. Nhira's field notes.
18. Author interviews, 15 March 2001.
19. Author interview, 13 February 2001.
20. This had taken place when the government was still involved in its first phase of re-settlement, and not the current fast track land resettlement programme.
21. Moyo, pers. comm.

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Qui représente qui ? Choix organisationnels, identités sociales et formation d'une élite forestière au Cameroun

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Résumé

La représentation est un des paramètres de la traduction sociale de la décentralisation de la gestion des forêts camerounaises. Elle consiste en la mise en place de comités, qui, nantis de responsabilités, deviennent l'émanation des communautés villageoises considérées. Le présent article est le produit d'un travail de recherche effectué au Sud-Cameroun depuis trois ans. En abordant dans la profondeur la question de la représentation environnementale telle qu'elle s'exerce à travers la gestion décentralisée, cet article montre dans un premier temps que ladite représentation a été mal construite, car la désignation des membres des comités villageois de gestion n'a pas vraiment privilégié la compétition électorale. Dans un second temps, l'article, avec comme prémisse la dépendance et la capture des comités par des forces extérieures, met en avant le caractère non substantif et subjectif des démarches des membres des comités de gestion. En fin de compte, les auteurs concluent que cette représentation environnementale n'est pas responsable et ne conduit pas à la démocratie locale, parce que libre de toute redevabilité. Ils proposent pour cela des mesures de son amélioration et de son évolution vers une représentation plus responsable.

Abstract

Representation is one of the parameters of the local ownership of forest management decentralization in Cameroon. Community representation under Cameroon's forest management laws is based on village management committees with given responsibilities and powers. This article derives from a study of environmental representation in Southern Cameroon over the last three years. The article shows how environmental representation was built up through the non-democratic and non-competitive selection of management committee members. The article also shows the capture of numerous management committees, reflecting the self-seeking behaviors of their members' involvement

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in decentralized management. The authors conclude that current arrangements do not produce effective environmental representation and rural democracy, for the committees do not account downwardly to the population. They therefore propose measures to improve representation and to orient the committees to be more responsive.

Introduction

C'est dans un environnement international en proie au «vent du changement» que le Cameroun, tout comme d'autres pays de l'Afrique sub-saharienne (Healey et Robinson 1992:113-121 ; Apter et Rosberg 1994:40-45 ; Bratton et van de Walle 1999: 4-10), a posé les bases de—et entamé—la restructuration de son infrastructure institutionnelle et politique au début des années 90. La légalisation du multipartisme politique en décembre 1990 est une des significations majeures de ce changement (voir aussi Kassibo, le présent volume). Cet effort politique a libéré la société civile, décompressé l'espace public (Oyono et Temple 2003:68-70 ; Oben Mbuagbo et Neh Fru 2003:135-39), et institutionnalisé le pluralisme politique et social, conduisant, par exemple, à une prolifération de partis politiques—123 à la fin de la dernière décennie (Eboussi Boulaga 1999:62-4)—et à une inflation de demandes et d'aspirations politiques, sociales et économiques formulées par les couches populaires.

La gestion des forêts constitue une des questions publiques les plus brûlantes au Cameroun depuis un couple de décennies. Sa refonte institutionnelle s'inscrit dans la trame des évolutions ci-dessus évoquées. Les conflits de langage (Oyono 2004d, sous presse ; Oyono 2004g:117-18), des chocs discursifs (Diaw et Njomkap 1998:32-26), des malentendus (Van den Berg et Biesbrouck 2000:24-26 ; Nelson et Tchoumba 2004:156-61), et des conflits matériels entre l'Etat et les communautés locales au sujet de la propriété de la forêt se sont multipliés et se sont généralisés (Nguiffo 1998:104-108 ; Mimbimi Essono 2004:169-82). Mais également, les demandes d'équité, de pluralisme, de justice sociale et de justice environnementale dans l'accès des communautés locales aux bénéfices issus de l'exploitation des forêts ont été davantage prégnantes depuis le même temps (Mimbimi Essono 1996:3-7; Bigombé et Nkoum-Me-Ntseny 1997:5-6; Nguiffo 1998:107-109). En réaction, l'État camerounais s'est résolu à céder aux communautés locales des espaces de pouvoir et des responsabilités de gestion des forêts et d'accès aux bénéfices financiers, autrement dit à décentraliser. La décentralisation est une des tendances clefs des réformes de gouvernance institutionnelle dans le monde. Selon UNDP (2002:34), 80 pour cent des pays en voie de développement sont entrain d'expérimenter une forme ou une autre de décentralisation.

Il convient toutefois de dire d'emblée pourquoi la question de la gestion de la forêt camerounaise baigne dans tant d'enjeux. Sur 475.000 km² de superficie que compte le pays, la forêt humide couvre 225,000 km², dont 175,000 km² destinés à l'exploitation forestière. Près de 4.000.000 d'individus, les Pygmées inclus, vivent dans cet amphithéâtre forestier. Réservoir de subsistance et d'avantages divers pour les communautés locales (Ndoye, Ruiz-Perez, et Eyebe 1998b: 2-7; Lescuyer 2003:13-14 ; Ambrose-Oji 2003:108-111; Lopez et Shanley 2004:13-69), support culturel (Akwah Neba 1998:10-19; Oyono 2002b:334-55), mais aussi source de bénéfices financiers (Ndoye, Ruiz-Perez, et Eyebe 1998a), la forêt camerounaise a toujours été, et ce depuis la colonisation allemande (1884–1918), puis franco-britannique (1918–1960), une source de revenus et de surplus pour les compagnies forestières étrangères (Oyono 2004g: 113-15 ; Nguiffo 2004:94-97), et pour l'État (Ndzana Modo 2003: 4-5 ; Ngampa Tchabda 2004:125-30). Le secteur des bois représente près de 8% du produit industriel camerounais. Selon Ndzana Modo (2003:4-5), le chiffre d'affaires total de ses filières était d'environ 180 milliards de francs CFA (US \$320,000,000) en 1997. Lors de l'année fiscale 2002/2003, ce chiffre est monté à près de 210 milliards de francs CFA (US \$ 345,000,000), pour près de 40 milliards (US \$86,000,000) de revenus fiscaux pour l'État. Les recettes fiscales du secteur forestier sont passées par exemple en moins d'une décennie de 10 milliards de francs CFA (US \$16,400,000) en 1991 à 25 milliards de francs CFA (US \$46,100,000) en 1998.

Encadré 1 : Structure de la filière des bois au Cameroun

Très peu nombreuses dans les années 1960, les multinationales des bois—qui sont de surcroît implantées dans d'autres pays africains—ont essaimé sur toute la partie du territoire camerounais soumise à aujourd'hui à l'extraction forestière dès les années 1970. Parce qu'elles sont éminemment porteuses des modalités de fonctionnement et de reproduction des logiques d'ensemble du grand capital, les transnationales et les autres entreprises européennes oeuvrant dans le secteur des bois camerounais se caractérisent par leur durabilité et leur maîtrise de toute la filière, en amont et en aval, dans une double perspective: la concentration monopolistique et l'accumulation/extension de la rente financière à travers une maximisation des profits[...]Telle qu'elle est structurée actuellement et telle qu'elle se réinvente chaque jour, la distribution de la récolte des grumes sur le sol camerounais reste tributaire des pôles constitués par les succursales des multinationales, en premier lieu, et des compagnies 'isolées' d'extraction européenne, en second lieu.

Source : Oyono (2004:111-22)

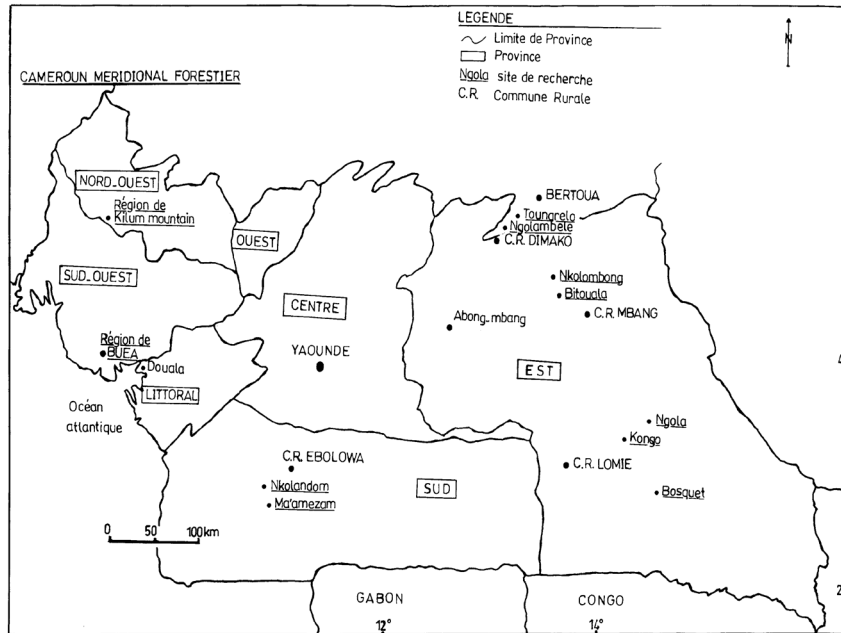
Le présent article examine à la représentation environnementale au Cameroun, vue ici comme un stock de mécanismes et de dynamiques d'inclusion des communautés locales dans la gestion des forêts et dans l'accès aux bénéfices. Dans un premier temps, il reproduit le cadre institutionnel et légal dans lequel ont émergé la notion et les pratiques de la représentation environnementale. Dans l'ensemble, cette section fait l'économie des outils légaux et des éléments administratifs fondateurs de la décentralisation et de gouvernance locale des forêts. L'article décrypte la notion de la représentation—et donc de la représentation environnementale—dans un second temps. Dans la troisième section, les modalités de construction de la représentation environnementale au niveau local sont décrites et analysées. En d'autres termes il s'agit de savoir comment les communautés locales sont représentées dans l'arène de la gestion décentralisée des forêts. Cette troisième section sera suivie d'une analyse de la configuration de la représentation environnementale et des mécanismes sur lesquels repose cette dernière.

La question de fond est de savoir si dans l'arène de la gestion décentralisée des forêts, les communautés locales sont représentées de façon substantive, et responsable, et non de façon instrumentale, d'une part ; et, d'autre part, si lesdites communautés participent à la prise de décision au plan local, et dans les espaces ouverts par le transfert des pouvoirs considéré dans cet article, dans une perspective de démocratie locale. De telles évaluations ont déjà été conduites dans d'autres contextes (Saxena 1997:85-93 ; Vyrastekova et Van Soest 2003:500-501 ; Bazaara 2006). L'hypothèse suivante est à l'origine de cette section : «une représentation dans laquelle les représentants ne rendent pas compte de leurs actions et ne sont pas sanctionnés exclut de facto la communauté des citoyens—les représentés—du processus de prise de décision et, dans le domaine environnemental, conduit inéluctablement à des résultats mitigés». La dernière section tire les leçons de l'exercice de la représentation environnementale dans la problématique de la gestion décentralisée des forêts et soulève, sans vraiment les aborder, les questions sous-jacentes comme la démocratie directe, la démocratie représentative, la reconnaissance sociale, le réductionnisme intellectuel, susceptibles d'intéresser d'autres domaines et thèmes de recherche portant sur le champ camerounais.

Représentation et représentation environnementale

La participation publique est définie par Fiorino (1990:226-28), Dichter (1992:89-92), Beierle et Cayford (2002:6-7) comme un processus—et des mécanismes—d'échange et de discussion mis en œuvre pour que les citoyens soient horizontalement, et significativement, impliqués dans la prise de décision à tous les niveaux. Elle constitue une exigence et un paradigme «à

Carte : La zone de forêt humide camerounaise encore appelée Cameroun méridional forestier*



Note: * De laquelle il faut exclure les provinces de l'Ouest et du Nord-Ouest couvertes de forêts d'altitude.

Source: Cameroun Road Map, INC, MINRES 1998, WRI/CIFROR.

la mode» dans les milieux de la gestion des ressources naturelles. La représentation participe de ce paradigme (Landre et Knut 1993:230-37 ; Vyrastekova et van Soest 2003:505-8). La participation publique, ou participation populaire, est un concept régulièrement documenté en contexte décentralisé (Nguingui 2000:72-75 ; Vabi 2000:60 :65 ; Nkoum-Me-Ntseny et Bigombé Logo 2004:285-90)—dans le cas camerounais—Rudqvist 1992:46-50 ; Ribot 1999:31-47 ; Ribot 2002:3-7 ; UNDP 2002:3-10 ; Namara et Nsabagasani 2003:8-18 ; Conyers 2003:116-18—ailleurs en Afrique). Par contre, le concept et la phénoménologie de la représentation en général et de la représentation environnementale en particulier ne font pas l'objet d'un intérêt significatif de la part des experts et des chercheurs, même s'il existe des exemples marginaux (Ribot 1999:19-21 ; Ribot 2000b:450-62 ; Ribot 2003:54-60). Wellstead et al. (2003:2-3) notent pour cela que bien que considérée comme un facteur important de tout processus de participation populaire, la représentation demeure très insuffisamment analysée, voire,

tout court, insuffisamment abordée. Or il apparaît clairement que dans toutes les questions qui exigent la participation publique ou populaire, il y a un mode donné de représentation (Manor 2004:193-195 ; Ribot 2004:2-6). Les lignes et les sections qui suivent tentent de combler ce vide, pour ce qui est du cas camerounais et de la participation des communautés locales à la gestion de «la nature et de l'argent de la nature»

Le concept et la pratique de la représentation dans la démocratie libérale prennent corps dans un présupposé suivant : «Comme tout le monde n'a ni le temps ni les qualités et la compétence de remplir certaines charges publiques, il faut que la masse des citoyens se fasse représenter par un ou plusieurs individus». Dans son assertion la plus simple, représenter signifie «se tenir en lieu et place d'autres individus», dont on partage cependant les mêmes valeurs et caractéristiques dans le sujet/problème qui a suscité la représentation. Ces valeurs et ces caractéristiques peuvent, en Afrique, être d'ordre moral ou idéologique (la religion, l'appartenance politique, etc.) ou alors d'ordre socio-économique (l'appartenance ethnique, la langue, le lieu de résidence, la profession, etc.). Ainsi, Beckley (Wellstead et al. 2003:4-5) et Knopp et Caldbeck (1990:14-15) attirent l'attention sur le fait que dans l'ensemble les caractéristiques de la représentation doivent correspondre avec celles du public ou des représentés. Ces auteurs insistent sur la nécessaire correspondance entre les représentants et le public représenté à travers lesdites caractéristiques et valeurs, sur la base des principes de droits de citoyenneté égalitaires (Cohen 1996:164-172). Cette forme de représentation, qui revient tout simplement à «être à la place de...», fait autorité dans le domaine de la participation publique à la gestion des ressources naturelles. Elle est caractérisée par des auteurs comme Mansbridge (1996:3-7) et Wellstead et al. (2003:5-6) comme une représentation descriptive, «mécaniste». Pitkins (1967:45-78) note que même descriptive, la représentation ne saurait se réduire au fait «d'être à la place de...». Pour cet auteur, la représentation doit à la fois recouvrir le fait «d'être à la place de...» et le fait «d'agir pour... ou à la place de...». Cette seconde dimension induit la responsabilité des représentants, car on ne peut répondre «pour ce que l'on est mais pour ce que l'on fait». Certains auteurs, comme Ribot (2004:2-7), estiment que la représentation devrait reposer simultanément sur la responsabilité—plus claire en anglais avec le terme *responsiveness*, ou la capacité de répondre de—et la reddition de(s) compte(s). Derrière ce binôme se trouve l'exigence de répondre de ses actes au public. Ribot (1999:19-22) parle en ce sens de «représentation responsable».

À côté de la représentation descriptive, Wellstead et al. (2003:4-5), s'inspirant de Pitkins (1967), distinguent deux autres formes de représentation : la représentation des intérêts subjectifs et la représentation des intérêts

objectifs. La première forme trouve ses racines dans l'argumentaire des utilitaristes anglais des dix-huitième et dix-neuvième siècles, qui légitiment l'intérêt subjectif et personnel dans le comportement humain et social, tout en recommandant aussi d'agir pour les intérêts publics. La deuxième forme de représentation porte sur des objets impersonnels. Cet article ne couvre pas toutes les assertions de la représentation et toutes les formes de représentation. Organisé sur la question de la gestion décentralisée des forêts camerounaises et des bénéfices financiers qui sont extraits de son exploitation, l'article s'intéresse à la représentation descriptive et à ses deux variantes, à savoir: (i) «être à la place de... ou être le miroir de...»; et (ii) «agir à la place de...», pour en répondre. La représentation environnementale, dans cette contribution, est donc constituée d'individus et de groupes qui—mandatés à cet effet—«sont à la place» des communautés locales et qui «agissent à la place» de ces dernières dans la gestion décentralisée. À travers cet intérêt et l'exposé qui l'entourera plus loin dans ces lignes, c'est la question de la validité de la représentation (Pierce et al. 1992:12-28 ; Overdevest 2000:686-87 ; Ribot 2001:14-19), comme canal de la participation populaire, qui sera—et restera—posée.

Gouvernance et décentralisation de la gestion des forêts camerounaises

Background

Au Cameroun, la logique coloniale qui voulait que l'État soit le propriétaire légal de la forêt a été récupérée et reproduite, parfois *in extenso*, par l'État post-colonial. Ce dernier énonce les principes opératoires de base de cette «fidélité juridique» dans l'Ordonnance forestière n° 73/18 du 22 mai 1973 et ses instruments d'application, l'Ordonnance domaniale n° 74-1 du 6 juillet 1974, la Loi forestière n° 81/13 du 27 novembre 1981, et de nombreux passages de la Loi forestière n° 94/01 du 20 janvier 1994, actuellement en vigueur, et de son Décret d'application n° 94/436 du 23 Août 1995. À ce lot d'outils post-coloniaux, il convient d'ajouter le Plan de Zonage du Sud-Cameroun, en fait un plan d'utilisation de la forêt et de la terre, et la Nouvelle Politique forestière de 1995.

Au cours des vingt dernières années, l'infrastructure juridique et institutionnelle ci-dessus présentée a généré un profond conflit de langage—et de symboles—sur la question de la propriété de la forêt et sur celle des bénéfices qui en sont tirés (Nguiffo 1998:108-15; Oyono 2004d). Ce conflit de langage repose sur ce que l'on peut appeler un «dualisme légal» (Diaw et Njomkap 1998:29-34 ; Muam Chi 1999:15-23 ; Bomba 2004:244-253), avec, d'un côté, l'État post-indépendance, qui insiste sur son statut de «propriétaire

officiel» de la forêt, et, de l'autre côté, les communautés locales, qui se donnent le statut de «propriétaires socio-historiques et coutumiers» (Bigombé Logo 1996:130-132). D'autres parties prenantes—les compagnies forestières et les complexes agro-industriels notamment—situées juridiquement et «philosophiquement» du côté de l'État, participent significativement à ce conflit de langage (Mimbimi Essono 1996:2-6 ; Bigombé et Nkoum-Me-Ntseny 1998:12-14 ; Oyono 2004d op.cit.). En plus de la question des droits de propriété sur la forêt, l'accès aux bénéfices liés à son exploitation représente l'autre déterminant majeur dudit conflit (Verhagen et Einthoven 1993:7-12). Depuis les temps coloniaux, les communautés locales ne cessent de réclamer leur part de la manne forestière—dont les montants sont consistants—et parlent d'injustice, au regard des bénéfices accumulés tant par les compagnies forestières, les complexes agro-industriels que l'État.

Des pans entiers du système camerounais sont entrés dans une crise fonctionnelle et structurelle à la fin des années quatre-vingt (Sobze 2003:53). Dans ces circonstances, la pression des bailleurs de fonds et le besoin de décompression des tensions internes ont conduit à la transformation de la trame institutionnelle du pays, comme déjà noté plus haut. Dans la mouvance de la transition vers un régime politique moins intolérant à l'égard des libertés, des leaders d'opinion se mirent à sensibiliser les communautés locales sur le caractère injuste et inéquitable de l'appropriation exclusive de la rente forestière et de sa plus-value par les compagnies étrangères et par l'État (Nguiffo 1998:113-17; Oyono 2004c:185-87). Ces conditions ont eu pour effet l'amplification des malentendus et des conflits d'accès à la manne forestière.

Ainsi, des conflits violents ont souvent éclaté entre les compagnies forestières, protégées par les forces de l'ordre et les autorités administratives, d'un côté, et les communautés locales, de l'autre côté (Nguiffo 1998:115-117 ; Mimbimi Essono 2004:169-82). Mis à mal, le système camerounais nécessitait—dans le secteur forestier comme dans d'autres secteurs—des correctifs fondés sur ce que l'on appelle les principes de la «bonne gouvernance», définie comme le bon usage des règles établies et le bon fonctionnement des institutions formelles et informelles à travers lesquelles l'autorité et le pouvoir sont conçus, exercés et reproduits (Rose 1999:13-22; Kaufmann et al. 2001:16-22 ; Woodhouse 2003:1705). Portant la vue dans la profondeur, Brown (2002:1-4) fait remarquer que le secteur forestier est une des «portes d'entrée» des réformes de [bonne] gouvernance au Cameroun. En effet, en décentralisant la gestion des forêts et des bénéfices qui en sont tirés, par exemple, l'État et ses partenaires internationaux trouvaient réponses à ces

tensions et éruptions permanentes (Brunner et Ekoko 2000:59-65; Karsenty 2002:2-4 ; Brown: 2002:2-3 ; Oyono 2004c:174-175).

L'ingénierie législative et administrative de la gestion décentralisée

La décentralisation de la gestion des forêts camerounaises a été enclenchée par la Loi forestière n° 94/01 du 20 janvier 1994 portant Régime des Forêts, de la Faune et de la Pêche et son Décret d'application n° 95/531 du 23 août 1995. Sur la base de cette infrastructure législative, des pouvoirs et des responsabilités sont transférées par l'Etat central à des acteurs périphériques, les communautés locales et les collectivités locales en premier lieu. Au niveau local, la décentralisation de la gestion des forêts est posée sur deux innovations cardinales. Premièrement, des pouvoirs et responsabilités sont cédés aux communautés villageoises pour créer des forêts dites communautaires, les exploiter et gérer à leur propre compte les revenus financiers de la vente des bois. Deuxièmement, des pouvoirs sont transférés à ces mêmes communautés villageoises pour bénéficier d'une partie de la redevance forestière annuelle versée à l'Etat par les compagnies forestières à titre d'exploitation des concessions forestières et pour bénéficier de compensations versées à titre de «ventes de coupe» («petites» concessions forestières de moins de 2.500 hectares).

Il convient de faire quelques clarifications par rapport à ces innovations et à l'ingénierie qui les a générées. Du point de vue de la Loi forestière de 1994, une forêt communautaire est une forêt villageoise non plantée, de moins de 5.000 hectares, dont la gestion à des fins variées est soumise à l'élaboration d'un plan simple de gestion et à la signature d'une convention de gestion entre la communauté villageoise concernée et le Ministère de l'Environnement et des Forêts. La Législation forestière en vigueur (celle de 1994) souligne que la convention de gestion est «un contrat à travers lequel l'Administration cède une partie du domaine national pour gestion, conservation et usage des bénéfiques à la communauté». (Art. 3 du Décret d'application de 1995).

La Loi forestière de 1994 et son Décret d'application de 1995 sont également le cadre législatif de référence pour la redevance forestière annuelle. La Loi en question dit ceci en son Article 68 : «En vue du développement des communautés villageoises riveraines de certaines forêts du domaine national mises en exploitation, une partie des revenus tirés de la vente des produits forestiers doit être reversée au profit desdites communautés selon les modalités fixées par Décret». La nouvelle redistribution des revenus issus de l'exploitation commerciale des forêts prescrit que pour une concession forestière donnée, 50 pour cent des taxes aillent à l'Etat central, 40 pour cent

à la commune rurale concernée et 10 pour cent aux communautés villageoises réclamant des droits coutumiers et ayant des maîtrises foncières sur cet écosystème forestier. Un Arrêté subséquent, signé conjointement par les Ministres de l'Economie et des Finances et de l'Administration Territoriale (Arrêté n° 000122/MINEFI/MINAT du 29 avril 1998) fixe les modalités d'emploi des revenus provenant de l'exploitation forestière et destinés aux communautés villageoises. La modalité phare est que l'argent n'est pas versé directement aux communautés considérées. Une commission régionale—appelée le Comité—dirigée par les autorités communales et les autorités administratives se concertent avec les représentants des communautés locales pour identifier les priorités socio-économiques dans les villages concernés, et pour les faire exécuter par la suite.

Une pratique de compensation, dite «parafiscale», qui a eu cours de 1996 à 2001 mérite d'être signalée dans ces lignes. En effet, en 1996 le Ministre de l'Environnement et des Forêts publie une lettre-circulaire relative à l'exploitation des ventes de coupe, la Lettre-Circulaire n°370/LC/MINEF/CAB du 22 février 1996). Cette lettre institue une forme de compensation que les exploitants forestiers doivent verser aux communautés villageoises ayant des maîtrises foncières sur des ventes de coupe données, sur la base de 1.000 F CFA (US \$1.5) le mètre cube. Ladite compensation portait idéalement sur la réalisation d'œuvres sociales au bénéfice des communautés villageoises. Dans la pratique, les exploitants forestiers—sous la pression des villageois—ont commencé à verser cet argent cash aux communautés concernées par les ventes de coupe exploitées. Cette pratique a pris racine, mais a disparu en 2001 avec la suspension du régime des ventes de coupe. Les ventes de coupe ont été officiellement réhabilitées en 2003, sans que cela soit le cas pour la compensation de 1.000 F CFA le mètre cube. En termes de gouvernance locale et d'équité sociale, cette compensation, ou royauté, lorsque a été remise cash, a été sécurisante pour les communautés locales, qui pouvaient enfin accéder directement aux bénéfices financiers tirés de l'exploitation de leurs forêts. Elle a même provoqué une survalorisation de ce que Geschiere et Nyamnjoh (2000:423-430) appellent «autochtonie», dans le contexte de cet article le sentiment d'appartenance au finage auquel est rattaché la forêt considérée et la revendication de la rente qui en est tirée. Milol et Pierre (2000:16-17) décrivent ainsi cet attrait diffus :

Les populations...se sont très largement appropriées la taxe de 1000 francs CFA lors des ventes de coupe légales et mettent en œuvre une véritable stratégie de captage de cette rente forestière. Les populations estiment, à travers leurs discours, avoir été jusqu'alors exclues des bénéfices pécuniaires de la forêt, et la taxe de 1000 francs CFA est une opportunité financière à

saisir par tous les moyens...Aussi les populations sollicitent en général directement l'exploitant pour exploiter sur le terroir villageois.

Les bases des options organisationnelles

Le Décret d'application de la Loi forestière n° 94/01 du 20 janvier 1995 demande à toute communauté villageoise désirant acquérir une forêt communautaire de se constituer en entité morale, et de se faire légaliser afin d'être officiellement reconnue. Un outil élaboré par le Ministère de l'Environnement et des Forêts, le «Manuel de procédures et d'attribution des forêts communautaires» donnent les orientations méthodologiques destinées à faciliter la mise en place des organisations et des «institutions» locales de la gestion décentralisée. La gestion des 1.000 F CFA issus de l'exploitation des ventes de coupe—que nous appellerons compensation en espèce—s'est posée sur une infrastructure plus ou moins semblable, mais moins formalisée. Le 29 avril 1998, l'Arrêté conjoint considéré dans les lignes précédentes recommande aux communautés villageoises devant bénéficier des 10 pour cent de la redevance forestière annuelle de créer des comités villageois de gestion. Comme déjà évoqué, le même arrêté précise que lesdits comités seront chapeautés par un Comité communal/régional placé à la fois sous la tutelle de l'autorité administrative et sous la responsabilité financière des autorités communales (le maire et le receveur municipal).

À une vitesse grand V, une constellation d'organisations villageoises a pris corps dans la partie du pays concernée par l'exploitation forestière, en réponse aux exigences, prescriptions et recommandations ci-dessus (Klein, Salla, et Kolk 2001 ; Oyono et Temple 2003 ; Oyono 2004b). Trois schémas organisationnels ont été effectuées, et sont à ce titre abordés par cet article : (i) les comités de gestion des forêts communautaires ; (ii) les comités de gestion de la compensation en espèce ; (iii) les comités de gestion de la redevance forestière annuelle sous la supervision des autorités communales et des autorités administratives. La représentation en contexte de gestion décentralisée des forêts—appelée ici «représentation environnementale», — repose sur cette infrastructure organisationnelle, dont sont constitutifs les comités de gestion et leurs membres.

Choix institutionnels et représentation environnementale

Les mandats des représentants

La question de la décentralisation de la gestion des forêts dans un contexte de valorisation du «local» et d'effervescence organisationnelle dans la zone forestière du Cameroun est un cadre intéressant pour la caractérisation de la représentation rurale. Elle permet aussi d'avoir une vue élargie sur les

modalités de renforcement de la société civile, la gestion de la prise de décision, les trajectoires de démocratie locale, les esquisses pratiques axées sur l'accès intragénérationnel aux ressources et aux bénéfices (Etoungou 2003:12-13). Ces questions sont souvent abordées dans d'autres contextes, et les analystes mettent en avant un certain nombre de facteurs: l'absence d'un lien fort entre la décentralisation et la démocratisation de la prise de décision ; la confiscation des droits environnementaux par une élite ; et la faiblesse des résultats socio-économiques et écologiques (Overdest 2000:685-96 ; Sundar 2001:2010-14 ; Ratner 2004:6 ; Larson: 2004:3-7; Mapedza 2006).

Dans l'ensemble le mandat de ces différents comités, et de leurs membres, est de représenter les communautés villageoises dans les différentes transactions liées à la gestion des forêts communautaires, à la définition des priorités socio-économiques susceptibles d'être financées par les 10 pour cent de la redevance forestière annuelle, et à la gestion de la compensation en espèce. Ces transactions sont tant externes—avec les autorités communales, les autorités administratives, les exploitants forestiers, les représentants régionaux du Ministère de l'Environnement et des Forêts—qu'internes aux communautés en question. Dans le cas des forêts communautaires, les comités de gestion, en plus de la gestion des revenus, doivent en sus veiller à la mise en œuvre du plan simple de gestion. Les lignes ci-après montrent comment le membership (l'appartenance à un groupe de membres et le statut y afférent) des comités de gestion s'est construit.

Mécanismes de construction de la représentation environnementale

Les élections compétitives

Les élections compétitives à travers le vote sont généralement présentées comme le meilleur mode de matérialisation de la démocratie représentative (Berelson et al. 1954:311-23 ; Prewit et Stone 1973:213-21 ; Dahl 1989:211-20). Les investigations menées dans la partie forestière du Cameroun révèlent que lorsque les comités de gestion des forêts communautaires sont mis en place par des ONGs, ce qui est assez souvent le cas, le choix des responsables repose sur la compétition électorale. C'est le cas des comités de gestion des forêts communautaires de la région de Lomié (province de l'Est), dont le «montage» a reçu l'appui méthodologique d'une ONG néerlandaise, la Stichting Nederlandse Vijwilligers (SNV, Netherlands Development Organization). Le processus électif a également gouverné la prise de forme de plusieurs comités de gestion des forêts communautaires des régions de Yokadouma (province de l'Est), Sangmélina et Ebolowa (province du Sud) et de ceux de la région du Mont-Cameroun (province du Sud-Ouest), qui se

sont tous structurés grâce à l'appui méthodologique des ONGs et des projets.

La désignation par consensus

Le scénario social de production de la représentation des populations au sein des comités de gestion de certaines forêts communautaires a opté pour la désignation par consensus pour des postes de responsabilité au sein des comités de gestion. C'est le cas, par exemple, des présidents des comités de gestion des forêts communautaires de Kongo et de Ngola (région de Lomié) et de la majorité des comités de gestion des forêts communautaires de la province du Sud. Les présidents de plusieurs comités de gestion de la redevance forestière—à titre d'exemple tous ceux de la région d'Ebolowa (province du Sud)—et des comités de gestion de la compensation en espèce ont été désignés par consensus social, c'est-à-dire sur une unanimité libre ou imposée. De manière générale les présidents ainsi désignés sont des chefs de village, des notables influents ou des diplômés en chômage. Les paysans affirment que le mécanisme de choix des représentants par consensus est enraciné dans leur histoire sociale et dans leur manière d'opérer les arrangements sociaux relatifs au leadership. Idéalement donc, sont désignés par consensus ici les individus qui font l'unanimité.

L'auto-désignation

L'auto-désignation est un mécanisme de construction de la représentation à travers laquelle des individus—chefs de village, notables et élites—se donnent eux-mêmes une légitimité sociale, et, par-là, se désignent comme membres d'un comité. Les comités de gestion de la redevance forestière et les comités de gestion de la compensation en espèce sont caractéristiques de cette pratique. Les comités de gestion des forêts communautaires ne sont pas en reste. Etoungou (1998:7-10) montre comment le mécanisme de l'auto-désignation se manifeste dans les villages de la province de l'Est, de façon autoritariste par les chefs de village et les politiciens locaux. Dans le village Bitouala (arrondissement de Dimako), le chef de village avoue avoir procédé lui-même à la désignation des membres du comité de gestion de la redevance forestière, sans consulter la population. De ces cas sont légion.

La cooptation

La cooptation est une formule verticale et univoque de désignation des membres de comité. Elle se matérialise par l'inclusion d'un individu par un autre individu—ou par un groupe d'individus—dans la sphère du membership. Dans plusieurs villages, le chef ou une élite, déjà auto-désigné lui-même comme membre, coopte ses dépendants, sa clientèle ou ses obligés. La cooptation, vue comme un mécanisme de construction de la représentation

environnementale, s'est beaucoup manifestée dans la mise en place des comités de gestion de la redevance forestière et des comités de gestion de la compensation en espèce.

Justification générale de la représentation environnementale

Un des résultats visés par les décentralisations est le partage de la prise de décision, à travers son transfert de l'Etat vers le public. Ce résultat conjugue, en filigrane, avec un des postulats de la théorie des «choix publics» (Bromley 1991:37-183), qui soutient que le raccourcissement de la distance entre les sphères de prise de décision—jusqu'alors localisées au niveau central—et le public (les bénéficiaires) rend les décisions plus conformes aux aspirations populaires et, pour cela, conduit à plus d'efficacité et de responsabilité. Il ressort des enquêtes effectuées en 2002 auprès de onze comités villageois de gestion dans la zone forestière du Cameroun que 43 pour cent des membres ont emprunté le mécanisme de l'auto-désignation. À l'opposé, seuls 10 pour cent des membres le sont devenus au terme d'une procédure de compétition électorale. Le mécanisme de la désignation par consensus, qui concerne 20 pour cent des membres des comités, et le complexe 'cooptation/désignation statutaire'—ce dernier mécanisme n'est pas abordé dans cette contribution—à travers lequel 27 pour cent des membres des comités le sont devenus, ne sont pas, à l'évidence, basés sur la compétition électorale.

Dans l'ensemble, la compétition a été très faible lors de la mise en place des comités (Oyono 2004b:20-22). Dans leur majorité, les représentants des populations dans l'espace public de la gestion décentralisée des forêts et des bénéfices qui en sont tirés font partie de l'élite villageoise (chefs de village, élite extérieure, notables, fonctionnaires retraités, diplômés sans emploi, etc.), comme le montrent, en insistant particulièrement sur la position dominante de l'élite urbaine, Etoungou (2003:12-13) et Oyono (2004a:101 et 106 ; 2004e). En de telles circonstances, la représentation environnementale rurale devient sélective. Plus loin dans cet article il sera démontré que cette représentation élitaire est porteuse de distorsions.

Par ailleurs, les comités de gestion de la compensation en espèce et, davantage, les comités de gestion de la redevance forestière annuelle ont été mis en place dans la précipitation, généralement sous l'impulsion «autoritariste» des autorités administratives régionales, des autorités communales et des exploitants forestiers. Bigombé Logo (2003:8) note que dans la province du Sud, le gouverneur a, en 2000, recommandé par Lettre-Circulaire aux sous-préfets et chefs de districts de demander aux communautés villageoises de créer des comités de gestion de la redevance forestière annuelle. Il a parfois ainsi été demandé aux villageois de «désigner certaines personnes» comme

membres des comités, sans la mise en scène d'une procédure de compétition électorale.

Les revenus forestiers: un objet-clef de gestion pour les comités

Entre autres responsabilités caractéristiques de leur mandat, les comités villageois de gestion sont les manipulateurs théoriques et pratiques attirés des sommes d'argent qui circulent au titre de revenus des forêts communautaires et de compensation en espèce. Au jour d'aujourd'hui près de quatre-vingt dix forêts communautaires sont exploitées et gérées sur l'ensemble du territoire camerounais. Les estimations disponibles faites sur un échantillon réduit (Assembe 2004:5) situent la moyenne des revenus annuels d'une forêt communautaire à près de 5.500.000 francs CFA. Lors des deux dernières années (2002 et 2003), le montant total théorique 10 pour cent destinés aux communautés villageoises aurait avoisiné, sur le papier, 2.200.000.000 francs CFA (US \$4,000,000).

S'agissant de la compensation en espèce, il y a cependant une absence quasi générale de chiffres fiables au niveau des villages. Un village comme celui de Kongo (région de Lomié, province de l'Est) a reçu près de 12.500.000 francs CFA (US\$25,000) à titre de compensation en espèce entre 1997 et 2000 (Assembe 2004:7). Sur ce montant global, une somme de 6,600,000 francs CFA (US\$12,750) a été versée à la commune rurale de Lomié pour les besoins de développement local, et le reste, soit 5,800,000 francs CFA (US\$12,160), a été directement remis au comité villageois de développement, qui faisait office de comité de gestion. Les montants globaux déclarés dans les autres villages couverts par nos investigations oscillent, dans la période allant de 1998 à 2000, entre 4.400.000 francs CFA (US\$8,000) et 17.600.000 francs CFA (US\$36,000). Malgré l'indisponibilité des chiffres exacts et concrets au niveau villageois, Milol et Pierre (2000:4-5), à partir d'une estimation théorique faite sur les surfaces exploitées, situent les revenus générés par les ventes de coupe à titre de compensation de 1997 à 1999 à 3.095.640.000 francs CFA (US\$5,628,500).

Représentation des intérêts substantifs ou des intérêts subjectifs ? Emergence d'une élite forestière

Les entretiens avec des groupes de villageois laissent conclure que les comités mis en place pour la gestion des forêts communautaires, la compensation en espèce et la définition des priorités socio-économiques ont assez souvent assumé certaines de leurs responsabilités. En des occasions, ces comités ont exigé des exploitants forestiers des négociations équitables dans la fixation du prix des bois à extraire des forêts communautaires. Les responsables de quelques comités ont aussi souvent eu à défendre les intérêts des communautés

villageoises dans l'appropriation de la compensation, ceci sans complaisance ou sans calcul. Il existe aussi des responsables des comités de gestion de la redevance forestière annuelle qui se sont verbalement révoltés aussi bien contre la confiscation de la part destinée aux communautés locales par les autorités municipales et les autorités administratives que contre le flou qui habite le financement des microréalisations socio-économiques en milieu villageois. La réprobation verbale suivante, issue d'un président de comité villageois de l'arrondissement d'Ebolowa (province du Sud), et rapportée par Efoua (2000:5-6), est révélatrice de cette défense des intérêts communautaires, appelés intérêts substantifs dans cet article:

Le maire est tout : il est gestionnaire, président, trésorier... Nous pensons que pour que les populations locales bénéficient de l'exploitation des forêts, elles doivent pleinement assumer toutes les responsabilités liées à cela. Le maire gère déjà les 40 pour cent alloués à la commune selon la loi ; maintenant il prend notre place en gérant les 10 pour cent alloués aux communautés locales.

Il est nécessaire de rappeler que la possibilité d'accéder à de l'argent des forêts a, dans une euphorie générale, multiplié les attentes d'un quotidien meilleur au sein des communautés locales, qui y ont vu la fin d'un «apartheid administratif» et d'un «apartheid économique» (Ribot 2002:50-55), c'est-à-dire la fin de leur exclusion de la sphère d'appropriation de la rente forestière. Malheureusement, il existe aussi de nombreux indices d'une représentation des intérêts subjectifs. La gestion décentralisée de la compensation en espèce, de la redevance forestière annuelle et des revenus des forêts communautaires ont de manière générale généré des attitudes opportunistes chez les membres des comités de gestion, d'une part. D'autre part, dans un processus de différenciation qui conduit à une bifurcation sociale interne et à une rupture des identités socio-économiques individuelles jusque-là en vigueur, ce que Turner (1991:96) appelle la «distinctivité». La gestion décentralisée a en un sens supprimé ce qui est qualifié par les néo-fonctionnalistes de «co-présence» (Luhmann 1992:40-47), en d'autres termes le «face-à-face» et la cohabitation interactifs et productifs entre des catégories sociales ou des groupes (ici entre les comités et les communautés villageoises). Cette rupture de la co-présence est le résultat d'un certain nombre de déterminations.

Les arts de détournement de fonds

De nombreux cas de détournements de fonds dans la gestion décentralisée des forêts camerounaises et des bénéfices y afférents sont signalés par la production littéraire domestique (Milol et Pierre 2000:4-8; Efoua 2000:4 ;

Kouna 2001:7-12 ; Bigombé Logo 2003:24-28 ; Assembe 2004:5-8 ; Oyono 2004e:26-34; etc.). La prolifération de ces pratiques a été très saillante dans la gestion de la compensation en espèce de 1996/97 à 2001 (Assembe 2004:6; Lescuyer 2003:24-25). Les comités de gestion de cette forme de «taxe», hâtivement montés, ont installé des règles opaques de gestion. Oyono (2004e) fait mention des cas de détournements de cette compensation allant jusqu'à 10.000.000 francs CFA (US\$18,000). C'est ainsi que, selon Assembe (2004:6), le président du comité de gestion du village Toungrelo (région de Mbang, province de l'Est) a été accusé en 2000 d'avoir détourné 10.700.000 francs CFA (près de US\$19,000). Bigombé Logo (2003:24-28) parle de plusieurs millions de 'taxe villageoise' détournés par les comités de gestion des provinces de l'Est et du Sud entre 1998 et 2001. Kouna (2001:13) fait remarquer que de nombreux projets figurant—avec souvent la complicité des responsables des comités de gestion—dans les registres des communes rurales comme étant des projets réalisés dans les villages avec la redevance forestière annuelle sont en réalité des «projets fictifs».

De nombreux présidents et autres membres des comités de gestion des forêts communautaires sont accusés d'opérer dans le même registre (Paah 2003:5). En plus, certains présidents de comités des forêts communautaires utilisent les revenus issus de la vente des bois pour octroyer des crédits—jamais remboursés—à leurs alliés et à leurs dépendants (Assembe 2004:6). Le même auteur note que sur les 14.500.000 francs CFA (US\$26,000) générés par la forêt communautaire du village Kongo (région de Lomié, province de l'Est) de 2001 à 2003, seuls 35 pour cent ont été affectés à une utilisation substantive. Le reste a été détourné par le comité de gestion. Une situation similaire a été identifiée dans le village Mboké, où seuls 12 pour cent des 3.380.000 francs CFA (à peu près US\$6,700) ont été affectés à des ouvrages communautaires, le reste ayant pris une destination inconnue. Abe'ele et al. (2004:40-52) font des constats similaires en analysant le rapport entre les revenus générés par les forêts communautaires et les destinations empruntées.

Les détournements des fonds alloués à titre de redevance forestière annuelle n'entretiennent pas la même configuration, pour deux raisons essentielles. Primo : cet argent n'est pas manipulé par les membres des comités, puisqu'il passe essentiellement par les caisses de la recette régionale des finances pour financer des priorités socio-économiques villageoises définies de façon concertée par les autorités municipales et les autorités administratives, d'une part, et les représentants des communautés locales, d'autre part. Cette option étatique montre que des pouvoirs discrétionnaires n'ont pas été transférés aux communautés locales. Secundo : les membres des comités sont «chapeautés» par les autorités en question, qui sont

finalement les véritables gestionnaires de cette redevance communautaire, comme noté plus haut par Efoua (2000:5-6). Cependant, lorsque la redevance est détournée par les autorités régionales et/ou des projets fictifs portés sur des registres communaux, les membres des comités ont droit à des «miettes» en tant que complices (Efoua 2000:6-7 ; Bigombé Logo 2003:29 ; Nzoyem, Sambo, et Majerowicz 2003:35-46).

Les démarches d'accumulation individuelle

Le corollaire des pratiques de détournement de fonds observés dans les villages est la personnalisation de la gestion de la rente forestière communautaire. Assembe (communication personnelle, mai 2004) fait référence à un président de comité de gestion d'une forêt communautaire qui parle de cette dernière en termes de «sa» forêt communautaire. Faut-il rappeler que plusieurs responsables des comités de gestion des différentes formes de rente forestière appartiennent à—ou attendaient déjà dans l'antichambre de—l'élite villageoise (interne ou externe)? Dans ces conditions, la compensation en espèce, les revenus générés par les forêts communautaires et, un peu plus marginalement, les fractions de la redevance forestière annuelle octroyées sous forme de 'miettes' par les autorités communales et les autorités administratives, jouent une fonction de source d'accumulation individuelle et de formation et de sédimentation d'une «élite forestière» dans le Sud-Cameroun (Klein, Salla, et Kok 2001:8-9 ; Sobze 2003:122; Oyono 2004b:32-36).

Au bout du compte, l'aspiration de plusieurs membres des comités est de devenir des «nouveaux riches» et de jouir d'une autre existence socio-économique, dans les modalités de formation de l'élite dans les terroirs considérés (Geschiere 1982:63-88; Angu Angu 2001:13-14). S'agissant de ces démarches d'accumulation individuelle dans la région de Lomié, Etoungou (2003:23) rapporte les paroles d'un groupe de villageois :

Tout est bouleversé ici depuis la signature des conventions de gestion des forêts communautaires. Dans le cas de notre forêt, nous nous sommes retrouvés du coup avec trois contrats d'exploitation forestière. Certains responsables du comité de gestion vont en ville, à Abong-Mbang, s'arranger avec les exploitants forestiers la nuit et rentrent avec l'argent, de nouveaux habits, des bouteilles de vin et de whisky, etc. Il y a trop de choses qui se passent avec les membres du comité. Le plus choquant est qu'ils ne rendent compte à personne.

Déplacement stratégique et capture des comités

Dans leur fonctionnement, les comités de gestion des forêts communautaires et les comités de gestion de la redevance communautaire annuelle sont en relation avec une gamme d'acteurs : les autorités communales ; les autorités

administratives ; les exploitants forestiers ; les entrepreneurs politiques ; les responsables du Ministère de l'Environnement et des Forêts, etc. En partie, les pratiques ci-dessus décrites procèdent du 'projet' de déplacement vertical des membres de comité. Il y a à la fois attraction de la rente de situation, quête de pouvoirs et volonté de rupture avec la «co-présence» qu'impose la représentation environnementale en milieu rural.

Dans un travail récent, Oyono (2004b:34) souligne que les comités évoluent dans ces circonstances en «roues libres», suspendus entre les communautés villageoises—qu'ils ne représentent plus—et les acteurs régionaux ci-dessus énumérés. De nombreux responsables de comité n'hésitent pas de déclarer qu'ils sont les amis du maire, de l'autorité administrative, ou de l'exploitant forestier. Il s'agit en fait d'une démarche de mobilité sociale, d'une nouvelle quête identitaire et d'une recherche hégémonique (voir aussi Piketty 1995:552-68). Ce déplacement vers «ceux qui ont le pouvoir et l'argent» engendre à son tour des opérations de contrôle et de manipulation des comités. C'est le phénomène de la capture de la gestion décentralisée des forêts, caractérisée ici par le «départ» des comités de la sphère des intérêts communautaires pour la sphère des acteurs extérieurs. Si le rôle des autorités communales, des autorités administratives et des exploitants forestiers est significativement souligné dans ces lignes, il convient de ne pas oublier celui des ONGs, dont Etoungou (2003:10) signale le «dirigisme» et le paternalisme dans leurs relations avec les comités de gestion des forêts communautaires. Cette structure de situation est également abordée par Platteau et Abraham (2002:7-18) et par Platteau (2004:224-33), qui, argumentant sur un plan moins empirique et plus global, insistent sur le fait que dans le tiers monde les actions locales de développement communautaire et/ou de gestion communautaire des ressources naturelles sont généralement exposées à la «capture» par l'élite. Mapedza (2006) dresse le même constat dans le cas spécifique du Zimbabwe.

Reddition de(s) compte(s) insuffisante

Il existe deux démarches de reddition de(s) compte(s) dans les modèles de gestion de la prise de décision et de décentralisation : i) la reddition de(s) compte(s) ascendante ; et ii) la reddition de(s) compte(s) descendante. La reddition de(s) compte(s) est dite ascendante lorsque des détenteurs de pouvoirs à des niveaux inférieurs répondent de ce qu'ils font à des gestionnaires de pouvoirs situés à des niveaux plus élevés. La décentralisation administrative ou déconcentration est significative de cette démarche, lorsque, dans le schéma administratif francophone, le préfet rend compte au gouverneur de province par exemple. Dans la reddition de(s) compte(s) descendante, ceux qui ont les

pouvoirs—ici les représentants, les membres des comités—répondent de leurs actions à ceux qu'ils représentent, ici les communautés villageoises.

La reddition de(s) compte(s) descendante est le baromètre de la représentation substantive et de la démocratie locale. Dans la gestion décentralisée des forêts, les représentants des communautés locales, les membres des comités en l'occurrence, ne rendent pas significativement compte de façon descendante. Ils ne répondent pas de leur gestion et de leurs transactions avec les exploitants forestiers et avec les autorités communales et administratives. C'est pourquoi les revenus des forêts communautaires, la compensation en espèce et la redevance communautaire annuelle sont détournés systématiquement par les responsables des comités de gestion, sans que les montants exacts soient même connus (Efoua 2002:3-5 ; Assembe 2004:7). Le contrôle de la gestion de la redevance communautaire annuelle par les autorités communales et administratives conduit de fait à une inversion de la démarche de reddition de(s) compte(s). Dans ce cas de figure les responsables des comités, davantage tournés vers lesdites autorités que vers les communautés villageoises, ne peuvent pas rendre compte de façon descendante. Car ils n'ont plus rien à dire à ces communautés (Bigombé Logo 2003:22 ; Oyono 2004b:29).

Statut	Processus	
	Capture	Reddition de(s) compte(s)
Faible		
Moyenne		
Forte		

Schéma : Illustration graphique de l'interdépendance entre la reddition de (s) compte (s) et la capture des comités villageois de gestion

Le schéma ci-dessus doit être interprété ainsi qu'il suit:

- (i) La capture des comités de gestion par les acteurs extérieurs est en règle générale soit effective 1 soit nulle 0 ;

- (ii) La reddition de (s) compte(s) descendante repose sur des mécanismes ou des indicateurs précis x , et est déterminée par l'effectivité ou la non effectivité du processus de capture des comités ;
- (iii) La reddition de (s) compte (s) descendante est soit faible 0 soit forte >0 , car elle est difficile à situer dans la moyenne.

Le schéma illustre deux enseignements clefs résultant des hypothèses ci-dessus :

- (i) Si la capture des comités de gestion C_c est faible ou inexistante, la reddition de(s) compte(s) descendante A_c est élevée et effective.

$$\text{Si } C_c = 0 \text{ alors } A_c [f(x_1, x_2, x_3, \dots, x_9)] = 1$$

- (ii) Si la capture des comités de gestion C_c est effective et élevée, la reddition de(s) compte(s) descendante A_c est faible ou inexistante.

$$\text{Si } C_c = 1 \text{ alors } A_c [f(x_1, x_2, x_3, \dots, x_9)] = 0$$

Leçons émergentes

Les modes de mise en place des comités villageois appelés à canaliser la gestion décentralisée des forêts camerounaises ont produit, comme cela se voit, une représentation ambiguë, très souvent située à l'opposée des attentes des communautés locales. Il s'agit en clair d'une représentation des intérêts subjectifs et non des intérêts communautaires. Les leçons ci-après émergent de la caractérisation de la représentation environnementale au Sud-Cameroun, à travers les modalités de sa construction et de son exercice.

Une qualité de la représentation déterminée par les conditions d'émergence des comités de gestion

Dans plusieurs cas, la composition des comités est suggérée par les personnes qui en sont à l'origine. Six déterminants ont été isolés dans la zone considérée dans la mise en place des comités de gestion: i) les leaders d'opinion (généralement une personne lettrée habitant le village ou la ville) ; ii) les ONGs d'accompagnement ; iii) le chef de village ; iv) les autorités administratives et les autorités communales ; v) les responsables de l'administration forestière ; vi) les exploitants forestiers. Abe'ele et al. (2004:34) soutiennent que lorsque c'est un leader d'opinion ou une ONG qui sont les déterminants majeurs, le chef de village, se sentant sans doute exclu, entre en dissidence vis-à-vis du bureau exécutif du comité en place. Les mêmes auteurs notent que lorsque c'est le chef de village qui est l'instigateur du comité de gestion, il y a confiscation de la prise de décision, et les autres membres ne se sentent plus partie prenante de la gestion décentralisée. Oyono (2004b:28-29) fait remarquer que lorsque ce sont les trois dernières catégories d'acteurs qui suscitent la création d'un comité,

celui-ci, 'capturé' et extraverti, rend compte à son «géniteur». Ces dispositifs successifs ne favorisent pas une représentation responsable et substantive.

Encadré 2 : Les indices d'une représentation subjective

Abe'ele et al. (2004:34) notent que dans plusieurs cas, la gestion des forêts communautaires n'est faite que par l'entité de gestion—le comité de gestion. En de telles circonstances—qui prolifèrent du reste—la communauté villageoise est exclue de tout le processus de gestion. Même lorsque les membres d'un comité de gestion sont élus, on s'aperçoit en fin de compte qu'ils ont été imposés par une «main extérieure». Les mêmes auteurs ont relevé les problèmes de représentation suivants dans la gestion dans les trois forêts communautaires d'Endoum (Département de la Haute-Sanaga, Province du Centre) : i) les responsables des comités ne sont pas démocratiquement élus, mais sont cooptés ; ii) tous les documents concernant les forêts communautaires sont entre les mains du chef de village ; iii) de nombreux conflits surgissent au sujet de la redistribution des revenus ; iv) les revenus générés servent plus aux intérêts individuels, etc.

La gestion décentralisée : un champ d'opposition entre les institutions coutumières—et leurs représentants—et les figures nouvelles

L'irruption des comités de gestion en milieu rural camerounais depuis la dernière décennie se situe dans la continuité d'une *perestroïka* institutionnelle et organisationnelle permanente. Oyono et Temple (2003:68-71) notent en effet que c'est de façon cyclique que le milieu rural vit cette «reconstruction» et ces métamorphoses depuis les indépendances, ceci au gré des diverses réformes. Ils argumentent qu'à chaque fois cette reconstruction bouleverse les prééminences sociales en créant des légitimités qui sont contestées plus tard. C'est le cas des comités installés dans le sillage de la gestion décentralisée, qui ont bouleversé, jusqu'à un degré considérable, l'ordre social.

Il existe dans les villages de la zone forestière du Cameroun—et encore plus dans d'autres zones écologiques—des figures locales qui disposent de légitimités sur les questions communautaires en général et sur la gestion des forêts en particulier. Ce sont : les chefs de lignage ; les aînés de famille ; et les patriarches (Santoir 1992:34-56 ; Diaw 1997:3-7 ; Oyono, Diaw, et Efoa 2000:15-16 ; Lescuyer 2003:12), et à un degré moindre les chefs de village, dont les positions, davantage sub-administratives, sont d'ailleurs contestées depuis fort longtemps (Geschiere 1993: 154-55). Pour des raisons de capital d'instruction—savoir lire et écrire le français ou l'anglais—, la majorité des comités de gestion repose sur une élite lettrée locale ou urbaine (Oyono 2000:46-47). De cette superposition de segments de détenteurs de

pouvoirs—dont parlent Diaw et Njomkap (1998:34-38) et Etoungou (2003:18-19)—il a résulté un conflit d'autorité sociale. Abé'ele et al. (2004:58) font ainsi état de rivalités profondes et permanentes entre les chefs de village et les responsables des entités de gestion, «les premiers estimant que les seconds sont devenus arrogants et très (trop ?) écoutés dans le village». Oyono (2002a:7-8) parle dans ce contexte de «panarchie», puisque l'autorité et le pouvoir sont finalement détenus par tout le monde.

Des pouvoirs très limités pour les comités villageois de gestion de la redevance forestière annuelle

Il a été dit plus haut que les dispositions de la fiscalité forestière décentralisée prévoyaient que 10 pour cent de la redevance forestière annuelle aillent aux communautés villageoises situées dans le voisinage des concessions exploitées. Cette portion de la redevance n'est pas allouée cash aux communautés villageoises : elle passe par les mairies, où siège un Comité communal de gestion chargé de définir—avec les représentants des communautés villageoises—des priorités socio-économiques à financer. Les comités villageois de gestion de la redevance forestière annuelle sont donc «affiliés» à ce Comité. Mais Milol et Pierre (2000:6), Efoua (2000:4-5) ; Bigombé Logo (2003:24-25) et Nzoyem, Sambo, et Majerowicz (2003:54-55) estiment que dans la pratique et l'expérience, les représentants villageois jouent le rôle de figurants ou de faire-valoir. Les priorités socio-économiques en question, lorsqu'il arrive qu'elles soient définies, n'émanent pas toujours des représentants des communautés villageoises. Par ailleurs, les entrepreneurs qui doivent exécuter les travaux sont exclusivement choisis par les autorités communales ou par les autorités administratives. Cette situation conduit à une inféodation de la représentation environnementale aux autorités régionales. Dans ces conditions l'exercice de la représentation devient un pis-aller, et une arène destinée à apporter une caution villageoise aux modes de gestion des 10 pour cent de la redevance par les autorités communales et administratives.

Un contrôle extérieur fort et permanent

Que ce soit pour la gestion des forêts communautaires, de la compensation en espèce ou de la redevance forestière annuelle, la représentation environnementale subit encore de manière significative le poids des acteurs extérieurs. Parmi ces derniers, l'on dénombre les ONGs, les exploitants forestiers, les autorités communales, les autorités administratives et l'élite extérieure. Leur implication, dont la genèse se situe souvent à la mise en place des entités de gestion, couvre tout le champ de l'exercice de la gestion décentralisée (2002:5-8). Ainsi Abé'ele et al. (2004:36) et Assembe (2004:7)

disent avoir identifié des «forêts communautaires des élites», des «forêts communautaires des exploitants forestiers», ou tout simplement des forêts communautaires dont la gestion est régulée par des projets et/ou des ONGs. En d'autres termes, les initiatives de gestion locale ou de gestion décentralisée, mis en place avec le soutien méthodologique et financier des acteurs extérieurs, passent en fin de compte sous le contrôle de ces derniers. Nzoyem, Sambo, et Majerowicz (2003:55) notent que dans plusieurs communes de la zone forestière du Cameroun, la redevance communautaire est sous le contrôle absolu du maire. Etoungou (2003:26-27) parle du «dirigisme des ONGs», pour soutenir que de nombreuses forêts communautaires sont contrôlées par cette catégorie d'acteurs extérieurs. Ces interférences «pervertissent» la représentation environnementale, et engendrent des stimuli qui conduisent les membres comités de gestion à occulter les intérêts communautaires au profit des intérêts individuels. Des stratégies de «récupération» de ce genre sont aussi signalées en Afrique de l'Ouest (Ribot 2003:48-52), en Afrique australe (Coyners 2003:116-24 ; Mapedza 2006), et en Afrique de l'Est (Namara et Nsabagasani 2003:27-32).

L'absence de corps de sanction et/ou d'application des sanctions

De nombreux comités villageois de gestion, selon Oyono (2004b:19), ne disposent pas de règlement intérieur ou d'un code tangible de conduite pour leurs membres. Lorsque ce règlement intérieur existe, il est superficiel et peu coercitif. C'est pourquoi les responsables des comités, conscient de ce «vide», assurent une représentation subjective comme celle qui est décrite dans les sections précédentes. Non seulement qu'ils ne rendent pas compte de leurs actions, mais ils ne sont pas sanctionnés lorsque des fautes lourdes sont mises en lumière (comme les détournements de fonds). Certes, il est souvent arrivé que des responsables de comité soient démis de leurs fonctions sur la demande populaire, mais ce sont des cas exceptionnels face à la fécondité des abus constatés ici et là. Des cas de recours à des tribunaux sont également extrêmement rares.

Dans ces sociétés forestières, la discipline collective est généralement mal assurée, «le pouvoir de chacun s'arrêtant au seuil de sa porte». Il n'y existe à proprement parler aucune action collective orientée vers l'élaboration et l'application de règles et de normes tranchantes pour la gestion des biens communs. La délinquance sociale n'est pas réprimée par une figure centrale d'autorité. Le chef de village est tenu pour un auxiliaire de l'administration, et de ce fait bénéficie d'une considération mineure. Autant les responsables des comités de gestion ne répondent pas de leurs actions au reste de la communauté villageoise, aux 'gens du commun', autant ils ne répondent à aucune autorité transcendant la 'fabrique sociale' quotidienne. Dans ces

conditions, les représentants ne se sentent pas assujettis à la défense des intérêts communautaires et substantifs, et évoluent en «électrons libres», à l'abri des sanctions sociales et judiciaires.

Des résultats mitigés

Dans les villages, il existe certes des flots de représentation qui s'attellent à produire des résultats positifs. C'est ainsi que des réalisations sociales comme la réhabilitation/construction de salles de classes, la réhabilitation/réfection des toits des chapelles, la construction de points d'eau potable, et l'amélioration de l'habitat sont visibles. Des aides financières sont aussi octroyées à des élèves et étudiants dans quelques villages. La compensation en espèce a financé le long circuit d'obtention de forêts communautaires dans certains villages, en plus du fait que des instruments à usage collectif ont été achetés ici et là. Ces réalisations, et bien d'autres encore, sont en un sens à mettre à l'actif des comités de gestion.

Mais à bien regarder, il s'agit là d'une performance marginale, par rapport aux revenus financiers générés par les différents mécanismes de la gestion décentralisée. Dans l'ensemble, les comités de gestion, du fait des limites décrites et analysées dans les sections précédentes, ont le plus souvent opté pour la logique de la table-rase. Les revenus des forêts communautaires ne sont drainés vers des réalisations palpables qu'à des proportions jugées faibles par les communautés villageoises elles-mêmes, qui montrent du doigt les responsables des comités de gestion et les accusent de transformer les forêts communautaires en forêts personnelles (Paah 2004:4-5 ; Assembe 2004:9). Du temps de la compensation en espèce, les responsables des comités de gestion, tout en détournant d'importantes sommes d'argent, ont plus incité les populations à boire et à manger avec l'argent de leurs forêts qu'à réfléchir sur la définition des priorités économiques dont la réalisation pourrait transformer durablement leur quotidien.

Les différentes infrastructures sociales et économiques évoquées plus haut cachent une réalité beaucoup plus complexe. De nombreux villages dans les communes dites de la zone forestière n'ont pas pu accéder à leurs 10 pour cent sous quelque forme que ce soit, d'une part. D'autre part, les responsables des comités de gestion de la redevance forestière annuelle sont accusés par des co-villageois de percevoir des commissions au niveau de la mairie, pour leur silence, au détriment des réalisations socio-économiques dans les villages. Lescuyer (2003:24) fait l'appréciation suivante de la circulation de la compensation en espèce :

Quand cette taxe était payée à la commune, l'essentiel des fonds a été mal utilisé : surfacturation des projets socio-économiques, exécution partielle des projets ou détournement pur et simple. Le faible niveau de contrôle de

cet argent est attribuable au manque d'information sur les montants exacts versés par les exploitants forestiers aux communes. Lorsque cette taxe compensatoire a été versée aux communautés villageoises, l'effet a été le même: pas de projets réalisés et investissement en nourriture, boisson et produits de première nécessité. (Traduit de l'anglais par les auteurs.)

Sur le plan écologique, les responsables des comités de gestion des forêts communautaires tissent de plus en plus des complicités avec des compagnies forestières pour une exploitation anarchique desdites forêts (Paah 2003:7). Conscients du fait que ce bien communautaire est entrain d'être bradé, les responsables provinciaux du Ministère de l'Environnement et des Forêts suspendent, une à une, les conventions de gestion des forêts soumises à une exploitation de type minier. Dans de nombreux cas aussi les représentants villageois ont contacté des exploitants forestiers pour leur demander de financer le long circuit de mise en place des forêts communautaires, pour venir les exploiter une fois la convention de gestion signée.

Le mandat central de la représentation environnementale en contexte de gestion décentralisée des forêts camerounaises est de défendre les intérêts des communautés villageoises. Ces intérêts portent, selon les communautés considérées, sur le bien-être communautaire et le «bien-être» de leurs forêts, source des moyens d'existence. Les modes de construction et les logiques d'exercice de ladite représentation qui sont présentées dans cet article ne génèrent pas les résultats socio-économiques et écologiques escomptés. Ce constat a déjà été dressé par Bigombé Logo (2003:23-28) et par Oyono (2004b:30-35 ; Oyono 2004f:8-11). Il s'agit en somme d'une représentation des intérêts subjectifs, donc peu soucieuse des intérêts substantifs.

Conclusion

Le présent article montre que les conditions d'émergence des comités sont marquées par le tutélisme, la cooptation, et l'absence d'un travail préalable sur le corps social. Ces déterminants sont, dans l'ensemble, à l'origine de la subversion de la représentation environnementale dans la partie sud du Cameroun. Comme il s'agit de sociétés desquelles historiquement n'émerge pas par «tradition» une autorité tangible et univoque fondée sur les liens sociaux, une «autorité opérative» (au sens de De George (1985:62-69), les responsables des comités ont finalement construit une logique particulière de gestion des pouvoirs qu'ils ont reçus. Ce faisant lesdits comités ont achevé la destruction de la base des normes de «redistributives» dans ces sociétés où la construction de plates-formes individuelles d'accumulation a souvent été regardée avec suspicion (Geschiere 1994:46-134 ; Abraham et Platteau 2004:214-24). Des évidences empiriques de l'«embrigadement» des comités de gestion dans d'autres expériences extra-africaines de gestion décentralisée,

notamment en Inde, sont apportées par Baviskar (2004:26), qui parle de «cooptation des institutions de gestion locale», ou par Manor (2004:195-200), qui parle de «fragmentation de la participation locale». Au terme de cette contribution, un certain nombre de recommandations méritent d'être formulées, du moment où la décentralisation de la gestion des forêts—à l'instar de toute réforme—exige des correctifs continus. En ce sens, à la lumière des limites et des risques d'échec (Oyono 2004f:10-11), comme ceux signalés dans ces lignes, les différents acteurs peuvent se donner la main pour inverser les tendances actuelles.

L'État central pourrait mettre en place des directives pour le suivi de la décentralisation. Une attention particulière devrait ainsi être portée aux relations entre les autorités communales et les autorités administratives sub-nationales, d'un côté, et les communautés locales, de l'autre côté. Ceci aurait pour résultat de démocratiser ces relations et de laisser un peu plus d'espace de prise de décision aux représentants des communautés locales pour ce qui est de la gestion des 10 pour cent de la redevance forestière annuelle. Idéalement, l'État central pourrait transférer cette portion de la taxe aux communautés villageoises elles-mêmes, pour une plus grande signification politique. L'État central devrait aussi, et sans équivoque donner des pouvoirs discrétionnaires aux représentants locaux, pour accroître leur pouvoir et leurs responsabilités (Ribot 2004b:33-40). L'on a souvent parlé de la faiblesse des capacités au niveau local pour justifier le transfert limité de pouvoirs aux acteurs locaux. Il s'agit d'une vue étriquée. Les capacités viendront avec l'action, donc dans l'exercice des pouvoirs (Ribot 2003:57-63). Par ailleurs, étant donné que les comités villageois de gestion des taxes forestières ont été hâtivement 'montés' par des intervenants extérieurs n'ayant aucune ingénierie sociale en la matière, les ONGs—tout en évitant de créer des comités—s'impliqueraient en aval, par un appui méthodologique, dans leur structuration et la «rationalisation» de l'environnement d'exercice de la représentation. Au niveau de la base, des actions civiques devraient être organisées et des mécanismes comme le recours en justice, la résistance, l'arbitrage des autorités administratives, etc. mis en place. Il faudrait que les communautés villageoises élaborent et appliquent des sanctions, et les transforment en une «épée de Damoclès» suspendue sur la tête des représentants irresponsables. Ceci peut avoir valeur de contre-pouvoir et de stratégie de suivi. Enfin, la recherche non forestière devrait continuer à générer l'information sur les processus de gestion décentralisée en cours et suggérer des améliorations qualitatives aux décideurs. Une idée force se dégage de cet article: une représentation environnementale ne peut être démocratique et productive que si les

représentants rendent compte de manière descendante et si les sanctions—positives et négatives—sont appliquées comme récompense.

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Au sortir d'une longue « nuit » institutionnelle, nouvelles transactions entre les politiques forestières et les sociétés rurales en RD Congo post-conflit

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Résumé

Depuis 2002, la République démocratique du Congo (RD Congo), entre «guerres et paix», s'est dotée d'un nouveau Code forestier. Entre autres innovations, le Code forestier considéré pose les bases de la décentralisation de la gestion des forêts. Dans l'esprit du décideur, il s'agit là d'un outil de durabilité forestière, de relance économique et de reconstitution de l'unité du pays. Le présent article fait une revue générale de cette «situation de départ». Il montre que le cadre institutionnel de gestion des forêts congolaises est un levier essentiel dans ces réformes. Il dégage ensuite les atouts, sur le papier, de ce nouveau Code forestier, notamment le transfert de droits et responsabilités de gestion aux communautés locales. L'article montre enfin comment l'absence des textes d'application et les faibles capacités de l'État peuvent hypothéquer ledit processus de décentralisation.

Abstract

Since 2002, the Democratic Republic of Congo (DR Congo), between 'war and peace', has a new Forestry Law. Among other innovations, this Forestry Law lays down the basis of a decentralization process for forestry management. In the logic of decision-makers, it is a tool for forest sustainability, economic recovery and the reconstitution of the territorial unity of the country, after waves of armed conflicts. This contribution presents the global context of recovery in DR Congo and characterizes the institutional and legal framework governing forest management in the country. A particular attention is paid to powers and

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responsibilities awarded to local communities. The article also analyses key opportunities and uncertainties related to such a decentralization trajectory.

«Il faut, pour une réelle décentralisation, opérer un transfert effectif de pouvoirs à des autorités locales élues, et représentant des intérêts communs. Cette institution d'autorités élues devrait conduire à la négociation des profits et à la coordination de la gestion des bénéfices tirés des ressources naturelles» (Bazaara 2006).

Introduction

Souvent qualifié de «continent» dans un continent, la République démocratique du Congo (RD Congo) réunit des singularités éloquentes. Premièrement, c'est un «géant» au plan géographique, avec 2,3 millions de km², grand à peu près comme toute l'Europe de l'Ouest. Deuxièmement, il s'agit d'un pays «gâté» par la nature, avec un énorme potentiel forestier et de nombreuses ressources minières, comme le diamant, l'or, le cuivre, le zinc, l'uranium, le cobalt, le coltan, etc., pour lesquelles il figure parmi les premiers producteurs mondiaux. Troisièmement, selon Louwers (1936:5-13) et Budge-Reid et al. (2003:2) la souveraineté de la Belgique sur ce pays ne fut reconnue par les signataires du Traité couronnant la Conférence de Berlin en 1885 qu'à une seule condition : que le Roi des Belges, Léopold II, accepte que ce vaste espace tropical serve de «marché libre» [d'accès] à toutes les puissances coloniales, un statut assez spécifique, même dans un contexte colonial. Quatrièmement, le pays en question a connu pendant 32 ans un des régimes et un des systèmes les plus dictatoriaux, plus durs que le totalitarisme colonial (Jewsiewicki 1980:10-45), prédateurs et «kleptocrates», politiquement irresponsables, et «paranoïaques» de l'Afrique post-indépendance : le mobutisme, construit sur les principes téléologiques du «néo-patrimonialisme», au sens de Bratton et van de Walle (1997:61-63), c'est-à-dire sur le binôme «centralisation extrême du pouvoir/redistribution de miettes de pouvoir à des clients politiques». Cinquièmement, même si c'est une caractéristique longtemps partagée avec quelques autres pays africains (Somalie, Liberia, Sierra Leone, etc.), la RD Congo aura été ces dernières années un champ d'expression et d'illustration du phénomène dit de «stateless State» (État néant) (Trefon, Van Hoyweghen, et Smis 2002:382), dont une des manifestations est la fissure politique et institutionnelle—renforcée par la distance géographique—entre le pouvoir central et les provinces de l'est du pays, qui ont, trop, souvent évolué en «roues libres».

Depuis plus d'une décennie, la RD Congo, est plongée dans un délabrement géopolitique, social et économique sans précédent dans ce «ex-paradis de l'Afrique noire», à la suite du départ de Mobutu Sese Seko et de l'effondrement de l'État qui s'en est suivi (de Villers et Omasombo Tshonda 2002:

200-205; RDC 2005:9). Au cours des dix dernières années, la «dispersion graduelle du pouvoir»—au sens de Mbembé (2000:20-21), c'est-à-dire «émasculaturation de l'État», «désinstitutionnalisation», «criminalisation» et «généralisation des pratiques informelles»—, l'absence patente d'un pouvoir central assurant régulièrement et avec cohérence ses fonctions régaliennes, et les conflits armés ont amplifié le rythme et les conditions d'exploitation «hors-la-loi» des ressources naturelles (Wilkie et al. 2002:58-73 ; EIU 2005:20-21), conditions très fertiles déjà avec les logiques du «laisser-faire» et du «débrouillez-vous» de Mobutu Sese Seko. Même si elles n'exercent pas sur les acteurs nationaux, les pays voisins, les pays occidentaux et de nombreux «gangs» le même attrait que les ressources minières (voir Bannon et Collier 2003:4-5 ; RDC 2005:9), les forêts congolaises n'ont pas été épargnées par une exploitation illégale, en l'absence de l'État et dans la permanence des conflits armés (Wilkie et al. 2002:34-37; Baker et al. 2003:6 ; Katembo 2005:2-4). L'on signale à ce propos l'exportation illégale des bois congolais vers certains pays voisins à la fin des années quatre-vingt dix et ensuite pendant les conflits (Karsenty 2004b:19; Wilkie et al. 2002 ; Kasongo, pers. comm.). La RD Congo—notamment dans sa partie orientale—est aujourd'hui une des illustrations empiriques des théories sur les effets dévastateurs des conflits armés micro localisés sur les ressources naturelles et l'environnement humain (Gleditsch 1998:381-93 ; Baechler 1999:4-10 ; Klem 2003: 10, 16-20).

En 2002, au sortir d'un «long sommeil institutionnel», le pays s'est doté d'un nouveau Code forestier (RDC 2002). Avant même sa promulgation, Leisz (1998:132) faisait remarquer que ce Code forestier succédera à la Loi forestière [coloniale] de 1949, et corrigera des aspects du Régime général de la Propriété de 1973, amendé en 1980. Ce nouveau cadre de régulation de la gestion des forêts est réformateur et décentralisateur à plus d'un titre (Oyono et al. 2004 ; Karsenty 2004a:26-27) : i) il opère un transfert de responsabilités de gestion aux communautés locales et à d'autres acteurs non étatiques : Karsenty (2001:3) parle à ce sujet de l'octroi d'une «large place aux forêts des communautés»; ii) ce Code forestier esquisse une délégation des pouvoirs de gestion à des entités administratives déconcentrées (les provinces notamment) ; iii) des orientations de gouvernance locale en matière de gestion des forêts y sont énoncées (Karsenty 2004b:27 ; Diaw et al. 2005:30-31).

Le présent article porte donc sur ce pays «unique» à maints égards. Dans un premier temps, les auteurs présentent le contexte global congolais, dont la lecture—même sommaire—est nécessaire à la compréhension des sections suivantes. Dans la deuxième section, Ils dressent le profil du cadre institutionnel de la gestion des forêts en RD Congo. La troisième section

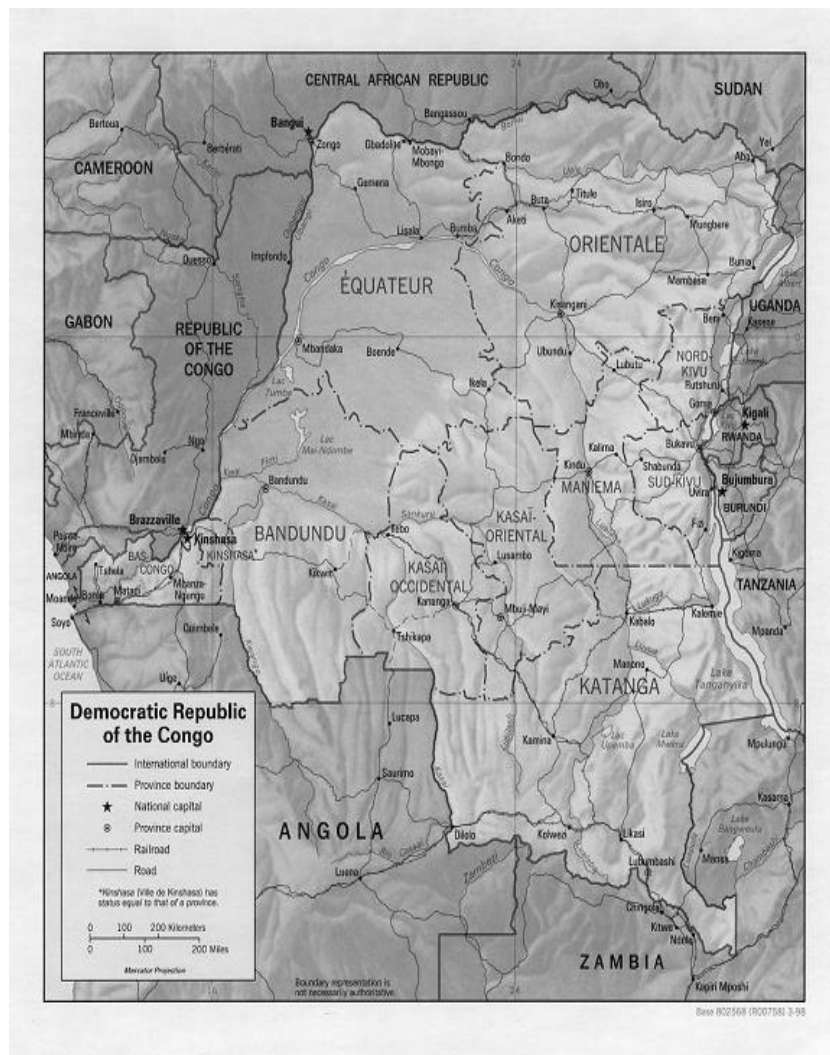
repose sur une évaluation du nouveau Régime forestier. Dans la quatrième section l'article met en avant les limites—sur le papier—de la réforme forestière en cours de formatage, et ceci sur le seul aspect des perspectives de gestion/gouvernance locale, de décentralisation démocratique et de distribution des bénéfices. Il s'agit d'une analyse comparative—anticipée—avec d'autres pays de l'Afrique centrale, où le secteur forestier a servi de 'entry-point' (porte d'entrée) aux réformes en matière de gouvernance, le Cameroun notamment (Brown 2002:1-6 ; Wilkie et al. 2002:62-63). Dans la conclusion, des recommandations sont formulées à l'endroit de la prise de décision, de l'intervention et de la recherche, pour anticiper des évolutions vers l'informalisation des réformes forestières dans le pays considéré.

Configuration du potentiel forestier de la RD Congo

Les forêts de la RD Congo présentent trois faciès généraux : i) les forêts denses humides (Bas Congo et Cuvette Centrale)—plus prisées par l'exploitation forestière industrielle; ii) les forêts montagnardes et sub-montagnardes de la partie orientale du pays ; iii) les forêts sèches, les forêts claires et les savanes (au sud et à l'extrême nord). S'agissant du premier faciès, de nombreuses sources rapportent que son potentiel sur l'ensemble du pays considéré varie de 1,1 millions de km² à 1,5 millions de km² (Sayer 1992:273 ; CARPE 2000:3; Lelo Nzuzi et al. 2004 ; SPIAF 2004 ; Trefon 2004 ; etc.). Toutefois, selon Lelo Nzuzi et al. (2004), un travail de projection effectué en 1994 par le Service Permanent d'Inventaire et d'Aménagement Forestier (SPIAF) indique une superficie de 1.280.042 km² de forêts denses humides. Russell et Jama (2002:3) insistent sur les 1.100.000 km² de formations forestières denses et humides. Sur la base de sources écrites, Kaimowitz (pers. comm.) situe ce chiffre à 1.232.000 km². Nonobstant ces écarts somme toute négligeables, il est manifestement reconnu que toutes ces forêts renferment un nombre important d'espèces végétales et animales. S'agissant par exemple des espèces animales, l'on y dénombre près de 509 espèces de mammifères et 1.086 espèces d'oiseaux (Sayer 1992:274). La RD Congo compte plus d'espèces d'oiseaux et de mammifères que tout autre pays africain (IUCN 1987:909-30). Une bonne partie de ces ressources fauniques est protégée à travers dix parcs nationaux et cinquante-sept réserves et domaines de chasse (Sayer 1992:274-75 ; de Merode 1998:12-15 ; Barry et al. 2000:5-12).

La forêt congolaise représente soixante pour cent des forêts denses d'Afrique centrale et quarante-sept pour cent des forêts tropicales d'Afrique. Elle contient plus de douze pour cent des forêts denses humides mondiales, occupant ainsi la troisième position après le Brésil et l'Indonésie. C'est donc un véritable poumon planétaire, après l'Amazonie. C'est aussi une source

Carte : La RD Congo



inestimable de biens, de services et de bénéfices pour toutes les parties prenantes (agriculture traditionnelle ou essartage, agriculture commerciale, pêche, chasse, industries du bois, industries agricoles, extraction des produits forestiers non ligneux, extraction du bois artisanal, production du bois de chauffe et du charbon, amélioration de l'infrastructure rurale à travers les «cahiers des charges», etc.). Selon Kaimowitz (pers. comm.), à la suite des auteurs comme Wilkie et al. (2002:22-23), l'exploitation forestière industrielle a été inaugurée au Congo au début du siècle dans le Bas Congo, par des

sociétés comme la Société agricole et forestière (AGRIFOR) et la Société forestière et commerciale (FORESCOM).

Après une exploitation industrielle accélérée, la production des bois a commencé à décliner dans ladite région (le Bas-Congo), allant de 280.000 mètres cubes en 1965 à 110.000 mètres cubes en 1988, puis à 24.000 mètres cubes en 1998 (Kaimowitz, pers. comm.; Karsenty 2004a:18). Le pôle de production s'est sensiblement déplacé vers le centre, le nord et le nord-est du pays. Pour ce qui est de la production nationale, (Karsenty 2004a:18) mentionne qu'elle a culminé en 1970 à 570.000 mètres cubes, pour chuter à 200.000 mètres cubes en 1973 en raison de l'étatisation du secteur industriel sous Mobutu, avant de remonter à près de 500.000 mètres cubes en 1990, suite à une «re-privatisation», et dégringoler à 100.000 mètres cubes en 2002, dans le contexte chaotique des conflits armés qui a gouverné le pays considéré les dix dernières années. Les essences commerciales les plus exploitées sont le Sipo (*Entandophragma utile*), le Limba (*Terminalia superba*), le Sapelli (*Entandophragma cylindricum*), l'Iroko (*Chorophora excelsa*), le Tiama (*Entandophragma angolensis*), l'Fromosis (*Pericopsis Elata*), etc.

En réalité, la capacité de production de la forêt congolaise serait d'au moins 6 millions de mètres cubes par an (Lelo Nzuzi et al. 2004). A présent, cette forêt est très insuffisamment exploitée (Ruiz-Perez et al. 2005:4-5). Elle ne serait exploitée qu'à huit pour cent de sa capacité, soit 500.000 mètres cubes de bois par an. Entre soixante et soixante-cinq sociétés forestières exploiteraient les bois congolais, dont certaines ne jouissant pas d'une réelle opérationnalité. Il convient de retenir que le secteur forestier congolais est marqué par des vides séquentiels quant à la disponibilité des données sur la production et les exportations—les années de troubles par exemple. Lorsque des statistiques existent, elles mettent en avant des distorsions et des incohérences troublantes (Karsenty 2004a:19). L'on peut néanmoins dire que ce secteur présente dans l'ensemble les caractéristiques majeurs ci-après : i) la fragmentation graduelle du tissu de la transformation ; ii) le déclin de la production; iii) la prédominance des sciages artisanaux ; iv) la prégnance de l'informel et du contournement de la réglementation ; vi) la discontinuité de et/ou l'étirement de la chaîne d'évacuation des grumes et/ou des bois sciés ; vii) le caractère relativement intact de plusieurs de ses composantes, le taux de déforestation étant ici le plus bas de tous les pays du Bassin du Congo, soit sept pour cent (Laporte et al. 1998:3544).

Le contexte congolais : le poids des drames et de la complexité

«Peu de pays ont souffert d'une exploitation coloniale si rude, prédatrice, socialement désorganisant, et immodérée ; un système colonial d'autoritarisme bureaucratique dense, approfondi, paternaliste, et échappant

au contrôle extérieur ;...une expérience démocratique d'une telle brièveté et une ethnicité politisée; un leadership indigène inexpérimenté et non préparé à l'indépendance ;...une période post-coloniale initiale d'un tel chaos hobbesien, sécessionnisme, et manipulation externe, et la subséquente agonie post-coloniale d'une autocratie patrimoniale et personnalistique prolongée et apparemment interminable par un des monarques présidentiels les plus durables d'Afrique» Lemarchand (2002:390) [Traduit de l'anglais par les auteurs].

La réforme du secteur forestier congolais est à mettre en rapport avec tout le climat de «rétablissement» et de relance en gestation dans ce pays (Karsenty 2004a:14). Cependant une rapide visite de l'histoire post-coloniale du jadis «Congo Belge» semble nécessaire. Depuis 1960, l'histoire du Congo s'écrit sous la dictée d'un cycle sociopolitique alternant des crises aiguës, des éruptions spontanées, et une dislocation des topographies sociopolitiques, d'une part, et des périodes d'accalmie, d'autre part. C'est une histoire dialectique régulièrement gouvernée par du «déjà vu». René Lemarchand (2002:390) reproduit les points saillants du «drame» congolais selon la trajectoire suivante : i) l'inscription du pays dans la logique de la confrontation Est-Ouest développée sur la guerre froide, dès son accession à l'indépendance, et son «instrumentation» sous-régionale comme tête de pont de la lutte anti-communiste en Afrique australe ; ii) la tragédie de l'élimination physique, politique et idéologique de Patrice Lumumba ; iii) l'insurrection muléliste de 1964/65, qui achève de mettre le Congo dans le camp pro-occidental ; iv) la «nuit dictatoriale», qui a couvert le pays sous Joseph Désiré Mobutu—devenu Mobutu Sese Seko plus tard ; v) la chute de son régime autocratique et implacable ; vi) l'effondrement de l'État et les conflits armés nourris par les intrusions des pays voisins, dramatiquement traduite par l'«implosion de la société civile», l'«éclatement du territoire national», l'«exacerbation des affrontements identitaires», et l'«économie du vol par puissances interposées» (Lemarchand 2002:389); vii) l'intermède infructueux de Laurent Désiré Kabila ; viii) la «transition intransitive» (de Villiers et Omasombo Tshonda 2002:399)—c'est-à-dire entourée de risques, mais porteuse d'espoirs comme le «Dialogue inter-congolais», la clarification du jeu politique, les promesses d'aministie, les perspectives d'élections pluralistes, et l'espérance tout court, sous Joseph Kabila (voir JO/RDC 2003).

La RD Congo compte près de 60.000.000 d'habitants (RDC 2005:8), dont 80 à 90 pour cent vivent dans la pauvreté (CIA 2003 ; Karsenty 2004a :5-6 ; RDC 2005:8). Selon RDC (2005:8), 48.1 pour cent de cette population a moins de quinze ans et son taux de croissance est de 3,1 pour cent (RDC 2005:46), alors que Fa, Curie, et Meeuwig (2003:5) le situaient à deux et demi pour cent deux ans plus tôt. Quatre-vingt pour cent de ménages sont

pauvres (RDC 2005:46). Les Congolais eux-mêmes, les habitants de Kinshasa—la capitale—notamment, estiment qu'il faut au moins une cinquantaine d'années pour retrouver le niveau de vie qui était le leur en 1960 (Sandja, pers. comm.). Environ 25 à 30.000.000 de personnes vivent dans la forêt humide (Wilkie et Carpenter 1999), dont près de d'un million de Pygmées (Bailey, Bahuchet, et Hewlett 1992 : 43-47; Baker et al. 2003)—bien que les données sur ces derniers soient plus que incertains. Les interactions «hommes-forêt» sont au demeurant très variées et denses. L'espérance de vie est tombée à quarante-cinq ans en moins de deux décennies. Les récentes guerres et les déplacements de la population ont fait près de 3.000.000 de morts et autant de déplacés (Baker et al. 2003:6 ; RDC 2005:4). Le réseau des voies terrestres reliant les provinces et les villes est complètement délabré, quand il n'existe tout simplement pas (Rachel, Bayer, et Cobbam 2003:24-27).

Les déchirements que le pays a connus depuis le départ de Mobutu Sese Seko l'ont rendu exsangue. L'extrême pauvreté rurale côtoie l'informalisation générale de la vie en milieu urbain. Seulement cinq pour cent de la population de Kinshasa, soit environ 120.000 personnes, ont un emploi dans le secteur formel (Mobula 2000:3). Le salaire mensuel moyen dans la fonction publique n'y dépasse pas 7.000 francs congolais (environ US\$20). Les habitants de Kinshasa, tout comme ceux des autres villes du pays, vivent donc de la «débrouillardise» et de l'informel, dans un environnement de «sauve-qui-peut» (De Hert 2002:464-65), car la vie doit s'inventer au quotidien. Les réseaux traditionnels d'entraide et les cercles identitaires jouent un important rôle de support matériel et moral (Trefon 2002:482-87). Faisant allusion au «modèle» congolais, Mbembe (2000) parle de l'expansion de «la criminalité urbaine» et du «brigandage rural», alors que des «zones entières (rurales ou urbaines) échappent à la maîtrise du gouvernement central». Dans les efforts individuels de «neutralisation» de la pauvreté, on a de plus en plus recours au «merveilleux» et à la magie noire, et aussi aux «églises nouvelles»—appelées «églises du réveil»—censées aider instantanément par la prière (Mbonyinkebe 1989:50-58). Esquissant une «économie politique du sacrifice» et une analyse des stratégies de survie à Kinshasa, Trefon (2002:482) relève ceci :

... Le Kinois n'attend, cependant, plus rien de l'État. L'évolution du discours politique dans la transition post-Mobutu n'a guère amélioré ses conditions de vie. L'État post-colonial modèle qui devait améliorer ses conditions de vie s'est plutôt avéré être un prédateur social ... L'État semble s'être plié au cannibalisme social, la société étant sa propre proie. Sous Mobutu, les mécontentements étaient rarement évoqués, car toute contestation à caractère politique était sévèrement réprimée. Aujourd'hui encore, les plaintes et

les critiques sont peu souvent dirigées contre la classe politique par le Kinois. Elle le sont contre la société ou Dieu lui-même.

Dans ces circonstances, la société civile, longtemps étouffée par le mobutisme, semble se réveiller depuis quelques années, faisant montre de dynamisme et d'une grande capacité d'auto-mobilisation (Rachel, Bayer, et Cobbam 2003:12-30 ; Trefon 2004:3-10). Des associations et des organisations prolifèrent sur des thèmes très divers comme la paix, l'accès équitable aux ressources, la démobilisation des enfants soldats, la santé, la lutte contre le VIH Sida, la réduction de la pauvreté, etc. (Rachel, Bayer, et Cobbam 2003:7-14 ; Budge-Reid et al. 2003:11-20; Trefon, Van Hoyweghen, et Smis 2004:2-7). Au plan strictement politique, la RDC traverse une période de «transition» (JO/RDC 2003). C'est une transition à risques dont les fondations ont été posées par les Accords de Lusaka et le Dialogue inter-congolais. Un projet d'amnistie est en cours d'élaboration. Les libertés de pensée et de parole sont tolérées. Des élections se préparent. Au milieu de ce «printemps congolais», la communauté internationale—au chevet du pays depuis 1999—joue un rôle de guide et de catalyseur des réformes pour la gouvernance, tout en apportant un soutien financier à la timide relance de l'État et de l'économie. Le secteur forestier est du reste représentatif de cette bienveillante attention. En somme, le pays semble revivre.

Mais à bien regarder, la RD Congo continue à ployer sous le poids de la «hantise de la guerre». Les provinces les plus «orientales» du pays et, à un degré moindre, le Kasai et le Katanga sont autant de «zones critiques» (EIU 2005:16-21). Des bandes armées incontrôlées (avec des militaires sans salaire), des pillards, et des milices de tout genre écument de vastes territoires et y contribuent à l'amplification systématique du braconnage et au prélèvement de l'ivoire, et de ressources minières. Ansimi (2003:4-5) rapporte que du fait des conflits armés récurrents et des destructions qui s'en suivent, l'on note une accélération de l'exploitation artisanale des bois à des fins de réfection de l'habitat rural et urbain à l'Est du pays. Tout comme le rétablissement sociopolitique, le rétablissement économique de la RD Congo exige de gros efforts. L'État vit «sous perfusion» : à titre d'exemple, cinquante huit pour cent des 435 milliards de francs congolais (environ US\$870 millions) du budget public projeté pour l'année en cours sont attendus des bailleurs de fonds (EIU 2005:22-23). La pauvreté rurale et urbaine, l'économie de guerre marquée par le pillage des ressources naturelles par des bandes armées composées de nationaux, d'une part, et de cliques d'étrangers, d'autre part, et le «laisser-faire» caractéristique de la présente situation de «convalescence» induisent une pression anthropique accrue sur les ressources forestières, que ce soit sur la faune (Fa, Curie, et Meeuwig 2003), ou sur la ressource ligneuse.

La «rationalisation» de la gestion du secteur forestier et la dévolution des responsabilités de gestion à des acteurs non étatiques sont, dans ces conditions, entrain de gonfler les attentes des communautés locales, qui veulent enfin vivre de l'argent des forêts (Yambayamba Shuku 2003:34-37 ; Bossengé, pers. comm.). Le contexte rural est marqué par un taux élevé de déscolarisation (31,1 pour cent chez les enfants de moins de quinze ans) et d'analphabétisme rural (40,3 pour cent). Au plan national, entre soixante-dix et soixante-quinze pour cent de la population oeuvrent dans l'informel (Mbaya et Streiffeler 1995:95-125 ; RDC 2005:71, citant BIT). Ce sont donc des dizaines de millions de personnes qui sont susceptibles de chercher les moyens d'existence dans l'utilisation/valorisation des ressources forestières et à travers la présence officielle dans le champ de la redistribution des bénéfices forestiers.

Encadré 1 : Un environnement socio-politique propice à la dramatisation du quotidien et à diverses formes d'éco-pillage

La province du Nord-Kivu* est subdivisée en six territoires et comprend trois villes disposant au total de neuf communes. Les territoires sont ensuite divisés en dix-sept collectivités, dont dix chefferies [...] Depuis 1993, le Nord-Kivu a vécu les méfaits de l'instabilité politique traduisant la mauvaise gouvernance dont les populations ont eu à payer un lourd tribut. La région a connu une série d'événements malheureux de manière successive entre 1993 et 2004 :

- En 1993 : les conflits interethniques dans le Masisi ;
- En 1994 : l'afflux massif des réfugiés rwandais ayant déversé tous les Interahamwe génocidaires du Rwanda dans le Nord-Kivu ;
- Entre 1995-1996 : les différentes razzia des soldats 'perdus' de Mobutu à travers les opérations Mbata et Kimya ;
- Novembre 1996 : la première guerre de libération menée par l'AFDL et ayant entraîné des dizaines de milliers de morts et éparpillé les Interahamwe dans la province puis dans tout l'est du Congo ;
- Août 1998 : la deuxième guerre de libération du RCD ;
- En 2001 : la balkanisation de la province avec le RCD original et le RCD-KML, et cela jusqu'en 2003.

Tous ces événements, ou presque, ont bénéficié de la complicité de l'Ouganda et du Rwanda, pays voisins de la République Démocratique du Congo.

Source : BEED (2005:3-4)

* Un nouveau découpage administratif du pays a vu le jour alors que cet article était entrain d'être finalisé.

Le profil du cadre institutionnel de gestion des forêts en RD Congo

La gestion des forêts congolaises—et des autres ressources naturelles—est régie par un cadre institutionnel composé d'instruments politiques et légaux (de lois, d'ordonnances, et de textes divers), de services et agences étatiques, d'organisations multilatérales et bilatérales, d'ONGs internationales, d'initiatives sous-régionales, d'opérateurs privés, d'ONGs nationales/locales, d'organisations et réseaux de la société civile, et d'institutions coutumières. Dans la RD Congo post-conflit, les instruments politiques et légaux sont élaborés par l'Assemblée nationale. Les différents services et agences de l'État sont chargés, à divers titres, de l'application et du suivi de la politique forestière et des dispositions légales en vigueur. Trois groupes d'acteurs de ce cadre institutionnel peuvent jouer un rôle catalyseur et régulateur, en influençant d'une manière ou d'une autre la politique et les instruments légaux. Il s'agit des organisations multilatérales/bilatérales, des ONGs internationales, des plates-formes sous-régionales—comme la Commission sur les Ecosystèmes de Forêts denses Humides d'Afrique Centrale (CEFDHAC), la Conférence des Ministres en charge des Forêts d'Afrique centrale (COMIFAC), le Nouveau Partenariat pour le Développement de l'Afrique (NEPAD), le Congo Basin Forest Partnership (CBFP), l'Organisation africaine des Bois (OAB), la Forest Law Enforcement and Governance (FLEG), l'African Forest Law Enforcement, Governance and Trade (AFLEGT), le Global Legal Information Network (GLIN), le Global Water Partnership (GWP), l'Autorité de Gestion du Bassin du Congo (AGB), des réseaux de diffusion de l'information forestière et les organisations/réseaux de la société civile. Six instances cardinales de ce cadre institutionnel sont caractérisées dans les lignes qui suivent.

Le nouveau Code forestier de 2002

Jusqu'à très récemment, la gestion des forêts congolaises était gouvernée par un code forestier colonial, le Code forestier de 1949. Il convient de noter que pendant plusieurs décennies, les forêts congolaises étaient la propriété exclusive de Léopold II, *Roi des Belges et Maître du Congo*. Ce n'est qu'à la faveur de la Loi du 18 octobre 1908 que ces forêts sont transférées à la «colonie belge du Congo belge» (RAGA TV 2005). Le Code forestier de 1949—tout en reconnaissant aux indigènes des «droits d'usage»—leur déniait toute responsabilité formelle dans la gestion des forêts en question (Le Roy 1982 : 83). Cet outil attribuait toutes les forêts congolaises et les ressources qu'elles contiennent à la Couronne belge (Le Roy 1983:82). Ce texte anachronique a survécu jusqu'au troisième millénaire. Les nombreuses dispositions légales

subséquentes—des décrets notamment—se sont davantage focalisées sur des aspects spécifiques (« conservation de la nature », « chasse », « pêche », etc.), et n'ont induit aucune transformation qualitative du cadre juridique et des principes fondateurs de la « marginalisation légale » et de l'exclusion des communautés locales. Même l'Ordonnance-Loi n°69-041 du 22 août 1969, post-indépendance, n'avait pas pris en considération la participation des communautés locales dans la gestion des ressources forestières. Selon Trefon (pers. comm.), seulement le 1/10e des outils légaux existants en 2003 sont adaptés au contexte historico-politique ambiant, celui d'un État congolais indépendant et affranchi de la tutelle administrative et de l'ingénierie institutionnelle belges.

En réponse aux exigences internes de justice sociale et de construction d'une citoyenneté post-dictatoriale, et surtout aux pressions externes initiées par les bailleurs de fonds (Diss 2003:2-5), un nouveau Code forestier, le premier du Congo post-colonial, a été promulgué par le gouvernement en 2002, à travers la Loi n° 011/2002 du 20 août 2002 (RDC 2002). Ce Code forestier, largement inspiré du Code forestier camerounais (Karsenty 2001:4; Trefon 2004:9; Oyono et al. 2004:5; Malele 2004; Diaw et al. 2005:23-25), comporte des innovations significatives. Celles qui ont directement trait à cet article sont : i) la reconnaissance du rôle des acteurs périphériques dans la gestion des forêts ; ii) l'inauguration d'une démarche de dévolution « potentielle » des responsabilités de gestion à des entités territoriales déconcentrées (les provinces par exemple), aux collectivités locales, aux communautés locales (Karsenty 2001:3-4) et aux opérateurs privés : ainsi, l'État peut allouer une portion de forêt à une communauté villageoise sur le foncier forestier coutumier, parce qu'elle y détient des « droits historiques et sociaux » (Cuny 2005:5) ; iii) la référence aux « concessions de conservation », dont l'objectif est de dédommager directement les ayants droits et les collectivités concernées par le coût du renoncement au développement dans les zones conservées (Diaw et al. 2005:19). La notion d'accès aux bénéfices par les communautés locales, bien que très marginale dans le Code forestier considéré (Karsenty 2001:6-8; Kaimowitz, pers. comm.), apparaît toutefois en filigrane derrière la prescription des négociations entre les compagnies forestières et les communautés riveraines (Cuny 2005:5-6; Oyono et al. 2004:6).

Ce Code forestier doit co-exister avec un plan de zonage de l'espace forestier, dont le processus d'élaboration est en cours. L'élaboration du plan de zonage tourne autour de trois types d'intervention (Cuny 2005:7) : (i) un macro-zonage, sur l'ensemble du territoire ; (ii) un micro-zonage, appelé à aboutir à un zonage indicatif proposant une spécialisation des espaces ; (iii) un zonage pilote. Selon Cuny (2005:8), une cascade de textes

viennent—ou viendront—en appui au Code Forestier de 2002. Il s'agit notamment de: (i) L'Arrêté ministériel n°CAB/MIN/AF.F-E.T/263/2002 du 3 octobre 2002 portant mesures relatives à l'exploitation forestière; (ii) L'Arrêté ministériel n° AB/MIN.AFF.F.E.T./253/2002 du 03 octobre 2002 portant composition, organisation et fonctionnement des Conseils consultatifs provinciaux des forêts; (iii) l'Arrêté ministériel n° CAB/MIN/AF.F-E.T/263/2002 du 3 octobre 2002 portant mesures relatives à l'exploitation forestière; (iv) l'Arrêté du 2 juillet 2004 fixant les modalités de conversion des conventions portant octroi des garanties d'approvisionnement en matière ligneuse et lettres d'intention en contrats de concession forestière ; (v) l'Arrêté relatif à l'exploitation forestière ; (vi) Le Décret fixant la procédure d'attribution des concessions forestières ; (vii) Le Décret portant composition, organisation et fonctionnement du Conseil national des Forêts ; etc.

Le Ministère de l'Environnement, Conservation de la Nature, Eaux et Forêts

Cette institution est chargée d'appliquer—et de veiller à l'application de—la politique nationale en matière de gestion des forêts. Les compétences institutionnelles pour la gestion des forêts sont attribuées à ce ministère conformément à : i) l'Ordonnance n°75/231 du 22 juillet 1975 fixant les attributions du Département de l'Environnement, Conservation de la Nature et Tourisme; et ii) l'Ordonnance n°75/232 du 22 juillet 1975 portant création d'un Comité interdépartemental pour l'Environnement, la Conservation de la Nature et le Tourisme. Le Ministre de l'Environnement, Conservation de la Nature, Eaux et Forêts est représenté au niveau des provinces par une Coordination de l'Environnement et au niveau du district et du territoire par un Inspectorat de l'Environnement. Ce dernier a des compétences limitées par rapport à l'ampleur de la tâche (Lelo Nzuzi et al. 2004:10). Le Ministère de l'Environnement, Conservation de Nature, Eaux et Forêts comprend dix-neuf directions, dont la «Gestion forestière», le «Service national de Reboisement» (SNR), le «Service permanent d'Inventaire et d'Aménagement forestier» (SPIAF), le «Développement durable», le «Fonds de Reconstitution du Capital forestier» (FRCF), le «Cadastre forestier», et le «Centre d'Adaptation des Techniques et d'Énergie du Bois» (CATEB).

Encadré 2 : Des capacités d'intervention amoindries et contraignantes pour les réformes et leur suivi

L'administration publique a toujours été faible en RDC et les guerres successives l'ont encore plus affaiblie. Le service forestier est particulièrement quasi absent sur le terrain. Les fonctionnaires reçoivent de faibles salaires (dans l'Est, ils ne sont pas payés depuis 1996...). La capacité du service forestier à faire respecter les lois et règlements sur le terrain est faible. Malgré le fait que depuis 20 années, aucun cadre forestier n'a été formé (les nouveaux commencent à sortir de l'université de Kinshasa), le pays compte encore un petit nombre de cadres forestiers bien formés, souvent dans les services centraux, qui ont une vision positive de l'avenir du secteur forestier congolais et de leur rôle. En provinces, la pénurie d'agents et de cadres en quantité et en qualité limite fortement l'administration forestière dans l'accomplissement de ses missions régaliennes (pas assez d'ingénieurs pour les postes de coordinateurs provinciaux, vieux cadres et agents, inadéquation entre profil de poste et capacités proposées).

Source : Cuny (2005 : 7)

L'Institut Congolais pour la Conservation de la Nature (ICCN)

Avant l'indépendance, un décret royal érigeait une aire protégée sur la base d'un Décret général colonial signé en 1947. Les parcs nationaux (ou réserves naturelles) étaient institués par des ordonnances-lois et les forêts étaient régies par le Code forestier du 14 avril 1949. C'est l'Institut congolais pour la Conservation de la Nature (ICCN) qui gère maintenant les aires protégées et apparentées, conformément aux Ordonnances lois n° 69-041 du 22 août 1969 relative à la Conservation de la Nature et n° 75-023 du 22 juillet 1975 portant statut de l'Institut congolais pour la Conservation de la Nature, modifiée et complétée par l'ordonnance n° 78-190 du 15 mai 1978. La gestion des réserves et domaines de chasse, qui relevait jadis de la Direction de la Gestion forestière et de la Chasse du Ministère de l'Environnement, fut transférée à l'ICCN par l'Arrêté ministériel n° 36/DECNT/BCE/78 du 13 juillet 1978. L'ICCN a été créée en 1972, sur les cendres de l'Institut des Parcs nationaux du Congo (IPNC). Son mandat est de contribuer à la gestion durable et à la conservation de la biodiversité, de développer l'écotourisme dans le respect des principes de base de la conservation de la nature, et d'intégrer la conservation dans les perspectives de développement local. L'ICCN a quatre Bureaux à l'échelle nationale et deux Divisions provinciales (Bukavu, dans le Sud-Kivu et Lumumbashi, dans le Katanga). Les aires protégées de la RD Congo couvrent environ dix cent du pays, soit une superficie de 187.600 km².

Le CBFP et les organisations internationales

Le Congo Basin Forest Partnership (CBFP) est une initiative du gouvernement des États-Unis d'Amérique, couverte par le Central Africa Regional Program for the Environment (CARPE), et basée aujourd'hui à Kinshasa. Cette initiative couvre six pays, dont la RD Congo, la République du Congo (Congo Brazzaville), le Cameroun, la Guinée Equatoriale, la République Centrafricaine et le Gabon. Le CBFP a été lancé conjointement par l'Afrique du Sud et les États-Unis d'Amérique lors du Sommet de Johannesburg en 2002. L'initiative regroupe 29 partenaires institutionnels ou privés, et elle s'intègre dans le plan de convergence préparé par la COMIFAC (FAO 2004:10). Le CBFP vise à : i) améliorer la gouvernance et la conservation des ressources naturelles dans les six pays ci-dessus mentionnés ci-dessus, ceci à travers un appui à un réseau de parcs nationaux et d'aires protégées, des concessions forestières bien aménagées et l'assistance aux communautés qui dépendent étroitement de la forêt dans onze *landscapes* (étymologiquement «paysages», mais ici «écosystèmes stratégiques») ; ii) réduire la pauvreté; iii) promouvoir le développement économique. Six des onze *landscapes* délimités et ciblés par le CBFP se trouvent en RD Congo. À ce titre, cette initiative et ses partenaires (l'État, la communauté des ONGs internationales et les ONGs locales) devraient jouer un rôle prépondérant dans les réformes forestières mises en chantier dans ce pays.

De nombreuses autres organisations sont déjà impliquées dans le formage et le financement de ces réformes, ou dans des appuis divers (voir FAO 2004:9-10). C'est le cas de la Banque mondiale—très active dans l'élaboration du nouveau Code forestier et le lancement du «Projet d'Urgence et de Soutien de la Réunification économique et sociale», chargé, entre autres, de la mise en place d'un plan de gestion des forêts et du soutien au secteur privé—l'Union européenne, la Food and Agriculture Organization (FAO)—impliquée dans l'élaboration du décret d'application du nouveau Code forestier, la Coopération technique germanique (GTZ), la Coopération néerlandaise, la United Nations Educational, Scientific and Cultural Organization (UNESCO), la United States Agency for International Development (USAID), le World Wide Fund for Nature (WWF)-Belgique, la Rain Forest Foundation, la Wildlife Conservation Society (WCS), le World Resources Institute (WRI), CARE International, la Stichting Nederlandse Vrijwilligers (SNV), l'African Wildlife Foundation (AWF), l'Union internationale pour la Conservation de la Nature (UICN), le Centre Internationale de la Recherche Agricole pour le Développement (CIRAD), le Center for International Forestry Research (CIFOR), etc. Comme dans d'autres pays d'Afrique centrale, la Banque mondiale assure un «leadership» incontesté dans les réformes en élaboration (Karsenty 2004b:23-28). Ces réformes pourront aussi avoir le soutien politi-

que et méthodologique des initiatives sous-régionales et plates-formes mentionnées plus haut.

Les institutions et structures coutumières

Bien que marginalisées par les cadres juridiques coloniaux et post-coloniaux de gestion des forêts, les institutions coutumières sont incontournables sur la question de la gestion des forêts congolaises. Le cours du temps, leur capacité de résistance aux lois et institutions modernes a créé un dualisme «légal», c'est-à-dire l'existence de deux référents qui se font face sans s'accepter mutuellement, comme noté par Wilkie et al. (2002:39-41). Les institutions et structures coutumières de gestion des forêts identifiées en RD Congo par Leisz (1998: 133-34), Wilkie et al. (2002:39-41) et Oyono et al. (2004:6-7) comprennent : (i) les différentes formes de tenure foncière traditionnelle; (ii) les systèmes locaux de gestion ; (iii) les autorités coutumières (chefs de lignage et «chefs de terre») ; (iv) les systèmes de parenté ; (v) les pouvoirs symboliques comme la sorcellerie. Lorsque la tension entre les institutions coutumières et le cadre juridique moderne est exacerbée, les conflits d'accès qui s'en suivent conduisent à la nécessité de la négociation, donc à une acceptation implicite de la rémanence des systèmes locaux.

La société civile

De nombreuses études récemment conduites en RD Congo sur la société civile montrent qu'il s'agit d'un acteur central dans le processus de reconstruction du pays (Lemarchand 2002:369; Budge-Reid et al. 2003:11-20 ; Rachel, Bayer, et Cobbam 2003:5-17). Réduite au silence, vivant clandestinement dans le souterrain «du politique» et des questions publiques durant le long et impitoyable règne de Mobutu Sese Seko, éparpillée par les conflits armés de ces dernières années, la société civile est aujourd'hui en proie à un bouillonnement productif généré par les thèmes d'intérêt national. Ces thèmes vont de la paix à la construction d'un état de droit, en passant par l'accès équitable aux ressources, la santé, la lutte contre la pauvreté, etc. De manière générale, elle se compose des types d'organisations ci-après : (i) les organisations ecclésiales de base ; (ii) les ONGs nationales, régionales et locales ; (iii) les organisations de défense des droits de l'homme ; (iv) les organisations socio-économiques (groupements paysans, tontines, groupements féminins, organisations de jeunes, associations de pêcheurs, coopératives, mutuelles, etc.) ; (v) les organisations syndicales ; (vi) les organisations culturelles ; (vii) les organisations d'élites ; (viii) les organisations médiatiques, etc. Lelo Nzuzi et al. (2004:3-7) rapportent que les organisations de la société civile sont déjà fortement impliquées dans la gestion des forêts dans les provinces du Nord-Kivu et de l'Équateur depuis

des années, à travers la mise en place des réserves communautaires. Ces organisations devront, à court terme, investir les espaces de pouvoir [de gestion] libérés par le nouveau Code forestier en faveur des communautés locales. Le CRONG et ses ramifications territoriales pourraient jouer un rôle médian dans les différentes situations de négociation entre l'État et les communautés locales et entre l'État et le secteur privé.

Encadré 3 : Les CRONGs, des leviers dans la structuration de la société civile autour de la gestion locale des forêts et de la redistribution des bénéfices ?

Le Conseil régional des ONGs de Développement (CRONG) de Kinshasa comprend 86 membres et appuie depuis octobre 2001 une conférence communale de développement (CCD) pour chacune des 24 communes de la province de Kinshasa. Il existe des CRONG dans beaucoup d'autres provinces de la RD Congo. Dans le cas du CRONG de la province de Kinshasa, le CCD comprend comme parties prenantes : (i) les maires (bourgmestres) ; (ii) les ONGs locales ; (iii) le secteur privé ; (iv) les représentants des églises ; (v) les représentants des femmes ; (vi) les représentants des jeunes ; (vii) les représentants des notables. Le Gouverneur de la province apporte son appui au CCD [...] Le CRONG de la province de Kinshasa rédige des plans de développement communaux [...] Ce processus montre la volonté des populations et des ONGs de prendre en main leur propre développement malgré les inévitables récupérations politiques [...] En plus de la capacité de la société politique à «capturer» la société civile, il convient aussi de se poser la question de savoir jusqu'à quel niveau les organisations de la société civile—qui est souvent comme un «serpent de mer»—peuvent se montrer représentatives des communautés rurales, surtout sur des questions comme la gouvernance locale des forêts et la redistribution des bénéfices. De plus en plus la société civile semble être un espace qui «parle» au nom des dominés sans pourtant être aux côtés de ces derniers, mais aux côtés des élites dont beaucoup sont aussi les promoteurs des CRONG.

Synthèse tirée de Cuny (2005:11) et Oyono et al. (2004:12).

Forme et contenu des orientations de la décentralisation de la gestion des forêts en RD Congo

Comme mentionné plus haut, le nouveau Code forestier congolais opère une évolution notable en matière de reconnaissance des droits des communautés locales sur les écosystèmes forestiers. Cet instrument transfère aussi des responsabilités de gestion à des acteurs périphériques, y compris les communautés locales considérées. Les textes d'application de cette nouvelle législation forestière sont toujours attendus. Mais comme signalé dans le paragraphe ci-dessus, la décentralisation «officielle» ou décentralisation «par

le haut»—puisqu'il s'agit d'une «offre étatique»—a été précédée d'une gouvernance forestière locale de fait, une décentralisation «par le bas», dans plusieurs contrées du pays. Ce paragraphe présente quelques exemples de cette gestion décentralisée «avant la lettre». Il évalue ensuite les orientations de la décentralisation officielle, en dégageant ses opportunités et ses risques.

Les anticipations locales et régionales sur fond de vide juridique et politique

Les ONGs de la province du Nord-Kivu ont été les premières à se lancer dans la gestion des forêts et réserves communautaires alors qu'il n'existait pas encore en RD Congo une réglementation en la matière. Elles ont été suivies par les ONGs de la province de l'Équateur. A l'époque, les deux provinces échappaient au contrôle du gouvernement central parce qu'elles étaient sous l'administration des mouvements rebelles : le Rassemblement Congolais pour la Démocratie (RCD), au Nord Kivu, et le Mouvement pour la Libération du Congo (MLC), à l'Équateur. Certaines ONGs de ces deux provinces ont profité de la confusion administrative qui prévalait pendant la guerre pour créer et gérer des réserves communautaires avec des autorisations administratives obtenues localement, sans l'aval de l'administration centrale, qui n'était plus prise en compte dans ces conditions sociopolitiques.

L'ONG «Réserve des Gorilles de Tayna» (province du Nord-Kivu)

La Réserve communautaire de Tayna a été créée en 1992, grâce à un accord de partenariat entre l'ONG «Réserve des Gorilles de Tayna» (RGT) et les chefs coutumiers du voisinage du Parc National de Virunga, pour conserver les gorilles des plaines de l'Est (450 individus recensés), avec une approche de gestion communautaire participative. L'ONG RGT a adhéré à l'Union des Associations de Conservation des Gorilles pour le Développement Communautaire à l'Est de la RD Congo (UGADEC). C'est une plate-forme d'ONGs du Nord-Kivu ayant créé, avec les villageois, les réserves communautaires pour la conservation des gorilles des plaines et des montagnes. L'ONG RGT est financée par la Diana Fosey Gorilla Foundation International (DFGFI), l'Agro-Action Allemande et l'USAID. Cette ONG a réhabilité quarante kms de routes, construit trois écoles primaires, un centre de santé, un orphelinat, etc. Elle est en train de construire, sur financement de l'Université de Washington, le Tayna Center for Conservation Biology (TCCB) qui formera, dans un cursus de trois ans, des jeunes gens de la zone en techniques de conservation communautaire.

L'ONG «Source de Lomako» (province de l'Équateur)

Cette ONG a été créée en 1996, dans le but de contribuer à la conservation de la faune et de la flore de la forêt de Lomako avec la participation des

communautés locales. Il s'agit d'une initiative des originaires de cette contrée qui ont estimé qu'il faut contrôler l'accès des acteurs extérieurs à «leur riche forêt». La forêt de Lomako couvre une superficie de 400.000 hectares dans le territoire administratif de Befale, district de la Tshuapa : elle abrite des espèces animales et végétales rares et menacées d'extinction (Botamba, comm. pers.). En fait l'objectif de «Source de Lomako» est d'amener les populations locales à s'approprier «leur forêt» (Sandja, pers. comm.). Cette ONG réalise déjà des microprojets de conservation, de développement communautaire (santé, éducation, pistes rurales, etc.), et de promotion culturelle (approche culturelle Mongo). Ses partenaires internationaux sont : CARPE/USAID ; IRM ; Bleu-Blanc. La forêt de Lomako est située à côté d'un écosystème stratégique («landscape»), le Parc de la Salonga.

La décentralisation de la gestion des forêts en RD Congo

Le Code forestier du 29 août 2002 pose les orientations générales de la gestion des forêts en RD Congo. Pour le gouvernement, le secteur forestier devrait devenir un instrument de reconstruction du pays, de préservation des écosystèmes et de développement rural durable (Karsenty 2004a:26-28). Le présent article s'intéresse davantage aux orientations «décentralisatrices» du Code forestier et à ses énoncés sur la gouvernance locale. Cette nouvelle orientation des politiques de gestion des ressources naturelles est pleine de signification pour les communautés locales qui vivent depuis la période coloniale les privations imposées par les politiques souvent draconiennes de conservation de la diversité biologique à travers un réseau d'aires protégées des plus vastes.

Le cadre juridique colonial reconnaissait des droits d'usage aux communautés locales, comme noté plus haut. Le Code forestier de 2002 affirme pour la première fois que les communautés considérées ont des 'droits pré-existants' sur les écosystèmes forestiers, des «droits coutumiers» notamment. Les droits d'usage sont y sont aussi réaffirmés. Ces droits d'usage 'en forme d'escalier' concernent les droits d'accès, les droits d'extraction, les droits de régulation et de contrôle, les droits d'exclusion, etc. Ces séries de droits vont s'exercer non seulement en dedans et autour des concessions forestières, mais aussi dans les forêts classées et dans les forêts protégées. Ceci constitue un principe de validation du «statut d'acteur et d'interlocuteur» des communautés locales.

Ensuite, les notions de «concession communautaire» et de «forêt des communautés locales» sont clairement énoncées dans le texte considéré (Malele 2004). On note également une évolution potentielle vers la reconnaissance du «droit de préemption». Dans les trois catégories de forêt définies par la législation actuelle, une catégorie est destinée au développement ru-

ral. Par ailleurs la participation des tous les acteurs, y compris les communautés locales, dans les «choix de gestion» est garantie. Ainsi, la législation spécifie que les communautés considérées devront toujours «être consultées avant chaque opération de classement» d'une forêt et avant chaque allocation d'une portion du domaine public forestier.

Encadré 4 : La reconnaissance des droits des communautés locales sur «leurs forêts»

En son Article 22, la loi forestière stipule qu'une communauté locale peut obtenir à titre de concession forestière une partie ou la totalité des forêts protégées «parmi les forêts régulièrement possédées en vertu de la coutume». La formulation de cette disposition est intéressante. En effet, elle renvoie la détermination de la forêt communautaire, de son identité et de ses limites à la coutume, tout en introduisant un critère de vérification de la possession communautaire par le recours à un double niveau de reconnaissance locale : celle des «autres» (voisins et administration) et celle de la grille historique et pratique (les forêts régulièrement possédées en vertu de la coutume). Pour se constituer, en effet, la forêt des communautés fait l'objet d'une enquête permettant la réalisation d'un état des lieux général du milieu et la reconnaissance des besoins de la population concernée [...] L'exploitation d'une forêt communautaire est en outre soumise à l'élaboration d'un plan d'aménagement simplifié prévoyant la fixation des limites de la forêt sur une carte ainsi que leur matérialisation par tous moyens appropriés, l'élaboration des cartes de la forêt ainsi que la délimitation des aires de coupe et des zones de conservation. L'exploitation est réalisée soit par les communautés elles-mêmes avec assistance, s'il échoit, de l'administration forestière locale, soit par l'entremise des exploitants privés artisanaux agréés, soit par des tiers sur base d'un contrat d'exploitation approuvé par l'administration forestière locale.

Source : Diaw et al. (2005 : 10-11)

Le Code forestier en vigueur définit également de «nouvelles modalités d'accès à la ressource», à travers les principes d'«adjudication publique» et de «loyer annuel». Selon Alain Karsenty (2004a:27), le contrat de concession forestière s'apparente davantage à une 'location' et n'entraîne pas un transfert de propriété. Mais il s'agit-là de la reconnaissance d'une revendication séculaire sans cesse formulée par les communautés indigènes depuis la période coloniale. Dans un pays qui a toujours opéré une fixation sur les abondantes ressources de son sous-sol, une telle disposition, bien qu'encore inachevée, opère un re-équilibre dans la perception des ressources—forestières et minières—par l'imaginaire social et économique des communautés locales. Elle est aussi susceptible de désactiver le potentiel attractif des richesses minières.

La cruciale question du «partage des bénéfices» est abordée cette fois-ci de façon plus adéquate que dans les dispositions antérieures. Ainsi, les entités administratives déconcentrées (provinces et territoires) perçoivent, à des fins de développement local, quarante pour cent de la redevance forestière calculée sur la base de la superficie exploitée. De plus, le principe du «cahier des charges»—basé sur «la réalisation des infrastructures socio-économiques en milieu villageois»—est reconduit et mieux formalisé. Le Code forestier de 2002 transfère aussi d'autres responsabilités aux entités administratives déconcentrées, en plus des responsabilités fiscales. C'est ainsi qu'elles devront dès lors élaborer des «plans forestiers provinciaux» et on verra émerger des «conseils consultatifs provinciaux des forêts» et des «cadastres provinciaux». Parlant de l'aspect novateur de ce Code forestier, Karsenty (2004a:27) note qu'il «marque le passage d'un système de distribution des espaces forestiers géré de manière discrétionnaire et opaque par l'administration vers un cadre d'accès plus organisé, avec des modalités plus claires, transparentes et équitables».

Le tableau 1 présente les innovations majeures du Code forestier congolais, principalement en matière de transfert des droits et responsabilités de gestion aux communautés locales et à des entités déconcentrées ou décentralisées.

Tableau 1 : Aperçu du transfert des responsabilités transférées aux communautés locales et à des entités décentralisées

Innovations	Effets escomptés	Références textuelles
1. Réaffirmation des droits pré-existants	* Sécurisation communautaire * Acquisition du statut d'interlocuteur	Articles 34, 38, 39, 42, 111, etc.
2. 'Forêts des communautés locales'	* Sécurisation communautaire * Atténuation des revendications * Accès direct aux bénéfices	Article 22
3. Consultation lors du classement des forêts	* Atténuation des conflits * Exercice du statut d'interlocuteur * Responsabilisation	Articles 15, 23, 74, 84
4. Formalisation du principe du 'cahier des charges'	* Sécurisation communautaire * Equité et justice sociale * Réduction de la pauvreté	Article 89
5. Redevance forestière allouée aux provinces et création de conseils consultatifs des forêts	* Gestion décentralisée * Responsabilisation * Efficacité	Articles 29, 30, 31, 122

Les innovations considérées sont dégagées, puis les effets escomptés sont définis et les références textuelles mentionnées.

Les limites et les risques des choix de décentralisation de la gestion des forêts en RD Congo

Trois contraintes de base—qui ne sont pas abordées dans cet article—pèsent sur le projet congolais de décentralisation de la gestion des forêts. Premièrement, il y a l'ajournement de la promulgation des textes d'application de certaines dispositions du Code forestier de 2002. Karsenty (2004a:29) note à cet effet que ces textes ont trait à de nombreuses questions, parmi lesquelles les suivantes, qui rentrent dans la réflexion menée dans cet article: 'le classement des forêts'; 'l'attribution des forêts des communautés'; 'les modèles de contrats de concession et de cahier des charges'; 'les Conseils consultatifs provinciaux des forêts'. Deuxièmement, la lueur des contraintes d'opérationnalisation de ce paquet d'innovations point, alimentée par les graves difficultés auxquelles fait face l'État. Troisièmement, même si les textes d'application sont encore attendus, l'arrimage du Code forestier congolais à la législation forestière camerounaise n'a pas pu se construire sur une forte intégration des difficultés rencontrées par l'expérience camerounaise. Des discussions et des consultations auraient permis d'avoir une visibilité plus nette.

Malgré les avancées—sur le papier—vers une gestion décentralisée, le Code forestier congolais comporte un certain nombre de limites, de «lignes de résistance», qui pourront influencer négativement les options de décentralisation et en abâtardir le cours. Il s'agit, dans la perspective de cet article, des limites suivantes :

- le renouvellement des dispositions disciplinaires, des mesures répressives, et de l'arsenal normatif déjà contenus dans le Code forestier de 1949 (Articles 126,127,129,130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141,142, 143, 144, 145, 150, 151, 152, 153,154) ;
- la non-prise en compte directe et explicite des communautés locales dans l'allocation de la redevance. Le Code forestier considéré alloue quarante pour cent de la redevance aux entités provinciales : c'est à partir de ce palier que les communautés locales devraient par la suite être intégrées dans l'espace de la redistribution. L'option d'un transfert direct des portions de redevance aux communautés locales est par-là hypothéquée. Ce goulot peut prêter à tous les abus et à toutes les mauvaises pratiques de la part des représentants de l'État central. Karsenty (2004b:67-72) relève ces insuffisances et recommande la mise en œuvre d'une véritable fiscalité et parafiscalité forestières ;

- l'absence de définition d'une procédure et des mécanismes d'acquisition des «forêts des communautés villageoises», liée—il est vrai—à la question des textes d'application ;
- le manque de clarification des notions aussi complexes que la «communauté villageoise», le «territoire villageois» ou encore la «distribution des revenus» ;
- l'absence de référence à la notion de société civile, si prégnante dans le contexte congolais ;
- la superposition des responsabilités entre le Ministère de l'Environnement et les autorités administratives, notamment dans les collectivités territoriales décentralisées.

Une reproduction du «modèle» camerounais ?

En rapport avec le sujet abordé dans cet article, il convient de souligner que la démarche de décentralisation de la gestion des forêts congolaises présente de nombreuses similitudes avec celle qui a été conçue et mise en œuvre au Cameroun depuis 1994. Il faut savoir que les parties prenantes sont les mêmes, à savoir la Banque mondiale, d'autres organisations multilatérales et les gouvernements considérés. En plus, une profonde parenté se dégage de plusieurs dispositions du Code forestier camerounais, d'une part, et du Code forestier congolais, d'autre part.

Toutefois, étant donné la composition plurielle de la société congolaise, la démarche en gestation de décentralisation de la gestion des forêts—ou de gestion locale—doit, à brève échéance, solder un certain nombre de questions. C'est le cas de la clarification préalable de la notion de «communauté». Que recouvre-t-elle au plan sociologique et mental, en tant qu'unité d'action et de gestion pressentie ? Au Cameroun—dont le contexte est a priori plus «travaillable» que celui de la RD Congo—l'imprécision entourant cette notion dans les textes a conduit à de sérieuses distorsions dans la mise en place et la gestion des forêts communautaires (Diaw 1998:3-8 ; Djeumo 2001:6-10), et dans la manipulation sociale des bénéfices générés (Lescuyer 2003 ; Oyono 2004a). C'est ensuite le cas de la non prise en compte explicite de la société civile dans les textes, en dépit de son importance dans la défense des intérêts des communautés locales et de son poids socio-historique ici (Lelo Nzuzi et al. 2004 ; Oyono et al. 2004). Cette question interagit avec le problème de la représentation : il est nécessaire de se pencher sur les modalités, en cours et futures, de représentation des communautés locales par les organisations dites de la société civile (voir Encadré 3). C'est enfin la question de l'accès aux bénéfices et de la distribution de ces derniers. Au Cameroun, les évaluations en cours des mécanismes qui régissent le processus de transfert et de gestion

de la redevance forestière dégagent de sérieuses limites, notamment l'implication néfaste des acteurs externes, le faible degré de gouvernance locale et la faiblesse des capacités locales (Milol et Pierre 2000: 4-21 ; Bigombé 2003:11-28 ; Oyono 2004b:30-35 ; Malele 2004).

Mais en s'inspirant du «modèle» camerounais, le gouvernement congolais et ses supports internationaux ont, à tout le moins, évité la «navigation à vue». Primo, les deux pays connaissent sur une bonne partie de leurs territoires respectifs—la forêt humide—les mêmes modalités d'accès à la ressource par les mêmes types d'acteurs. Secundo, l'existence de textes d'application, d'une fiscalité forestière plus rationalisée, et d'outils comme le Fonds de Sécurisation des Recettes forestières (FSRF) ou la Cellule de Foresterie communautaire au Cameroun rendrait la «duplication» plus aisée en RD Congo. Tertio, l'expérience camerounaise de décentralisation de la gestion des forêts, présentée comme relativement «progressiste» sur le papier, développe des processus de terrain depuis la fin des années quatre-vingt dix, avec comme parties prenantes des projets, des ONGs, l'Etat et ses excroissances (les entités déconcentrées), les compagnies forestières et les communautés locales. Ces processus—mise en place et gestion des forêts communautaires, gestion communautaires des revenus issus desdites forêts, distribution de la redevance forestière annuelle et de la taxe sur abattage, gestion des revenus de la parafiscalité forestière, entre autres—libèrent des limites et des espoirs. Ces différentes leçons pourraient être prises en compte, capitalisées et intégrées dans le «projet» congolais (Malele 2004).

Encadré 4 : Un secteur forestier convalescent et fragilisé

Le secteur forestier congolais de la RDC est dans une situation économique difficile. De nombreuses entreprises ont disparu ces dix dernières années, et la douzaine d'entreprises restantes a été confrontée à des difficultés multiples, dont bien souvent le pillage de leurs installations. La production industrielle de bois est faible [...] La production informelle de bois est inconnue, probablement de l'ordre de plusieurs centaines de milliers de mètres cubes par an. Une seule société a commencé à travailler dans le sens de la réalisation d'un plan d'aménagement forestier. Les entreprises n'utilisent qu'une faible portion des surfaces qu'elles détiennent et pratiquent une exploitation extrêmement sélective [...] Les unités de transformation du bois, notamment les scieries, souffrent d'une absence d'investissement depuis une quinzaine d'années et plus, et produisent environ 20.000 mètres cubes par an. La production de bois déroulé est faible.

Source : Karsenty (2004b : 6)

Autres considérations

1. Dans le système de gestion traditionnel, les logiques et les catégories d'action privilégient l'extraction communautaire et l'exploitation en continuum de l'espace des usages. Par contre, le système moderne, à haut degré de «technicisation» et de planification, sacralise l'espace des usages, y opère un «clôturage» et y délimite des «concessions forestières», des «concessions agro-industrielles»—vouées au marché et à l'accumulation—et des «réserves» et «parcs nationaux»—garantes de l'exclusion. Aussi bien la mise en œuvre des forêts des communautés, la mise en pratique des dispositions relatives aux «contrats de concession», que l'application de la segmentation de l'espace forestier opérée par le plan de zonage vont achopper sur la question de la confrontation des systèmes de gestion en question.

2. Les faiblesses actuelles de l'industrie forestière en RD Congo devront le plus logiquement du monde influencer, négativement, la dynamique de la fiscalité décentralisée. Il serait utopique d'attendre une inflexion des entreprises forestières dans leur position sur les différentes taxes, qui sont déjà une contrainte cardinale. Les raisons en sont nombreuses. Elles vont de la léthargie d'ensemble du secteur à la faiblesse du potentiel de production, en passant par les coûts élevés des opérations. Karsenty (2004b : 6) note que les professionnels de la filière estiment à 155 le nombre de prélèvements et taxes.

3. Le risque est grand de voir en RD Congo, comme au Cameroun déjà, les communautés locales des bénéficiaires réels des forêts dites «des communautés». En raison de la faiblesse prononcée des revenus en milieu rural, tout indique que les communautés locales—pour le montage des dossiers—«soliciteront» l'appui de mécènes qui pourront être des exploitants forestiers classiques, l'élite locale et/ou des opérateurs (sous-traitants) au profil difficile à brosser d'avance. Non seulement cette structure de situation fera des dites communautés des acteurs passifs de l'exploitation de leurs forêts, mais aussi accélérera le processus de *timberization* (cristallisation sur la ressource ligneuse) des forêts des communautés locales, au détriment de la valorisation des produits forestiers non ligneux par exemple.

4. La RD Congo est parsemée d'aires protégées, délimitées pour la plupart par l'administration coloniale belge. Depuis lors, les communautés locales—avec un accent sur les Pygmées, généralement exclus par les politiques (Dyson 1992:34-36 ; Oyono 2005:117-25)—ont souvent eu à payer le prix fort des différentes stratégies de conservation (privations, expulsions, amendes), en dépit de mécanismes de surveillance pour l'essentiel résiduels. Il ne suffit pas d'être peu favorable aux initiatives de conservation pour constater que la

bienveillante attention de la communauté internationale dans ce domaine est davantage portée sur les espèces animales que sur les communautés humaines. L'idée de 'frais de conservation' ou de contre-partie gagnerait à être bien systématisée dans les réformes en cours.

Conclusion et recommandations

C'est donc dans un contexte assez particulier marqué par des espoirs et des incertitudes au plan domestique, par la convoitise de certains pays voisins—et la menace sur les ressources—et par une attention soutenue de la part de la communauté internationale que la RD Congo continuera à recomposer la trame institutionnelle et juridique de gestion de ses forêts. En plus du Code forestier, déjà abordé dans cet article, d'autres instruments font actuellement l'objet de réflexions (les décrets d'application de la loi forestière, le plan de zonage/de gestion de la forêt, la fiscalité forestière, le fonds de sécurisation des recettes forestières, le programme sectoriel «forêt-environnement»). Le présent article n'est au fond qu'un aperçu du contexte de la gestion des forêts dans le pays considéré, avec un accent intermédiaire sur l'instrument fondamental qu'est le Code forestier. Il s'agit d'un champ encore en friche et qui sera à court terme l'objet de nombreuses recherches, tant le pays rassemble tous les facteurs stratégiques de la gestion des écosystèmes du Bassin du Congo.

Sans donc prétendre être exhaustif, les auteurs de cet article font quelques recommandations fondamentales aux principales parties prenantes de l'élaboration des réformes forestières en RD Congo. Premièrement, des textes d'application du Code forestier doivent être promulgués, afin de conférer plus de lisibilité à l'action réformatrice du gouvernement et se donner le temps d'agir, d'apprendre dans les réussites et les échecs et de corriger. Deuxièmement, des stratégies et des outils de mise en œuvre et d'accompagnement des processus de terrain (forêts des communautés locales, zones de chasse communautaires, circulation et gestion locale des revenus forestiers et de la redevance forestière, etc.) doivent être élaborés. Troisièmement, le renforcement des capacités de l'État (allocation des ressources, capacités techniques, capacités méthodologiques, etc.) est une condition majeure à remplir dans le cadre de la mise en œuvre des réformes. Quatrièmement, des mécanismes de *monitoring* (suivi) du circuit de la gestion décentralisée des forêts doivent être identifiés et «stratégisés» afin d'éviter que la décentralisation ne devienne à brève échéance une «recentralisation», qu'elle ne soit pas bloquée par des forces intermédiaires (autorités administratives régionales, agents du ministère de l'Environnement installés dans la «débrouillardise», les politiciens, les ONGs, et, bien sûr, les responsables des organisations dites de la société civile, etc.) et qu'elle ne fasse le jeu des nombreux

«gangs» prêts à extraire les ressources du pays, sous le prétexte de la dévolution des responsabilités à des acteurs périphériques. Cinquièmement, une place de choix devrait être accordée à la recherche sociale, politique et stratégique, afin de s'informer sur ses résultats et recommandations et de doter ainsi le processus de gestion décentralisée d'une capacité minimum d'anticipation et d'adaptation au changement. Ces préalables, et d'autres formulés par d'autres observateurs, donneraient une impulsion supplémentaire aux réformes pour la dévolution des responsabilités de gestion des forêts et des droits d'accès aux bénéficiaires aux communautés locales congolaises.

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Approches participatives et gestion décentralisée de la Forêt du Samori dans la Commune de Baye, Région de Mopti (Mali)

Bréhima Kassibo*

Résumé

La participation locale est généralement considérée comme une condition préalable de la bonne gestion des ressources naturelles. Cet article porte sur la gestion de la forêt du Samori sise dans la Commune de Baye au Mali, qui fait l'objet de plusieurs types d'arrangements institutionnels mettant en scène de multiples acteurs : État, collectivité décentralisée et société civile. L'étude a lieu dans un contexte de décentralisation environnementale annoncée mais non encore pleinement réalisée. En effet, la nouvelle loi relative à la constitution du domaine des collectivités locales et deux lois d'orientation forestière promulguées par la troisième république, recommandent à l'État l'octroi de domaines propres aux collectivités territoriales et aux particuliers sur lesquels ils sont libres d'exercer leurs compétences. Elles font de l'approche participative l'un des principes clefs de la gestion décentralisée des ressources naturelles permettant d'associer les acteurs locaux aux prises de décisions en les dotant de pouvoirs discrétionnaires conséquents. L'inapplication de ces lois a eu comme conséquences la mise hors jeu des représentants des institutions démocratiques locales du processus gestionnaire et d'invalider le dispositif participatif mis en place par une ONG de la place, soucieuse d'instaurer une gestion communautaire des ressources forestières sur la base d'une redynamisation d'associations traditionnelles de gestion forestière.

Abstract

Local participation is generally regarded as a prerequisite for effective natural resource management. This paper is based on the management of the Samori Forest, located in the Baye Council, in Mali, where several institutional arrangements bring together multiple actors (the state, decentralized bodies, and civil society). The article examines a nearly promulgated environmental decentralization reform. Indeed, the new law on the constitution of local communities, as well as two laws on forest management introduced by the Third Republic, recommends that the state should transfer powers and responsibilities to local authorities and individuals on public issues. These laws make a participatory approach one of the key principles of decentralized management of natural resources, favoring the participation of empowered local actors in decision-making. The failure to put these laws into effect has resulted in the exclusion of representatives of local democratic institutions in the administrative process and invalidates the participatory tool introduced by the NGO SOS Sahel, which has been concerned with the

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implementation of community-based forest resource management on the basis of a re-launch of traditional forest management associations.

Introduction

Le principe de la participation est devenu de par le monde la pierre angulaire de la gestion environnementale sous l'impulsion bienveillante des institutions internationales, qui en ont fait leur cheval de bataille dans les domaines du développement rural et de la bonne gouvernance. Suivant les différents mouvements et théories tels que le populisme¹, la théorie du choix économique et politique, la théorie démocratique, etc., la participation des communautés locales à la gestion de leurs ressources est généralement considérée comme une condition préalable à leur bonne gestion (Ostrom 1990 ; Ribot 2001 ; Bazaara voir le présent numéro). En institutionnalisant une des réformes les plus progressistes de décentralisation en Afrique, la Mali a créé le cadre institutionnel favorable au renforcement de la participation locale dans les prises de décisions publiques. Il a mis en place plusieurs niveaux de gouvernance locale dotés de conseils et d'assemblées démocratiquement élus en 1999, et impliquant la compétition des partis politiques et des candidats indépendants. Mais, tandis que dans le domaine de la décentralisation environnementale, le transfert des pouvoirs détenus par les départements centraux à ces nouvelles autorités est vivement recommandé par la législation en vigueur, les dispositions légales (décrets d'application) nécessaires à leur application ne sont toujours pas effectives. Dans le domaine des ressources naturelles, les textes recommandent le transfert de pouvoirs, de domaines de compétences et de ressources, jusqu'au dernier niveau de l'échelon administratif qui est le conseil communal.

Le présent article² repose sur une étude de cas relative à la gestion participative forestière dans le cadre d'une décentralisation planifiée mais non encore pleinement opérationnelle au Mali. Au sein de cet environnement flou et coercitif et malgré la rétention par l'administration centrale du droit de gestion de la forêt et de l'utilisation des pouvoirs y afférant, le conseil communal de Baye a réclamé le transfert dudit droit, tel que préconisé par la loi. Profitant du nouveau contexte de la décentralisation, l'ONG britannique SOS Sahel en a profité pour procéder au renforcement des capacités des représentants de la société civile locale (population et organisations) à la gestion de leurs ressources forestières. Cependant l'inapplication des lois relatives à la gestion décentralisée des ressources forestières renvoie à la perpétuation d'une situation antérieure aux nouvelles réformes, caractérisée par un environnement juridique autocratique d'avant mars 1991, qui consacre de fait le monopole de l'administration d'État sur la gestion des ressources naturelles.

La démarche participative de SOS Sahel est basée sur la redynamisation des associations traditionnelles de gestion forestières. Elle est cependant limitée dans sa volonté d'assurer la reconnaissance de droits légaux à ces instances leur permettant de pouvoir décider de la manière de gérer leur ressource par cet environnement inadapté, mais aussi en raison de son approche méthodologique basée sur 'l'approche projet', qui ne permet pas la réalisation d'une participation populaire non exclusive et effective. Selon Agrawal et Ribot (1999), le transfert de pouvoirs et des ressources du pouvoir central aux autorités représentatives et responsables envers les communautés de base est la condition essentielle de réalisation d'une gestion efficace et durable³. L'on constate tant au niveau des résultats que des pratiques existantes que les conditions de réalisation d'une véritable décentralisation démocratique sont loin d'être satisfaites à travers les différents arrangements institutionnels mis en œuvre dans la gestion des ressources forestières de la commune de Baye. Nos investigations ont porté sur tous les acteurs locaux qui bénéficient ou non d'un pouvoir dans la gestion des ressources forestières, la nature des pouvoirs dont ils disposent, les modalités qui ont présidé à leur dévolution, les principes juridiques qui conditionnent leur exercice, le mécanisme par lequel ces acteurs sont tenus pour responsables et les résultats sociaux et environnementaux qui en découlent.

Le contexte

La commune de Baye

Sur le plan administratif, la commune de Baye relève du Cercle de Bankass, qui est situé dans la Région de Mopti. Baye, ancien chef-lieu de l'ancien arrondissement portant son nom, est aussi le chef-lieu de la commune de même nom, avec trente-trois villages constitutifs de l'ex-entité administrative. Elle constitue l'une des douze communes du Cercle qui ont vu le jour lors du découpage territorial de 1996. La commune a une superficie de 21.142 km² environ, et est recouverte à 90 pour cent par une vaste formation agro écologique connue sous la dénomination de Forêt de Samori ou de Baye. Sa population oscille entre 23.000 et 26.000 habitants suivant les différentes estimations et constitue 11 pour cent environ de l'effectif global du cercle de Bankass. L'on y retrouve en majorité les populations de l'ethnie dafing, qui côtoient d'autres groupes ethniques minoritaires tels que les sédentaires samogo et dogon et les nomades peuhl, bellah et bozo. L'agriculture, l'élevage et la pêche constituent les principaux piliers de l'économie de cette zone rurale. Les aménagements hydrauliques exécutés sur le fleuve Sourou, en amont au Burkina Faso, ont permis l'extension des activités de pêche et la culture du riz dans les bas fonds inondés le long du fleuve. Le Cercle de

Bankass bénéficie de beaucoup d'assistance étrangère de la part des partenaires au développement.

La Commune de Baye a connu plusieurs interventions des partenaires tels que le SOS Sahel, le Projet de gestion des ressources naturelles (PGRN), la Coopération technique allemande (GTZ), le Fonds d'équipement des Nations Unies (FENU), les Volontaires français du progrès (VFP) et le Programme national de vulgarisation agricole (PNVA). Elle profite en outre de l'intervention des organismes d'appui au développement des collectivités décentralisées : le Fonds d'aide aux initiatives de base (FAIB) et l'Agence Nationale d'Investissement. Ceci constitue un apport appréciable pour soutenir des actions de développement. L'ONG SOS Sahel (GB) déploie d'énormes moyens techniques et financiers dans l'assistance en matière d'aménagement et de gestion de la forêt, tandis que le FENU a financé, à concurrence de 14.000.000 de francs CFA, les travaux d'études préliminaires pour l'aménagement de 300 hectares destinés aux productions agricoles et maraîchères dans la plaine de Baye. Ce Fonds a aussi délégué à la Commune ses anciens bâtiments administratifs qui tiennent lieu de mairie. Sur le plan financier, malgré les difficultés actuelles qui grèvent le fonctionnement de la Commune, le recouvrement des taxes a rapporté 23.000.000 de francs CFA au budget communal en l'an 2000, soit une couverture fiscale de 80 pour cent. Elle a bénéficié de la part de l'Etat de l'octroi de deux dotations financières, chacune d'un montant de 4.800.000 de francs CFA en 1999 et en 2000.

Suite à des «fraudes» enregistrées lors des élections municipales locales qui ont conduit les deux partis dominants, l'Alliance pour la démocratie au Mali (ADEMA) et Parti pour la démocratie et le progrès (PDP), devant les juridictions d'État en 1999, un grave contentieux a opposé les militants de ces deux groupements lors de la mise en place du bureau communal dont le poste de maire a été attribué à la candidate de l'ADEMA. Ce choix a été fortement contesté par le parti adverse qui a mis en doute la légalité du bureau communal et a boycotté ses réunions. Cet antagonisme qui oppose les deux formations politiques a fini par déteindre sur le chef-lieu de la Commune, ainsi que sur les villages de la circonscription, partagés en factions antagoniques. L'administration centrale, représentée par le sous-préfet (ex-délégué du gouvernement et ex chef d'arrondissement), a pris parti pour l'une des parties, en l'occurrence le PDP, appuyé par le clan du chef de village de Baye et ses conseillers. Ce climat politique délétère n'a commencé à se détendre qu'après le jugement rendu par la Cour Suprême en juin 20014.

La forêt du Samori

La présence d'une importante source de ressources ligneuses connue sous le nom de Forêt du Samori constitue, pour les trois communes qu'elle recouvre et principalement celle de Baye, une source potentielle d'amélioration des conditions de vie des communautés rurales auxquelles elle procure des revenus importants. D'une superficie variant entre 210.800 (Diakitè 1993) et 245.000 ha (Ba 1999), la forêt en question recouvre 37 pour cent de la superficie du Cercle de Bankass. Il s'agit d'une forêt transfrontalière et trans-communale qui s'étend des contreforts des falaises du pays dogon jusqu'à l'intérieur du Burkina Faso voisin. Elle est officiellement classée dans la catégorie des forêts non orientées /non aménagées en ce qui concerne son mode d'exploitation, et sa gestion est sujette à de nombreux problèmes à cause de la multitude d'acteurs qui y interviennent. Contrairement à l'idée que l'on se fait à l'évocation de la forêt tropicale africaine représentée par les immenses formations ligneuses de l'Afrique centrale, celle de Baye est une simple zone agro écologique soudanienne constituée principalement de savane arborée et de forêts-galeries le long des cours d'eau dont le plus important est le Sourou. Elle représente l'une des dernières formations arbustives de la zone sahélo soudanienne située à cette altitude au Mali.⁵

La Forêt du Samori est peuplée depuis le Haut Moyen Âge par des ethnies comme les samogo, les bobo, les mossi, les maninka, les peuhl et les dogon, en provenance d'autres régions. Elle a été appropriée sur une grande partie de son espace par ces occupants, qui y ont établi des droits sur la terre et contrôlé l'accès notamment aux ressources foncières, ligneuses, fauniques, aquatiques et hydrologiques. Cet ensemble de règles d'appropriation et de gestion de l'espace ressource a été dénommée sous le terme de droit coutumier et transformé en simple droit d'usage par les législations coloniale et post-coloniale. Ce droit demeure toujours vivace et continue à se manifester à travers la gestion des ressources naturelles et de la terre. Le statut juridique de cette forêt a subi plusieurs transformations de la période coloniale à nos jours. Les Décrets de 1904 et 1906 consacrent la propriété de l'État français sur toutes les terres vacantes et sans maître. La Forêt du Samori étant incluse dans les territoires du Soudan français, elle n'échappera pas à la règle. Cependant l'Etat français reconnaissait aux habitants la jouissance des droits coutumiers.

En 1948, la délimitation et le bornage des parcelles sont entrepris par l'administration française, en vue de constituer des réserves forestières matérialisées par des pancartes. Ceci devrait se traduire par l'expulsion des habitants résidant à l'intérieur de la zone et la restriction de certaines activités. De cette période à la fin de la Deuxième République, le classement de la forêt n'a pu s'effectuer, et les populations, à la faveur du relâchement du

contrôle forestier après les événements de mars 1991, se sont livrées à des actions de résistance, telles que la création de hameaux de culture à la lisière des villages attenants à la zone de classement, pour torpiller le projet dont la reprise avait été annoncée en 1972. L'État laisse courir le droit coutumier sur le contrôle d'une partie de la forêt destinée à des fins d'habitation (hameaux de culture) ou d'aménagement pastoral (création de gîtes pastoraux). Cependant, l'administration forestière conserve le contrôle des droits d'exploitation forestière, délivre les permis de coupe de bois sur l'ensemble de la forêt et exerce la police forestière.

La gestion des ressources forestières est ainsi placée sous le contrôle de l'État, tandis que celle du foncier, en dépit de la promulgation du Code domanial et foncier, reste aux mains des propriétaires fonciers coutumiers. Selon les cas, une multitude d'usagers exploitent la forêt suivant les droits d'usage ou selon la réglementation officielle. Ce sont : les agriculteurs sédentaires détenteurs de droits de maîtrise ; les éleveurs peuls sédentaires et nomades transhumants ; les agro pasteurs ; les exploitants forestiers (femmes et bûcherons) ; les artisans (forgerons et sculpteurs) ; les apiculteurs ; les chasseurs ; les pêcheurs ; les thérapeutes ; et les ramasseuses de produits de cueillette. Dans la majorité des cas, les conflits qui opposent fréquemment les usagers dans l'utilisation des ressources naturelles trouvent leur solution dans l'application des instruments de médiation établis par la coutume mais en cas d'échec ils sont rapportés devant les juridictions nationales par les protagonistes.

Dynamique d'exploitation et analyse des contraintes

La multiplication des acteurs dans le Samori et la pluralité des règles de gestion ont un impact négatif sur la ressource. Cet impact est pluridimensionnel. Des conflits fréquents opposent les autorités traditionnelles sédentaires villageoises aux migrants agriculteurs qui demandent à s'installer dans des hameaux de culture sur leurs terres. Si le village hôte leur octroie l'autorisation, ils prennent le permis de défricher auprès du Service de la Conservation, et s'installent. Puis le chef de village leur délègue un de ses représentants comme chef de hameau qui lui rend compte de leurs agissements. Cette décision d'installation est soumise à l'appréciation du représentant de l'administration, qui peut l'entériner ou non. Les migrants, une fois installés, se soumettent à la réglementation villageoise et perdent leur autonomie.

La création de nouveaux hameaux et de nouveaux champs par les migrants est une source de dégradation de la forêt, d'après Konaté et Tessougué (1996), qui signalent – après les événements de mars 1991 qui ont marqué un relâchement de la surveillance forestière –, l'implantation de vingt-trois

hameaux en l'espace de cinq ans. Ces auteurs ont identifié quatre-vingt hameaux, parmi lesquels 73 pour cent ont été établis depuis 1970 et 49 pour cent en 1985. L'implantation de ces hameaux apparaîtrait comme une stratégie de défense contre le classement de la forêt visant à déposséder les habitants de leur terre. Cette procédure répondrait ainsi à la volonté des villages de fixer leur limite par rapport aux voisins en implantant des colonies à leurs lisières (Konaté et Téssougoué 1996). Suite à la pression démographique et à l'appauvrissement des sols, l'accroissement de besoins en terres contraint les villages à effectuer des défrichements sauvages sans autorisation du Service forestier, ce qui accentue les risques de déforestation. L'augmentation des eaux du Sourou dans le Samori, depuis la construction du barrage de Léry au Burkina Faso, a favorisé l'expansion de plusieurs activités comme la pêche, l'élevage et surtout la riziculture dans les bas fonds inondés, d'où l'afflux de nombreux migrants agriculteurs, éleveurs et pêcheurs. La mise en valeur de la vallée du Sourou a multiplié les conflits entre les usagers et les autochtones, compte tenu du fait que certains propriétaires fonciers ont commencé à revendiquer la restitution des parcelles prêtées à d'autres exploitants individuels ou collectifs (Téssougoué et al. 1998 ; Ba 1999).

L'occupation des berges du Sourou par les riziculteurs bloque l'accès du fleuve aux troupeaux, de même que l'installation des champs sur le parcours des animaux. L'occupation des gîtes pastoraux engendre de multiples conflits entre agriculteurs titulaires de droits coutumiers sur la terre et les éleveurs considérés comme de simples usagers temporaires. L'interprétation de deux photographies aériennes prises par le PGRN en 1992 et en 1996 laisse apparaître un taux de déboisement global de 48 pour cent des superficies boisées (Ba 1999). Il s'agit des forêts galeries des berges du fleuve et les massifs boisés de la zone exondée. Il semble donc que la déforestation soit le résultat des pratiques agricoles traditionnelles, et non celui des coupes de bois qui, sous certaines conditions, peuvent favoriser la régénération naturelle de la forêt. Les autochtones participent à cette action de déforestation par le défrichement de la forêt à des fins agricoles et par la création de hameaux de culture qui sont des contraintes liées à l'agriculture itinérante principal facteur d'épuisement rapide des sols et de colonisation de nouvelles terres.

On dénombre plusieurs types de contraintes liées à la gestion des ressources forestières dans le Samori. Elles se caractérisent par :

- le manque de ressources matérielle, financière, technique et humaine, qui prive l'Etat de moyens d'intervention efficaces pour assurer une gestion durable de la forêt;
- l'absence de plan d'aménagement significatif de la forêt (inventaire, classement, mise en défens, orientation) et de réalisation d'activités

de gestion active qui constitue un obstacle à la valorisation des ressources forestières et empêche la participation des acteurs locaux à leur exploitation commerciale;

- l'insuffisance en personnel qualifié pour assurer la surveillance et l'application de la réglementation qui favorise les fraudes massives de la part des exploitants forestiers ;
- le manque de formation des élus communaux à la gestion de la forêt et leur mise à l'écart dans la gestion forestière qui les déresponsabilisent auprès de leurs administrés ;
- la non reconnaissance légale du rôle des associations néo traditionnelles dans la gestion des ressources forestière par le Service de la conservation qui affaiblit leur autorité en matière de police forestière ; et
- l'exclusion des autorités communales et des associations villageoises de la répartition des taxes et ristournes qui constitue un facteur d'iniquité sociale et une entrave au développement local.

Pour les populations locales, l'exploitation commerciale de la forêt par l'État est inique, car les détenteurs de permis de coupe officiel s'attaquent aux bosquets villageois et n'épargnent même pas les arbres protégés par la coutume, détruisant ainsi les années d'efforts consentis par les propriétaires pour les entretenir. L'ambiguïté du droit fait planer le doute sur le statut de la ressource. Tandis que le Code domanial et foncier ne reconnaît que la légitimité d'une propriété jouissant de titre foncier, le droit coutumier a tendance à assimiler la jouissance permanente et exclusive de la ressource à un droit de propriété qui trouve son fondement dans son mode d'appropriation historique. Cependant, l'effet d'annonce de la décentralisation se matérialise à travers les perceptions et attitudes des acteurs qui dénotent l'apparition d'une conscience citoyenne.

Dans la gestion du Samori, les associations et les agents de la Conservation se livrent à un jeu d'évaluation de rapports de forces. Ne pouvant ouvertement s'opposer aux exploitants de bois, munis de permis de coupe délivrés par les services officiels, les associations contrôlent les documents et rejettent tous ceux qui ne sont pas légalement constitués. Elles contrôlent les quantités et les espèces à prélever et orientent les exploitants vers les zones d'exploitation qu'elles leur ont attribuées. Il y a lieu de penser qu'elles impriment déjà un début d'orientation à la forêt. Pour soustraire celle-ci à toute exploitation étrangère, même pastorale, elles ont opté pour la mise en défens de parcelles avec l'accord du Service forestier et SOS Sahel, qui les a aidées dans les travaux de délimitation et de bornage. Minta, dans le Zérémadougou, a procédé ainsi à la mise en défens de soixante-cinq km².

Les autres entités sont en train de l'imiter dans ce sens. C'est ainsi que le Diendougou a déjà défini son bloc forestier pour sa future mise en défens.

La création des marchés ruraux de bois est officiellement tolérée comme forme de participation privée des groupements villageois à l'exploitation commerciale du bois. Quatre villages, Tionou, Songoré Lossagou et Ganida, ont procédé avec l'aide du Service local de Conservation à une rationalisation de la gestion de leurs massifs forestiers (délimitation et inventaire), et à la création d'Unités de Gestion forestière. Mais ils n'ont toujours pas reçu l'aval des agents forestiers pour les transformer officiellement en aires de vente. Seuls ces derniers sont à même de réaliser l'ensemble de la procédure. Cette rétention des capacités techniques renforce leur pouvoir de gestion et de contrôle des massifs forestiers de la zone. Ce qui fait dire à certains que la science peut servir d'alibi pour le maintien de certains avantages par les agents de l'État (Ribot 2001). En attendant l'autorisation officielle, les villageois procèdent souvent à la vente illicite des produits ligneux à l'insu des agents forestiers. De plus, aidés par l'ONG SOS Sahel certaines associations ont entrepris des démarches pour obtenir leur récépissé de reconnaissance officielle en tant qu'associations de droit privé. Au moment de notre passage à Minta, l'association de ce village venait d'obtenir le sien et l'un de ses membres nous a annoncé qu'ils avaient enfin obtenu le papier qui leur rétrocédait le droit d'exploitation et de contrôle de "leur forêt". Cette initiative heureuse pourrait déboucher sur une mise en défens de leur ressource à l'instar de Minta et aboutir à l'exclusion des autres usagers externes tels que les pasteurs et les exploitants forestiers de l'espace communautaire d'antan, si l'on n'y prend garde.

Les arrangements institutionnels

La multiplicité des acteurs et des règles de gestion a rendu la gestion du Samori assez complexe et conflictuelle. Par ailleurs, on retrouve au niveau des pratiques de gestion plusieurs types d'arrangements institutionnels. Les acteurs clés de la gestion de la forêt sont d'abord les services techniques, parmi lesquels nous retiendrons principalement le Service local de conservation de la nature (SLCN), ensuite les organes de gestion néo traditionnels dont l'ONG SOS Sahel GB a procédé à la redynamisation, que sont les Ton et enfin les élus municipaux représentés par le conseil communal. Dans les pages qui suivent, nous identifierons ces différents acteurs en fonction de leur rôle et des pouvoirs dont ils disposent

La gestion traditionnelle précoloniale du Samori

Les fondements de l'autorité traditionnelle sont d'ordre historique. La forêt du Samori a fait l'objet d'un peuplement ancien selon les différentes sources

écrites relevant des différentes versions des traditions orales. Certains auteurs situent les premiers établissements humains, composés de mandéka venant de l'ouest et de mossi du sud, au 12^e siècle de notre ère (Tessougué et al. 1998). D'autres chercheurs considèrent le 14^e siècle comme date d'installation des premiers colons pana ou samogo et bobo (Ba 1999). La seconde version semble être la plus probante, puisque le terme 'Samori' qui désigne la forêt de Bayé signifie 'pays des samogo' en langue peuhl, selon la majorité des auteurs. En tant que premiers occupants des lieux, ces communautés de migrants auraient acquis des droits étendus sur la terre et les différentes ressources naturelles en vertu de la primauté d'occupation. Les droits coutumiers ne seraient donc que l'expression de ces rapports sociaux qui confèreraient à des groupes déterminés des prérogatives en matière de gestion foncière et humaine. Le leadership local se fondant sur le contrôle des pouvoirs religieux, politique, judiciaire et économique, l'organisation sociale traditionnelle dans le Samori se serait historiquement articulée autour d'unités socio foncières gérées par ces détenteurs de pouvoirs au nombre desquels on retrouve des figures centrales d'autorité.

Le zora, ou chef de terre

Le droit foncier, qualifié aussi de droits de hache ou de feu (instruments de premier défrichement de la brousse non habitée), relève du droit de première occupation. Ce droit confère une souveraineté religieuse au premier occupant en vertu du pacte conclu entre lui et le génie «loci», et revêt un caractère d'exclusivité incluant des prérogatives qui se transmettent au sein du lignage en ligne agnatique et suivant le principe de séniorité. Dans le Samori, le zora, ou chef de terre, représente le prêtre chargé traditionnellement de la fonction sacerdotale de la terre.

- Il officie les cérémonies de purification de la terre souillée par une rupture d'interdit (coût en brousse ou mort violente par suite de chute d'un arbre);
- donne le signal pour les semailles, la consommation des récoltes et la cueillette de fruits sauvages ;
- donne le premier coup de hache pour la création d'un nouveau champ et boit la première gorgée d'un nouveau puits;
- descend le premier dans l'eau et consacre l'ouverture de la pêche ;
- arbitre les litiges fonciers, punit les coupables ;
- répartit la terre entre les gens de son lignage, ses alliés et les étrangers et
- règne sur un ensemble de villages regroupés en entités socio foncières et religieuses.

Trois entités, regroupées autour des villages de Oula, Dien et Tionou, existaient dans le Samori. Il s'agit du Ouladougou et du Diendougou, à composante samogo, et le Tiendougou, peuplé de marka et de bobo. La succession du zora est assurée suivant les principes gérontocratiques prévalant au sein de son lignage.

Le massa ou chef politique

Suite aux nombreuses invasions dont les occupants ont été victimes, le Samori a longtemps été une zone d'instabilité. Les zora furent vaincus par des mandéka, conquérants venus de l'ouest, auxquels ils abandonnèrent une partie de leurs prérogatives foncières (chefs de terre, de culte religieux en certains endroits). D'autres conquérants appelés massaké s'emparèrent aussi du pouvoir politique et nommèrent à la tête des villages des massaden descendants issus de leur lignage. Le massa, en tant que détenteur des pouvoirs politique et militaire, se substitua progressivement au chef de terre pour le contrôle des ressources en maints endroits. Il est choisi parmi les descendants de son lignage.

Le sariatigui ou juge

A côté de ces deux instances existe une troisième qui est neutre, c'est celle du juge. Le sariatigui exerce une fonction d'arbitrage des conflits internes, tels que ceux occasionnés par l'adultère et différentes altercations, et dénonce les excès du massa et du zora avec lesquels il établit des relations de confiance. Étant neutre et choisi parmi les plus âgés de sa famille, il ne provient ni de la famille du massa ni de celle du zora.

Le conseil traditionnel villageois

Le conseil villageois qui regroupe les chefs de lignée du village et les conseillers du massa, statue sur tous les problèmes concernant le sort de la communauté et interfère dans les prises de décision. Il apparaît ainsi comme un véritable contre-pouvoir aux trois autres. L'entité villageoise apparaissait ainsi comme une entité pluraliste où la multiplicité des pouvoirs et contre-pouvoirs rétablissait un équilibre entre les différents organes en empêchant la concentration des pouvoirs en une seule main.

Les associations traditionnelles de police : les Ton ou Kana

Le rôle de ces associations varie selon les auteurs. Pour Konaté et Tessougué (1996:5), il n'existait pas d'institution spécifique pour la gestion traditionnelle des ressources naturelles; cette fonction était assurée par le Kana ou le Ton (police de brousse) par délégation du pouvoir du massa. Constitués de jeunes et d'adultes actifs désignés, les Kana ou Ton assuraient la surveillance de la

brousse et appliquaient les règles locales de gestion des ressources naturelles (feux de brousse, défrichements nouveaux, cueillette de fruits non mûres etc.) La coutume réprimait la violation de ces règles et la sanction allait de la confiscation du matériel utilisé à l'amende en nature ou en espèce. Ba (1999:22) leur confère, au contraire, à la fois les fonctions de police environnementale et sociale. Il rapporte que dans le Samori (Baye et Oula) les instruments de gestion étaient les Kannas (rappel des 'instruments' supra villageois préislamiques) et les Tondéni ('instruments' villageois dénotant l'influence du royaume bamanan de Ségou). Ces 'instruments', constitués de groupes d'âge du village fonctionneraient sous l'égide du zora et du massa. On dénombre parmi eux plusieurs démembrements chargés, chacun, d'une fonction sociale précise : chefs du Tondéni traditionnel des chasseurs, de la chasse collective, des puits, des eaux du village, etc. Par délégation, le massa et le zora leur confient des missions de police sociale (sécurisation des personnes et des biens contre le vol par exemple), économique (action de solidarité villageoise) et environnementale (résolution des problèmes liés à la gestion d'une ressource donnée) en fonction de l'attribution dévolue à chaque Tondéni.

La redynamisation des associations traditionnelles : les ton

Les nouvelles orientations contenues dans la nouvelle législation forestière de 1995 recommandent le renforcement des compétences, la responsabilisation, l'élargissement des droits sur les ressources et l'octroi de pouvoirs décisionnels aux différents gestionnaires et utilisateurs de la ressource. Elles recommandent également l'utilisation de l'approche participative dans la gestion des ressources naturelles. Les objectifs poursuivis par cette législation reposent notamment sur les principes de la garantie de la propriété privée, collective ou étatique sur les ressources selon les cas, sur la simplification des procédures administratives et la promotion des organisations socioprofessionnelles pour la défense de leurs intérêts et l'élaboration de conventions locales et régionales pour l'exploitation des ressources naturelles. Ces nouvelles orientations relèvent du populisme. L'approche participative qui en est issue est axée sur la promotion des associations villageoises de gestion de terroir. Cette démarche qualifiée de participative a été adoptée par les ONG et des services de l'Etat dans leur intervention au niveau local.⁶ En matière de gestion locale de la forêt du Samori, SOS Sahel est l'organisme qui s'est le mieux illustré dans l'organisation de la gestion communautaire en favorisant la réémergence des associations traditionnelles de gestion des ressources forestières sous leur dénomination ancienne de Ton. Nous allons donc nous limiter à l'analyse de cette expérience dans le cadre de notre étude en intégrant ces Ton au nombre des acteurs clés.

Selon SOS Sahel, la forêt de Baye aurait connu une gestion traditionnelle efficace grâce à l'action de structures villageoises appelées Ton, chargées de la police forestière. Ces associations étaient placées sous l'autorité des massaké auxquels elles rendaient compte et remplissaient des fonctions de police environnementale qui ont préservé la forêt de la destruction. L'implantation de l'administration coloniale et post-coloniale a eu pour effet de fragiliser les structures coutumières en leur enlevant tout pouvoir décisionnel dans la gestion de leurs ressources. Pour les villageois, la pratique des permis de coupe a contribué à les déposséder de leurs droits, en ouvrant, sans discernement, leur espace à l'exploitation marchande des produits ligneux. D'après eux ce serait la forme la plus insidieuse de dégradation de l'environnement. Selon Diakité (1993), les populations demandent depuis des décennies à être associées à la gestion de leur forêt. Cette version nostalgique de la gestion traditionnelle du Samori a conduit SOS Sahel (GB) à procéder à la redynamisation de ses organes dans une perspective de gestion communautaire des ressources forestières du Samori⁷. Elle procéda donc à l'implantation du Projet d'Aménagement et de Gestion des Terroirs Villageois du Seno-Gondo (PAGT/SG).

Cette expérience s'avérait comme le prolongement de celle de la zone du plateau où l'ONG avait procédé à l'organisation des associations traditionnelles dogon, appelées Alamodiou, en brigades de surveillance de la forêt. SOS Sahel (GB) joua le rôle d'interface entre ces dernières et le Service local de Conservation de la Nature, en favorisant la signature de conventions tacites sur la gestion conjointe de la forêt. Cette expérience n'a pas atteint les résultats escomptés à cause des contraintes juridiques et administratives prévalant qui ont incité les responsables officiels de la gestion forestière à sauvegarder leurs privilèges en matière de gestion des ressources naturelles en se réfugiant derrière les textes. Le même type d'expérience fut donc initiée une nouvelle fois par SOS Sahel (GB) dans la forêt du Samori, où contrairement aux Alamodiou dogon, les organes traditionnels de gestion de la forêt, que sont les Ton avaient disparu de la scène et ne devaient leur existence qu'à leur évocation à travers les traditions orales locales. Quant aux chefs coutumiers massaké et zora, ils subsisteraient encore dans la zone mais demeuraient dépourvus de réel pouvoir de décision sur l'exploitation des ressources forestières détenues par les représentants de l'administration d'Etat. Tout au plus assuraient-ils une fonction relictuelle dans le domaine du foncier rural. Des recherches furent entreprises par l'ONG SOS Sahel (GB) et elles auraient confirmé l'existence relictuelle de certaines entités socio foncières qui conserveraient encore une dynamique traditionnelle.

La reconstitution de ses entités socioculturelles aboutit à la reconnaissance de six d'entre elles constituées d'un ensemble de villages regroupés autour de 'villages mères'. L'ONG SOS Sahel (GB) a travaillé avec quatre entités dans la commune de Baye (Ces quatre entités sont le Ouladougou, le Diendougou le Zérémadougou et le Tiendougou avec comme chef lieux Oula, Dien, Zéréma et Tionou sièges des massa (Konaté et Tessougué 1996). Le chef lieu de commune (Baye) qui a historiquement joué le rôle de chef-lieu de canton, d'arrondissement et de commune pour l'ensemble du Panadougou étant déjà couvert par le PGRN et disposant par conséquent d'organes de gestion de terroir (comité de gestion et plan d'aménagement) ne fut pas retenu et fut remplacé par le village voisin de Minta qui sert de siège social à l'entité du Zérémadougou. Il fut procédé ensuite à la conception des organes de gestion sous la forme d'un organigramme moderne. La légitimité des ton devrait s'enraciner dans la tradition, qui leur conférerait une légitimation sociale par un transfert culturel au niveau du système de représentation collectif villageois.⁸

À l'instar des alamodiou dogon chargés par les anciens de la surveillance traditionnelle des ressources forestières, SOS Sahel (GB) encourage la mise sur pied de brigades de surveillance modernes dans 25 des 33 villages de la commune de Baye. Elles assurent des actions de surveillance et de police dans la forêt, ainsi que celles de conservation. Ces brigades dans lesquelles peu de femmes⁹ figurent, sont constituées de 12 à 15 personnes mises en place par le comité exécutif villageois. Les 25 villages sont répartis entre les entités dont chacune a théoriquement pour siège un 'village mère' et est dirigée par un comité directeur exécutif de 12 membres mis en place par l'assemblée de village. Les brigades rendent compte à ces comités au cours de réunions communes. Composés des membres impliqués dans l'animation des brigades de surveillance, le comité exécutif peut ainsi servir d'interface entre les organes locaux et supra villageois que sont les comités directeurs des entités. Ces organes sont destinés à la gestion de la forêt et l'ONG Sahel (GB) doit servir d'interface entre eux et les agents du SLCN.

SOS Sahel procède au renforcement de leurs capacités dans la gestion des ressources naturelles, grâce à plusieurs types d'actions telles que :

- la réalisation d'aménagements forestiers (mise en défens de 39.000 ha de forêt à Zérémadougou);
- le reboisement à partir de la constitution de pépinières;
- la préparation de structures de gestion des massifs forestiers à Lossogou, Songoré, Tionou et Ganida, quatre villages pilotes de la commune de Baye;

- l'aménagement de mares;
- la formation technique des adhérents aux méthodes de gestion et d'aménagement;
- la mobilisation des populations;
- l'éducation environnementale;
- l'alphabétisation des membres et
- l'appropriation des techniques de reboisement et la formation de pépiniéristes.

Ces structures ont acquis quelques compétences en matière de gestion des ressources naturelles qui pourraient, pense SOS Sahel (GB), les faire collaborer avec le conseil municipal dans le cas d'un éventuel transfert de responsabilités environnementales aux entités décentralisées. On peut donc dire que l'action de SOS Sahel (GB) a surtout consisté en la mise en place anticipée d'organes de gestion, auxquels des pouvoirs discrétionnaires très limités ont été transférés. Malheureusement, cette action se heurte toujours à d'innombrables difficultés, à cause de l'environnement juridico-institutionnel qui n'a pas encore changé dans le fond, faute d'application des textes forestiers de 1995. Avant de tenter cette nouvelle aventure, SOS Sahel (GB) aurait dû pourtant tenir compte de ces contraintes qui constituaient et constituent encore le principal obstacle à toute participation véritable des communautés villageoises à la gestion des ressources forestières face à un Etat qui demeure encore propriétaire et gestionnaire attitré des ressources naturelles.

Au nombre de ces nombreuses contraintes nous pouvons en citer quelques unes, telles que :

- le manque d'autonomie financière des Ton, c'est l'ONG qui initie les actions et assure leur financement, les responsables locaux ne peuvent pleinement interférer dans les décisions qui sont appliquées par les techniciens de l'ONG SOS Sahel (GB) ;
- leur manque de représentativité auprès des communautés de base qui ne se reconnaissent pas toutes en elles, mais aussi à l'échelle du territoire communal qui demeure sous l'emprise du conseil municipal;
- l'absence de reconnaissance juridique qui les place en position d'illégalité, de subordination et en même temps de compétition avec le SLCN chargé de la gestion des ressources forestières ;
- l'impossibilité d'amender et de transiger ;
- l'impossibilité d'édicter des règles de gestion légales et de les faire appliquer ;

- l'impossibilité de lever des taxes ;
- le manque de compétence technique réelle et de moyens requis pour une gestion durable et équitable de la ressource.

La gestion étatique

Plusieurs services de l'État sont chargés de la gestion et réglementation des ressources naturelles. Au niveau des ressources forestières, le Service local de Conservation de la Nature (ex-Service des eaux et forêts) joue un rôle de premier plan, nous l'avons donc sélectionné comme principal représentant de l'État.

Le Service local de la conservation de la nature (SLCN)

La forêt de Baye possède un statut de forêt incontrôlé car non délimité et non aménagé ; l'Etat peut la classer et en transférer la gestion à la commune (art. 51 de la loi n° 95-004). En vertu de son caractère incontrôlé, c'est une propriété de l'Etat qui en demeure le principal bénéficiaire, à travers le service du contrôle forestier qui bénéficie de ristournes (art. 8 du décret n° 98-402/P-RM). La commune devrait bénéficier de 5 pour cent si la forêt était orientée et de 10 pourcent si elle était de type contrôlé suivant la clé de répartition de la taxe d'exploitation.

Actuellement, les enquêtes effectuées auprès des différents acteurs ont établi que l'État à travers le service du contrôle forestier, appelé le Service local de la conservation de la nature (SLCN), assure souverainement la gestion officielle de la forêt de la commune de Baye. Les contrevenants à la réglementation sont arrêtés et sanctionnés par les agents qui sont les seuls autorisés à transiger. Des informateurs attirés leur rapportent les délits constatés et bénéficient ainsi de 10 pourcent du montant des transactions. Les agents forestiers contrôlent l'octroi des permis de coupe, de transport et de défrichage.

Des conventions ont été signées entre les Ton et le SLCN mais ce dernier ne leur reconnaît qu'un statut de surveillants chargés de l'entretien de la forêt et d'indicateurs de délinquants qui contreviennent à la réglementation forestière. Les agents du service forestier ne rendent compte qu'à leurs supérieurs hiérarchiques dont ils dépendent. Ils pensent qu'en l'absence d'acte officiel de transfert de la forêt à la commune de Baye, celle-ci n'a aucun rôle à jouer dans sa gestion et qu'ils n'ont pas de compte à rendre aux communautés locales qu'ils ont plutôt la charge d'éduquer pour la protection de la forêt. Cependant leur insuffisance numérique, le manque de moyens matériels, financiers et logistique ne leur permettent pas d'assurer correctement leur mission de service public et l'utilisation palliative d'indicateurs civils qui sont adeptes de nombreux abus sur les usagers tend à ternir davantage leur image

auprès des communautés rurales qu'ils sont officiellement chargés de sensibiliser et de former pour une gestion durable de la ressource. Il n'y a pas de participation démocratique des communautés rurales à la gestion des ressources forestières car l'État s'arroge toutes les prérogatives dans ce domaine en l'absence d'une décentralisation démocratique annoncée mais non réalisée. Tout au plus reconnaît-on aux communautés rurales les actions d'utilité publique auxquelles elles sont contraintes d'adhérer, telles que: le reboisement, la surveillance, la protection des arbres, la prévention et la lutte contre les incendies (érection de pare-feux et extinction des feux de brousse) construction de foyers améliorés, luttés anti-érosives etc.). Tel est dans les faits, le type de participation imposé par l'État à travers sa conception de l'approche participative à ses partenaires ruraux.

Le Conseil communal

La mise en place des collectivités décentralisées à partir de 1999 a fait de la commune l'entité administrative de base. À ce titre, c'est le dernier échelon territorial, car le village ne bénéficie pas de la personnalité morale. Il en résulte qu'elle devrait bénéficier du transfert de pouvoir de gestion des ressources naturelles. En l'absence de tout transfert de domaine forestier, le Conseil communal ne dispose encore d'aucun pouvoir de décision. Il déplore ce qu'il appelle la marchandisation de la forêt, soumise à une coupe anarchique - à cause de son caractère incontrôlé et non délimité — par le biais des permis qui sont délivrés à des exploitants allochtones, par d'autres autorités administratives qui ne relèvent même pas de la circonscription de Baye . En outre les conseillers ne peuvent que constater ce qu'ils appellent la déforestation causée par le défrichement pour l'installation de nouveaux hameaux de culture que le sous préfet est le seul à autoriser, sans leur aval. Malgré l'aide des partenaires au développement pour l'élaboration d'un plan environnemental, le conseil affirme ne pas encore disposer de capacités nécessaires pour gérer efficacement les ressources forestières.

Bien que bénéficiant de l'appui technique et financier des ONG telle que SOS Sahel (GB) et autres partenaires au développement dans des actions de gestion environnementale ce sont surtout les associations néo-traditionnelles qui ont le plus bénéficié du renforcement des capacités techniques en matière de gestion des ressources forestières. Ceci pourrait être le point de départ d'une collaboration fructueuse entre les protagonistes ou au contraire susciter une réclamation de légitimité sociale des communautés rurales qui revendiquent la propriété des ressources naturelles et la capacité à les gérer durablement face à la légalité institutionnelle qui confère aux élus municipaux les pouvoirs décisionnels en la matière. Les personnes privées, les associations et autres groupements socioprofessionnels ne peuvent directement

bénéficiaire de transfert direct de pouvoir et de domaine de la part de l'État. La loi préconise l'établissement de conventions entre eux et les autorités communales pour l'exploitation des ressources naturelles, mais son inapplication rend toutes ces dispositions caduques. La solution consisterait à procéder au regroupement du patrimoine foncier des villages constitutifs de la commune pour aboutir à un patrimoine foncier communal, soumis à une gestion consensuelle permettant aux gestionnaires traditionnels de participer pleinement aux prises de décision en ce qui concerne sa gestion.

Légitimité et responsabilité des acteurs

La section précédente s'est attelée à identifier les acteurs à travers les différents types d'arrangements de gestion. La présente section examine la nature des pouvoirs dont ils disposent et le type de responsabilités qu'ils exercent.

Les acteurs de la gestion néo traditionnelle

La mise en place des organes d'exécution et de contrôle des Ton, a été largement encouragée par SOS Sahel, elle s'est déroulée différemment dans les trois entités que nous avons visitées. Ainsi, à Minta il nous a été rapporté que, pour la mise sur pied du conseil exécutif villageois au niveau des six quartiers du village, tous les chefs de quartiers qui appartiennent au conseil de village ont désigné directement leurs 'gens' au nombre de 20 qui ont constitué la brigade de surveillance. Puis il fut procédé au choix des 12 membres du comité exécutif villageois. Même scénario pour Oula où les membres ont été désignés par le chef de village et ses conseillers. Ensuite, des 'gens' ont été choisis pour procéder à l'élection du comité directeur. Le comité directeur est appelé Tonba ou Sabu nyuma 'la grande association' ou 'la Bonne Cause'. Dans le Ouladougou, lors de notre passage à Yira il nous a été rapporté que seul le comité exécutif villageois, qui joue en même temps le rôle de brigade de surveillance, existe au niveau du village. C'est le chef de village qui a donné les noms des postulants pour former le comité exécutif villageois. Ensuite des 'gens' ont été désignés pour figurer au comité directeur des entités appelés Tonba ou Benkadi 'la Bonne Entente'.

Malgré les processus de désignation des postulants, il semble que les choix soient soumis à l'approbation de l'assemblée villageoise et que certains critères soient respectés. Ainsi, le trésorier devrait être un homme de confiance et le secrétaire administratif devrait être alphabétisé. Les désignations aux postes devraient se faire suivant les capacités intrinsèques des gens sans tenir compte de l'âge. Les agents de SOS Sahel (GB) conseillèrent d'intégrer les massaké ou leurs représentants en tant que membres d'honneur dans les Comités directeurs des entités (CDE). Pour l'élection de ces derniers, 12 membres sont choisis parmi les délégués envoyés par les villages (5 par

village). Lors de la mise en place de certains comités exécutifs villageois (CEV), SOS Sahel (GB) a recommandé la représentation de toutes les couches socioprofessionnelles du village. Les surveillants devraient être des gens dévoués. Au niveau des comités directeurs devraient figurer aussi les présidents des CEV ou des brigades. Les brigades de surveillance rendent compte de leurs activités aux membres des CEV, qui à leur tour en informent les membres des CDE qui saisissent alors SOS Sahel (GB). Comme exemple de contrôle populaire, il nous a été rapporté que certains membres des organes avaient été relevés de leur fonction par l'assemblée villageoise ou dénoncés par leurs pairs pour divers motifs (apathie, mauvaise conduite, etc.). Selon certains animateurs de SOS Sahel (GB), les associations font des comptes rendus au village qui serait associé à toutes les actions et elles pratiqueraient 'l'auto diagnostic assisté' en ce qui concerne les bilans de la campagne passée et les perspectives de celle à venir. SOS Sahel (GB) encourage les Ton à rendre leur statut plus conforme à l'esprit des organisations modernes (renouvellement périodique des membres, intégration des femmes dans les structures, élaboration de règlement intérieur). Il est apparu clairement au cours de nos entretiens que l'ONG SOS Sahel (GB) a fait le premier pas en sollicitant l'adhésion des communautés villageoises à son projet de création des structures de gestion forestière, dans le dessein de lutter contre la déforestation et la désertification et assurer une gestion durable des ressources forestières.

Plusieurs de nos interlocuteurs villageois situaient les enjeux d'une telle démarche dans une perspective de récupération de leur patrimoine perdu (la forêt) et la possibilité de procéder à sa gestion suivant les normes héritées de la tradition. L'action de SOS Sahel (GB) repose sur une démarche participative communautariste. Elle se veut itérative, mais n'en demeure pas moins une participation provoquée¹⁰ et animée de l'extérieur, à cause de l'approche projet, qui vise à faire acquérir aux communautés rurales des compétences en matière de gestion environnementale sans leur octroyer les pouvoirs légaux et les ressources indispensables à leur réalisation. De plus, la mise en place et le fonctionnement des organes sont loin d'être réellement endogène et autonome, les Ton sont encadrés par les animateurs rémunérés par SOS Sahel. Avec l'annonce prochaine du retrait de SOS Sahel de la forêt de Baye, se profile une phase cruciale d'évaluation de l'impact réel de ses actions sur les hommes, les institutions et les ressources sur le long terme. La phase de l'après projet est cruciale, en ce sens qu'elle peut permettre un véritable éveil de conscience chez les bénéficiaires qui se l'approprient en maintenant la synergie initiale ou au contraire aboutir à des lendemains qui déchantent,

si des mécanismes endogènes appropriés ne sont pas trouvés pour assurer leur autonomie et garantir la pérennité des ressources forestières.

Représentativité et légitimité sociale des Ton

L'association néo-traditionnelle est-elle représentative et jouit-elle d'une véritable légitimité sociale? La réponse à cette question nécessite une comparaison entre structures traditionnelle et moderne. En ce qui concerne le mode de gestion traditionnel évoqué plus haut, historiquement l'on peut postuler que les Ton précoloniaux bénéficieraient de la légitimité sociale et d'une certaine représentativité. Étant parrainées par les autorités coutumières, le fondement de leur légitimité s'enracinerait ainsi dans le système de croyance traditionnel relatif aux rapports de l'homme à la nature et au caractère d'utilité publique rattaché à leur fonction. Ils devraient par conséquent pouvoir jouir de pouvoirs délégués par l'ensemble du corps social et exercer leur fonction sous le contrôle de la collectivité, dans un contexte d'abondance de la ressource moins conflictuel que celui d'aujourd'hui qui reste soumis à l'accroissement des besoins et de la pression démographique.

Analyse de la situation actuelle

La configuration sociale villageoise a beaucoup changé de la période précoloniale à nos jours, à cause de la domanialisation qui a imposé le monopole étatique sur la gestion du foncier et des ressources naturelles dont les populations ont été écartées. De plus la nature de l'autorité villageoise a beaucoup changé par rapport à celle d'antan. Le chef de village actuel est désigné par des conseillers élus par la population et le choix porté sur sa personne fait très souvent l'objet de contestations de la part de prétendants de son propre lignage qui entrent en compétition avec lui pour la conquête du poste. De plus ce choix est soumis à l'appréciation de l'autorité administrative de tutelle (préfet) qui peut le rejeter. Le conseil villageois est officiellement considéré comme auxiliaire de l'administration d'État, aux yeux de la population, il apparaît comme un exécutant des ordres de l'appareil d'État, sans grand pouvoir de décision. Il ne peut donc jouir que d'une légitimité limitée sur le plan de la gestion forestière soumise à une réglementation officielle légale sur laquelle il n'a pas d'emprise.

En outre il faut souligner le fait que c'étaient les autorités coutumières légitimes (zora, massaké) qui exerçaient autrefois collectivement la supervision des Ton, ce qui devrait renforcer leur légitimité. Les membres des Comités directeurs dont la constitution est variée, ne peuvent non plus avoir le même degré de représentativité que les gestionnaires anciens. Notons que le choix des membres des comités directeurs et des brigades de surveillance s'est souvent heurté au poids de la tradition qui confère à l'exercice du pouvoir un

caractère gérontocratique. SOS Sahel a dû suggérer des solutions de compromis pour parvenir à une démocratisation relative des structures. C'est ainsi que les autorités traditionnelles se sont vues attribuer des fonctions honorifiques, tandis que les autres postes étaient attribués en fonction des capacités intrinsèques des individus. Ainsi, un jeune pouvait avoir des fonctions de responsabilité s'il était capable de les exercer. Des éleveurs peul et des chasseurs furent chargés de la surveillance de la forêt eu égard à leurs expériences et leurs pratiques de la forêt. De plus il fallait respecter les échéances de renouvellement des organes pour les mettre en conformité avec le statut d'association de droit privé reconnu par la loi. Bref, il fallait faire sortir les associations du carcan traditionnel villageois pour les intégrer dans la modernité, en les redynamisant.

Néanmoins, les organes pensés de l'extérieur et soumis à une dynamique impulsée de l'extérieur peuvent difficilement acquérir une autonomie véritable permettant d'assurer leur représentativité aux yeux de la population. Cette tentative de néo-traditionalisation (créer des structures modernes en s'inspirant de la coutume) peut apparaître sous l'angle du raisonnement théorique comme une démarche de légitimation idéologico politique de l'approche participative communautaire de l'ONG SOS Sahel (GB), soucieuse d'opérationnaliser les préceptes de la philosophie néo-populiste qui sert généralement de fondement à l'approche développementiste. En outre, la démarche méthodologique qu'elle a adoptée, semble manquer de rigueur analytique, car la pertinence d'anciennes entités socioculturelles homogènes de nos jours, même si elles existaient réellement, n'est pas prouvée. En outre elles ne revêtent plus le même contenu, ni la même signification dans le système de représentation populaire d'où les Ton dafing et samogo, contrairement aux alampodiou dogon, se sont estompés au fil du temps.

Les démembrements du territoire national en entités géo administratives et politiques opérés par les différentes puissances hégémoniques qui se sont succédées au fil du temps sur l'espace national, n'ont pas tenu compte des entités ethniques, culturelles ou économiques existantes, ils ont été réalisés dans le sens de la sauvegarde d'intérêts politiques économiques et stratégiques des puissants du jour. Ainsi, des provinces médiévales on passe au canton, à la subdivision, au cercle, à l'arrondissement et enfin à la commune, sans oublier que cette dernière entité territoriale en date est tout simplement issue de la reconduction intégrale de l'ancien arrondissement, issu de l'ancien découpage administratif qui est loin de constituer une unité socioculturelle endogène.¹¹ La nature et les lieux de pouvoirs ont changé dans l'espace et dans le temps, suite à tous ces bouleversements politiques, sans oublier l'interférence socioculturelle due au brassage des populations.¹² La

comparaison s'arrête donc à ce niveau faute de convergence patente entre les deux situations.

Conclusion

Le principal résultat observé est qu'aucun des arrangements institutionnels passés ou en cours que nous avons analysés, ne peut être qualifié de démocratique eu égard aux critères que nous avons définis dans l'introduction et relatifs à la participation populaire. Aucun de ces systèmes n'instaure un véritable processus de reddition descendante qui conditionne la responsabilité des acteurs locaux. La nature des pouvoirs transmis ne permet pas d'instaurer un champ de pouvoirs discrétionnaires au niveau local, ce qui enlève toute représentativité aux institutions locales tant au niveau du conseil communal que des associations néo-traditionnelles. Le mode d'intervention de SOS Sahel (GB), calqué sur 'l'approche village' ou 'gestion des terroirs' inspiré du PGRN a depuis longtemps montré ses limites (Laurent et Mathieu 1995:37-45 ; FENU 2000:12-13 ; Utting et Jaubert 1998:92).¹³ Basé sur des techniques d'inclusion, de mobilisation expérimentale et souvent d'instrumentalisation, il ne peut assurer une véritable participation démocratique des populations locales à la gestion de leurs ressources.

Enfin, un des points qui mérite d'être souligné est la persistance de l'ancien cadre réglementaire et législatif à caractère répressif, qui consacre toujours dans les faits, le monopole de l'État sur la gestion environnementale au détriment des autres acteurs, malgré la fin de la domanialisation annoncée dans les nouveaux textes. Il y a loin du discours idéologique omnibulante de l'État sur la décentralisation malienne—offert en prime aux bailleurs de fonds—, aux pratiques courantes ; autrement dit, 'l'État malien dit ce qu'il ne fait pas et fait ce qu'il ne dit pas'. Il se doit plutôt d'accélérer le processus de transfert de pouvoirs et de domaines aux collectivités décentralisées, pour permettre l'émergence d'une véritable décentralisation démocratique.

L'action de SOS Sahel ainsi que celles des autres partenaires au développement devraient, dans le nouveau contexte de la décentralisation, s'orienter vers l'émergence d'institutions véritablement représentatives de l'intérêt général de la collectivité, et nulle autre entité plus que la commune ne saurait mieux jouer ce rôle de partenaire privilégiée au développement local. L'application des critères jugés indispensables à la réalisation de la décentralisation démocratique à savoir : transfert de pouvoirs, responsabilité et redevabilité (accountability), apparaît comme une méthode d'analyse pertinente de caractérisation de la participation. Elle n'épuise pas pour autant le sujet dans le domaine de la responsabilité, puisque l'on peut distinguer d'autres types de contrôle en plus des élections démocratiques, qui peuvent obliger les responsables à rendre compte à la base, telles que l'information,

la transparence, les pressions sociales, l'éducation civique des populations, etc., (cf. Ribot 2001). Elle marque cependant un pas important dans la compréhension des processus de décentralisation environnementale, grâce à la déconstruction et la mise à plat du concept de participation tant galvaudé de nos jours et servant à légitimer les interventions les plus controversées en matière de gestion environnementale et de développement rural.

La participation effective des collectivités décentralisées et des communautés locales n'est réalisable que par le transfert par l'Etat de pouvoirs et de ressources conséquentes aux autorités représentatives locales (Bazaara 2006). L'Etat devrait donc procéder à une nouvelle et rapide répartition des domaines forestiers et autres et les associer plus étroitement à leur gestion. Mais à travers les nouveaux discours émanant des représentants du Ministère de tutelle, il semble que l'on envisagerait maintenant un simple transfert de droits de gestion des domaines de l'Etat en lieu et place de transfert de domaines propres aux collectivités décentralisées. Une simplification des procédures en vue de faciliter l'accès du domaine forestier aux exploitants et l'instauration d'une véritable politique forestière consensuelle basée sur l'éducation environnementale des communautés rurales, demeurent cependant les conditions requises pour garantir un développement durable des ressources naturelles. Il serait salutaire de rétablir l'équité et d'affaiblir le monopole étatique par l'établissement de voies de recours neutres, facilitant l'arbitrage entre toutes les parties prenantes à la gestion des ressources forestières. Un des problèmes clés qui interpelle actuellement la décentralisation malienne est celui de l'instauration de la démocratie locale. Le seul transfert de pouvoir et de ressources aux instances démocratiques locales ne suffira pas à instaurer automatiquement une décentralisation démocratique (Bazaara 2006). Un dispositif efficace permettant de renforcer le contrôle des actes posés par les autorités communales et d'instaurer un processus de reddition de compte descendant devrait être rapidement élaboré.

De même, en ce qui concerne les rapports entre le conseil communal et les communautés villageoises ils doivent consister dans le transfert de pouvoirs de gestion des ressources naturelles aux associations et communautés de base, selon des formes appropriées (établissement de conventions locales, cogestion, élaboration de cahiers de charges situant la responsabilité de toutes les parties et placé sous le contrôle de l'autorité de tutelle, etc.). La loi n°98-066 du 30 décembre 1998 portant code des collectivités territoriales en République du Mali, en son article 72 instaure le partenariat local, en recommandant au conseil communal de consulter obligatoirement les conseils de village, de fraction et de quartier sur toutes questions touchant à leurs domaines de compétence, tels que l'organisation des activités rurales, la protection de l'environnement, la gestion des ressources naturelles et les litiges

domaniaux et fonciers, etc. Au delà de la simple consultation, ces organes pourront-ils valablement s'opposer aux décisions du conseil communal, puisque ne disposant pas des mêmes prérogatives dans la prise des décisions qui pourtant les concernent au premier chef ?

La démarche des ONG comme SOS Sahel (GB) se justifie dans le sens de la reconnaissance des droits légitimes de communautés rurales à pouvoir décider de la manière de gérer leurs ressources. Mais c'est surtout au niveau de leur approche théorique que la discussion doit s'instaurer afin de parvenir à identifier les voies et moyens d'instauration d'une véritable participation populaire sans exclusion. L'on peut reprocher à l'approche communautariste villageoise un certain nombre de griefs qui constituent autant de contraintes à une véritable décentralisation démocratique. A titre d'exemple la mise en défens des massifs forestiers par les Ton apparaît comme une tentative de conservation de la ressource, encouragée par la politique environnementale officielle. Mais en soustrayant unilatéralement celle-ci à l'exploitation des autres usagers (pasteurs, exploitants de bois, artisans, etc.) on tendrait à lui conférer un caractère privatif, consacré par l'exercice d'une police locale. Paradoxalement ces associations majoritairement constituées d'agriculteurs sédentaires font fi de toute notion de conservation, lorsque leurs intérêts sont en jeu. L'exemple courant des défrichements sauvages par leurs adhérents pour l'extension des surfaces cultivables, illustre bien la nature des enjeux communautaristes locaux qui se cachent derrière de tels agissements.

Le village malgré son caractère communautaire est traditionnellement facteur d'exclusion des couches marginalisées (femmes, gens de caste, étrangers, etc.) dans l'accès à la ressource. La coutume locale repose sur le particularisme, elle ne peut s'appliquer partout et à tous ; tandis que le territoire communal constitue une entité administrative juridiquement homogène sur laquelle l'autorité du conseil devrait s'exercer à tous les niveaux sur les hommes et sur la ressource. Le problème est de réussir à passer d'une forme de gestion participative vers un modèle de gestion décentralisée des ressources naturelles, ce qui pour Ribot constitue sur le plan conceptuel, 'un changement des formes d'inclusion démocratiques directement orchestrées de l'extérieur vers des formes représentatives d'autorités démocratiques élues localement' (Ribot 2000:5). Autrement dit, il faudrait passer de l'approche programme, à la participation populaire légalement institutionnalisée en légitimant les acteurs locaux et en les responsabilisant par rapport à la gestion de l'environnement, pour la réalisation de la décentralisation démocratique. Tels sont les changements à instaurer dans les relations entre l'Etat et les communautés rurales devant permettre une gestion responsable de leurs ressources dans une perspective de durabilité.

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Notes

1. D'après Olivier de Sardan le populisme serait : «un certain rapport entre les intellectuels (associés aux couches et groupes privilégiés) et le peuple (c'est à dire les couches et groupes dominés), rapport selon lequel les intellectuels découvrent le peuple, s'apitoient sur son sort et/ou s'émerveillent de ses capacités, et entendent se mettre à son service et oeuvrer pour son bien» (1995:19).
2. Cet article est tiré d'une étude comparative sur les décentralisations environnementales dans six pays africains, Au Mali les travaux ont été réalisés par une équipe de chercheurs maliens, dirigée par l'auteur, dans la région de Mopti, de juillet 2000 à mai 2001. L'étude a été entièrement financée et supervisée par le programme Institutions et Gouvernance de World Resources Institute de Washington (États Unis) dirigé par Jesse Ribot. Les opinions exprimés ici n'engagent cependant que leur auteur.
3. Ceci correspond au concept anglo-saxon de décentralisation démocratique tel que défini par plusieurs autres auteurs tels que : Crook et Manor (1998), Manor (1999) et Ribot (2000).
4. Ce contentieux électoral a trouvé son épilogue grâce à l'arrêt n° 25 du 14 juin 2001 de la section administrative de la Cour suprême du Mali qui a confirmé les résultats électoraux de 1999 en proclamant l'ADEM A vainqueur. Ce verdict a redonné au bureau communal sa légitimité et a contribué à apaiser les tensions qui persistaient au sein du conseil communal et entre les habitants de la commune
5. En fait de forêt, cette superficie est loin de refléter la réalité actuelle, puisque d'importants espaces ont été et continuent d'être colonisés de façon permanente par les agriculteurs et les éleveurs sédentaires et transhumants. Seuls quelques massifs boisés et des forêts galeries situées le long du fleuve Sourou constituent le véritable noyau résiduel de cette forêt, longtemps soumise à l'exploitation humaine.
6. La forêt de Baye fut sujette à l'intervention massive des divers promoteurs du développement local, tels que le Projet d'Aménagement et de Gestion des Terroirs Villageois du Seno-Gondo (PAGT/SG) de SOS Sahel (GB), les Volontaires français du Progrès (VFP), le PGRN et le PNVA qui militent en place des structures d'encadrement des usagers et des décideurs locaux, pour

- la protection de l'environnement et la promotion du développement local (Ba 1999:4).
7. Pour Diakité de SOS Sahel GB (1993:2) chargé de l'étude préliminaire devant justifier l'intervention de l'ONG : «l'objectif visé par cette étude est d'écouter les protagonistes (populations sédentaires et nomades) pour s'imprégner du passé et du présent de la forêt, d'analyser les possibilités positives pour aboutir à la mise en œuvre d'un programme de gestion soutenable avec la participation et l'implication des populations».
 8. Pour plus de détails sur les modes d'organisation des associations néo-traditionnelles, conf. Konaté (1992), Konaté et al. (1996) ; Dembélé (1995); CARE-Mali (1998) et Diakité (1993), ronéo.
 9. En fait le rôle de surveillance des femmes est assez limité, il ne s'étend pas au delà de l'espace forestier réservé aux usages domestiques tel que le ramassage du bois mort pour les activités culinaires et la cueillette des fruits.
 10. Meister (1977) distingue plusieurs types de participation : provoquée, imposée, volontaire, par désignation ou spontanée, l'action de SOS Sahel se situe dans un de ces cadres et est loin de correspondre à celle que nous avons définie à travers le concept de décentralisation démocratique ou politique.
 11. Tessougué et al. (1998:35-36) en faisant référence à Konaté et Tessougué (1996), notent un changement d'identité ethnique dans cette zone, provoqué par les unions matrimoniales inter ethniques entre dogon, bobo, mossi et pana ou samogo. Il en a résulté l'apparition d'un groupe de culture hybride appelé dafing et la plupart des samogo islamisés à part ceux du Diendougou qui ont gardé leur parler, se reconnaissent sous cette nouvelle identité dafing
 12. Malgré l'affirmation par SOS Sahel (GB) de la persistance des unités socio foncières dans la commune de Baye et dans le Samori, l'ONG a été obligée d'apporter des modifications substantielles à son schéma opérationnel et ceci pour plusieurs raisons. D'abord les limites de la commune de Baye ne correspondent plus à celles de l'ancienne unité socio foncière du Pana originel. Ensuite le siège social de l'entité du Tiondou a été transféré à Ganida qui abrite le comité directeur de l'entité à la place du village 'mère' Tionou, il en est de même pour Minta qu'on a substitué au village «mère» de Zéréma dans le Zérémadougou ainsi que de Yira qui remplace Dien dans le Diendougou. Le leadership dans la gestion forestière leur a été confié contrairement à la coutume pour des raisons pratiques : importance démographique et économique, dotation en infrastructures, etc.
 13. Parmi les critiques adressées par ces auteurs à cette approche, les principales se résument à ceci : 'persistance de l'emprise dirigiste et techniciste des services techniques sur les projets ; volonté de sauvegarder l'intérêt de toutes les parties en privilégiant les questions non conflictuelles ; manque d'articulation entre organes de gestion implantés par les projets et structures locales détentrices d'autorité sur le reste du village ; préférence donnée à l'aménagement physique au détriment des questions conflictuelles liées à des enjeux de pouvoirs locaux ; inadéquation de l'échelle d'intervention réduite (terroir villageois)

à celle supra villageoise plus pertinente ; non répliation des modèles d'organisation qui demeurent prisonniers de leur trop grande spécificité, et enfin , accentuation de la hiérarchisation sociale par le renforcement de pouvoir et de statut des plus riches'.

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Decentralisation as Ethnic Closure, with Special Reference to a Declining Negotiated Access to Natural Resources in Western Ethiopia

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Abstract

Between the Anywaa and the Nuer, the two neighbouring people in the Gambela regional state in western Ethiopia, the Anywaa are better endowed with access to and control over vital natural resources. Occupying an economic fringe, the Nuer have used various strategies to access these resources. After their initial violent expansion into Anywaa territories, the Nuer have largely reoriented their strategy to peaceful means: social networking and the instrumentalisation of inter-ethnic exchanges. This was due to their capacity to create a shared cultural space centring on the notion of the first-comer to regulate entitlement issues. In this paper, I explore the process of local-level integration and how decentralisation and the new political order have shifted the mode of inter-ethnic relations from compromise and negotiation to competition and confrontation. The paper argues that this is so partly because, despite the decentralisation rhetoric, the state maintains a hegemonic status by claiming ultimate ownership over the vital means of production—the land. Drawing on the experience of the Gambela regional state, the paper argues that decentralisation in Ethiopia has not brought its intended result—local empowerment. Instead, decentralisation is experienced in the form of elite political competition, while seriously undermining local forms of integration. Above all, decentralisation and the new political order have meant the growing relevance of extra-local bases of entitlement over natural resources.

Résumé

Entre les Anywaa et les Nuer—des populations voisines vivant dans l'état régional de Gambela, Ouest Ethiopie—les zones des Anywaa sont mieux fournies en ressources naturelles. Occupant une frange territoriale, les Nuer ont mis en œuvre

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plusieurs stratégies pour accéder aux ressources contrôlées par leurs voisins. Après une période d'expansion territoriale régie par la violence, les Nuer ont réorienté leurs stratégies vers des procédures plus pacifiques: le réseautage social et l'instrumentalisation des échanges interethniques. Cette nouvelle forme d'intégration a été possible grâce à leurs capacités à créer un espace culturel partagé, qui s'appuie sur la notion de premier occupant comme mécanisme de régulation de la propriété foncière. Dans cet article, j'explore la question de l'intégration locale et j'explique comment le processus de décentralisation et le nouvel ordre politique en Ethiopie ont déplacé le mode de relation interethnique du compromis et de la négociation à la compétition et la confrontation. L'article soutient que cette situation est partiellement due au fait qu'en dépit de la rhétorique sur la décentralisation, l'Etat continue à exercer son hégémonie sur la propriété foncière. S'appuyant sur l'expérience de l'Etat régional de Gambela, le présent article démontre que la décentralisation en Ethiopie n'a pas généré le résultat attendu, à savoir le renforcement des pouvoirs des acteurs locaux. Au contraire elle met en œuvre un processus de compétition politique élitaire et sape les formes d'intégration locale. Avant tout, la décentralisation et le nouvel ordre politique ont conduit à la pertinence croissante des bases extra-locales de la définition des modalités d'appropriation des ressources naturelles.

Introducing Gambela and its people

The Gambela region is located in western Ethiopia along the boundary with Southern Sudan. It covers an area of 23,000 square kilometres and according to the 1994 census the population figure is 200,000. Various registers of identification are invoked in social interaction, but two emic categories feature prominently in contemporary Gambela: ethnic and pseudo-racial. There are five ethnic groups living in the region: Anywaa, Nuer, Majangir, Opo and Komo. Demographically, the Nuer form the majority with 40 per cent, followed by the Anywaa (27 per cent), and Majangir (10 per cent). Anywaa and Opo are cultivators, Nuer are agro-pastoralists, while the Majangir are hunter-gatherers. The settlement pattern straddles the international boundary and both the Anywaa and the Nuer live in Southern Sudan, where the Nuer are the second most populous ethnic group and the Anywaa form a small minority.¹ Taken all together, more Nuer live in the Sudan than in Ethiopia, although they form the majority in the Gambela region. Meanwhile, more Anywaa live in Ethiopia than in the Sudan. Demographic incongruity is further complicated by settlement pattern. Anywaa numerical minority contrasts with their occupation of a larger area. In the Gambela region, six of the nine districts are inhabited by the Anywaa, whereas the Nuer inhabit two.

The second most important taxonomy in identification—apparently ecological, but with a strong political connotation—is the distinction between the highlanders and the lowlanders. Ecologically, a highlander is one who is

not from Gambela and comes from a highland region.² Ethnically, the highlanders are highly differentiated but the majority of them are ethnic Oromo, Amhara, Tigre and Kembata. Above all, this line of distinction represents a 'physical' boundary. The 'black' people (the Nilotic lowlanders) are contrasted with the 'red' people (the highlanders). According to this taxonomy, the Anywaa and the Nuer fall within the same category. The Anywaa use the term *gala* and the Nuer *bouny* to refer to the highlanders, with more or less the same connotation. Politically speaking, the term highlander signifies state power, for the highlanders have been identified with the Ethiopian state ever since the incorporation of the Gambela region in the late nineteenth century. In fact, both the Anywaa and the Nuer use the same term (*gala* and *bouny*, respectively) to refer to the Ethiopian state as well. As such, the highlanders constitute the 'significant others' in contemporary Anywaa-Nuer relations. One of the main features of contemporary Anywaa-Nuer conflict is, therefore, the various strategies they use to access the Ethiopian state (itself perceived as a highlander) in the local struggle for resources that underlie ethno politics. The highlanders comprise 25 per cent of the population of Gambela and dominate the business sector, although a growing number of re-settled highland farmers are engaged in cultivation and livestock keeping. Except in the regional capital where all the groups are represented, the highlanders are not neighbours of the Nuer and live with and in Anywaa villages.

Following the regime change in Ethiopia in 1991, Gambela was organised as one of the nine ethno-regional states within the new federal government. The new political order has reduced the highlanders to a residual category, for every highlander now belongs to one of the nine ethno-regional states. As a result, the Anywaa and the Nuer are the two major political actors in the new regional state of Gambela. Nevertheless, as the highlanders represent the federal government from the centre, the category of highlander is still a code word for the Ethiopian state in Gambela.

Natural resources

Key natural resources

The majority of the people in the Gambela region make a living from three key natural resources: cultivation land, grazing land and fish. The availability, quality and distributive pattern of these natural resources are regulated by the major rivers that flow through the region. One of the wettest in the country, the Gambela region is watered by four major tributaries of the White Nile River: the Baro, Akobo, Gilo and Alwero. The river system of the Gambela region involves a long flooding period that lasts for four months (between the months of August and November). Though detrimental when it

is intense, the flood nevertheless creates and regulates the distribution of key natural resources in the region, and is particularly vital for moisture cultivation and dry-season pasture. It is the ebb and rise of the rivers that regulate both crop and livestock productions. The Gambela region contains 129,014 hectares of cultivable land but currently only 2.4 per cent of this is being cultivated (GPBED 2000). Land holdings on average are 0.5 ha. Cultivation in the region involves three farming systems: sedentary rain-fed cultivation, moisture cultivation, and shifting cultivation.³ Of the total cultivable land, 65 per cent is savannah, 30 per cent forest land, and 4.5 per cent marshland. Only 0.5 per cent is suitable for moisture cultivation, but it nevertheless supports a significant number of the farming population (Ellman 1972). In this fertile land, the Anywaa and the Nuer harvest maize and sorghum twice a year.

Grazing land is another important key resource in the region. The plains of Gambela are one of the most suitable areas for cattle production. Major sources of livestock feed are the open woodlands, riverine forest and woodland during the wet season, and the savanna grass land during the dry season. No other food supplement is provided to livestock. The relatively scarce pasture type is the savanna grassland which provides the main source of animal feed during the dry season. Settlements near the major rivers are best positioned to access these lands. Of the total land area classified as natural grazing area, only 64.2 per cent is currently utilised by livestock.⁴ Livestock production is sustained by transhumance between wet season villages and dry season camps. Depending on the availability of grazing lands, the movement might also entail a third temporary dry season site in some parts of the region.

Fish is an important source of food particularly at the height of the dry season when cereal and dairy food sources are in short supply, and in some parts of Gambela, there is commercial fishing in the form of sun-dried fishes. Gambela is one of the main riverine fishing regions of the country, next only to the Rift Valley lakes. The total amount of fish produced along the major rivers is 2409 tons a year and the average per capita fish consumption is estimated at 10 kilogrammes a year, which is considered to be the highest in the country.⁵ The availability of fish in the river and the various lagoons created by the overflow of the rivers is one of the pull factors for the seasonal population movements in the region. As the river goes down, lung fish and turtles replace fish as a major source of food.

Distribution pattern

The Anywaa and the Nuer are variously positioned in the distribution of these key natural resources and they practice different livelihoods. The Anywaa are predominantly cultivators while the Nuer make a living off live-

stock production, although they are increasingly becoming agro-pastoralists. Access to natural resources is regulated by the settlement pattern and population densities. Thus, the Anywaa areas are better endowed with resources, for their major settlements are along the banks of the rivers and their scattered settlements explain low population densities. Their earlier settlement along the rivers gives the Anywaa ownership rights not only to the best part of the cultivation land, but also provides them a symbolic right over the adjacent rangeland. Nuer settlements, on the other hand, are far from the rivers and exhibit higher population density. As Table 1 demonstrates, there is a stark difference in the population densities of the districts:

Table 1: Land Size and Population Density of the Districts

District	Population	Area (sq. km)	Ethnic group living the district	Population density
Itang	21,613	1,837	Anywaa/Nuer	11.8
Gambela	33,217	2,859	Anywaa	11.6
Abobo	16,064	3,515	Anywaa	4.6
Gog	17,448	7,138	Anywaa	2.4
Jor	8,035	2,488	Anywaa	3.2
Akobo	28,712	3,830	Nuer/Anywaa	7.5
Jikaw	48,785	2,192	Nuer	22.5
Godere	37,104	1,939	Majangir	19.1
Total	210,999	25,802		8.2

Source: Ethiopia Statistical Abstract. Population density is in persons per square kilometres.

The variation in the population density becomes even more acute if we divide the districts by ethnic group. Of the nine districts, the Anywaa inhabits five; two by the Nuer and Itang is a mixed settlement area with a roughly equal population of both groups. The 1994 census results put the Nuer population at 40 per cent and the Anywaa at 27 per cent, indicating a stark incongruity in the land-people ratio. As a result the two Nuer districts (Akobo and Jikaw) show the highest population densities in the region. Such a human-land ratio explains the relative scarcity of land in the Gambela region. The scarcity becomes more evident if we take two variables into account: land type and production technology. There is three land types in the region:

riverine lands, marshland and forest lands. Of these land types the one in shortest supply but with the greatest demand is riverine land. These lands offer an ideal eco-system for agro-pastoralism of the type practised in the region. The four major rivers that flow through Gambela have created a productive regime sustained by the flood pattern of the plain lands. For one, these rivers replenish the fields with inexhaustible alluvial soil. In this soil, the Anywaa and the Nuer harvest twice with moisture cultivation during the dry season in addition to rain-fed agriculture. The riverine lands are also valued for the dry season pasture that supports livestock production. Most of these lands are found in traditionally Anywaa territories between Gambela, Itang, and Jikaw—districts that support the lion's share of the region's population. Furthermore, the low level of production technology accentuates the relative scarcity. Both the Anywaa and the Nuer practice hoe-cultivation. Thus, only 2.4 per cent of the cultivable land is utilised. Technological factors have also increased the attraction of the riverine land where the moisture cultivation does need labour intensive or high tech farming. Nearly 60 per cent of the moisture cultivation is in Itang district. Like the human population density, the livestock population density exhibits a strong variation which further compounds resource scarcity.

The natural grazing area of the region covers an area of 1,804,800 ha. A potential grazing area of 947,000 ha of the total estimated grazing area is extended over the eastern part of the region (Abobo, Gambela, Gog and Jor districts) with a minimum livestock population, thus under-exploited. Of the potential grazing area, about 47 per cent is utilised and is seasonally overstocked as the transhumant herds range over the area. They trek from the rivers during the wet season to use the accessible upland grazing area back to the perennial rivers during the dry season to use them for drinking water, and to take advantage of the new grass growth that persists in wetland areas. The remaining 452,000 ha of the grazing land is used only to a limited extent because it is too far from water sources during the dry periods or suffers from frequent inundation during wet-season flooding. There is, therefore, a growing pressure on a specific type of land, which is in short supply: the alluvial lands (moisture cultivation) and the dry-season pasture. Both are regulated by proximity to the major rivers, and, most importantly for inter-ethnic relations, largely fall within traditionally Anywaa territories. Access to moisture cultivation and dry season pasture, therefore, entails the Nuer transhumance between their wet season uplands and temporary dry season settlements along the rivers.

Overlapping language game and negotiated access to natural resources

Erickson (1991) introduced, drawing on the works of Wittgenstein (1983), the concept of language game to the field of ethnicity in order to identify inter-ethnic contexts. Applied in the field of inter-ethnic relations, the concept of language game 'indicates the local, contextual character of culture seen as the production and reproduction of shared meaning' (p.139). Accordingly, Erikson identified three inter-ethnic contexts where the degree of shared meaning is variable: same language game, where there is a wide consensus over values and modes of discourse; incommensurable language game (to the extent that there is disagreement over the rules constituting the relationship); and overlapping language game, a type of inter-ethnic relational context 'with an agreement as to the form and content of only some relevant aspect of the interaction' (p.140).

The cultural context of interaction between the Anywaa and the Nuer largely exhibits an incommensurable language game insofar as there is a fundamental difference in the modes of ethnic identity formation that introduce a certain degree of cultural opposition. For the agrarian Anywaa, villages are the centre of their social world; ethnic identity is territorialised and this is the basis for inter-ethnic exchanges. Ethnic identity is something which one is born into. Thus, claiming Anywaa identity entails both parents needing to be Anywaa. The Nuer life world (pastoral), and the identity discourse it embeds, is mobile—a contrast which is also evident in the constitution of their respective local communities. Unlike Anywaa villages, Nuer local communities could be transplanted into a new territory with new members who could claim full membership. To some extent, therefore, the Anywaa and the Nuer play a different 'language game'; when they use the term ethnic group, they refer to different ideas of collectivities. This underlying difference in their concepts of ethnicity is partly related to the conditions of their material existence and the life world each engenders. Nuer social and territorial mobility is partly dictated by economic imperatives, especially the uneven distribution of natural resources (particularly dry season pasture) that support the pastoral economy. Most of these key natural resources are found in areas inhabited by the Anywaa. Despite the qualitative difference in the nature of their ethnic boundaries and the apparent Anywaa closure, the Nuer manage to have access to the Anywaa riverine lands through a transhumance production regime.

The initial encounter between the Nuer and the Anywaa dates back to the second half of the nineteenth century, resulting in the Nuer conquest of a large area of Anywaa territories.⁶ The Anywaa made attempts to regain the

lost territories (Bahru 1976). Although they were not successful in their irredentist project, their resistance had the effect of re-orienting Nuer strategies of access to resources from violent to peaceful means, paralleling the symbiotic exchanges between herders and farmers elsewhere in the world. After the nineteenth century dramatic expansion, organised Nuer territorial expansion halted and various Nuer clans entered into peaceful exchanges with Anywaa villages (Jal 1987). This expansion has largely occurred through micro-demographic processes: instrumentalisation of inter-ethnic marriages and friendship networks. Typically, a Nuer man marries an Anywaa woman. This is initially beneficial to both partners. For the Nuer it is cheaper to marry an Anywaa whose bride wealth payment is lower; and for the agrarian Anywaa, the marriage ensures the flow of cattle wealth.⁷ The Nuer anticipate additional gains from such exchanges: marriage ties are then used as a legitimising discourse in establishing settlements in Anywaa territories. These settlements gradually come to serve as a nucleus for more immigrants and, in due course, the immigrants outnumber the Anywaa, who are then left with the option of joining the Nuer kinship and political structures or leaving their villages in order to maintain their identity.

This social process is mediated through an incipient overlapping language game that centres on the notion of a first-comer. The Anywaa and the Nuer subscribe to different notions of a first comer. The notion of the first comer is tightly defined among the Anywaa, for territoriality is one of the principles of social organisation and governs inter-group relations. This is expressed in two interrelated Anywaa concepts: *jobur* and *welle*. *Jobur* are the original settlers of a village (first-comers), and *welle* are the guests who temporarily settle in villages other than their own (late comers). Some of the *welle* might stay for a generation or so and could have access to land and other natural resources but they will always retain the status of being a guest (Feyissa 2003a). Thus, the furthest a *welle* could go is earning the status of an 'honorary' village citizen, not full localisation.

As compared with the Anywaa, the Nuer recognise a very loose sense of territoriality. This is reflected in their three interrelated concepts: *diel*, *rul* and *jang*. A *diel* is a first-comer—what Evans-Pritchard (1941) called the aristocratic clan. A Nuer is *diel* only in a tribe where his clan has superior status (Evans-Pritchard 1941). If he goes to other areas where his clan is not *diel* he is considered *rul*, stranger. The general trend is that a *rul* attaches himself to a *diel* by marrying into the *diel* family and over generations his descendants will fully localise in the new place. A third category of persons is called *jang*, designating the non-Nuer who are either captives or join the *diel* on their own accord by relinquishing homeland ties. In a sense the

integration of the jang into the diel is more effective than the rul as they are cut off from their homeland relations. This partly explains why the diel Nuer are more interested in outsiders than fellow Nuer whose loyalty to a local community is precarious, as they could drop out and rejoin their natal community.

In both cases, however, newcomers are encouraged to join the diel, with the ideology eventually creating real social and economic ties. Being a guest among the Nuer is temporary, not a permanent statuses, like the Anywaa. Unlike the Anywaa jobur, therefore, the Nuer diel is an inclusionary framework. Despite such fundamental cultural difference, economic necessity and local forms of power have entailed an articulation of a shared cultural space for an overlapping language game to develop. Thus the jobur of the Anywaa was more or less equated with the diel of the Nuer, which led to the generalised Nuer acceptance of Anywaa seniority to the Gambela region, particularly those Nuer clans which border the Anywaa.

The majority of the Nuer who live on the Ethiopian side of the border, belong to the Gaajak tribe of the eastern Jikany. The Gaajak tribe comprises five clans: the Thiang, the Cieng Cany, the Cieng Wau, Cieng Nyajani and the Cieng Reng. Of these clans, the Thiang and the Cieng Reng have managed to invest more in the shared cultural space, allowing them better access to natural resources. In the early phase of the Jikany Nuer expansion to the east, the Thiang had occupied the position of an advance guard because of their genealogical seniority and occult power.⁸ The traditional pattern was that the Thiang move into new (Anywaa and Dinka) territories, leaving their own behind to the following Gaajak clans. In the course of time, however, the Thiang have now occupied the best part of the rangeland between Itang and Jikaw districts, and have become more sedentary than all the other Gaajak clans.

The permanent settlement of the Thiang in these lands not only brought them into closer contact with the Anywaa but also deprived other Gaajak clans of their traditional avenues of expansion. Expansion as a strategy was pursued as long as the Nuer was not in competition with natural resources. Scarcity was addressed by continual eastward expansion, mainly at the expense of Anywaa territories, where most of the unused dry season grazing lands and the riverine cultivation lands are found. An increase in population and a growing pressure on the riverine land has generated competition over resources among the various Nuer clans, for they all compete for the same economic niche. In this changing economic context, the Thiang Nuer opted to invest in inter-ethnic peace not only to secure access to the riverine lands most of which fall within Anywaa territories but also to keep other Nuer out

of the economic game. As a result, the various sub clans of the Thiang have entered into economic exchanges with the Openo Anywaa through social networking, particularly inter-ethnic marriages and on the basis of mytho-history.

Although inter-ethnic exchanges involve a certain degree of asymmetry that favours the Nuer, it also involves elements of reciprocity and symbiosis. For the Anywaa, this has meant, in the context of continuous encroachment of their lands by the Nuer, creating a buffer zone to shelter them from less familiar, and often more hostile Nuer clans. For the Thiang this has meant unrestricted access to the Anywaa's riverine lands, particularly the under-utilised dry season pasture. In fact, the Thiang have come to consider all unoccupied Anywaa land as their 'hinterland', which they call *nyam duar* (frontier). Thus, they have developed a vested interest in the status quo and see themselves as strategically vulnerable in a strained relationship between Anywaa and Nuer, a view that is not shared necessarily by other Nuer clans.

Thiang settlement areas are coveted by other Gaajak clans, as they ideally combine fresh rangeland, access to Anywaa riverine lands and abundant fish reserves, and proximity to towns (as market outlets). Other Gaajak clans followed the Thiang example with various degrees of success. Coming from a war-ravaged part of Southern Sudan and a relatively resource-poor area the Cieng Reng clan has come to rival the Thiang in cultivating amicable relations with the Anywaa. The Cieng Reng were originally living at a place called Yom in the Sudanese Jikaw district along the border. In 1983, a small group of Cieng Reng from the Yom district in Southern Sudan came to Itang district and settled at a place called Makot, some 15 kilometres south of Itang town, strategically situated near the Baro River.

The settlement of the Cieng Reng at Makot was organised by a local political entrepreneur called Kong Diu. At the time of the settlement, Makot was a forestland that traditionally falls under the Anywaa village of Pinyman. Thus, Kong sought the consent of the neighbouring Anywaa for a settlement. Although the Anywaa were already committed to the Thiang clan, they welcomed the Cieng Reng settlement for the additional flow of cattle wealth it promised, and possibly as a caveat should the Thiang grow too powerful. From Makot village the Cieng Reng managed to establish exchange networks. They managed to obtain access to riverine lands through inter-marriages, sharecropping arrangements and informal purchase from the neighbouring Anywaa.⁹

By the early 1990s the Cieng Reng settlement extended into Itang town with the establishment of two satellite settlements. The successful insertion of the Cieng Reng into the local communities and the subsequent expansion

of their settlement have encouraged more Cieng Reng migrations from Yom and different parts of Jikaw to Makot village. At present, the number of Cieng Reng at Makot is estimated at around 2,000—one of the biggest Nuer villages in Ethiopia. Makot village has become very prosperous, combining a pastoral economy with an increased cultivation of rain-fed and riverine land, as well as developing new market outlets in Itang and Gambela towns. The Cieng Reng became de facto members of the kebele (the smallest unit of government administration) of the neighbouring Anywaa village.

Decentralisation as ethnic closure

In 1991 the ruling EPRDF (Ethiopian Peoples Revolutionary Democratic Front) took an unprecedented political measure by radically reorganising the Ethiopian state and society by institutionalising ethnicity as a unit of political action and mode of social organisation. Empowering ethnicity is justified as part of the democratisation process and as a lasting solution for the ‘nationality question’ that has for long plagued the Ethiopian polity (Merara 2003). Accordingly, a federal system was set up with devolution of power to the newly created ethno-regional states.

At the local level, however, the decentralisation process has been primarily experienced in the form of heightened political competition among the ethnic elites and a growing inter-ethnic hostility. In the new Gambela regional state, decentralisation and the new political order that ensued has fundamentally altered the process of inter-ethnic integration that has been crafted through compromise, negotiation and newly shared interests (Feyissa 2003b). In the modern sector, decentralisation (ethnic federalism in the Ethiopian parlance) has been experienced as heightened competition between the Anywaa and the Nuer elites to dominate the new political space and the derivative rewards. In this struggle, the Anywaa and the Nuer elites employ different strategies of entitlement partly drawing on their respective cultural repertoire to enhance the plausibility of their claim as well as seek creative strategies. The Anywaa elites have appealed to two issues in order to facilitate political mobilisation. They organised a narrative of loss by invoking a particular kind of collective memory (the Anywaa territorial loss during the nineteenth century Nuer expansion) and connecting with the culturally embedded notion of Anywaa territoriality as ideologies of power and ownership right over the Gambela regional state. The Nuer elites were forced to resort to counter narratives. The initial outcome of this struggle was determined by their differential access to the Ethiopian state. The ruling EPRDF, largely on the basis of political expediency (contribution to regime change), validated the Anywaa claim. Thus, the Anywaa elites were politically promoted to dominate the new regional state of Gambela on the basis of their contribution to regime change,

while the Nuer were reduced to a political minority because of their association with the defunct regime.

Out-maneuvred by their rivals, the Nuer have engaged in the politics of inclusion at a different level. Unlike their fellow Nuer villagers who have largely accepted the seniority of the Anywaa as long as this allows them access to vital natural resources, the political elites have contested the Anywaa ideology of a first-comer and its political use by invoking a longer historical scope of reference: common Nilotic origin. As the intensity of the struggle became acute the Nuer elites have sought new counter narratives and a new political audience. This they have done by appropriating state discourses in the local struggle. The census result and the symbolic empowerment of the state over land became important instruments for access to and control over natural resources.

In 1994, Ethiopia conducted its second nation-wide census. The objective of the census was defined to help better design development policy. A seemingly denotative description, however, has had a performative political effect. The census produced a new political fact in the local struggle. Overnight, the Nuer was transformed from latecomers to an ethnic majority. According to the census result, the Nuer constitutes 40 per cent while the Anywaa 27 per cent of the Gambela regional state. Ever since the census result was announced, the Nuer elites have employed majoritarianism as a counter ideology of power to the Anywaa territoriality. The more the Nuer play the numbers game, however, the more Anywaa elites have invoked territoriality, which further politicises the land issue. Now it is the Anywaa's turn to come up with a counter narrative to the Nuer claim: contesting the census result by defining the Nuer not only as latecomers but also as refugees, thus non-citizens. Accordingly, the Nuer population figure is inflated because of the influx of refugees from Southern Sudan.

More challenging to the Anywaa is, however, the new discursive connectivity between the Nuer and the state's discourse on the land. Contemporary Nuer accrue ownership rights over the land to the state, while Anywaa territoriality is destined to disconnect with the state's own claim over the land. This is as much Nuer's exit strategy from Anywaa's closure as it is playing real politik.¹⁰ For, the Ethiopian state, across regimes, has claimed ultimate ownership of the land as its principal means of social control and legitimating power. Neither the imperial nor the socialist regime acknowledged individual or collective rights over the land. Despite its high profile and populist rhetoric, the new ethnic regime followed suit by stubbornly clinging to state ownership of land despite the increasing economic and social argument for the privatisation of land (Desalegn 1994; Birhanu 2003). State

ownership of the land is constitutionalised. In the 1995 constitution, state ownership of land is explicitly stated:

The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the state and in the people. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange (Article 40:3).

Such state hegemony has seriously undermined the regions' political autonomy, communal rights over the land, and individuals' freedom in using the land in a more flexible and pragmatic way. In inter-ethnic relations, in particular, it has created a new economic space in which compromise, negotiation and symbiosis are giving way to competition and confrontation. Above all, territoriality has increased the political importance of the land. In the given circumstances, the Anywaa villagers have shifted the strategy of buffering to the assertion of ownership rights, which has made access to key natural resources increasingly difficult for the Nuer. Meanwhile, the Nuer elites' demographic strategy of political entitlement has been translated into new interest in the territorial and demographic expansion of the Nuer villagers into areas claimed by the Anywaa. The net result of these conflicting, albeit mutually constituted political strategies, is increasing ethnic closure that threatens to break down the incipient overlapping language game. For the Anywaa elites, Nuer mobility and resource expansion have become politically visible, threatening to undermine their strategy of political entitlement, while the same process promises an expanding political constituency for the Nuer elites. This new line of disconnection in inter-ethnic relations resulted, at its height, in an explosion of the politicisation of the Cieng Reng settlement.

As it was indicated before, the settlement of the Cieng Reng clan, in what was regarded as traditionally Anywaa territories, was not originally a political issue. In fact, the local Anywaa welcomed it on pragmatic grounds. After 1991, however, and particularly after the census result was announced, the Cieng Reng assumed a new political visibility. Anywaa politicians defined them as refugees, thus stripping them off their citizenry status. Attempts were made to transfer them into refugee camps or deport them to the Sudan. In the new political context, the Cieng Reng found themselves increasingly vulnerable. Cattle rustling became rampant and access to resources was endangered. Facing a hostile local administration dominated by the Anywaa, the Cieng Reng appealed to the Nuer politicians for protection of their property and life. They readily obtained political patronage. Insecure in their villages and encouraged by a new backer, the Cieng Reng became assertive and applied for separate political recognition for their community. This meant in the local

parlance asking for a kebele, a political practice which further sensitised Anywaa politicians and villagers alike, who now saw a new evidence for their conspiracy theory: the ultimate Nuer project of dismembering their society by taking over their lands.

The increased inter-ethnic tension climaxed in one of the bloodiest conflict between the Anywaa and the Nuer in Itang district in 1998, costing the lives of many people and causing immense material destruction. At the height of the conflict so-called ring leaders, including Kong, were imprisoned for a year. Upon release, Kong went to Addis Ababa, the nation's capital, to appeal to the federal government rather than rebuilding inter-ethnic ties, as was the case in previous instances of local conflict. In his politics of recognition, Kong was armed with a wide variety of narratives of entitlement that counter the Anywaa exclusionary practices: from a projection of the Nuer concept of localisation; an empowerment of the state over the land, to an instrumentalisation of wider political processes such as the Ethio-Eritrean conflict. In 1998 a border war broke out between Ethiopia and Eritrea. The sudden need to enlarge the army entailed a massive conscription. A good number of Nuer, including the Cieng Reng from Makot village, joined the national army and participated in the war where some of them lost their lives.¹¹ In what appears 'going national to be local', the Nuer politicians and villagers alike found a new ideology of entitlement in their struggle for power and access to natural resources, as the following excerpt from Kong's narratives demonstrates:

[Why] should the Anywaa say we are not Ethiopian? Did not we fight for Ethiopia as well? Even our cows have become Ethiopians. They went to Badime. Okay, we go back to the Sudan, but let them give us our people who died in Badime.¹²

After a year-long appeal to the federal government, Kong earned a 'residence permit' for his community, though a formal grant of citizenship was postponed for fear of alienating the Anywaa-dominated regional government. Meanwhile, Nuer villagers have been increasingly appropriating the state's discourse on the land. The state's right over the land includes large areas designated as national parks, periodic redistribution of land to the farmers, appropriation of land for re-settlement sites, and allocation of land as 'investment' zones. In fact, most of the rangeland in the Gambela region is designated parkland, which has further compounded the issue of entitlement. To illustrate, a settlement might be a Nuer village, with land traditionally an Anywaa territory, and the state ownership surrounding it within close proximity—being one of the two designated parklands in the Gambela region.

In the context of the ubiquity of state claims on the land, the Nuer have resorted to rhetorically empower the state over the land, as this entails only a switch of reference from kwoth (God)¹³ to kume (government), as the following narrative suggests:

As you know land is owned by the kume. Kume is the father of all people. If there is no kume, those who do not like Nuer say the land is ours. Everything is from kume. If there is hunger, if there is no rain this year, the food comes from other places. You can contact kume and it brings you food. Kume is like kwoth. Everything belongs to kume. Land is for kume. The people are for kume. That is why it asks for people when there is war. Even this tree belongs to kume. There is nothing, which kume can't do. Nobody can take away the land of kume.¹⁴

Such symbolic empowerment of the state is neither a commitment to the state nor an assertion of national identity. Instead, it is a local statement used as exit strategy to counter exclusionary practices. Nevertheless, it has had the effect of reproducing state ideologies at the local level, an aspect of 'everyday forms of state formation' (Nugent 1997). The term 'kume' stands for not only the state as a set of institutions and administrative organs, but also as represented by the category of the highlanders who appear to benefit from the Nuer's flexible and inclusive discourse than the Anywaa's exclusive discourse which threatens to disown them as well. In fact, the Nuer often make an explicit statement that the land (the alluvial soil) after all comes from the highlands:

Even all the Gaajak can't finish this soil. Anywaa and Gaajak together cannot finish this soil. After all, this river [Baro] comes from buny [highlanders] area. Pine [alluvial soil] is from buny. When it rains in the highlands, the rivers bring all the soil to us. It is red there, but when it reaches us it becomes black. This soil is important for us all. Pine is for all, Anywaa, Nuer, and buny. It is food. If we don't work on it, we would be all hungry. If we sit idle [like we do now], we will all be hungry. You can't stop a hungry man.¹⁵

Such statements amply capture the new shift from compromise and negotiation to new legitimising discourses to put claims on resources at a local level, a discourse initially trickled down from the elites in the struggle for power but now instrumentalised by ordinary people in the villages to alter local notions of entitlement. By 2002, the hostility encompassed the Thiang, hitherto the main bastion of inter-ethnic peace in the region. In June 2002 the political competition between the Anywaa and the Nuer elites manifested itself in the escalation of conflict between the Thiang Nuer and the Openo Anywaa that cost the lives of more than a hundred people and destruction of twenty-one villages. In the wake of this conflict, it is now common to hear

the Thiang saying 'Bar cie wat', or 'Anywaa can not be relatives', a statement of the failure of inter-ethnic peace, and sadly, with an air of despair about its feasibility in the future.

Outlook

The decentralisation project and the post-1991 political order had a promising start and the constitution contains a huge potential for local empowerment over resources. By recognising the nationalities' rights it also intended to foster inter-ethnic harmony. Praxis has shown, however, that decentralisation is seriously compromised by the state's claim over the basic means of production—land. Lacking administrative resources to realise its projects of control, however, the state has created competitive political and economic spaces which have accentuated local struggles over resources, a struggle which is progressively corroding negotiated access to resources. In the new political economy extra-local legitimising discourses and forms of power have increasingly determined access to and control over resources, a new mode of inter-ethnic interaction, which is increasingly erupting into violent conflict.

Notes

1. There are conflicting census figures from Southern Sudan but a rough estimation put the number of Nuer at half a million and the Anywaa at 25,000.
2. There is a sharp difference in altitude between the Gambela region (500 m) and the neighbouring highlands (as high as 2,800m).
3. Gambela is one of the few regions in Ethiopia where ox farming is not practised.
4. Agency for Cooperation and Research in Development (ACORD) Livestock research project, 1998.
5. Out of the one hundred fish species in Ethiopia, seventy-two are found in Gambela water bodies (Conservation strategy of the Gambela region, Planning Bureau, Gambela Regional Council, 1999).
6. In their nineteenth century eastward expansion the Nuer are said to have increased their territorial size fourfold, at the expense of their Dinka and Anywaa neighbours (Kelly 1985).
7. An average Nuer bride wealth payment is 25 cows while contemporary Anywaa pay an equivalent of three cows in monetary terms. Traditionally Anywaa bride wealth was a scarce glass bead called dimui.
8. The Thiang are guardians of wiu, the sacred spear, an important relic bequeathed from Kir, the mythological founder of the Jikany Nuer.
9. Land cannot be sold in Ethiopia because officially it belongs to the state.
10. The Anywaa established a liberation movement called GPLM (Gambela People's Liberation Movement) to resist the growing political, territorial and cultural encroachments by the socialist regime, popularly known as the Derg (1974-1991), while the Nuer elites were co-opted and promoted by the regime.

- The GPLM made contact with the EPRDF forces in the Sudan and it participated in some of its western military operations against the Derg.
11. Twelve people from Makot village joined the army, out of which three died. As in other pastoralist areas, the Nuer also contributed cattle to feed the army and as a symbolic gesture to national solidarity. Contribution to 'the war for sovereignty' has become an important legitimising discourse by various segments of Ethiopian society. The sympathy which the Makot people have received from the federal state, is intelligible against this new political process.
 12. Kong Diu, interview by author, November 2000, Addis Ababa.
 13. In Nuer religious imagination, kwoth is the ultimate owner of natural resources and individual and group rights are valid in as much as it involves effective occupation.
 14. Kong Diu, interview by author, November 2000, Addis Ababa.
 15. Kong Diu, interview by author, Makot village.

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