Natural resource management devolution: governance or govern-ability? Some lessons from 3 cases: Senegal, Madagascar, Niger

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1. Introduction
2. Case Studies of forest management devolution: Madagascar; Niger; Senegal
4. Results: Various contexts but common driving forces and findings?
5. Discussion: Concrete lessons for implementing devolution?
1. Natural resource management devolution: governance or govern-ability?

- 15 years of experiences, mainly driven by donors, NGOs and private operators;
- Local management codes or conventions or chartes and their management committee for implementation …linked to natural resource issues = Contracts?

- **Question**: does community-based natural resource management foster local (and national) governance of resources?
2. Case Studies

• **Double process**
  - devolution/ decentralization
  - but often not a legal basis to devolution

• **Senegal**
  - Decentralization law (1996) and competences on forests to elected rural councils (CR)
  - + Forestry law (PAFS 1998): agreement with CR within forestry law through projects and specific “local conventions”
  - 30 conventions
2. Case Studies

• Niger:
  – Forest Law (1002): Devolution as a specific forest policy tools: transfer of access and commercial rights implemented through specific convention called “rural markets”; Projects-driven implementation
  – Decentralization: no competences on forests but share of fiscal incomes of forest exploitation to “communes”
  – 180 rural markets 560 000 ha (2003)

• Madagascar:
  – Demand, steps, mediation, and revision of the contracts formalized in the act;
  – 500 contracts; 500 000 ha (2005)
Resource base for management

Area designed for forest project

Intervention = Conservation Project, Protected area, forest policy tool or projects, decentralization law

Social group modification during the project + « resident » status definition: by the rural council AND by the convention... (overlapping)
Resource base for management

Forests definition: (state, density, location)

Intervention = Conservation or forest Project, Protected area, forest policy tool, decentralization law

New incomes

Villages closed to the defined forest
Intervention = Conservation Project, Protected area, Forest policy tool, decentralization law

Law-given status: Relative land securi sation

Groupe X
Groupe Y
Groupe Z
Groupe.....
Groupe....

Social group and committee designed for Gelose Contract (CRB)

Resource base for management

Madagascar

Resource base for management
3. Method: why an analysis of the contract is useful?

- Contract of not contract?
  - Biding reciprocal agreement
  - Between identified parties (local populations, operators, public administrations,
  - For exchanges of information, of rights, of resources (income, work, natural resources);

- Contract basis: a constructed initial situation?

- Content: what modalities to negotiate and build-up the agreement?
31. Basis of the contract: an ad’hoc constructed initial situation?

- Delimitation choices driven by an information concern: how to measure and verify ex-post the results of the contract?

- Delimitation of the resource base of the contract though resource inventory, then definition of the social frame of the contract (excepted Madagascar)

- Delimitation of the concerned social group through pluralism as a normative basis: contract parties as homogeneous; Traditional as new elected power:
  - partly excluded in Madagascar
  - included recently in Senegal but overlapping of competences
  - framed by forest definition and rural market in Niger
<table>
<thead>
<tr>
<th>Project/ecological-defined resource area</th>
<th>Senegal</th>
<th>Madagascar</th>
<th>Niger</th>
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<tbody>
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<td>area linked to specific policy tool: PA and buffer zone; Community forest</td>
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<tr>
<td>Resource area linked to administrative or social unit linked with decentralisation</td>
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32. Content: what modalities to negotiate and build-up the agreement?

- Importance of the process of negotiating new rules =
  - threat point if no renegotiation of the contract (all rules)
  - anticipation of lack of control
  - Mediation and not only for diagnosis

- Degree of formalization of social relationships:
  - Aggregation of interests (sensibilisation; diagnosis)
  - Trade-off between parties (incomes, rights)
  - Accountability (implementation)
Participation and concertation practices

Objectives of participation

<table>
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<tr>
<th>Stakeholders</th>
<th>Information</th>
<th>Sensibilisation</th>
<th>Diagnosis</th>
<th>Conflict or problem Resolution</th>
<th>Implementation</th>
<th>Evaluation</th>
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<td>Population</td>
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<td>Key Stakeholders</td>
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<td>Target group</td>
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Subset = participation indicator
4. Results: issues linked to the basis of the contract

• Weak identification and integration of actors’ knowledge, values and preferences in management options
• Spatial integration is more often performed
• Spatial areas are defined for project consistency but raise questions for
  – actors participation
  – Coherence of local management
4. Results: Issues linked to the content of the contract

• What transfer of authority through contracts?
  – Decision-making process for access and sharing rules depend on the relative power of the
  – and not on the negotiation process (no real trade off);

• Legal imprecision of the definition of the “communities” and of their rights after the contract:
  – no court claims if no respect of the contract
  – No real empowerment: but used to structure the rural populations for being better mobilized for environmental stakes (less rights after than before)
4. Discussion

• CBNRM = discussion, negotiation or learning fora?

• No, as long as natural resource management is considered as two problems to be solved:
  – of information (mainly of the regulator)
  – of control (and of costs of control and agreement)

• Contracts = a tool to measure
  – The local political and traditional powers;
  – The social capital to be mobilized to be able to design a real devolution
5. Discussion

• Internal legitimacy of contracts =
  – Not guaranted by the territorial legitimacy of the parties according to the resource base
  – Choice of members? and exclusion (Madagascar? Senegal “non residents”)
  – Need of social capital and power for the social group acting as partie of the contract
  – Participation of population? and voluntary participation to project activities and incomes (Senegal, Niger)
Discussion

• External legitimacy of local natural resource management institutions: community-based management contracts in the perspective of changing the legal and juridical policy framework;

• External legitimacy: Contradictory with decentralization
  – As regard the role of elected territorial councils, designed by the decentralization laws = potential for conflicts;
  – No negotiation for defining the competences of local management committee designed for intervention;
5. Discussion

• Issues to be tackled
  – Transparency in resource exploitation decisions and environmental impact
  – Redistribution of incomes AND OF COSTS and environmental impact
Conclusion

And thanks to L. Boutinot and N. Diouf

And

Thank You