

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
3. Method : A comparative framework focusing on the “contract”
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 :

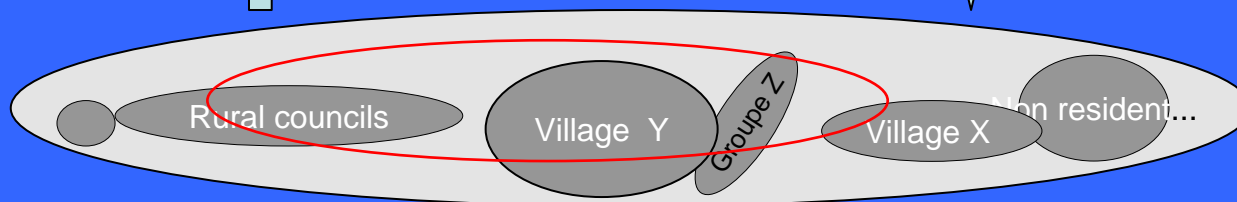
- Legal national act specific for devolution of natural resource management : Gelose Act (1996)
- Demand, steps, mediation, and revision of the contracts formalized in the act;
- 500 contrats; 500 000 ha (2005)

Sénégal

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)

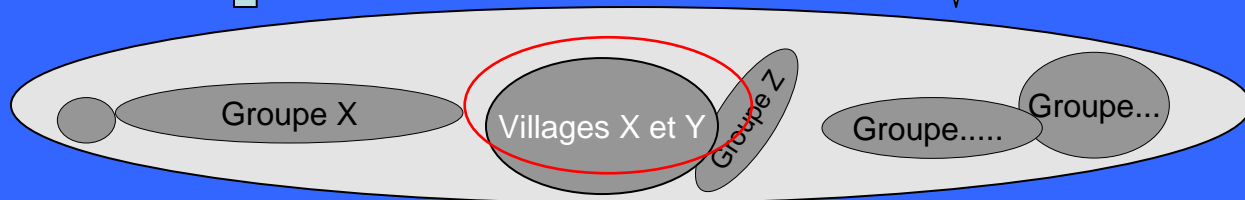
Niger

Resource
base for
management

Forests
definition:
(state,
density,
location)

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

*New
incomes*



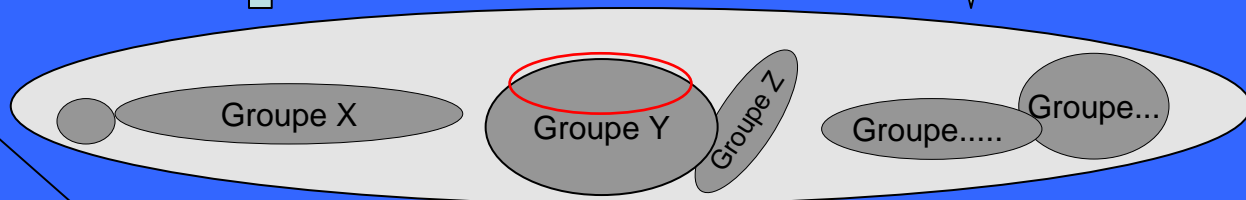
Villages closed to the defined forest

Madagascar

Resource
base for
management

**Intervention= Conservation Project,
Protected area, Forest policy tool,
decentralization law**

*Law-given
status:
Relative
land securi
sation*



Social group and committee
designed for Gelose Contract (CRB)

3. Method: why an analysis of the contract is useful?

- Contract or 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 through 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

	Senegal	Madagas car	Niger
area linked to specific policy tool : PA and buffer zone; Community forest			
Project ecologically- defined resource area			
Resource area linked to administrative or social unit linked with decentralisation			

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

Stakeholders	Information	Sensibilisation	Diagnosis	Conflict or problem Resolution	Implementation	Evaluation
Population						
Key Stakeholders						
experts						
National institutions						
Elected bodies						
Target group						

Subset = participation indicator

DECISION

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 guaranteed 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 parties 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