ELUSIVE MEANINGS: DECENTRALIZATION, CONSERVATION, AND LOCAL DEMOCRACY

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Abstract

This paper questions the concept of democratic decentralization and its reductionist focus on state, powers, and subsidiarity. We review key lessons from the political economy of decentralization in Asia, Africa and Latin America to recognize the democratic content of the redistribution of state powers toward peripheral sites of decision-making; at the same time, we take stock of the limited number of success stories and of the different actualization of subsidiarity principles in three cases: political decentralization, CBNRM and biodiversity conservation. In that process, we see overwhelming evidence of the elusive nature of ‘democratic decentralization’ in conservation schemes and the ‘fugitive’ nature of power in decentralization processes – and we asked ourselves why? We argue that part of the problem lies with the ways conservation discourse and decentralization theory are de-linked from more complex concepts of governance. Conservation discourse is primarily concerned with territories; decentralization theory is obsessed with powers and politics; in both cases, the legitimacy and innovative potential of local agency is put into parenthesis or subsumed under external, normative explanatory frames. This leads to overemphasis of political and discursive reasons and de-emphasis of the web of embedded institutions and informal networks through which local meanings and other-than-power capabilities circulate to shape uncertain outcomes. In particular, the historic mutation of the state under a diversity of external and internal pressures is confounded with the multi-form “taking of space” that characterizes local and translocal governance. We argue that the move from government to governance implied by environmental decentralization cannot lead to predefined, singular environmental outcomes. A shift of perspective is thus needed, taking into account the multiple scales at which the legitimating frameworks for local governance manifest themselves, including customary forms of representation and embedded tenures.

Introduction

There is a problem with ‘decentralization’ and ‘conservation’; both are used in various brands of the literature to mean different things; often, for quite different reasons. On the ground, the realities and social processes that are referred to differ widely and are marred with layered conflicts of purposes and meanings. To ask whether decentralization can be “a panacea for conservation” – or, to put it rhetorically, whether conservation could be ‘saved’ by decentralization – a question raised recurrently in the 1990s and early 2000s (e.g. Enters and Anderson, 2000; Fisher, 2000; Fisher et al, 2000; Gupta, 2006; Whyckoff-Baird et al., 2000)- is, therefore, highly problematic. Following on the footsteps of Foucault (1966, 1972), an
abundant literature in the non economic social sciences has emphasized the importance of discourse and the role of discursive regimes in the construction of social reality. It is thus extremely significant that, at their origins, decentralization and conservation policies were shaped by, and belonged to sharply distinct—if not opposed—discursive regimes. That they would come to be joined in so much of literature, and this for nearly two decades, is reason enough for holding back awhile and ask what are we actually talking about.

This paper starts with the idea that decentralization and conservation theories have problems of their own, related to discrepancies in the theory itself as well as between normative frames and local realities. Bringing the two together without addressing those gaps only complicates issues of theory and policy, particularly in tropical environments. We argue that the plurality of discursive regimes on decentralization and conservation magnifies the problems posed by each of these interventions in the local space; it also hinders our capacity to draw actionable lessons from either of them. This is a problem of language as well as history and epistemology, which we address in the first section of the paper. We start by situating the ‘heartland’ of conservation and decentralization discourses in the contexts of their emergence, before interrogating the main discursive forms through which they have evolved in the literature. On this basis (section 2), we review a small sample of cases from Asia, Africa and Latin America to highlight key forms of decentralization and/or conservation, and conditions where they differ, contradict, or coalesce with autonomous forms of local agency. In that process (section 3), we question the concept of “democratic decentralization” as it has been presented in the literature, and rhetorically ask about the acceptability of the notion of ‘democratic conservation’ for conservation theory.

The implied relationships between state, power and people and between people and nature are at the core of this conversation. We note the distinct topologies—“the actual and metaphorical constructions of space” (Brossius, 1999)—that populate the decentralization-conservation field and identify a common node of ‘problems’ stemming from unanticipated complexities of local reality. We ask ourself why, and propose an interpretation emphasizing the social and institutional pluralism of the post-colonial rural society and its interpenetration with a still-functioning infrastructure of embedded institutions and informal networks.

In the midst of all this, we see genuine cases of local governance that benefit people and/or the environment. The paper describes some of the characteristics of such cases, and highlights the multiform ‘taking of space’—the manifestation of local autonomy and local agency—that bridges them accross conservation and socially-grounded objectives. We conclude by advocating a shift of perspective for environmental regimes that would better balance intervention, self governance and embedded social networks.

**Decentralization and Conservation: Short Histories**

At its roots, decentralization theory is an outgrowth of political theories of the state, while modern conservation theory has foundations in 19th century American theological romanticism and moral activism, with earlier ramifications in European philosophical thought and esthecism. In this section, we briefly explore their links to the 19th-20th century expansion of Western forms of politics, values and counter values and try to understand how they became joined in segments of the late 20th century environmental discourse.
A Brief History of Decentralization

In his *Political Economy of Decentralization*, James Manor (1999) links current decentralization policies to the unravelling in the 1970s of the post-war, post-keynesian and soviet bloc growth economies and to a post-1980 movement, mostly initiated from above, “to enhance the state’s capacity for noncoercive governance”. There were earlier decentralization experiences, going as far back as the constitution of the Brazilian Federal Republic in 1891, or to the Philippines in 1901 and Sri Lanka in 1931 (Melo and Rezende, 2004; Manor, 1999). Looking at the highly centralized history of Latin America, it is noticeable that the very process of state formation has often been a protracted struggle between central and regional elites, with various experiences of autonomy (e.g. Argentina for most of the 19th century), mass movements, and near state collapse in the case of the Mexican revolution of 1910-1920 (Selee, 2004; Del Río, 2004; Faletti, 2004). It remains that Latin American political history has mostly been one of iron clad centralism, strongly interpenetrated with regional elites and oligarchies until the ‘democratic decentralizations’ of the 1980s and 1990s.

In India and in African British colonies, local bodies were created by the state in the 1950s but had limited powers and did not last long. Manor (1999) notes that the post-1947 Community Development Program in India, inspired by the Ghandian vision of local self-sufficient, was quickly dismissed by a coalition including federal legislators as well as technocrats and donor agencies. In Africa, the local governments that were created in the British colonies were suppressed at independence because of the perceived need to reinforce nationalism and allegiance to the central state. By contrast, francophone Africa, which did not have the same colonial experience, thought possible to construct the nation-state by extending its reach through local governments. The first attempts at decentralization thus go back to 1960 in countries such as Mali, Burkina Faso and Senegal, even though Senegal became the only country to implement this common project in 1972 (Jacob and Blundo, 1997). It is telling that the 1970s are also known in that country as a period of ‘democratic closure’, with de-facto one-party rule and extended patronage system encompassing national political elites and rural constituencies. By and large, these early attempts at decentralization were thus dominated by commandist approaches of governance and by the “decentralized despotism”, which Mamdani (1996) refers to in the case of Africa. The post war economic boom and the successful operation of the welfare state contributed in that period to sustaining these commandist beliefs throughout the world; more rather than less centralist and charismatic postures were thus noted well after global recessions began to hit in the 1970s (Manor, 1999).

The full growth of decentralization policies took place during a ‘second movement’ in the 1980s and 1990s. This was a global movement, closely associated with structural adjustment policies, land and fiscal reforms, and progression of electoral democratic frames. Neo-liberal thought packaged in various “resurgences of modernization theory” (Samoff, 1990), including New Institutional Economics and rational choice theory, lent credence to views of decentralization as a political market bringing together state and citizens as “buyers and sellers”, and as “a means of linking the demand for services and the requirement that beneficiaries pay for them’ (Manor, 1999). Counter views of decentralization not only as a way to improve service delivery but as condition for local democracy and creative politics that could bring about greater political stability, economic growth and/or social equity were also developed in that period (Mahwood, 1983, Agarwal and Ribot, 1999; Manor, 1999). Local empowerment marked by downwardly accountable elected authorities was also seen as precondition for “democratic decentralization” and its associated benefits (Agarwal and Ribot, 1999). Conceptually, and despite elaborated typologies of decentralization types (e.g.
Leonard and Marshall, 1982), a very loose consensus had emerged by the late 1990s around two major forms of decentralization: (1) deconcentration or administrative decentralization, marked by the dispersal of state powers from higher to lower levels of government; (2) devolution, or political or democratic decentralization, when decision-making authority is transferred from central government to local groups and institutions. These concepts and a host of related variants were applied throughout that period to dozens of reforms of the state and natural resource sectors in the developing world, particularly agriculture, forests, fisheries, water management, health, and biodiversity conservation. We will look later at some of the characteristics of these reforms.

Natural Wilderness: The ‘Heartland’ of the Modern Conservation Movement

Historically, protected areas have been the hard core of nature conservation policies. Originally inspired by American theological romanticism, the first modern parks were created in settlers territories at the end of the 19th century, in the wake of the expansion of the British Empire (Adams and Hulme, 2001; Phillips, 2003; Diaw and Tiani, forthcoming). This was a time when policies could be imposed by force, without true negotiation with native peoples. The two first, emblematic National Parks, the parks of Yellowstone and Yosemite, were created in Indian Territory toward the end of the Indian Wars in the United States, at the time when the last hotbeds of resistance were being suppressed. Yellowstone, which will become the standard-bearer of the world conservation movement, could be created only after the ousting of its traditional Shoshone and Miwok inhabitants and of the neighboring tribes, which roamed these hunting grounds (Colchester, 2003). Romantic American naturalists of the time had a determining ideological influence in the forms taken by this process and its extension to the remotest corners of the planet.

Writers such as David Emerson, Henry Thoreau, and John Muir saw in the imposing frontier landscapes of the American West the sublime call of a mystical, transcendent nature and the awesome display of the power of God. However, an important difference separates Muir from earlier transcendalist writers such as Emerson and Thoreau. Despite lingering traces of Euro-chauvinism, the transcendentalists were reformers who fought against slavery and for women's rights and who integrated Non-Western Hinduist and Buddhist writings in their search for a universal divine inspiration. Their philosophical vision of nature integrated humans in dialectical reflexive: "all the other men and my own body must be arranged under this name, NATURE" said Emerson (Witherell and Dubrulle, 1995). John Muir, on the other hand, the father of the national parks, whose influence on Theodore Roosevelt was decisive, had eyes only for the greedy violation of nature by utilitarianism and European colonists. The ecological and theological vision that he expressed in splendid evocations in defense of American forests (1897) or national parks (e.g. Yosemite, 1890) did not leave any room for indigenous Indian history or the natural and cultural ethics of native peoples. In the wonderful tapestries of the American wilderness that make up his texts, native Americans figure not as living cultural communities but as remote reminiscences found in the names of falls, cliffs, rocks or "Indian tracks". This "dualistic and ethnocentric" romanticism will be a hallmark of the movement for wild nature conservancy into the 20th century.

Public forests and reserves were actually, before the invention of national parks, the first 'global' form of nature protection. This system was set up as of the end of the 18th century in the French and British colonies of Mauritius and Tobago, respectively (Colchester, 2003). Starting from the middle of the 19th century, various policies and regulations aiming at the creation of protection forests or forest plantations, the prohibition of the sale of public forests
or the regulation of logging on private grounds were taken in Germany, Russia, France and Switzerland (Diaw, in writing). This system of forest reserves was established earlier in the United States, following the Act of March 1st 1817, which authorized the Secretary of the navy to set aside land reserves for the purpose of providing construction timber to the American navy (Muir, 1897). The need to get wood for the navy and the railway was also at the origin of the vast public forest reserves set up by the British colonial administration in India and the South African Cape in the same century (Colchester, 2003; Adams and Hulme, 2001). At that time, the legal authority on natural resources had passed to the hands of governments in most of the Western world. In the colonies, vast expanses of forestlands and natural environments had been declared “vacant and without masters” and withdrawn from traditional communal controls to be poured into the domain public (Diaw and Njomkap, 1998; Diaw, 2005). The conflicting public demands on colonial authorities to develop the colonies and, at the same time, to intervene to avert the loss of a disappearing natural Eden could thus find an outlet in the rationalization of extractive reserves supplemented by ‘virgin’ and ‘inviolate’ natural parks. Parks and productive forest reserves could thus reconcile the tensions in the West between utilitarian and esthetic demands on nature to become the twin mammals of the “commercial and esthetic dreams” of colonialism (Neuman, 1995).

Copied after the “Yellowstone Model”, a radical exclusionary form of nature protection thus spread unquestioned around the world. For about a century, the number of protected areas increased slowly. In the 1960s, which Soulé and Terbogh (1999) consider “the zenith of conservation” because of the undisputed, hard line guns-and-fences policies of the time, there were still less than 2000 protected areas in the world. Since then, the areas under protection have grown to over 105,000 sites covering some 20 million km$^2$ (Adams et al., 2004) (figure 1). During that process, the vocabulary of conservation also evolved significantly. From its early representation as ‘landscape and scenery’, Nature became predominantly projected as ‘wildlife’, then, as ‘wildlife and flora’, and as ‘environment’, before being repackaged as ‘biodiversity’ in the late 20th century conservation discourse. The invention of biodiversity as a major paradigm in the globalization of conservation ideas can be dated with relative precision with the first American forum on biological diversity, organized in 1985 by the botanist Walter Rosen, and published in 1988 by the Harvard professor Edward Wilson under the title *Biodiversity*. More complex and much more effective for communication purposes, this concept will become a condition for talking with any credibility about the environment, whatever the resource sector considered.

As a discursive and political emergence, however, biodiversity is not “a stable construction” (Escobar, 1998). Next to conventional protection concerns, issues of bioprospection, property rights, genetic sovereignty, financial resources and technology transfer became recurrent points of contention between Northern interests and developing countries in international debates; topics of territorial and cultural autonomy, of “biodemocracy” (Escobar, 1998), indigenous knowledge, poverty, and human rights also emerged within the global biodiversity network. These themes found partial recognition in the program of work of the Convention on Biological Diversity, CBD (e.g. article 8(j); www.iisd.ca/biodiv/wg8j) and in the adoption of people-oriented resolutions in parks congresses and commissions of the International Union for the Conservation of Nature (IUCN). This florescence of naturalists, souverainist, humanistic or commercial trends around a hard core animated by conservation biologists and symbolized by protected areas policies is at the origin of the emergence of "Community conservation" (Adams and Hulme, 2001) and of Integrated Conservation - Development Projects (ICDPs) in the 1980s and 1990s.
Conservation and Decentralization

How decentralization and conservation did come to be joined? Community-Based Natural Resource Management (CBNRM), the main site of junction between conservation discourse and natural resource decentralization, was first initiated through concepts of social and community forestry in the 1970s. Though now subject to conflicting findings (CIFOR, 2005; Bradshaw et al., 2007), the relationship between flooding and deforestation was unquestioned at the time; the Himalayan flooding and Sahelian drought were thus seen as human-induced environmental catastrophies, which exposed the limits of command and control forest policies and highlighted the important role of people in maintaining the environment. Global environmental concerns and efficiency considerations were thus proeminent in the early developments of community forestry. The first generation of social forestry projects –Nepal, India, Kenya, Yemen, Malawi, Pakistan, Haiti, Zimbabwe, etc- took place mainly in arid, semi arid and deforested environments and were based on the idealistic assumption that reforestation and ‘basic needs’ objectives would be achieved by massive planting of fuelwood by ‘communities’ on communal lands. This option resulted in a series of setbacks, which were only made good by a return (e.g. in Haiti, India, and Tanzania) to smaller social units, mainly family farms, more appropriate for this type of activity (Cernea, 1991; Guggenheim and Spears, 1991). As a logical backlash from these experiences, it was concluded that community action was ineffective and that individuals and households were more relevant units for achieving community forestry goals (Arnold, 1991). We already pointed at the misunderstanding of customary systems of rights –notably, the relation between planting rights, private rights and common property in embedded tenure systems- implied by these conclusions and the major risks posed by these Ad Hoc policies at a time
when community forestry was moving from dry to humid forest environments (Diaw, 1998, 2005).

This move from dry forests to rainforests happened on the heels of the ‘second decentralization movement’ of the 1980s (see previous section). At its origin, this movement was mainly geared at rationalizing and democratizing the exercise of state power in various countries. However, because community forestry and the CBNRM initiatives that were flourishing in all sorts of natural resource sectors – fisheries, water, agriculture, husbandry, etc.- were actual forms of decentralization and had the explicit or implicit aim of maintaining natural environments, the connection between the two was practically inherent. A cursory review of the literature indicates that this connection was mostly made at first through the language of ‘sustainability’, which had gained prominence with the Brundtland Report (WCED, 1987). The popularization of biodiversity made this discursive connection easier and also took it further. It made it easier because, at the difference of wilderness, biodiversity is everywhere, from a farmer’s field to the highest forested peak; it took it further because the versatility of the concept offered a bridge between community-based initiatives in ‘open’ environments and attempts to open conservation to more popular participation. These attempts were gaining ground in reaction to the innumerable conflicts and forms of popular revanch on the environment generated by the policies of “fortress conservation” (Adam and Hulme, 2001; Brockington, 2002). Thus, at the same time that ‘biodiversity’ was making conventional nature conservancy themes more effective; it was also opening the theory and practice of conservation to increased epistemological and political pluralism. The international doctrine evolved to integrate this pluralism in the protected areas framework itself; a new ‘Governance Matrix’ covering all categories of protected areas was developed within the IUCN, giving credence and legitimacy to a range of governance regimes, including co-managed, private and community conserved areas (Borrini-Feyerabend et al., 2004).

These evolutions have been a problem for both hardcore conservationists and decentralization hortodox. In a series of books and articles published in the late 1990s and loaded with emotional titles on behalf of “Nature” (Kramer et al., 1997; Brandon et al., 1998; Terbogh, 1999; Oates, 1999), leading conservation biologists criticize the failure of Integrated Conservation Development Projects (ICDPs) to adequately protect biodiversity and advocate rolling back the limited participatory trends of the 1990s. At the core of some of their arguments figure a double rejection of both development and the concept of sustainability –“a myth” that “the United Nations and lending institutions are… continuing to propagate”… “For biodiversity, development is really de-development or denaturation” (Soulé and Terbogh, 1999). These authors, then propose to expand the areas under ‘strict protection’ to form development-free interconnected ecosystems through entire regions and across continents (Soulé and Terbogh, ibid). For some (Terbogh, 1999; van Schaik and Kramer, 1997; Rabinow, 1999), this should be done through “top-down” impositions, backed by the state and the military, including internationally financed “nature keeping” forces (Brechin et al., 2002; Wilshusen et al, 2002; Diaw, 2005b).

Critiques of environmental decentralizations are nothing near as radical; they predominantly come from decentralization advocates or sympathizer and they predominantly reflect the mixed feelings that have come out of most studies of the environmental, social or political outcomes of environmental decentralizations. Students of decentralization have thus talked about highly “paradoxical outcomes” (Oyono, 2005), elite capture (Resosudarmo, 2005; Blomley, 2006) “predation” (Bigombe, 2003), “tyranny of minorities” (Etoungou, 2003) as well as “limited” or “partial” decentralizations (Larson & Ribot, 2005; Jianchu Xu & Ribot,
J. Manor’s (2005) critique of the “proliferation” of user committees and the “immense proportions” it has taken in environmental decentralizations is, perhaps, the most uncommon. Reflecting the predicate among early advocates of political decentralization that this latter will facilitate the democratic transformation of the state in LDCs along the blueprint of electoral democracies, Manor is sharply concerned that the main vehicle of environmental decentralizations –user committees- may actually be working against that goal. Based on known shortcomings of these committees – including the fact that they are almost never elected through secret ballots - he questions their representative and democratic credentials and highlights their vulnerability to elite manipulation. Most importantly, in his perspective, these committees tend to be well-endowed single-purpose bodies that often usurp the roles and functions of “elected multi-purpose bodies created in the first wave of decentralization” [that of the 1980s]. This produces “confusion” and “dislocation” as well as fragmentation of popular participation. One way forward would be to integrate the two types of decentralization by putting user committees under the control of elected councils as in the case of the Indian state of Madhya Pradesh. This position is different from the point repeatedly made by Ribot and others that (real or democratic) decentralization has yet to occur in natural resource sectors. This is because of the major emphasis that Manor places on the integrity and supremacy of local state institutions while Ribot and others’ implicitly assume that democratic environmental decentralization is feasible with downwardly accountable local committees.

We contend in this paper that, though several of the points raised by political decentralization advocates and even, to some extent, by hardcore conservationists may be valid, there are foundational issues with their theoretical assumptions and the nature of local systems that are never addressed. These questions are eluded by the dominant epistemological frameworks through which environmental decentralizations as well as some ‘community conservation’ schemes such as ICDPs have been implemented; they are also absent from most of the criticisms (or self-criticisms) of their shortcomings. In the following section, we use a few cases (including counter examples that work) to highlight and discuss those issues and to draw conclusions from them.

The Trouble with Decentralization and Conservation: Why is Local Democratic Governance so Difficult to Achieve?

There seems to be two main drivers of decentralization in LDCs; the first is a major move to rationalize the state and respond to the political demand of societies; the second is an attempt to respond or adjust to demands for environmental justice with regards to resources, benefits, rights, and land (or territories). The forms of decentralization and local governance initiatives that are described in the literature reflect this multiple demand for actual and symbolic space in national arenas. We distinguish five major forms of local constructions that express these complex processes in NRM and conservation sectors: (1) local governments, including municipalities, local councils, “local collectivities” (in francophone Africa), and related arms
of local government; (2) community-based concessions and user groups, including NRM and Wildlife Management Committees; (3) subsidiary management entities (including NGOs to which park management responsibilities have been delegated); (4) ICDPs; (5) Autonomous Action Initiatives in Conservation, NRM or broader local governance. Figure 2 organizes this typology along 2x2 axes that separate ‘type 5’ cases (or ‘governance upsurges’) from decentralization cases and distinguish conservation from NRM policies. We further distinguish, within conservation-decentralization initiatives, the cases of ICDPs and wildlife management committees for reasons that we will make clear in the discussion of the cases.

Figure 2 – A representation of the interface between Conservation and Decentralization

Environmental Decentralizations and the Movement to Reform the State

We sampled a few cases in francophone West Africa (Senegal, Burkina-Faso, Niger – considering also Benin and Mali) and in Latin America to highlight some of the relationship between natural resource sectors and the core movement to reform the state. In West Africa, this movement started as early as 1972 in Senegal and is continuing to this day, with other countries joining in the aftermath of the democratic transitions of the 1990s. Briefly stated, key common characteristics are (1) a double movement to restructure the state, on one side, and to devolved powers and competencies to ‘local collectivities’ – rural and urban municipalities and rural councils – on the other; (2) an important number of powers transferred to elected bodies; (3) insufficient and inadequate resource transfers; (4) a relative poverty of rural councils and a relative weak capacity to fund and support local development; (4) lasting tensions between decentralized entities and citizens, with regard in particular to land, tenure, and taxation. In other words, political decentralization in countries such as Senegal, Burkina and Niger does not resolve the old colonial conflict between state and
customary law nor does it fill the gap between normative governance and the practical governance of local society. This is particularly expressed in the difficulties of taxing land and establishing a rural cadastre and in demands from elected officials to ‘normalize’ the local land tenure system. Attempts to establish Rural Land Codes in Benin, Côte d’Ivoire, Guinea and Burkina-Faso have similar origins in the dualism of the land tenure and governance systems.

The case of Bolivia – and Nicaragua to a lesser extent (Larson, 2005) - is (almost) Manor’s dream come true because of the central role given to municipalities in achieving general political decentralization as well as decentralization of forest management. As described by several authors (e.g. Pacheco, 2005; Andersson and Gibson, 2004), the Law on Popular Participation (LPP) and other decentralization laws in Bolivia ensured a top-down devolution of powers to municipal governments, the country’s smallest administrative units, while establishing mechanisms for grassroots participation and indigenous peoples rights. This reflected an attempt to reverse the marginality of the rural population and a chronic lack of investment in social infrastructure (Pacheco, ibid). In the same way than the Indonesian 1998 ‘statement of principles’ (Resosudarmo, 2005), this move sought to redistribute national resources in a more equitable manner and to mobilize underutilized forest resources in the fight against poverty (Andersson and Gibson, ibid). In that process – and although different municipalities fared quite differently - municipal governments created Municipal Forestry Units and delimited resources to be assigned as community concessions to legally-recognized local associations.

This characteristic of the Bolivian devolution scheme brings to mind the characteristics (and problems) of the Cameroon devolution scheme, in which community forest concessions have been granted under similar legal requirement. We named it, at the time, the ‘problem of the social unit of action’ (Diaw, 1998b; Diaw and Oyono, 1998) because this type of civil entity, though legal and well suited for collective action, has absolutely no social mandate for dealing with the land tenure dimension of forest management. In most African countries, and certainly throughout Central Africa, land tenure rights and decisions rest with the clan or lineage -or ‘corporate lineage’ (Diaw, 1997); ignoring such a central institution in reforms of this magnitude has been at the origin of major setbacks in their implementation. This is also true of Cameroon municipal forests, which have faced opposition from, and conflict with traditional owners of the lands given to them as concession by the state. Most of the literature on Latin American decentralizations does not provide anthropological details on customary systems of land allocation and redistribution within communal property or in relation to broader territorial claims by indigenous people. Latin America also has a much deeper history of European colonization and demographic penetration. It is thus difficult to push the comparison too far. Nonetheless, the similarity of issues related to property rights (Andersson and Gibson, ibid), “clarification of land ownership rights”, titling, and “consolidation of rural property cadastre” (Pacheco, ibid.) is striking. What Pacheco identifies as the “agrarian ideology from the old concept ‘land for those who work it’” is also exactly the same as the concept of mise en valeur (‘making good use’ of the land), the basis of the post-independence African National Domain Laws, which aimed at facilitating the demise of customary tenure – but did not much succeed at it. The question of elite capture raised in Cameroon and in so many other cases is also a concern in the Bolivian decentralization experience (Whyckoff-Baird et al., 2000).

For lack of time and space, it is not possible in this paper to dwell much on the multiple forms of NRM entities that are cited in the top left-hand side of figure 2. We just need to
clarify the fact that some have been created from scratch (JFM) while others (ejidos, panchayats) have been taken from older repertoires of community institutions. Others, yet – fiscal decentralization (e.g. Bigombe, 2002) and the Ecuadorian Outsourced Verification System (which, in 2003, decentralized forest control and monitoring to a private corporation, SGS, Forest Regents, and an NGO, Vigilancia Verde – Navarro et al., 2006) belong to a very different class of decentralization instruments. In general, however, the processes through which these different institutional innovations evolved – including the move from panchayats to user groups in Nepal (Fisher, 2000) or the difficulties of ejidos in Mexico (Wyckoff-Baird et al., 2000) – have been marked by problems similar to those described elsewhere: centralist retentions of power, elite capture, and complexity of tenural relations among others. The Tanzanian experience of village governments, one of the most advanced community forestry jurisdictions in Africa (Wily, 1997, 2000) deserves a few additional words. “Numbering over 10,500, village governments constitute the lowest level of government in Tanzania, with significant powers to receive, raise and disburse funds based on local plans, enact bylaws, elect councillors and defend local interests” (Blomley, 2006). Blomley nonetheless, finds the same risks of elite capture and accountability described elsewhere. It has also been difficult to find in the literature (and in personal communications) a description of the relationship between village levels institutions and embedded tenure systems, the basic infrastructure for managing land and the commons elsewhere in Africa.

**Decentralization in Conservation and Community-based Conservation Projects**

There seems to be a dearth of documented examples of direct decentralization schemes in protected areas. The case of Guatemala Sierra de las Minas Biosphere Reserve (Whyckoff-Baird et al., 2000) is interesting in that regard; it portrays the delegation by the Guatemalan government of reserve management authority to a national NGO, Defensores de la Naturaleza (Defenders of Nature). In administering the reserve, Defensores works with a diversity of actors, including local communities. This, however, looks more like a case of delegation than political decentralization in the sense of Manor (1999). The Forest and Parks Protection Project in Haiti (Smucker and White, 1998) was initiated in 1997 with support from the World Bank. It was based on the establishment of civilian government in rural communities - a precedent in the nation’s history - and included the establishment of local co-management entities (advisory councils) in protected areas. The advisory councils had to operate under the authority of the park manager while its membership was drawn from a diversity of grassroots peasant organizations and elected representatives of local government. In practice, the councils drew their members from a much larger recruitment base than initially projected and became dominated by appointed members such as parliamentarians, bureaucrats and regional delegates of the presidency. Local councils were created to advise park and forest officials on a range of issues including border demarcation, disputes, land tenure, rules of expropriation, management plans and circulation of information. Questions of vested interest in employment, project resources or privileged access to the natural resources of protected areas were a concern quite early in the process of establishing this co-management scheme.

We distinguish these direct decentralization schemes, where the state delegates powers to local bodies or create space for their participation in the management of protected areas, from community-based conservation projects that use openings or loopholes in environmental law but are essentially initiated and/or driven by conservation NGOs. Two cases illustrate this theme: the CAMPFIRE project in Zimbabwe and the COVAREF initiative in Cameroon. Both CAMPFIRE and COVAREFs are community-based wildlife management initiatives that were negotiated with state authorities to obtain legal, controlled access for local
communities to park and wildlife resources and benefits. In Zimbabwe, CAMPFIRE began in 1989 with de facto granting of authority over wildlife to two local Districts authorities; official gazetting took place a year later after an understanding had been negotiated between the Park and the Local Government (Metcalf, 1994). This process was mainly driven by a coalition of park wardens, communities and conservation activists and intellectuals whose concerns when beyond technical management of wildlife to broader issues of resource tenure, representation, economic participation and communal area governance. The substantial literature on CAMPFIRE acknowledges both the pioneering role and achievements of this adaptive NRM process and differentiated impacts over the 37-or-so Rural Districts supporting this movement (Matose, 1997; Mandondo, 2000; Prabhu et al. 2001). In Cameroon, the current forestry law makes only cursory reference to community hunting areas. The creation of Community Hunting Zones (ZICGCs, in French) was essentially negotiated by conservation agencies, mainly WWF and GTZ, in consultation with Environment and Forests officials (MINEF) and local communities (Nelson and Gami, 2003). In these areas, wildlife management committees (COVAREFs, in French) were set up, as in Zimbabwe, with broad NRM mandates but a primary focus on ensuring sustainable community benefits from hunting. COVAREFs’ revenues derive mainly from levies charged to professional sport hunters (‘hunting guides’) following the distributional pattern of annual forestry taxes: 50% for the central State, 40% for the municipalities concerned, and 10% for forest-edge village communities (Oyono et al., 2007). Overall, the experience of these Wildlife Management Committees has been remarkably successful in improving the livelihood of local communities and maintaining the overall health of wildlife resources. A key concern in both cases relates to perceived inequities between different types of populations (pygmies and Bantus in Cameroon) and between community hunting areas differently endowed with wildlife resources (Prabhu et al., 2001; Nelson and Gami, 2003).

ICDPs

Once the flagship of conservation projects, Integrated Conservation and Development Projects, ICDPs, had become, in the 1980s and 1990s, the main form through which conservation projects were funded and supported in significant parts of the world. Enters and Anderson (2000) identify ICDPs as a form of devolution, but it is difficult to see what kind of powers was actually devolved to what kind of local government or community body in any ICDP. ICDPs were nonetheless an interesting promise of partnership between people and parks and deserve to be considered. The popularity of ICDPs among donors and conservation activists came from the fact that they offered a simple and intuitively appealing alternative to the failures of fortress conservation without renouncing its fundamental protection core. As put by Wells et al. (1999): “ICDPs offer the attractive prospect of contributing to three of the most sought-after goals on the sustainable development agenda: more effective biodiversity conservation, increased local community participation in conservation and development, and economic development for the rural poor. These features seem virtually irresistible to many NGOs, government departments, and development agencies.” By the end of the 1990s, the wind had turned and an avalanche of criticisms started falling on this type of projects from all corners of the conservation community. After nearly twenty years of excellent marketing, reports after reports were coming out to point at the ‘disappointing’ and ‘discouraging’ results of ICDPs on whole or parts of their three key objectives (e.g. Wells et al., 1999; Enters and Anderson, 2000; Newmark and Hough, 2000).

Looking at the rationale and actual process of running a resettlement program as a core part of an ICDP (Diaw and Tiani, forthcoming), we found extraordinary relentlessness (23 years)
in the pursuit of resettlement, along with widespread popular anger and resentment. This came from the belief that ICDPs were meant to be a tradeoff in which people give up their land in exchange for ‘development’. It was believed that relocating the villages from the park would eliminate the land use conflict stemming from its creation on customary lands and remove the major ‘obstacle’ to having a ‘real park’, managed solely for biodiversity conservation. This belief was flawed in many aspects and resulted in spectacular clashes as well as structural conflict between the park and its indigenous inhabitants. In other ICDPs, resettlement was not necessarily an issue and social fencing in buffer zones around parks often was the main strategy. It appears nonetheless that a common design principle of most ICDPs has been the spatial and social separation of conservation from development not the ‘integration’ of the two through genuine forms of community conservation. The hardline bio-centered critiques of ICDPs that we cited earlier (section 1) as well as new defensive postures on protected areas and human displacement (Maisels et al., 2007) would need to look closer at the long term damages of these schemes for conservation itself, if they want this ideal to survive and strive in the increasingly populous and democratic world of the 21st century.

Local Upsurges in Environmental Governance

There is a surprisingly large and growing number of community conservation initiatives taking place outside the formal confines of decentralization laws or conservation projects. We will discuss later (section 3) their significance for political theories of democratic governance. The cases that we selected for this discussion come from Africa, Asia and Latin America. They all demonstrate the capacity of local society to formulate and carry out conservation endeavors that are profoundly liberating without necessarily resorting to the discursive and instrumental rationality of conventional forms of decentralization, conservation and democracy.

The case of PEMASKY, the Study Project for the Management of the Wildlands of Kuna Yala, is well known (Whyckoff-Baird et al., 2000; Cook, 2004). It was undertaken by the Kuna people of Panama to defend their autonomous region from outside encroachment and negative effects of the Pan-American Highway. Fiercely independent, the Kuna were granted legal status, including control over their tribal lands, by the Panamanian government in 1938. They are governed by a Kuna General Congress, with village leaders and delegates from Kuna communities and organizations. The original Kuna proposal was for the establishment of a 148,200-acre (60,000-ha) protected area of rain forest on the southern border of the Comarca. “The idea of an indigenous, autonomous people proposing to set aside virgin rain forest as a nature reserve struck a chord with conservation and development organizations around the world, and the Kuna Yala were hailed as independent, forward-thinking conservationists” (Cook, 2004). “Unfortunately, the large-scale expectations and funding heaped on PEMASKY by outside organizations rapidly outgrew the project’s capacities, hastening its demise” (Whyckoff-Baird et al., 2000). There were, however, a number of positive outcomes of the project, including demarcation and protection of Kuna boundaries, establishment of a protected area, and other conservation and education spinoffs.

The biggest chunk of cases comes from Khotari and Pathak (2006) who review seven cases of autonomous community conserved areas (CCAs) in the Indian states of Nagaland, Maharashtra, and Orissa. Common characteristic of these cases are their emergence from local contexts and the fact that the governance design, political structure and practical orientation of NRM is in the hands of local communities. In all cases, communities, diversely inspired by their leaders and elders, took steps on their own initiative to create protected areas
for the benefit of their communities; they also developed by-rules to adequately protect and manage these areas. In all cases, this move resulted from the progressive development within the communities of a sense of impending ecological or social disaster related to natural or provoked environmental degradation.

The earliest signs of this started in the 1970s in the states of Maharashtra and Orissa. In Maharashtra, a strong movement towards self-rule developed in the late 1970s in reaction to the risks of social disruption and environmental destruction posed by a big dam project in a neighboring state. The project was eventually shelved, but, in the process, a movement based on the revival of tribal cultural identity and greater control over land and resources had already gained momentum. Despite a troubled history of land nationalization and partial recognition of customary rights, independent forest protection initiatives were subsequently launched on customary lands including, in some cases, official forest reserves. In one of the villages studied by the authors, this process of local governance was facilitated by three village-level institutions (including a female forest monitoring committee and a study circle) conceptualized during the late part of the self-rule movement (late 1980s). The most important was a village council (Gram Sabha) that took over from village elders the responsibility for making consensual village-level decisions on matters of resource use and management. In 1992, the villages accepted to participate in the Joint Forest Management (JFM) program introduced by the state but managed to bring in extraordinary provisions guaranteeing that the villagers’ needs will have primacy over other consideration and that the forest management rules they had set will not be interfered with. Similar late arrangements with the JFM program were made in the 1990s in other parts of the state where villages had a prior history of self-initiated forest protection as well as conflict with Forest Department officials. In Orissa, the people’s conservation movement started in Ranapur in the mid 1970s shares important features with the self-rule movement in Maharashtra: a sense of impending ecological disaster following destructive pressures on forests, self-initiated forest protection and forest use regulation, and the need for local and supra-local organizations, organically linked to the villages and capable of unifying and leading the community in its effort for self-governance. In Ranapur, today, a federation of village clusters facilitated by some NGOs is playing such a role and “stands strong as a composite body of 190 member villages”.

In Nagaland as well, dozens of such initiatives developed across the state in the 1990s. In the Phek District, all 80 villages of Chakesang shifting cultivators and former hunter gatherers are regrouped in the Chakesang Public Organization (CPO). In 1999, the CPO took a series of resolution to ban destructive modes of hunting, fishing and burning. By 2005, 23 villages had adopted the additional resolution to declare inviolate wildlife reserves. One of these villages, Luzophuhu also declared an area of 500 ha a forest reserve in order to preserve the village water source. In another part of the state, the Village Council of Khonoma, a 700-year old village of traditional Anami warriors and hunters, had notified 2000 ha as Khonoma Nature Conservation and Trapogan sanctuary in 1998. This was the result of 18 years of campaign, deliberation and persuasion lead by a village elder to protect the area’s wildlife, including the endangered Trapogan. Since then, conservation has become “an element of social transformation” in the village and a platform for engaging in “a bewildering number of activities and processes” benefiting the community (Khotari and Pathak, 2006).

In Nagaland as in Maharashtra and Orissa, it appears clearly that growing awareness of environmental threats combined with a strong sense of tribal land ownership and stewardship to trigger a popular conservation drive rooted in customary institutions and cultures. In Khonoma, for instance, village elders as well as clan-based institutions were represented in
the village council and other village development and governance bodies. This is significant. In Khonoma as in many other Asian and African societies (Diaw, 2005), the lineage or the clan (a group of lineages descending from a common and putative ancestor) are the (often invisible) decision-making unit on matters of land and natural resources. We called such blood groups the ‘corporate lineage’ (Diaw, 1997) to highlight their double function in social reproduction and in tenure regimes. The village-level institutions and supra-local federations that subsequently developed to support the popular environmental movements in the three Indian states had thus the combined advantage of social rootedness and political relevance to be legitimate and effective players in the environmental politics of the time.

Similar initiatives are found in Africa. The community forest of Tumani Tenda in Gambia, which we visited in 1999, was self-initiated by village members to fight annual bush fires before being coopted eight years later by the official community forest program. At the difference of the Maharashtra case described earlier, however, the community did not impose protective clauses against possible attempts to thwart its autonomy of decision-making. Thus, after it won the First National Environmental Award some time later, the community was forced into a dispute with the National Environment Agency (NAE) that would not allow it to spend the 70,000 dalasi (~7,000 USD) prize on an eco-tourism centre. The community was also not aware at the time of legal clauses (sections 59-72 and 112-115 of the 1998 Forest Act) extinguishing prior customary rights on community forests and organizing, at least in theory, the legal transfer of ownership from communities to the State!

The case of the Areas of Community Heritage (Aires du Patrimoine Communautaire, APC) described by Larivière and Sylla (2003) in Senegal is somewhat different. The APC are “indigenous consensual initiative” aimed at protecting “a natural or cultural heritage site considered of particular interest by local populations”. They can gain legal recognition through declaration, recognition and registration by the means of a convention with the relevant services of the state. The movement was initiated in 1987 in the Somon laguna by an association of about a hundred women who got together to restore the vegetation around a natural reserve close to their village. Sixteen years later, they had set an exemplary sustainable development program -the Natural Community Space Kër Cupaam- led by a collective of 1,500 women and concerning a population of 35,000 people. A similar initiative was launched in 1998 by the people of the Tëngéén Island in Yoff (Dakar), which was followed by similar initiatives around the country, in the Seséén forest, the Lake Wuy, the Dindefelo Falls and the Pincoor laguna. At the suggestion of UNESCO, the concept was disseminated in West Africa, with six francophone countries declaring their interest in joining and adapting the concept to their national legislations.

Blood Rights, Civil Rights and Democracy: A Conversation on Local Governance

The typology presented in figure 2 raises a basic issue of language and meanings. We believe that nothing can be gained by the indiscriminate use of conservation or decentralization to name any initiative that contributes to environmental governance or creates space for local aspirations. Such confusion can only obscure the lessons that can be drawn from existing experiences and past policies. We distinguish conservation from other natural resource management (NRM) initiatives on the basis of their primary design objectives. Conservation initiatives and projects are primarily designed to achieve the conservation of nature through direct or indirect means. Wildlife Management Committees, such as the ones initiated by the CAMPFIRE project in Zimbabwe or the COVAREF developed by WWF in Cameroon, are
conservation instruments. Their raison d’etre is to achieve the conservation of wildlife through means other than the ‘old fortress’ paradigm. Even when used within a social fencing approach (where people are meant to be a fence protecting the integrity of the fortress), the underlying rationale is based on a sustainability paradigm and an increased use value of these resources for local people. This is not true of community forests, for instance. In Cameroon, these latter were primarily created to give communities a share of the forest wealth, even though this wealth can only be sustained with the application of sustainability principles. This is why community forests—a relatively tiny part of the forest estate—were selected from the so-called “multiple use zone” in Cameroon’s National Forestry Zoning Plan and not from the “Permanent Domain”. In fact, even the logging concessions and municipal forests established in that domain are primarily designed to achieve productive objectives not conservation. That long term conservation should arise as consequence is a side benefit not a primary design objective. To describe such redistributive and productive instruments as conservation instruments is therefore misleading. This has led to overemphasis of deforestation issues in many studies and policy adjustments and has facilitated the retro-fitting of increasingly stringent sustainability conditions into creations such as the Cameroon community forests.

Fugitive Power

A pervasive issue permeating virtually all accounts of decentralization shortcomings has to do with the question of power(s); whether retained by the state or mid-level or local bureaucrats or captured by urban or local elites, the question of power capture is an all-embracing theme of the decentralization literature. At times, the theme is so vaguely or narrowly defined that the ‘elite’—rural or urban—resembles a strawman way too easy to destroy. We thus suggest looking closer to see if this apparent exoneration of decentralization ideals by the schemings of this dark reactionary figure does not mask more fundamental issues—a point previously raised in a different light by Samoff (1990).

Kate Farrell (2004) makes the case that “fugitive power” - the propensity of power to operate beyond the law and beyond the scope of legitimating structures- is an emergent property of political systems. This means that, given sufficient conditions for it to occur, power will ‘naturally’ evolve out of the reach of the institutional structures that give it legitimacy and make its exercise possible (following Arendt’s note that legitimacy is necessary to the exercise of power). Democracy is therefore a constant quest for recapturing power in order to improve legitimacy and governance. With regards to the decentralization discussion, the key question therefore is about the ‘sufficient conditions’ that make these escapades of power such a recurring—practically defining—characteristic.

Larson (2003) and others before and after her have proposed various theoretical frameworks to present conditions that should make NRM decentralization work (see also Ribot and Agarwal, 1999; Andersson and Gibson, 2004; Taconni, 2007). These are interesting and valuable attempts but we believe that a bigger, constantly eluded problem lie at the heart of the democratic decentralization paradigm and its normative applications in the global South. We discuss aspects of this in the following sub-sections in connection with the issues of conservation and local democracy that we already touched upon.

Blood Rights, Civil Rights and the State

As noted by Jacob and Blundo (1997), decentralization, as ‘a social project’ in Africa, was from the start an attempt to break away from the dualist urban/rural society and to do away
with multicentricity (by concentrating local flows of resources around a unique legal entity). In the language of political sociology, a social project is a transformative project at the scale of entire societies. We showed (Diaw and Njomkap, 1998; Diaw, 2005) that ‘land tenure nationalism’ in Africa, in the 1960s and 1970s, was part of this broader project to ‘modernize’ African societies in accordance with the European model. In order to build the Nation-State, it was considered essential to break the communal basis of land tenure systems - to “detribalize” them, in the words of Melone (1972). In a review of the tenure profiles of 22 West African countries, Elbow et al. (1998) thus found that, nearly 40 years after independence, 64% of the tenure policies did not recognize indigenous tenure or aimed at its replacement, while the remaining third were forms of passive recognition or continuance of the colonial legacy of tribal authority lands. In the same study, published by the Land Tenure Center of Wisconsin Madison, Bruce (1998) found that customary or community-based tenure remained the “de facto dominant tenure type” in almost all sub-Saharan countries. The general situation in Africa is thus one of an uneasy compromise between externally-imposed statutory law and indigenous tenure (Diaw, 2005). It is a fact that this ‘legal plurism’, has just not been recognized by decentralization theories and policies. We believe that this is also the case in many parts of Asia (e.g. Indonesia, India or Thailand) and Latin America (despite the longer history of European influence and penetration that we mentioned in the case of Bolivia). To understand the invisibility of customary institutions to developmentalist and modernization schemes, including decentralization, one must look at the historical and epistemological conditions that produced this estrangement in the first place.

We know since Morgan (1877) that a key to understanding political systems in history is the fundamental opposition between two models of socio-political organization, that of the “gentile society” (or community) and that of the “political society” (or civil society). In the first, government is exerted through groups of descent, while the second is founded on political citizenship and membership into a territory, a city or a State. The first model is founded on blood right (jus sanguinis), the second on civil rights (or territorial rights, jus soli). These two models still coexist within the modern State-Nation. In North America and ‘immigration countries’, citizenship is innate to being born in the country; in most of the ‘old continents’, citizenship is innate to being born into an existing blood line of citizens; between the two lies a whole range of accommodations, which are the reality of modern citizenship and its actualization in plural forms of democratic expression. Thus, the nation state –a 19th century European invention that became the template for state organization around the planet- was able to shed blood rights as a legitimate organizing principle of the state while retaining it in the political construction of citizenship and national identity. This discrepancy is often subdued or invisible, though it sometimes erupts into identity crises, civil rights movement, or ethnic confrontations. Places where it is the most subdued but also the most widespread are found in rural regions of the global South where blood rights are not just manifestations of ethnic identity but are actual organizing principles of the indigenous economy and institutions. These are the places most targeted by decentralization. Figure 3 below, is a representation of the theoretical continuum between civil and blood rights, along which different models of governance could be located.
Decentralization is an integral part of the formation and transmutation of the nation state, which, itself, is part of a broader movement to rationalize societies in line with the organizing principles of a globalized capitalist economy. This is why the role of the state and multilateral institutions in privatization and land reform programs has been so critical. In The Great Transformation (1944, 1945), Karl Polanyi showed that the secret of the 19th century liberal economy was the disembedding of the economy from society and the invention of specific market institutions around which society became organized. In contrast to pre-capitalist society (and many societies of the modern South), social relations became embedded into the market instead of the market being embedded in social relations (Polanyi Levitt, 2003). At a world scale, however, this triple movement to rationalize the state, society and the economy is largely incomplete. There has been extraordinary resilience of political, social and economic forms of alterity, which the modernist paradigms that dominate Western scientific thought and political thinking in the South stubbornly refuse to see or recognize.

In preceding works (Diaw, 1998, 2005), we have shown how this alterity manifest itself in various economic expressions including embedded tenure systems. By ‘embedded tenure”, we refer to an appropriation regime where private, shared, and collective rights to natural resources are nested into each other and into larger social institutions based on kinship and descent. This system has proved extremely complex and resilisent, demonstrating an ability to change and adapt to markets as well as to demographic and political pressure. It has also been able to support effective forms of local and supra-local governance (as we saw earlier in the Indian self-rule and popular conservation movements). Its continuing existence is a primary reason for legal pluralism –the coexistence of distinct and, sometimes, competing legal orders- in the rural South.

In Cameroon, the stalemate between customary tenure and official land policies was first recognized through a system of “legal compromise” established in the 1930s by the colonial administration (Diaw and Njomkap, 1998). This system is still recognized today by the

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**Figure 3.** A representation of the continuum between civil rights and blood rights

Civil Rights

Multiple modernities

Legal pluralism

- Indigenous
- User groups
- Village federations
- Farmer organizations
- Peasant movements

- Collective Action groups
- Local NGOs
- and movements

Urban NGOs

Fully transformed societies

Fully disembedded economy

Fully hedged Nation state

Private property

Civil Society

Citizenship

Full _jus soli_

electoral representation

Blood Rights

Community

Embedded economy

Blood-based political institutions

Embedded property regimes

Linked Networks

Genealogical rights

ے_

Jus sanginis & delegated rights

Kin-based representation
territorial administration and the judiciary in matters of dispute resolution. It is based on a hierarchy of principles according to which local matters are resolved by local customary law, with three levels of appeal involving supra-local customary institutions and the territorial administration (both judging the case with reference to the local custom); it is only at the third level, the judiciary, that statutory law quicks in as the ultimate frame for legal decision. It is telling that the local village institutions that have been the functioning basis of this legal compromise are neither mentioned nor considered in the Cameroon decentralization reforms. Legal entities that could not have the mandate for tenure-related decisions on behalf of the clans and lineages were promoted instead, with predictable –and predicted– results regarding information asymmetries, elite capture and the like (Diaw 1998b). The failings of political theories that project homogeneizing views of local organization at the expense of a deeper understanding of embedded networks need to be mentioned here. More interested in ‘crafted’ organizations (Manor’s user committees), the CPR literature, despite its major contributions to the understanding of common property, also failed to understand the workings of embedded tenure and its theoretical and policy implications for local governance regimes.

Politics, Conservation and Democracy

The recognition of the coexistence of blood rights and civils rights in modern societies and its manifestation in various forms of legal accommodations highlight important conditions for inclusive local governance. The first is the plural, dual or nested nature of the political sphere in most LDCs; whether recognized or not, this plurality is fully present in the game of social actors and influence the ways in which they participate (or do not participate) in environmental governance. This pluralism expresses the juxtaposition of two sets of sociopolitical spheres in the local economic (i) a superstructure based on formal democratic institutions, private titles and civil society. This sphere is universal and has hosted the primary, dominant forms of political expression and social change in LDCs; (ii) an infra-structure of embedded rights, strongest in rural areas and generating its own regimes of entitlements, representation and legitimating networks. In many regions, this sphere has been on the receiving end of development, conservation, and land/environment reform programs and has been an unruly site of resistance to the meta-program of modernization launched with colonialism more than a century ago. ‘Democracy’ and local governance cannot be truly achieved when the legitimizing discourse and procedures of the institutional and political order are structured to make the second sphere invisible. This has been a problem for both ‘democratic decentralization’ and conservation – not the least being the creation of favourable conditions for fugitive power.

The concept of democratic decentralization is actually quite intriguing. Democracy is not a univocal concept and a cookbook of familiar procedures to account for political preferences; electoral democracy is but one form of exercising ‘voice’ in the social space. At a deeper level, democratic governance is a congruence of social and political entitlements including recognition, voice, legitimacy, rights and collective responsibility; though essential to democratic governance, accountability is a dimension of responsibility that does not need secret ballot to exist. Many of the conservation laws that made possible the expropriation of thousands of people without tangible evidence of benefits for nature or for people were voted by elected parliaments and carried out by representative governments; this did not necessarily make them legitimate, which is why so much of this resulted in various troubles and social conflict. In the ICDP case that we mentioned earlier, the law was used as a fence to close off the public debate on resettlement, which only resulted in a generalized illegality that spared no one; we called this ‘legal fencing’ to highlight this use of the law as a discursive procedure.
aimed at restricting democratic deliberation (Diaw and Tiani, forthcoming). The recent degazetting of the Amboseli National Park in Kenya, which threw uproar within the conservation community -with accusations that this move was politically motivated to win the Masai vote in the 2005 referendum further expresses this; but from the other side of the coin. In fact, why is nobody talking of ‘democratic conservation’? This question is highly rhetorical but its validity cannot be questioned on the sole ground of superior reasoning. The fact that democracy has been expurgated from conservation discourse has certainly to do with its history but also with the fact that the legitimizing discourse for conservation has been mostly founded on ‘superior’ ethical and moral arguments not the will of the people. In practical terms, political influence and reasons of state have had pre-eminence over democratic, deliberative processes including local people and other legitimate stakeholders in the decision about what to do with certain types of environment and resources. Democracy has been an elusive dimension of conservation and the resulting deficit of legitimacy has made many apparent gains fragile and uncertain in the long term.

Space-Taking, Space-Making, and Space-Granting: Alternative Paths for Local Democratic Governance

In the broader fields of political and natural resource governance, local bodies and institutions have taken spaces on their own initiatives and in ways that were not anticipated by governments and development or conservation planners. Manor (1999), following Davis, Hulme and Woodhouse (1994) description of “decentralization by default” in the Gambia, excluded this type of voluntary grassroots movement emerging out of “failed state” from his typology of decentralization. He accepts, however, cases –which he refers to as “inadvertent decentralization”- when (as in China and Russia) policy innovations not intentionally designed by policy-makers produce an “unintended decentralization of power and resources as a by-product”. We believe, as far as we are concerned, that all these experiences, and others that we saw earlier, belong to a same class of unanticipated expressions of local agency driven from below. We call this space-taking as a metaphor stressing the role of citizens and communities as ‘moving democratic subjects’ of local governmentality.

By linking space-taking to the other twin dimensions of space-making and space-granting, we also outline conditions for creative governance in a post-conflict society. In fact, decentralization would be better off creating and granting space for local agency rather than trying to overdefine how local actors should organize. Agency is basically the capacity of social actors to express volition and to formulate and carry out their own social projects. For this to happen in a non conflictive manner, it requires from other actors, particular those in power (state, projects, and corporations, in particular), an equally significant capacity to ‘make space’ for this to possibly happen or, at least, to grant that space once it is already in the process of being taken. The Indian case of Nagaland that we saw is typical of space-making because of the state’s progressive position of encouraging or allowing political and natural resource decision-making in the hands of local communities (Kothari and Pathak, 2006); in the case of Maharashtra or the APC, in Senegal, or PAMASKY in Panama, it was more a question of space granting; both capacities are, however, vitally important to local governance. The International Model Forest Network, which has been working in four continents since 1994 to establish landscape-scale partnerships governed by local actors themselves (Besseau et al., 2007), is yet another example: to make space around a core set of values around which all stakeholders can agree and, then, let people sort out the rest for them. In the Cameroon model forest experience (Jum et al., 2007), it was found that such an
approach could actually expand the space for decentralization by bringing together different creations of forest and conservation policies into a locally-driven collaborative agenda.

These are important discussion points for a concept of democracy that goes beyond simple electoral politics to challenge more complex concepts of deliberative democracy and social movements. Deliberative democracy, which runs deep in Habermas’ theory of communicative action and in the writings of Rawls and others, is fundamentally based on principles of inclusion, argumentation and persuasion in the formation of democratic decisions. This not just about voting or electing ‘representatives’; there is nonetheless an implicit assumption of social homogeneity, which social movement theorists tends to consider with suspicion on the ground that the less powerful often need to mobilize in ways and with means other than deliberation in order to have their voice heard and their interests accounted for. This streak of thinking was expressed in the decentralization literature through some of the works of Wollenberg et al. (2001), which stands apart, in that regards, from the electoral-accountability paradigm found in the works of Manor, Ribot, and others. By recognizing the possible coexistence of these three paradigms, not in the theory as such but in the realization of multi-level pluralist governance on the ground, we posit that none of them can by itself address the complexity of socio-political determinations in the societies that constitute the subjects of this conversation. To address not just representation or power differences, but also the deeper questions of cultural identity, legal pluralism and economic alterity that we raised, a multi-layered concept of governance has to be better formulated. Kate Farrel (2006) advocates for an iterative deliberative process across a range of discourses and levels in order to address the ‘representation gap’ inherent to stakeholder consultations, citizen juries, consenlus conference and other forms of deliberative democracy. In our experience with adaptive collaborative management, we found that iteration but also interaction and negotiation of meanings have the potential for bringing conflicts to levels where they can be deliberated over and transformed (Diaw and Kusumanto, 2005). Our experience with Model Forest Networks further indicates the possibility of investing the local governance field in ways not anticipated by decentralization reforms but contributing to expanding their scope and democratic content.

**Conclusion**

Our main point in this paper was to highlight the need for more complex concepts of environmental governance and democracy in conservation and decentralization. We started the conversation by showing that decentralization and conservation were rooted in very different histories and paradigms and we ended by saying that both are confronted with a democratic deficit because of their reluctance to fully integrate the pluralism and alterity of local rural societies in their theoretical outlook and policy orientations.

Through the process of carrying out this discussion, we described various forms of decentralization, including some – such as ICDPs – that are described as such in the literature but do not fit neither the basic criteria of decentralization nor those of community conservation. More importantly, we distinguished decentralization from locally-driven governance upsurges and showed the fertilizing nature, for both conservation and democracy, of such manifestations of local agency.

At its heart, decentralization is but an extension of the historic movement of the state to penetrate and rationalize society along modernization ideals; as such, it should not be confounded with the multi-form “taking of space” that characterizes local and translocal
governance. The move from government to governance implied by environmental decentralization cannot lead to predefined, singular environmental outcomes. A shift of perspective is thus necessary, considering that this type of governance necessarily happens at multiple scales, involves a range of actors, values and land uses, and requires social negotiation, trade-offs, and enhanced capability to work cooperatively and to deal with unexpected outcomes.

References


Borrini-Feyerabend, G., A. Kothari and G. Oviedo. (2004); Indigenous and Local Communities and Protected Areas: Towards equity and enhanced conservation, Best Practice Protected Area Guidelines Series number 11, Cardiff University and IUCN


CIFOR (2005) Forests and floods: drowning in fiction or thriving on facts? Forests Perspectives 2, CIFOR/ FAO, Bogor


Davis, Hulme and Woodhouse (1994) description of “decentralization by default


Diaw, M.C (In writing) Quelles échelles de gouvernance de la biodiversité ? La globalisation du discours environnemental et la construction locale d’espaces porteurs de diversité biologique et de développement. In preparation for IDDRI, Institut du Développement Durable et des Relations Internationales, Paris
Diaw, M.C. and A.M. Tiani (forthcoming) Fences in our heads: A discourse analysis of the Korup resettlement stalemate. *Journal of Sustainable Forestry*


Kothari, A. and N. Pathak (2006) Protected Areas, Community Based Conservation and Decentralisation. Lessons from India. A report prepared for the Ecosystems, Protected Areas, and People Project (EPP) of the IUCN World Commission on Protected Areas (through the IUCN Regional Protected Areas Programme, Asia)


Oyono P.R., J.C. Ribot, S. Assembe and P. Bigombé Logo (2007) Improving Decentralized Forest Management in Cameroon: Options and Opportunities from Ten Years of Experience. Governance Brief 33, CIFOR, Bogor


