

24

DISEMPOWERING DEMOCRACY

Local representation in community and carbon forestry in Africa

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Introduction

Public management of natural resources around the world is guided by discourses of local participation. Yet, the modes of participation that are based on substantive and empowered forms of engagement, and support and strengthen local democracy, remain elusive in forestry interventions. Recent climate-change mitigation interventions based on carbon forestry are no exception. They proudly feature 'broad stakeholder participation', 'social safeguards', and 'Free, Prior and Informed Consent' (FPIC) procedures that require intervening agents to engage local people in decision-making (UN-REDD No Date; UN-REDD, 2013; FCPF and UNREDD, 2012). Yet, concepts of participation in the UN documents are so capacious that they could encompass any practice – from democracy to forced labour. Further, the World Bank's Forest Carbon Partnership Facility (FCPF) has demoted the 'C' from *consent* to *consultation*, implying that consent is no longer required, thus enabling intervening agencies to choose to override local people's preferences (FCPF, 2009).¹ It looks like a green light for project implementers to consult local people and then do as they please.

For the for-profit corporations, the World Bank, and other bi-lateral and multi-lateral donor organisations, FPIC draws from the concept of Informed Consent and Participation (ICP) (Baker, 2012), which is generally required for what these institutions classify as high-risk projects. ICP involves an in-depth and good faith exchange of views between project proponents and the populations that projects choose to define as 'affected communities' in a way that should influence how a project is carried out. Clearly, however, consent should be understood as the right of *democratically represented* communities to approve or reject proposed actions or projects that affect them (Tamang, 2005; Lewis, Freeman, & Borrelli, 2008; Ribot, 2004, 2013) – not 'stakeholders' or any other 'affected' group chosen to fit the interest of intervening projects and programs. The issue of consent is one of the most critical challenges facing the development process. Government and project practitioners certainly have the urge to secure consent in order to avoid the risk of project refusal or resistance. Yet, they merely engage in activities that appear to provide local inputs and consent. Both FPIC and participation are problematic means for providing substantive social protection (Dunlap, 2018). There is no 'freedom' of choice when people lack the right to refuse pre-determined options they are offered (Ece, 2017). There is no freedom of choice when 'prior' provides insufficient time to reflect and organise. There are no

real choices when in lieu of ‘informing’ people of their rights and project implications, intervening programs ‘educate’ them on why they should agree to interventions (Mbeche, 2017). There is also no ‘consent’, certainly not with the toothless form ‘consultation’, when the community is not engaged as a whole citizenry through local institutions or processes that democratically represent them (Lewis et al., 2008; McGee, 2009; Colchester, 2010; Baker, 2012; Nuesiri, 2017; Baruah, 2017).

This chapter is based on the findings of the Responsive Forest Governance Initiative (RFGI) research program.² The program carried out 27 in-depth case studies in 13 countries (Burkina Faso, Cameroon, Democratic Republic of the Congo, Ghana, Kenya, Mozambique, Nigeria, Senegal, South Sudan, Tanzania, Uganda, Nepal, and Peru) from 2011 to 2015. Looking at responsiveness and accountability, the case studies found that the democratic ideals behind representation, consent, participation, or social safeguards are rarely, if ever, evident in international forestry projects. The findings show a systematic disjuncture between the donor and government claims of participation, representation, and inclusiveness in policy making and in project development and implementation. In practice, neither ‘community participation’ in community-based forestry, nor consent or consultation in carbon forestry, is based on substantive exchange of views (Colchester, 2010; Ribot, 2016; Marfo, 2015; Mbeche, 2017; Nuesiri, 2017, Ece, 2017). They remain mere theatrics. In international, national, and local fora, where key decisions regarding access, use, and ownership of public forests are taken, consent, consultation, and participation are reduced to a mere presence of certain categories of ‘relevant’ people – defined to be relevant by those managing the process and usually called ‘stakeholders’. Whether these ‘relevant’ people democratically³ represent local people’s interests is, at best, of secondary concern. Project implementers often choose to work with non-democratic local actors, such as experts, customary chiefs, local committees, or NGOs. In this respect, intervening agents or agencies, including national governments, forestry administrations, donors, international development agencies, or environmental groups – that is, any supra-local institutions⁴ that impose laws, programs, or projects – fail to understand or to care that *who* is authorised to speak for or represent local people matters deeply if participation in decision making is to be substantively representative and legitimate. Our position is that representation is not about talking with interested parties that projects identify as ‘stakeholders’; it is not about having customary authorities and other influential elites at the table, nor should it be about consulting some vaguely defined ‘population’ on pre-determined goals and choices. Democratic representation required for substantive democratic engagement or democratic ‘participation’ is about broad-based citizen-driven decision-making. It requires democratically representative local institutions.

Political representation is responsiveness of government and leaders to people’s needs and aspirations. Representation is democratic when that responsiveness is driven by the accountability of decision makers to the people (Manin, Przeworski, & Stokes, 1999). Democratic representation requires political processes by which program and project decision makers can (i.e., are empowered to) respond and are also accountable to (meaning can be sanctioned by) citizens (Manin et al., 1999; Agrawal & Ribot, 1999, 2012). In RFGI country case studies, governments and donors hold up representation of local people in forestry decisions as an ideal. Policies and project documents for all cases proclaim the importance of representation, but do not define it in enough detail to guide any reader on what representation would entail in practice. Likewise, when asked, most development and forestry practitioners cannot define democracy in sufficient detail to be able to systematically establish or support it – they cannot provide a substantive definition. They do not seem to know that it involves significant decisions in which the deciders are systematically accountable to the people of the jurisdiction. This is not to say that they do not believe in democracy. Indeed, they feel committed to promoting it. But, as important as it

appears in discourse, in policy documents, and in laws, accountable representation remains secondary to project forest management goals. The result is a slippage between stated commitments and practice. The idea of representation is draped over or performed next to forest management goals – the processes set up to engage local populations do not make the projects respond to local needs and aspirations. These processes are a theatrical enactment by intervening agencies of their participation requirements. The acts are used to facilitate local acceptance – through convening and consulting with select sub-groups or elites rather than broad-based public representation. Democratic representation is lost in the translation from discourse to documents or laws and then to practice. In our analysis, we use basic principles of local democracy – concerning the degree to which leaders represent and are accountable to local citizens – to evaluate how people are included in decision-making (Manin et al., 1999; Ribot, 2013, 2004). Our definition is substantive rather than procedural (Pitkin, 1967). Hence, we acknowledge that electoral systems are not democratic when the leaders lack power to respond to local needs or when the elections and other accountability means do not establish accountability – as is often the case. We acknowledge that systems without elections can be democratic, and a few are. Nevertheless, we take the position that electoral systems are preferable and represent the most durable and generalisable form of democratic representation (Manin et al., 1999).

This chapter characterises how and explores why forestry projects and programs systematically circumvent elected local governments by creating their own alternative arrangements for local ‘representation’ or ‘participation’. The studies and broader literature suggest that the preference of the international agencies and donors to work with institutions other than elected local government has practical and ideological roots (Ribot, 2004; Manor, 2005; Ribot, Chhatre & Lankina, 2008). The first practical justification is the need to achieve the forestry objectives of a program (in most of our cases, carbon forestry). Democracy is slow, and intervening agents choose to work with local actors who are most likely to ‘efficiently’ implement their programs and projects. The second, in service of the first, is control – where local forestry brigades, customary chiefs, or user committees are easier targets of manipulation by central agencies or donors than are elected local governments. Third are ideological positions that are anti- ‘big government’ (in a Reagan-Thatcher sense), pro-private sector (part of the Reagan-Thatcher neo-liberal economic stance), or pro-customary authority (emerging from indigenous people’s movements and from a romantic ideology that everything indigenous is good – even if the leaders are colonially re-engineered, hereditary, and/or despotic). These beliefs often steer projects toward NGOs, project committees, private user groups, companies or individuals, or customary authorities. These ideological overlays may merely serve as a support for implementing the instrumental objectives of the project, i.e., implementation of project goals – that is, they may be an excuse to work with the quickest and most ‘efficient’ institutions, rather than with messy and slow democratic processes. In many cases, the existence of customary authorities parallel to and often in competition with other local authority structures provides intervening agents with a convenient motive to circumvent democratic processes and implement projects through these authorities. Or these beliefs may be drivers of local institutional choices in and of themselves. Whatever the motive, intervening agents systematically avoid local democracy while favouring NGOs, user committees, chiefs, and other private bodies.

Choice and recognition – Framing the research

The RFGI case studies, on which this chapter is based, used what we call the ‘institutional choice and recognition’ research framework (Ribot, 2006; Ribot et al., 2008). Each study examined the dynamics of decision-making processes involved in forest use, ownership, and access;

and the governance relations inscribed by community-based forest use and carbon forestry projects. We use the term *institutional choice* to refer to the process by which development agencies, large international organisations, domestic organisations, and national governments choose the local institutions or actors to partner with in their forestry interventions. We use the term *choice* in distinction from its use in neo-classical economics, institutional choice, and public choice economics. In our definition, it is about the will of authorities (intervening agents and their institutions) who make decisions, rather than assuming that governing decisions are an aggregate of individual choices articulated through governing actors (Ribot, 2013). In this sense, the term *choice* attributes agency to these actors so that we can trace outcomes and thus responsibility back to their decisions. This is not to say that people's consciousness and agency are not themselves somewhat structured (*à la* Bourdieu, 1977; Foucault, 2010).⁵

The idea that individuals (or institutions composed of people who set policies and rules) make decisions is relevant for understanding political-economic relations – in this case the choices by higher-level institutions, such as development agencies choosing the local institutions they work with. Through these choices, they are shaping local governance, and in particular, they are shaping rights, recourse, representation, and recognition. Through the discursive justifications of their choices, they bypass local institutions (Rutt & Lund, 2014).⁶ We emphasise decisions in order to attribute agency to higher-level intervening agents. These intervening agents do decide, and thus should be responsible for, which institutions are being empowered and which are not; they recognise some, fail to recognise others, and de-recognise – remove powers from – yet other local institutions (Faye, 2017). Institutions do not just emerge organically out of Ostrom's (2009) polycentric bodies floating harmoniously in the luminiferous ether of Pareto optimality. They emerge from strategic decisions within structural relations. They emerge in the context of strategic power struggles in a material world.

Institutions are generated by social processes in which some individuals and organisations become recognised as relevant actors. People in need of services – whether it is the support for property claims or a demand for social protections – seek the institutions (or forums) in which their demands have standing and are likely to find favourable response (von Benda Beckman, 1981). They shop for, and thus reinforce, effective institutions and authorities. While there is forum shopping from below – that is, shopping by the people in need of services and adjudication – that shapes institutions (Lund, 2002; Sikor & Lund, 2009), we observe important forum shopping from above (Ribot, 2006; Ribot et al., 2008). In top-down forum shopping, higher-level forums, such as international development agencies or governments, are shopping for local forums, such as local institutions and authorities to work with. The local institutions they choose have consequences for local rights, recourse, and representation – the local institutional landscape. Thus, the word *choice* (e.g. the choice of local-level by higher-level forums) helps us to explore the logic of how, that is through which institutions, intervening agents engage with local people – based on interests and ideologies within a set of structural and discursive relations and constraints. These choices are consummated when intervening agencies empower or work with, that is, when they recognise, local institutions (see Taylor, 1994; Fraser, 2000; Povinelli, 2002; Ribot, 2006, 2007; Ribot et al., 2008).

The recognised, and thus authorised, institutions often stand in as representatives of certain groups (e.g., forest users, or indigenous peoples). Yet, they may or may not be considered as representatives in the eyes of these people. Although they are empowered and authorised by donors, they may not be considered legitimate, particularly when their roles and actions contradict or run against the needs and aspirations of those they claim to represent.⁷ Many theorists (Manor, 1999; Agrawal & Ribot, 1999; Manin et al., 1999; Ribot, 2004) underline that democratic representation and the legitimacy of democratically elected authorities and institutions are measured

by their responsiveness to the needs and aspirations of their constituents and their accountability towards them. Pitkin (1967) and Manin et al. (1999) call this ‘substantive representation’: where representatives ‘stand for’ and act in the best interests of the represented, and are responsive to, because they are accountable to, the latter – to the degree to which that is possible (on elite capture and the vicissitudes of local democracy, see Bardhan, 1997; Manor, 1999; Persha & Andersson, 2014; Lund & Saito-Jensen, 2013).

The case studies in the journal *Conservation Society* (Vol. 15, No. 4) explored the degree to which the institutions being chosen by intervening agents are substantively representative of, that is empowered to respond to and held accountable by, the full range of local citizens. They also sought to understand the reasons that intervening agents choose to support the kinds of local authorities they engage with – the degree to which this engagement is about creating substantive democracy or the degree to which it is driven by other concerns – expedience, control, privileging the efficiency of project goals over democracy objectives or ideological concerns. These case studies illustrated the effects of choices being made by intervening agencies on the local institutional landscape and the ability of institutions to democratically represent the citizens of their jurisdictions.

Key findings and representation outcomes of case studies

The key findings of the case studies, described here, ranged from higher-scale to more-local interventions. Walters and Ece (2017) examined the dynamics of decision-making and representation in carbon forestry at international and sub-regional scales, by focusing on REDD+ project negotiations in the Congo Basin region; Mbeche (2017) and Nuesiri (2017) explored national REDD+ Preparedness Programs in Uganda and Nigeria. Ece (2017) examined mid-level elected sub-national government’s role in in community forestry projects in Senegal. Faye (2017), Chomba (2017) and Baruah (2017) focused on village-level forestry cases in Senegal, Kenya and Ghana.

Walters and Ece (2017) studied power struggles within a World Bank-led REDD+ project that brings together Congo Basin countries under the Central African Forests Commission (COMIFAC). Over four years of project development and changing REDD+ engagement, they show how the power of the World Bank to allocate resources comes into tension with the sovereignty of each nation, as they sit at the project negotiation table. What appears as an arena of equals for regional cooperation on REDD+ is an ambiguous space in which agendas are fought out. Cameroon continued to engage under these circumstances while Gabon withdrew from REDD+ as a whole and only partially engaged with the project. The authors observe that countries are expected to adapt their existing forestry policies to REDD+ process needs, often according to guidelines handed down from international climate change negotiations. These impositions occurred despite that REDD+ social protections require compliance with national laws (UN-REDD no date). Under these conditions, those countries with the ability to withdraw and forego REDD+ opportunities were able to set their own agendas. In this case, the donors, as in all multi- and bi-lateral forestry programs, are mandated to work with authorities that represent their nation states on REDD+ – usually officials from forestry ministries. In the RFGI studies described here, however, we found that while these ministries represent ‘nations’ in the international arena, their domestic practices (in REDD+ and in community forestry) fall grossly short of even supporting democratic principles in local decision making. While Walters and Ece (2017) do not directly address choice and recognition of local institutions, their study provides background on the international context in which multi-lateral forestry programs and their national components unfold.

Mbeche (2017) and Nuesiri (2017) researched representation in REDD+ Preparedness Programs (R-PP) that support REDD+ policy design in Uganda and Nigeria (also see Marfo 2015). They argue that despite the participatory claims of the national R-PPs, national-scale ‘stakeholder’ consultations are limited to a biased set of non-representative actors. The R-PP policy consultations invited few representatives of indigenous forest-dependent peoples or elected local governments. NGOs and government officials constitute the majority of invitees. Mbeche (2017) and Nuesiri (2017) found that REDD+ implementers reasoned that local actors lacked the ability to understand the technical details involved in REDD+ and therefore they needed experts to mediate their interests (see also Faye, 2015). In practice, they only incorporated local actors who validated decisions that had been made by experts. Further, they circumvented elected local governments whom they felt would ‘slow down’ or ‘politicise’ the R-PP (also see Ribot et al., 2008). These two studies show that there is little democratic or deliberative debate in the ‘consultations’ leading to the preparation of REDD+ strategy documents.

To receive REDD+ finance, developing countries must prepare an R-PP document through a process with input from indigenous and forest-dependent peoples – a claim towards their substantive representation. Both UN-REDD and the World Bank’s FCPF require interested countries and project developers to follow FPIC principles in the development of national REDD+ legal and policy frameworks (FCPF and UN-REDD, 2012; also see Anderson, 2011:15). FPIC is also required from affected populations before the implementation of REDD+ projects (World Bank, 2012; FCPF and UN-REDD, 2012). The World Bank’s social and environmental safeguards also apply to the R-PP, requiring FPIC before REDD+ financing is provided (World Bank, 2012). In addition, the R-PP preparation guidelines call for each country to give forest dependent populations, in particular, indigenous communities a right to negotiate the terms of REDD design and implementation and requires inclusion of indigenous and forest dependent communities through their own appointed representatives (Mbeche, 2017; also see FCPF and UN-REDD, 2012).

Mbeche (2017) describes how stakeholder consultation processes for R-PP were carried out by the World Bank and the Norwegian Embassy in Uganda. Here, the World Bank recognised the National Forest Authority (NFA), a government agency, as the REDD+ focal point. The NFA created a secretariat composed of private international consultants, a steering committee of ministers, and working groups populated mostly by NGOs and consultants. The R-PP working groups had no representation from local groups. Sixty-one per cent of its members were from NGOs, twenty-three percent from central government ministries, nine percent from private companies, and six percent from research institutes. Despite there being 2,372 elected rural councillors and five levels of democratically elected local government in Uganda, the Uganda R-PP was centralised and had no direct input from the elected local authorities. In addition, a parallel ‘highly participatory’ World Bank consultation process with 154 participants included only seven elected rural councillors in Uganda. Mbeche (2017) also points out that in consultations carried out by the World Bank the government officials were preferred as ‘representatives’. In subsequent consultations by the Norwegian Embassy, more importance was given to forms of representation based on ethnic and autochthonous identity claims.

All of these processes in Uganda managed to avoid a complex and time-consuming democratic process, to perform a consultation in order to meet the requirements of REDD+, UN and World Bank participation and FPIC requirements, and to facilitate the quick implementation of the program by ‘educating’ local people in the technical details of REDD+ implementation. In short, Mbeche (2017) found that the REDD+ consultations serve the instrumental outcomes of REDD+ by: i) ‘educating’ the participants in REDD+, particularly on its ‘technical’ aspects;

ii) legitimising the REDD+ strategy in the eyes of the donors by performing ‘representation’ of local people; and iii) promoting the quick achievement of the REDD+ objectives.

Nuesiri (2017), working in Cross River State, Nigeria, found that elected local governments were replaced in the National REDD+ consultative process by NGOs and chiefs who were called on to speak on behalf of their members and their subordinate populations. Citizens of local jurisdictions were not represented through a democratically accountable process. The REDD+ preparation process developed a discourse of representation and even of democracy, yet they did not include substantive representation as part of the REDD+ FPIC process. In the Nigeria consultation process, the REDD+ implementing agents had their own idea of democracy – rather than leaders being accountable to the people, it is a cacophony of voices handpicked by the Nigeria-REDD secretariat to legitimise the UN-REDD process. This arrangement allows the UN-REDD secretariat and organisation (international and national) to choose the actions they see fit while claiming that they have the consent and backing of local people. The farce of representation and pretence of democracy are necessary steps they must go through – what Nuesiri calls ‘symbolic’ representation (see Pitkin, 1967; Törnquist, 2009) – in implementing their programs. These are programs that will be implemented whether or not local people need, want or benefit from them.

As in Uganda, UN-REDD in Nigeria produces a highly skewed notion of representation. At the national scale, the NGOs are included in REDD+ policy consultations as ‘stakeholders’ and as the representatives of ‘local people.’ Representation in the drafting of Nigeria’s REDD+-readiness document (supported by the UN-REDD) is also skewed. The majority of the ‘representatives’ are from the Forestry Commission, followed by the NGOs, the chiefs and ‘community forestry groups’. The elected local authorities are not included in the consultations. None of the chosen ‘representatives’ are accountable and responsive to forest-dependent or indigenous peoples. The choice of NGOs and chiefs reflects the donors’ understanding of participation in FPIC while producing mere ‘symbolic’ forms of representation – it is simply not intended to be substantive. Nuesiri (2017) found that the donor’s ‘stakeholder’ approach that included ‘all affected’ brought in a variety of interested parties, facilitating elite capture rather than citizen-driven decision-making.

Both Nuesiri (2017) and Mbeche (2017) found that ‘efficiency in achieving the program goals’ was an important criterion reflecting the instrumental rationality in donors’ institutional choices at national R-PP consultations. Mbeche (2017) notes ‘efficiency’ was constructed not only in relation to forestry and carbon-related technical expertise, but also in relation to the program’s budgetary and time constraints. Nuesiri (2017), however, adds that the ability to wield political power and control over resources and people to achieve the program goals can be equally important in shaping donors’ rationality of choice, reinforcing the accumulation of power in the hands of government officials, NGOs and local elites, who are neither elected nor downwardly accountable.

Ece (2017) shows how democratic spaces are closed down through the conversion of elected regional councils into instruments for privatisation of commercial and use rights to public forests in Senegal. The choice to work with regional councils in forestry projects is partly conditioned by neo-liberal decentralisation reforms. When the 1996 reforms re-instituted the regional councils as ‘local authorities’, they also gave them the role of intermediaries of development. Ece (2017) argues that this role helped transform the regional council into a locus for business like contractual agreements involving elected local governments and donor-funded ‘community-based’ forestry projects. This shift helped to displace the decision-making on public forests from rural councils to regional councils. However, this arrangement did not prevent the Forest Department’s overriding of both rural and regional councils’ decisions. It also enabled

donor-funded forestry projects to push further forest-based commodity production and privatisation of access over public forests via the regional council.

Ece (2017) also discusses the consequences of undemocratic practices and institutional choices of 'community-based' forestry and conservation projects at the rural community-scale. In the region of Tambacounda, the community forests are created for the commercial production of forest products, such as charcoal for urban use. She notes that the donor-funded forestry projects, which initiate the creation of reserves, bypass base-level rural councils in key decisions about land allocation and in the drafting of management plans. Further, despite their competing territorial claims, different projects share a similar neoliberal market rationality, oriented towards increasing commodification and privatisation of rights over public forests. Ece (2017) argues that this market-oriented rationality is also important in shaping the projects' local institutional choices. They put in place and recognise forest management committees as local institutional partners. The project-based local committees are treated as commercial organisations, with exclusive private access to trade of forest commodities and responsibility for forest management.

This article shows that through the chosen arrangements, the legitimacy of the elected local governments (rural councils) is undermined in two ways. First, the rural councils have the legal rights to manage forests and commercial forest activity, yet they are not included in forestry decisions by the Forestry Department and international donors, who prefer to work through 'committees.' Second, the elected rural councils have been subordinated to intermediate-level elected regional councils, positioned as a hub for donor-funded community forestry projects. The decision-making forum of the regional council is hijacked to subordinate the rural councils, to promote commodification and privatisation of rights over public forests and turned into an arena for performance of participatory democracy.

Also, in Senegal, Faye (2017) details how forestry decisions, legally under the jurisdiction of elected rural councils, are taken from these representative bodies and given to non-representative forest management committees created by a World Bank sustainable development project in Tambacounda. He describes how foresters and projects corralled village-based charcoal producers into the invented category of 'local producers', and then delimited their rights as distinct from and less than those of urban-based merchants. After setting these committees up in the name of participation and representation, Faye shows how forestry laws, practices and discourses systematically limited their rights by loading them with the burdens of forest management and depriving committee members of direct access to forestry markets – they had to sell most of their charcoal to urban-based forestry merchants. In parallel to the committees, foresters allowed urban merchants to buy from committees and to also hire migrant labourers to cut wood and make charcoal. Merchants, unlike local producers, were not saddled with the odium of management. This forestry system hemmed forest villagers into subsistence labour while allocating lucrative trade opportunities to the urban elite. Forest villagers wind up poor, living at subsistence level and on the brink of disaster. This 'sustainable development' project has recently claimed it would support climate adaptation by alleviating rural poverty through revenue generation from the charcoal business. Instead, the project was enriching forest merchants and impoverishing forest villagers while teaching them to cut and carbonise their forests for low wages. This does not seem to be an effective way of reducing climate-related (or any other) risks. It is also not strengthening the long-term democratic representation of forest villages in forestry or in any other decisions as it is side-lining and delegitimising the elected rural councils.

Faye's (2017) research illustrates also how the project's institutional choices and the supporting technical justifications are subject to contestation by elected local governments. During the first phase of the World Bank project, the forest service rationalised their choice of committees with specious technical claims, arguing that the committees had the capacity to implement

technically required management. Their actions showed they valued implementation over the procedural concerns of democracy (Ribot, 2008). The forest service and projects used a logic of technical necessity to override local concerns and to circumvent the elected local governments (community councils). Faye (2017:422) also shows, during the course of these management impositions, that:

The stakes involved in the control of access rights and the institutions that enforce them had become very clear to ELGs [Elected Local Governments]. Indeed, PCRs [presidents of the elected rural council] understood that in order to respond effectively to local needs and to secure political visibility for themselves, they needed access to resources and the ability to exercise authority. Therefore, they began resisting the technical claims as much as they could, mobilising political arguments that are deeply rooted in decentralisation laws, and working to control the revenues flowing from forest-related activities.

After the first phase of the project, the elected councils challenged the domination by taking decision-making back from forest service and the project created committees – a demand from elected local governments for observance of national law. Here elected councils chose themselves. In the project's next phase, however, the project returned to re-establish its non-democratic committee-based implementation units. They then made these units into 'associations', which are private organisations that elected local governments will not be able to dissolve at the end of the next project phase. The elected local governments believe that the government's logic for creating associations was to override elected local governments (Faye, 2015a, 2015b).

Baruah's (2017) research focuses on a Community Resource Management Area (CREMA) that encourages farmers to plant timber trees on cocoa farms in South-Western Ghana. The CREMA approach has been promoted as a collaborative form of natural resource management that would help generate conservation and financial benefits for communities living around the protected areas. However, CREMAs like the one analysed by Baruah (2017), are also implemented in off-reserve degraded forested areas to increase timber production and introduce tree tenure privatisation. In Ghana, the elected District Assemblies' powers had been further limited after the reversal of decentralisations in 1996. Together with the chiefs, who grant access rights to land, forests and trees in their traditional '*wassa*' areas, the state forestry administration retains the key decision-making power over the commercial exploitation of off-reserve forests and trees. In this context, the ownership of the trees, access to tools, seedlings and benefits (including carbon benefits) need to be negotiated, a task undertaken by a local NGO positioned as the CREMA project implementer.

Baruah (2017) shows that despite claiming to strengthen democratic resource management through CREMAs, donors reinforced the existing centralised power relations by circumventing the elected district assemblies, recognising traditional elites and chiefs as *de facto* representatives in CREMA management, and choosing private entrepreneurs as the project implementing 'local NGOs.' Similar to other RFGI cases, the project established natural resource management committees to manage the CREMA. Here, however, chiefs occupied a prominent role both at regional and village-scales. Members of the committees were selected and nominated by the chiefs, often in the presence of the district forestry officers.

In the process of establishment of the CREMA by the Forestry Commission and in the drafting of its bylaws by international donors, the District Assemblies were not even 'consulted'. In this sense, foresters further weakened and delegitimised elected local authorities by diminishing their role in public decision-making. While the choice to work with chiefs and NGOs

is justified on grounds that these bodies somehow represent the ‘public’, the fact that they are not elected or accountable to the people makes them effectively private bodies. Simultaneously, to the degree that they are accountable to donors and the forest service who empower them to implement forestry activities, they are effectively administrative branches of these two extra-local agencies. So, through both this effective privatisation (the degree to which these non-state bodies have new discretion) of public resources and through external administrative control, the space of local public decision-making discretion is reduced; substantively weakening local democratic representation.

Of course, if in Ghana participation means allowing private groups such as local elite-led NGOs and ‘community-based initiatives’ to engage in and implement resource use decisions on behalf of the local people, then this non-public form of inclusion opposes democracy, which is about public resources and decision making. Indeed, more democracy here would mean less privatisation since democracy needs public resources and public decisions (a sphere of public decision making) in order to play a democratic role. Forests in Ghana could, if managed by local representative authorities, provide a collective local public domain. The contradictory talk of participation, representation and accountability while promoting private decision-making and benefit, needs to be evaluated. Perhaps private forestry decisions and use can increase efficiency or even make forests more lucrative, but at what cost to fledgling rural democracies? Democracy is not being chosen by these intervening agencies – even if it is one of their stated values. The CREMAs are the proposed basis of REDD+ Readiness in Ghana, yet they are not supporting community representation. If participation means implanting the administrative orders of external agencies it is also not democracy. In this sense we have two enclosures of the discretion of public democratic authorities; even the limited powers devolved to elected authorities are taken away and given to private bodies and others are retained by central agencies as required activities of the intervening agencies.

Membership in CREMAs is exclusive despite that CREMA and donor guidelines insist on elections and inclusiveness. The implementing agents excluded anyone whose interests or activities were not aligned with the objectives of the CREMA. They were also excluded from benefits derived from its activities and from receiving material from the NGO. Although implementing NGOs, like IUCN along with the Ghanaian forestry and wildlife line offices were aware that the process by which the committee members are selected was undemocratic, they chose not to interfere. “Their position is justified by the necessity to adhere to project ‘timelines and objectives’” (Baruah, 2017, p. 377). The rationale given by implementing agencies for choosing to work through local NGOs and Chiefs included the merits of community-based initiatives, civil society engagement, donor mandated ‘participatory’ processes, regard for customary systems and perceived lack of capacity of the local governments. However, the private interests behind these institutional choices were often economic and political. The donors and foresters rationalise their lack of engagement with representation and accountability via institutional mandates, technical and managerial goals.

Chomba (2017) observes a key dilemma of representation faced by a prominent private-sector REDD+ project in Kenya. Do forestry programs work with unaccountable and ineffective local governments or should they circumvent them by creating their own more-effective committees? Kenya is transitioning from a centrally managed form of local administration towards empowered elected local governments. Prior to the 2013 general election, local administration was made of weak elected local councils without financial powers, running in parallel to strong local chiefs appointed by the provincial administration. The 2010 Constitution, however, mandated the transformation of the councils into democratically elected ‘decentralised’ county governments with political and fiscal powers and responsibilities. The 2010 Kenyan Constitution

also provided for the centralised system to be phased out. Given the representative roles that elected leaders are designed to fulfil under the Constitution, they would have likely been the first choice had the project been aiming to support and work through democratically elected local governments. But, the local elected leaders, elected before 2013, were circumvented. Project staff argued that this was to avoid political interference or because they viewed them as corrupt. After the new constitution, the project would not work with the newly elected local leaders because the necessary resources and infrastructure were not yet in place. On the other hand, the centrally appointed local officials made of chiefs were directly engaged in the project in the beginning, but later only as *ex-officio* members because they were similarly perceived as unaccountable, corrupt and inefficient. So, the REDD+ implementing agents largely skirted newly elected institutions. Instead they created their own single-purpose ‘elected’ Location Carbon Committees (LCCs), that worked with Community Based Organisations (CBOs) to implement REDD+ at the local level.

Chomba (2017) shows that the project, being part of REDD+, had a fraught choice in meeting the universal principles of participation, representation and democracy under the United Nations conventions and declarations, as well as those mandated for REDD+. Their choice to circumvent the ‘representative’ local government institutions appeared to contradict the REDD+ safeguard principle of ensuring full and effective participation of all relevant stakeholders. Indeed, while the project could claim that their carbon committees appeared representative on account of their being elected, the committee elections were hardly democratic. In a community meeting, voters had to bow their heads so they could not see others (wink wink) and raise their hands to be counted by the administrative chief. In this case, voters had to trust the chiefs to count correctly and feared that others would tilt their heads to see who they voted for. Of course, voters might also not feel free to express their positions in front of powerful chiefs. In short, this system was nothing like a secret ballot that would constitute a fair election. In this sense, the REDD+ decisions and processes reflected performed participation and representation while elected local government was left on the side-line.

These and other RFGI case studies provide democracy lessons for REDD+, carbon forestry, and any participatory forms of natural resource management. Where they exist, and despite their shortcomings (Manin et al., 1999; Ribot, 2013; Chomba, 2017), elected local authorities with the legal mandate to politically represent the citizens in their jurisdiction could serve as the institutional and legitimate basis for democratic participatory decision-making processes. Yet elected local governments in all of the case studies are circumvented. The side-lining, and thus delegitimising of these elected local actors weakened these existing structures (Baruah, 2017, Chomba, 2017, Faye, 2017, Mbeche, 2017, Nuesiri (2017)).⁸ Representatives (democratic or not), however, need to be recognised in order to have authority (Ribot, 2006, 2013; Ribot et al., 2008; Sikor & Lund, 2009; Thomassen, 2011).⁹ Bypassing them undermines their authority – not empowering (or disempowering) them and thereby robbing them of relevance, and therefore legitimacy, *vis-à-vis* citizens. Forestry projects tend to choose to create, empower, and legitimise, alternative local institutions – local line ministry offices (Faye, 2017), committees (Baruah, 2017, Chomba, 2017, Faye, 2017, Nuesiri, 2017; also see Manor, 2005), and customary chiefs (Baruah, 2017, Nuesiri, 2017; also see Ribot, 1999; Ntsebeza, 2005). These institutions are rarely democratically representative. Further, many of them, especially project-initiated committees are ephemeral – non-sustainable – and disappear with the comings and goings of project interventions (Murombedzi, 2001; Manor 2005). The outcome is a set of institutional arrangements that are neither democratically representative nor sustainable and that disempower and delegitimise duly elected representative local government – in a process that Faye (2017 and 2015) has called ‘derecognition’.

Each case illustrates conundrums that projects face when required to represent, negotiate, and protect local interests. In community-based forestry in Senegal, as well as in REDD+ carbon forestry in Nigeria, Kenya, and Ghana, the intervening agents require representation of local people in decision-making in order to protect local people's interests. The Ghanaian and Kenyan cases show how representation safeguards are compromised by an inappropriate circumvention of local government in favour of chiefs, NGOs, CBOs, and local committees. Yet, despite their failures, these modes of participation are held up as the model for how representation will be conducted when REDD+ is implemented nationally. The cases all show that representation is given second tier to implementing of other forestry project goals. Representation is required, but merely performed as a theatrical 'symbolic' enactment (Nuesiri, 2017). Substantive representation, even when there are democratically elected local authorities, is nowhere to be seen. While it is important to have more in-depth analysis of the rationality of institutional choice – the politics of choice and recognition – these studies just begin that part of the analysis.

Conclusion

Elected local governments would seem to be good institutions to represent local people in local decisions. But they are not given the opportunity to do so. They are ignored and avoided. This is not because they are weak or even culturally inappropriate. It is because international development agencies – certainly those working on natural-resource management – choose not to work with or through them. Local democratic institutions exist in most places. Yet, environmental projects and programs choose to work with institutions that operate in parallel to elected local governments. This choice, unfortunately, perpetuates the view that existing local democratic institutions are incapable of responding to local needs – it makes them appear irrelevant or incapable, without giving them a chance to prove otherwise. Local governments sit powerless on the side-line. Interventions create and work with alternative institutions at a moment when governments across the developing world have legislated into existence new elected local democratic institutions (Crook & Manor, 1998; World Bank, 2000; Ndegwa, 2002). Indeed, these choices support local institutions that masquerade as representative but remain accountable to donors, private organisations, or line ministries or to an identity- or interest-based subsection of the population. They foster committees, NGOs, chiefs, and other private bodies while generating a specious image of representation. Our case studies document how projects and government agencies chose to create and work through parallel institutions in forestry in Ghana, Kenya, Nigeria, Senegal, and Uganda.

The 16th United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP16) in Cancun in 2010 established safeguards for implementing the largest global forestry project, REDD+. The Cancun Agreements called for actions that 'complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements' (UN-REDD, no date), but they did not address the fact that most national forestry programs fail to adequately uphold local representation or human rights. They called for 'transparent and effective national forest governance structures, taking into account national legislation and sovereignty' (UN-REDD, no date), but failed to recognise that transparency is only effective where there is sanction¹⁰ (Fox, 2007) and that national legislation often fails to provide for local representation or rights. They called for 'respect for the knowledge and rights of indigenous peoples and members of local communities' (UN-REDD, no date), yet failed to acknowledge that many people who have lived in forests for generations are not indigenous and require equal representation and protection; safeguards should not be creating second-class citizens. They demanded 'full and effective participation of relevant stakeholders,

including, in particular, indigenous peoples and local communities' (UN-REDD, no date), without defining stakeholders as citizens, rather than merely interested parties. Indeed, why should a non-resident merchant hold a 'stake' in someone else's forest just because they stand to profit from it? They may have an interest, but the claim of rights or a 'stake' in the public resource belongs, by definition, to citizens. Stakeholders are indeed citizens if and when they live in the jurisdiction that presides over the public resource in question. So, let them vote if they want a 'stake' in the public resource; they should not have binding decision-making power at the negotiating table. They can and should inform (or misinform) decision-making processes, but they do not deserve a disproportional say in decisions. The decision should be made by accountable representatives. Decisions over public forests and other natural resources should be made in a democratic manner, rather than in proportion to the interests of 'stakeholders' recognised by actors within line ministries or projects.

The RFGI case studies show that while all forest carbon and conservation programs studied aimed or claimed to represent local people's needs and aspirations in their decisions, these programs generated very little representation that might be called democratic. Why is this so? Why do project and program managers choose to circumvent elected local government? Given that the safeguards outlined in the Cancun Agreements do not call for representation, it is not a shock that representation does not result from their application. They call for conformity with the *status quo* and the favouring of the influential, defining them as 'stakeholders' and giving them stakes in decision-making proportional to their interests. Several other motives for choosing to avoid elected local governments also emerge from the studies. First, elected local governments are avoided due to ideological favouring of markets and privatisation (Ece, 2017). These lead to enclosures that remove public decisions from democratic institutions and shift them to the private domain (ranging from individuals and corporations to NGOs). Second, elected local governments are avoided due to collusion between forestry service or project authorities and wealthy actors involved in lucrative activities where democracy or elected local authorities might undermine wealthy elites (Ece, 2017; Faye, 2017). As we well know, democratic representation can result in redistribution – and the rich and powerful do not seem to want to give up their wealth and power. Third, elected local governments are avoided because many intervening environment and development agents believe that civil society and stakeholder approaches or customary authorities constitute democracy (Baruah, 2017; Faye, 2017; Mbeche, 2017; Nuesiri, 2017). While some of these processes or actors may represent people, they lack systematic accountability to the people as a whole (whom we consider to be the residents of the jurisdiction where the public resource resides) and therefore they are not democratic (Manin et al., 1999). Fourth, local government is avoided because democracy is a slow and laborious process that requires time and resources, making it an unlikely choice by the agents under pressure to implement forestry management or carbon programs. Fifth, given that many local people might object to the very programs being implemented, their inclusion and consultation may be inconvenient and threatening to the project personnel trying to make interventions – being that they are under great pressure to demonstrate success (Baviskar, 2004). A sixth reason is that many technical agencies and project experts feel that the decisions are technical and belong in their expert hands. So, technical necessity is often used as an excuse for centralising decisions with line ministries and project staff (Faye, 2017, Mbeche, 2017; Mitchell, 2002; Easterly, 2013).

Many intervening agents also believe that local governments are corrupt or inefficient, so they circumvent them (Chomba, 2017). This may be true, but if the same intervening agents tried to circumvent a corrupt local government in the United States or Europe, even to implement a park management project or build a playground, these agents would find themselves quickly incarcerated. It is not acceptable to circumvent government agencies just because (or

even if) they are corrupt. Many are corrupt (Bardhan, 1997). So are many corporations, NGOs, and chieftaincies (Ntsebeza, 2005; Temudo, 2015). Rather than circumventing corrupt local governments, it is incumbent on anyone wishing to intervene to work to make those governments more accountable and effective. Along these lines, Chomba (2017), working in Kenya where agencies judged local government to be corrupt, recommends that in the short run, REDD+ projects can work with local committees and community-based organisations, but should place them under the authority of elected governments (see Ribot, 2004). Integrating these institutions and decision making into elected local government – but establishing project-imposed checks and balances in the form of committee deliberations, public meetings, audits, and other public accountability mechanisms – would get communities involved and help them to learn critical lessons on how to articulate their needs to elected leaders and how to hold their leaders accountable. In the process, it would make these leaders relevant and worth holding to account.

Instituting democratic governance in the long run will require the implementers of REDD+ – and any other laws, programs, or projects – to entrust democratically elected local government with resources and discretionary powers. People will then learn to trust them when local governments have been made accountable through the normal politics and multiple accountability relations that ensure democratic practice. The RFGI¹ research presented in this chapter also produced guidelines for supporting local democratic processes while implementing natural resource interventions (Ribot, 2016; Barrow et al., 2015; Ribot, 2017). Despite the fact that there are many structural and political–economic obstacles to supporting elected local government, those guidelines can be boiled down to two words: choose democracy.

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For more information on RFGI and for the full set of RFGI case studies, see [https://www.jesseribot.com/Projects/RFGI---Responsive-Forest-Governance-Initiative-\(REDD%2B-and-Adaptation\)](https://www.jesseribot.com/Projects/RFGI---Responsive-Forest-Governance-Initiative-(REDD%2B-and-Adaptation)). This chapter first appeared as the introduction to a special issue of *Conservation and Society* (Ece, Murombedzi, & Ribot, 2017) and has been slightly modified to fit this current volume. It is reprinted here with permission of *Conservation and Society*.

Notes

- 1 The meaning of consent in FPIC has been debated since FPIC's origins in the drafting of the United Nations Declaration on the Rights of Indigenous Peoples. Uncertainties remain regarding the relationship between consultation and consent. In practice, the interpretation of 'consent' is decidedly

narrow. In 2000, the World Bank commissioned an independent report on extractive Industries to determine whether resource extraction aligns with the Bank's mission of poverty alleviation and sustainable resource use. The evaluation report argued for FPIC to empower communities with self-determination. However, the World Bank was concerned that 'consent' in FPIC would promote veto by individuals and groups, and opted instead for 'consultation' geared towards gaining the broad support of affected communities. FPIC differs from mere consultation in several important ways, but most significantly in the way decision-making authority is exercised and legitimated. Consultation requires only an exchange of information between project implementers and communities, but does not involve any transfers of powers. It does not require that information be exchanged or that final project decisions be based on the views and needs of the affected communities. Thus 'C' has effectively been re-interpreted to mean a duty to consult without the obligation to obtain consent. We contend that the objective of consultation must be to obtain FPIC Consent.

- 2 RFGI, directed by James Murombedzi, Jesse Ribot, Ebrima Sall, and Gretchen Walters, was a collaborative research and policy initiative of the Council for the Development of Social Science Research in Africa (CODESRIA), the International Union for the Conservation of Nature (IUCN), and the Social Dimensions of Environmental Policy (SDEP) program of the University of Illinois. For RFGI publications see [https://www.jesseribot.com/Projects/RFGI---Responsive-Forest-Governance-Initiative-\(REDD%2B-and-Adaptation\)](https://www.jesseribot.com/Projects/RFGI---Responsive-Forest-Governance-Initiative-(REDD%2B-and-Adaptation)). Accessed 22 February 2020.
- 3 Representation is the responsiveness of leaders to the people. Representation becomes democratic when that responsiveness is driven by accountability of those leaders to the people (Manin et al., 1999). Achieving responsiveness with accountability requires leaders who have powers to respond – that is, executive, legislative, and judicial powers backed by resources such as knowledge, finance, and bulldozers. It also requires citizens who have means to reward or punish, that is, to sanction or hold accountable, their empowered leaders. Sanctions can include elections or many other means – such as embeddedness of leaders in community, third-party monitoring, courts, information diffusion, threats of violence, shaming, etc. (see Ribot, 2004: Annex A; Agrawal & Ribot, 2012). Elections are important despite being systematically inadequate on their own (see Chomba, 2017). So, accountability can also be achieved without elections, although we see elections and the standard procedures of democratic government as an important way of legislating and institutionalising – making sustainable and geographically complete – democratic practices. Non-election-based systems can certainly be democratic – as long as there are means of accountability. But representation is not always democratic even when it is effective, appreciated, and viewed as legitimate. There are many systems in which people are well represented without accountability of leaders. These are systems in which the leaders are ideologically committed to being responsive to local needs and aspirations. We call this benign dictatorship. But, benign dictatorships of this nature are still not democracy and are always at risk of deviating from popular desire. Electoral systems are also at great risk of being undemocratic when they are poorly structured, lack powers to respond, and lack multiple accountability relations beyond elections.
- 4 Here, we focus mainly on the institutional aspects of organisations.
- 5 As in legal theory, we stop process tracing analysis of cause at the first recursive node of human will to identify what we would call an agent (Holmes, 2009). Further, in our framing objects do not have agency, thus we trace causality to human will; objects do not think and therefore cannot be responsible, while humans do think (Arendt, 2003). In this way, we avoid an infinitely looping analysis of the relation between agency and structure.
- 6 Rutt and Lund 2014 describe how projects choose civil society organisations based on their prior partners. They chose partners they know they can work with.
- 7 One complication to this scenario is that donor-recognised representatives can use the powers and means transferred to them to strengthen their client networks, or to use these means in a way to meet their constituents' needs and aspirations, in order to become locally legitimate.
- 8 This delegitimisation can, of course, weaken the entire democratic institution, or just its functioning in the domain of forestry.
- 9 Thomassen (2011) analyses the relationship between representation and recognition from the perspective of identity politics.
- 10 Transparency does not cure the widespread 'transparent corruption', corruption that is already visible to all.
- 11 <http://www.codesria.org/spip.php?article1247>; <https://www.iucn.org/theme/forests/our-work/locally-controlled-forests/responsive-forest-governance-initiative>; or [https://www.jesseribot.com/Projects/RFGI---Responsive-Forest-Governance-Initiative-\(REDD%2B-and-Adaptation\)](https://www.jesseribot.com/Projects/RFGI---Responsive-Forest-Governance-Initiative-(REDD%2B-and-Adaptation)).

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