



Recentralizing While Decentralizing: How National Governments Reappropriate Forest Resources

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Summary. — Decentralization initiatives have been launched in the majority of developing countries, but these rarely lay the foundations necessary to reach decentralization's purported efficiency and equity benefits. This paper uses a comparative empirical approach to show how central governments in six countries—Senegal, Uganda, Nepal, Indonesia, Bolivia, and Nicaragua—use a variety of strategies to obstruct the democratic decentralization of resource management and, hence, retain central control. Effective decentralization requires the construction of accountable institutions at all levels of government and a secure domain of autonomous decision making at the local level.

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1. INTRODUCTION

A prolonged period of institutional reforms has followed the fiscal crises of the developmental state in the 1980s, and the collapse of socialist economies since 1989. If one were to choose a single word to characterize the nature of institutional changes that governments have instituted across many different sectors, that word would likely be “decentralization.” The majority of national governments in Africa, Asia, and Latin America claim to have launched decentralization initiatives in policy arenas as diverse as development, environmental management, healthcare, welfare, education, and credit provision (OECD, 1997, p. 47). This article focuses on the environmental management sector via

forestry cases and examines institutional changes that six national governments have pursued: in Senegal, Uganda, Nepal, Indonesia, Bolivia, and Nicaragua. The article shows that these reforms are incomplete in many ways and identifies specific mechanisms through which decentralization reforms are attenuated. The two main strategies central governments use to undermine the ability of local governments to make meaningful decisions are (1) by limiting

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the kinds of powers that are transferred, and (2) by choosing local institutions that serve and answer to central interests.

Governments, donors, NGOs, and theorists typically defend decentralization reforms on grounds of improved efficiency, equity, and responsiveness of bureaucracies to citizen demands (Blair, 1998; Manor, 1999; Oates, 1972; Tiebout, 1956; Webster, 1992). The underlying logic is that local institutions have better knowledge of local needs, and, when endowed with powers, are more likely to respond to local aspirations. The belief in greater responsiveness is based on the assumption that local authorities have better access to information about their constituents, and are more easily held accountable by local populations. Transfer of significant powers and “downward accountability” of local authorities are thus central to this formula (Agrawal & Ribot, 1999; Ribot, 1995a, 1996). Decentralization advocates also believe that the greater efficiency and equity along with local people’s “ownership” of local decisions and projects will result in more effective local investments and management and ultimately in more socially and environmentally sustainable development.

But case studies of decentralization reforms suggest that the necessary institutional arrangements for the desired outcomes are rarely observed (Agrawal, 2001; Agrawal & Ribot, 1999; Larson & Ferroukhi, 2003; Ribot, 2002, 2003, 2004; Ribot & Larson, 2005). Most decentralization reforms are either flawed in their design, or encounter strong resistance from a variety of actors that erodes their effectiveness. We illustrate this observation by analyzing six different experiences of decentralization in the forestry sector. The cases we have selected are counted among the most important or innovative of efforts to decentralize. Our objective is to examine comparatively the structure and outcomes of decentralization in these critical cases in relation to the justifications advanced for pursuing them, and show how calculations of political-economic gains affect decentralization processes. We document how central governments—ministries and front line agents—often transfer insufficient and/or inappropriate powers, and make policy and implementation choices that serve to preserve their own interests and powers. Our comparative analysis suggests that fundamental aspects of decentralization, including discretionary powers and downwardly accountable representative authorities, are missing in practice.

This article is broadly empirical and comparative, identifying common patterns and regularities across diverse cases from three continents. Our case discussion contributes to a more informed theoretical discussion of the reasons for the failure of decentralization initiatives. To frame the presentation of our case studies, we first provide a working definition of decentralization, and outline the major justifications of decentralized decision making. The second part of the paper examines the main features of decentralization of forestry policy in the six cases, two each from Africa (Senegal and Uganda), Asia (Nepal and Indonesia), and Latin America (Bolivia and Nicaragua). In each case, we review articulated justifications of decentralization, the extent to which governments have actually decentralized decision making and other powers regarding the environment and natural resources, the actors who have come to gain new powers, and some observable social and environmental outcomes. The ensuing section draws on the case evidence to examine the attenuation of decentralization initiatives and maintenance of centralized control. We conclude by focusing on key factors that would make decentralization reforms more effective.

2. DEFINITIONS AND JUSTIFICATIONS OF DECENTRALIZATION

We define decentralization as any political act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy (see Mawhood, 1983; Smith, 1985). Devolving powers to lower levels involves the creation of a realm of decision making in which a variety of lower-level actors can exercise a certain degree of autonomy (Booth, 1985; Smoke, 1993). *Deconcentration* (or administrative decentralization)¹ is said to occur when powers are devolved to appointees of the central government in the local arena. In contrast, *political decentralization* (also called democratic decentralization)² involves the transfer of power to actors or institutions that are accountable to the population in their jurisdiction. Typically, elections are seen as the mechanism that ensures this accountability.

We propose a definition of political decentralization that treats local accountability and discretionary powers centrally. If local authorities, whether appointed or elected, are made

accountable to their superiors, the resulting reform can be termed *deconcentration*. This is because elections and funding arrangements are often structured so as to make elected officials upwardly accountable. When powers are transferred to lower-level actors who are downwardly accountable, even when they are appointed, the reform is tantamount to *political decentralization*. Critical to understanding the process, then, is an empirical examination of the structures of accountability in which actors are located (see Agrawal & Ribot, 1999).

The ability of accountable local authorities and governments to make and implement decisions is in some sense the key feature of any effective decentralization. This ability, which defines the responsiveness of local authorities, requires discretionary powers. Accountability or sanction beckons leaders to respond; responsiveness is a function of discretionary powers (see Ribot, 2004). If local governments always must seek approval from superiors before undertaking an action, their downward accountability and ability to respond are attenuated. Discretionary authority for local governments is an integral part of responsiveness in any decentralization reform. If central governments grant local governments the rights to make and implement decisions but in practice withhold resources or otherwise check local ability to do so, then discretionary powers have not been effectively transferred. As the ensuing case analyses will show, central governments may use many different strategies to obstruct the real transfer of power.

Decentralized institutions are viewed as likely to perform better on the criteria of efficiency and equity for several reasons. Local authorities are presumed to have better time- and place-specific information which lead to better-targeted policies and lower transaction costs (World Bank, 1997). Decentralization improves competition among jurisdictions and promotes greater political participation.³ By channeling greater benefits to local authorities and local peoples, decentralization is believed to provide incentives for local populations to maintain and protect local resources. Bringing government decision making closer to citizens, through decentralization, is widely believed to increase public-sector accountability and therefore effectiveness (Fox & Aranda, 1996; World Bank, 1997).

These arguments imply that the purported benefits of decentralization are achieved through the establishment “of democratic

mechanisms that allow local governments to discern the needs and preferences of their constituents, as well as provide a way for these constituents to hold local governments accountable to them” (Smoke, 1999, p. 10). When these downwardly accountable local authorities also have discretionary powers—that is, a domain of local autonomy—over significant local matters, there is good reason to believe that the positive outcomes suggested by the previous theories will follow (Agrawal & Ribot, 1999). We can infer, then, that if institutional arrangements include local authorities who represent and are accountable to the local population and who hold discretionary powers over public resources, then the decisions they make will likely lead to more efficient and equitable outcomes in comparison to the outcomes of decisions made by central authorities that are less representative or accountable.

Fundamentally, decentralization aims to achieve one of the central aspirations of just political governance—democratization, or the desire that humans should have a say in their own affairs.⁴ In this sense, decentralization is a strategy of governance to facilitate transfers of power closer to those who are most affected by the exercise of power. In the rest of the paper, we use “decentralization” as a shorthand for its political/democratic form.

3. CASE STUDIES OF DECENTRALIZATION/ RECENTRALIZATION IN THE FORESTRY SECTOR

A common narrative framework guides the following case descriptions of forest policy change so as to facilitate comparison. The exact presentation of the country case materials varies as a result of differences in timing and sequence of reforms, causal mechanisms, contextual factors, and identity of actors. Typically, however, the history and context of decentralization sets the stage for a brief examination of its origins and justifications. We then describe the nature of reforms by identifying the local actors receiving powers and reviewing the kinds of powers they acquired. Each case then discusses existing accountability mechanisms and provides available evidence about outcomes of reforms. The cases also describe the mechanisms through which the ability of local authorities to make decisions is undermined or limited. The process of reforms typically reveals central government

priorities that differ significantly from the rhetorical claims defending the need for decentralization. Only rarely do the cases provide evidence for the emergence of downwardly accountable local decision makers who are able to effectively exercise their powers.

We should add that the cases we have selected are not the only ones that could have helped make our point about limits on decentralization reforms and the mechanisms through which these limits are put in place. Studies in many other countries reveal similar findings.⁵ Nor did we select the cases with a view to cherry pick those that would best illustrate our argument. In significant measure, the selected cases are among the more important examples of decentralization in the developing world. Nepal, for example, is seen as a leader in initiating innovative decentralization reforms, after decades of experiments with different institutional arrangements. In the late 1990s and the early years of this century, Indonesia introduced among the most thoroughgoing decentralization of forest-governance-related decision making to the district level. Ironically, the level of decentralization is widely seen as being correlated with increased deforestation (Curran *et al.*, 2004). Uganda and Bolivia have been held up as shining examples of democratic decentralization by the international development community. The World Bank classifies Nicaragua among the Third World countries with the highest levels of “political decentralization” (Mearns, 2004). And, finally, Senegal is considered a beacon of African democracy with one of the longer-standing decentralization processes—starting in the 1970s.

(a) *Senegal: Decentralization to upwardly accountable local government*

For much of the previous century, commercial access to Senegalese forests was mediated through concessions and permits directly handed out by the government ministries and agencies responsible for forests (Ribot, 1995a). Local authorities had no rights in these matters. Senegal’s first forestry law to promote local “participation” was passed in 1993, aiming to integrate villagers into commercial forestry development, signaling a major change in past practices (RdS, 1993, 1994). The 1993 law specified that “the rights to exploit forests and forest lands in the national domain belong to the State which can exercise them directly or grant them to third parties [concessions to pri-

vate firms] or local collectives [elected local governments]” (RdS, 1993, p. 1). Specifying local collectives was a radical step forward. It gave elected Rural Councils the right to participate as concessionaires in forest exploitation and management.⁶

But, the conditions for participation gave rural councils little discretion. Rural councils could “participate” in the commercial exploitation of local forests if they agreed to implement imposed labors of forest management (a kind of participatory *corvée*). If they chose not to participate, they could or lose their forests to concessions (Ribot, 1995a).⁷ They had no right to choose to conserve their forests. Later in the decade, the Forest Service rewrote the forestry laws to conform with decentralization laws passed in 1996. The resulting 1998 forestry law “intends first to transfer to local elected authorities power to manage forests” (RdS, 1998, preamble). This progressive new law turned the situation around by decentralizing to the elected rural councils the right to stop production within their jurisdiction.

(i) *Actors involved in decentralization and their new powers*

The 1998 forestry code places the country’s nonreserve forests (called communal forests in this law) under the jurisdiction of the elected councils of Regions and Rural Communities.⁸ Under the 1998 law, the Rural Councils of the Rural Communities (the most-local level of government) gained the rights to: develop management plans for the forests within their jurisdictions; determine whether or not commercial exploitation will take place within their jurisdictions; determine who can exploit commercial forest resources within their jurisdiction⁹—if they develop management plans (if they do not, the law is ambiguous as to whether the forest service can allocate or sell exploitation rights to others);¹⁰ collect 70% of revenues from fines and the sale of products confiscated within their jurisdiction;¹¹ and add species to the protected species list.¹² The new code decentralizes significant authority by transferring commercial exploitation rights to the Region or Rural Council,¹³ and requiring approval of the President of the Rural Council before *any* exploitation can take place.

The new law gives the Forest Service and its agents the right to: determine whether a management plan or a work plan is valid within the specifications of the forest code; stop production if a plan does not conform to the forest

code; allocate all production, storage, and transport permits for commercial forest products; allocate professional licenses required for all commercial exploitation of wood or gum products; and give permission before rural councils or local producers can sell wood cut in forests under management plans and in non-managed forests.¹⁴ In contradiction to the new rights specified for the Rural Councils, the Forest Service can auction off plots within the forests of local collectivities.¹⁵ The Minister responsible for forests¹⁶ has the right to set tax levels for all forest exploitation and to allocate access to the National Forestry Fund—which is fed by income from auctions and the sale of commercial exploitation plots.¹⁷

(ii) *Powers devolved in practice*

By law, local elected authorities now have the right to say no to commercial production. They also have significant rights to allocate access to productive opportunities. But, in practice, they exercise neither of these prerogatives. Despite the 1998 code, the Minister and the Forest Service have retained almost all powers over commercial forestry decisions—they still decide how much production, where, when, and by whom. Quota setting and allocation and the allocation of licenses and permits are the critical functions that determine who benefits from commercial extraction. These functions remain with the Minister and the Forest Service.¹⁸

From its date of promulgation, the 1998 law required the forest service to transition within three years (by February 2001) from a quota fixed by the Forest Service and Minister in consultation with commercial merchants to a quota based on the estimated potential of each rural community forest based on an inventory done for the Rural Community's management plan (RdS, 1998, arts. L76, R66). The law states that after the initial three-year period, commercial production in nonmanaged areas (those areas not under a management plan in an area where the president of the rural council has signed) is illegal "except in exceptional and limited cases" (RdS, 1998, art. L77). These exceptional cases, however, remain the rule. As of mid-2005, only one forest was under a forest-serviced-ratified management plan. Several more had draft or experimental plans. All management plans were drafted with the assistance of international donor projects. Further, the code states that in all cases where exploitation or sale of forest products takes place in non-managed areas (without plans), preference is

to be given to the local populations (RdS, 1998, art. L78). In current practice, the vast majority of Rural Communities—all but one of which have nonmanaged forests—still have no say.¹⁹

In practice, the Forest Service and Ministry determine: a national charcoal production quota, where production will be permitted, when, and who has production rights. The quota is set well below urban demand, leaving a gap for the allocation of unofficial quotas that is later filled in by allocations made by the Minister and by the Forest Service or by front line forestry agents. For these actors, the difference between the quota and consumption represents a significant patronage resource. The official quota is divided up among commercial cooperatives and firms by the Minister with the council of the forest service and these (mostly urban-based) commercial actors. Representatives of the rural councils, including the Regional Council Presidents or their representatives are present in the official quota-fixing meeting, but they have no influence over its outcome. Their presence is consultative.²⁰ The Regional Council representatives are then asked to go back to the region and to call a meeting of Rural Council Presidents to "announce" the quota and its allocation—by cooperative, firm, and by Rural Community.²¹ Despite widespread local opposition to commercial production, the Rural Council Presidents all sign off and permit production to begin. This procedure is the inverse of the bottom-up process outlined in the 1998 law.

(iii) *Accountability and outcomes*

Legally, the Rural Council Presidents could refuse to allow for production in their jurisdictions. But none have done so despite that the rural populations are widely against production in their zone (Ribot, 1995b, 2000; Thiaw, 2002; Ribot & Thiaw, 2005). Interviews with rural council presidents revealed that they all feel compelled to sign off when the Forest Service asks them to. Councilors are members of their political party, elected on party slates.²² They appear to be accountable to the Forest Service and their political party, rather than the people who elected them. When asked why he did not exercise the rights he had under the new law, one rural council president explained: "the law is the state, the Forest Service is the state—what can we do?" Another gave an almost identical response, saying "the law is the state, the party is the state," and then threw

up his hands. Yet another council president, in an area where popular resistance to forest exploitation had led to violence, told us that he did not want to sign. He refused to sign for three weeks. Then, they “made me understand that it is better to sign.” He refused to explain this statement. The president of another Rural Community explained that he has never been consulted concerning the fixing of the charcoal quota, its distribution within his commune, or who could have permits. He said he just signed the papers because “I knew I had no choice.”²³

Forest Service agents felt very ambivalent about local management. The Regional Forest Inspector in Tambacounda explained: “the legislation says that the Rural Council can refuse charcoal producers. But, charcoal is a national good. It is a strategic resource that is important for the government. There will be marches in Dakar if there are shortages.”²⁴ There is, however, little risk of shortages since there are plenty of other areas charcoal could be produced—at worst, the price may go up. Further, it is easier to explain widespread forest service resistance to local management by examining the long history of practice and the politics of patronage, payoffs, and profit in the sector (Ribot, 1998). There are clearly vested interests in the political and material gains at every level of forest management and exploitation. It is harder to understand how local elected rural councilors, the national association of elected local authorities, international donors and their project personnel all tolerate or fall into line with the forest service and the party in power. By not screaming “foul” every day, they support—via denial—the gaping inconsistencies between forestry law and practice and between the spirit and practice of decentralization. These obvious but unspoken contradictions reflect strong upward accountability.

(b) *Uganda: Decentralized powers, disappearing territorial jurisdiction*²⁵

Uganda is widely cited as a model of decentralization in Africa (Bazaara, 2002a; Saito, 2000). During Uganda’s civil war (1981–86), the National Resistance Movement (NRM) set up a system of elected local governments called “Resistance Councils” (RCs). In 1987, after the NRM (now the ruling, and only, party) won the civil war, the Ugandan legislature gave the RCs official status as local governments (RoU, 1987). The 1993 Local

Governments (Resistance Councils) Statute,²⁶ the centrepiece of Uganda’s decentralization reforms, aimed “to increase local democratic control and participation in decision making, and to mobilize support for development which is relevant to local needs” (RoU, 1993).²⁷ In addition, the Ugandan constitution states that the decentralization of government functions and powers will be a guiding principle for the state, with the express purpose of ensuring people’s participation and democratic control in decision making (Muhereza, 2001, p. 3).

Uganda has a number of large forest areas. Following donor (mainly USAID) pressures, a large area of forests was transformed into national parks in 1991. Several of the new national parks are quite well known: Mt. Elgon, Kibale, Mgahinga, and Bwindi Impenetrable Forest National Park are examples. They serve as nature conservation reserves in which commercial logging is forbidden. In 1995, the Local Governments (Resistance Councils) Instrument of 1995 was amended so that all Forest Reserves with an area of more than 100 ha, mines, minerals, and water resources were defined as central government resources.²⁸ The amendment effectively centralized the management of all forest reserves.²⁹

(i) *Nature of powers devolved*

In 1998, the Forest Reserves (Declaration) Order divided forests into Central Forest Reserves (CFRs), the control of which was retained by the Central Government and Local Forest Reserves (LFRs) whose control was passed to the Local Governments.³⁰ The powers of Local Governments are limited to management and control functions in Local Forest Reserves.³¹ All CFRs are “protected” areas in which commercial activities are not permitted. In buffer zones around CFR, where commercial activities are permitted, the private sector, civil society organizations, and local governments can enter into co-management agreements at the discretion of the Forest Department.

The districts have powers to issue licenses for cutting, taking, working, or removal of forest produce from open land, that is not a central forest reserve. In addition, they can, with the approval of the minister, convert lands occupied by a community as a village forest. Village forests are controlled by people appointed by the local authorities, and the authority also has the right to make rules for using, protecting, and managing the forests within its

jurisdiction (Muhereza, 2001, p. 18). Revenues from these forests are part of the funds of local authorities, and are supposed to be used for community welfare. These powers were a result of the 1964 Forest Act. But all unallocated privileges, rights, title, interest, or easements in forest reserves, embodiments of absolute ownership, are vested in the central state.

About 70% of Uganda's forested area falls outside of parks and reserves (personal communications, Bill Fischer, DfID, 2001). Much of this area is *private forests* (Muhereza, 2001, p. 20). But nongazetted and nontitled lands, for the most part, are effectively in the "public domain." The Draft National Forestry and Tree Planting Bill (2002) has recognized this problem and permitted the creation of private natural or plantation forests in accordance with the 1998 Land Act.

(ii) *Mechanisms that limit local authority over forests*

The translation of the different pieces of legislation into practice opens up spaces for centralized control even in the context of rhetorical claims about decentralization. The case of Masindi District³² illustrates the point. Following the differentiation of the forest estate into central and local forest reserves in 1995, and a subsequent re-centralization of all forests designated as Central Forest Reserves, local authorities in Masindi became apprehensive about the loss of revenues from licenses, fees, fines, and other royalties generated from central reserves. Their apprehensions were not unfounded. The 1997 Local Government Act transferred management functions over local forest reserves to the District and Sub-county councils (Muhereza, 2003, p. 6). These 1998 Forest Reserves Order further restricted their functions by reducing Local Government territorial jurisdiction.

The order affected the management of 17 forests in Masindi that were re-classified as central forest reserves.³³ By May 2000, only two of the local forest reserves—Kirebe (49 ha) and Masindi Port (18 ha)—remained under district council jurisdiction. Six other local reserves were returned to the Kingdom of Bunyoro-Kitara in May 2000. In 2001, the Kingdom also gained the Masindi Port eucalyptus plantation, leaving only the Kirebe Forest to the Masindi District Council.³⁴ One new village forest was established in 1999 in Alimugonza village with the help of a USAID-funded conservation and development project. In 2002, the forest

still did not have clear rules of use and management and was being governed in an *ad hoc* fashion (Muhereza, 2001, pp. 17–19).

As the Masindi case illustrates, decentralization initiatives in Uganda have granted local government significant forest use and management powers, but often left them with virtually no forests. Centralization of some forests, privatization of others, commercial concessions over yet others, and slowness in the passage of rules to manage local forests have severely curtailed the territorial jurisdiction over which local authorities can exercise their decentralized power.³⁵

(iii) *Accountability and outcomes*

Muhereza also points out that many of the meaningful powers in commercial forestry were privatized or given to customary authorities—reducing the scope for public accountability (2003, p. 11). In the Bunyoro-Kitara Kingdom, the king appointed loyal elders to a "Cultural Trust" to manage the kingdom's forests. Since the Trust was accountable to the King, people living around the forests in question found their needs routinely ignored. Forest villagers expressed resentment in many ways, even going as far as burning trees in protest against greater limits on access to the forests (see also Bazaara, 2002b, p. 20).

The revenues of local authorities have increased to a significant extent in some parts of the country as they have gained rights over revenues from fees for reserves and commercial activities. The revenues of sub-counties have increased less since many sub-county councilors are not aware that they can gain a share of the revenues (Muhereza, 2003, pp. 21–22). But it is commercial groups who have gained significant power through privatization. Some of them have even been able to influence forest management policies in specific localities (Muhereza, 2003). It must also be noted that even when the laws and the forest service do not give local councils clear rights, decentralization reforms have emboldened local governments to contest policy. Bazaara (2002b, p. 15) describes local governments as being "locked in conflicts with the central government over who should wield the power to issue permits and what proportions of the resources generated from fees and taxes should go to the local government." Overall however, the discretionary powers of local governments remain low. Changes on paper have not been matched by on-the-ground realities, and subsequent legislation has often

served to undermine the extent of territorial control that local governments can exercise.³⁶

(c) *Nepal: Subsistence as the rationale for community forestry*

The kingdom of Nepal nationalized all Nepali forests in 1957 in a centralizing effort to control actions and outcomes related to forests. This assertion of control was cemented through a series of measures during 1961–70 when the state tried to curtail even the use rights of rural residents. In the absence of effective monitoring and enforcement systems, however, the new laws had perverse effects. They undermined existing local systems of management and led to widespread deforestation as people came to view forests as state property.³⁷ The overwhelming evidence of deforestation showed that the existing policy needed rethinking.

Today Nepal is often seen as a leader among developing countries in setting conservation goals and priorities, and creating progressive programs and legislation related to resource management and conservation (Heinen & Kattel, 1992). New steps toward decentralization of forest control began in the late 1970s. The precursors of current community forestry legislation were the *Panchayat* Forest Rules of 1978 and the Community Forestry program of 1980.³⁸ The limited conservation objectives of these initiatives were revised when the government realized that deforestation was approaching epidemic proportions. The pace of reforms accelerated with the widespread movement for democratization, and the restoration of democracy after 1990. The current framework for community forestry legislation is represented by the Master Plan for the Forestry Sector in 1989, the Forest Act in 1993, and the new Forest Regulations of 1995. Under the impact of these new pieces of legislation, the area of forests managed by local user groups and the number of these groups has increased exponentially. International donor NGOs and the funds they have made available for the pursuit of decentralized forestry in Nepal have been crucial to the new reforms.

(i) *Nature of the powers devolved*

The major objectives of the new legislation are to provide forests to willing community groups, especially in the hill areas, and establish and promote community plantations in open and degraded areas. The overall goal of decen-

tralization of forestry policy is to (1) reduce deforestation, (2) provide greater benefits to local users and managers, (3) reduce costs of administration, and (4) enhance participation by common Nepali villagers in the process of forest management.

The creation of local authorities to manage forests takes place with a significant involvement of the forest department. Community user group members are identified by the District Forest Officers. These user groups then prepare their own constitutions that govern day-to-day functioning and management. Following the demarcation of a forested area that can be handed over to a community, a 5-year operational plan is prepared for the forest. User groups frequently play a direct role in preparing and implementing the plan.³⁹ The District Forest Officer can hand over any part of a national forest to a user group in the form of a community forest, entitling it to develop, conserve, use, and manage the forest, and to sell and distribute forest products by independently fixing the price in the market. User groups can thus legally use their forests for subsistence, cultivating nontimber forest products, growing trees, and harvesting forest products for commercial processing and sale. Users are not permitted to clear the forest for agricultural purposes. But control over commercial profits from sale of timber products is already a major departure from forestry policies around the world.

Executive committees of 10–15 members are elected by the general membership of the Forest *Panchayat* Committees. They undertake most of the everyday tasks associated with the management of the community forest. These tasks include protection of the forest (either directly or by a guard the user groups appoints), allocation of both commercial and subsistence benefits from the forest, steps to improve the condition of vegetation cover, and sanctioning rule breakers. Rural residents in many areas have begun to generate substantial benefits from their community forests, including cash revenues. Revenues are not taxed, but user groups are required to spend 25% of all cash income on collective development activities.⁴⁰

(ii) *Accountability and outcomes*

The main mechanism of accountability of local decision makers to users is the election process through which committees are constituted. Elections are highly politicized. Many of the *panchayat* elections have been characterized by

political polarization and infighting among community-level decision makers.

By 1999, the new legislation had led to the formation of 8,500 community forest user groups comprising nearly a million households. These user groups were managing more than 6,200 sq kms of forests. This is about 10% of the total forest area of Nepal. Unofficial estimates of these numbers are even higher. New user groups are being formed at the rate of nearly 2000 a year and they are now active in 74 out of the 75 districts of Nepal. In some areas of Nepal hills, a slow reversal of earlier deforestation can also be witnessed (Mahapatra, 2000; Varughese, 2000).

Community-level decision makers are able to use all the products from their forests, buy and sell in markets, manage how the forest is to be used, and finally, change everyday rules for managing forests. In the Middle Himalaya in Nepal, where the Community Forestry Program is the most widespread, rural households have begun to rely on forests to a greater extent for their livelihoods. But a potential problem is the question of succession. At present most groups, mainly because they have been formed relatively recently, have the same leaders that were selected at the time of their creation. As the groups grow older, issues of who will lead the group, and how transitions will occur will become increasingly important.

(iii) *Mechanisms limiting local authority*

Although there has been widespread appreciation of the Nepalese effort to decentralize control over forests through its Community Forestry program, some significant problems have emerged since the late 1990s. The program has been implemented mostly in the middle hills of Nepal. The lower plains in the Terai region, which contain more valuable timber trees, have few forest *panchayat* committees, and the government seems not to have any intentions of extending the spatial scope of community forestry legislation.

An important development in Nepal community forestry is the emergence of a nationwide federation of community user groups (FECO-FUN or Federation of Community Forestry Users of Nepal), that seek to lobby the government on behalf of its members, and to disseminate information about community forestry more widely (Britt, 2000). It has already led active protests against government signals that users' rights to commercial profits from forests may not be available in the Terai region of

Nepal (because Terai forests are commercially more valuable). Indeed, efforts by the government to limit commercial use of community forest products to only the Hill regions of Nepal signify the limits of the willingness of forest departments to devolve control. They also demonstrate that, in the absence of influence at the national level, the ability of local user and manager groups can be limited quite easily. The presence of strong commercial interest in the valuable timber trees in the Terai has helped limit the extension of community forestry. Government hopes of foreign exchange and revenues from large timber harvesting companies operating in the region have meant that claims of communities to these same forests have found little attention among government officials.

(d) *Indonesia: The limits of regional autonomy*⁴¹

Decentralization of forestry policy in Indonesia has taken place in the context of a history of highly centralized commercial exploitation of forest resources, widespread demands for regional autonomy by various provinces, and the presence of many different actors competing for revenues from timber-rich forests. Recent legislation for decentralization is embodied in two main acts concerning regional governance and sharing of funds. Both these laws have come into force in the last two years and are beginning to have a profound impact on how different actors use and attempt to appropriate benefits from forests.

(i) *Main actors*

The main actors involved in decentralization are the central government and its agencies, regional governments and legislative bodies, and NGOs and media organizations. Decentralization of decision-making powers over forests has sought to include district-level municipalities rather than provincial governments as important partners because many provinces have made secessionist demands, and districts are seen as less likely to have separatist aspirations. Local capacity at the district level is limited.

Most of the decision-making authority for forests has been transferred to the districts rather than the provinces, based on the justification that district governments are closer to the people. Hence, they are seen as better placed to make decisions and provide public

services that would be in accordance with citizens' needs and aspirations. District leaders, *bupatis*, instead of reporting to provincial governments, are now elected by and accountable to local legislative assemblies, which have become more powerful. Changes have also occurred at the village level, with the creation of the Village Representative Body.

(ii) *Nature of powers transferred*

Some of the dynamics of reforms are easy to understand. The local bodies that have been empowered are uncertain about the permanence of their powers in light of the long history of centralized government. This is in part because of conflicting interpretations of the law. For example, it is not clear who actually has authority over which forests: article 7 of the 1998 Regional Governance law suggests that authority remains with the central government, while article 10 states that regions are authorized to manage natural resources within their territories. The ministry of forests has argued that local governments do not have the expertise or capacity to manage the country's forests. Clarifications outlined by the implementing regulation (no. 25/2000) have only set out the responsibilities of the provincial and central governments, the implicit assumption being that authorities beyond those mentioned in the regulation belong to district governments.

One of the most controversial powers handed over to district governments was the right to authorize small-scale (100 ha) logging licenses. The response by many local governments was to offer a proliferation of such licenses, even in areas where it was prohibited to do so, such as in the designated areas of large concessionaires. Protests by concessionaires led the Ministry of Forestry to repeal their earlier decision.

Indeed, many of these issues are still in the process of being clarified as provinces resist the stripping of their powers, central ministries contest the extent to which district authorities are autonomous, and district officials enter the process of transition toward a more decentralized political decision making.

The new decentralization laws have also expanded the regulatory functions and political powers of district authorities, and also enabled them to raise taxes to meet budgetary and development needs. Scores of district governments have come together to form an association called the APKASI⁴² to share information, improve communications, and

strengthen their position through the process of regional autonomy. For their part, provincial governments have also created a new organization called the APPSI with similar objectives at the provincial level. These associations take up various administrative issues in addition to forestry.

(iii) *Outcomes*

Sharing of revenues from natural resources has proved a highly contentious issue, especially in resource-rich regions with oil, gas, and forests. In contrast to the earlier revenue-sharing formula where the center retained 30% of revenues and 70% went to the provinces, the current legislation provides for 64% of revenues for the districts (with 32% for the producing district and the remaining 32% for other districts and towns in the province), 20% for the center, and only 16% for the provinces. Disputes also surround the allocation of the lucrative reforestation funds. Districts have complained about the amount they are allocated, the calculation of specific allocations, and delays in receiving their share of payments.

Decentralization reforms, in addition to producing disputes over revenue raising and allocation, have also generated new timber regimes at the district level. Districts have used their new authority to authorize small-scale concession permits and timber extraction and utilization rights, to charge taxes on goods transiting through their territory and on forest enterprises, and to attract new investment. The net result of contradictory laws and decrees is that each actor defends its position based on a different law. For example, despite the revocation of the power of district governments to issue 100-ha permits, some district governments have continued to issue them. Since the *bupatis* at the district level are no longer located in a hierarchy below provincial governors, lobbying by large concessionaires at the provincial level to limit the issuance of these permits has failed. These permits generate significant revenues, sometimes in the range of millions of dollars. In the race to gain as much revenue as possible in this uncertain period, it seems the goal of environmental conservation or forest protection is fast sliding into oblivion.

District authorities have little interest in forest conservation in comparison to their interest in expanding their income sources and increasing the level of funds to which they have access. They favor logging and deforestation even when illegal: these activities still provide

employment and generate second order growth. With legal rights to hand out logging concessions, they prefer enacting their preferences over the diffuse influence of conservation NGOs or conservation-minded officials. Protected areas represent a foregone opportunity for raising revenues. Since decentralization has for the most part helped local populations generate greater revenues through exploitation rather than conservation, it is difficult to see how it will lead to better protection. Conservation through decentralization to the districts faces major challenges: illegal logging, reclassification of land, and conversion to agriculture (Resosudarmo, 2002, p. 12).

The experience of decentralization as it has occurred until now suggests that additional monitoring capacity and regulatory agencies will be needed to convert the potentially higher protection capacity of local governments into greater protection. Decentralization has increased some tangible economic benefits to local communities, but only because of the mining of natural resources. Greater access of local groups to forests, higher revenues to district governments, and more authority to exercise decision-making powers have been achieved without adequate controls over what happens to forests and without any incentive structures that might encourage longer-term sustainable use and management patterns.

It is evident that decentralization in Indonesia has happened without sufficient upward or downward accountability. It is not surprising that district authorities feel neither the pressure to protect forests in accordance with guidelines laid down by higher authorities, nor to incorporate local preferences into their decisions, except those that encourage earning revenues from forest resources that have been off-limits to locals for decades.

(e) *Bolivia: The limits to popular pressure*⁴³

Bolivia has undertaken one of the most extensive decentralizations in Latin America (Ferroukhi, 2003). Reforms began in the mid-1980s under the auspices of an economic structural adjustment program, and were followed by policies aimed at shrinking the central government apparatus and promoting private investment. In the mid-1990s, the government passed the Popular Participation Law to institutionalize social participation as part of a broader process of municipal reform. Together, these policies led to the concurrent implementa-

tion of privatization, decentralization, and reforms to laws governing "strategic economic sectors" such as forestry.

The justification for this process was multi-fold. The goals included redistributing national resources more equitably and eliminating regional and social exclusion; promoting citizen participation regardless of social or ethnic background; and attacking poverty by improving conditions for economic growth and social investment at the local level.

The decentralization of forest management specifically was shaped by the increased political importance of local governments in general, and also provided a response to regional movements demanding local access to forests and timber royalties since the 1970s (Kaimowitz, Flores, Johnson, Pacheco, & Pavez, 2000). Perhaps most important for the central government, forestry reforms were aimed at making the sector more competitive.

(i) *Main actors*

The Popular Participation Law established the election of municipal representatives, expanded their legal jurisdiction from urban-only into surrounding rural areas and allocated 20% of the national budget to municipalities according to population.⁴⁴ This provision dramatically changed national resource distribution, since prior to the reform almost 92% of national spending went to the three largest cities alone. Nevertheless, the electoral process is mediated by national political parties which present all candidates. Hence, local people who want to run for office must negotiate with political party leaders, and elected officials may be more accountable to those leaders than to the electorate.

At the same time, reforms to forest and agrarian laws gave private landowners legal ownership of the trees and forest on their land. Indigenous people won the right to manage the resources located within their territories. Local forest user groups won the right to apply for local forest concession areas, and new mechanisms were established for citizen participation in local government.

(ii) *Nature of the powers transferred*

Municipal governments can now request the allocation of up to 20% of the total public forest in their jurisdiction to local user groups, which must be approved by the Ministry of Sustainable Development and Planning. While meeting the demand for forest access, this

mechanism also served to keep small-scale loggers, commonly known as “pirates,” out of forest concession and protected areas.

Municipal governments should receive 25% of the fees charged for concessions and clear-cutting. Changes from a volume- to an area-based fee structure for logging led to a decline in area under concessions from 21 million to 6 million ha (\$1 per hectare under concession per year), vastly increasing the area available for new concessions. All commercial logging requires a forest management plan, which must be approved by the Forest Superintendence (SF), which is also in charge of allocating concessions, collecting forest taxes, and controlling illegal logging. Local governments are expected to support the SF in the monitoring of logging activities and inspection of raw material supplies and processing. To undertake these activities, they are required to create municipal forestry units (UFMs), by hiring local foresters, which should provide services to local forest users particularly for the development of management plans.

(iii) *Outcomes and mechanisms of accountability*

Local organizations can register as territorially based grassroots organizations (OTBs), which then gives them the right to participate in municipal planning processes. To improve accountability, these OTBs may also elect a Vigilance Committee to oversee municipal management. In addition, municipal councils can remove mayors on an annual basis if they have performed poorly.

The actual implementation of these mechanisms and the outcome of these apparently fundamental shifts in local power relations have been varied. The allocation of public forest has moved slowly because of an overly bureaucratic process, particularly related to land titling and unresolved problems with overlapping indigenous, public and private land claims. The Forest Superintendence has authorized concessions on lands disputed by indigenous groups, though this is presumably illegal. And UFMs have done little more than attempt to delineate municipal reserves and negotiate the process by which those should be allocated to local groups.

The planning process has not been very participatory, in spite of the law, nor do vigilance committees always work in practice. Where they do, they tend to be biased toward urban interests or toward local political parties. Councilors often remove mayors for political

reasons, rather than based on their performance. The income generated from forest concessions, and hence the portion redistributed to municipalities, has dropped substantially because concessionaires refused to pay the established taxes.⁴⁵ Some of the resource management policies established by forestry laws create incentives for forest clearing, especially for smallholders, as well as problems for indigenous groups developing commercial operations. Chainsaw restrictions not only limit logging waste but also limit access to the forest by poor users. Forest management plans are cumbersome and expensive to prepare.

The failure to address fundamental land tenure issues has prevented local governments from clearly establishing the municipal reserves for local forest users. In other words, many local authorities have not been able to take advantage of the only area in which local governments have been devolved direct authority over forests. Agrarian conflicts have also been used as a justification to hold back part of the municipalities' share of royalty payments. One result of this, combined with the overall drop in fees, is that funds for UFMs have been too low, and many require NGO or project support to operate effectively.

On the other hand, though marginal groups have not always been able to take advantage of the opportunities provided by decentralization, in some cases small farmers and indigenous people have been voted into public office for the first time, and in others, though local elites are clearly dominant, they have been forced to take marginal groups and their interests into account. In addition, local governments have supported and helped win the negotiation of land claims for some marginalized local groups.

In the final analysis, however, though local governments in Bolivia have greater powers in forest management than ever before, forestry decentralization has been a top-down process that has left little room for local discretionary decision making. The central government still controls key decisions, such as the definition of forest resources rights and regulations, the allocation of concessions, and tax collection for forest uses. Local people and governments have had no input into the forest regulations themselves, which many claim are biased against them. Funding for UFMs is limited, and local governments have no say over the remaining 80% of public forests. The central government's priority appears to be large-scale

concessionaires, who perceive local governments as unfavorable to their interests.

Even in allocated forest reserve areas, local governments have limited room for autonomy. Pacheco (2004) concludes, "The legislation saw them as rule followers, not as rule makers, as mere agencies of implementation".

(f) *Nicaragua: A centralist government under donor and grassroots pressure*

Under President Daniel Ortega's Sandinista government, Nicaragua's new 1987 Constitution re-established the principle of municipal autonomy, eliminated in 1939, as well as direct election of local authorities, which have since taken place in 1990, 1996, and 2000. Since those first elections, municipal governments,⁴⁶ with important support from their civil society allies, have fought for, and won, an increasing degree of responsibility and power. The successes of this grassroots process were made possible in part by the concurrent implementation, particularly after 1990, of broad structural adjustment policies aimed at vastly reducing the state apparatus. A poorly defined "decentralization" was part of that process.

Decentralization in Nicaragua was initially promoted primarily by international donors. In broader terms, decentralization was seen as improving resource allocation, efficiency, accountability, and equity "by linking the costs and benefits of local public services more closely" (World Bank, 1988, p. 154). In particular, since Ortega's revolutionary government lost the national elections in 1990, decentralization in Nicaragua was presented by these donors, and later in the rhetoric of the new government and of civil society movements, as part of a broader process to increase popular participation and establish and strengthen post-revolutionary democracy.

(i) *Nature of the powers transferred*

With regard to natural resources and the environment, the 1997 Municipalities Law grants local governments the responsibility "to develop, conserve, and control the rational use of the environment and natural resources as the basis for the sustainable development of the Municipality and the country," as well as "responsibilities in all matters that affect" socioeconomic development, conservation, or natural resources in their jurisdiction (Law Nos. 40 and 261). These broad statements have been outlined more specifically in laws relating

to natural resources and protected areas, most of which require "coordination" with the appropriate line ministry and gives almost no discretionary authority to local governments.

The central government retains the right to create contracts for natural resource exploitation throughout the country; it is required only to solicit the local government's opinion and transfer to it 25% of the tax income from those contracts. But for several years, local government opinion was not always requested, and few municipalities were transferred the required funds. In addition, financial transfers from the national treasury to municipal governments were among the lowest in Central America up until 2003, representing less than 2% of the national budget. Most local governments that have begun to assume natural resource responsibilities have done so by applying taxes, fines, and fees (of which at least some are illegal) on resource-related activities.

In spite of their limited powers and funds, over half of the country's municipalities had formed Municipal Environmental Commissions (CAMs) as of mid-2003, comprised of central and local government and civil society representatives, to serve as advisory committees. A few of these have served as effective for to negotiate resource conflicts, develop municipal regulations, and monitor resource use, though many others exist only on paper. Some municipalities have opened technical offices, usually with the financial support of an NGO. Many have promoted fire prevention brigades during the season when peasants traditionally burn their fields prior to sowing. Still others have successfully challenged central government concessions, particularly in cases where grassroots actors and the local government unite.

Local governments are responsible for developing land use plans and many have also developed some kind of environmental plan. Several have written and passed comprehensive natural resource ordinances establishing local norms and rules for resource use. Nevertheless, it is not always clear which local norms are legally binding, or what mechanisms local governments have to enforce these ordinances.

(ii) *Outcomes and mechanisms of accountability*

Perhaps more important are the gains that local governments have won through political pressure and important civil society support (Larson, 2004). For example, in some municipalities, the Forestry Institute (INAFOR) no

longer issues permits for which the local government has given an unfavorable opinion, though legally that opinion is not binding. In 2003, the growing political pressure of the municipalities won the passage of the first municipal transfer law, guaranteeing 4% of the national budget in 2004, increasing gradually to 10% in 2010. On the other hand, a new forestry law passed in late 2003 appears less favorable. Though municipal representatives won the inclusion of several important clauses favorable to local governments when the bill was discussed before the floor vote, the implementing legislation decreed by the executive branch shortly thereafter, with apparently little consultation, was a clear attempt to block municipal participation. For example, it included very few mechanisms through which to institutionalize the required “coordination.”

The primary legal mechanism through which local people can hold their governments accountable is through elections, though the use of party lists limits alternatives (in 2000, the possibility of promoting local write-in candidates was removed and the legal requirements for establishing a political party were made extremely restrictive. This was the result of a pact between the country’s two most powerful parties). The municipal council is also required to hold two open meetings a year with constituents, principally to present budgets and hear local concerns, though these meetings do not always take place.

Other, more informal accountability mechanisms include the media and grassroots mobilization, such as blocking logging roads and in one instance, burning down a sawmill. Councilors can also request an investigation into the activities of the mayor, and in some cases these have been recalled for corruption, though perhaps more often they have given into pressure to resign. Public outcry, often from influential NGOs, has also promoted investigations of both mayors and line ministry officials. In particular, after years of public criticism, INAFOR was undergoing an extensive audit under a new director in late 2003, and numerous officials had been identified with corrupt or suspicious activities.⁴⁷

(iii) *Limits on local authority*

In the opinion of many local government officials, central authorities have only transferred natural resource burdens rather than benefits to the local level. Minimal budgets and lack of alternatives encourage municipalities to pro-

mote resource extraction in order to exact tax income. In addition, the laws are often unclear and contradictory and/or establish overlapping authority. Coordination with line ministries is minimal, with the latter usually simply setting the standard that local authorities are expected to follow. There are few, if any, institutional mechanisms through which local authorities can hold central government authorities accountable.

The central government’s priority is to create conditions favorable to private industry and investment. Where civil society or local governments are seen as a risk, because they may oppose extractive enterprises altogether or simply want a greater share of the benefits, their participation and authority is undermined. The way local government participation has developed in the forestry sector—where the role of local governments has largely involved duplicating rather than complementing the role of INAFOR⁴⁸—logging companies have complained of increased bureaucracy and costs. Hence, INAFOR’s response is again to minimize the local government’s role rather than transform it—which would require giving up its own power, benefits, and control over the process.

4. DISCUSSION: COMPROMISING DECENTRALIZATION REFORMS

The case analyses above show that the configuration of actors, powers, and accountability relations that may constitute an effective decentralization reform in the forestry sector is hard to find in practice (also see Agrawal & Ribot, 1999; Larson & Ribot, 2005; Ribot, 1999, 2004). The cases suggest that the political dynamics related to policy reforms play a crucial debilitating role in the divergence between the rhetorical claims for decentralization and the institutional changes that actually take place. Consider briefly the principal dynamics we have outlined. In Senegal, the 1998 decentralized forestry code enables local councils to determine whether or not commercial production takes place and to determine who can exploit the forests. But, the central government (the party, ministry responsible for the environment, and the forest service) forces councils to continue commercial production even against the expressed will of those who elected them.⁴⁹ Further, despite contrary provisions in Senegal’s new code, production quotas are still set

and allocated by central authorities who are using them to reward supporters of the new ruling party.⁵⁰ Local councilors appear primarily accountable to their political and administrative superiors.

In Uganda, changes in central government led to significant initial steps toward decentralization of authority. But the center reasserted control by severely curtailing the territorial jurisdiction of local authorities (also see the case of Mali, Agrawal & Ribot, 1999). With only insignificant areas of forests over which to exercise their newly gained power and governance functions, local governments remain disenfranchised—what is given by one law is taken back by other means. Some of them earned revenues at the beginning, but the gains were short-lived.

In Nepal, the government decentralized a variety of powers over forests in the Middle Himalayas. These forests were very important for the subsistence needs of villagers. But the government was unwilling to decentralize control over *terai* forests that contain commercially valuable timber. The presence of international corporate timber interests that were willing to provide lucrative revenues to the national government reduces the likelihood of transfer of control over commercial revenues. Again, decentralization has remained incomplete in terms of the resources of local governments, and the areas of forests they control.

In Indonesia, the national state undertook decentralization reforms in the context of increasing demands for regional autonomy from the provinces. To undercut the ability of the provinces to raise revenues from sale of valuable timber resources, it created thoroughgoing legal instruments that empower district-level authorities. It has installed mechanisms of accountability that further weaken provincial executive authority by making district executive authorities horizontally accountable to legislative assemblies at the same level rather than upwardly accountable to provincial authorities or downwardly accountable to their constituents. The multiple, competing, and sometimes violently conflicting claims over forests in the entire country, eviscerate the ability of any authority to protect timber. The politics of national cohesion has undermined any environmental public goods that new decentralization policies supposedly produce.

In Bolivia, the institutional framework of decentralization was shaped by a combination of economic and political forces. Municipal

governments were given the right to allocate the use of 20% of local public forests, but do not have any say over the rest. The forest service maintains tight controls over all logging through strict regulations that discriminate against smaller-scale loggers. The central government has dragged its feet in addressing land-tenure conflicts and has also ignored legal prohibitions and granted concessions in disputed areas. Likely the government's primary goal, forestry reforms did increase competitiveness and free up vast new areas for concessions. The decentralization of *some* forest management, then, is the result of an effort broadly aimed at pacifying long-held local demands over resource control as well as stopping illegal incursions into concession areas (Pacheco, pers. comm.).

In Nicaragua, the central government was never as committed to decentralization as international donors, municipal governments, or civil society. Verbal support notwithstanding, the process throughout the 1990s consisted of deconcentration and privatization. Decentralization was consistently obstructed in numerous ways. Under a highly centralist president who was in power through the end of the last decade, the government maintained its control over commercial forest resources not only to increase government revenues but also the personal incomes of high-level officials with ties to both legal and illegal logging.

It is clear, then, that in many of the cases, the underlying reasons for the initiation and implementation of decentralization reforms are quite different from the stated objectives and goals of reforms. While the ostensible reason to pursue decentralization lies in greater efficiency, more-thoroughgoing equity, and more-democratic local participation, it is political-economic calculations and pressures that actually prompt—and thus shape—reforms (Agrawal, 1999). In Indonesia and Uganda, decentralization was designed at least in part to undermine provincial secessionist movements and political leaders whose goals were at cross-purposes with those of central-level actors.

In Senegal, Nepal, Bolivia, and Nicaragua, donor pressures played an important role in initiating decentralization reforms. Donors have been far less effective in ensuring adequate implementation of transfer of powers because neither donors nor governments want close supervision of the reform process. In Indonesia and Nepal, central governments wanted to use decentralization as a means to promote indus-

trialization based on forest products at least as much as they wanted to empower local governments. Such differences between intent and practice account in significant part for the divergence between the positive rhetoric that defends the launching and implementation of decentralization and the negative experiences one encounters on the ground.

The cases highlight the specific mechanisms that central governments use to limit the scope of reforms and ensure that outcomes of reforms will not threaten existing political authority. These specific mechanisms can be grouped into two structural types. The first concerns the kinds of powers that local actors gain and the constraints on these powers; the second concerns the type of local actors who gain powers, and the accountability relations within which they are located (Ribot, 2003; Ribot & Oyono, 2005).

(a) *Powers and constraints*

Our case studies show that even seemingly comprehensive decentralization reforms are constrained. Among the most important limits on local authority is the lack of control over raising or spending significant levels of revenues, or deciding about the fate of high-valued resources. That is, few local governments have the right to allocate revenue-rich commercial rights to exploit forests; more often, they gain the power to allocate commercially irrelevant use rights for products such as fodder and non-commercial firewood. Where they have rights to a share in timber revenues, gaining access to the local share, which usually passes through centrally controlled funds, is typically cumbersome. Central governments seldom give up control over the allocation of lucrative opportunities, even when central expertise is unnecessary for such allocation (Bazaara, 2003; Fairhead & Leach, 1996). Transfers of revenues from parks and natural resources fees sometimes seem to be an exception to the rule that central governments are averse to giving up control over commercial revenues. But it should be kept in mind that these fees usually represent a small fraction of resource profits, even if they comprise significant amounts of income for poorly funded local governments. And, in practice, we often find that central governments fail to return the local share in its entirety, or do so after significant time lags (Larson, 2002).

Decentralizations are also constrained by the lack of information provided to local govern-

ments about the new reforms. This compromises their ability to make demands on the central government and also their capacity to manage resources effectively. In Nicaragua, for example, where logging contracts are managed by the state Forestry Institute, municipal councils are often unaware of the number and extent of logging operations operating in their jurisdictions. But municipal governments may also be unaware of their rights and responsibilities—a problem compounded by the lack of legal clarity. Indeed, if municipal governments are sometimes unaware of their rights, the same is even truer for local populations. In Senegal, few villagers even know that local leaders can make decisions over forests (Ribot, 2004). Such lack of information makes a mockery of accountability even where local leaders are democratically elected.

The problem of lack of resources at the local level is compounded by the extent to which local governments typically get saddled with new responsibilities and tasks—the odium of management. The devolution of management responsibilities without corresponding funds to carry them out is common (Larson, 2002; Ribot, 1995a). Unfunded mandates and failure to turn over mandated funds means that management tasks, instead of helping increase the discretionary powers of local governments, reduce their ability to undertake even those tasks that they had been carrying out prior to decentralization.

Central governments limit the scope of powers they transfer by instituting new patterns and systems of oversight, such that local authorities need permissions and clearances before their decisions can be implemented. Local powers over forest resources are often so highly circumscribed by supervision, or pre-determined through management planning requirements, that they hardly remain a “power.” Instead of establishing a field of local discretion, central guidelines create new controls over implementation.

Spatial limitations on the jurisdiction of local authorities are another major way in which the effects of decentralization reforms are contained. All natural resources are located in space. By controlling the amount of space or territory over which local authorities can exercise even extensive powers, and effectively, it becomes possible to control the extent of decentralization. This is exactly what a number of governments have done in the cases we have described. While local authorities, as in

Uganda, may have great powers over forests in the “local domain,” the local domain may not contain much forest. In Bolivia this domain is limited to 20% of public forests, in Nepal to the less-lucrative forests of the middle hills; and in Indonesia to 100 ha concessions (over which several local authorities may have a claim). Control over the remaining territory is usually retained by the central government. In other words, in those cases where local governments can exercise real powers, we find that their powers apply only to very small areas of forests or to low valued products from forests.

Finally, central governments limit the ability of local authorities to exercise power by either creating ambiguity in their reforms, or by exploiting ambiguities inherent in all policy measures. Lack of legal clarity or a requirement that the local authority should coordinate its decisions with higher-level officials make it easy for central departments and ministries to maintain control and ignore local government input. Legal ambiguities also make it very difficult for a local governments to act because it may be taken to task for having undertaken an illegal action (Larson, 2002).

On a case-by-case basis, the limitations on local powers that we describe may be seen as deviations or aberrations. But their presence across the different cases, and the similar effects that produce for local governments suggests that the story is not that simple. Rather than representing technical failures of adjustment in newly developed decentralization frameworks, they seem to be intentional, even if not self-conscious, mechanisms to serve the interests of those who are already in control.

(b) *Actors and accountability*

Another set of limitations on the effectiveness of decentralization reforms can be attributed to the nature of the local authorities that come to exercise decentralized powers, and, in particular, their accountability relations. In the name of decentralization, powers are transferred to representative local governments, local administrative bodies of the central state, elected or appointed single-sector or single-purpose authorities or committees, NGOs, customary authorities or private organizations or individuals. But if the fruits of decentralization depend on the extent to which these local bodies are accountable, competitive, participatory, or well informed, then surely the identity of the local authority makes a significant difference. Customary

authorities, NGOs, appointed officials, and private organizations are not elected and may not be particularly accountable (Ribot, 2004). Certain groups may encourage participation, but more often they do not. Some are no better informed than central governments about locality-specific information. There is no reason to suppose that such local authorities, when they gain powers to make decisions, will perform well. But most importantly, the degree to which the empowerment of any of these local actors constitutes decentralization depends on the degree to which they are accountable to local populations.

In all of the case studies presented here, some management authority has been transferred to elected local bodies, although this is not the case in many other countries. This may, in fact, be one of the reasons that these six cases count among and stand out as examples of democratic decentralization, even if we find that the practice of decentralization does not meet its promise.

One important problem is that, though the electoral process certainly establishes a degree of accountability, the depth of accountability relations depends on the type of elections and the extent to which they are competitive and regular. In Nicaragua, Bolivia, Indonesia, and Senegal, local government officials are not elected as individuals but by party slate. In Uganda as well, local government candidates are selected by higher-level political leaders. Hence, elected leaders are at least as—if not more—upwardly accountable to these officials as they are downwardly accountable to local constituents. With the dissolution of democracy in Nepal, the local level electoral process has been severely compromised. In addition, even where other accountability mechanisms exist, such as the vigilance committees in Bolivia, they do not work in practice if marginalized groups are unable to take advantage of them.

In any event, given the newness of the decentralization reforms we have discussed, and the frequent lack of familiarity of local populations with the electoral process, a full sense of accountability will emerge only as elections become institutionalized. The rough “two-changes-of-power rule” may apply as well to local elections—if so, there is little reason to suppose that, at this point in time, elections constitute a meaningful accountability mechanism. As the case studies show, other mechanisms of accountability that might supplement electoral ones—such as ombudsmen, active

media reporting, and effective judiciaries—are typically absent from the contexts we have described.

5. CONCLUSION

Decentralization reforms are being attenuated via insufficient power transfers and inappropriate local institutional arrangements. The choice of powers and of institutional arrangements form the basis of central government actions that compromise the process of decentralization in practice. Our comparative analysis of the complex ways in which decentralization reforms have unfolded across six countries, reveals the combinations of mechanisms that various interested actors use to undermine decentralization reforms. The analysis shows that the political-economic context of decentralization cannot be ignored. Our study also raises doubts about the underlying intentions of central government officials and politicians when they claim to decentralize and simultaneously provide arguments that justify the slow pace of decentralization. Such arguments reflect a lack of faith in the capacities of the very people who are supposed to be empowered by decentralization reforms.

There may be some truth in arguments about lack of local capacity, absence of technical expertise to govern forests, and low levels of financial aptitude at the local level. But these arguments also seem to be more than a little self-serving. After all, the “science” of forestry in practice is often not so much science as much as a complex collection of bureaucratic procedures that can confuse the most capable of silvicultural experts. In any case, technical experts can be hired or consulted (one need not be a mechanic to drive a car), if necessary, were local government to have access to sufficient financial resources. And finally, the record of central governments in managing finances or forests is scarcely one that elicits admiration.

At the same time, the case descriptions we have provided implicitly show that the central state is not a monolithic actor. While some elements within the state pursue decentralization policies, others find their interests better served by resistance to decentralization. Indeed, the politics inherent in decentralization reforms means that alliances among different political actors can be formed across administrative levels of the state, and that actors at the same level—central, provincial, or local—are not

necessarily united by a common set of interests (Agrawal, 1999). In this sense our comparative study of six cases illustrates the need for more careful attention to the many rivalries that set different groups within the state apart from each other. The literature on decentralization can gain important insights from institutional ethnographies of the decentralizing state. It is also important to note that resistance to decentralization comes from outside the government as well (see Ribot, 2004; Ribot & Oyono, 2005). NGOs and donors, by steering away from the local government and emphasizing private and “civil society” institutions, can encourage institutional choices that compromise the establishment of the local democratic institutions that are the basis of effective decentralization.

To sum up, our case studies show clearly that the experiments in decentralization of forest-related decision making have not yet taken root, let alone bore fruit. We see that central governments, regardless of official rhetoric, policy, and legislation, erect imaginative obstacles in the path of decentralized institutions and choices. However, decentralization reforms may be made more comprehensive by attending to four important issues. The first step is to *be aware* of the ways in which specific arguments and mechanisms are used to compromise democratic decentralization, and to recognize that the real reasons behind those arguments and mechanisms are not the ones being stated.

Second, “downwardly accountable institutions” should be constructed at various levels of government. Mechanisms of accountability go beyond the electoral process. Multiple accountability mechanisms—providing information and enabling sanction—can be applied. At a minimum, they should include “information sharing” across governmental levels and with the general population, and *civic education* of local peoples and authorities so that people know what they can demand—what they can hold local authorities accountable for—and so local authorities know what they can offer (see Ribot, 2004).

Third, accountable local officials should possess *discretionary powers* that offer a secure domain of autonomous decision making, and funding that allows these decisions to be implemented. Those powers, and the limits to them, should not be seen as simple technocratic or scientific judgments, but rather recognized as political decisions (Bazaara, 2003). Hence, a “broadly participatory political-institutional

process” should be constructed through which such decisions could be debated.

Finally, in order to overcome central government resistance, “broad coalitions” that bring together a diversity of interest groups from different sectors of society and government could provide an effective institutional

forum for the promotion of democratic decentralization. Such coalitions could help counter-balance the centralizing tendencies of national governments, and as such might serve as important political allies for the long-term development of a real, democratic decentralization.

NOTES

1. “Bureaucratic decentralization” is another name for deconcentration. See Rolla (1998). Adamolekun (1991) points out that deconcentration often takes place in the name of decentralization. The two need not however be confused.

2. See Manor (1999) and Blair (1998). When governments cede powers to nonstate bodies such as private individuals or corporations, the process can be termed *privatization*, and we do not consider it decentralization. When, under governmental supervision, powers and specific responsibilities are allocated to public corporations or any other special authorities outside of the regular political-administrative structure, it is called *delegation*.

3. See Breton (1996), Tiebout (1956), and Oates (1972). Webster (1992) is only one of the later figures to argue that decentralization can be seen as a means by which the state can be more responsive, more adaptable, to regional and local needs than is the case with a concentration of administrative powers.

4. Agrawal (1999). Several authors (Nzouankeu, 1994; Souza, 1996) discuss the relationship between decentralization and democracy.

5. See Ribot and Larson (2005) for cases from Mongolia, China, Brazil, India, Indonesia, Bolivia, Cameroon, South Africa, and Nicaragua. Ribot (2004) extracts from the above cases along with cases from Senegal, Mali, Uganda, and Zimbabwe. Also see Mapedza and Mandondo (2002) on Zimbabwe, Bazaara (2003), and Muhereza (2003) on Uganda, Ferroukhi and Echeverría (2003) on Guatemala, and Vallejo (2003) on Honduras.

6. The 1993 code that was designed to make forest management more “participatory” is thus the inclusion of local governments as *possible* recipients of forest use permits. RDS, “Projet de Decret Portant Code Forestier (Partie Reglementaire)” (Ministere de l’Environnement et de la Protection de la Nature, 1994, p. 1).

7. The state practiced a double standard in that the rural councils were obligated to manage forests following detailed management plans while the commercial

concessionaires did not have to conduct follow up work. Further, the councils could not sell to anyone other than the commercial concessionaires who held professional licenses. See Ribot (1995a, forthcoming).

8. Regional and Rural Councils govern these levels of local government, with the Rural Community being the most-local unit.

9. They can engage individuals or any legally recognized group to exploit forests. Individuals, cooperatives, corporations, and interest groups recognized by the government can apply to rural councils for permission to work in commercial forestry.

10. RdS (1998). Art. R29 allows the forest service to allocate the third parties. It is not clear in what cases this right applies.

11. The fiscal incentives here are perverse. Rural Councils have no right to tax the resource. Local councils can only profit from the control of illegal legal activities—which will give it an incentive to have illegal activities in its jurisdiction. If the council cleans up illegalities, it loses its income.

12. RdS (1998). Code Forestier, Loi No. 98/03 du 8 Janvier 1998, Décret No. 98/164 du 20 Février 1998. Ministère de l’Environnement et de la Protection de la Nature, Direction des Eaux, Forêts, Chasse et de la Conservation des Sols. Art. L7, L8, L10–17, L74, L77; and R63, R66. Also see art. R29 which contradicts some of these new powers.

13. There is no discussion of how the relevant level is determined, however, the only two levels mentioned in the code are the Region and the Rural Community.

14. After an initial three-year period from the enactment of the forestry code, commercial production in nonmanaged areas is illegal “except in exceptional and limited cases” which can be authorized by the director of the Forest Service. RdS (1998, art. L77). At present these exceptional instances represents the vast majority of

- cases (personal communications with forest service agents and projects in Senegal).
15. This disposition is ambiguous. It is not clear from the code whether they need permission from the PCR to do so. See *RdS* (1998, art. R29).
 16. The ministry has changed names several times.
 17. Access to the National Forestry Fund will be defined by ministerial decree (*RdS*, 1998, art. L6).
 18. Observations based on field research and numerous interviews of foresters, rural councilors and rural council presidents, ministry of environment agents, forestry merchants, woodfuel wholesalers, and donors in Senegal during 2002–4.
 19. Interviews with rural councilors in 2003.
 20. Personal communication with a participant in last November's meeting. This participant, who wishes to be anonymous, mentioned that several merchants objected to the distribution of quotas, but were ignored. Also see *Bà* (2006).
 21. Personal communications with the deputy to the President of the Regional Council of Tambacounda, and interviews with rural council presidents in the Tambacounda Region, November 2003.
 22. Senegal's rural councils who receive most of the newly transferred powers are elected. These elections, however, do not make the councils representative of nor accountable to local populations. Candidates for Rural Councils can only be presented for election by nationally registered political parties. The role of political parties in local government needs more in depth examination. See *Cowan* (1958, p. 221). This is not a new phenomenon. A villager (in Koumpentoum, June 1994) explained that the Councilors are chosen by Deputies in the National Assembly. Deputies choose people based on those who support them in their elections—"The Councils are chosen by the parties" (*Ribot*, 1999). *Hesseling* (n.d., p. 17) writes, based on her research in Senegal in 1983, that councils "... are at times nothing more than sections of the Socialist Party [the party in power at the time]..." Indeed, in 1994, the ruling Socialist Party dominated over 300 of Senegal's 317 rural councils. Elections in Senegal are structured to create upwardly accountable rural councils.
 23. Personal communication, November 2003.
 24. Personal communication, M. Faye. November 2003.
 25. The research for this case was conducted and written up by *Muhereza* (2003).
 26. The Local Government (Resistance Councils) Statute, 1993, *Uganda Gazette* No. 55, Vol. LXXXVI, December 31, 1993.
 27. *Bazaara* (2002b) explains this decentralization as the result of attempts to resolve regional conflicts and pressure from the World Bank, IMF, and other programs.
 28. Correspondence from Mr. E.D. Olet, Commissioner for Forestry, to all District Forest Officers, April 26, 1995, Statutory Instrument 1995, No. 2; The Forest Reserves (Declaration) Order of 1998 (Statutory Instrument No. 63), Statutory Instruments Supplement No. 23 of 11 September 1998.
 29. Local Governments (Resistance Councils) (Amendment of Second Schedule) (No. 2) Instrument of 1995.
 30. Statutory Instrument No. 63 of 1998 revoked the Forest Reserves (Declaration) Order of 1968 or Statutory Instrument No. 176 of 1968.
 31. Section 5(i) of the 1964 Forest Act.
 32. Although many of the dynamics found in this district are reported elsewhere, generalizations are always subject to caution and qualification. We present the information from this case to show how it is possible to manipulate decentralization-related legislation.
 33. The Forest Department provided for some revenue sharing and forest uses with local populations under a pilot scheme for comanagement. In Masindi, collaborative forest management is occurring in some communities around the Budongo Central Forest Reserve.
 34. Ironically, the National Forest Authority (which replaced the Forest Department in 1998) reduced their staff in 2000, crippling their ability to manage forest resources effectively (*Muhereza*, 2003, p. 7).
 35. A similar story unfolded in Mali where the government gave new powers to local authorities but almost no territorial jurisdiction over which to exercise the newly granted powers (*Ribot*, 1999).
 36. *Muhereza* (2003, p. 33) points out that not all outcomes may be attributable uniquely to decentralization policies since many other socio-economic changes are also ongoing in Uganda.

37. Arnold and Campbell "Collective Management," pp. 440–444.
38. Literally, a *panchayat* in rural south Asia refers to a decision-making collective or council of five persons. Many government regulations for rural organization building seek to empower such informally existing bodies, or to create them *de novo*. The actual membership of the council, usually an odd number, can comprise up to nine persons.
39. As with any policy of this kind, the manner of implementation of the law is sometimes more arbitrary and less participatory than it is at other times. A 1995 study of 419 "chairpersons" of forest committees uncovered that "most of them did not know if they were members of a forest committee, or what they were expected to do" (Britt, 2000, p. 22).
40. There is an initiative currently under consideration to tax the revenue that user groups obtain under this program; see Mahapatra, 2000, pp. 7–8.
41. Based on Resosudarmo (2005).
42. APKASI is the Asosiasi Pemerintah Kabupaten Seluruh Indonesia (or, the Association of Regency Governments of Indonesia); APPSI is the Asosiasi Pemerintah Provinsi Indonesia (or, Association of Provincial Governments of Indonesia).
43. Unless otherwise stated, the information provided here was taken from Pacheco (2002, 2003), and forthcoming. The Bolivian study is based on the analysis of 12 lowland municipalities with humid and semi-humid tropical forests.
44. Previously "municipal government" referred to urban area government. The term is now used interchangeably with "local government" to refer to the entire urban–rural district, which is called a municipality.
45. In response to their protest, the law was reformed in 2003 to reduce the fee of \$1 per hectare per year to cover only the area being logged annually.
46. As in Bolivia, the municipality encompasses both the urban and rural area in a single district, and municipal government here is used interchangeably with local government.
47. The Forestry Institute has been in turmoil for several years, in part due to heavy questioning by citizens and the media. A new director hired in late 2003 has finally begun a serious attack on internal corruption (see, e.g., *La Prensa* January 10, 2004 and January 22, 2004).
48. Local governments have issued their opinion based on site visits, which are still also undertaken by INAFOR; the two institutions do not always coordinate.
49. Senegal's previous "participatory" code produced an image of local inclusion under a system that effectively allowed the forest service to mobilize local labor in a kind of "participatory corvée" (Ribot, 1995a).
50. Interviews with charcoal merchants 2003.

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