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# Recentralizing while Decentralizing: How National Governments Reappropriate Forest Resources

JESSE C. RIBOT

*World Resources Institute, Washington, DC, USA*

ARUN AGRAWAL

*University of Michigan, MI, USA*

and

ANNE M. LARSON \*

*Center for International Forestry Research, Managua, Nicaragua*

**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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**Key words** — decentralization, natural resource management, forestry, local government, accountability, democratization

## 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

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51 limiting the kinds of powers that are trans-  
52 ferred, and (2) by choosing local institutions  
53 that serve and answer to central interests.

54 Governments, donors, NGOs, and theorists  
55 typically defend decentralization reforms on  
56 grounds of improved efficiency, equity, and  
57 responsiveness of bureaucracies to citizen de-  
58 mands (Blair, 1998; Manor, 1999; Oates,  
59 1972; Tiebout, 1956; Webster, 1992). The  
60 underlying logic is that local institutions have  
61 better knowledge of local needs, and, when en-  
62 dowed with powers, are more likely to respond  
63 to local aspirations. The belief in greater  
64 responsiveness is based on the assumption that  
65 local authorities have better access to informa-  
66 tion about their constituents, and are more eas-  
67 ily held accountable by local populations.  
68 Transfer of significant powers and “downward  
69 accountability” of local authorities are thus  
70 central to this formula (Agrawal & Ribot,  
71 1999; Ribot, 1995a, 1996). Decentralization  
72 advocates also believe that the greater efficiency  
73 and equity along with local people’s “owner-  
74 ship” of local decisions and projects will result  
75 in more effective local investments and manage-  
76 ment and ultimately in more socially and envi-  
77 ronmentally sustainable development.

78 But case studies of decentralization reforms  
79 suggest that the necessary institutional arrange-  
80 ments for the desired outcomes are rarely ob-  
81 served (Agrawal, 2001; Agrawal & Ribot,  
82 1999; Larson & Ferroukhi, 2003; Ribot, 2002,  
83 2003, 2004; Ribot & Larson, 2005). Most decen-  
84 tralization reforms are either flawed in their de-  
85 sign, or encounter strong resistance from a  
86 variety of actors that erodes their effectiveness.  
87 We illustrate this observation by analyzing six  
88 different experiences of decentralization in the  
89 forestry sector. The cases we have selected are  
90 counted among the most important or innova-  
91 tive of efforts to decentralize. Our objective is  
92 to examine comparatively the structure and out-  
93 comes of decentralization in these critical cases  
94 in relation to the justifications advanced for  
95 pursuing them, and show how calculations of  
96 political-economic gains affect decentralization  
97 processes. We document how central govern-  
98 ments—ministries and front line agents—often  
99 transfer insufficient and/or inappropriate pow-  
100 ers, and make policy and implementation  
101 choices that serve to preserve their own interests  
102 and powers. Our comparative analysis suggests  
103 that fundamental aspects of decentralization,  
104 including discretionary powers and down-  
105 wardly accountable representative authorities,  
106 are missing in practice.

This article is broadly empirical and compar- 107  
ative, identifying common patterns and regu- 108  
larities across diverse cases from three 109  
continents. Our case discussion contributes to 110  
a more informed theoretical discussion of the 111  
reasons for the failure of decentralization initia- 112  
tives. To frame the presentation of our case 113  
studies, we first provide a working definition 114  
of decentralization, and outline the major justi- 115  
fications of decentralized decision making. The 116  
second part of the paper examines the main fea- 117  
tures of decentralization of forestry policy in 118  
the six cases, two each from Africa (Senegal 119  
and Uganda), Asia (Nepal and Indonesia), 120  
and Latin America (Bolivia and Nicaragua). 121  
In each case, we review articulated justifications 122  
of decentralization, the extent to which govern- 123  
ments have actually decentralized decision 124  
making and other powers regarding the environ- 125  
ment and natural resources, the actors 126  
who have come to gain new powers, and some 127  
observable social and environmental outcomes. 128  
The ensuing section draws on the case evidence 129  
to examine the attenuation of decentralization 130  
initiatives and maintenance of centralized con- 131  
trol. We conclude by focusing on key factors 132  
that would make decentralization reforms more 133  
effective. 134

## 2. DEFINITIONS AND JUSTIFICATIONS 135 OF DECENTRALIZATION 136

We define decentralization as any political 137  
act in which a central government formally 138  
cedes powers to actors and institutions at lower 139  
levels in a political-administrative and territo- 140  
rial hierarchy (see Mawhood, 1983; Smith,  
141 1985). Devolving powers to lower levels in- 142  
volves the creation of a realm of decision mak- 143  
ing in which a variety of lower-level actors can 144  
exercise a certain degree of autonomy (Booth,  
145 1985; Smoke, 1993). *Deconcentration* (or  
146 administrative decentralization)<sup>1</sup> is said to oc- 147  
cur when powers are devolved to appointees 148  
of the central government in the local arena. 149  
In contrast, *political decentralization* (also 150  
called democratic decentralization)<sup>2</sup> involves 151  
the transfer of power to actors or institutions 152  
that are accountable to the population in their 153  
jurisdiction. Typically, elections are seen as 154  
the mechanism that ensures this accountability. 155

We propose a definition of political decen- 156  
tralization that treats local accountability and 157  
discretionary powers centrally. If local authori- 158  
ties, whether appointed or elected, are made 159

160 accountable to their superiors, the resulting re- 216  
161 form can be termed *deconcentration*. This is be- 217  
162 cause elections and funding arrangements are 218  
163 often structured so as to make elected officials 219  
164 upwardly accountable. When powers are trans- 220  
165 ferred to lower-level actors who are down- 221  
166 wardly accountable, even when they are 222  
167 appointed, the reform is tantamount to *political* 223  
168 *decentralization*. Critical to understanding the 224  
169 process, then, is an empirical examination of 225  
170 the structures of accountability in which actors 226  
171 are located (see Agrawal & Ribot, 1999). 227

172 The ability of accountable local authorities 228  
173 and governments to make and implement deci- 229  
174 sions is in some sense the key feature of any 230  
175 effective decentralization. This ability, which 231  
176 defines the responsiveness of local authorities, 232  
177 requires discretionary powers. Accountability 233  
178 or sanction beckons leaders to respond; respon- 234  
179 siveness is a function of discretionary powers 235  
180 (see Ribot, 2004). If local governments always 236  
181 must seek approval from superiors before 237  
182 undertaking an action, their downward 238  
183 accountability and ability to respond are atten- 239  
184 uated. Discretionary authority for local govern- 240  
185 ments is an integral part of responsiveness in 241  
186 any decentralization reform. If central govern- 242  
187 ments grant local governments the rights to 243  
188 make and implement decisions but in practice 244  
189 withhold resources or otherwise check local 245  
190 ability to do so, then discretionary powers have 246  
191 not been effectively transferred. As the ensuing 247  
192 case analyses will show, central governments 248  
193 may use many different strategies to obstruct 249  
194 the real transfer of power.

195 Decentralized institutions are viewed as likely 249  
196 to perform better on the criteria of efficiency and 250  
197 equity for several reasons. Local authorities are 251  
198 presumed to have better time- and place-specific 252  
199 information which lead to better-targeted poli- 253  
200 cies and lower transaction costs (World Bank, 254  
201 1997). Decentralization improves competition 255  
202 among jurisdictions and promotes greater polit- 256  
203 ical participation.<sup>3</sup> By channeling greater bene- 257  
204 fits to local authorities and local peoples, 258  
205 decentralization is believed to provide incentives 259  
206 for local populations to maintain and protect lo- 260  
207 cal resources. Bringing government decision 261  
208 making closer to citizens, through decentraliza- 262  
209 tion, is widely believed to increase public-sector 263  
210 accountability and therefore effectiveness (Fox 264  
211 & Aranda, 1996; World Bank, 1997).

212 These arguments imply that the purported 265  
213 benefits of decentralization are achieved 266  
214 through the establishment “of democratic 267  
215 mechanisms that allow local governments to 268

discern the needs and preferences of their con- 216  
stituents, as well as provide a way for these con- 217  
stituents to hold local governments accountable 218  
to them” (Smoke, 1999, p. 10). When these 219  
downwardly accountable local authorities also 220  
have discretionary powers—that is, a domain 221  
of local autonomy—over significant local mat- 222  
ters, there is good reason to believe that the po- 223  
sitive outcomes suggested by the previous 224  
theories will follow (Agrawal & Ribot, 1999). 225  
We can infer, then, that if institutional arrange- 226  
ments include local authorities who represent 227  
and are accountable to the local population 228  
and who hold discretionary powers over public 229  
resources, then the decisions they make will 230  
likely lead to more efficient and equitable out- 231  
comes in comparison to the outcomes of deci- 232  
sions made by central authorities that are less 233  
representative or accountable. 234

Fundamentally, decentralization aims to 235  
achieve one of the central aspirations of just 236  
political governance—democratization, or the 237  
desire that humans should have a say in their 238  
own affairs.<sup>4</sup> In this sense, decentralization is 239  
a strategy of governance to facilitate transfers 240  
of power closer to those who are most affected 241  
by the exercise of power. In the rest of the pa- 242  
per, we use “decentralization” as a shorthand 243  
for its political/democratic form. 244

### 3. CASE STUDIES OF 245 DECENTRALIZATION/ 246 RECENTRALIZATION IN THE 247 FORESTRY SECTOR 248

A common narrative framework guides the 249  
following case descriptions of forest policy 250  
change so as to facilitate comparison. The exact 251  
presentation of the country case materials var- 252  
ies as a result of differences in timing and se- 253  
quence of reforms, causal mechanisms, 254  
contextual factors, and identity of actors. Typ- 255  
ically, however, the history and context of 256  
decentralization sets the stage for a brief exam- 257  
ination of its origins and justifications. We then 258  
describe the nature of reforms by identifying 259  
the local actors receiving powers and reviewing 260  
the kinds of powers they acquired. Each case 261  
then discusses existing accountability mecha- 262  
nisms and provides available evidence about 263  
outcomes of reforms. The cases also describe 264  
the mechanisms through which the ability of lo- 265  
cal authorities to make decisions is undermined 266  
or limited. The process of reforms typically 267  
reveals central government priorities that differ 268

269 significantly from the rhetorical claims defend- 323  
 270 ing the need for decentralization. Only rarely 324  
 271 do the cases provide evidence for the emergence 325  
 272 of downwardly accountable local decision mak- 326  
 273 ers who are able to effectively exercise their 327  
 274 powers. 328

275 We should add that the cases we have se- 329  
 276 lected are not the only ones that could have 330  
 277 helped make our point about limits on decen- 331  
 278 tralization reforms and the mechanisms 332  
 279 through which these limits are put in place. 333  
 280 Studies in many other countries reveal similar 334  
 281 findings.<sup>5</sup> Nor did we select the cases with a 335  
 282 view to cherry pick those that would best illus- 336  
 283 trate our argument. In significant measure, the 337  
 284 selected cases are among the more important 338  
 285 examples of decentralization in the developing 339  
 286 world. Nepal, for example, is seen as a leader 340  
 287 in initiating innovative decentralization re- 341  
 288 forms, after decades of experiments with differ- 342  
 289 ent institutional arrangements. In the late 1990s 343  
 290 and the early years of this century, Indonesia 344  
 291 introduced among the most thoroughgoing 345  
 292 decentralization of forest-governance-related 346  
 293 decision making to the district level. Ironically, 347  
 294 the level of decentralization is widely seen as 348  
 295 being correlated with increased deforestation 349  
 296 (Curran *et al.*, 2004). Uganda and Bolivia have 350  
 297 been held up as shining examples of democratic 351  
 298 decentralization by the international develop- 352  
 299 ment community. The World Bank classifies 353  
 300 Nicaragua among the Third World countries 354  
 301 with the highest levels of “political decentral- 355  
 302 ization” (Mearns, forthcoming). And, finally, 356  
 303 Senegal is considered a beacon of African 357  
 304 democracy with one of the longer-standing 358  
 305 decentralization processes—starting in the 359  
 306 1970s. 360

307 (a) *Senegal: Decentralization to upwardly* 348  
 308 *accountable local government* 349

309 For much of the previous century, commer- 350  
 310 cial access to Senegalese forests was mediated 351  
 311 through concessions and permits directly 352  
 312 handed out by the government ministries and 353  
 313 agencies responsible for forests (Ribot, 354  
 314 1995a). Local authorities had no rights in these 355  
 315 matters. Senegal’s first forestry law to promote 356  
 316 local “participation” was passed in 1993, aim- 357  
 317 ing to integrate villagers into commercial for- 358  
 318 estry development, signaling a major change 359  
 319 in past practices (RdS, 1993, 1994). The 1993 360  
 320 law specified that “the rights to exploit forests 361  
 321 and forest lands in the national domain belong 362  
 322 to the State which can exercise them directly or

grant them to third parties [concessions to pri- 323  
 vate firms] or local collectives [elected local gov- 324  
 ernments]” (RdS, 1993, p. 1). Specifying local 325  
 collectives was a radical step forward. It gave 326  
 elected Rural Councils the right to participate 327  
 as concessionaires in forest exploitation and 328  
 management.<sup>6</sup> 329

But, the conditions for participation gave 330  
 rural councils little discretion. Rural councils 331  
 could “participate” in the commercial exploita- 332  
 tion of local forests if they agreed to implement 333  
 imposed labors of forest management (a kind 334  
 of participatory corvée). If they chose not to 335  
 participate, they could or lose their forests to 336  
 concessions (Ribot, 1995a).<sup>7</sup> They had no right 337  
 to choose to conserve their forests. Later in the 338  
 decade, the Forest Service rewrote the forestry 339  
 laws to conform with decentralization laws 340  
 passed in 1996. The resulting 1998 forestry 341  
 law “intends first to transfer to local elected 342  
 authorities power to manage forests” (RdS, 343  
 1998, preamble). This progressive new law 344  
 turned the situation around by decentralizing 345  
 to the elected rural councils the right to stop 346  
 production within their jurisdiction. 347

(i) *Actors involved in decentralization and their* 348  
*new powers* 349

The 1998 forestry code places the country’s 350  
 nonreserve forests (called communal forests in 351  
 this law) under the jurisdiction of the elected 352  
 councils of Regions and Rural Communities.<sup>8</sup> 353  
 Under the 1998 law, the Rural Councils of the 354  
 Rural Communities (the most-local level of 355  
 government) gained the rights to: develop man- 356  
 agement plans for the forests within their juris- 357  
 dictions; determine whether or not commercial 358  
 exploitation will take place within their juris- 359  
 dictions; determine who can exploit commercial 360  
 forest resources within their jurisdiction<sup>9</sup>—if 361  
 they develop management plans (if they do 362  
 not, the law is ambiguous as to whether the for- 363  
 est service can allocate or sell exploitation 364  
 rights to others);<sup>10</sup> collect 70% of revenues 365  
 from fines and the sale of products confiscated 366  
 within their jurisdiction;<sup>11</sup> and add species to 367  
 the protected species list.<sup>12</sup> The new code 368  
 decentralizes significant authority by transfer- 369  
 ring commercial exploitation rights to the Re- 370  
 gion or Rural Council,<sup>13</sup> and requiring 371  
 approval of the President of the Rural Council 372  
 before *any* exploitation can take place. 373

The new law gives the Forest Service and its 374  
 agents the right to: determine whether a 375  
 management plan or a work plan is valid within 376  
 the specifications of the forest code; stop 377

378 production if a plan does not conform to the  
 379 forest code; allocate all production, storage,  
 380 and transport permits for commercial forest  
 381 products; allocate professional licenses required  
 382 for all commercial exploitation of wood or gum  
 383 products; and give permission before rural  
 384 councils or local producers can sell wood cut  
 385 in forests under management plans and in non-  
 386 managed forests.<sup>14</sup> In contradiction to the new  
 387 rights specified for the Rural Councils, the For-  
 388 est Service can auction off plots within the for-  
 389 ests of local collectivities.<sup>15</sup> The Minister  
 390 responsible for forests<sup>16</sup> has the right to set  
 391 tax levels for all forest exploitation and to allo-  
 392 cate access to the National Forestry Fund—  
 393 which is fed by income from auctions and the  
 394 sale of commercial exploitation plots.<sup>17</sup>

#### 395 (ii) *Powers devolved in practice*

396 By law, local elected authorities now have the  
 397 right to say no to commercial production. They  
 398 also have significant rights to allocate access to  
 399 productive opportunities. But, in practice, they  
 400 exercise neither of these prerogatives. Despite  
 401 the 1998 code, the Minister and the Forest Ser-  
 402 vice have retained almost all powers over com-  
 403 mercial forestry decisions—they still decide  
 404 how much production, where, when, and by  
 405 whom. Quota setting and allocation and the  
 406 allocation of licenses and permits are the criti-  
 407 cal functions that determine who benefits from  
 408 commercial extraction. These functions remain  
 409 with the Minister and the Forest Service.<sup>18</sup>

410 From its date of promulgation, the 1998 law  
 411 required the forest service to transition within  
 412 three years (by February 2001) from a quota  
 413 fixed by the Forest Service and Minister in con-  
 414 sultation with commercial merchants to a quo-  
 415 ta based on the estimated potential of each  
 416 rural community forest based on an inventory  
 417 done for the Rural Community's management  
 418 plan (RdS, 1998, arts. L76, R66). The law states  
 419 that after the initial three-year period, commer-  
 420 cial production in nonmanaged areas (those  
 421 areas not under a management plan in an area  
 422 where the president of the rural council has  
 423 signed) is illegal "except in exceptional and lim-  
 424 ited cases" (RdS, 1998, art. L77). These excep-  
 425 tional cases, however, remain the rule. As of  
 426 mid-2005, only one forest was under a forest-  
 427 serviced-ratified management plan. Several  
 428 more had draft or experimental plans. All man-  
 429 agement plans were drafted with the assistance  
 430 of international donor projects. Further, the  
 431 code states that in all cases where exploitation  
 432 or sale of forest products takes place in non-

433 managed areas (without plans), preference is  
 434 to be given to the local populations (RdS,  
 435 1998, art. L78). In current practice, the vast  
 436 majority of Rural Communities—all but one  
 437 of which have nonmanaged forests—still have  
 438 no say.<sup>19</sup>

439 In practice, the Forest Service and Ministry  
 440 determine: a national charcoal production quo-  
 441 ta, where production will be permitted, when,  
 442 and who has production rights. The quota is  
 443 set well below urban demand, leaving a gap  
 444 for the allocation of unofficial quotas that is la-  
 445 ter filled in by allocations made by the Minister  
 446 and by the Forest Service or by front line fore-  
 447 stry agents. For these actors, the difference be-  
 448 tween the quota and consumption represents a  
 449 significant patronage resource. The official quo-  
 450 ta is divided up among commercial cooperat-  
 451 tives and firms by the Minister with the  
 452 council of the forest service and these (mostly  
 453 urban-based) commercial actors. Representa-  
 454 tives of the rural councils, including the Regional  
 455 Council Presidents or their representatives  
 456 are present in the official quota-fixing meeting,  
 457 but they have no influence over its outcome.  
 458 Their presence is consultative.<sup>20</sup> The Regional  
 459 Council representatives are then asked to go  
 460 back to the region and to call a meeting of Rural  
 461 Council Presidents to "announce" the quota  
 462 and its allocation—by cooperative, firm, and by  
 463 Rural Community.<sup>21</sup> Despite widespread local  
 464 opposition to commercial production, the Rural  
 465 Council Presidents all sign off and permit  
 466 production to begin. This procedure is the in-  
 467 verse of the bottom-up process outlined in  
 468 the 1998 law.

#### 469 (iii) *Accountability and outcomes*

470 Legally, the Rural Council Presidents could  
 471 refuse to allow for production in their jurisdic-  
 472 tions. But none have done so despite that the  
 473 rural populations are widely against production  
 474 in their zone (Ribot, 1995b, 2000; Thiaw, 2002;  
 475 Thiaw & Ribot, 2003). Interviews with rural  
 476 council presidents revealed that they all feel  
 477 compelled to sign off when the Forest Service  
 478 asks them to. Councilors are members of their  
 479 political party, elected on party slates.<sup>22</sup> They  
 480 appear to be accountable to the Forest Service  
 481 and their political party, rather than the people  
 482 who elected them. When asked why he did not  
 483 exercise the rights he had under the new law,  
 484 one rural council president explained: "the  
 485 law is the state, the Forest Service is the  
 486 state—what can we do?" Another gave an al-  
 487 most identical response, saying "the law is the

488 state, the party is the state,” and then threw up  
489 his hands. Yet another council president, in an  
490 area where popular resistance to forest exploi-  
491 tation had led to violence, told us that he did  
492 not want to sign. He refused to sign for three  
493 weeks. Then, they “made me understand that  
494 it is better to sign.” He refused to explain this  
495 statement. The president of another Rural  
496 Community explained that he has never been  
497 consulted concerning the fixing of the charcoal  
498 quota, its distribution within his commune, or  
499 who could have permits. He said he just signed  
500 the papers because “I knew I had no choice.”<sup>23</sup>

501 Forest Service agents felt very ambivalent  
502 about local management. The Regional Forest  
503 Inspector in Tambacounda explained: “the leg-  
504 islation says that the Rural Council can refuse  
505 charcoal producers. But, charcoal is a national  
506 good. It is a strategic resource that is important  
507 for the government. There will be marches in  
508 Dakar if there are shortages.”<sup>24</sup> There is, how-  
509 ever, little risk of shortages since there are  
510 plenty of other areas charcoal could be pro-  
511 duced—at worst, the price may go up. Further,  
512 it is easier to explain widespread forest service  
513 resistance to local management by examining  
514 the long history of practice and the politics of  
515 patronage, payoffs, and profit in the sector (Ri-  
516 bot, 1998). There are vested interests in the  
517 political and large material gains at every level  
518 of forest management and exploitation. It is  
519 harder to understand how local elected rural  
520 councilors, the national association of elected  
521 local authorities, international donors and their  
522 project personnel all tolerate or fall into line  
523 with the forest service and the party in power.  
524 By not screaming “foul” every day, they sup-  
525 port—via denial—the gaping inconsistencies  
526 between forestry law and practice and between  
527 the spirit and practice of decentralization.  
528 These obvious but unspoken contradictions re-  
529 flect strong upward accountability.

530 (b) *Uganda: Decentralized powers, disappearing*  
531 *territorial jurisdiction*<sup>25</sup>

532 Uganda is widely cited as a model of decen-  
533 tralization in Africa (Bazaara, 2002a; Saito,  
534 2000). During Uganda’s civil war (1981–86),  
535 the National Resistance Movement (NRM)  
536 set up a system of elected local governments  
537 called “Resistance Councils” (RCs). In 1987,  
538 after the NRM (now the ruling, and only,  
539 party) won the civil war, the Ugandan legisla-  
540 ture gave the RCs official status as local gov-  
541 ernments (RoU, 1987). The 1993 Local

542 Governments (Resistance Councils) Statute,<sup>26</sup>  
543 the centrepiece of Uganda’s decentralization re-  
544 forms, aimed “to increase local democratic con-  
545 trol and participation in decision making, and  
546 to mobilize support for development which is  
547 relevant to local needs” (RoU, 1993).<sup>27</sup> In  
548 addition, the Ugandan constitution states that  
549 the decentralization of government functions  
550 and powers will be a guiding principle for the  
551 state, with the express purpose of ensuring peo-  
552 ple’s participation and democratic control in  
553 decision making (Muhereza, 2001, p. 3).

554 Uganda has a number of large forest areas.  
555 Following donor (mainly USAID) pressures,  
556 a large area of forests was transformed into na-  
557 tional parks in 1991. Several of the new na-  
558 tional parks are quite well known: Mt. Elgon,  
559 Kibale, Mgahinga, and Bwindi Impenetrable  
560 Forest National Park are examples. They serve  
561 as nature conservation reserves in which com-  
562 mercial logging is forbidden. In 1995, the Local  
563 Governments (Resistance Councils) Instrument  
564 of 1995 was amended so that all Forest Re-  
565 serves with an area of more than 100 ha, mines,  
566 minerals, and water resources were defined as  
567 central government resources.<sup>28</sup> The amend-  
568 ment effectively centralized the management  
569 of all forest reserves.<sup>29</sup>

(i) *Nature of powers devolved* 570

571 In 1998, the Forest Reserves (Declaration)  
572 Order divided forests into Central Forest Re-  
573 serves (CFRs), the control of which was re-  
574 tained by the Central Government and Local  
575 Forest Reserves (LFRs) whose control was  
576 passed to the Local Governments.<sup>30</sup> The pow-  
577 ers of Local Governments are limited to man-  
578 agement and control functions in Local  
579 Forest Reserves.<sup>31</sup> All CFRs are “protected”  
580 areas in which commercial activities are not  
581 permitted. In buffer zones around CFR, where  
582 commercial activities are permitted, the private  
583 sector, civil society organizations, and local  
584 governments can enter into co-management  
585 agreements at the discretion of the Forest  
586 Department.

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

597 within its jurisdiction (Muhereza, 2001, p. 18).  
 598 Revenues from these forests are part of the  
 599 funds of local authorities, and are supposed  
 600 to be used for community welfare. These pow-  
 601 ers were a result of the 1964 Forest Act. But all  
 602 unallocated privileges, rights, title, interest, or  
 603 easements in forest reserves, embodiments of  
 604 absolute ownership, are vested in the central  
 605 state.

606 About 70% of Uganda's forested area falls  
 607 outside of parks and reserves (personal commu-  
 608 nications, Bill Fischer, DfID, 2001). Much of  
 609 this area is *private forests* (Muhereza, 2001, p.  
 610 20). But nongazetted and nontitled lands, for  
 611 the most part, are effectively in the "public do-  
 612 main." The Draft National Forestry and Tree  
 613 Planting Bill (2002) has recognized this prob-  
 614 lem and permitted the creation of private natu-  
 615 ral or plantation forests in accordance with the  
 616 1998 Land Act.

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

619 The translation of the different pieces of leg-  
 620 islation into practice opens up spaces for cen-  
 621 tralized control even in the context of  
 622 rhetorical claims about decentralization. The  
 623 case of Masindi District<sup>32</sup> illustrates the point.  
 624 Following the differentiation of the forest estate  
 625 into central and local forest reserves in 1995,  
 626 and a subsequent re-centralization of all forests  
 627 designated as Central Forest Reserves, local  
 628 authorities in Masindi became apprehensive  
 629 about the loss of revenues from licenses, fees,  
 630 fines, and other royalties generated from cen-  
 631 tral reserves. Their apprehensions were not un-  
 632 founded. The 1997 Local Government Act  
 633 transferred management functions over local  
 634 forest reserves to the District and Sub-county  
 635 councils (Muhereza, 2003, p. 6) These 1998  
 636 Forest Reserves Order further restricted their  
 637 functions by reducing Local Government terri-  
 638 torial jurisdiction.

639 The order affected the management of 17 for-  
 640 ests in Masindi that were re-classified as central  
 641 forest reserves.<sup>33</sup> By May 2000, only two of the  
 642 local forest reserves—Kirebe (49 ha) and Mas-  
 643 indi Port (18 ha)—remained under district  
 644 council jurisdiction. Six other local reserves  
 645 were returned to the Kingdom of Bunyoro-  
 646 Kitara in May 2000. In 2001, the Kingdom also  
 647 gained the Masindi Port eucalyptus plantation,  
 648 leaving only the Kirebe Forest to the Masindi  
 649 District Council.<sup>34</sup> One new village forest was  
 650 established in 1999 in Alimugonza village with  
 651 the help of a USAID-funded conservation

and development project. In 2002, the forest  
 still did not have clear rules of use and manage-  
 ment and was being governed in an *ad hoc*  
 fashion (Muhereza, 2001, pp. 17–19).

As the Masindi case illustrates, decentraliza-  
 tion initiatives in Uganda have granted local  
 government significant forest use and manage-  
 ment powers, but often left them with virtually  
 no forests. Centralization of some forests, priv-  
 atization 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.<sup>35</sup>

(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 ex-  
 pressed 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 in-  
 creased to a significant extent in some parts of  
 the country as they have gained rights over re-  
 venues from fees for reserves and commercial  
 activities. The revenues of sub-counties have in-  
 creased 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 signif-  
 icant power through privatization. Some of  
 them have even been able to influence forest  
 management policies in specific localities (Muh-  
 ereza, 2003). It must also be noted that even  
 when the laws and the forest service do not give  
 local councils clear rights, decentralization re-  
 forms 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 pro-  
 portions 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

707 realities, and subsequent legislation has often  
708 served to undermine the extent of territorial  
709 control that local governments can exercise.<sup>36</sup>

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

712 The kingdom of Nepal nationalized all Nepa-  
713 li forests in 1957 in a centralizing effort to con-  
714 trol actions and outcomes related to forests.  
715 This assertion of control was cemented through  
716 a series of measures during 1961–70 when the  
717 state tried to curtail even the use rights of rural  
718 residents. In the absence of effective monitoring  
719 and enforcement systems, however, the new  
720 laws had perverse effects. They undermined  
721 existing local systems of management and led  
722 to widespread deforestation as people came to  
723 view forests as state property.<sup>37</sup> The over-  
724 whelming evidence of deforestation showed that  
725 the existing policy needed rethinking.

726 Today Nepal is often seen as a leader among  
727 developing countries in setting conservation  
728 goals and priorities, and creating progressive  
729 programs and legislation related to resource  
730 management and conservation (Heinen & Kat-  
731 tel, 1992). New steps toward decentralization of  
732 forest control began in the late 1970s. The pre-  
733 cursors of current community forestry legisla-  
734 tion were the *Panchayat* Forest Rules of 1978  
735 and the Community Forestry program of  
736 1980.<sup>38</sup> The limited conservation objectives of  
737 these initiatives were revised when the govern-  
738 ment realized that deforestation was approach-  
739 ing epidemic proportions. The pace of reforms  
740 accelerated with the widespread movement for  
741 democratization, and the restoration of democ-  
742 racy after 1990. The current framework for  
743 community forestry legislation is represented  
744 by the Master Plan for the Forestry Sector in  
745 1989, the Forest Act in 1993, and the new For-  
746 est Regulations of 1995. Under the impact of  
747 these new pieces of legislation, the area of for-  
748 ests managed by local user groups and the  
749 number of these groups has increased exponen-  
750 tially. International donor NGOs and the funds  
751 they have made available for the pursuit of  
752 decentralized forestry in Nepal have been crucial  
753 to the new reforms.

754 (i) *Nature of the powers devolved*

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

760 tralization of forestry policy is to (1) reduce  
761 deforestation, (2) provide greater benefits to lo-  
762 cal users and managers, (3) reduce costs of  
763 administration, and (4) enhance participation  
764 by common Nepali villagers in the process of  
765 forest management.

766 The creation of local authorities to manage  
767 forests takes place with a significant involve-  
768 ment of the forest department. Community  
769 user group members are identified by the Dis-  
770 trict Forest Officers. These user groups then  
771 prepare their own constitutions that govern  
772 day-to-day functioning and management. Fol-  
773 lowing the demarcation of a forested area that  
774 can be handed over to a community, a 5-year  
775 operational plan is prepared for the forest. User  
776 groups frequently play a direct role in prepar-  
777 ing and implementing the plan.<sup>39</sup> The District  
778 Forest Officer can hand over any part of a na-  
779 tional forest to a user group in the form of a  
780 community forest, entitling it to develop, con-  
781 serve, use, and manage the forest, and to sell  
782 and distribute forest products by independently  
783 fixing the price in the market. User groups can  
784 thus legally use their forests for subsistence,  
785 cultivating nontimber forest products, growing  
786 trees, and harvesting forest products for com-  
787 mercial processing and sale. Users are not per-  
788 mitted to clear the forest for agricultural  
789 purposes. But control over commercial profits  
790 from sale of timber products is already a major  
791 departure from forestry policies around the  
792 world.

793 Executive committees of 10–15 members are  
794 elected by the general membership of the Forest  
795 *Panchayat* Committees. They undertake most  
796 of the everyday tasks associated with the man-  
797 agement of the community forest. These tasks  
798 include protection of the forest (either directly  
799 or by a guard the user groups appoints), alloca-  
800 tion of both commercial and subsistence ben-  
801 efits from the forest, steps to improve the  
802 condition of vegetation cover, and sanctioning  
803 rule breakers. Rural residents in many areas  
804 have begun to generate substantial benefits  
805 from their community forests, including cash  
806 revenues. Revenues are not taxed, but user  
807 groups are required to spend 25% of all cash in-  
808 come on collective development activities.<sup>40</sup>

(ii) *Accountability and outcomes*

809 The main mechanism of accountability of lo-  
810 cal decision makers to users is the election pro-  
811 cess through which committees are constituted.  
812 Elections are highly politicized. Many of the  
813 *panchayat* elections have been characterized  
814

815 by political polarization and infighting among  
816 community-level decision makers.

817 By 1999, the new legislation had led to the  
818 formation of 8,500 community forest user  
819 groups comprising nearly a million households.  
820 These user groups were managing more than  
821 6,200 sq kms of forests. This is about 10% of  
822 the total forest area of Nepal. Unofficial esti-  
823 mates of these numbers are even higher. New  
824 user groups are being formed at the rate of  
825 nearly 2000 a year and they are now active in  
826 74 out of the 75 districts of Nepal. In some  
827 areas of Nepal hills, a slow reversal of earlier  
828 deforestation can also be witnessed (Maha-  
829 patra, 2000; Varughese, 2000).

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

#### 846 (iii) *Mechanisms limiting local authority*

847 Although there has been widespread appreci-  
848 ation of the Nepalese effort to decentralize con-  
849 trol over forests through its Community  
850 Forestry program, some significant problems  
851 have emerged since the late 1990s. The program  
852 has been implemented mostly in the middle hills  
853 of Nepal. The lower plains in the Terai region,  
854 which contain more valuable timber trees, have  
855 few forest *panchayat* committees, and the gov-  
856 ernment seems not to have any intentions of  
857 extending the spatial scope of community for-  
858 estry legislation.

859 An important development in Nepal commu-  
860 nity forestry is the emergence of a nationwide  
861 federation of community user groups (FECO-  
862 FUN or Federation of Community Forestry  
863 Users of Nepal), that seek to lobby the govern-  
864 ment on behalf of its members, and to dissem-  
865 inate information about community forestry  
866 more widely (Britt, 2000). It has already led ac-  
867 tive protests against government signals that  
868 users' rights to commercial profits from forests  
869 may not be available in the Terai region of Ne-

pal (because Terai forests are commercially 870  
more valuable). Indeed, efforts by the govern- 871  
ment to limit commercial use of community 872  
forest products to only the Hill regions of Ne- 873  
pal signify the limits of the willingness of forest 874  
departments to devolve control. They also dem- 875  
onstrate that, in the absence of influence at the 876  
national level, the ability of local user and man- 877  
ager groups can be limited quite easily. The 878  
presence of strong commercial interest in the 879  
valuable timber trees in the Terai has helped 880  
limit the extension of community forestry. 881  
Government hopes of foreign exchange and 882  
revenues from large timber harvesting compa- 883  
nies operating in the region have meant that 884  
claims of communities to these same forests 885  
have found little attention among government 886  
officials. 887

#### (d) *Indonesia: The limits of regional 888 autonomy*<sup>41</sup> 889

890 Decentralization of forestry policy in Indone- 891  
sia has taken place in the context of a history of 892  
highly centralized commercial exploitation of 893  
forest resources, widespread demands for regio- 894  
nal autonomy by various provinces, and the 895  
presence of many different actors competing 896  
for revenues from timber-rich forests. Recent 897  
legislation for decentralization is embodied in 898  
two main acts concerning regional governance 899  
and sharing of funds. Both these laws have 900  
come into force in the last two years and are 901  
beginning to have a profound impact on how 902  
different actors use and attempt to appropriate 903  
benefits from forests.

#### (i) *Main actors* 904

905 The main actors involved in decentralization 906  
are the central government and its agencies, re- 907  
gional governments and legislative bodies, and 908  
NGOs and media organizations. Decentraliza- 909  
tion of decision-making powers over forests 910  
has sought to include district-level municipali- 911  
ties rather than provincial governments as 912  
important partners because many provinces 913  
have made secessionist demands, and districts 914  
are seen as less likely to have separatist aspira- 915  
tions. Local capacity at the district level is lim- 916  
ited. 917

918 Most of the decision-making authority for 919  
forests has been transferred to the districts 920  
rather than the provinces, based on the justifi- 921  
cation that district governments are closer to 922  
the people. Hence, they are seen as better 923  
placed to make decisions and provide public 924

923 services that would be in accordance with citi- 978  
 924 zens' needs and aspirations. District leaders, 979  
 925 *bupatis*, instead of reporting to provincial gov- 980  
 926 ernments, are now elected by and accountable 981  
 927 to local legislative assemblies, which have be- 982  
 928 come more powerful. Changes have also oc- 983  
 929 curred at the village level, with the creation of  
 930 the Village Representative Body.

931 (ii) *Nature of powers transferred*

932 Some of the dynamics of reforms are easy to 985  
 933 understand. The local bodies that have been 986  
 934 empowered are uncertain about the perman- 987  
 935 ence of their powers in light of the long his- 988  
 936 tory of centralized government. This is in part 989  
 937 because of conflicting interpretations of the 990  
 938 law. For example, it is not clear who actually 991  
 939 has authority over which forests: article 7 of 992  
 940 the 1998 Regional Governance law suggests 993  
 941 that authority remains with the central govern- 994  
 942 ment, while article 10 states that regions are 995  
 943 authorized to manage natural resources within 996  
 944 their territories. The ministry of forests has ar- 997  
 945 gued that local governments do not have the 998  
 946 expertise or capacity to manage the country's 999  
 947 forests. Clarifications outlined by the imple- 1000  
 948 menting regulation (no. 25/2000) have only 1001  
 949 set out the responsibilities of the provincial 1002  
 950 and central governments, the implicit assump- 1003  
 951 tion being that authorities beyond those men- 1004  
 952 tioned in the regulation belong to district 1005  
 953 governments. 1006

954 One of the most controversial powers handed 1007  
 955 over to district governments was the right to 1008  
 956 authorize small-scale (100 ha) logging licenses. 1009  
 957 The response by many local governments was 1010  
 958 to offer a proliferation of such licenses, even 1011  
 959 in areas where it was prohibited to do so, such 1012  
 960 as in the designated areas of large concession- 1013  
 961 aires. Protests by concessionaires led the Minis- 1014  
 962 try of Forestry to repeal their earlier decision. 1015

963 Indeed, many of these issues are still in the 1016  
 964 process of being clarified as provinces resist 1017  
 965 the stripping of their powers, central ministries 1018  
 966 contest the extent to which district authorities 1019  
 967 are autonomous, and district officials enter 1020  
 968 the process of transition toward a more decen- 1021  
 969 tralized political decision making. 1022

970 The new decentralization laws have also ex- 1023  
 971 panded the regulatory functions and political 1024  
 972 powers of district authorities, and also enabled 1025  
 973 them to raise taxes to meet budgetary and devel- 1026  
 974 opment needs. Scores of district governments 1027  
 975 have come together to form an association 1028  
 976 called the APKASI<sup>42</sup> to share information, 1029  
 977 improve communications, and strengthen their 1030

1031 position through the process of regional auton- 978  
 1032 omy. For their part, provincial governments 979  
 1033 have also created a new organization called 980  
 1034 the APPSI with similar objectives at the provin- 981  
 1035 cial level. These associations take up various 982  
 1036 administrative issues in addition to forestry. 983

1037 (iii) *Outcomes* 984

1038 Sharing of revenues from natural resources 985  
 1039 has proved a highly contentious issue, espe- 986  
 1040 cially in resource-rich regions with oil, gas, 987  
 1041 and forests. In contrast to the earlier revenue- 988  
 1042 sharing formula where the center retained 989  
 1043 30% of revenues and 70% went to the provin- 990  
 1044 ces, the current legislation provides for 64% 991  
 1045 of revenues for the districts (with 32% for the 992  
 1046 producing district and the remaining 32% for 993  
 1047 other districts and towns in the province), 994  
 1048 20% for the center, and only 16% for the provin- 995  
 1049 ces. Disputes also surround the allocation of 996  
 1050 the lucrative reforestation funds. Districts have 997  
 1051 complained about the amount they are allo- 998  
 1052 cated, the calculation of specific allocations, 999  
 1053 and delays in receiving their share of payments. 1000

1054 Decentralization reforms, in addition to pro- 1001  
 1055 ducing disputes over revenue raising and allo- 1002  
 1056 cation, have also generated new timber 1003  
 1057 regimes at the district level. Districts have used 1004  
 1058 their new authority to authorize small-scale 1005  
 1059 concession permits and timber extraction and 1006  
 1060 utilization rights, to charge taxes on goods 1007  
 1061 transiting through their territory and on forest 1008  
 1062 enterprises, and to attract new investment. 1009  
 1063 The net result of contradictory laws and decrees 1010  
 1064 is that each actor defends its position based on 1011  
 1065 a different law. For example, despite the revoca- 1012  
 1066 tion of the power of district governments to 1013  
 1067 issue 100-ha permits, some district governments 1014  
 1068 have continued to issue them. Since the *bupatis* 1015  
 1069 at the district level are no longer located in a 1016  
 1070 hierarchy below provincial governors, lobbying 1017  
 1071 by large concessionaires at the provincial level 1018  
 1072 to limit the issuance of these permits has failed. 1019  
 1073 These permits generate significant revenues, 1020  
 1074 sometimes in the range of millions of dollars. 1021  
 1075 In the race to gain as much revenue as possible 1022  
 1076 in this uncertain period, it seems the goal of 1023  
 1077 environmental conservation or forest protec- 1024  
 1078 tion is fast sliding into oblivion. 1025

1079 District authorities have little interest in for- 1026  
 1080 est conservation in comparison to their interest 1027  
 1081 in expanding their income sources and increas- 1028  
 1082 ing the level of funds to which they have access. 1029  
 1083 They favor logging and deforestation even 1030  
 1084 when illegal: these activities still provide 1031  
 1085 employment and generate second order growth. 1032  
 1086 1033

1033 With legal rights to hand out logging conces- 1087  
 1034 sions, they prefer enacting their preferences 1088  
 1035 over the diffuse influence of conservation 1089  
 1036 NGOs or conservation-minded officials. Pro- 1090  
 1037 tected areas represent a foregone opportunity 1091  
 1038 for raising revenues. Since decentralization 1092  
 1039 has for the most part helped local populations 1093  
 1040 generate greater revenues through exploitation 1094  
 1041 rather than conservation, it is difficult to see 1095  
 1042 how it will lead to better protection. Conserva- 1096  
 1043 tion through decentralization to the districts 1097  
 1044 faces major challenges: illegal logging, reclassi- 1098  
 1045 fication of land, and conversion to agriculture 1099  
 1046 (Resosudarmo, 2002, p. 12).

1047 The experience of decentralization as it has 1100  
 1048 occurred until now suggests that additional 1101  
 1049 monitoring capacity and regulatory agencies 1102  
 1050 will be needed to convert the potentially higher 1103  
 1051 protection capacity of local governments into 1104  
 1052 greater protection. Decentralization has in- 1105  
 1053 creased some tangible economic benefits to lo- 1106  
 1054 cal communities, but only because of the 1107  
 1055 mining of natural resources. Greater access of 1108  
 1056 local groups to forests, higher revenues to dis- 1109  
 1057 trict governments, and more authority to exer- 1110  
 1058 cise decision-making powers have been 1111  
 1059 achieved without adequate controls over what 1112  
 1060 happens to forests and without any incentive 1113  
 1061 structures that might encourage longer-term 1114  
 1062 sustainable use and management patterns. 1115

1063 It is evident that decentralization in Indone- 1116  
 1064 sia has happened without sufficient upward or 1117  
 1065 downward accountability. It is not surprising 1118  
 1066 that district authorities feel neither the pressure 1119  
 1067 to protect forests in accordance with guidelines 1120  
 1068 laid down by higher authorities, nor to incorpo- 1121  
 1069 rate local preferences into their decisions, ex- 1122  
 1070 cept those that encourage earning revenues 1123  
 1071 from forest resources that have been off-limits 1124  
 1072 to locals for decades. 1125

#### 1073 (e) *Bolivia: The limits to popular pressure*<sup>43</sup>

1074 Bolivia has undertaken one of the most 1126  
 1075 extensive decentralizations in Latin America 1127  
 1076 (Ferroukhi, 2003). Reforms began in the mid- 1128  
 1077 1980s under the auspices of an economic struc- 1129  
 1078 tural adjustment program, and were followed 1130  
 1079 by policies aimed at shrinking the central gov- 1131  
 1080 ernment apparatus and promoting private 1132  
 1081 investment. In the mid-1990s, the government 1133  
 1082 passed the Popular Participation Law to insti- 1134  
 1083 tutionalize social participation as part of a 1135  
 1084 broader process of municipal reform. Together, 1136  
 1085 these policies led to the concurrent implementa- 1137  
 1086 tion of privatization, decentralization, and re-

forms to laws governing “strategic economic 1087  
 sectors” such as forestry. 1088

The justification for this process was multi- 1089  
 fold. The goals included redistributing national 1090  
 resources more equitably and eliminating regio- 1091  
 nal and social exclusion; promoting citizen par- 1092  
 ticipation regardless of social or ethnic 1093  
 background; and attacking poverty by improv- 1094  
 ing conditions for economic growth and social 1095  
 investment at the local level. 1096

The decentralization of forest management 1097  
 specifically was shaped by the increased politi- 1098  
 cal importance of local governments in general, 1099  
 and also provided a response to regional move- 1100  
 ments demanding local access to forests and 1101  
 timber royalties since the 1970s (Kaimowitz, 1102  
 Flores, Johnson, Pacheco, & Pavez, 2000). Per- 1103  
 haps most important for the central govern- 1104  
 ment, forestry reforms were aimed at making 1105  
 the sector more competitive. 1106

#### (i) *Main actors*

The Popular Participation Law established 1107  
 the election of municipal representatives, ex- 1108  
 panded their legal jurisdiction from urban-only 1109  
 into surrounding rural areas and allocated 20% 1110  
 of the national budget to municipalities accord- 1111  
 ing to population.<sup>44</sup> This provision dramati- 1112  
 cally changed national resource distribution, 1113  
 since prior to the reform almost 92% of nati- 1114  
 onal spending went to the three largest cities 1115  
 alone. Nevertheless, the electoral process is 1116  
 mediated by national political parties which 1117  
 present all candidates. Hence, local people 1118  
 who want to run for office must negotiate with 1119  
 political party leaders, and elected officials may 1120  
 be more accountable to those leaders than to 1121  
 the electorate. 1122

At the same time, reforms to forest and agrar- 1123  
 ian laws gave private landowners legal owner- 1124  
 ship of the trees and forest on their land. 1125  
 Indigenous people won the right to manage 1126  
 the resources located within their territories. 1127  
 Local forest user groups won the right to apply 1128  
 for local forest concession areas, and new mech- 1129  
 anisms were established for citizen participation 1130  
 in local government. 1131

#### (ii) *Nature of the powers transferred*

Municipal governments can now request the 1132  
 allocation of up to 20% of the total public for- 1133  
 est in their jurisdiction to local user groups, 1134  
 which must be approved by the Ministry of 1135  
 Sustainable Development and Planning. While 1136  
 meeting the demand for forest access, this 1137  
 mechanism also served to keep small-scale log- 1138  
 1139  
 1140

1141 gers, commonly known as “pirates,” out of for-  
1142 est concession and protected areas.

1143 Municipal governments should receive 25%  
1144 of the fees charged for concessions and clear-  
1145 cutting. Changes from a volume- to an area-  
1146 based fee structure for logging led to a decline  
1147 in area under concessions from 21 million to  
1148 6 million ha (\$1 per hectare under concession  
1149 per year), vastly increasing the area available  
1150 for new concessions. All commercial logging re-  
1151 quires a forest management plan, which must  
1152 be approved by the Forest Superintendence  
1153 (SF), which is also in charge of allocating con-  
1154 cessions, collecting forest taxes, and controlling  
1155 illegal logging. Local governments are expected  
1156 to support the SF in the monitoring of logging  
1157 activities and inspection of raw material sup-  
1158 plies and processing. To undertake these activ-  
1159 ities, they are required to create municipal  
1160 forestry units (UFMs), by hiring local foresters,  
1161 which should provide services to local forest  
1162 users particularly for the development of man-  
1163 agement plans.

1164 (iii) *Outcomes and mechanisms of accountability*

1165 Local organizations can register as territorially  
1166 based grassroots organizations (OTBs),  
1167 which then gives them the right to participate  
1168 in municipal planning processes. To improve  
1169 accountability, these OTBs may also elect a  
1170 Vigilance Committee to oversee municipal  
1171 management. In addition, municipal councils  
1172 can remove mayors on an annual basis if they  
1173 have performed poorly.

1174 The actual implementation of these mecha-  
1175 nisms and the outcome of these apparently fun-  
1176 damental shifts in local power relations have  
1177 been varied. The allocation of public forest has  
1178 moved slowly because of an overly bureaucratic  
1179 process, particularly related to land titling and  
1180 unresolved problems with overlapping indige-  
1181 nous, public and private land claims. The Forest  
1182 Superintendence has authorized concessions on  
1183 lands disputed by indigenous groups, though  
1184 this is presumably illegal. And UFMs have done  
1185 little more than attempt to delineate municipal  
1186 reserves and negotiate the process by which  
1187 those should be allocated to local groups.

1188 The planning process has not been very partic-  
1189 ipatory, in spite of the law, nor do vigilance  
1190 committees always work in practice. Where  
1191 they do, they tend to be biased toward urban  
1192 interests or toward local political parties.  
1193 Councilors often remove mayors for political  
1194 reasons, rather than based on their perfor-  
1195 mance. The income generated from forest con-

1196 cessions, and hence the portion redistributed to  
1197 municipalities, has dropped substantially be-  
1198 cause concessionaires refused to pay the estab-  
1199 lished taxes.<sup>45</sup> Some of the resource  
1200 management policies established by forestry  
1201 laws create incentives for forest clearing, espe-  
1202 cially for smallholders, as well as problems for  
1203 indigenous groups developing commercial  
1204 operations. Chainsaw restrictions not only limit  
1205 logging waste but also limit access to the forest  
1206 by poor users. Forest management plans are  
1207 cumbersome and expensive to prepare.

1208 The failure to address fundamental land ten-  
1209 ure issues has prevented local governments  
1210 from clearly establishing the municipal reserves  
1211 for local forest users. In other words, many lo-  
1212 cal authorities have not been able to take  
1213 advantage of the only area in which local gov-  
1214 ernments have been devolved direct authority  
1215 over forests. Agrarian conflicts have also been  
1216 used as a justification to hold back part of the  
1217 municipalities' share of royalty payments. One  
1218 result of this, combined with the overall drop  
1219 in fees, is that funds for UFMs have been too  
1220 low, and many require NGO or project support  
1221 to operate effectively.

1222 On the other hand, though marginal groups  
1223 have not always been able to take advantage  
1224 of the opportunities provided by decentraliza-  
1225 tion, in some cases small farmers and indige-  
1226 nous people have been voted into public office  
1227 for the first time, and in others, though local  
1228 elites are clearly dominant, they have been  
1229 forced to take marginal groups and their inter-  
1230 ests into account. In addition, local gov-  
1231 ernments have supported and helped win the  
1232 negotiation of land claims for some marginal-  
1233 ized local groups.

1234 In the final analysis, however, though local  
1235 governments in Bolivia have greater powers in  
1236 forest management than ever before, forestry  
1237 decentralization has been a top-down process  
1238 that has left little room for local discretionary  
1239 decision making. The central government still  
1240 controls key decisions, such as the definition  
1241 of forest resources rights and regulations, the  
1242 allocation of concessions, and tax collection  
1243 for forest uses. Local people and governments  
1244 have had no input into the forest regulations  
1245 themselves, which many claim are biased  
1246 against them. Funding for UFMs is limited,  
1247 and local governments have no say over the  
1248 remaining 80% of public forests. The central  
1249 government's priority appears to be large-scale  
1250 concessionaires, who perceive local govern-  
1251 ments as unfavorable to their interests.

1252 Even in allocated forest reserve areas, local  
1253 governments have limited room for autonomy.  
1254 Pacheco (2004) concludes, "The legislation saw  
1255 them as rule followers, not as rule makers, as  
1256 mere agencies of implementation."

1257 (f) *Nicaragua: A centralist government under*  
1258 *donor and grassroots pressure*

1259 Under President Daniel Ortega's Sandinista  
1260 government, Nicaragua's new 1987 Constitu-  
1261 tion re-established the principle of municipal  
1262 autonomy, eliminated in 1939, as well as direct  
1263 election of local authorities, which have since  
1264 taken place in 1990, 1996, and 2000. Since those  
1265 first elections, municipal governments,<sup>46</sup> with  
1266 important support from their civil society allies,  
1267 have fought for, and won, an increasing degree  
1268 of responsibility and power. The successes of  
1269 this grassroots process were made possible in  
1270 part by the concurrent implementation, particu-  
1271 larly after 1990, of broad structural adjust-  
1272 ment policies aimed at vastly reducing the  
1273 state apparatus. A poorly defined "decentral-  
1274 ization" was part of that process.

1275 Decentralization in Nicaragua was initially  
1276 promoted primarily by international donors.  
1277 In broader terms, decentralization was seen as  
1278 improving resource allocation, efficiency,  
1279 accountability, and equity "by linking the costs  
1280 and benefits of local public services more clo-  
1281 sely" (World Bank, 1988, p. 154). In particular,  
1282 since Ortega's revolutionary government lost  
1283 the national elections in 1990, decentralization  
1284 in Nicaragua was presented by these donors,  
1285 and later in the rhetoric of the new government  
1286 and of civil society movements, as part of a  
1287 broader process to increase popular participa-  
1288 tion and establish and strengthen post-revolu-  
1289 tionary democracy.

1290 (i) *Nature of the powers transferred*

1291 With regard to natural resources and the  
1292 environment, the 1997 Municipalities Law  
1293 grants local governments the responsibility  
1294 "to develop, conserve, and control the rational  
1295 use of the environment and natural resources as  
1296 the basis for the sustainable development of the  
1297 Municipality and the country," as well as  
1298 "responsibilities in all matters that affect"  
1299 socioeconomic development, conservation, or  
1300 natural resources in their jurisdiction (Law  
1301 Nos. 40 and 261). These broad statements have  
1302 been outlined more specifically in laws relating  
1303 to natural resources and protected areas, most  
1304 of which require "coordination" with the

appropriate line ministry and gives almost no  
1305 discretionary authority to local governments. 1306

1307 The central government retains the right to  
1308 create contracts for natural resource exploita-  
1309 tion throughout the country; it is required only  
1310 to solicit the local government's opinion and  
1311 transfer to it 25% of the tax income from those  
1312 contracts. But for several years, local govern-  
1313 ment opinion was not always requested, and  
1314 few municipalities were transferred the required  
1315 funds. In addition, financial transfers from the  
1316 national treasury to municipal governments  
1317 were among the lowest in Central America up  
1318 until 2003, representing less than 2% of the na-  
1319 tional budget. Most local governments that  
1320 have begun to assume natural resource respon-  
1321 sibilities have done so by applying taxes, fines,  
1322 and fees (of which at least some are illegal) on  
1323 resource-related activities.

1324 In spite of their limited powers and funds,  
1325 over half of the country's municipalities had  
1326 formed Municipal Environmental Commis-  
1327 sions (CAMs) as of mid-2003, comprised of  
1328 central and local government and civil society  
1329 representatives, to serve as advisory commit-  
1330 tees. A few of these have served as effective  
1331 for to negotiate resource conflicts, develop mu-  
1332 nicipal regulations, and monitor resource use,  
1333 though many others exist only on paper. Some  
1334 municipalities have opened technical offices,  
1335 usually with the financial support of an NGO.  
1336 Many have promoted fire prevention brigades  
1337 during the season when peasants traditionally  
1338 burn their fields prior to sowing. Still others  
1339 have successfully challenged central govern-  
1340 ment concessions, particularly in cases where  
1341 grassroots actors and the local government  
1342 unite.

1343 Local governments are responsible for devel-  
1344 oping land use plans and many have also devel-  
1345 oped some kind of environmental plan. Several  
1346 have written and passed comprehensive natural  
1347 resource ordinances establishing local norms  
1348 and rules for resource use. Nevertheless, it is  
1349 not always clear which local norms are legally  
1350 binding, or what mechanisms local govern-  
1351 ments have to enforce these ordinances.

1352 (ii) *Outcomes and mechanisms of accountability*

1353 Perhaps more important are the gains that lo-  
1354 cal governments have won through political  
1355 pressure and important civil society support  
1356 (Larson, 2004). For example, in some munici-  
1357 palities, the Forestry Institute (INAFOR) no  
1358 longer issues permits for which the local gov-  
1359 ernment has given an unfavorable opinion,

1360 though legally that opinion is not binding. In  
1361 2003, the growing political pressure of the  
1362 municipalities won the passage of the first mun-  
1363 icipal transfer law, guaranteeing 4% of the na-  
1364 tional budget in 2004, increasing gradually to  
1365 10% in 2010. On the other hand, a new forestry  
1366 law passed in late 2003 appears less favorable.  
1367 Though municipal representatives won the  
1368 inclusion of several important clauses favorable  
1369 to local governments when the bill was dis-  
1370 cussed before the floor vote, the implementing  
1371 legislation decreed by the executive branch  
1372 shortly thereafter, with apparently little consul-  
1373 tation, was a clear attempt to block municipal  
1374 participation. For example, it included very  
1375 few mechanisms through which to institutional-  
1376 ize the required “coordination.”

1377 The primary legal mechanism through which  
1378 local people can hold their governments  
1379 accountable is through elections, though the  
1380 use of party lists limits alternatives (in 2000,  
1381 the possibility of promoting local write-in can-  
1382 didates was removed and the legal requirements  
1383 for establishing a political party were made ex-  
1384 tremely restrictive. This was the result of a pact  
1385 between the country’s two most powerful parties).  
1386 The municipal council is also required to  
1387 hold two open meetings a year with constitu-  
1388 ents, principally to present budgets and hear lo-  
1389 cal concerns, though these meetings do not  
1390 always take place.

1391 Other, more informal accountability mecha-  
1392 nisms include the media and grassroots mobili-  
1393 zation, such as blocking logging roads and in  
1394 one instance, burning down a sawmill. Council-  
1395 ors can also request an investigation into the  
1396 activities of the mayor, and in some cases these  
1397 have been recalled for corruption, though per-  
1398 haps more often they have given into pressure  
1399 to resign. Public outcry, often from influential  
1400 NGOs, has also promoted investigations of  
1401 both mayors and line ministry officials. In par-  
1402 ticular, after years of public criticism, INAFOR  
1403 was undergoing an extensive audit under a new  
1404 director in late 2003, and numerous officials  
1405 had been identified with corrupt or suspicious  
1406 activities.<sup>47</sup>

1407 (iii) *Limits on local authority*

1408 In the opinion of many local government offi-  
1409 cials, central authorities have only transferred  
1410 natural resource burdens rather than benefits  
1411 to the local level. Minimal budgets and lack  
1412 of alternatives encourage municipalities to pro-  
1413 mote resource extraction in order to exact tax  
1414 income. In addition, the laws are often unclear

and contradictory and/or establish overlapping  
1415 authority. Coordination with line ministries is  
1416 minimal, with the latter usually simply setting  
1417 the standard that local authorities are expected  
1418 to follow. There are few, if any, institutional  
1419 mechanisms through which local authorities  
1420 can hold central government authorities  
1421 accountable.

1422  
1423 The central government’s priority is to create  
1424 conditions favorable to private industry and  
1425 investment. Where civil society or local govern-  
1426 ments are seen as a risk, because they may op-  
1427 pose extractive enterprises altogether or simply  
1428 want a greater share of the benefits, their par-  
1429 ticipation and authority is undermined. The  
1430 way local government participation has devel-  
1431 oped in the forestry sector—where the role of  
1432 local governments has largely involved dupli-  
1433 cating rather than complementing the role of  
1434 INAFOR<sup>48</sup>—logging companies have com-  
1435 plained of increased bureaucracy and costs.  
1436 Hence, INAFOR’s response is again to mini-  
1437 mize the local government’s role rather than  
1438 transform it—which would require giving up  
1439 its own power, benefits, and control over the  
1440 process.

1441 4. DISCUSSION: COMPROMISING  
1442 DECENTRALIZATION REFORMS

1443 The case analyses above show that the config-  
1444 uration of actors, powers, and accountability  
1445 relations that may constitute an effective decen-  
1446 tralization reform in the forestry sector is hard  
1447 to find in practice (also see Agrawal & Ribot,  
1448 1999; Larson & Ribot, 2004; Ribot, 1999,  
1449 2004). The cases suggest that the political  
1450 dynamics related to policy reforms play a cru-  
1451 cial debilitating role in the divergence between  
1452 the rhetorical claims for decentralization and  
1453 the institutional changes that actually take  
1454 place. Consider briefly the principal dynamics  
1455 we have outlined. In Senegal, the 1998 decen-  
1456 tralized forestry code enables local councils to  
1457 determine whether or not commercial produc-  
1458 tion takes place and to determine who can ex-  
1459 ploit the forests. But, the central government  
1460 (the party, ministry responsible for the environ-  
1461 ment, and the forest service) forces councils to  
1462 continue commercial production even against  
1463 the expressed will of those who elected them.<sup>49</sup>  
1464 Further, despite contrary provisions in Sen-  
1465 gal’s new code, production quotas are still set  
1466 and allocated by central authorities who are  
1467 using them to reward supporters of the new rul-

1468 ing party.<sup>50</sup> Local councilors appear primarily  
1469 accountable to their political and administra-  
1470 tive superiors.

1471 In Uganda, changes in central government  
1472 led to significant initial steps toward decentral-  
1473 ization of authority. But the center reasserted  
1474 control by severely curtailing the territorial  
1475 jurisdiction of local authorities (also see the  
1476 case of Mali, Agrawal & Ribot, 1999). With  
1477 only insignificant areas of forests over which  
1478 to exercise their newly gained power and govern-  
1479 ance functions, local governments remain disen-  
1480 franchised—what is given by one law is taken  
1481 back by other means. Some of them earned reven-  
1482 ues at the beginning, but the gains were  
1483 short-lived.

1484 In Nepal, the government decentralized a  
1485 variety of powers over forests in the Middle  
1486 Himalayas. These forests were very important  
1487 for the subsistence needs of villagers. But the  
1488 government was unwilling to decentralize con-  
1489 trol over *terai* forests that contain commercially  
1490 valuable timber. The presence of international  
1491 corporate timber interests that were willing to  
1492 provide lucrative revenues to the national gov-  
1493 ernment reduces the likelihood of transfer of  
1494 control over commercial revenues. Again,  
1495 decentralization has remained incomplete in  
1496 terms of the resources of local governments,  
1497 and the areas of forests they control.

1498 In Indonesia, the national state undertook  
1499 decentralization reforms in the context of  
1500 increasing demands for regional autonomy  
1501 from the provinces. To undercut the ability of  
1502 the provinces to raise revenues from sale of  
1503 valuable timber resources, it created thorough-  
1504 going legal instruments that empower district-  
1505 level authorities. It has installed mechanisms  
1506 of accountability that further weaken provin-  
1507 cial executive authority by making district exec-  
1508 utive authorities horizontally accountable to  
1509 legislative assemblies at the same level rather  
1510 than upwardly accountable to provincial  
1511 authorities or downwardly accountable to their  
1512 constituents. The multiple, competing, and  
1513 sometimes violently conflicting claims over for-  
1514 ests in the entire country, eviscerate the ability  
1515 of any authority to protect timber. The politics  
1516 of national cohesion has undermined any envi-  
1517 ronmental public goods that new decentraliza-  
1518 tion policies supposedly produce.

1519 In Bolivia, the institutional framework of  
1520 decentralization was shaped by a combination  
1521 of economic and political forces. Municipal  
1522 governments were given the right to allocate  
1523 the use of 20% of local public forests, but do

not have any say over the rest. The forest ser-  
1524 vice maintains tight controls over all logging  
1525 through strict regulations that discriminate  
1526 against smaller-scale loggers. The central gov-  
1527 ernment has dragged its feet in addressing  
1528 land-tenure conflicts and has also ignored legal  
1529 prohibitions and granted concessions in dis-  
1530 puted areas. Likely the government's primary  
1531 goal, forestry reforms did increase competitive-  
1532 ness and free up vast new areas for concessions.  
1533 The decentralization of *some* forest manage-  
1534 ment, then, is the result of an effort broadly  
1535 aimed at pacifying long-held local demands  
1536 over resource control as well as stopping illegal  
1537 incursions into concession areas (Pacheco, pers.  
1538 comm.).

1539 In Nicaragua, the central government was  
1540 never as committed to decentralization as inter-  
1541 national donors, municipal governments, or civ-  
1542 il society. Verbal support notwithstanding, the  
1543 process throughout the 1990s consisted of  
1544 deconcentration and privatization. Decentral-  
1545 ization was consistently obstructed in numer-  
1546 ous ways. Under a highly centralist president  
1547 who was in power through the end of the last  
1548 decade, the government maintained its control  
1549 over commercial forest resources not only to in-  
1550 crease government revenues but also the per-  
1551 sonal incomes of high-level officials with ties  
1552 to both legal and illegal logging.

1553 It is clear, then, that in many of the cases, the  
1554 underlying reasons for the initiation and imple-  
1555 mentation of decentralization reforms are quite  
1556 different from the stated objectives and goals of  
1557 reforms. While the ostensible reason to pursue  
1558 decentralization lies in greater efficiency,  
1559 more-thoroughgoing equity, and more-demo-  
1560 cratic local participation, it is political-econ-  
1561 omic calculations and pressures that actually  
1562 prompt—and thus shape—reforms (Agrawal,  
1563 1999). In Indonesia and Uganda, decentraliza-  
1564 tion was designed at least in part to undermine  
1565 provincial secessionist movements and political  
1566 leaders whose goals were at cross-purposes with  
1567 those of central-level actors.

1568 In Senegal, Nepal, Bolivia, and Nicaragua,  
1569 donor pressures played an important role in ini-  
1570 tiating decentralization reforms. Donors have  
1571 been far less effective in ensuring adequate  
1572 implementation of transfer of powers because  
1573 neither donors nor governments want close  
1574 supervision of the reform process. In Indonesia  
1575 and Nepal, central governments wanted to use  
1576 decentralization as a means to promote indus-  
1577 trialization based on forest products at least  
1578 as much as they wanted to empower local  
1579

1580 governments. Such differences between intent  
1581 and practice account in significant part for the  
1582 divergence between the positive rhetoric that  
1583 defends the launching and implementation of  
1584 decentralization and the negative experiences  
1585 one encounters on the ground.

1586 The cases highlight the specific mechanisms  
1587 that central governments use to limit the scope  
1588 of reforms and ensure that outcomes of reforms  
1589 will not threaten existing political authority.  
1590 These specific mechanisms can be grouped into  
1591 two structural types. The first concerns the  
1592 kinds of powers that local actors gain and the  
1593 constraints on these powers; the second con-  
1594 cerns the type of local actors who gain powers,  
1595 and the accountability relations within which  
1596 they are located (Ribot, 2003; Ribot & Oyono,  
1597 2005).

1598 (a) *Powers and constraints*

1599 Our case studies show that even seemingly  
1600 comprehensive decentralization reforms are  
1601 constrained. Among the most important limits  
1602 on local authority is the lack of control over  
1603 raising or spending significant levels of reve-  
1604 nues, or deciding about the fate of high-valued  
1605 resources. That is, few local governments have  
1606 the right to allocate revenue-rich commercial  
1607 rights to exploit forests; more often, they gain  
1608 the power to allocate commercially irrelevant  
1609 use rights for products such as fodder and non-  
1610 commercial firewood. Where they have rights  
1611 to a share in timber revenues, gaining access  
1612 to the local share, which usually passes through  
1613 centrally controlled funds, is typically cum-  
1614 bersome. Central governments seldom give up  
1615 control over the allocation of lucrative oppor-  
1616 tunities, even when central expertise is unneces-  
1617 sary for such allocation (Bazaara, 2003;  
1618 Fairhead & Leach, 1996). Transfers of revenues  
1619 from parks and natural resources fees some-  
1620 times seem to be an exception to the rule that  
1621 central governments are averse to giving up  
1622 control over commercial revenues. But it  
1623 should be kept in mind that these fees usually  
1624 represent a small fraction of resource profits,  
1625 even if they comprise significant amounts of in-  
1626 come for poorly funded local governments.  
1627 And, in practice, we often find that central gov-  
1628 ernments fail to return the local share in its en-  
1629 tirely, or do so after significant time lags  
1630 (Larson, 2002).

1631 Decentralizations are also constrained by the  
1632 lack of information provided to local govern-  
1633 ments about the new reforms. This compro-

1634 mises their ability to make demands on the  
1635 central government and also their capacity to  
1636 manage resources effectively. In Nicaragua,  
1637 for example, where logging contracts are man-  
1638 aged by the state Forestry Institute, municipal  
1639 councils are often unaware of the number and  
1640 extent of logging operations operating in their  
1641 jurisdictions. But municipal governments may  
1642 also be unaware of their rights and responsibil-  
1643 ities—a problem compounded by the lack of le-  
1644 gal clarity. Indeed, if municipal governments  
1645 are sometimes unaware of their rights, the same  
1646 is even truer for local populations. In Senegal,  
1647 few villagers even know that local leaders can  
1648 make decisions over forests (Ribot, 2004). Such  
1649 lack of information makes a mockery of  
1650 accountability even where local leaders are  
1651 democratically elected.

1652 The problem of lack of resources at the local  
1653 level is compounded by the extent to which local  
1654 governments typically get saddled with new  
1655 responsibilities and tasks—the odium of man-  
1656 agement. The devolution of management  
1657 responsibilities without corresponding funds  
1658 to carry them out is common (Larson, 2002;  
1659 Ribot, 1995a). Unfunded mandates and failure  
1660 to turn over mandated funds means that man-  
1661 agement tasks, instead of helping increase the  
1662 discretionary powers of local governments, re-  
1663 duce their ability to undertake even those tasks  
1664 that they had been carrying out prior to decen-  
1665 tralization.

1666 Central governments limit the scope of pow-  
1667 ers they transfer by instituting new patterns and  
1668 systems of oversight, such that local authorities  
1669 need permissions and clearances before their  
1670 decisions can be implemented. Local powers  
1671 over forest resources are often so highly cir-  
1672 cumscribed by supervision, or pre-determined  
1673 through management planning requirements,  
1674 that they hardly remain a “power.” Instead of  
1675 establishing a field of local discretion, central  
1676 guidelines create new controls over implemen-  
1677 tation.

1678 Spatial limitations on the jurisdiction of local  
1679 authorities are another major way in which the  
1680 effects of decentralization reforms are con-  
1681 tained. All natural resources are located in  
1682 space. By controlling the amount of space or  
1683 territory over which local authorities can exer-  
1684 cise even extensive powers, and effectively, it  
1685 becomes possible to control the extent of decen-  
1686 tralization. This is exactly what a number of  
1687 governments have done in the cases we have de-  
1688 scribed. While local authorities, as in Uganda,  
1689 may have great powers over forests in the “lo-

1690 cal domain,” the local domain may not contain  
 1691 much forest. In Bolivia this domain is limited to  
 1692 20% of public forests, in Nepal to the less-lucra-  
 1693 tive forests of the middle hills; and in Indonesia  
 1694 to 100 ha concessions (over which several local  
 1695 authorities may have a claim). Control over the  
 1696 remaining territory is usually retained by the  
 1697 central government. In other words, in those  
 1698 cases where local governments can exercise real  
 1699 powers, we find that their powers apply only to  
 1700 very small areas of forests or to low valued  
 1701 products from forests.

1702 Finally, central governments limit the ability  
 1703 of local authorities to exercise power by either  
 1704 creating ambiguity in their reforms, or by  
 1705 exploiting ambiguities inherent in all policy  
 1706 measures. Lack of legal clarity or a requirement  
 1707 that the local authority should coordinate its  
 1708 decisions with higher-level officials make it easy  
 1709 for central departments and ministries to main-  
 1710 tain control and ignore local government input.  
 1711 Legal ambiguities also make it very difficult for  
 1712 a local governments to act because it may be ta-  
 1713 ken to task for having undertaken an illegal ac-  
 1714 tion (Larson, 2002).

1715 On a case-by-case basis, the limitations on lo-  
 1716 cal powers that we describe may be seen as  
 1717 deviations or aberrations. But their presence  
 1718 across the different cases, and the similar effects  
 1719 that produce for local governments suggests  
 1720 that the story is not that simple. Rather than  
 1721 representing technical failures of adjustment  
 1722 in newly developed decentralization frame-  
 1723 works, they seem to be intentional, even if not  
 1724 self-conscious, mechanisms to serve the inter-  
 1725 ests of those who are already in control.

#### 1726 (b) *Actors and accountability*

1727 Another set of limitations on the effectiveness  
 1728 of decentralization reforms can be attributed to  
 1729 the nature of the local authorities that come to  
 1730 exercise decentralized powers, and, in particu-  
 1731 lar, their accountability relations. In the name  
 1732 of decentralization, powers are transferred to  
 1733 representative local governments, local admin-  
 1734 istrative bodies of the central state, elected or  
 1735 appointed single-sector or single-purpose  
 1736 authorities or committees, NGOs, customary  
 1737 authorities or private organizations or individ-  
 1738 uals. But if the fruits of decentralization depend  
 1739 on the extent to which these local bodies are  
 1740 accountable, competitive, participatory, or well  
 1741 informed, then surely the identity of the local  
 1742 authority makes a significant difference. Cus-  
 1743 tomary authorities, NGOs, appointed officials,

and private organizations are not elected and  
 1744 may not be particularly accountable (Ribot,  
 1745 2004). Certain groups may encourage participa-  
 1746 tion, but more often they do not. Some are no  
 1747 better informed than central governments  
 1748 about locality-specific information. There is  
 1749 no reason to suppose that such local authori-  
 1750 ties, when they gain powers to make decisions,  
 1751 will perform well. But most importantly, the  
 1752 degree to which the empowerment of any of  
 1753 these local actors constitutes decentralization  
 1754 depends on the degree to which they are  
 1755 accountable to local populations.

1757 In all of the case studies presented here, some  
 1758 management authority has been transferred to  
 1759 elected local bodies, although this is not the case  
 1760 in many other countries. This may, in fact, be  
 1761 one of the reasons that these six cases count  
 1762 among and stand out as examples of democratic  
 1763 decentralization, even if we find that the practice  
 1764 of decentralization does not meet its promise.

1765 One important problem is that, though the  
 1766 electoral process certainly establishes a degree  
 1767 of accountability, the depth of accountability  
 1768 relations depends on the type of elections and  
 1769 the extent to which they are competitive  
 1770 and regular. In Nicaragua, Bolivia, Indonesia,  
 1771 and Senegal, local government officials are  
 1772 not elected as individuals but by party slate.  
 1773 In Uganda as well, local government candi-  
 1774 dates are selected by higher-level political lead-  
 1775 ers. Hence, elected leaders are at least as—if not  
 1776 more—upwardly accountable to these officials  
 1777 as they are downwardly accountable to local  
 1778 constituents. With the dissolution of democracy  
 1779 in Nepal, the local level electoral process has  
 1780 been severely compromised. In addition, even  
 1781 where other accountability mechanisms exist,  
 1782 such as the vigilance committees in Bolivia,  
 1783 they do not work in practice if marginalized  
 1784 groups are unable to take advantage of them.

1785 In any event, given the newness of the decen-  
 1786 tralization reforms we have discussed, and the  
 1787 frequent lack of familiarity of local populations  
 1788 with the electoral process, a full sense of  
 1789 accountability will emerge only as elections  
 1790 become institutionalized. The rough “two-  
 1791 changes-of-power rule” may apply as well to  
 1792 local elections—if so, there is little reason to sup-  
 1793 pose that, at this point in time, elections consti-  
 1794 tute a meaningful accountability mechanism.  
 1795 As the case studies show, other mechanisms of  
 1796 accountability that might supplement electoral  
 1797 ones—such as ombudsmen, active media report-  
 1798 ing, and effective judiciaries—are typically ab-  
 1799 sent from the contexts we have described.

5. CONCLUSION

1800  
1801 Decentralization reforms are being attenu-  
1802 ated via insufficient power transfers and inap-  
1803 propriate local institutional arrangements.  
1804 The choice of powers and of institutional  
1805 arrangements form the basis of central govern-  
1806 ment actions that compromise the process of  
1807 decentralization in practice. Our comparative  
1808 analysis of the complex ways in which decen-  
1809 tralization reforms have unfolded across six  
1810 countries, reveals the combinations of mecha-  
1811 nisms that various interested actors use to  
1812 undermine decentralization reforms. The analy-  
1813 sis shows that the political-economic context of  
1814 decentralization cannot be ignored. Our study  
1815 also raises doubts about the underlying inten-  
1816 tions of central government officials and politi-  
1817 cians when they claim to decentralize and  
1818 simultaneously provide arguments that justify  
1819 the slow pace of decentralization. Such argu-  
1820 ments reflect a lack of faith in the capacities  
1821 of the very people who are supposed to be  
1822 empowered by decentralization reforms.

1823 There may be some truth in arguments about  
1824 lack of local capacity, absence of technical  
1825 expertise to govern forests, and low levels of  
1826 financial aptitude at the local level. But these  
1827 arguments also seem to be more than a little  
1828 self-serving. After all, the “science” of forestry  
1829 in practice is often not so much science as much  
1830 as a complex collection of bureaucratic proced-  
1831 ures that can confuse the most capable of sil-  
1832 vicultural experts. In any case, technical experts  
1833 can be hired or consulted (one need not be a  
1834 mechanic to drive a car), if necessary, were lo-  
1835 cal government to have access to sufficient  
1836 financial resources. And finally, the record of  
1837 central governments in managing finances or  
1838 forests is scarcely one that elicits admiration.

1839 At the same time, the case descriptions we  
1840 have provided implicitly show that the central  
1841 state is not a monolithic actor. While some ele-  
1842 ments within the state pursue decentralization  
1843 policies, others find their interests better served  
1844 by resistance to decentralization. Indeed, the  
1845 politics inherent in decentralization reforms  
1846 means that alliances among different political  
1847 actors can be formed across administrative lev-  
1848 els of the state, and that actors at the same lev-  
1849 el—central, provincial, or local—are not  
1850 necessarily united by a common set of interests  
1851 (Agrawal, 1999). In this sense our comparative  
1852 study of six cases illustrates the need for more  
1853 careful attention to the many rivalries that set  
1854 different groups within the state apart from

each other. The literature on decentralization  
1855 can gain important insights from institutional  
1856 ethnographies of the decentralizing state. It is  
1857 also important to note that resistance to decen-  
1858 tralization comes from outside the government  
1859 as well (see Ribot, 2004; Ribot & Oyono, 2005).  
1860 NGOs and donors, by steering away from the  
1861 local government and emphasizing private  
1862 and “civil society” institutions, can encourage  
1863 institutional choices that compromise the  
1864 establishment of the local democratic institu-  
1865 tions that are the basis of effective decentraliza-  
1866 tion.  
1867

To sum up, our case studies show clearly that  
1868 the experiments in decentralization of forest-re-  
1869 lated decision making have not yet taken root,  
1870 let alone bore fruit. We see that central govern-  
1871 ments, regardless of official rhetoric, policy,  
1872 and legislation, erect imaginative obstacles in  
1873 the path of decentralized institutions and  
1874 choices. However, decentralization reforms  
1875 may be made more comprehensive by attending  
1876 to four important issues. The first step is to *be*  
1877 *aware* of the ways in which specific arguments  
1878 and mechanisms are used to compromise dem-  
1879 ocratic decentralization, and to recognize that  
1880 the real reasons behind those arguments and  
1881 mechanisms are not the ones being stated.

Second, “downwardly accountable institu-  
1883 tions” should be constructed at various levels  
1884 of government. Mechanisms of accountability  
1885 go beyond the electoral process. Multiple  
1886 accountability mechanisms—providing infor-  
1887 mation and enabling sanction—can be applied.  
1888 At a minimum, they should include “infor-  
1889 mation sharing” across governmental levels and  
1890 with the general population, and *civic education*  
1891 of local peoples and authorities so that people  
1892 know what they can demand—what they can  
1893 hold local authorities accountable for—and so  
1894 local authorities know what they can offer  
1895 (see Ribot, 2004).  
1896

Third, accountable local officials should pos-  
1897 sess *discretionary powers* that offer a secure do-  
1898 main of autonomous decision making, and  
1899 funding that allows these decisions to be imple-  
1900 mented. Those powers, and the limits to them,  
1901 should not be seen as simple technocratic or sci-  
1902 entific judgments, but rather recognized as  
1903 political decisions (Bazaara, 2003). Hence, a  
1904 “broadly participatory political-institutional  
1905 process” should be constructed through which  
1906 such decisions could be debated.  
1907

Finally, in order to overcome central govern-  
1908 ment resistance, “broad coalitions” that bring  
1909 together a diversity of interest groups from dif-  
1910

1911 ferent sectors of society and government could  
 1912 provide an effective institutional forum for the  
 1913 promotion of democratic decentralization.  
 1914 Such coalitions could help counter-balance the  
 1915 centralizing tendencies of national govern-  
 1916 ments, and as such might serve as important  
 1917 political allies for the long-term development  
 1918 of a real, democratic decentralization.

1926

1927 1. “Bureaucratic decentralization” is another name for  
 1928 deconcentration. See Rolla (1998). Adamolekun (1991)  
 1929 points out that deconcentration often takes place in the  
 1930 name of decentralization. The two need not however be  
 1931 confused.

1932 2. See Manor (1999) and Blair (1998). When govern-  
 1933 ments cede powers to nonstate bodies such as private  
 1934 individuals or corporations, the process can be termed  
 1935 *privatization*, and we do not consider it decentralization.  
 1936 When, under governmental supervision, powers and  
 1937 specific responsibilities are allocated to public corpora-  
 1938 tions or any other special authorities outside of the regular  
 1939 political-administrative structure, it is called *delegation*.

1940 3. See Breton (1996), Tiebout (1956), and Oates (1972).  
 1941 Webster (1992) is only one of the later figures to argue  
 1942 that decentralization can be seen as a means by which  
 1943 the state can be more responsive, more adaptable, to  
 1944 regional and local needs than is the case with a  
 1945 concentration of administrative powers.

1946 4. Agrawal (1999). Several authors (Nzouankeu, 1994;  
 1947 Souza, 1996) discuss the relationship between decentral-  
 1948 ization and democracy.

1949 5. See Ribot and Larson (2005) for cases from Mon-  
 1950 golia, China, Brazil, India, Indonesia, Bolivia, Camer-  
 1951 oon, South Africa, and Nicaragua. Ribot (2004) extracts  
 1952 from the above cases along with cases from Senegal,  
 1953 Mali, Uganda, and Zimbabwe. Also see Mapedza and  
 1954 Mandondo (2002) on Zimbabwe, Bazaara (2003), and  
 1955 Muhereza (2003) on Uganda, Ferroukhi and Echeverría  
 1956 (2003) on Guatemala, and Vallejo (2003) on Honduras.

1957 6. The 1993 code that was designed to make forest  
 1958 management more “participatory” is thus the inclusion  
 1959 of local governments as *possible* recipients of forest use  
 1960 permits. RDS, “Projet de Decret Portant Code Forestier  
 1961 (Partie Reglementaire)” (Ministere de l’Environnement  
 1962 et de la Protection de la Nature, 1994, p. 1).

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 Brannstrom (2004), Ferroukhi and Aguilar 1921  
 (2003), Manor (2004), Mearns (2002), Ntsebeza 1922  
 (2002, 2004), Republic of Uganda (1997, 1998, 1923  
 2000, 2001, 2002), Secaira, Lehnhoff, Dix, and 1924  
 Rojas (2001), Utting (1998), Xu (2002). 1925

## NOTES

7. The state practiced a double standard in that the 1963  
 rural councils were obligated to manage forests follow- 1964  
 ing detailed management plans while the commercial 1965  
 concessionaires did not have to conduct follow up work. 1966  
 Further, the councils could not sell to anyone other than 1967  
 the commercial concessionaires who held professional 1968  
 licenses. See Ribot (1995a, forthcoming). 1969

8. Regional and Rural Councils govern these levels of 1970  
 local government, with the Rural Community being the 1971  
 most-local unit. 1972

9. They can engage individuals or any legally recog- 1973  
 nized group to exploit forests. Individuals, cooperatives, 1974  
 corporations, and interest groups recognized by the 1975  
 government can apply to rural councils for permission to 1976  
 work in commercial forestry. 1977

10. RdS (1998). Art. R29 allows the forest service to 1978  
 allocate the third parties. It is not clear in what cases this 1979  
 right applies. 1980

11. The fiscal incentives here are perverse. Rural 1981  
 Councils have no right to tax the resource. Local 1982  
 councils can only profit from the control of illegal legal 1983  
 activities—which will give it an incentive to have illegal 1984  
 activities in its jurisdiction. If the council cleans up 1985  
 illegalities, it loses its income. 1986

12. RdS (1998). Code Forestier, Loi No. 98/03 du 8 1987  
 Janvier 1998, Décret No. 98/164 du 20 Février 1998. 1988  
 Ministère de l’Environnement et de la Protection de la 1989  
 Nature, Direction des Eaux, Forêts, Chasse et de la 1990  
 Conservation des Sols. Art. L7, L8, L10–17, L74, L77; 1991  
 and R63, R66. Also see art. R29 which contradicts some 1992  
 of these new powers. 1993

13. There is no discussion of how the relevant level 1994  
 is determined, however, the only two levels mentioned 1995  
 in the code are the Region and the Rural 1996  
 Community. 1997

- 1998 14. After an initial three-year period from the enact- 2044  
 1999 ment of the forestry code, commercial production in 2045  
 2000 nonmanaged areas is illegal “except in exceptional and 2046  
 2001 limited cases” which can be authorized by the director of  
 2002 the Forest Service. *RdS* (1998, art. L77). At present these  
 2003 exceptional instances represents the vast majority of  
 2004 cases (personal communications with forest service  
 2005 agents and projects in Senegal).
- 2006 15. This disposition is ambiguous. It is not clear from 2050  
 2007 the code whether they need permission from the PCR to 2051  
 2008 do so. See *RdS* (1998, art. R29).
- 2009 16. The ministry has changed names several times. 2052  
 2053  
 2054
- 2010 17. Access to the National Forestry Fund will be 2055  
 2011 defined by ministerial decree (*RdS*, 1998, art. L6). 2056  
 2057  
 2058
- 2012 18. Observations based on field research and numerous 2059  
 2013 interviews of foresters, rural councilors and rural council 2060  
 2014 presidents, ministry of environment agents, forestry 2061  
 2015 merchants, woodfuel wholesalers, and donors in Senegal 2062  
 2016 during 2002–4. 2063  
 2064
- 2017 19. Interviews with rural councilors in 2003. 2065  
 2066
- 2018 20. Personal communication with a participant in last 2067  
 2019 November’s meeting. This participant, who wishes to be 2068  
 2020 anonymous, mentioned that several merchants objected 2069  
 2021 to the distribution of quotas, but were ignored. Also see 2070  
 2022 Ba (2005).
- 2023 21. Personal communications with the deputy to the 2071  
 2024 President of the Regional Council of Tambacounda, and 2072  
 2025 interviews with rural council presidents in the Tambac- 2073  
 2026ounda Region, November 2003. 2074  
 2075
- 2027 22. Senegal’s rural councils who receive most of the 2076  
 2028 newly transferred powers are elected. These elections, 2077  
 2029 however, do not make the councils representative of nor 2078  
 2030 accountable to local populations. Candidates for Rural 2079  
 2031 Councils can only be presented for election by nationally 2080  
 2032 registered political parties. The role of political parties in 2081  
 2033 local government needs more in depth examination. See 2082  
 2034 Cowan (1958, p. 221). This is not a new phenomenon. A 2083  
 2035 villager (in Koumpentoum, June 1994) explained that 2084  
 2036 the Councilors are chosen by Deputies in the National 2085  
 2037 Assembly. Deputies choose people based on those who 2086  
 2038 support them in their elections—“The Councils are 2087  
 2039 chosen by the parties” (Ribot, 1999). Hesselting (n.d., p. 2088  
 2040 17) writes, based on her research in Senegal in 1983, that 2089  
 2041 councils “. . . are at times nothing more than sections of 2090  
 2042 the Socialist Party [the party in power at the time]. . .” 2091  
 2043 Indeed, in 1994, the ruling Socialist Party dominated 2092  
 over 300 of Senegal’s 317 rural councils. Elections in 2093  
 Senegal are structured to create upwardly accountable 2094  
 rural councils.
23. Personal communication, November 2003. 2047
24. Personal communication, M. Faye. November 2048  
 2003. 2049
25. The research for this case was conducted and 2050  
 written up by Muhereza (2003). 2051
26. The Local Government (Resistance Councils) Statute, 1993, *Uganda Gazette* No. 55, Vol. LXXXVI, 2052  
 December 31, 1993. 2053  
 2054
27. Bazaara (2002b) explains this decentralization as 2055  
 the result of attempts to resolve regional conflicts and 2056  
 pressure from the World Bank, IMF, and other 2057  
 programs. 2058
28. Correspondence from Mr. E.D. Olet, Commis- 2059  
 sioner for Forestry, to all District Forest Officers, April 2060  
 26, 1995, Statutory Instrument 1995, No. 2; The Forest 2061  
 Reserves (Declaration) Order of 1998 (Statutory Instru- 2062  
 ment No. 63), Statutory Instruments Supplement No. 23 2063  
 of 11 September 1998. 2064
29. Local Governments (Resistance Councils) (Amend- 2065  
 ment of Second Schedule) (No. 2) Instrument of 1995. 2066
30. Statutory Instrument No. 63 of 1998 revoked the 2067  
 Forest Reserves (Declaration) Order of 1968 or Statu- 2068  
 tory Instrument No. 176 of 1968. 2069
31. Section 5(i) of the 1964 Forest Act. 2070
32. Although many of the dynamics found in this 2071  
 district are reported elsewhere, generalizations are 2072  
 always subject to caution and qualification. We present 2073  
 the information from this case to show how it is possible 2074  
 to manipulate decentralization-related legislation. 2075
33. The Forest Department provided for some revenue 2076  
 sharing and forest uses with local populations under a 2077  
 pilot scheme for comanagement. In Masindi, collabora- 2078  
 tive forest management is occurring in some commu- 2079  
 nities around the Budongo Central Forest Reserve. 2080
34. Ironically, the National Forest Authority (which 2081  
 replaced the Forest Department in 1998) reduced their 2082  
 staff in 2000, crippling their ability to manage forest 2083  
 resources effectively (Muhereza, 2003, p. 7). 2084

- 2085 35. A similar story unfolded in Mali where the  
2086 government gave new powers to local authorities but  
2087 almost no territorial jurisdiction over which to exercise  
2088 the newly granted powers (Ribot, 1999). 2118
- 2089 36. Muhereza (2002, p. 33) points out that not all  
2090 outcomes may be attributable uniquely to decentraliza-  
2091 tion policies since many other socio-economic changes  
2092 are also ongoing in Uganda. 2119
- 2093 37. Arnold and Campbell "Collective Management,"  
2094 pp. 440–444. 2120
- 2095 38. Literally, a *panchayat* in rural south Asia refers to a  
2096 decision-making collective or council of five persons.  
2097 Many government regulations for rural organization  
2098 building seek to empower such informally existing  
2099 bodies, or to create them *de novo*. The actual member-  
2100 ship of the council, usually an odd number, can comprise  
2101 up to nine persons. 2121
- 2102 39. As with any policy of this kind, the manner of  
2103 implementation of the law is sometimes more arbitrary  
2104 and less participatory than it is at other times. A 1995  
2105 study of 419 "chairpersons" of forest committees  
2106 uncovered that "most of them did not know if they  
2107 were members of a forest committee, or what they were  
2108 expected to do" (Britt, 2000, p. 22). 2122
- 2109 40. There is an initiative currently under consideration  
2110 to tax the revenue that user groups obtain under this  
2111 program; see Mahapatra, 2000, pp. 7–8. 2123
- 2112 41. Based on Resosudarmo (2004). 2124
- 2113 42. APKASI is the Asosiasi Pemerintah Kabupaten  
2114 Seluruh Indonesia (or, the Association of Regency  
2115 Governments of Indonesia); APPSI is the Asosiasi  
2116 Pemerintah Provinsi Indonesia (or, Association of Pro-  
2117 vincial Governments of Indonesia). 2125
- 2150 43. Unless otherwise stated, the information provided  
2151 here was taken from Pacheco (2002, 2003), and forth-  
2152 coming. The Bolivian study is based on the analysis of 12  
2153 lowland municipalities with humid and semi-humid  
2154 tropical forests. 2126
- 2155 44. Previously "municipal government" referred to  
2156 urban area government. The term is now used inter-  
2157 changeably with "local government" to refer to the  
2158 entire urban–rural district, which is called a municipal-  
2159 ity. 2127
- 2160 45. In response to their protest, the law was reformed  
2161 in 2003 to reduce the fee of \$1 per hectare per year to  
2162 cover only the area being logged annually. 2128
- 2163 46. As in Bolivia, the municipality encompasses both  
2164 the urban and rural area in a single district, and  
2165 municipal government here is used interchangeably with  
2166 local government. 2129
- 2167 47. The Forestry Institute has been in turmoil for  
2168 several years, in part due to heavy questioning by  
2169 citizens and the media. A new director hired in late 2003  
2170 has finally begun a serious attack on internal corruption  
2171 (see, e.g., *La Prensa* January 10, 2004 and January 22,  
2172 2004). 2130
- 2173 48. Local governments have issued their opinion based  
2174 on site visits, which are still also undertaken by  
2175 INAFOR; the two institutions do not always coordi-  
2176 nate. 2131
- 2177 49. Senegal's previous "participatory" code produced  
2178 an image of local inclusion under a system that  
2179 effectively allowed the forest service to mobilize local  
2180 labor in a kind of "participatory corvée" (Ribot, 1995a). 2132
- 2181 50. Interviews with charcoal merchants 2003. 2133
- 2182 2134
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