



Royal Tropical Institute

**Local governance institutions for
sustainable natural resource
management in Mali, Burkina
Faso and Niger**

Thea Hilhorst

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Acronyms

COFOCOM	Commission foncière communale (Niger)
CVD	Commission villageoise de développement (Burkina Faso)
CVGT	Commission villageoise de gestion de terroir (Burkina Faso)
DANIDA	Danish agency for international development
LG	Local government
LOA	Loi d'orientation agricole (Mali)
NRM	Natural resource management
RAF	Réforme agraire et foncier (Burkina Faso)

Preface

This paper is based on a chapter in "New Perspectives on Natural Resource Management in the Sahel" (Simon Bolwig, Kjeld Rasmussen and Malene Kauffmann Hansen (eds.)), a technical report submitted to the Danish Agency for International Development Assistance (Danida).

Through Danida, Denmark has established a long tradition of providing support to the countries in the Sahel region, starting with considerable contributions to the United Nations Sudano-Sahelian Office (UNSO) under UNDP during the 1980s and early 1990s. Since then, it has mainly provided bilateral support to Burkina Faso and Niger and now Mali.

Harvesting experiences from development and research activities in the Sahel is already being carried out as part of regular and targeted review activities, with a view to updating Denmark's development assistance programmes in the region. To contribute to this process, Danida commissioned the University of Copenhagen to carry out a study aimed at providing an overview of the lessons learnt from Danish (and to some extent international) activities in natural resources management in the Sahel, with a focus on Niger, Burkina Faso and Mali. The study objectives were to:

- i) identify the most important operational experiences from two decades of Danish assistance to natural resources management in the Sahel
- ii) extract from research findings the recent trends, as well as the key problems and drivers, related to natural resources management that are relevant to development assistance.

The reports were coordinated by the Department of Geography and Geology at the University of Copenhagen. Sub-studies on pastoral systems and on local governance institutions were contributed by, respectively, the International Institute for Environment and Development (IIED) in Edinburgh and the Royal Tropical Institute (KIT) in Amsterdam, and integrated into the reports. It is expected that the full report will be published in 2008.

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1 Introduction

In the Sahelian countries of Mali, Burkina Faso and Niger, the majority of poor people live in rural areas. Rural livelihoods depend to a large extent on a combination of rain-fed crop farming, and extensive livestock rearing, supplemented with the gathering of wood, grasses, fruits, which may be complemented with revenues generated by circular migration and remittances. In addition, renewable natural resources produce ecosystem services that underpin human existence and welfare. A more productive use of natural resources contributes to increasing food security and raising incomes among the rural poor in the Sahel.

The Danish agency for international development (Danida) commissioned a policy study on experiences from research and interventions in the Sahel with the management of renewable natural resources - soils, water, forests, and biodiversity - for the purpose of food and income generation. The aim of the study was to identify emerging views on trends and changes related to natural resource management (NRM)¹, which are of relevance to development assistance.

The focus of this sub-study is on local governance institutions in relation to natural resource entitlements, use and decision-making on management in Mali, Burkina Faso and Niger. In this paper, local institutions refer to structures at the community level or local government. The study explores the range of existing local governance institutions per type of (renewable) resource that is best managed at this level², prevailing local institutions for governing natural resources and trends. Particular attention will be paid to the influence of customary institutions, projects interventions, and democratic decentralisation. In all three countries, rural local governments have been put in place following direct elections (Mali 1999, Niger, 2004, Burkina Faso 2006). The paper ends with a brief discussion of possible ways in which development agencies can support local governance institutions for NRM.

1.1 Overview of research on the governance of NRM

A considerable amount of research has taken place on access, use and management of natural resources in the Sahel. Much attention has been paid to questions of access, management and conflict in relation to natural resources that are used by several groups, such as sylvo-pastoral areas, grazing lands and fisheries. A body of literature has emerged on why decentralised management of these "common lands," combined with collective action, is more efficient than centralized governance. Management decisions have to be taken locally, given the many variations in ecology and resource use across the region, the annual variations in rainfall patterns and the multiple user groups involved. This is also the reason why, particularly in the drier zones, mobility is the most rational way for herding livestock (pastoralism or transhumance). (See, for example, Behnke *et al.*, 1993, Hiernaux, 1996,

¹ Natural resource management (NRM) is defined as "the sustainable utilization of major natural resources such as soils, water, air, minerals, forests, fisheries, and wild flora and fauna (biodiversity).

²The use of large grazing lands, forests, water bodies or cattle corridors that cover a large area may be managed best at a higher scale level (several local governments, a district or even a region). Local governments may need support for the management of resources of strategic interest in their territory, such as international heritage sites, natural parks, watercourses, etc..

Laurent & Mathieu, 1995, Lavigne Delville *et al.*, 2000, Thébaud, 2002; Benjamin, 2006, Djiré & Dicko, 2007, Ribot, 2002); and policy briefs published by the OECD in 2007 on the future of livestock farming in the Sahel and West Africa).

A growing body of research, both case studies and more general overviews, is available on access to land and natural resources and how rules and regulations are evolving, and the place of changing customary law and statutory law (see for example (Cotula (ed.), 2007, Dabiré, 2006, Hochet, 2006, Laurent & Mathieu, 1995, Lavigne Delville, Toulmin, & Traoré, 2000). A number of studies have been conducted on local arenas of power with control over land and natural resource being important for maintaining patronage networks and power (see for example work by Thomas Bierschenk, Giorgio Blundo, Jean Pierre Chaveau, Jean Pierre Olivier de Sardan,). These studies analysed to a lesser extent how power arrangements influence entitlements and collective action around natural resource management (see for ex. (Lavigne Delville, Toulmin, & Traoré, 2000, Ribot, 2002, Ribot, 2004). Related to this, since the emergence of rural local governments, is an expanding interest in research on democratic decentralisation processes. These studies address changes in power relations at the local level and with the meso and national level, service delivery, implications for citizenship and to a lesser extent the contribution to natural resource management (Benjamin, 2004, Benjamin, 2006, Dassetto *et al.*, 2004, Hilhorst & Coulibaly, 2004, Hochet, 2006, Ouédraogo, 2007, Sawadogo, 2001, Sène *et al.*, 2007, SNV & CEDELO, 2004, Totte *et al.*, 2003).

In addition, action-research kinds of experiences around community-based natural resource management have been taking place since the end of the 1980s in all three countries, often piloted by projects, programs, NGOs or research institutes (see for ex. (Boucoum *et al.*, 2003, Joldersma *et al.*, 1996, Vogt & Vogt, 2000). Research on the potential impact of climate change and the role of local institutions in managing associated risks is emerging (see for ex. (Dietz *et al.*, 2004, Tschakert, 2007). Changes in views amongst policy makers on the importance of decentralised management of natural resources and the value of local governance institution demonstrate that this type of research contributes to more innovative policies (see CILSS conference in 1994 (Praia), and Praia + 9 in 2003; new pastoral legislations). Danida has been instrumental in financing part of this research (Danida, 2007).

National networks of researchers seem strongest in Niger (around IRD/LASDEL www.ird.ne/lasdel), followed by Burkina Faso (network of the *Groupe de recherche et action sur le foncier* GRAF (<http://graf.zcp.bf>) and to a lesser extent ACE-RECIT (www.ace-recit.org). GRAF is emphasizing networking and linking practice-research and policy. Research in Mali seems more dispersed and is being undertaken by researchers working for the *Institut de Sciences Humaines* (ISH), *Institut d'Economie Rurale*; *Centre National de Recherche Scientifique et Technologique* (CNRST), *Point Sud*, *Université de Bamako*. One portal that brings together work around local development, including natural resource management in Mali, is www.penserpouragir.org. Initiatives for linking research initiatives across the three countries (and beyond) exist, such as those promoted by CIRAD, IRD- LASDEL, IIED, ACE-Recit. Many researchers are engaged in short-term consultancies and development agencies produce numerous detailed reports, but these are seldom synthesized.

2 Governance in relation to the type of natural resource

2.1 Institutions governing farmland

Generally, control over access to farmland is in the hands of the lineage that was the first to start farming in the village, personified in the (male) head of that lineage. This headman can grant strangers “temporary” access to land (secondary rights). Pastoralists tend to have a host in the community who will help them to secure their secondary rights to pasture and crop residues as well as rights of passage. Wives and unmarried boys and girls will receive land to cultivate through their husbands, mother-in-law or parents (again secondary rights).

The management of farmland, such as soil fertility management, crops to be planted, erosion control etc., is decided generally by the person working the land. Those with secondary rights face some restrictions, such as those to protect valuable trees (Shea nut, locust bean) the produce of which may be harvested by the ‘owners’ of the land. In addition, they are not allowed to plant trees or undertake other investments that can be interpreted as a strategy to acquire the land ‘permanently’. Equally, investing in improving soil fertility (such as by applying manure) can be risky as the now-fertile land may be taken back by the ‘owner’ in exchange for a new plot of poorer quality. Secondary right holders are more at risk of losing access to land when land pressure increases. They then have to rely on (informal) markets for renting or buying, or sharecropping.

Trees in fields, the so-called park landscape, are a common feature in the Sahel. These trees protect the soil against wind and water erosion, improve biodiversity, are used to feed cattle in the dry season and provide an important source of income for women (shea nuts, for example). Research from Burkina Faso, Niger and northern Nigeria has shown that some densely populated areas have become greener. The changes are mostly the cumulative results of decisions by individual farming households to invest in soil and water conservation (often with the support of projects), intensify livestock management systems, protect and plant trees (farmed parkland). The reason may initially have been despair, but increasingly, market opportunities have played a role (Mortimore & Turner, 2005, Reij *et al.*, 2005). The reduced presence on the ground of forestry services during the 1990s also influenced farmers’ willingness to protect trees and maintain fallow land.

Interest in “formalizing” access to land and transactions is increasing in the Sahel, particularly in areas where pressure on land is increasing. Informal land markets are spreading, driven by an urban middle class, diaspora and so-called “new actors” or investors (agri-business), who often subsequently try to legalize/formalize the land acquired. This is particularly important in peri-urban areas (which may extend 50 km)³, along major roads and in high potential areas. Informal land markets tend to be “messy” with a prominent role for “intermediaries”, multiple sales of the same plots as well as family members feeling cheated. Disputes may have a generational dimension when elders decide to sell the land without consulting the younger generations, or inversely, when people sell family land without asking for permission from ‘custodians’. Policy responses are oriented towards promoting decentralised registration and formalization of transactions, such as the *‘plan foncier rural’* (Cote d’Ivoire,

³ Interestingly, cotton farmers tend to invest in building houses in town (alongside cattle or equipment such as mills, trucks).

Benin and Burkina Faso (Ouédraogo, 2005)), as well as the *commissions foncières* being proposed in Mali and already in place in Niger (see next section). With respect to farmland, sharecropping and renting is still not very common, with the exception of irrigation schemes such as the "Office du Niger" in Mali. Here, farmers lease land from the agency managing the Office du Niger, and sub-lease land to women and young people during the dry season to grow vegetables⁴.

2.2 Institutions governing common lands: Forest, pastures and water

In the Sudan climate zone, forest, pastures and fallows are in reality one ecosystem that is used by multiple user groups for herding cattle, cutting wood, gathering, hunting, bee keeping etc., but who may have competing interests. Resource use also changes between the seasons. Due to growing pressure on land, fallow periods are shortening, reducing the area of sylvo-pastoral lands. In the North of the Sahel in Niger, converting grazing areas into fields is formally forbidden in zones with less than 300 mm of rainfall. These lands are most suitable for grazing (and hunting) with the drier areas having the most nutritious pastures. Enforcement, however, is not strict and wetlands are cultivated in particular, undermining the sustainability of the pastoral livelihood system.

Herders require secure access to grazing lands, water and livestock corridors. Access to water is key, particularly at the end of the dry season, and determines whether pastures are indeed exploitable. Control over the use of pastures may be in the hands of the lineage that dug the well, or confined to customary authorities (such as the *djowro* in Mali). Wetlands play a key role in these systems, while at the same time offering possibilities for dry season agriculture. The conversion of wetlands is a source of conflict, and may even have been used to push away herders from certain zones (north of Burkina).

Since colonial times, central government has sought to control access and use of forests lands, which were declared public lands. Some forests were even classified (*forêts classées*) and thus protected. A few natural parks exist too. In all three countries, forestry departments are present which stand apart from other departments or ministries involved in rural development. An attempt in Mali, for example, to merge the forestry ministry with the ministries working on agriculture and livestock at the end of the 1990s did not succeed. Within a few years the foresters were working again in their own department (Hilhorst & Coulibaly, 1998). The staff is trained at special schools and used to be in uniform and armed⁵. The relationship between foresters and local communities can be very tense⁶; controversies exist particularly around bushfires, cutting of fuel wood and timber.

The forest policies adopted in Niger (1992) and Mali (1996) were both called *stratégie énergie domestique*, but the policy in Mali is different following intensive lobby by forestry agents and traders to prevent significant change in the distribution of revenues generated by the fuelwood value chain. The objective of the policy was to transfer forest management responsibilities to rural communities through the establishment of rural markets for fuelwood, the demarcation of village forests followed by the development of management

⁴ Good soil fertility management (applying manure) is sometime a condition.

⁵ In Mali, foresters took off their uniforms in the 1990s (following some violent confrontations with the population). However, in 2006 the regional director in Sikasso ordered his staff to again wear their uniforms.

⁶ In Mali, for example, following the collapse of the one party system in 1991, violence directed against foresters erupted and some were killed.

plans. In Niger, 300 village forest/ markets were established (fuelwood and *gomme arabique*) and in Mali, 400, for fuelwood and timber. Part of the taxes generated over resource use now remains in the community either by deduction (Niger) or will have to be returned later by the government (Mali). The sustainability of natural resource management was judged as sufficient in Niger and unsatisfactory in Mali. The policy has helped local governance institutions (at the village level) to regain legitimacy and capture a larger share of the benefits than before. In both countries local governments seek to get involved and will have to. The risk is that a new type of centralization occurs, if the delegation of management responsibilities from local government to village is not encouraged. Finally, local governments in Mali seek to receive their share of the taxes from the forestry ministry, but are faced with considerable obstacles, such as non-labeling of fuelwood, so that it becomes untraceable (Bertrand *et al.*, 2006a, Bertrand *et al.*, 2006b).

Herd mobility and secure access to strategic resources, such as water and dry season grazing, are critical for pastoralist production systems. However, governments have tried to halt movements and promote sedentarisation, but without success. The past decade has seen a promising shift by several governments to recognize and regulate access and tenure rights over pastoral resources – Niger (1993), Mali (2001) and Burkina Faso (2002). Although the approaches taken by legislators vary considerably across countries, this pastoral legislation recognizes mobility as the key strategy for pastoral resource management. In order to maintain or enable mobility, pastoral legislation seeks to protect grazing lands and cattle corridors from agricultural encroachment and to secure herders' access to strategic seasonal resources. However, some problems remain. First, pastoral legislation has been barely put into practice. For instance, Mali's Pastoral Charter still lacks its implementing regulations. Secondly, although some laws now recognize pastoralism as a legitimate form of productive land use (*mise en valeur*, upon which protection of land rights is conditional), the concept of *mise en valeur pastorale* remains ill-defined, and generally involves investments in infrastructure (wells, fences, etc.) that are not required for agricultural forms of *mise en valeur*. The laws may even be used to privatize resources. Local actors are ill-informed on these laws and the rights and responsibilities that these include. Moreover, in most countries, rangelands are affected by many laws, often uncoordinated, and managed by a range of different institutions. Laws on land, water, forests and decentralisation may all have implications for rangeland management. (Cotula (ed.), 2007, Hesse & Thébaud, 2006).

2.3 Expected changes

How rules, regulations and entitlement over access and management of renewable natural resources in the Sahel evolve depends on how the juxtaposition of various formal and informal institutions is going to play out, and to what extent the legitimacy of local governance institutions is acknowledged and integrated in formal policy. The interplay between these systems is influenced by changes in legislation and by the capacity and willingness to implement laws on issues such as land policy, pastoral legislation, water codes, and regulations on land use planning and zoning, and forest management. Trends that also affect natural resources use and management are those that change entitlements or increase pressure on available resources, such as growing demand for farm land due to population growth, new economic opportunities (biofuel "hype", the expansion of irrigation schemes, projects for climate compensation), and conversion of agricultural land in residential plots and speculation.

Moreover, policies to modernise agriculture, promote economic growth and generate rural employment are being developed. A issues that arises is whether control over scarce natural resources should be directed, via land markets, to groups considered the most efficient users (national and foreign agribusiness, other investors) but who will demand exclusive access to land and natural resources (concessions, long-term leases or even titles). Local people's access and control over common lands is particularly at risk of being interfered with and reallocated (see Alden Wiley, 2006).

2.4 Policy conclusions

The productivity of natural resources in the Sahel varies between areas, seasons and years, mostly in response to fluctuation in rainfall. This requires adaptive management systems. Moreover, these resources are used by multiple groups who may have competing interests. Pressure on natural resources is growing fast. Both the access and management of these natural resources and the formal and informal institutions and rules governing them are increasingly contested. Informal land markets are expanding, often at the expense of common lands.

Customary or informal local governance institutions continue to play an important role in natural resources management. Maintaining and strengthening local capacity for dialogue and negotiation in this field is essential for the sustainability of resource use practices, rural livelihoods and local peace. However, over the last decades central government interference has weakened the sustainability of these resource use management systems, even causing the emergence of open access systems and conflict. This is particularly the case in areas with valuable resources. In remote areas with a poor resource base, government presence is more limited, which increases local space for decision-making. Elsewhere, conflicts between government and communities over the management of natural resources have erupted, mostly over rights to cut firewood, and hunting rights access to wetlands. In addition, interventions such as ranches or forest classification have blocked access to vital assets, undermining rural livelihoods systems, while investments in pastoral water points have affected local institutions.

New actors are appearing on the scene, such as an urban middle class, local and foreign companies and other investors. A dilemma for local governance institutions is how to deal with these new actors. Some are involved in either corrupting local institutions or undermining these even further by ignoring local decisions and calling upon the support of central government. Clearly, where the actions of central government or agents are ambiguous and lacking in transparency, the possibilities for local governance institutions to work towards sustainable resource use, conflict prevention, and local economic development will be undermined.

Given the growing competition over resources, securing rural people's rights to resources and protecting secondary rights of access to sustain livelihoods is urgent. The common lands are most at risk. The legal protection of local land rights systems is essential, but this requires efforts to adjust law and land administration practices to local realities. This is also advocated in recent policy documents of the World Bank and the European Commission (EU Task Force on Land Tenure, 2004, World Bank, 2003). Experiences with developing pastoral legislation in the region and the *code rural* in Niger demonstrate that this is feasible. The implementation of such promising new legislation and practices around common lands needs to receive full support.

3 Current local governance institutions managing access and management of natural resources

Local governance institutions are involved in defining access and management of natural resources and in sanctioning trespassers. Key aspects of governance are the quality of decision-making processes, the exercise of power, and the functioning of accountability mechanisms. The institutional context in the Sahel is complex. Communities in rural areas display a wide diversity of cultures and types of livelihoods pursued. There is a juxtaposition of various formal and informal authority structures and laws. Some local actors will even explore the different options of customary and statutory law to their advantage (forum shopping). In this paper, a local governance institution is not synonymous with local government, but we will pay attention to the effects of decentralisation processes in section 4.

3.1 Customary authorities

Each farming and pastoral village or grouping (*groupement*) in Burkina Faso, Mali and Niger has its own organisational construct, which reflects diversity in history, culture, livelihood choices etc. Rural communities are headed by authorities, chosen through customary decision-making processes, and these leaders are expected to act as custodians. Some examples are the 'chiefs' (*chef de village, chef de terre, chef de forêts, chef des eaux* etc.) generally chosen amongst the eldest men of the lineage that founded the village or had responsibility for a particular resource. Their influence is limited to their village or territory. In some regions - such as on the Mossi plateau in Burkina Faso, in the inner Niger delta of Mali, or in southern Niger - paramount chiefs are found whose realm of influence is wider, although their direct links with local people are possibly weaker.

The legitimacy and authority of these leaders is based on a mixture of customary and religious laws, and social agreements. However, some chiefs who are now called 'customary' acquired their powers during colonial times, such as the *chefs de canton* in Niger. While these institutions reflect existing social agreements, they also replicate prevailing forms of discrimination, exclusion and prejudice, such as those that affects the rights of women, migrants, pastoralists or certain castes (see for example Whitehead & Dzodzi, 2003).

Social configurations and agreements underlying the more 'customary' institutions for resource management evolve continuously in response to internal and external transformations. The trends within communities that will affect these institutions and their effectiveness include: changing relations between generations; fragmentation of large families into smaller units; the undermining of the notion of custodianship under the influence of emerging (informal) land markets; the growing influence of political party disputes on social relations (sometimes also linked to local government elections and the choice of a mayor); the influence of migration to cities or abroad. Moreover, the spread of communications tools, such as mobile phones and internet, facilitates access to information and may strengthen accountability mechanisms.

Customary authorities are still recognised by the majority of the population. Outsiders also tend to respect them and seek their support when visiting communities. Customary authorities often intervene to prevent or manage conflicts, including those resulting from natural resource use. Their capacity to

mediate is widely recognised, also by the State. Access to important grazing lands is overseen by chiefs, such as the “djowro” in the inner delta of Mali, levying fees, but these are increasingly monetarised with control over grazing resources becoming ‘vertically’ privatised and controlled by these custodians (Cotula & Cissé, 2007). Customary authorities may also allocate secondary rights, such as to migrants, or impose regulations on resource use (start date for harvesting fruits from wild trees, hunting period, place and type of animals, protecting sacred ponds and forests etc.). The “chasseurs” or “hunters” are involved in enforcing such restrictions on resource use. These regulations (and taboos) tend to be respected by local people (but not always by outsiders). Interest in revalorising the role of customary authorities in promoting sustainable natural resource management and “alternative conflict resolution” has been growing since the 1980s, especially amongst researchers and NGOs. However, this trend is also viewed with suspicion given the possible implications for inequity and democracy (see Ribot, 2002, Whitehead & Dzodzi, 2003).

“Customary” local governance institutions, such as village chiefs and “land” chiefs, used to be effective in exercising authority over access to and use of land and natural resources, and resolving conflicts. Although their relevance continues in most rural areas and even in many urban neighbourhoods, their powers have been undermined. The destabilisation of these institutions started during colonial times and continued after independence, reflecting the growing power of the central state, the expansion of statutory law, and changing social relations and new markets.

Ministries in charge of forests or fisheries increasingly intervened in overseeing the use of these resources, while issuing users permits often without taking into consideration the availability of the resource. There was no recourse available to the ‘customary’ authorities who used to govern resource use. This situation is increasingly affecting the sustainable management of shared natural resources, creating situations of so-called “open access” that may become subject to severe degradation. In response, forms of decentralised natural resource management involving all relevant stakeholders in decision-making have emerged, in particular since the end of the 1980s. Some examples are the “*gestion de terroir*” and local conventions (Batterbury, 1998, Toulmin, 1994). These approaches try to combine “customary” and “modern” institutions, while seeking to anchor the results to the legal authority of the new rural local governments (section 4).

3.2 Village land management commissions

A new development is the establishment of more formal governance institutions that are to play a role in natural resource management and even land administration. Niger introduced legislation in 1993 to establish village land management commissions (*commission foncières* or CoFo) which will play a role in registration and rights and land use management. Burkina Faso created the *Commission villageoise de gestion de terroir* in 2000. Mali has no legislation yet for this type of structure but the introduction of a *commission foncière* is proposed in the context of the *Loi d’Orientation Agricole* (LOA)⁷. It is

⁷ LOA -Art 84 : La réalisation des opérations de matérialisation des droits sur l'espace est effectuée par une commission foncière locale au niveau de chaque village ou groupe de villages et terroirs d'attache des fractions dans un délai de cinq ans à compter de la promulgation de la présente loi. Une commission communale foncière est créée au niveau de chaque commune composée notamment des représentants des commissions foncières locales. Les attributions, la composition et les modalités de fonctionnement des commissions foncières locales et communales sont fixées par décret pris en Conseil des Ministres.

to be noted that in all three countries, the link between these *commission foncières* and the newly established local governments is becoming a point of discussion (and concern).

3.2.1 *The Village Land Management Commissions (CVGT) – Burkina Faso*

The aim of the Land Reform Act (*Reforme Agraire et Foncier* or RAF) of 1984 was to unify the various, sometimes contradictory land tenure regimes and eliminate land-related obstacles to socio-economic development. It was hoped that the RAF would also facilitate access to natural resources and reduce conflicts over land. A central element is the principle of subsidiarity. This implies that management responsibilities (and arbitration) can be delegated to the most appropriate level for resource management, such as local communities (which they do anyway on a daily basis). If one party is dissatisfied with the verdict, they can complain to the public administration. Customary rights over natural resources are not recognised. However, the interpretation of the RAF varies and government officials are of the opinion that they and not communities should set and apply resource use regulations and apply sanctions. In practice, the applicability of the RAF has turned out to be more appropriate to urban than to rural lands (Thiéba, 2003).

Within the context of the RAF, in 2000 the government promulgated a decree on Village Land Management Commissions (*Commission villageoise de gestion de terroir* or CVGTs) and inter-village committees (*Commissions Inter Villageoises de Gestion de Terroir - CIVGT*)⁸. CVGTs became officially responsible for the management of community infrastructures, village woodlands, pastures, fauna and natural resources in general and for allocating, evaluating and withdrawing land from the national domain. In practice, a CVGT can only become effective in land administration and regulating conflicts when working closely with customary authorities (Thiéba, 2003). About 3000 Village Land Management Commissions (CVGTs) – village bodies responsible for natural resource management and land tenure - have been put in place with the support of (hired) external agencies and administrative authorities (PNGT2 (2006) cited in Ouédraogo, 2007). However, the local populations may have viewed CVGTs as a legal provision that they must adapt to, in order to access the financial resources available via projects, such as PNGT.

Following the establishment of elected local governments in 2006, CVGT were supposed to disappear and transfer their assets to a *Commission villageoise de développement* (CVD). CVDs have a hierarchical relation with local government and the composition should be representative of village interests, and not party politics. 2007 legislation on the CVD lists the management of natural resources and conflict resolution among its activities. CVD are also responsible for developing the village development plan and natural resource protection. The creation of CVDs started in 2007.

3.2.2 *Commission foncière communale (COFOCOM) in Niger*

The government of Niger wanted to change the way the land tenure system was managed by the traditional chieftaincy by creating more favourable conditions for wider access to land for citizens. This political vision for land tenure management was translated in the "*principes d'orientation du Code rural*" in 1993. The main axes of this policy are (i) securing land tenure for rural actors, (ii) organizing the rural population, (iii) promoting sustainable

⁸ The creation of CVGTs and the promulgation of the decree was supported by the World Bank funded Programme national de Gestion des terroirs (PNGT), the National Village Land Management Programme (Programme National de Gestion du Terroir), whose objective is to support local development. PNGT is also involved in preparations for decentralisation in rural areas.

natural resources management and (iv) planning land use (*aménagement du territoire*). The *Code rural* is a pragmatic and iterative process based on two complementary mechanisms to establish the legal framework and an institutional framework (village, local government ("*commune*"), department, region, nation) to facilitate implementation and supervise. Inter-ministerial collaboration at the departmental and regional level is a key feature of the *code rural*.

The implementation of the *code rural* was slow during its first decade, but received new momentum with the emergence of local governments (Mamalo *et al.*, 2006, Ouédraogo *et al.*, 2006, Secretariat permanent du code rural, 2006). In November 2007, 3 out of 8 regional secretariats and 35 out of 36 departmental *commission foncières* were operational; the number of COFOCOM was 80 (out of 265 or 30%). Finally, about 2500 *commission foncières* are active at the village or "*tribu*" level (information from SNV Niger). Over the last few years, the structure responsible for implementing the *code rural*, the *secretariat permanent du code rural*, has shown itself to be willing and capable of consulting other actors⁹ before drawing up decrees that will guide implementation. The secretariat has also shown an ability to adjust to changing circumstances, and seems to become an example of a learning organisation.

3.3 Local conventions

For a number of collectively-used natural resources, more or less formalised negotiated agreements or "local conventions" exist in all three countries, which have been formulated through a process of stakeholder consultation and dialogue. Rules and regulations may address bushfire surveillance brigades, marking out livestock tracks, fixing periods for harvesting wild fruits or for entering grazing lands, quotas for resource use (fuel wood/ timber), protection of regenerating forests. These measures are not expensive in terms of financial investments.

Most local conventions were agreed in the period since the end of the 1980s, following a growing interest in strengthening community-based natural resource management and popular participation. It is most likely that a large number of informal local conventions are not known outside their communities and concerned with regulating the period of resource use and hunting within a village territory. The local convention process becomes more complex when competition over natural resources is increasing and causing conflict, where diverse user groups are involved, not all of whom reside permanently in the territory and "urban-based or connected" groups also start using these resources (merchants; government agents, politicians etc. investing in herds or fuel wood trade¹⁰). A number of projects and programmes now accompany such processes and have been developing methodologies and other tools¹¹. At present, local government authorities are always associated with the process. The facilitation is increasingly focussed on the more complex situations involving several local government territories or the district level, such as livestock corridors. Facilitators of this process, often hired local NGOs or projects, are responsible for making sure that all voices are heard and

⁹ Research institutes, farmer organisations, NGOs, donors, organisations representing local governments.

¹⁰ These village commons are used increasingly by new actors who have invested their profits in herds that then graze "free" on village lands. Moreover, the urban demand for fuel wood and charcoal is growing, with traders also seeking free or cheap access to village wood lands.

¹¹ For example, guidelines developed by PACT-GRN (Mali) ; by Yekasi/ intercooperation (sikasso-Mali); Another tool which was released in 2007 to support local governments is the "guides juridiques de gestion des ressources naturelles (developed by Secrétariat Technique Permanent du Ministère d'Environnement et d'Assainissement (STP/CIGQE), PACT, DED, SNV and Helvetas Mali.

frustrations expressed, while preventing the process from being dominated by certain interest groups. These processes cannot be rushed and are unpredictable. There is a risk of placing too much emphasis on applying the approach and tools and reaching the set goal (e.g. a signed convention by a certain date) at the expense of the quality of the process.

A few of these conventions have been registered with the local administration, but in general the legal status is "unstable" and suggestions for improving their "judicial stability" generally focus on the role of local governments or on the basis of "*droit privé*" through the courts. It is even argued that local conventions may contribute to strengthening the decentralisation process. One role of local governments is to ensure that specific groups of users are not unduly excluded. This is important, given that local rules are influenced by local social relationships, which may be inequitable. It is the responsibility of the mayor and councillors to ensure that local rules conform to constitutional values of equity and equality. (Djiré & Dicko, 2007, Thiéba, 2003).

Land use planning will be a prerogative of local governments. Since the 1980s, Sahelian governments and development agencies have promoted the elaboration of such land use plans (*schéma d'aménagement de territoire*) at all levels: national, regional, district, community. However, the effect on the ground has been limited. Giving this responsibility to local governments is a new and potentially important, particularly when combined with local conventions.

3.4 Policy conclusions

One policy priority is support to the development, implementation and monitoring of legislation and policies that actively support decentralised management of natural resources and land (pastoral legislation, forest codes, water codes, land tenure, and regulations on land use planning and zoning). In all three countries, this type of new legislation has been approved or is on the drawing boards. For example, so called "commissions foncières" are now in place (Niger) or being put in place (Burkina Faso and Mali); the challenge is implementation and monitoring of the effects, particularly for women and marginal groups.

A second priority is support to programmes that aim at organisational change and capacity building within ministries and departments involved in implementing natural resources legislation and policies. Particularly forestry departments tend to work in an isolated way and have thorny relations with communities and user groups, which does not facilitate the emergence of fruitful partnerships.

4 Democratic decentralisation

This section focuses on the impact of democratic decentralisation, or devolution, which has substantial implications for natural resource management and local governance institutions. Democratic decentralisation, which assumes that authority and resources will be devolved to elected councillors in rural and urban areas, is a new phenomenon in most francophone countries in West Africa¹². The exception is Senegal, where this process started in the 1970s.

In Mali, Burkina Faso and Niger these institutional reforms were initiated in the 1990s, in response to profound dissatisfaction with central governments and their style of governance (which also led to the emergence of multi-party democracy). Decentralisation was one of the major recommendations arising from the National Conferences that were held in Mali, Niger and also Benin in the early 1990s. In Burkina Faso, the June 1991 constitution defined decentralisation as a key element in the promotion of development and democracy. It was hoped that decentralisation would contribute to rebuilding the state from below, thus enhancing the legitimacy of government. In Mali, decentralisation was considered one of the few bases for genuine negotiation in the search for solutions to the rebellion that had broken out in the northern regions (Lavigne Delville, 1999, SNV & CEDELO, 2004)¹³.

4.1 Emergence of local governments

Developing the necessary legal and institutional framework took many more years, and a number of years lapsed again before the first local government elections were held¹⁴. All three countries opted in the end¹⁵ for comprehensive local government elections covering both urban and rural areas. Elections were held for the first time in Mali in 1999, in Niger in 2004; and in Burkina Faso in 2006.

Local governments operate within a legal and institutional framework and have some discretionary space to adjust policy to local circumstances and address local priorities (one of the arguments for decentralisation). Other reforms being pursued more or less concomitantly are the deconcentration of the government apparatus (public sector reform) and changes in public finance management. In all three countries, decentralisation is part of a broader framework of institutional changes in the interests of "good" governance.

Overall, development agencies operating in these countries have supported reforms towards decentralisation. They hoped for an improvement of the performance of the state apparatus and quality of service delivery, as well as

¹² Forms of decentralisation already emerged since around 1915 in urban areas. Colonial authorities soon discovered the limits of centralising power and decided that decentralisation was a management model producing better results given the geographical constraints and specific cultural features of West Africa. Also after independence decentralising administration took place, in waves, though not involving comprehensive local elections. Local authorities were appointed by the central level or by local dignitaries.

¹³ It should be noted that some view decentralisation reforms as external pushed changes (by donors). This position is contested by others who refer also to the pre-colonial roots of decentralisation (SNV-Cedelo 2004).

¹⁴ In all three countries they were announced several times before they actually took place.

¹⁵ Burkina Faso was hesitating initially, preferring to start first in urban areas.

for sustained democratisation processes¹⁶ and strengthened accountability mechanisms. It is expected that decentralisation (as well as effective deconcentration) will contribute to enhancing the capacity for implementing national policies, such as the PRSPs and achieving the MDGs. When Mali started to implement decentralisation in 1999, donor support was widely available¹⁷. This facilitated the starting up of the new local government administrations, the construction of town halls¹⁸, and the training of newly elected councillors on their rights and responsibilities. In those countries where decentralisation has been lapsing, donors have communicated their concerns to the government (e.g. Burkina Faso, Benin).

In Mali, there are three levels of local government: regional, district (*cercle*) and municipal (*commune*), but there is no hierarchical relationship between these three entities. Municipalities are composed of several villages and/or groupings or neighbourhoods, and are managed by a council whose size varies according to the population of the municipality. This council elects the mayor, who occupies the municipal office for five years. Each municipal council elects two representatives to sit on the district council. Members of regional assemblies are elected from the district councils. Local governments are supervised by administrators, whose duties include ensuring that municipal proceedings conform to government legislation and endorsing municipal development plans. The administration and other state technical services are supposed to support and advise municipal councils according to their competences and opportunities.

At the start, in 1999, a national programme to support local governments was set up by the government with support from donors. This CCN (National Unit for the Co-ordination of Local Governments) delivers technical assistance to municipalities via the so-called CCC (*Centre de Conseil Communal* or Municipal Advisory Centre). In addition, the ANICT (*Agence Nationale d'Investissement des Collectivités Territoriales* or National Agency for Investment in Local Government) was set up to provide local government with financial support for investments. At present (2007), the system of technical and financial support to local governments is being overhauled. The European Commission has developed a sectoral approach that is implemented through the *Programme d'appui à la réforme administrative et la décentralisation* (PARAD) since 2006.

In Niger, councillors were elected in 2004 for 213 rural and 52 urban communes. As in the other countries, political parties proposed lists on the basis of which councillors were elected, who in turn elected a mayor. In Niger, local chiefs and members of parliament (representing the locality) sit on the local government councils as 'membres de droit' and give advice. There is limited donor support available for the new local governments and particularly those in rural areas have to start from scratch. Urban local government took over infrastructure and staff from the 'sous-préfecture'. Despite the lack of resources, a number of local governments have become actively involved in local development issues (Sène, Soumaïla, Amadou, Issa, & Ouédraogo, 2007).

¹⁶ It is argued that local governments may produce a new category of politicians who are more sensitive to local demands, and more open to explore partnership arrangements with groups that state authorities used to ignore (Bonfiglioli, 2003).

¹⁷ This support was much less available in Niger, where less donors are present due to the political problems during the 1990s. Support in Burkina Faso is available through PNGT II and a wider sector support programme is being negotiated.

¹⁸ Contrary to Burkina Faso and Niger, where existing administrative units were converted into local governments, Mali decided that local communities should decide with whom they wanted to form a local government area, a process that took place around 1995. As a result 703 local governments were created of which many were new constructs.

Burkina Faso approached decentralisation differently than Mali and began with the introduction of elected local government in urban settings first. In 1995, decentralisation started in 33 localities, extended with another 16 localities during the second round of urban local government elections in 2000. Decentralisation was extended to the entire country in 2006. Elections take place on the basis of political party lists, but every village should be represented by two people, preferably a man and a woman. In Burkina Faso, most elected mayors are members of the political party that also dominates national politics and many belong to the 'urban diaspora'. About one third of the councillors are women. Rural local governments in Burkina Faso are still very new and in the process of getting established and coming to grips with their working conditions. Mayors complain to the central government about the limited transfer of resources, including staff.

Table 1 – Comparing administrative landscapes

	Burkina Faso	Mali	Niger
Year approval legal framework decentralisation (<i>Loi cadre</i>)	<i>Textes d'Orientation de la Décentralisation</i> TOD (1993 and 1998); <i>Code général des collectivités territoriales</i> (2005)	1993	2002
First comprehensive local government elections	2006	1999	2004
Number of "communes"	351	703	265
Types	<i>rural</i>	<i>681</i>	<i>213</i>
	<i>urban</i>	<i>22</i>	<i>52</i>
Other levels of elected local government	Regions (13, indirect elections took place: 2 councillors per <i>commune</i>)	<i>Cercle</i> 49; Region 8, incl. District of Bamako	36 Regions; elections not organised yet
Redrawing administrative boundaries	No	Yes- communes	No
Is every village represented in the local government council	Yes (1 man and 1 woman)	No, according to political party lists	No, according to political party lists
Are customary chiefs automatically member of the council	No	No	Yes
Existence of quota for women	No (but recommendation that half of counsellors should be women)	No	Yes : 10 %
% of female mayors		1	1,9
% of female councillors		4	17,7

Source: (Ouédraogo, 2007, Sène, Soumaïla, Amadou, Issa, & Ouédraogo, 2007, SNV & CEDELO, 2004)

4.2 Natural resource management and local governments

Since the 1980s a number of initiatives have emerged to promote participatory and decentralised natural resource management, and more sustainable and equitable forms of resource use, and to reduce conflicts. The aim was to include local people in decisions made or managed by outside entities, but there was no transfer of powers. When democratic decentralisation emerged, it was perceived as a potentially more powerful and scaleable way of including local actors. Local governments are institutionalized through law and linked to existing structures of government (Ribot, 2002, Ribot, 2004). The emergence of local governments (LG) has the potential to strengthen decentralised management of natural resources (Djiré & Dicko, 2007, Lavigne Delville, 1999,

Ribot, 2002). Environmental protection is also part of their formal mandate. LG may become part of the systems set up for the registration and administration of land tenure and transactions (Cofocom in Niger, *commission foncière* as part of the LOA, new role for CVGT in Burkina Faso).

However, despite laws on decentralisation that set out local government's responsibilities regarding natural resource use and management, no official transfer of powers and resources to local governments has yet taken place in Mali, Burkina Faso or Niger (*décrets d'application*). Although in Mali, for example, the rights and responsibilities of local governments are acknowledged in the '*code domanial et foncier*', the public domain for local government is still not demarcated and allocated. Following a long period of studies and workshops, government started in 2005 with the preparation of legislation (*avant-project*) to be completed by 2007 (Djiré & Dicko, 2007). Some observers expect that the new law will reduce the policy space for decentralised natural management.

Despite the absence of a formal transfer of authority, local governments are already influencing the use and management of natural resources. However, many achievements in this field tend to be little known or informal, such as providing support to local conventions and other type of regulations, or preventing conflicts.

4.3 Local governments and delegation

Decentralisation introduces a formal superposition of new governance structures on top of existing customary institutions that may have no legal or administrative status. If local governments want to succeed in managing natural resources in a flexible, productive, sustainable and equitable way, they need to collaborate with the already existing organisations and structures. This would ensure that existing management practices are respected and upheld (Benjamin, 2006). The challenge is to facilitate this delegation to viable and legitimate institutions, with local governments monitoring the commitments made, ensuring that contracts are adhered to, and sanctioning failure to fulfil commitments. Local governments may need to reconcile legitimacy and legality, because they are not obliged by law to delegate responsibility over natural resource management to the most appropriate level.

Some local associations may worry about the growing influence of local governments, fearing that they will be stripped of the authority that they now exercise over natural resource management, as well as the rents generated. This implies that the principle of subsidiarity is neglected (Lavigne Delville, 1999). What will happen in practice depends on the relations between councils and informal authorities. Conflicts tend to emerge in particular when there is competition over authority or the rents involved (land sales in peri-urban areas; fees for accessing grazing lands or forest).

Finally, local governments can provide the legal and political space for continuous negotiation and reconciliation amongst actors, although it is not a "quick fix or panacea" (Benjamin, 2006). Local governments can contribute to equity by preventing that certain areas and communities be 'forgotten' in decision-making on natural resource management. This requires that elected councillors and local government staff be willing and capable of working in non-hierarchical, collaborative relationships, with customary authorities, and that they welcome citizen participation. Building capacity to work in this type of collaborative partnership is important for governance outcomes.

4.4 Prevention and management of conflicts

Natural resources cannot be managed effectively unless there is an efficient system for managing disputes over land and resources. This is becoming problematic in situations where a multiplicity of arbitrating authorities operate in rural areas, are poorly coordinated, and even compete. In the Sahel, disputes between citizens are usually settled in accordance with customary procedures that provide for the intervention of independent intermediaries whose status is acknowledged by society and the groups in conflict. As far as possible, people avoid bringing disputes before the administration or the courts.

Since the advent of decentralisation, people also call on commune councillors, especially the mayor to mediate in conflicts¹⁹. The council offers an alternative channel between local mediation and going to court. Mayors try to refer social conflicts back to the village council for amicable settlement. There are cases where mayors have played a positive role in disputes that are beyond the mediation capacities of the village authorities, thereby helping reduce the number of conflicts that go to court. In the north of Mali, along the border with Niger, mayors have played an important part in negotiating agreements over access to pastures and salt, to halt degradation of resources and conflict. In the commune of Kouoro (Mali), the mayor has played a major role in mitigating conflict between farmers and herders by helping broker a local agreement to reopen livestock corridors²⁰ (Hilhorst & Coulibaly, 2004).

The intervention of mayors does not automatically contribute to resolving conflict and there are also situations where they have become party in the conflict over control over land, or use their position to benefit from land speculation (for example, see Bourdarais, 2006). Moreover, the election of a mayor may not always be based on merit but may be the outcome of a political party struggle. This may become a source of frustration, paralysing local governments.

4.5 Unsustainable management practices

Local government officials do not automatically act transparently and in the interest of all citizens. They may be prone to entrenched norms and values that reduce political participation of some groups (e.g. young people, women, pastoralists, certain castes etc). While the new prerogatives assigned to local governments do constitute progress, they will not routinely lead to better governance, unless there are stronger mechanisms for control, more information sharing and broad participation in decision-making.

Rural councils have to deal with external pressure from political authorities and commercial interests, as well the internal pressures of servicing a local clientele. Therefore, it is possible that some local governments will not focus primarily on sustainability or equity when deciding on the management of natural resources. They may give priority to the economic interests of the elite (Lavigne Delville, 2002). One only has to look at the way that residential plots have been managed by urban and rural municipalities to get an idea of some of the risks involved. Local governments are often involved in the process of

¹⁹ When local governments were put in place, some even assumed that from now on conflict management was taken out of the hands of the village councils, and that the mayor will handle conflicts as the canton chiefs used to do in colonial times.

²⁰ However, this mayor did not manage to get re-elected within the council, and the new mayor chose not to support initiatives started by his predecessor.

converting agricultural land to residential plots, by authorising the conversion (planning decisions), by allocating plots for housing and registering occupancy. This conversion is often detrimental to rural livelihoods (Bagré et al., 2003).

Moreover, councillors and particularly staff may be oriented more towards administrators or other government officials than to the interests of the local population. There is increasing apprehension also of the potential risks of political struggle (beyond elections) and political party interests²¹ intruding upon the management of local affairs (Banzhaf *et al.*, 2000 in Crook, 2003, Thiéba, 2003). The extent of this pressure is related to the style and strength of national party politics, which is particularly present in Burkina Faso. Its influence also seems to grow as decentralisation gets more established (e.g. Mali). Competition between political parties is also of greater importance in local government areas with greater standing (e.g. larger cities) or more resources (peri-urban residential land, timber, grazing lands, minerals).

A final risk is that local governments will not automatically prioritise sustainable management of natural resources in their quest for internal resource generation. The short-term interest of increasing tax revenues is not necessarily balanced with the long-term interest of sustainability. Increasing tax collection is a major concern for many local governments, as these resources are needed for them to function and to invest. Taxes or levies on natural resource use such as on firewood and timber, but also access to grazing lands, are all potential sources of revenues.

4.6 The potential of decentralisation

The appearance of elected local governments in the rural areas of Mali, Burkina Faso and Niger offers great potential for more sustainable and equitable natural resource management and thus also for local economic development. Having been legitimized by popular ballot, the municipal councils take their place alongside other key local actors responsible for territorial management and local governance. Effective local governments can help strengthen user rights and entitlements that take into account complex local systems which have been developed in response to annual and seasonal variations of natural resources availability. Local government can also contribute to empowerment of local people by supporting the 'legalisation' of conclusions from local decision-making processes on access to, and management of, natural resources. This type of support may contribute as well to preventing and reducing conflicts over resource use.

The introduction of rural municipalities has raised concern over the position of villages, particularly in Mali and Niger²² because they are not directly represented. The situation is different in Burkina Faso where the position of villages is much stronger: they are formally represented in councils and village management committees (CVGT - now CVD), are legally recognised and will be integrated in local governments. What kind of partnerships and interactions will decentralised local governments develop with village authorities and civil society organizations? How can one prevent a new form of 'centralization' from emerging, this time at the local government level? This is particularly important for natural resource management.

²¹ Cases have been documented in Mali and Niger of attempts by customary authorities to reduce interference from political parties and party struggle by developing their own list which was then offered to a prominent party (Hilhorst & Coulibaly, 2004); in other situations powerful clans seek to become mayor, to protect their interests over natural resources (Cotula & Cissé, 2007).

²² The position of villages is a concern especially in Benin, where local governments are relatively large in size.

Local government authorities in all three countries complain over the delays in the so-called “transfert de competence”. Local government’s capacity to act is undermined by the insufficiency of financial and human resources put at their disposal²³. This delay is not a unique phenomena for these Sahelian countries. In countries where devolution was introduced, central government and line ministries often continue to control budgets, the deployment of human resources, planning processes etc. (Wunsch, 2001; Olowu, 2003; Smoke, 2003). These processes take time and political will. In Mali, where decentralisation started in 1999, more and more resources are being made available now to local government for investment in basic service delivery. The mandate of local governments is increasingly recognised and coordination around planning, and investment is improving (Lodenstein et al., 2007). In all three countries, there is much reflection on capacities required by local governments and how to fund these. Options include hiring local government staff, contracting out, organising support from ministries or a special service (at the regional level).

Regarding the management of natural resources, legislation that confirms the ‘transfert de competence’ to local governments is being prepared in Mali²⁴. Legislation in Niger and Burkina Faso already recognises this role of local governments. However, ‘the proof of the pudding is in the eating’.

4.7 Policy conclusions

Decentralisation is one of the main policy initiatives of the 1990s in the Sahel, and offers new opportunities and challenges for decentralised natural resource management. Although in all three countries the origins of decentralisation and the steps being followed are comparable, the style of local governments and the conditions within which these work differ, reflecting history, political realities, the availability of support programmes, the influence of projects, etc. The level of functionality also differs: local governments in Mali have been operational since 1999 while those in Burkina Faso have just started. Lessons are being learned: the formal influence of villages on local government in Burkina Faso, for example, is considerably larger than in Mali²⁵.

The route towards local governments that are effective, responsive to all citizens and accountable for their actions is both promising and challenging. Realizing this potential requires strengthening the capability of these political institutions to act and building respect for and adherence to accountability as an obligation. The effectiveness of local government also depends on the availability of adequate expertise (be it local government staff, support from sector ministries, contracting, etc). Whether local government is more equitable, and thus more significant for poor and marginalised people, depends on the quality of local leadership and the presence and strength of local organizations. Promoting participation by citizens and their organizations, and building their capacity to participate and dialogue effectively, and voice their

²³ Unfortunately this debate is so dominated by the struggle over resources, overshadowing other opportunities to increase the ability of local governments to perform, including working in partnership.

²⁴ FAO, with support from the Netherlands, is supporting the government of Mali with preparing the necessary legislation for transferring competences. The draft legislation was ready in 2007.

²⁵ In Mali, conflict between the newly elected council and villages erupted in a number of communes (about 10-20%). Many villagers did not have “their” councillor and felt overruled. Burkina Faso has approached this issues differently, a decision which may have been influenced also by the strength of the World Bank supported PNGT programme that followed a village approach. Such programmes had also been set up in Mali and Niger but had collapsed in the 1990s.

expectations has shown to be critical. (Bonfiglioli, 2003, Devas & Grant, 2003, Olowu & Wunsch, 2004, Wunsch, 2001).

In the Sahel, decentralisation is leading to an increase of power and resources at a level that is closer, better understood and more easily influenced by local people. This is particularly happening in rural areas. People dare to approach the mayor, where they used to fear the prefect. This greater proximity between decision-makers and citizens should improve information flows and facilitate consultation, thus improving the quality of local priority-setting processes, although there is a risk of elite capture. In Mali and Niger, decentralisation has already led to a profound change in the relationship between government agents and elected local authorities. Government agents cannot ignore the decisions of councils and have to consult the mayor (SNV & CEDELO, 2004).

Building effective democratic decentralisation is a responsibility of local governments and citizens, as well as of other government agencies, in particular the prefects and sector ministries, and NGOs. These institutional reforms towards decentralisation are accompanied by a repositioning of central government. The role of central government moves away from direct implementation and evolves towards setting policies, guidance, informing, supervising, inspecting and arbitrating, while making sure that exclusion and social injustice do not develop in the name of autonomy. This requires a reorientation around new functions and demands new skills and capacities. One task of central government is to support local governments in safeguarding natural resources and biodiversity, in accordance with national policies and international commitments, and recognise existing prerogatives around land use²⁶.

²⁶There is a caveat. Regulations on decentralised forest management are technically very demanding and too detailed, which makes the procedure for requesting delegation costly (Hilhorst & Coulibaly, 1998, Ribot *et al.*, 2006).

5 Conclusions: What role is there for development agencies in strengthening local governance institutions for sustainable natural resource management

Bilateral development agencies generally locate their support within the PRSP framework, while aiming also towards achieving the MDGs. Donor harmonisation, policy alignment, sectoral approaches and budget support are growing in importance, also under influence of the Paris declaration. Development agencies should be guided by national policies, but it is generally accepted that the interests of poorer and more marginalised groups are not necessarily represented, and that the gap between macro-level policy and micro-level implementation may have been widened due to sector-wide approaches and budget support (IOB, 2006). However, the involvement of other societal actors in decision-making and monitoring is essential for achieving lasting change.

In bilateral political and policy dialogues, development agencies can hold governments to account to the policies it has signed up to as part of agreements around sector and budget support. The work of development agencies is auxiliary to domestic policy processes. Other actors, such as national and international NGOs, are more legitimate and much better placed to support capacity building of civil society for effective participation in policy-making processes, voicing concerns, claiming rights and demanding accountability. Occasionally, though, development agencies may be in a position to play a catalytic role in promoting wider consultation and may help to balance powerful vested interests (see also Palmer, 2007).

Sustainable management of natural resources is included in the PRSP²⁷ of all three countries as part of the growth strategy, and contributes to MDG1. Support to local governance institutions as such is not discussed, but all three PRSPs emphasise the importance of ongoing decentralisation processes. There is attention also for legislation around land, access to resources and decentralising environmental protection. The PRSP of Niger mentions the importance of local participation in forest management. Sustaining rural livelihoods through better management of natural resources touches upon many sectors, which are not necessarily interconnected: land policy, legislation over natural resources, justice; land administration and land use planning; decentralisation; public finance management and public sector reform; rural development, forestry, fishery and livestock; environment protection.

Natural resource management and environmental protection as a competency to be transferred to local governments and legislation is being prepared in Burkina Faso and Mali, and is suggested for Niger (Ouédraogo et al., 2006). Moreover, in Mali, the *Loi d'orientation agricole* (2005) sets out the new policy to modernise agriculture and promote rural development. In Niger, the *Stratégie de développement rural* serves as an unifying force amongst donors working on environmental issues. Finally, in Burkina Faso, donor coordination in the field of rural development is looked after by the *Secrétariat permanent du cadre national de concertation des partenaires du développement rural décentralisé (SP/CNCPDR)* to ensure the implementation of the *Lettre de politique de développement rural décentralisée (LPDRD)* of 2000, included the establishment of CVGTs and CIVGTs.

²⁷ PRSP of Mali dates from 2002 a second growth and poverty reduction strategy was approved in early 2008, Niger also from 2002 (new strategy expected for 2008); and Burkina Faso from 2004.

Development agencies can contribute to a more conducive policy context for decentralised management of natural resources and local governance institutions, by supporting the governments of the three countries in finalising the legislation that is being planned, developing the accompanying decrees and procedures, supporting implementation and monitoring the effects, such as on women and marginal groups. Moreover, encouraging policy alignment and harmonisation is another area where development agencies can contribute, for example through the linking of decentralisation policy with natural resource management, environmental protection and land administration. This includes the encouragement of ministries and departments to work in partnership with local governments and local governance institution.

Improving the quality of policy implementation may require occasional support to pilot activities to promote the testing of new approaches on institutional solutions to natural resource-related problems in different contexts for which occasionally development agencies may be well-placed (Lund et al., 2006)²⁸. These must be accompanied by monitoring, analysis, documentation and communication to ensure that policy lessons are drawn and reach policy-makers.

Effective support by development agencies for improving the enabling context of local governance institutions requires insight into the possible effects of the various policy options under consideration, as well as staff time. They need to have relatively easy access to quality information that is applicable for policy dialogue. This implies that good quality monitoring and research be conducted, the results of which are communicated in an appropriate form. However, there are a number of challenges with respect to local research capacity, such as the weak academic environment and the involvement of many local researchers in short-term consultancies, and insufficient communication of results to government and non-state actors etc.

Effective local governance institutions for natural resource management contribute to sustainability, local economic development, and conflict prevention. The need for such institutions is increasing, given the growing pressure on, and competition over, land and natural resources. Natural resource management touches upon complex sectors and wicked problems²⁹ set against the background of a dynamic economic and socio-political background. Clearly, policies in support of natural resource management benefit from pooling knowledge and research, joint strategy development and division of labour amongst development partners. Ultimately, such policies will be judged on the extent to which these strengthen local capacities to manage and use natural resources in a sustainably way and enhance justice in natural resource governance.

²⁸ In Benin, the Embassy of the Netherlands supported a pilot programme to develop procedures for public finance management at the departmental level, which was an essential chain in getting local government and local technicians more involved in the drinking water sector (Hilhorst & Adjinacou, 2007)

²⁹ Wicked problems have incomplete, contradictory, and changing requirements; and solutions to them are often difficult to recognize as such because of complex interdependencies.

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