Chapter 3

Elusive Meanings: Decentralization, Conservation and Local Democracy

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INTRODUCTION

There is a problem with 'decentralization' and 'conservation'; both are used in various brands of the literature to mean different things, often for quite different reasons. On the ground, the realities and social processes that are referred to differ widely and are marred with layered conflicts of purposes and meanings. To ask whether decentralization can be 'a panacea for conservation' – or, to put it rhetorically, whether conservation could be 'saved' by decentralization – a question raised recurrently in the 1990s and early 2000s (e.g. Enters and Anderson, 2000; Fisher, 2000; Fisher et al, 2000; Gupte, 2006; Whyckoff-Baird et al, 2000), is, therefore, highly problematic.

This chapter starts with the idea that decentralization and conservation theories have problems of their own, related to discrepancies in the theory as well as between normative frames and local realities. Bringing the two together without addressing those gaps only complicates issues of theory and policy, particularly in tropical environments. The plurality of discourse regimes on decentralization and conservation magnifies the problems posed by each of these interventions in the local space and hinders our capacity to draw actionable lessons from either of them. This is a problem of language as well as history and epistemology, which we briefly address in the first section of this chapter. We start by situating the 'heartland' of conservation and decentralization discourses in the context of their emergence before interrogating the main discursive forms through which they have evolved in the literature. On this basis we review a small sample of cases from Asia, Africa and Latin America to highlight key forms of decentralization and/or conservation, and conditions where they differ, contradict or coalesce with autonomous forms of local agency.

The chapter's core theoretical contribution is brought together in the section on 'Blood rights, civil rights and democracy'. Having noted the distinct topologies – 'the actual and metaphorical constructions of space' (Brosius, 1999) – that populate the decentralization–conservation field, we identify a common node of 'problems' stemming from unanticipated complexities of local reality. We ask why and propose an interpretation emphasizing the pluralism of the post-colonial rural society and its roots in the continued coexistence of blood rights and civil rights in modern states. From this, we argue, arise major discrepancies between the dominant values and structures promoted by decentralization and conservation programs and the still functioning, mostly invisible infrastructure of embedded institutions and local legitimating networks. We are thus far more interested in local actors as active democratic subjects and in the diverse manifestations of local agency than in the nascent controversy about what qualify as democratic decentralization. This contribution thus strives to conceptualize the troubled link between the making, granting and taking of space in local governance and goes beyond simple electoral politics to challenge more complex concepts of deliberative democracy and social movements. In that process, we question the concept of democratic decentralization as it has been presented in the literature, and rhetorically ask about the acceptability to conservation advocates of the notion of 'democratic conservation'.

DECENTRALIZATION AND CONSERVATION: SHORT HISTORIES

At its roots, decentralization theory is an outgrowth of political theories of the state, while modern conservation theory has foundations in 19th century American theological romanticism and moral activism – with earlier ramifications in European philosophical thought and aestheticism. In this section, we explore the linkages of these traditions to the expansion of western forms of politics, values and counter-values in the 19th and 20th Centuries and try to understand how they became joined in segments of the late 20th Century environmental discourse.

A brief history of decentralization

In his *Political Economy of Decentralization*, James Manor (1999) links current decentralization policies to the unravelling in the 1970s of the post-war economies and to a post-1980 movement, mostly initiated from above, 'to enhance the state's capacity for non-coercive governance'. Earlier decentralization experiences go as far back as the 1891 Brazilian constitution, the Philippines in 1901 and Sri Lanka in 1931 (Manor, 1999; Melo and Rezende, 2004). Analysing the highly centralized history of Latin America, we note that state formation was a protracted struggle between central and regional elites, with experiences of autonomy (19th-century Argentina), mass movements and near state collapse (1910–1920 Mexican revolution) (Del Río, 2004; Faletti, 2004; Selee, 2004). Latin American political history has been one of iron-clad

centralism, strongly interpenetrated with regional elites and oligarchies until the 'democratic decentralizations' of the 1980s and 1990s.

In African British colonies (as in India), local bodies were created by the state during the 1950s but had limited powers and were ephemeral. Local governments were suppressed at independence to reinforce nationalism and allegiance to the central state. By contrast, Francophone Africa, which had a different colonial experience, thought possible to construct the nation state by extending its reach through local governments. The first attempts at decentralization go back to the 1960s in Mali, Burkina Faso and Senegal, even though Senegal became the only country to implement this common project with the establishment of rural councils in 1972 (Vengroff and Johnston, 1987; Jacob and Blundo, 1997). By and large, these early attempts at decentralization were dominated by centralist and charismatic postures (Manor, 1999) and forms of 'decentralized despotism' (Mamdani, 1996).

The full growth of decentralization policies took place during the 1980s and 1990s. This was a global movement, closely associated with structural adjustment policies, land and fiscal reforms, and progression of electoral democratic frames. Neoliberal thought packaged in various resurgences of modernization theory (Samoff, 1990) lent credence to views of decentralization as a political market bringing together state and citizens as buyers and sellers and a means to improve service delivery. Counter-views of decentralization as a condition for local democracy and creative politics were also developed (Mahwood, 1983, Agrawal and Ribot, 1999; Manor, 1999). Conceptually, and despite elaborated typologies (e.g. Leonard and Marshall, 1982), a very loose consensus emerged during the late 1990s around two major forms of decentralization:

1   de-concentration, or administrative decentralization, marked by the dispersal of state powers from higher to lower levels of administration;
2   devolution, when decision-making authority is transferred from central government to local groups and institutions; in the case of political or democratic decentralization, the devolution of powers is to local governments.

Natural wilderness: The 'heartland' of the modern conservation movement

Historically, protected areas have been the hard core of nature conservation policies. The first modern parks were created in settler territories at the end of the 19th century (Adams and Hulme, 2001; Phillips, 2003). This was a time when policies could be imposed by force, without true negotiation with native peoples. The two first, emblematic national parks, Yellowstone and Yosemite, were created on native Indian land toward the end of the Indian Wars in the US at a time when the last hotbeds of resistance were being suppressed.

American theological romanticists, who saw in the imposing frontier landscapes of the American West the sublime call of a mystical transcendent nature and the awesome display of the power of God, had a determining influence in the creation of

parks. However, transcendentalist writers such as Emerson and Thoreau were reformers who fought against slavery and for women's rights, who integrated non-Western writings in their search for universal divine inspiration, and who fully integrated humans in their vision of nature (Witherell and Dubrulle, 1995). John Muir, on the other hand, the father of the national parks, had eyes only for the greedy violation of nature by utilitarianism and European colonists. The ecological and theological vision that he expressed in splendid evocations in defence of American forests (1897) or national parks (Yosemite in 1890) left no room to indigenous history or the natural and cultural ethics of native peoples. In the wonderful tapestries of the American wilderness that make up his texts, native Americans figure not as living cultural communities but as remote reminiscences in the names of falls, cliffs, rocks or 'Indian tracks'. This dualistic and ethnocentric romanticism will be a hallmark of the movement for wild nature conservancy in the 20th century.[Q57]

   Following the Yellowstone model, a radical exclusionary form of nature protection spread unquestioned around the world. For about a century, the number of protected areas increased slowly. During the 1960s, which Soulé and Terbogh (1999) consider 'the zenith of conservation' because of the undisputed, hard-line guns-and-fences policies of the time, there were still less than 2000 protected areas in the world. Since then, the areas under protection have grown to over 105,000 sites covering some 20 million square kilometres (Adams et al, 2004) (see Figure 3.1). During that process, the vocabulary of conservation also evolved significantly. From its early representation as landscape and scenery, nature became predominantly projected as wildlife, then as
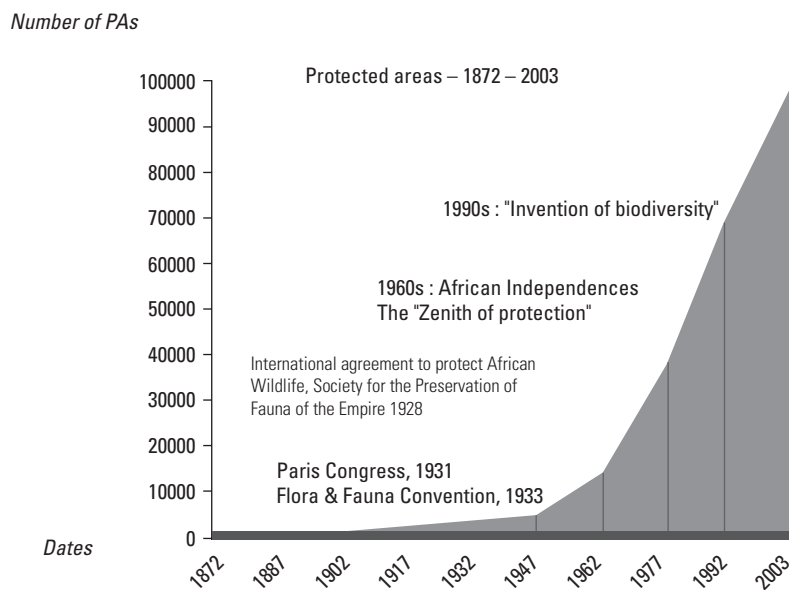
Source: various; see Phillips (2004) for a more authoritative account

Figure 3.1 *Rough evolution of protected areas (1872–2003)*

wildlife and flora, and as environment, before being repackaged as biodiversity (Wilson, 1988) during the late 20th-century conservation discourse.

Conservation and decentralization

How did decentralization and conservation come to be joined? Community-based natural resource management (CBNRM), the main site of junction between conservation discourse and natural resource decentralization, finds its origins in concepts of social and community forestry during the 1970s. Although now subject to conflicting findings (CIFOR, 2005; Bradshaw et al, 2007), the relationship between flooding and deforestation was unquestioned at the time; Himalayan flooding and Sahelian drought were seen as human-induced environmental catastrophes exposing the limits of command-and-control forest policies and highlighting the important role of people in sustainability. The first generation of social forestry projects took place mainly in arid and deforested environments. The shift to rainforests happened years later, on the heels of the 1980s' decentralization movement. This movement sought primarily to rationalize and democratize the exercise of state power. However, because CBNRM involved shifts of decision-making away from central government and had the aim of maintaining natural environments, the connection with decentralization was inherent. A cursory review of the literature indicates that this connection was mostly made, at first, through the language of 'sustainability', which had gained prominence with the Brundtland Report (WCED, 1987). The popularization of 'biodiversity' made this discursive connection easier and took it further. It made it easier because, in contrast to wilderness, biodiversity is everywhere – from a farmer's field to the highest forested peak; it took it further because the versatility of the concept offered a bridge between community-based initiatives in 'open' environments and attempts to open conservation to more popular participation. These attempts were gaining ground in reaction to the innumerable conflicts and forms of popular revenge on the environment generated by the policies of 'fortress conservation' (Adam and Hulme, 2001; Brockington, 2002). Thus, while biodiversity discourse was more effective in promoting conventional nature conservancy themes, it was also opening the theory and practice of conservation to increased epistemological and political pluralism. As Escobar (1998) says, biodiversity is not a stable construction. The international doctrine evolved to integrate this pluralism in the protected areas framework; a new 'governance matrix' covering all categories of protected areas was developed within the World Conservation Union (IUCN), giving credence and legitimacy to a range of governance regimes, including co-managed, private and community-conserved areas (Borrini-Feyerabend et al, 2004).

DECENTRALIZATION, CONSERVATION AND LOCAL GOVERNANCE

There seems to be two main drivers of decentralization in least developed countries (LDCs): the first is a major move to rationalize the state and respond to the political

demand of societies; the second is an attempt to respond or adjust to demands for environmental justice with regards to resources, benefits, rights and land (or territories). The forms of decentralization and local governance initiatives that are described in the literature reflect this multiple demand for actual and symbolic space in national arenas. We distinguish six classes of local constructions that express these complex processes:

1   local governments;
2   CBNRM;
3   subsidiary and advisory bodies;
4   joint or co-managed entities;
5   integrated conservation and development projects[Q58] (ICDPs), which rely mostly on class 2 and 3 instruments but can be seen as a class by itself;
6   autonomous local Action initiatives.

These constructions deploy themselves differently in conservation and natural resource management (NRM) sectors; some are found in both, others are specific to conservation or NRM. The following discussion uses this typology to illustrate the distribution of cases (see Figures 3.2 to 3.4) in NRM and conservation decentralizations and distinguish them from local autonomous initiatives or 'governance upsurges' driven from below.

ENVIRONMENTAL DECENTRALIZATIONS AND THE MOVEMENT TO REFORM THE STATE

Sampled cases from Asia, Africa and Latin America (see Figure 3.2) highlight two types of social constructions that dominate the relationship between natural resource sectors and the movement to reform the state: local governments and CBNRM. In spite of their role in opening environmental governance to social and political pluralism, these constructions share a problem of representation, as expressed in terms of elite capture and tenure conflict.

Current criticisms of environmental decentralizations are highly focused on their 'limited' 'partial' or 'paradoxical' character (Jianchu Xu and Ribot, 2005; Larson and Ribot, 2005; Oyono, 2005) and on the theme of elite capture in CBNRM (Bigombe, 2003; Etoungou, 2003; Resosudarmo, 2005; Blomley, 2006). This is logical. Although CBNRM does not always qualify as decentralization (see Chapter 2 in this volume), it has been a prolific and universal dimension of environmental decentralizations and a core strategy virtually everywhere. Manor's (2005) critique of the 'proliferation' of user committees reflects early views that political decentralization will facilitate the democratic transformation of the state in LDCs along the blueprint of electoral democracy. Based on known shortcomings of user committees – including the fact that they are almost never elected through secret ballots – he questions their

Devolution to local governments

Bolivia (Pacheco, 2005, Anderson & Gibson, 2004): the 1994 Law on Popular Participation and other forestry and land laws ensured top-down devolution of powers to municipal governments, with mechanisms for grassroots participation, titling of indigenous territories, municipal forest reserves and community concessions to legally-recognized local associations. Reform made room for democratic advances & popular gains but the powers transferred have been limited in some areas, land titling has been bureaucratic and inadequate for the indigenous common property system, and influential local elites have been reinforced in some cases (northern Bolivia).

Senegal, Burkina, Niger, Mali: Devolution to rural councils and urban and rural municipalities started in 1972 in Senegal, with other countries joining in the aftermath of the democratic transitions of the 1990s. Key common characteristics are: (1) A double movement to restructure the state and to devolve powers and competencies to the 'collectivities locales'; (2) important # of powers transferred to local elected bodies; (3) insufficient and inadequate transfers of financial resources; (4) relative poverty of rural councils and a relatively weak capacity to fund and support local development; (5) lasting tensions between decentralized entities and citizens, in particular with regard to land, tenure and taxation.

Cameroon (Oyono, 2005, 2007; Bigombe Logo, 2003): the 1994 forest law empowered rural municipal councils with the possibility to create and derive benefits from concessions given to them as council forests. Municipalities are also the main beneficiaries and managers of the forestry fees distributed to rural constituencies as part of the country's fiscal decentralization (40% to municipalities and 10% to communities vs. 50% to the state). Despite important gains, problems noted with these schemes include central retention of powers, weak local control and participation, lack of accountability, mismanagement of funds, conflicts with traditional land owners, and elite capture.

CBNRM

Nepal (Fisher, 2000, Edmunds & Wollenberg, 2000): The first community forstry policies were initiated in 1978 with the hand over of specified areas of forest to local panchayats governments for reforestation or forest protection purposes. But handing forests over to the Panchayat was seen by traditional users as giving away their forest to those who had no active interest in their management. It is only with the Nepal's Forestry Master Plan of 1988 and the collapse of the Panchayat ideology after the 1990 revolution that community forestry was able to shift focus from local Panchayat officials towards user groups. Edmunds & Wollenberg note that in Nepal-as in the Philippines – elite/subordinate relations at the local level have distorted the outcome of fairly progressive policies.

Tanzania (Wily, 1997; 2000, Blomley 2006): The Tanzanian experience of village governments has been described as one of the most advanced community forestry jurisdictions in Africa. Village Land Forest Reserves are declared under the Village Land Act of 1999. 'Numbering over 10,5000, village governments constitute the lowest level of government, with significant powers to receive, raise & disburse funds based on local plans, enact bylaws, elect councillors and defend local interests'. (Blomley, 2006). However, this author mentions the same risks of elite capture and accountability as described elsewhere.

Cameroon (Diaw, 1998b; Diaw and Oyono, 1998): Under the 1994 law, community forest concessions are granted to local communities on limited portions of the national forest estate. This reform has had important benefits for local communities. However, the legally-recognized Common Interest Groups that must by law represent the community, though legal and well suite for collective action, have no direct social mandate for dealing with the land tenure dimension of the reform, which rest with the clan or 'corporate lineage' (Diaw, 1997). Thus emerged the 'problem of the social unit of action' with many problems of free riding, elite capture and conflicts within communities.

Source: ??[Q59]

Figure 3.2 *Selected cases of environmental decentralization*

representative and democratic credentials, highlights their vulnerability to elite manipulation and calls for an 'integration' that would put user committees under the control of elected councils. This position is different from the point repeatedly made by Ribot and others that (real or democratic) decentralization has yet to occur in natural resource sectors. This divergence results from the emphasis placed on actors receiving decentralized powers by each author; Manor emphasizes the integrity and supremacy of local state institutions, while Ribot and others implicitly assume that democratic environmental decentralization is feasible with downwardly accountable local committees.

The case studies summarized in Figure 3.2 indicate the reality of the problems highlighted by these authors, particularly accountability and elite capture; but they also underline the strong tenure component of the problems shared by local governments and CBNRM. In West Africa, the old colonial tensions between state and

customary law results in difficulties of taxing land and establishing a rural cadastre, and regular demands from elected officials to 'normalize' the local land tenure system. Attempts to establish rural land codes in Benin, Côte d'Ivoire, Guinea and Burkina-Faso have similar origins in the dualism of the land tenure and governance systems. The case of Bolivia and, to a lesser extent, Nicaragua (Larson, 2005) is almost Manor's dream come true because of the central role given to municipalities in achieving general political decentralization as well as decentralization of forest management. Nonetheless, issues of property rights (Andersson and Gibson, 2004), 'clarification of land ownership rights', titling and 'consolidation of rural property cadastre' (Pacheco, 2005) are strikingly similar to the hurdles faced by tenure policies throughout Africa. This is seen in the Cameroon cases highlighted in Figure 3.2.

The evolution of CBNRM – including the move from *panchayats* to user groups in Nepal (Fisher, 2000) and through fits and starts of *ejidos* in Mexico (Wyckoff-Baird et al, 2000) – have been marked by problems similar to those described elsewhere: centralist retention of power, elite capture and complexity of tenure relations, among others. Overall, and despite some achievements and a reliance on a range of organizational tools, NRM decentralizations have thus been marked by a confluence of problems revolving around issues of representation, legitimacy, democracy and environmental justice. These issues have tended to affect all classes of decentralization instruments, including local governments.

DECENTRALIZATION, PARKS AND CONSERVATION

Local government is missing from the conservation repertoire, which still exhibits a wider range of decentralization instruments. Considering their form and rationale, we distinguish two classes:

1 CBNRM/community wildlife management (CWM) and integrated conservation and development projects (ICDPs), whose main objective is to fence off people from parks through economic incentives; and
2 subsidiary entities assuming delegated (Guatemala), advisory (Australia, Haiti) or joint management (Australia) roles in the operation of parks (see Figure 3.3).

In the latter, levels of economic and political benefits increase as one moves from delegation to joint management. Bauman and Smyth (2007) document this in their study of advisory and joint management cases in Australia. We distinguish these limited decentralization schemes, where the state delegates powers to local bodies or creates space for their participation in the management of protected areas, from CWM projects and ICDPs initiated and/or driven by conservation NGOs. In all cases, land rights and democratic decision-making stand as key governance issues, with elite capture a minor theme.

As reported in the literature and illustrated by the CAMPFIRE and COVAREF cases (see Figure 3.3), CWM generates significant benefits to communities. They

Delegation **Advisory schemes**	**Australia** (Bauman and Smyth, 2007; Borrini-Feyerabend et al., 2004) has a long experience with advisory councils, going back to growing recognition since the mid-1970s of Aboriginal rights and interests in national parks. Different from the Haitian case and other 'simple' advisory schemes, park councils recognize Aboriginal rights to use 'traditional resources' inside parks and are sometimes based on indigenous Land Use Agreements (ILUAs). These councils are linked to the broader changes caused in the Australian reserve system by the progressive determination of native land claims. However, advisory schemes fall short of granting local people decision making powers and do not represent genuine co-management.	**Haiti** (Smucker and White, 1998): Local Cunsultative Councils established by the Forest and Parks Protection Project (1997) are co-management bodies operating under the authority of park managers. They drew their membership from peasant organizations and elected local government officials but became dominated by appointed MP, bureaucrats and regional delegates of the presidency. **Guatemala** (Whyckoff-Baird et al., 2000). The Sierra de las Minas Biosphere Reserve portrays the delegation by the Guatemalan government of reserve management authority to a national NGO, Defensores de la Naturaleza (Defenders of Nature). In administering the reserve, Defensores works with a diversity of actors, including local communities. This is a case of delegation of decision-making.
Joint/co Management	Borrini-Feyerabend et al. (2004) present co-management cases in **Australia** and in the Kayan Mentarang (**Indonesia**) and Gwaii Haanas (**Canada**) national parks. The Australian Joint Management (JM) system is by far the most interesting (Bauman and Smyth, 2007). First established in the Northern Territories (NT) in 1981, formal JM agreements have been established in 27 NT national parks in relation with the recognition of Aboriginal native title (1993) and the negotiation of ILUAs. Among the four JM models indentified in Australia, all but one are based on Aboriginal ownership of the land. In the "Uluru model", the blueprint for most JM arrangements, Aboriginal form a majority of the JM board and lease the land back to the government against an annual fee. JM made partnerships, funds, skills, and economic benefits available to local people while offering a conduit for their historical land claim. However, despite these 'elements of mutual benefit and convenience', Bauman and Smyth note that the transfer of ownership back to Aboriginal people is conditional on their support (through leases or other legal mechanisms) for the continuation of national parks. They describe this 'as a partnership of convenience or a partnership based on coercion', which creates 'tensions that stem from contested authority and cross-cultural partnerships not freely entered into'.	
CBNRM **Wildlife Management**	CAMPFIRE in **Zimbabwe** began in 1989 with granting of authority over wildlife to two local Districts authorities; official gazettment took place a year later after an understanding was negotiated between the Park and the Local Government (Metcalf, 1994). The substantial literature on CAMPFIRE acknowledges both the pioneering role and achievements of this NRM process and its differentiated impacts on 37-or-so Rural Districts supporting this movement. Inequity between differently endowed community hunting areas has been a concern (Natose, 1997; Mandondo, 2000; Prabhu et al. 2001).	**Cameroon** (Nelson and Gami, 2003, Oyono et al., 2007). The 1994 law just alluded to Community Hunting Zones (ZICGC), which creation was negotiated by conservation agencies with forestry officials and local communities. Wilflife management committees (COVAREFs) were set up in ZICGCs to create local hunting benefits similar to the forestry fee (50% to the State, 40% to municipalities and 10% to communities) mainly from levies charged to professional sport hunters or 'hunting guides'). COVAREFs did improve community livelihood around parks and helped maintain wildlife resources. Lack of benefits to pygmy communities and inequity between ZICGCs have been a concern.
ICDPs	**ICDPs** emerged in the 1980s to offer the exceptional promise of reconciling conservation with participation and development for the poor (Wells et al. 1999; Enters and Anderson, 2000; Brooks et al, 2006). In 2001 ICDPs were 300 worldwide and had become the main way to fund conservation projects. Hughes and Flintan (2001) identified some common features of IDPs: They are mostly linked to national parks; biodiversity conservation is their main goal; they address the needs of communities to improve relations with parks and protect biodiversity; the majority is externally motivated and usually funded and/or initiated by external donor or conservation agencies; they do not necessarily seek to devolve control or ownership of park resources to communities or to address the issue at the periphery of parks.	

Source: ??[Q60]

Figure 3.3 *Decentralization schemes in park management*

remain, however, within the broad confines of the social fencing paradigm – whereas people have economic incentives to form a protective belt around parks. CBNRM and CWM projects in the periphery of parks are included in so-called second-generation integrated conservation and development projects (Hughes and Flintan, 2001). ICDPs are considered a form of devolution in the literature (Brooks et al, 2006; Enters and Anderson, 2000), but it is difficult to see powers devolved to local government or communities in any ICDP; rather, the lack of devolution or ownership of parks resources is a common feature of ICDPs (Hugues and Flintan, 2001).

After strings of reports pointing to their 'disappointing' and 'discouraging' results (Wells et al, 1999; Enters and Anderson, 2000; Newmark and Hough, 2000), ICDPs, once the flagship of conservation projects, have become the target of a full conservationist backlash. In a series of books and articles published in the late 1990s and loaded with emotional titles on behalf of 'Nature' (Kramer et al, 1997; Brandon et al, 1998; Oates, 1999; Terbogh, 1999), leading conservation biologists criticize their

failure to adequately protect biodiversity and advocate rolling back the limited participatory trends of the 1990s. At the core of some arguments is a double rejection of development and sustainability seen as a myth that 'the United Nations and lending institutions are … continuing to propagate' (Soulé and Terbogh, 1999). These authors propose expanding the areas under 'strict protection' to form development-free interconnected ecosystems through entire regions and across continents (Soulé and Terbogh, 1999). For some this should be done through 'top-down' impositions, backed by the state and the military and including internationally financed 'nature-keeping forces (van Schaik and Kramer, 1997; Rabinow, 1999; Terbogh, 1999).[1]

This radical return to fortress conservation fails to examine what we consider the fundamental flaw of ICDPs: their common design principle in the *spatial and social separation* of conservation from development rather than their 'integration' through genuine local agency. Most ICDPs are meant to be a trade-off in which people give up their land in exchange for 'development'. Whether through forced resettlement (Diaw and Tiani, in press[Q61]) or social fencing in buffer zones, the main ICDP strategy has been to prevent people from accessing and using traditional park resources and this has been a structural cause of conflict and failure for both conservation and development.

The picture, thus, coming out of ICDPs but also of community-based schemes primarily aimed at keeping legitimate indigenous claimants out of national parks is their incomplete nature. The full extent of local people's entitlements and democratic right to make decision about their lands has been rarely recognized. Recent history shows that this can hardly last. The hard-line bio-centric critiques of ICDPs that we cited above, as well as new defensive postures justifying human displacement from protected areas (Maisels et al, 2007), are both in need of a closer look if they want conservation ideals to survive and strive in the increasingly populous and democratic world of the 21st century.

LOCAL UPSURGES IN ENVIRONMENTAL GOVERNANCE

There is a surprisingly large and growing number of community conservation initiatives taking place outside the formal confines of decentralization laws or conservation projects. We will discuss later their significance for political theories of democratic governance. The cases selected – spanning Africa, Asia and Latin America (see Figure 3.4) – all demonstrate the capacity of local society to formulate and carry out conservation endeavours that are profoundly liberating, without necessarily resorting to the discursive and instrumental rationality of conventional forms of decentralization, conservation and electoral democracy.

Common characteristics of these cases are their emergence from local contexts and the fact that the governance design, political structure and practical orientation of NRM is in the hands of local people. In all cases, communities, diversely inspired by their leaders and elders, took steps on their own initiative to protect natural resource areas for the benefit of their communities; they also developed bylaws to adequately

India: Khotari and Pathak (2006) reviewed autonomous community conserved areas inspired by social movements in the states of Orissa, Maharashtra and Nagaland. Based on the revival of tribal cultural identity and greater control over land and resources, the late 1970s Ranapur people's conservation movement in Orissa and self-rule movement in Maharashtra share important features: a sense of impending ecological disaster following destructive pressures on forests, self-initiated forest protection and forest use regulation, and local and supra-local organizations organically linked to village clans and capable of unifying and leading the community in its search for self-governance. In Nagaland, dozens such initiatives developed across the state in the 1990s. In the Phek District, all 80 villages of Chakesang shifting cultivators and hunter gatherers joined in 1999 to form the Chakesang Public Organization and ban destructive modes of hunting, fishing and burning. By 2005, 23 villages took the additional resolution to declare inviolate wildlife reserves. In another part of the state, the Council of Khonoma, a 700-year old village of traditional Anami hunters and warriors, created the Khonoma Nature Conservation and Trapogan sanctuary, following 18 years of campaigning led by a village elder.

Australia (Bauman and Smyth, 2007). There are now 22 IPAs (Indigenous protected areas on ~20% of the landed Australian conservation estate. IPAs emerged over the last 10 years partly as a result of Aboriginal land claims in the 1970s and 1980s. The first legal claim was brought against a mining company by Aboriginal people in the Dhimurru area to assert their traditional land ownership under customary law. The Federal Court denied the claim, but the Aboriginal Land Rights (NT) Act 1976 was later passed following a Royal Commission on Aboriginal land rights. The 1992 High Court Mabo native title decision led to further recognition of indigenous ownership and laws as part of Australian common law. The Dhimurru Land Management Aboriginal Corporation was established in 1992 as part of this process by 11 clans whose lands were impacted by mining. The Chimurru IPA was declared in 2000 though traditional owners repeatedly declined in the 1990s to enter JM arrangements with the NT government. The clan groups accepted to join the PA system only after the IPA concept was developed. Dhimurru has so far been a success, with full Aboriginal control and benefits from a wide range of partnerships and opportunities.

Panama: The Study Project for the Management of the Wildlands of Kuna Yala, PEMASKY, in 1983 (Whyckoff-Baird et al., 2000; Cook, 2004; Brosius et al., 2005) aimed at establishing a 60,000-ha protected rainforest as buffer against outside encroachments and other projected effects of the Pan-American Highway. Governed by a Kuna General Congress, the Kuna have been granted legal autonomy on their tribal lands by the Panamanian government in 1938. This autonomous conservation initiative by an indigenous people attracted heaps of funding from conservation agencies; unfortunately, the high expectations from outsiders outgrew the project's capacity, hasting its

Senegal: The Areas of Community Heritage (Larivière & Sylla 2003) are 'consensual indigenous initiatives' 'to protect a natural or cultural heritage site of particular interest to local people'. They can gain legal recognition by the means of a convention with state services. The movement was initiated in 1987 in the Somon Laguna by an association of about 100 women organizing to restore vegetation around a natural reserve close to their village. sixteen years later, they had established a sustainable development program – the Natural Community Space Ker Cupaam led by a collective of 1,500 women and involving a population of 35,000 people. Similar initiatives were launched afterward in the Tengen Island, the Seseen forest, the Lake Wuy, the Dindefelo Falls and the Pincoor laguna. At the suggestion of UNESCO, the concept was disseminated in West Africa, with six francophone countries declaring their interest in adapting the concept to their national legislations.

Gambia (Diaw, 1999, unpublished field data). The Kwashorkor Community Forest in Tumani Tenda is a rare case of autonomous CBNRM. It was self-initiated by village members to fight annual bush fires before beign co-opted eight years later by the official community forest program. Unfortunately, the community did not secure clauses protective of its autonomy of decision-making. Thus, after Tumani Tenda won the First National Environmental Award, it was forced into a dispute with the National Environmental Agency the would not allow it to spend the 70,000 dalasi (~7,000 USD) prize on an eco-tourism centre. This is different from the Maharashtra case (Khotari and Pathak, 2006) where villages co-opted by th JFM program introduced extraordinary provisions guaranteeing the primacy of their needs and forest management rules.

Autonomous community conservation initiatives

Source: ??[Q62]

Figure 3.4 *Cases of self-initiated popular environmental movements*

protect and manage these areas. The Gambian case looks the closest to classic CBNRM; it is also a rare instance of spontaneous establishment of a community forest. The attempt to 'capture' such initiatives by formal CBNRM or JFM schemes in Gambia as in Maharashtra (Khotari and Pathak, 2006), and also by formal conservation regimes in the case of PEMASKY, points at the difficulty of balancing local autonomy with the need for external partnerships and support. The Australian cases (see Figures 3.3 and 3.4) well document this question in the evolutions of joint management and indigenous protected areas (IPAs). Bauman and Smyth (2007) found that both regimes have institutional and economic advantages over conventional park management, but that IPAs are superior in allowing real indigenous ownership and better returns from external partnerships.

Overall, local governance upsurges, diversely rooted in communal and tribal identities, in indigenous land struggles (Australia, India and Panama) as in more benign environmental demands (Senegal and Gambia), demonstrate the possibility of governing the environment from below by mobilizing local institutions and politics or by transforming them. This is most strongly expressed in the central role of the clans

and elders in the village-level institutions and supra-local federations that supported the Indian popular movements or the Australian land claims. This is significant. A long anthropological tradition has shown the corporate nature and political functions of these kin groups (Fortes and Evans-Pritchard, 1940; Fortes, 1945; Middleton and Tait, 1958; Shu, 2004) and role in social reproduction and tenure regimes (Diaw, 1997, 2005a). Often invisible, they are the real decision-making centre in scores of tenure situations; ignoring them has been a constant source of environmental setbacks. The popular movement that we described had thus the combined advantage of social rootedness and political relevance, enabling them to be legitimate and effective players in the environmental politics of the time.

BLOOD RIGHTS, CIVIL RIGHTS AND DEMOCRACY: A CONVERSATION ON LOCAL GOVERNANCE

The question of power capture is an all-embracing theme of the decentralization literature. Kate Farrell (2004) makes the case that 'fugitive power' – the propensity of power to operate beyond the law and beyond the scope of legitimating structures – is an emergent property of political systems. This means that, given sufficient conditions, power will 'naturally' evolve out of the reach of the institutional structures that give it legitimacy and make its exercise possible (following Arendt's note that legitimacy is necessary to the exercise of power). Democracy is therefore a constant quest for recapturing power in order to improve legitimacy and governance. The key question is about the 'sufficient conditions' that make these escapades of power such a recurring characteristic of decentralization.

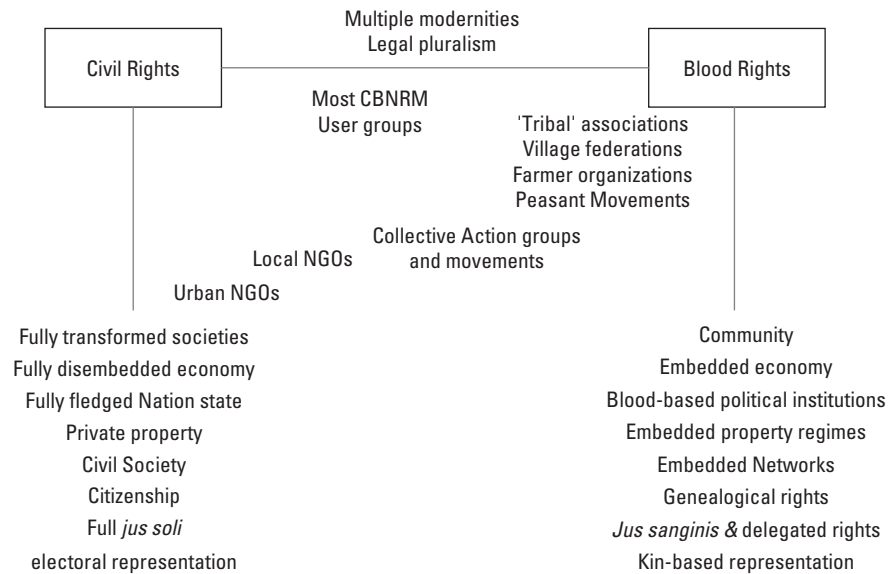## Blood rights, civil rights and the state

As noted by Jacob and Blundo (1997), decentralization, as 'a social project' in Africa, was from the start an attempt to break away from the dualist urban–rural dichotomy and to do away with 'multi-centricity' by concentrating local flows of resources around a unique legal entity. In the language of political sociology, a social project is a transformative project at the scale of entire societies. 'Land tenure nationalism' in Africa, during the 1960s and 1970s, was part of the broader project to 'modernize' African societies in accordance with the European model (Diaw and Njomkap, 1998). In order to build the nation state, it was considered essential to break the communal basis of land tenure systems – to 'detribalize' them, in the words of Melone (1972). In a review of the tenure profiles of 22 West African countries, Elbow et al. (1998) found that nearly 40 years after independence 64 per cent of the tenure policies did not recognize indigenous tenure or aimed at its replacement while the remaining third were forms of passive recognition or continuation of the colonial legacy of tribal authority lands. The same study (Bruce, 1998) found that community-based tenure remained the '*de facto* dominant tenure type' in almost all sub-Saharan countries. The general situation in Africa is thus one of an uneasy compromise between externally

imposed statutory law and embedded tenure[2] (Diaw, 2005a). This legal pluralism – the coexistence of distinct and competing legal orders – has not been recognized by decentralization and conservation policies. To understand this *invisibility* of customary institutions, one must look at the historical and epistemological conditions that produced this estrangement.

We know since Morgan (1877) that a key to understanding political systems in history is the fundamental opposition between two models of socio-political organization: the gentile society (or community) and the 'political society' (or civil society). In the first, government is exerted through descent groups; in the second it is based on political citizenship and membership in a territory. The first model is founded on blood rights (*jus sanguinis*), the second on civil rights (or territorial rights, *jus soli*). These two models still coexist within the modern nation state. In North America and other 'immigration countries', citizenship derives from being born in the country; in most of the old continents, citizenship derives from being born into an existing blood line of citizens. Between the two lies a whole range of accommodations, which are the reality of modern citizenship and its actualization in plural forms of democratic expression. Thus, the nation state – a 19th-century European invention that became the template for state organization around the planet – shed blood rights as an organizing principle of the state while retaining it in the political construction of citizenship and national identity. This discrepancy is often subdued or invisible although it can be seen in the difficulties of immigrants' children to gain citizenship in European countries or in various identity crises, civil rights movement and ethnic confrontations. Places where it is the most subdued but also the most widespread are in rural regions of the global South where blood rights are not just manifestations of ethnic identity but organizing principles of the indigenous economy and institutions. These are the places most targeted by decentralization. Figure 3.5 is a representation of the theoretical continuum between civil and blood rights.

Decentralization is an integral part of the formation and transmutation of the nation state, which, in and of itself, is part of a broader movement to rationalize societies in line with the organizing principles of a globalized capitalist economy. This is why the role of the state and multilateral institutions in privatization and land reform programs has been so central. In *The Origins of Our Time: The Great Transformation*, Karl Polanyi (1944) showed that the secret of the 19th-century liberal economy has been the 'disembedding' of the economy from society and the invention of specific market institutions around which society became organized. In contrast to pre-capitalist society (and many societies of the modern South), social relations became embedded into the market instead of the market being embedded in social relations (Polanyi Levitt, 2003). At a world scale, this triple movement to rationalize the state, society and the economy is largely incomplete. There has been extraordinary resilience of alternate political, social and economic forms, which the Western modernist paradigms that dominate scientific thought and political thinking in the South stubbornly refuse to see or recognize.

In preceding works (Diaw, 1998a, 2005a), we showed how this 'alterity' – this 'other way of being' – manifests itself in various economic expressions, including resilient embedded tenure regimes. This system has shown an ability to adapt to

Civil Rights	Multiple modernities Legal pluralism	Blood Rights

Most CBNRM
User groups

'Tribal' associations
Village federations
Farmer organizations
Peasant Movements

Collective Action groups
and movements

Local NGOs

Urban NGOs

Fully transformed societies	Community
Fully disembedded economy	Embedded economy
Fully fledged Nation state	Blood-based political institutions
Private property	Embedded property regimes
Civil Society	Embedded Networks
Citizenship	Genealogical rights
Full *jus soli*	*Jus sanginis &* delegated rights
electoral representation	Kin-based representation

Source: ??[Q63]

Figure 3.5 *A representation of the continuum between civil rights and blood rights*

markets as well as demographic and political pressure and to support effective forms of local and supra-local governance (as we saw in the Panama, Australian and Indian self-rule and popular conservation movements). Its continuing existence is a primary reason for legal pluralism in the rural South.

POLITICS, CONSERVATION AND DEMOCRACY

Recognition of the coexistence of blood rights and civil rights in modern societies and its manifestation in various legal accommodations highlights important conditions for inclusive local governance. The first is the plural, dual or nested nature of the political sphere in many LDCs. Two sets of socio-political spheres are thus juxtaposed: a *superstructure* based on formal democratic institutions, private titles and civil society, and an *infra-structure* of embedded rights, strongest in rural areas and generating a separate regime of entitlements, representation and legitimating networks. In many regions, the latter has been on the receiving end of development, conservation and land/environmental reform programmes; it has also been an unruly site of resistance to the meta-programme of modernization launched with colonialism more than a century ago. Democracy and local governance cannot be achieved when the legitimizing discourse and procedures of the institutional and political order are

structured to make the second sphere invisible. In creating favourable conditions for fugitive power, this has been a problem for both democratic decentralization and conservation.

The concept of democratic decentralization is actually quite intriguing. Democracy is not a univocal concept or cookbook of familiar procedures to account for political preferences; electoral democracy is but one means of exercising voice in the social space. At a deeper level, democratic governance is a congruence of social and political entitlements including recognition, voice, legitimacy, rights and collective responsibility; though essential to democratic governance, accountability is a dimension of responsibility that does not need secret ballot to exist. Many of the conservation laws that made possible the expropriation of thousands of people without tangible evidence of benefits for nature or for people were voted by elected parliaments and carried out by representative governments; this did not necessarily make them legitimate, which is why so many of these actions spin off into new problems and social conflict. In park management, the law is often used as 'legal fencing', a discursive procedure aimed at closing off the public debate or restricting democratic deliberation (Diaw and Tiani, in press[Q62]). The de-gazetting of Amboseli National Park in Kenya, an act which created uproar within the conservation community – with accusations that the move was politically motivated to win the Masai vote in the 2005 referendum – illustrates the short-sightedness of democratic closure. That conservation expunged democracy from its discourse may reflect the fact that its 'morally superior arguments' have more to do with political influence and reasons of state than the will of the people. Democracy has been an elusive dimension of conservation, and the resulting deficit of legitimacy has made many apparent gains fragile and uncertain in the long run.

SPACE-TAKING, SPACE-MAKING AND SPACE-GRANTING: ALTERNATIVE PATHS FOR LOCAL DEMOCRATIC GOVERNANCE

In environmental governance, local groups have taken spaces on their own initiative and in ways not anticipated by governments and conservation development planners. Manor (1999) intentionally excludes voluntary grassroots movements emerging out of 'failed states' from his typology of decentralization. He accepts, however, cases of 'inadvertent decentralization' – when, as in China and Russia, policy innovations produce 'unintended decentralization of power and resources'. In our view, the former belongs to the class of unanticipated local agency driven from below. We call this *space-taking* as a metaphor stressing the role of citizens and communities as 'moving democratic subjects' of local governmentality.

By linking space-taking to the other twin dimensions of *space-making* and *space-granting*, we also outline conditions for creative governance in a post-conflict society. In fact, decentralization would be better off creating and granting space for local

agency rather than trying to over-define how local actors should organize. Agency is the capacity of social actors to express volition and to formulate and carry out their own social projects. For this to happen in a non-conflictive manner, it requires from the actors in power (most notably, state, projects and corporations) a significant capacity to 'make space' for this to possibly happen or, minimally, to grant that space once it is already in the process of being taken.

The Indian case of Negaland is typical of space-making because of the state's progressive position of placing political and natural resource decision-making in the hands of local communities (Kothari and Pathak, 2006). In the cases of Marahashtra, Senegal, Panama, or in the Australian land claims, it was more a question of space granting; both capacities are, however, vitally important to local governance. The International Model Forest Network, which has been working in four continents since 1994 to establish landscape-scale partnerships governed by local actors themselves (Besseau et al, 2007), is yet another example of creating space around a core set of shared values, and then let people sort out the rest for themselves. In the Cameroon model forest experience (Jum et al, 2007), it was found that such an approach could actually expand the space for decentralization by bringing together different local constructions into a locally driven collaborative agenda.

These are important discussion points for a concept of democracy that goes beyond simple electoral politics to challenge more complex concepts of deliberative democracy and social movements. Deliberative democracy, which runs deep in the writings of Rawls and Habermas (1995), is based on principles of inclusion, argumentation and deliberation in the formation of democratic decisions – and is not just about voting or electing representatives. There is, nonetheless, an implicit assumption of social homogeneity, which social movement theorists consider with suspicion on the grounds that the less powerful need to mobilize in ways and with means other than deliberation in order to have their voice heard and their interests accounted for. This streak of thinking was expressed in the decentralization literature through the works of Wollenberg et al (2001), which stand apart from the electoral accountability paradigm found in the works of Manor and Ribot. By recognizing the possible coexistence of these three paradigms (deliberation, social movements and accountability) in the materialization of multilevel pluralist governance, we posit that none of them can alone address socio-political determinations in the societies that constitute the subject of this conversation. To address not just representation or power but deeper questions of cultural identity, legal pluralism and economic alterity a multilayered concept of governance has to be formulated. Kate Farrel (2006) advocates for an iterative deliberative process across a range of discourses and levels in order to address the 'representation gap' inherent to stakeholder consultations, citizen juries, consensus conferences and other forms of deliberative democracy. In our experience with adaptive collaborative management, we found that iteration together with interaction and negotiation of meanings has the potential to bring conflicts to levels where they can be deliberated over and transformed (Diaw and Kusumanto, 2005). Our experience with the Model Forest Network further suggests the possibility of entering the local governance field in ways not anticipated by decentralization reforms but contributing to expanding their scope and democratic content.

CONCLUSIONS

Our main objective in this chapter is to highlight the need for more complex concepts of environmental governance and democracy. We started the conversation by highlighting the different historical and philosophical roots of decentralization and conservation, and concluded by pointing at their democratic deficit because of their reluctance to fully integrate the pluralism of local societies in their theoretical outlook and policy orientations. Following this thread, we described various forms of decentralization and NRM. More importantly, we distinguished decentralization from locally driven governance upsurges and showed the fertilizing nature, for both conservation and democracy, of manifestations of local agency.

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

NOTES

1   See also the analyses of Brechin et al (2002), Wilshusen et al (2002) and Diaw (2005b).
2   By *embedded tenure*, we refer to an appropriation regime where private, shared, and collective rights to natural resources are nested within one another and within larger social institutions based on kinship and descent. [0]

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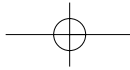
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