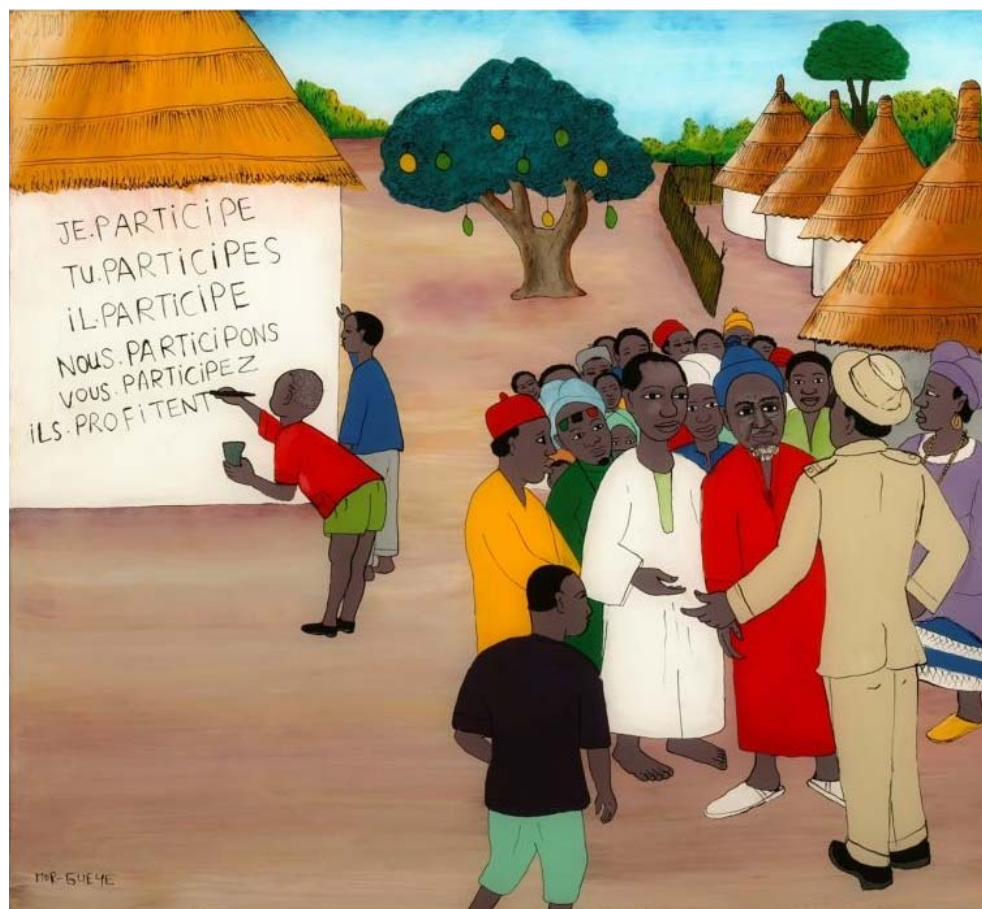


REPRESENTATION, EQUITY & ENVIRONMENT

Working Paper Series



Working Paper 36

Authority over Forests: Negotiating Democratic Decentralization in Senegal

by

Jesse Ribot

January 2008

The Representation, Equity and Environment Working Paper Series

This series is a continuation of WRI's 'Environmental Accountability in Africa' working paper series (Working Papers number 1 through 22). The series was renamed to reflect the Equity Poverty and Environment team's broadening, mostly through comparative research, to include research and analysis worldwide. This periodic working paper series presents new research on democratic decentralization and legislative representation concerning the management, control and use of natural resource. The series will present research and analysis on the effects of policies on the distribution of profits and other benefits within natural resource commodity chains and the distribution of government revenues from natural resource exploitation and trade. The objective of this working paper series is to provide researchers working at the intersection of governance and natural resource management with a forum in which to present their findings and receive feedback from scholars and practitioners around the world. Your comments can be sent to the series editor at WRI or to the authors at the contact information listed at the back of each working paper.

Cover Image Artist: Mor Gueye

Mor Gueye is an internationally renowned Senegalese artist. At over 80 years of age, Mor Gueye is considered the 'dean' of Senegal's reverse glass painters. This technique, where he paints on one side of a glass pane to be viewed from the other, is popular in urban Senegal. The reverse glass paintings on the cover were photographed by Franklin Pierre Khoury, the art photographer of the Museum of African Art at the Smithsonian Institute in Washington, DC.

REPRESENTATION, EQUITY AND ENVIRONMENT

WORKING PAPER 36

Authority over Forests: Negotiating Democratic Decentralization in Senegal

by

Jesse Ribot

January 2008

Series editor:
Jesse Ribot



Institutions and Governance Program
10 G Street, N.E., Suite 800
Washington, D.C. 20002 USA
www.wri.org

ABSTRACT

Senegal's 1998 forestry code transfers powers over forests to elected Rural Councils, ostensibly giving the elected authorities material powers vis-à-vis which they can represent the rural population. But, like other line ministries, the Forest Service is unwilling to devolve powers in practice. Justifying themselves with arguments of national good and local incompetence, foresters use pressure, bribes and threats while taking advantage of the inability of rural populations to access and influence courts and actors higher up in government. The foresters stand next to forest merchants and are supported by the sub prefect, while continuing to allocate access to lucrative commercial forest resources to the merchants. Without powers the rural councilors remain marginal, rural populations remain destitute. The sectors remain a last frontier of decolonization.

ACKNOWLEDGEMENTS

I would like to thank my colleagues Ahamadou Moctar Kanté, Papa Faye and Salieu Coré Diallo for their assistance in the field research for this article. I would also like to thank the many rural councilors, foresters, sub-prefects, charcoal merchants and others who generously offered their time to talk with us in Dakar, Tambacounda and in the villages. Thanks to Ebrima Sall for continuous encouragement and deep engagement in this research project and to CODESRIA for providing a stimulating home for the research team. Many thanks to Jakob Trane Ibsen, Tomila Lankina, Christian Lund and Thomas Sikor for their constructive comments on this article. Sincere thanks to Dutch Royal Embassy in Dakar, and Franke Toornstra in particular, for supporting the research behind this article. I would also like to thank the Max Planck Institute for providing an inspiring setting in which a portion of this article was composed.

INTRODUCTION

“One gives us the head without the tongue” –Soninke saying.

Rural Council President, 14 Feb 06 Tamba Atelier

Decentralization involves redistribution of power from central government to actors lower in the political-administrative hierarchy. The story of Mr. Weex Dunx¹, the president of the Rural Council (PCR) of Nambaradougou in the forested Tambacounda Region of Senegal, illustrates how—that is through what mechanisms and practices—the laws that transfer control over forest down the hierarchy are attenuated in service of initial power holders. The elected Rural Council is left without the material basis on which to develop as a legitimate local politico-legal institution.

Senegal’s 1996 decentralization law establishes new domains of ‘competence’ for Rural Councils—the smallest scale of rural local government. To conform to the decentralization, Senegal’s 1998 forestry code attributed significant powers over forest exploitation, use and management to Rural Councils. Sectoral laws, such as the forestry code, give elected Rural Councils the material substance—power—with respect to which they can represent the population in their Rural Community. Control over land and other resources—forests in this case—can produce authority (Sikor and Lund, 2007; Lund, 2002; Ribot, 1999a; Watts, 1993; Chanock, 1991:64). The empowering of the elected councils therefore should set the conditions under which effective and legitimate democratic local authority might emerge.

Senegal’s Rural Councils are unable to exercise their formal legal authority to determine whether the forests in their jurisdiction can be exploited and who can exploit these forests. The residents of Senegal’s Rural Communities remain unable to benefit from commercial forest exploitation. The elected Rural Councils of each Rural Community are pressured, intimidated and coerced into giving away access to their forests. The new rights inscribed in law have generated unenforceable claims. The councilors making the claims have no means to enforce them, while the Forest Service and sub-prefect, charged with implementing these new laws have no interest, incentive or intention to translate them into practice. Without the backing from superior politico-legal institutions the laws that give Rural Councils new powers are ineffective.

The Forest Service and their merchant allies retain control over the forest resource via a small repertoire of well trodden methods (see Ribot and Oyono, 2005; Larson and Ribot, 2007; Ribot, 2006, 2000, 1998). They disable forest dwellers and enable urban-based patrons to benefit from the forests via misrepresentation of the law; selective application of the law and enforcement of abrogated laws. They exclude Rural Councils from decisions and rural people from benefits by creating an uneven playing field of entry barriers that privilege their allies justified by discourses of national good and arguments

¹ ‘*Weex Dunx*’ in Wolof translates literally as ‘plucked white.’ A *weex dunx* is a scapegoat. Rural Council presidents we interviewed across the region felt blamed for everything wrong in their communities. Weex Dunx is not the real name of the Rural Council president. All names in this article have been changed—including the name of the Rural Community, Nambaradougou, which means ‘problems village’ in Soninke.

of lack of local capacity. They use bribes and threats while taking advantage of the inability of rural populations to access and influence courts and actors higher up in government. In their efforts, the foresters stand next to forest merchants and are supported by the state's local administrators, the sub-prefects. In Nambaradougou, contrary to new laws, the Forest Service continues to allocate access to lucrative commercial forest resources—to the urban-based merchants.

The struggle over forests undermines Rural Council authority. Authority and property, following Lund (2002:14-5), are mutually constituted—authorities want to be asked to authorize property claims since they cultivate legitimacy through the welcome exercise of enforcement powers. Claimants want their claims authorized to protect their wealth or livelihood. In the process both authority and property are reinforced. In the case of Nambaradougou, the material claim is the control over forest use transferred to Rural Councils by law. This control is, in principle, the purview of the Rural Councils. The story of PCR Weex Dunx focuses on one such power, the power to decide whether or not charcoal production will take place in the Rural Community forests. This power was transferred by law from the Forest Service to the Rural Council by requiring the signature of the PCR before any exploitation can take place (RdS, 1996).

While the Forest Service and the PCR have legal 'authority' in the local arena, this is not a two way situation in which "institutions seek out property claims to authorize in the attempt to solidify their legitimacy in relation to competitors" while claimant shop for authorities to authorize their claims (Sikor and Lund, 2007). This is a struggle between two politico-legal institutions with different bases of legitimacy. Foresters look upward to the political-administrative hierarchy while the PCR looks to the population in its jurisdiction. The two are related by their struggle over forests—a struggle in which the PCR is subordinated to the foresters. While the law says otherwise, the PCR is the claimant begging the foresters to allow him to exercise his rightful role. The foresters are not seeking claimants here and the PCR should not have to be seeking authorization. Both are seeking to maintain control over the lucrative forest resource.

The PCR-Forest Service relation could be framed as a struggle over effective jurisdiction in which the ability to authorize control over forests hinges on gaining legitimacy. But first and foremost, it appears as a struggle over access to forest resources. In Nambaradougou the struggle for access to the forest resource is on the surface—all parties have significant financial interests in controlling forest access (Ribot, 1998, 2006). Legitimation or marginalization of the two authorities appears secondary—perhaps desire for legitimacy fuels this power struggle, but it looks like the struggle is primarily about who will profit from the forests. In the struggle, the PCR is unable to fight the hierarchy. He gives in—gaining a small payoff consequently compromising his local legitimacy.

The interest the PCR ends up with is not a power over forest use, rather it is a power to negotiate a bribe in exchange for his signature. When he signs he receives some cash and gives up any ability to manage the forests for longer-term and higher stakes or to respond to the needs and aspirations of his population. The PCR is unable to stop production or to

profit from or tax the lucrative resources being extracted from their forests. He does not lack legal title to the resource. He certainly does not lack an interest in stopping forest exploitation. He lacks the ability to challenge the Forest Service and the charcoal merchants that foresters and prefects back. The Rural Councilors are given a title. They are elected as the representatives of the people—but they “have no tongues.”

The story of PCR Weex Dux contains a germ of optimism; some insights into what can threaten the current order of forest access. The case shows that civic education helps citizens and local leaders fight the Forest Service. They have not won yet, but knowledge of the laws encouraged rural councilors to negotiate the terms on which they would sign. Between 1998 and 2007, PCRs went from giving a no-resistance signature to a signature that follows often prolonged negotiations—they were helped by a little knowledge combined with learning by doing and building frustration. The PCRs used to get nothing, now they get bribed. Perhaps the bribe will have to go up as PCRs learn more about their legal rights and recourse. For now the PCRs know little of recourse channels by which they could take the Forest Service to task. Perhaps that will be a productive new field for civic education that could further shift the powers toward enabling Rural Communities to benefit from the natural resources around them.

This article tells the story of Weex Dux’s signing of the order to open his Rural Community’s forests to exploitation in 2006. The first section provides background on struggles over forest control in Nambaradougou and the broader decentralization of forestry in Senegal. Subsequent sections tell the story of coercing the signature out of PCR Weex Dux, followed by a conclusion.

FORESTRY DECENTRALIZATION IN NAMBARADOUYOU

Nambaradougou is a Rural Community in the Soudano-Sahelian open-canopy forests of the Tambacounda Region of Senegal. Its’ one hundred some-odd villages depend primarily on peanut and millet farming. Like other neighboring Rural Communities, Nambaradougou has been a site of charcoal production for over thirty years (Ribot, 2000; Kanté, 2006). To supply the city of Dakar with cooking fuel, migrant woodcutters from Guinea work for urban-based merchants called *patrons charbonniers* (‘charcoal patrons’ or ‘patrons’ from here on), cut and turn Nambaradougou’s trees into charcoal through controlled partial burning. But, the residents of Nambaradougou are unhappy.

Local Resistance to Charcoal Production

Almost all residents surveyed in Senegal’s charcoal production region oppose production around their villages (Ribot, 2000; Thiaw, 2003; Thiaw and Ribot, 2005; Thiaw, 2005; Kanté, 2006). All but one of fifteen Rural Council presidents surveyed told us emphatically that the population did not want production in their area (Kanté, 2006; Faye, 2006; Thiaw, 2005; Thiaw, 2003; Thiaw and Ribot, 2005; Ribot, 2000; Bergeret and Ribot, 1990; Interviews of eight PCRs by author 2004-2006). In addition, the majority of foresters we talked with also acknowledged that rural populations are against charcoal production (Interviews by author 2002-2006).

Some villagers argue that they do not want woodcutting because the rains will not come without forests around, while others argue that they do not want outsiders to profit from their forests if they are not able to also benefit (Ribot, 2000). Many people also argue that the presence of the woodcutters in their villages causes too many problems—the wells run dry when too many producers live in the villages, women are scared to go into the forests for fear of being harassed, game is chased away by the cutting, etc. (Ribot, 1998; Ribot, 2000; Kanté, 2006).² Resistance to charcoal production in the area dates to at least the early 1990s in Nambaradougou (Ribot, 2000; Kanté, 2006).³

Despite many complaints about woodcutting, some villagers are for charcoal production. Two of ten villages surveyed in Nambaradougou in 2002 had residents who were engaged in charcoal production (Thiaw and Ribot, 2005:322). Some villages are happy to see the arrival of charcoal makers. Households within villages lodge migrant charcoal makers and see them as a source of extra income. Charcoal producers rent huts in village compounds and pay for meals cooked on a monthly contract (Ribot, 1998).

The residents of Nambaradougou fought production in their zone. In the early 1990s, there was a protracted conflict where village chiefs and Rural Councils confronted the Forest Service and patrons. To caricature a long story, between 1991 and 1994 local people asked for charcoal production to stop or be carefully managed, the Forest Service promised to help manage the situation, but production continued as usual. Nothing changed. Rural people were frustrated. In 1993 a new ‘participatory’ forestry code gave Rural Councils the right to manage surrounding forests. This code did not change anything. The Forest Service continued to give quotas to patrons and permits to their migrant laborers. They continued to cut the forests of Nambaradougou. Some villages chased them away with threats of violence. Others accepted woodcutters, with residents taking rent for housing while village chiefs took a few small bribes. Frustrated and angry, most local people resigned themselves to business as usual (Ribot, 2000; Kanté, 2006; Thiaw and Ribot, 2005).

Regulatory Policy Before 1998

Until 1998 the system of forest management was highly centralized, giving Rural Communities no say in management nor rights in production or exchange. Under this system, an overall quota for charcoal production—the total national amount to be legally

² In one village in the Rural Community of Nambaradougou, three of five women interviewed accused charcoal makers of causing “deforestation, the cutting of saplings and difficult access to firewood” (Thiaw, 2003:21). One pointed out that “currently the firewood is getting rare, we have to go two to five kilometers to find some” (Thiaw, 2003:21). Most of the men, however, denied any negative effects of wood cutting. They said that they are working in charcoal production because of the low rainfall and that it is the same low rainfall that they consider to be the sole cause of degradation in their forests.

³ Diallo (n.d.:9), in about 1994, wrote that the population of Nambaradougou refused production because they said that woodcutter’s anarchic and abusive cutting led to serious forest damages wherever they worked. Further, they argued that they had failed to conduct reforestation. Diallo goes on to say that “The population did not cease to affirm their non-participation in this tree felling. The general prevailing feeling among the forest-edge populations is of a lack of power to react against the aggression. ‘We don’t want it, but we do nothing’ exclaimed a young man from Gaddafaro.” When Diallo asked why, the young villager responded “because they [the woodcutters] hold the cutting permits delivered by the administration.” (Diallo n.d.:9.)

produced—was fixed by the Forest Service each year. It was not fixed on supply or demand data. The national quota was based on the previous year’s quota which was lowered or raised depending on pressure to allocate more quotas to particular patrons or pressure from donors to lower the quota in the name of protecting the forests. Over the past decade, the quota was lowered almost every year—regardless of fairly constant demand. Today the quota is less than half of urban demand—making the other half of current production (since supply *is* being met) illegal (Ba, 2005; Ribot, 2006).

Each year, the nationally set quota was divided among the 120 to 170 enterprises—cooperatives, economic interest groups (GIE) and corporations—holding professional forest producer licenses delivered by the Forest Service. Allocation of quotas among these entities was based on each entity’s previous year’s quota with adjustments for whether the enterprise had fully exploited its quota and had engaged in positive forest management activities—such as establishing a tree nursery, engaging in reforestation or placing an area under protection for natural regeneration. New professional licenses were also allocated most years. The new entrants into the market were usually urban-based enterprises that had political connections to the National Union of Forestry Merchants of Senegal (UNCEFS), or the Forest Service or ministry of environment.

After allocating quotas among enterprises, the Forest Service and ministry of environment would hold a national meeting to open the new season. They would promulgate a ministerial order listing the quota for each enterprise and indicating the region where these quotas were to be exploited—there are two regions where production is now taking place, Tambacounda and Kolda. Shortly after this national meeting, the Regional Forest Services would then call a meeting in the regional capital and “announce” to the recipients their exact quota and the Rural Community in which they would exploit their quota. The forestry agents in each region had chosen areas to produce charcoal where they knew there was sufficient standing wood. There was no Rural Council say in the matter. Patrons and their workers would arrive in a village with permits in hand accompanied by local foresters in order to launch each production season.

Progressive New Decentralization Laws of 1998

Senegal’s 1996 decentralization law gave Rural Communities jurisdiction over forests in the territorial boundaries of the Rural Community. The Rural Council is transferred jurisdiction over “management of forests on the basis of a management plan approved by the competent state authority” and “delivery of authorization prior to any cutting within the perimeter of the Rural Community” (RdS, 1996a:art.30; Also see forestry code, RdS, 1998 art.L4,L8). This general decentralization framing law gives the council jurisdiction over “the organization of exploitation of all gathered plant products and the cutting of wood” (RdS, 1996:art.195).

The 1998 forestry code (RdS, 1998) requires the Forest Service to obtain the signature of the president of the Rural Council *before* any commercial production can take place in their forests (art.L4). The code also gives the council the right to determine *who* will have the right to produce in these forests (art.L8,R21). In addition, the Rural Council president

plays an executive role and cannot take action prior to a meeting and deliberation of the council whose decisions are taken by a majority vote (RdS, 1996:arts.200,212). In short, the new laws require a majority vote of the Rural Council approving production before anyone can produce in Rural Community forests.

Given the history of tensions around charcoal production, Nambaradougou's Rural Council was delighted to learn that the new 1998 'decentralized' forestry code gave the Rural Community the right to determine 1) whether or not their forests would be exploited, and 2) who could exploit the forests. The code gave the Rural Community control over non-reserved forests within its boundaries. It also eliminated the production quota system that the Forest Service had used to channel production and marketing rights to license-holding urban-based patrons (RdS, 1998:art.R66). The councils learned of these changes through an information campaign by the USAID-funded NGO called "DGL" (Democratie et Gouvernance Locale) project. DGL translated the essence of the new laws into local languages and informed Rural Councils of their new rights under Senegal's decentralization laws passed in 1996. Without prompting, the Rural Councilors told us they greatly appreciated and learned a great deal from DGL (Faye, 2006; Interviews 2002, 2005).⁴

The radical new 1998 forestry code changed everything—at least on paper. The quantity of production would be based on the biological potential of each Rural Community's forests rather than being fixed by decree in Dakar and the regional capital. The enterprises to work in a given forest would be chosen by the Rural Council, rather than being assigned by the ministry in Dakar. If implemented, the new system would empower Rural Councilors to manage their forests for the benefit of the Rural Community. The law, allowed a three-year transition period from the quota system to the new system based on Rural Council involvement. The quota system was to be eliminated by 21 February 2001 (RdS, 1998:art.R66). February 2001 passed and still nothing changed. Despite these progressive new laws, the Forest Service continued to allocate access to the forests via centrally allocated licenses, quotas, and permits.

There was nevertheless visible change in practice: because the PCR's signature is required in the law, the PCR has become a new obstacle that foresters and patrons must deal with to exploit the forests. Still, to 2007, the quota is fixed and allocated in Dakar, and the enterprises assigned their production sites by foresters in the regions. The only role of the Rural Council is for the PCR to sign off on production at the beginning of each season. If he refuses, he (all of the PCRs in the production zones are male) is pressured, threatened and bribed by foresters, patrons and the sub-prefect until he signs. The ability to allocate rights to forest access is carefully guarded by the foresters as is control over production rights by a select group of patrons. Forest villagers and their elected representatives—Rural Councilors and the Rural Council president—remain marginal.

⁴ The DGL program was shut down by USAID because a review considered it 'ineffective' (December 2005, personal communication with USAID staff, Dakar). On the contrary, we found—without looking—it had served a positive role in civic education (see Faye, 2006). In fact it seems to have been too effective and was a threat to the Forest Service.

The next section outlines exactly how the Rural Council's new rights are being attenuated by the Forest Service-patron alliance—with the help of the sub-prefect. The Rural Council President is a new link along the path to forest access for the patrons. They have to break this link so as to continue to control access to the forest resource and forestry markets.

COERCING THE RURAL COUNCIL PRESIDENT

In the decentralized system, the PCR is supposed to help elaborate a production and management plan that specifies quantities and production sites and render his signature before each season begins. Instead of telling the Forest Service what they want, however, the Forest Service still tells Rural Councils where production will take place and by whom. This decision is made by the Forest Service and announced at a meeting of the Regional Council. The PCR is simply copied (CCd) the meeting announcement rather than being invited. If they come, the PCRs opinions are not asked and their questions not addressed. After the regional meeting, the PCR is visited by a forester toting an administrative order that the PCR is asked to sign to open the production season. The eight PCRs the author interviewed (2004-2006) did not want to sign this order. All, however, were eventually 'convinced' to sign.

In most cases the PCR signs the order without a deliberation of the council. There are exceptions. The council of Missirah did meet. But in the seven other Rural Communities where I interviewed councilors, the councilors do not even know that a decision had been made by their PCR—this was the case in Nambaradougou. In a discussion with seven members of one Rural Council, including the president of the council's environment commission, one councilor said "no deliberation ever took place on the opening of the [charcoal] exploitation season." In addition, after some discussion it became evident that nobody among them even knew that the PCR had any right to sign on production decisions. One councilor just shook his head, saying "we are not involved." (Interview, 7 Councillors, 27 Dec 05.)

Although most PCRs signed without consulting their council, all were initially against charcoal production in their areas. The actual process by which the PCRs were convinced to sign, while it varied from PCR to PCR, had a clear pattern. Each councilor refused to sign. Each councilor was pressured to sign by the Regional Forest Service Director (the Inspecteur du Secteur de la Region) and the local Forest Brigade Chief (Chef de Brigade) in the Rural Community, the sub-prefect (arrondissement-level administrative officer), charcoal patrons, and an envoy sent from the national forestry union in Dakar. The PCRs all felt that the circumstances left them with no choice in the matter. This pattern was observed in a cross-sectional study of seven additional Rural Councils (Thiaw, 2005). The case of Nambaradougou is outlined below. This case illustrates the typical process by which PCRs are forced to approve charcoal production in their Rural Communities.

CASE STUDY OF SIGNING IN NAMBARADOUYOU: COERCING WEEEX DUNX

In April 2005, Ahamadou Wuula, a forest agent from the regional forest bureau in Tamba came to Nambaradougou to ask the PCR, Moussa Weex Dunx, to sign the annual order for opening the charcoal production season in the forests of Nambaradougou. But, the president of the Rural Council of Nambaradougou refused to sign. This was his third year in office and he was just beginning to understand that his signature had important implications and that he was not obliged to sign the authorizations brought to him each year by the forestry service unless the conditions of production conformed to his—and presumably the Rural Council’s—needs. Below, I recount the story of Weex Dunx and the opening of the 2006 charcoal production season in Nambaradougou from the perspective of the PCR, the sub-prefect, the Forest Brigade Chief, a forester sent from the Tambacounda regional office, the national forestry union president and a charcoal patron.

The PCR—Moussa Weex Dunx

There is a certain complicity of Forest Service—it is not against us, it is for the interest of the patrons.

PCR4 in discussion 14 Feb 06 at Tamba Atelier with 4 PCRs.

We decide nothing. There are no benefits. We watch.

PCR1 in discussion 14 Feb 06 at Tamba Atelier with 4 PCRs.

Rural Council is not part of the decision. They bring us the order and ask us to sign it.

PCR1 in discussion 14 Feb 06 Tamba Atelier—all participants agreed.

With decentralization the transfer is not transferred. The quota, the production zones, come from above.

VP CR Koumpentoum, 18 Dec 05.

Question: “How are decisions made here concerning commercial forestry exploitation?”

PCR Nambaradougou: “We can’t say much. The numbers fall from above. We are told we have no choice. But, we should be implicated. Nobody knows our forests better than us.”

Question: “How do they tell you that you have no choice?”

PCR Nambaradougou: “People who come here with quotas can come and do things we don’t want. What is in the text is writing only. The texts are not respected.”

Question: “What does the text say?”

PCR Nambaradougou: “It is the PCR who signs.”

Opening of interview with PCR Nambaradougou , 22 Dec 05.

In the early 1990s, Nambaradougou’s PCR and village chiefs organized to block charcoal production in their forests. After a series of negotiations with the Forest Service and charcoal merchants, a select group of chiefs—reaping some income from charcoal production—allowed the woodcutting to continue. By and large, however, the population, many of the chiefs and the elected PCR were frustrated and unhappy (Ribot, 2000). Interviewed again in 2003-2006 the PCR from the early 90s and his council members felt they had been defeated (series of interviews in Nambaradougou). In April 2003, Moussa

Weex Dunx's first year as PCR, Weex Dunx told me that he knows that the villagers are still mostly against of charcoal production. Despite the population being against production in most villages across the forested zones of Senegal, the chiefs are generally for it since they are paid off by the patrons to allow it to continue in the surrounding forests (Kanté, 2006; Thiaw and Ribot, 2005; Ribot, 1998, 2000).

In December 2005, Weex Dunx explained “During my first year [as PCR in 2003], I was just learning, so I signed. In 2003, the forester came. He doesn't come in a manner that allows me to reflect on the issue. I did not know when I signed in 2003 that I signed a paper with this implication [that so much forest cutting would begin]. The Nambaradougou Brigade Chief (3 April 2003 interview), interviewed in 2003, explained that “The new PCR got 425,000FCFA [in bribes from the patrons] his first year.”⁵ But did the PCR get this much? How does the Brigade Chief know the exact figure? Is it because he is involved in the transaction? Is it rumor? Or, does he state this figure to make the PCR look bad? Or all of the above? From interviews of foresters and patrons across the region, foresters are involved in paying off the PCRs for charcoal patrons. The amount is said to vary between 100,000 CFA and 500,000 CFA. The patrons ostensibly give the foresters money they use to pay off the PCR.

Weex Dunx said, “In the beginning of 2004, I asked at the regional meeting [the Tambacounda Regional Council meeting at which the Forest Service ‘announces’ the annual quota] if we could discuss the exploitation in our Rural Community.” But, it was clear from the response—written in the minutes of this meeting—that he had no influence on whether or not there would be production in his area. Inscribed in the minutes, Weex Dunx said at the meeting: “We should be implicated in the distribution of quotas; we should know the patrons; coming here I encountered five trucks of charcoal. We do not even know which zones are open to exploitation” (RdS, 2004).

The response to Weex Dunx from the Director of the Regional Forest Service was chilling:

I must first explain that our meeting of today is not for the distribution of quotas, but rather for notifying interested parties. The distribution of quotas is done by a national commission designated by the Minister of the Environment and Protection of Nature and chaired by the director of the Forest Service. You are charged with the management of natural resources in your Rural Community, but do not forget that the State is the guarantor of these resources. To manage the resources does not mean to refuse that they be exploited. Go back and see your Forestry Brigade Chief who is your advisor on this matter. (RdS, 2004)

The words of the Regional Director were consistent with advice—a year earlier—from the Brigade chief in Nambaradougou. He told us: “Charcoal is the responsibility of the Regional Council. The PCR does not have rights over the resource. Because natural resources are for everyone, being a manager does not make one an owner or give one rights.” (3 April 2003 interview, Chef de Brigade Forestier, Nambaradougou.) Weex

⁵ Other figures were mentioned as well. “The signature by the PCR is needed on an order to open the season. I know that the PCR signs. If I could have influence, I would not sign until they agree to have zones and organize the exploitation. The PCR signs for 100,000 CFA. I would not sign until we organize the exploitation.” (23 Dec 05 interview, Nambaradougou Couceilleur.)

Dunx found himself confronted by a consistent wall of disempowering discourse. So, that year, like the year before, Weex Dunx returned frustrated to Nambaradougou—having wasted his time with a useless trip to Tambacounda. He signed the order when it came to him.

“In 2005,” said Weex Dunx, “the local forest brigade chief [Matar Koulibaly] came and I refused to sign.⁶ Koulibaly asked and pleaded for me to sign. He said to me ‘we did not make this [administrative order], but we are called in when there is a problem’. I said I would not sign unless he brings together all the actors involved in exploitation in our zone: charcoal merchants, authorities in the area, the technical services, and the Rural Council. So, he gave me the paper [the order] and I brought it home. Later, Koulibaly put me in contact with Diouf [another agent]. Diouf came and asked why I did not sign. Diouf phoned Mor Kojangue [the president of the national forestry union, UNCEFS, in Dakar] and Kojangue said he would send a representative from Koumpentoum [a nearby town]. Kojangue sent the regional [union] leader from Koumpentoum with 50,000 CFA. I rejected this and said this is not what I asked for.”

Weex Dunx continued: “After, Kojangue called the sub-prefect, Kojangue asked me my position. Kojangue asked, via the sub-prefect, for me to sign. I said I would not sign. I said, ‘we need to know who is here’ [which charcoal merchants are working in the Rural Community forests]; ‘we don’t have any contact’ [with these charcoal merchants]. I asked to sit down around a table. The sub-prefect, Sasoumane Dioup, asked me to do everything to settle with Kojangue.” Weex Dunx then reflected “If the zone can be exploited without our decision, without us who open the season—we have nothing but a consultative position. We make no decisions.” He then continued to recount the story: “The sub-prefect told me Kojangue was willing to send me a cell phone.”

“The sub-prefect then made a phone call to Kojangue with me in the office. I continued to say no. The sub-prefect said ‘you must sign’. Kojangue spoke to me. The sub-prefect said ‘I am sure he [Kojangue] will respect your requests’. After the conversation with Kojangue, the sub-prefect asked me to sign. He said ‘Kojangue is at the national level. He is in contact with many people.’” But Weex Dunx was still not ready, he explained, “I wanted to know how the zones are distributed? The migrant woodcutters don’t have papers. We don’t have the means to fight illegal cutters. We can only report them.” But, as most PCRs told us, and Weex Dunx also explained, when the villagers or councilors report illegal production to the Forest Service, nobody comes to stop or fine them.

Then explained Weex Dunx, “The Regional Forest Service Office [the Secteur de Tambacounda] sent Wuula Gaggala, who came ‘as a brother’ and [Gaggala] said, ‘Everyone is talking about you. I want you to stop this. This is not between us.’ I said, ‘this is not me; the council must decide’. But, I signed. [After hearing I signed,] Kojangue then called the sub-prefect and said that he would respect my demands.” Later

⁶ Weex Dunx was not the first PCR to refuse to sign. In Nambaradougou, the council from 1991 to 1996 was at first opposed to charcoal production, but in the end they let the patrons work due to pressures from the prefect (Thiaw, 2003: 16). The following councils elected 1996 to 2001 and 2002 to 2007) did the same (Thiaw, 2003 ; Kanté, 2006); (Thiaw, 2006)

Weex Dunx told me that Kojangue sent him a cell phone, but did not respond to his other demands.

A few days later in Tambacounda, I asked Wuula Gaggala how he managed to get Weex Dunx to sign. Wuula Gaggala said, “I came to Nambaradouougou , I said ‘I don’t come as a charcoal patron or as a forester. I come as family’. I told him, ‘Every man has his destiny. A good Muslim must facilitate things.’ I asked him to sign. He said nothing. He asked his secretary to bring the papers and he signed. The whole thing was only five minutes.” (25 Dec 05, interview in Tambacounda.)⁷

I asked Weex Dunx, “Did you have a council meeting on this?” Weex Dunx said “no.”⁸ I asked “Why not?” He said, “I know the unanimous position of the council. [The NGO] DGL⁹ gave us a lot of assistance and guidance on this. We know nothing should happen without our permission. The council is conscious that we can develop only with our resources.” So, I asked what he wanted to do with the forests. He responded, “We want to manage and exploit the forests ourselves. We want advice from the state services. We see our forests exploited and cut 100 percent, but we get nothing....” (22 Dec. 2005 interview PCR, Nambaradouougou)

I then asked “What prevents you from exploiting your forests yourself? “We need help of the state. We need means. Recently we had a seminar with GADEC [an NGO in Tambacounda] and we saw protected forests. ... But,” he threw up his hands, “if we work out a plan to exploit our forests, we risk confrontation with the charcoal patrons who come with quotas.” He continued, “We attempted to make a management plan [referring to an arrangement called Zone de Production Controlé (ZPC)—a kind of simplified management arrangement—that was to start there in 2004, but never materialized].¹⁰ We

⁷ There is some question as to whether Gaggala paid off Weex Dunx. Another researcher who recently conducted research in this area told me that the forester, the Chef de Brigade, told him that the PCR asked for 600,000 CFA plus a portable from Kojangue. He said that the forestry brigade chief told him that the Regional Forest Service Director sent a forester from Tambacounda who explained to the PCR he can get money, but he should not ask for it formally. When the researcher asked the PCR, he denied that he asked for money. The PCR said that Kojangue, did, however, send him a phone “to communicate with Kojangue concerning production.” The PCR showed him his phone and said that Kojangue sent it. (27 December 2005 Personal Communication, Ahamadou Kante)

⁸ I asked Weex Dunx for the minutes of any meetings he had to discuss forest management or charcoal production with his council. He told me that there were, but he did not have the key to the council office—it was with the secretary. I think he just did not want to show them to me. Others told me that the meetings had been very nasty and he was embattled in the meetings. One forester who worked in the area when the ZPC was being elaborated says that there is a meeting minutes from 2002 and 2003 (Forester interview 25 Dec 05).

⁹ This NGO had lost funding a few years earlier.

¹⁰ I suspect that he is referring to a project developed for a ZPC in this area with the assistance of DGL. When DGL was closed, the project should still have continued, but it died in the office of the Forestry Brigade. The Chief de Brigade told me that the ZPC file was just sitting there. He said it was the responsibility of the PCR to do something. But, the PCR had no idea that this file was there nor that he had to do anything. The forester had an attitude that reflected he would not lift a finger to assist the PCR.

I asked two foresters involved why the ZPC in Nambaradouougou did not go through. “When we tried to work at Nambaradouougou we saw they did not have the technical data [not sufficient mapping cover]. We decided to go to Missira. There we had map cover. We used maps and planned for Missira.

tried to work it out with Forest Service. But, nothing is transferred. It is they who manage everything.” I asked “What about the ZPC?” He said, “I brought the dossier to the Forest Service office and it stopped there.¹¹ That is where it is stuck.” (22 Dec. 2005 interview PCR, Nambaradougou)

Weex Dunx said a few months later, “The Rural Council has responsibility. What can we do when the deciders break the law. Mor Kojangue called the sub-prefect who said ‘I am in contact with the minister—you must sign.’ They twisted my hand. I had to sign.” He paused, “we don’t represent anyone. Even if we refuse, they exploit.” (14 Feb 06, Weex Dunx, Tamba atelier)

The Sub-prefect Sasoumane Dioup

PCR1: The sub-prefect will never make the job of elected local councilors easier. The sub-prefects threaten us.

PCR2: We live this every day.

PCRs1&2, 14 February 2006, Tamba Atelier.

The sub-prefect is the representative of the central state within the Rural Community. His official role is to review and approve all council decisions to check conformity to proper procedures and laws. This role is called “legal control.” (RdS, 1996.) It is not a decision making role. On 21 December 2005 I interviewed sub-prefect Sasoumane Dioup. In 2002 and 2003 he was not involved in the charcoal production season opening, but in 2004 and 2005 asked to get involved. He said, “In 2005, the PCR refused to sign and the president of UNCEFS [national union president Mor Kojangue] called me. Kojangue asked me to intervene. He said ‘the PCR refused to sign’, Kojangue sent a team to see the PCR, who then called Kojangue, so Kojangue called me. ... Kojangue asked me what the problem was. So, I went to see the PCR. The PCR of Nambaradougou said that each year, they prepare an order in Tamba and ask us to sign without the explanation we need.”

I asked “What did Kojangue say to you?” Dioup made some gestures indicating that he did not want to tell me what Kojangue said. He paused and then said: “I went to the PCR to play my role as intermediary. The PCR said, ‘I will not sign before I can talk with the patrons. They exploit and we see no benefits’.” The sub-prefect explained to me, “Exploitation is for the nation—we need to supply Dakar with fuel.” He said, “I told the PCR, ‘Don’t create useless blockages. We need to supply Dakar’.” He continued a

Regional Forest Service Office made the management plan with PROGEDE—a Dutch/World Bank project. (23 Dec. 05, Regional Forest Service Director). The other, who was Nambaraduougou Brigade Chief at the time told me that “the council was in agreement for ZPC in Nambaradougou. We did not do Nambaradougou because the Massif was more important here in Missirah than in Nambaradougou. The zone in Missirah was 18,000 ha, Nambaradougou was only 2,550 ha” (25 Dec 05, Forester interview).

¹¹ In December 2004 the regional inspection of the Forest Service in Tambacounda called for a deliberation on ZPCs in the two Rural Communities where ZPCs were planned. This request was sent to the presidents of both Rural Councils concerned. (MEPN, 2004)

moment later, “I explained to the PCR to proceed cautiously and to remain within the law.”¹²

The sub-prefect said, “the PCR was called to the regional council for the big meeting on charcoal. But, the regional council does not send any information in advance. The Regional Council needs to send the information in advance so there can be a local decision. In earlier years the Regional Forest Service Director came and had the PCR sign and never left copies. The sub-prefect never got copies. Therefore, the order was never approved by the sub-prefect.” He had not been involved before. He told us, “In 2005, I saw a big document from the Forest Service [the order for the opening of the season].” He paused and said in a between-you-and-I tone, “I think everything was decided before the Regional Council meeting.¹³ The discussion was only on the big questions—no details. The PCR has no decision in this. He just signs.”

I asked the sub-prefect what he did after Kojangue called, “what did you tell the PCR?” He said, “I told him ‘If you stay in the law, you have no risk. When you step out of your legal jurisdiction [*competence*], you can be crushed. A judge can condemn you.’” I asked him to explain what he meant. He said “Let me give you an example of a marriage certificate. If a couple comes with all the necessary papers, I must sign—it is my job to sign! Same with the order for production. Patrons and the foresters come with papers. It is the right of the patrons to produce—it’s their profession.” I asked if this meant that it is illegal for the PCR not to sign—he nodded his head yes. [This perverse interpretation of the law reduces the council and PCR to administrators, contrary to the letter and spirit of the law.]

“What happened next?” I asked. Dioup recounted, “I brought the PCR to my office. I called Kojangue. We had a three-way conversation. The PCR agreed.” He paused and then said, “My job is to assume there is no scandal—neither for the PCR nor for the patrons—I don’t want any problems or delays. Things have changed. I no longer exercise hierarchical power. The term *tutelle* no longer exists. Now there is only legal control....” He continued. “Natural resource powers transferred need to be reviewed. The PCR and the Rural Council have no transfer of powers. The weight of the Forest Service is still dominant. On a political level, there is money generated by charcoal. The population does not master the situation. The PCR cannot tell you the taxes that have been brought in [i.e. he does not know]. The brigade [local forestry brigade chief] does not give the PCR monthly reports. Foresters do not inform the PCR of anything. The PCR does not know when there is overproduction of the quota.”

¹² This statement needs to be understood as a veiled threat. The PCRs all told us that they feel legally vulnerable. They are constantly told they are breaking the law when they think that they are working within their rights. (14 Feb 06, Weex Dunx, Tamba atelier)

¹³ He is right. The quota is allocated among the Patrons in Dakar, the Regional Forest Service determines the Rural Communities in which production will take place, the regional meeting is organized to ‘announce’ who will get how many quotas and where they will be required to produce. Only then do negotiations begin with the Rural Council—exactly the contrary to what the laws say. See Ba, 2006; Ribot, 2006.

Local Forestry Brigade Chief—Matar Koulibaly

Question to the Regional Forest Service deputy director: “If the majority of Rural Council Presidents do not want production in the forests of their Rural Communities, how do you choose their Rural Community as a production site?”

Reply: “If the PCRs have acceptable reasons, if the local population would not like?” He said with a non-comprehending inflection. He continued, “the resource is for the entire country. To not use it there must be technical reasons. The populations are there to manage. There is a national imperative. There are preoccupations of the state. This can’t work if the populations pose problems for development.” He continued. “The PCR signature must come before the quota is allocated, before the regional council determines which zones are open to exploitation.”

Interview Adjoint aux directeur Régional des Forest Service, Tamba 3 Dec 05.

The Nambaradougou forestry brigade chief oversees forestry matters for Nambaradougou and two neighboring Rural Communities. His story was consistent with Weex Dunx’s and the sub-prefect—with a few new nuances (21 December 2005 interview, Nambaradougou brigade chief). I asked him to recount what happened around the signing of the order for the opening of the charcoal season this year. Koulibaly told me, “I got the order in Tamba and brought it here. I gave it to the PCR’s secretary. The PCR then gave me a letter with requests.” Koulibaly looked for the letter, but could not find it anywhere. He continued “It was not in my jurisdiction to respond to his letter. I told him [PCR Weex Dunx] he had to talk with the Regional Forest Service Director or to the ‘Direction’ in Dakar—I told him this in writing.” Koulibaly searched for and found his reply. The reply, dated 22 April 2005 in response to a letter dated 18 April 2005, was short: “The actions you have asked for before the signing of the order for the installation of exploitation entities are not within my jurisdiction; therefore, you must go see the regional council, the Regional Forest Service Office, and the charcoal patrons.”

I asked Koulibaly what was in the letter from Weex Dunx, he said “from what I remember, he asked for a meeting with the charcoal patrons and three copies of the order.” He did not remember more. He continued, “Mor Kojangue then called the sub-prefect. After that, the PCR decided to sign.” I asked if he knew that Wuula Gaggala had come from Regional Forest Service Office to talk with the PCR. He said “I did not know Wuula Gaggala came to see the PCR.”

In keeping with the decentralization laws, the new role of forest service agents and officials is to only give the Rural Council ‘technical advice’ (6 December 2005 interview 2, Chef de Secteur Tamba). Koulibaly was supposed to do this. But, he kept referring questions higher up the hierarchy although he could have given answers. The letter was a special matter. But, according to Weex Dunx, despite having asked, Koulibaly and the other foresters did not help him to establish a management plan or to form their own cooperatives so they could get quotas. The higher level authorities, however, were of little help—as Weex Dunx had learned when he went to the regional meeting (above).

The Regional Forest Service Director explained, “the legislation says that the Rural Council can refuse charcoal producers. But, charcoal is a national good. It is a strategic resource that is important for the government. There will be marches in Dakar if there are

shortages. If we let one Rural Council say no, then the next year perhaps others will say no. This will cause shortages in Dakar.” (4 April 2003 interview, Regional Forestry Inspector; also see Ribot, 1999b). In another interview, a forest agent in Tambacounda explained that the PCR has no right to say no. He said, “A PCR cannot say that he does not want production. He says no then yes. He says yes when the patrons visit him—they [patrons] use maraboutic powers [magic] or the price of cola nuts [payoffs]. Those in the party in power follow the requests of their party.” The agent paused. He then said as if it were self evident that this means people must obey: “we are in a state!” (6 Dec 05 interview, Forestry agent, Tamba).

UNCEFS President—Mor Kojangue

On 22 February 2006, I asked Mor Kojangue what happened when it was time for Weex Dunx to sign the order to open the season this year? Kojangue told me, “the story is simple. The Communauté Rurale administrative order was presented. Weex Dunx had to countersign to allow us to start. In the past [the Regional Forest Service Director] asked each forestry entity to get the permission individually of the PCR. Before when it was individual, the PCR asked for money. Now it is collective. The PCR is presented with the order and I represent all the charcoal patrons.”

“Weex Dunx wrote me a letter asking for 1) a cell phone to communicate with me, 2) money to repair the auto so he could visit the forests to monitor, and 3) money for reforestation. But, I won’t enter into this. If you have a program, come and propose it as a PCR. We have finances for projects. But I will not give to the PCR without a proposal.” Kojangue continued, “The sub-prefect intervened to tell Weex Dunx to sign.” He paused, “Senegal is indivisible!” he said as if these were definitive words—evoking the importance of ‘national good’. “The sub-prefect told him [PCR Weex Dunx] he could not refuse since the [forestry] technicians have estimated the amount of charcoal to take from the Rural Community. The country needs that and he can’t say no.”

“I sent him the cell phone. I did not respond to the other requests. I paid for it with our funds. I helped him. It was from our fund. If he has a program from the Rural Council, and gives us a dossier, we will study it.” Weex Dunx had told me about the cell phone and said, with disappointment, that it was all he got—Kojangue had not respected his requests.

Jam Yimbé—a Patron Charbonnier

One of the patrons working in Nambaradougou, Jam Yimbé, told us: “My woodcutters are in Nambaradougou. In Nambaradougou there is no problem with population. But, the forest is a bit used up. I maintain good relations with Weex Dunx, the PCR.” I then asked him what he meant by ‘good relations’. He said, “We discuss,” he said with a pause, “but I don’t want to say more.” He then continued, “With village chiefs, when I come I go see them. In the village there is water. The woodcutters cannot work without water. So, I give the chief kola nuts [some money]. But if we don’t agree then I go elsewhere.” (25 Dec 05 interview, Patron 2, Tamba). In an earlier interview, this same patron told us “Mor

Kojangue gave the PCR of another Rural Community 500,000 FCFA to unblock the 2005 season” (Patron 2, Tamba 6 December 05).

Several patrons explained that in the past, the chiefs were the only local authorities they had to negotiate with. But, each patron has quotas that are earmarked for a particular Rural Community and they require the PCR’s signature before they can exploit their quota. With the chiefs, the patrons can go to the next village if they do not agree to host their woodcutters. Due to quotas and assigned Rural Communities, Patrons cannot go elsewhere if the PCR refuses. So, they must get the signature—one way or another—to begin their work. This has raised the stakes. In the last several years, in lieu of individual patrons negotiating with the chiefs, the national forestry union president, Kojangue, has been negotiating collectively for the patrons. This may be to counter balance the new power of the PCRs. But the union president is using collective bargaining to consolidate his own power, too.

WHAT HAPPENED IN NAMBARADOUGOU?

The PCR in Nambaradougou was approached by the Forest Service and asked to authorize production in his Rural Community. He insisted that he would not do so until he was able to have some sense of who would be involved in production and where they would produce. He wanted to meet with the charcoal patrons to ensure some of the benefits would remain with the Rural Community and he wanted to exercise the prerogative that he knew belonged to his elected office. He ultimately signed the authorization without his wishes being satisfied.

Senegal’s Forest Service is supposed secure permission from Rural Councils to exploit their forests. But, they do so under conditions difficult for any PCR to refuse. The Forest Service lines up the charcoal patrons, gives them production quotas, assigns them to a Rural Community where they will exploit, gives their migrant woodcutters production permits. Only then—with the patrons and woodcutters poised to begin work—do they ask the PCR to sign to allow woodcutting. At this moment the PCR signed under pressure from the Forest Service, the sub-prefect and charcoal patrons. He did so under veiled threats of prosecution and moral arguments pitting his community’s needs against the national good and the wellbeing of the charcoal patrons and workers families. In Nambaradougou, as in almost all cases across Senegal, the PCR was coerced to sign off to permit woodcutting and charcoal production in Rural Community forests.

The PCR knew that the people of his Rural Community were against charcoal production. Nevertheless, he signed the authorization without holding a council meeting or informing the council members of the decision. Like in the other Rural Councils we studied (see Thiaw, 2005; Kanté, 2006 and Faye, 2006), the PCR felt he had no choice but to sign. But why did he not call a council deliberation to gain some support in his position? Was it because he was paid off? Was he actually paid off or was this just a discourse to weaken him? Would a council meeting help him defend his position against production? The answers to these questions are not clear. What is clear, however, is that he refused to

sign, he made multiple arguments in favor of his community, but he was ultimately defeated.

After the signature of the PCR is obtained, the foresters and patrons proceed to install the woodcutters in the villages where they then cut and produce their charcoal for sale in Dakar. The village chiefs are paid off by the patrons at the beginning of the season and they receive payments for each truck of charcoal that leaves their forest.¹⁴ They also get some benefits from renting their homes and selling meals to the woodcutters. Some chiefs accept woodcutters and others do not. Chiefs' acceptance of woodcutters is also probably partly because Chiefs find it hard to say no to state officials and powerful patrons (See Ribot, 1998; Ribot, 2000; Thiaw and Ribot, 2005). As one woodcutter explained to us "when we are in the forests surrounding villages, what can village chiefs or villagers do, especially with forestry agents next to us" (6 April 2003 interview, woodcutter, Nambaradougou).

CONCLUSION

We know that if we sign or not they will give permits.

PCR in discussion 14 Feb 06 at Tamba Atelier—all participants agreed.

'Local Communities' are just words, they are lyrics. The real power is in the hands of the authorities; ... government..., the Forest Service.

19 Dec 05 interview, Tamba Regional Council
Vice President Kabina Kaba Diakéte, meeting 2.

Each PCR we interviewed across the region felt like a 'Weex Dunx'—a scapegoat blamed for everything that went wrong in their community. They had a profound sense of vulnerability in the face of the responsibilities of their office and the liabilities of failing to carry out their mandates or crossing the many unknown boundaries of the laws to which they were subject—even if others were not.

The people of Nambaradougou do not want woodcutting. This is clear to their village chiefs and to the Rural Council and PCR. Weex Dunx, the PCR of Nambaradougou attempted to act in accordance with his people's desires—and what he thought was the best interest of the Rural Community. In the end, however, he appears or is portrayed as just one more corrupt and ineffective politician. He took a few bribes and gave away the local forests. Because the Forest Service does not allow the PCR to exercise his powers, there is little chance that the elected Rural Council will gain legitimacy and be able to represent its people. Democracy in Nambaradougou has been deprived of its material basis. PCR Weex Dunx tried to exercise his legal powers on behalf of his population, but

¹⁴ One patron told us, "when I install woodcutters, I give the village chiefs ten kilograms of Sugar, 1000, 5000 or 10,000 CFA as a gift. The chief does not ask." (8 Dec 05, Patron and coop president, Tamba). In our survey of patrons, we found that patrons give chiefs an average of 10,000 CFA at the installation of their woodcutters and then they pay 10,000 CFA for each truckload they take out of the area. Many woodcutters lodge in the house of the chief—upon request of the patrons. These woodcutters pay the chief a monthly sum of 15,000 CFA for rent and food.

he was stymied at every step. He gave in. It is no wonder that he—like other PCRs in the forested regions—felt powerless and exasperated.

‘Decentralized’ powers remain in the hands of a few merchants and the Forest Service. The laws give new prerogatives to the Rural Council. The Forest Services and its patron allies studiously take them back. The Forest Service is breaking some laws—not those of procedural democracy, but those of power transfer. They seek the signature of the PCR, subverting democracy while complying with its procedures. Yet, they are maintaining a charcoal production quota that was eliminated by law in 2001 (Ba, 2006). The quota allows them to keep the merchants happy and to arrive at the PCR’s doorstep with rights to the forests already given away. Then, to retain power, they pressure the PCR to sign off with arguments of national good and the moral pitfalls of depriving the merchants and their laborers of work. All this in addition to a bureaucratic maze that is impossible for a PCR to navigate. When he is finally worn out, they reward him for his signature with a small payoff. Power over natural resources remains with the Forest Service. Whatever formal authority of the Rural Council to grant property rights is effectively expunged by this practice. The result is easy access for wealthy merchants and a Forest Service that maintains its control over allocation of a commercially lucrative forest domain (Ribot, 2006,1998).

Senegal’s legislature gave Rural Councils the right to determine the use of local forests in the laws establishing democratic decentralization (RdS, 1996). The ministry of interior is charged with setting up and supporting elected rural authorities. People vote, their representatives are put in office. But, the line ministries—forestry, health, education—control the powers that, if transferred, could be the material basis of local democracy. Legitimacy follows power. With significant and meaningful decision-making powers, the Rural Councils could represent their populations. Rights to decentralized powers and the laws that outline these rights, however, do not matter when line ministries reign through resistance and coercion. The ability of Rural Communities to benefit from forests is structured, not by law makers, but by line ministries who implement the law.

Distribution of forest benefits is not determined by law or rights over forests—property rights or rights to make decisions. Rights are empty when the claims are not enforceable. Without being able to make significant decisions over material resources—forests, pastures, schools, hospitals, clinics, and infrastructure—Rural Councils have no role. They are elected but cannot serve. Local democracy has no substance. As long as the sectoral powers remain the discretionary domain of line ministries, there is little chance for a local democratic transformation in rural Senegal. Colonial forestry services were used to dominate commercial extraction of forest resources. These resources are still colonized by line ministries. Prying the fingers of the line ministries off of the lucrative resources they control is a major frontier of decolonization that has not yet been crossed. The new decentralization laws get us to that frontier but not across it.

One promising path toward improvement in Nambaradougou was indicated by the action of an NGO that provided civic education to Rural Councils and to rural populations concerning their rights over forests. Their workshops informed the current resistance

Rural Councils are showing toward charcoal production in their areas. There is an opportunity right now in Senegal. The laws transfer significant powers to Rural Councils (Ribot, 2006). Now is as good a time as any to inform people of those laws and to translate them into local languages. DGL went part of the way and significantly raised awareness. But, to exercise their new legal rights, Rural Councils and rural populations will have to make more noise. They will need to organize among themselves, use the courts, and/or gain support higher within government—from the ministry of local government or the interior ministry.

REFERENCES

- Ba, E.H.D. 2005. "La Réglementation de la Filière du Charbon de Bois à l'Épreuve de la Décentralisation : Entre Discours, Lois et Pratiques." Draft Policy Analysis Report. March 2005. World Resources Institute. Mimeo.
- Ba, E.H.D. 2006. "Le Quota est Mort, Vive le Quota! Ou les Vicissitudes de la Réglementation de l'Exploitation du Charbon de Bois au Senegal." Working Paper for World Resources Institute, CIRAD-Foret, and Conseil pour le Développement de la Recherche en Sciences Sociales en Afrique. Dakar: CODESRIA.
- Bergeret, A. and J.C. Ribot. 1990. *L'Arbre Nourricier en Pays Sahéliens*. Paris: Editions de la Maison des Sciences de l'Homme.
- Chanock, M. 1991. "Paradigms, Policies, and Property: A Review of the Customary Law of Land Tenure," Ch. 2, pp. 61-84 in Kristin Mann and Richard Roberts (eds.) *Law in Colonial Africa*. Portsmouth, NH: Heinemann.
- Faye, P. 2006. "Décentralisation, pluralisme institutionnel et démocratie locale: Étude de cas de la gestion du massif forestier Missirah Kothiary," Working Paper for World Resources Institute, CIRAD-Foret, and Conseil pour le Développement de la Recherche en Sciences Sociales en Afrique. Dakar: CODESRIA.
- Kanté, A.M. 2006. "Décentralisation sans représentation: le charbon de bois entre les collectivités locales et l'Etat," Working Paper for World Resources Institute, CIRAD-Foret, and Conseil pour le Développement de la Recherche en Sciences Sociales en Afrique. Dakar: CODESRIA.
- Larson, A., and J.C. Ribot. 2007. "The Poverty of Forestry Policy: Double Standards on and Uneven Playing Field." *Journal of Sustainability Science*. Vol. 2, No. 2.
- Lund, C. 2002. "Negotiating Property Institutions: On the Symbiosis of Property and Authority in Africa," Ch. 2 in K. Juul and C. Lund eds., *Negotiating Property in Africa*. Denmark: Heinemann.
- RdS [République du Sénégal]. 2004. "Compte Rendy, Reunion de Notification des Quotas de la Campagne d'Exploitation Forestiere 2004," République du Senegal, Minisetere de l'Environnement et de la Protection de la Nature, Direction des Eaux, Forêts, Chasses et de la Conservation des Sols, Inspection Régionale de Tambacounda.
- RdS 1998. Code Forestier. Loi no. 98/03 du 08 janvier 1998 et Décret no. 98/164 du 20 février 1998. République du Sénégal, Ministère de l'environnement et de la protection de la nature, direction des Eaux, Forêts, Chasse et de la Conservation des Sols.
- RdS. 1996. Loi Portant Code des Collectivités Locales. République du Sénégal, Dakar 22 March 1996.
- RdS. 1996a. Loi Portant Transfert de Competences aux Regions aux Communes et aux Communautés Rurales. République du Sénégal, Dakar 22 March 1996.
- Ribot, J.C. 2006. "Analyse de la filière Charbon de Bois au Sénégal : Recommandations. Policy brief for the resaerch program "Toward democratic decentralization of forest management in Sengal" Dakar: WRI-CODESRIA-CIRAD.
- Ribot, J.C. 2000. "Forest Rebellion and Local Authority in Makacoulibantang, Eastern Senegal." in Charles Zerner, ed., *People, Plants and Justice*. New York: Columbia University Press.

- Ribot, J.C. 1999a. "Decentralization and Participation in Sahelian Forestry: Legal Instruments of Central Political-Administrative Control," *Africa*, Vol. 69, No.1.
- Ribot, J.C. 1999b. "A History of Fear: Imagining Deforestation in the West African Sahel," *Global Ecology and Biogeography*, Vol. 8.
- Ribot, J.C. 1998. "Theorizing Access: Forest Profits along Senegal's Charcoal Commodity Chain," *Development and Change*, Vol. 29, No. 2.
- Ribot, J.C. and René Oyono. 2005. "The Politics of Decentralization" in Ben Wisner, Camila Toulmin and Rutendo Chitiga eds., *Toward a New Map of Africa*, London: Earthscan Press.
- Sikor, Thomas and Christian Lund. 2007. "Access and Property Regarding Natural Resources: A Question of Power and Authority," Mimeo.
- Thiaw, Sagane. 2006. "Les conseils ruraux et la gestion des forêts au Sénégal: Etude des cas dans les régions de Tambacounda et Kolda" Policy brief for the research program "Toward democratic decentralization of forest management in Senegal" Dakar: WRI-CODESRIA-CIRAD.
- Thiaw, Sagane. 2005. "Les conseils ruraux dans la décentralisation de la gestion des forêts au Sénégal" Draft working paper for the Programme WRI – CODESRIA – CIRAD sur la Gestion Décentralisée et Démocratique des Ressources Forestières au Sénégal. Dakar, August 2005.
- Thiaw, S. 2003. "Rôles et représentativité de deux institutions locales de la gestion des forêts au Sénégal: le chef de village et le conseil rural. » Article préparé pour l'Atelier : « Equité, représentation et *accountability* des institutions de la GRN », Bamako, 17 – 21 novembre 2003.
- Thiaw, S. and J.C. Ribot. 2005. "Insiders Out: Forest Access through Village Chiefs in Senegal," in Sandra Evers, Marja Spierenburg, and Harry Wels eds. *Competing Jurisdictions. Settling Land Claims in Africa and Madagascar*. The Netherlands: Brill Academic Publishers.
- Watts, M.J. 1993. "Idioms of Land and Labor: Producing Politics and Rice in Senegambia," ch. 6, pp. 157-221 in Thomas J. Bassett and Donald E. Crummey (eds.) *Land in African Agrarian Systems*. Madison: University of Wisconsin Press.

ABOUT THE AUTHOR

Jesse C. Ribot is a Senior Associate in the Institutions and Governance program at the World Resources Institute (WRI). He currently directs the ‘Institutional Choice and Recognition in Natural Resource Decentralization’ research initiative examining the effects of decentralized and community-based natural resource management on equity, rights and representation in natural resource decision making. He also directs the ‘Commodity Chain Analysis as a Policy Tool’ project, exploring how natural resource regulatory policies shape distribution of benefits in natural resource extraction, processing and marketing systems. While at WRI since 1999, he has taken leave as a fellow at the Max Planck Institute for Social Anthropology in spring 2007 and at the Woodrow Wilson International Center for Scholars in 2005-6. Before coming to WRI Ribot was a research associate at the Harvard Center for Population and Development, a fellow at the Yale Program in Agrarian Studies, and a lecturer in Urban Studies and Planning at MIT. His doctorate is from the Energy and Resources Group at UC Berkeley. He has conducted research on natural resource policy and local democracy, resource access and control, benefit distribution in resource markets, and social vulnerability in the face of climate and environmental change.

Jesse C. Ribot, Ph.D.

Institutions and Governance Program

World Resources Institute

10 G Street, NE, Suite 800

Washington, D.C. 20009 USA

Tel: 1 (202) 729-7753

Fax: 1 (202) 729-7759

Ribot@WRI.org

Representation, Equity and Environment Working Papers Series

(Formerly 'Environmental Accountability in Africa' Working Paper Series)

WORKING PAPER #1. *Analyzing Decentralization: A Framework with South Asian and West African Environmental Cases*. Arun Agrawal and Jesse C. Ribot. January 2000.

WORKING PAPER #2. *Breathing Life into Fundamental Principles: Implementing Constitutional Environmental Protections in Africa*. Carl Bruch, Wole Coker, and Chris VanArsdale. April 2001.

WORKING PAPER #3. *Partitioned Nature, Privileged Knowledge: Community Based Conservation in the Maasai Ecosystem, Tanzania*. Mara Goldman. December 2001.

WORKING PAPER #4. *Whose Elephants Are They? Decentralization of Control Over Wildlife Management Through the CAMPFIRE Program in Binga District, Zimbabwe*. Diana Conyers. January 2002.

WORKING PAPER #5. *Co-Management in the Mafungautsi State Forest Area of Zimbabwe— What Stake for Local Communities?* Everisto Mapedza and Alois Mandondo. October 2002.

WORKING PAPER #6. *Concessionary Politics in the Western Congo Basin: History and Culture in Forest Use*. Rebecca Hardin. November 2002.

WORKING PAPER #7. *Decentralization, Politics and Environment in Uganda*. Nyangabyaki Bazaara. January 2003.

WORKING PAPER #8. *Environmental Decentralization and the Management of Forest Resources in Masindi District, Uganda*. Frank Emmanuel Muhereza. February 2003.

WORKING PAPER #9. *Decentralization and Wildlife Management: Devolving Rights or Shedding Responsibility? Bwindi Impenetrable National Park, Uganda*. Agrippinah Namara and Xavier Nsabagasani. February 2003.

WORKING PAPER #10. *The Decentralized Forestry Taxation System in Cameroon: Local Management and State Logic*. Patrice Bigombe Logo. January 2003.

WORKING PAPER #11. *Allocation of Government Authority and Responsibility in tiered Governance Systems: The Case of Environment-Related Laws in Zimbabwe*. Alois Mandondo and Everisto Mapedza. January 2003.

WORKING PAPER #12. *Decentralization Viewed from Inside: The Implementation of Community Forests in East Cameroon*. Patrice Etoungou. January 2003.

WORKING PAPER #13. *Constructing Subsidiarity, Consolidating Hegemony: Political Economy and Agro-Ecological Processes in Ghanaian Forestry*. Aaron deGrassi. April 2003.

WORKING PAPER #14. *Local Governance, Power and Natural Resources: A Perspective from the Rural Areas of South Africa's former Bantustans*. Lungisile Ntsebeza. July 2003.

WORKING PAPER #15. *Institutional Deficit, Representation, and Decentralized Forest Management in Cameroon*. Phil Rene Oyono. July 2004.

WORKING PAPER #16. *Historical and Political Foundations for Participative Management and Democratic Decentralization in Mali: A Synthesis of Two Case Studies*. Brehima Kassibo. September 2004.

WORKING PAPER #17. *Legal Framework for Participatory Natural Resources Management: Privileges or Rights in Mozambique?* Alda Salomao. September 2003.

WORKING PAPER #18. *Conference on Decentralization and the Environment (Bellagio, Italy; 18-22 February 2002): Minutes*. Rapporteur: Mehr Latif. June 2002.

WORKING PAPER #19. *Le quota est mort, vive le quota! Ou les vicissitudes de la réglementation de l'exploitation du charbon de bois au Senegal*. El Hadji Dialigué Bâ. February 2006.

WORKING PAPER #20. *Décentralisation, pluralisme institutionnel et démocratie locale: Étude de cas de la gestion du massif forestier Missirah Kothiary*. Papa Faye. February 2006.

WORKING PAPER #21. *Décentralisation sans représentation: le charbon de bois entre les collectivités locales et l'Etat*. Ahmadou M. Kanté. February 2006.

WORKING PAPER #22. *Green and Black Gold in Rural Cameroon: Natural Resources for Local Governance, Justice and Sustainability*. Phil René Oyono, Jesse C. Ribot and Anne M. Larson. October 2006.

WORKING PAPER #23. *Accountability in Decentralization and the Democratic Context: Theory and Evidence from India*. Ashwini Chhatre. January 2007.

WORKING PAPER #24. *Institutional Choice and Recognition: Effects on the Formation and Consolidation of Local Democracy, Minutes of a Comparative Policy Research Workshop*. Rapporteurs: Bradley L. Kinder, Nathaniel Gerhart, and Anjali Bhat. December 2006.

WORKING PAPER #25. *La réglementation de la filière du charbon de bois à l'épreuve de la décentralisation: entre discours, lois et pratiques*. El Hadji Diaigué Bâ. February 2006.

WORKING PAPER #26. *Enclosing the Local for the Global Commons: Community Land Rights in the Great Limpopo Transfrontier Conservation Area*. Marja Spierenburg, Conrad Steenkamp, and Harry Wels. August 2007.

WORKING PAPER #27. *Indigenous Peoples, Representation and Citizenship in Guatemalan Forestry*. Anne M. Larson. August 2007.

WORKING PAPER #28. *Dilemmas of Democratic Decentralization in Mangochi District, Malawi: Interest and Mistrust in Fisheries Management*. Mafaniso Hara. August 2007.

WORKING PAPER #29. *Undermining Grassland Management Through Centralized Environmental Policies in Inner Mongolia*. Wang Xiaoyi. August 2007.

WORKING PAPER #30. *'Fragmented Belonging' on Russia's Western Frontier and Local Government Development in Karelia*. Tomila Lankina. August 2007.

WORKING PAPER #31. *Engendering Exclusion in Senegal's Democratic Decentralization: Subordinating Women through Participatory Natural Resource Management*. Solange Bandiaky. October 2007.

WORKING PAPER #32. *Party Politics, Social Movements, and Local Democracy: Institutional Choices in the Brazilian Amazon*. Fabiano Toni. October 2007.

WORKING PAPER #33. *State Building and Local Democracy in Benin: Two Cases of Decentralized Forest Management*. Roch Mongbo. October 2007.

WORKING PAPER #34. *Institutional Choices in the Shadow of History: Decentralization in Indonesia*. Takeshi Ito. December 2007.

WORKING PAPER #35. *Institutional Choice and Recognition in the Formation and Consolidation of Local Democracy*. Jesse Ribot, Ashwini Chhatre and Tomila Lankina. January 2008.

WORKING PAPER #36. *Authority over Forests: Democratic Negotiating Democratic Decentralization in Senegal*. Jesse Ribot. January 2008.

World Resources Institute

The World Resources Institute provides information, ideas, and solutions to global environmental problems. Our mission is to move human society to live in ways that protect Earth's environment for current and future generations.

Our programs meet global challenges by using knowledge to catalyze public and private action:

- To reverse damage to ecosystems, we protect the capacity of ecosystems to sustain life and prosperity;
- To expand participation in environmental decisions, we collaborate with partners worldwide to increase people's access to information and influence over decisions about natural resources;
- To avert dangerous climate change, we promote public and private action to ensure a safe climate and sound world economy; and
- To increase prosperity while improving the environment, we challenge the private sector to grow by improving environmental and community well-being.

Institutions and Governance Program

WRI's Institutions and Governance Program addresses the social and political dimensions of environmental challenges, and explores the equity implications of alternative environmental management regimes. IGP aspires to inform environmental policy arenas with analyses of why apparently sound technical and economic solutions to environmental problems often fail to be implemented, and to generate and promote ideas for how constraints to such solutions can be lifted. The program's principal, although not exclusive, focus is on developing and transition countries, and the representation of the interests of those countries in global environmental policy areas. For more information, please visit <http://www.wri.org/governance>.



WORLD
RESOURCES
INSTITUTE

10 G Street, N.E., Suite 800
Washington, D.C. 20002 USA
<http://www.wri.org/wri>



**WORLD
RESOURCES
INSTITUTE**

10 G Street, N.E., Suite 800
Washington, D.C. 20002
www.wri.org