

Securing the commons No.1

Who's Managing the Commons?

Inclusive management for a sustainable future.

by Ced Hesse and Pippa Trench
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Preface

What are the commons, how should they be managed, and by whom? These are critical questions in the current wave of decentralisation and tenure reform sweeping many Sahelian states. Governments are passing new legislation to devolve the responsibility for managing natural resources to local communities, but despite growing awareness of the vital role of the commons in local livelihood systems, there is still some resistance to transferring full management of their use to the communities that depend upon them. Some policy makers are doubtful as to whether these areas can be properly managed by community-based organisations, and it is still believed in some quarters that privatisation or state control are the only means of preventing the degradation of resources that are customarily held in common. The alternatives, which range from full local control to joint management by the community and the state, are relatively new and untested.

There are no simple solutions or blanket remedies that can serve as models for managing common property resources, whose very nature, particularly in highly diverse and dynamic environments such as the Sahel, requires processes that can be tailored to suit specific circumstances. However, as local organisations and projects attempt to identify institutional mechanisms to regulate competing claims and practices relating to the use of common resources, it is essential that their experiences are documented and disseminated in order to develop more effective systems for managing resources in the Sahel.

This is the first of a series of working papers that will be published as part of a regional action-research programme on the shared management of common property resources in the Sahel (SMCPR).¹ See figure 1 on page 12. By documenting ongoing field-based experiences, we aim to promote learning and exchange among those who are interested in the practices and policies affecting resource management in dryland Africa.

¹ SMCPR, or the Shared Management of common Property Resources in the Sahel, is co-ordinated by SOS Sahel International (UK) and the Drylands Programme of IIED. A brief overview of the programme is given in Appendix 1.

This first paper sets the scene, presenting the key issues identified by the partners of the SMCPR programme, thus providing a benchmark of our current thinking, while placing it within the broader debate on decentralised management of natural resources in dryland Africa. It does not attempt to provide a comprehensive analysis of the situation or of the theory of common property resources, as this has been done elsewhere². However, many of these issues will be considered in detail as the series covers our partners' growing experience in the field.



Picture: Ced Hesse

Ensuring equitable access to strategic resources such as this permanent waterhole in the Gourma (Mali) is essential for the future development of the Sahel.

² A list of useful publications is given in Appendix 2.

Introduction

Local people have for many years been considered by policy makers, academics and development workers to be incapable of managing common property resources in a sustainable manner. Customary tenure systems with their communal forms of ownership and management were considered to be archaic, locking people into a 'tragedy of the commons' scenario. The community was considered unable to stop individual users from over-exploiting the resource.

Pastoralists were singled out as a case in point. By holding land in 'common', it was thought that individual herders had no incentive to limit the number of animals they grazed on that land. Without such limits, the conditions were set for land degradation and 'desertification' (Hardin, 1968; Pratt & Gwyn, 1977).

It was thought that the way to avert an environmental disaster was for the state to take charge and impose an external solution, namely privatisation or nationalisation. This rationale also served the interests of central governments. In the Sahel, this led to the wholesale appropriation of all common land and its transfer to the public domain, under government controlled management². Common property resources in the Sahel have been managed in this way for over 40 years with very mixed results.

Conventional wisdom, however, is now leaning the other way and decentralised management of natural resources³ in the Sahel is back on the agenda. International and regional conventions⁴ are providing broad policy frameworks for the involvement of local people in resource management. Central governments in the Sahel are trying to implement the rhetoric of local participation by reforming legislation and passing new laws to allow a greater involvement of civil society in the management of natural resources.

2 In the Sahel relatively little land has been managed by the private sector though this is changing.

3 Decentralisation involves the transfer of decision making powers and authority from central government to actors or institutions that are democratically elected to represent and are accountable to the people within their jurisdiction (Agrawal & Ribot, 1999).

4 For example: United Nations Convention to Combat Desertification, the Convention for Biodiversity.

Box 1 Common property and common property resources

There are several interpretations of the meaning of *common property* that derive from different legal systems and traditions. In French law, the term *bien commun* is used to designate a thing that does not belong to anyone and is understood as public property, in the public domaine such as national parks, river systems or mountain lands.

Under Anglo-Saxon legal systems, common property refers to co-ownership rights. These cannot be divided, alienated or developed without the unanimous consent of all common property owners, or according to the rules established by the common owners.

In international law, the term 'global commons' refers to resources of value to the planet which are 'owned' internationally, such as marine resources, which have been defined as 'owned by no-one and belonging to everyone' (Berkes, 1989 quoted in IIED, 2000:16).

*Common property*⁵ resources are public goods which are used simultaneously or sequentially by different users because of difficulties in claiming or enforcing exclusive rights, or because they are so sparse or uncertain that it is not worth doing so (Ostrom, 1990:30 quoted in Cousins, 2000:152). In contrast to open access resources, common property resources are governed by institutions who claim ownership and management rights over the resources in question on behalf of a known group. These rights include, in particular, the right to deny access to those who do not belong to the community (Bromley & Cernea, 1989), and to regulate the exploitation of the resource by members (IIED, 2000). Common property systems generally include all community based or customary resource management systems.

There is a growing body of empirical evidence to suggest that local people are more likely than the state⁶ to manage natural resources in a responsible way because their livelihoods depend on it (Winter, 1998; Swift, 1991; Cousins, 1996). There is also growing recognition that they have been doing so for many years *in spite of* central government control. Research has also shown how common property systems actually work (e.g. Ostrom, 1990; Berkes, 1989) and how they act to assure access to important natural resources by all members of a community, including the landless and other marginalised groups (e.g. Arnold, 1998). They fulfil important social functions such as maintaining conflict resolution mechanisms and can also assure conservation of natural resources and biodiversity.

⁵ The concept of property is ambiguous and the term is used in several distinct ways. It can mean the set of rights and obligations concerning a thing; it can also mean the thing itself. When used in the former sense, the term 'property rights' is often used (IIED, 2000).

⁶ The relative benefits or costs of private sector management of natural resources are still an unresolved issue in the Sahel.

However, government interest in devolved management is not entirely driven by an ideological commitment to local participation. Global trends towards greater democratisation and the empowerment of civil society are resulting in governments having 'to toe the line' if they are to continue to benefit from development aid assistance. In an era of structural adjustment reforms, it is also cheaper for them to devolve management responsibilities to local communities. This is particularly true for the management of Sahelian natural resources that are of relatively low commercial value.

1.1 The challenge

That decentralised natural resource management is a socially just objective is not in doubt. What is less clear is:

- what exactly does it entail; and,
- how can it be achieved in a way that is environmentally sustainable, socially inclusive and economically worthwhile to both local people and the state?

At a practical level, there is a need to consider issues relating to subsidiarity within and between different natural resource management institutions. This is closely linked to questions of efficiency. To what level should responsibility, and/or, authority, be devolved? How can management responsibilities and authority be transferred to local communities after more than half a century of centralised, top-down and, in many cases, repressive control? Although customary institutions regulating natural resource management and access do exist, they have often been severely weakened, and do not necessarily have the skills and experience to respond to today's challenges (Vedeld, 1998; Trench *et al.* 1997).

There are questions of equity too. Recent examples of decentralised natural resource management initiatives⁷ have paid little attention to the fact that rural communities in the Sahel are highly differentiated between rich and poor, temporary and permanent residents, men and women and so on (Painter *et al.* 1994). Many customary, and recently introduced, institutions tend to concentrate decision-making powers in the hands of established élites (Vedeld, 1998; Agrawal & Ribot, *in press*). In a context where rights to land are in the process of being more formally and legally defined, there is a tendency for those holding the balance of power to benefit from this process to the exclusion of others. And, in a region where mobility is essential to production and survival (Scoones, 1995), there is clear evidence that mobile communities are being left out of the process of defining local resource management systems (Marty, 1993). This is threatening the livelihoods of nomadic and transhumant populations while contributing to social conflict between different user groups.

⁷ For example, the *Gestion de Terroir* programmes in the Sahel (village land management programmes).

The challenge to common property resource management in the Sahel can be stated in the form of a question:

How can the best of customary practice (flexible adaptation to local circumstance) be combined within a broader framework establishing just and transparent procedures for coping with conflicting interests, and changing needs?

Managing change and recognising diversity: the key to sustainable drylands management

2.1 An unpredictable resource base

The Sahel presents particular challenges to decentralised natural resource management, the most critical being the identification of management systems that are sustainable and equitable in the face of great spatial and temporal variation.

Periodic drought is a normal and inherent feature of the Sahel, as inevitable as it is unpredictable. The term 'non-equilibrium environments' has been coined to describe such areas (Behnke & Scoones, 1993; Scoones, 1995; Ellis & Swift, 1988). See box 2.

Managing the effects of intermittent droughts as well as extreme rainfall variability from year to year demands management systems that are extremely flexible (Kerkhof *in press*; Vogt & Vogt *in press*).

Box 2 Equilibrium and Non-equilibrium environments

Equilibrium environments are those with greater and more predictable rainfall. Grazing density and duration on a given pasture, rather than rainfall, are the main factors affecting vegetation growth and if more animals are kept than the range can support, permanent land degradation is a serious risk.

'Non-equilibrium environments' are generally found in arid and semi-arid areas with unpredictable rainfall. In these areas, annual rainfall and other external events (drought, disease) are the single most important factors that determine the production potential of resources such as livestock and vegetation, particularly annual grasses. Permanent land degradation through over-grazing is not, however, a major risk. First, livestock numbers are kept relatively low by the impact of drought and/or disease and by moving between pastures they rarely stay long enough in one particular area to have a significant negative impact. Second, non-equilibrium environments are far more resilient than earlier thought and formerly bare pastures are quickly regenerated once rainfall returns. (Scoones, 1995: 1-2).

Not all of the Sahel, however, is in complete dis-equilibrium. There are areas (wetlands, forests, riverbanks) which, because of their topography or soil type, provide islands of a relatively more stable and predictable resource base.

These areas are of great strategic importance to local livelihoods, particularly in the dry season, and are a pole of attraction for different groups of people who use the land and resources for different activities at different moments. For example forests are valued as grazing reserves, a source of wood and non-timber forest products for home consumption and provide a means of livelihood to wood-cutters and sellers, particularly during drought years⁸.

2.2 Multiple users, multiple rights

Rights of access, particularly to higher-potential areas, vary across different groups of people and are often governed by a range of social factors including kinship, ethnicity, status and residence that have been established historically as a result of alliance, collaboration and competition between groups. Rights to products such as trees and water may also vary over time, ranging from near private, through collective to near open-access regimes, according to a range of factors, including availability, ease of excluding other users and value (Turner, 1999).

Management systems that take account of the high level of variability of Sahelian natural environments and the complex social and political interactions that regulate tenure are necessarily complex. Local people are acutely aware of the need to adopt open, but regulated, access regimes and adaptive management strategies if they are to survive uncertain environmental conditions.

Fostering social relations is a key feature of Sahelian livelihood systems. Levels of co-operation and competition are constantly being re-negotiated, as groups vie with each other to gain access to a natural resource base that is in constant flux. Notions of *flexibility*, *mobility* and *reciprocity* are often embodied in customary management systems. However, reciprocal relations between different user-groups for access to land and other key natural resources appear to be breaking down as conflicts in the Sahel are becoming increasingly violent and widespread (Blench, 1998).

It is far from clear why this is happening, and whether or not it is a new phenomenon (Hussein, 1998), although the situation is being exacerbated by a number of identifiable factors:

- Decades of centralised state control have stripped local people of responsibility for natural resource management and conflict resolution.

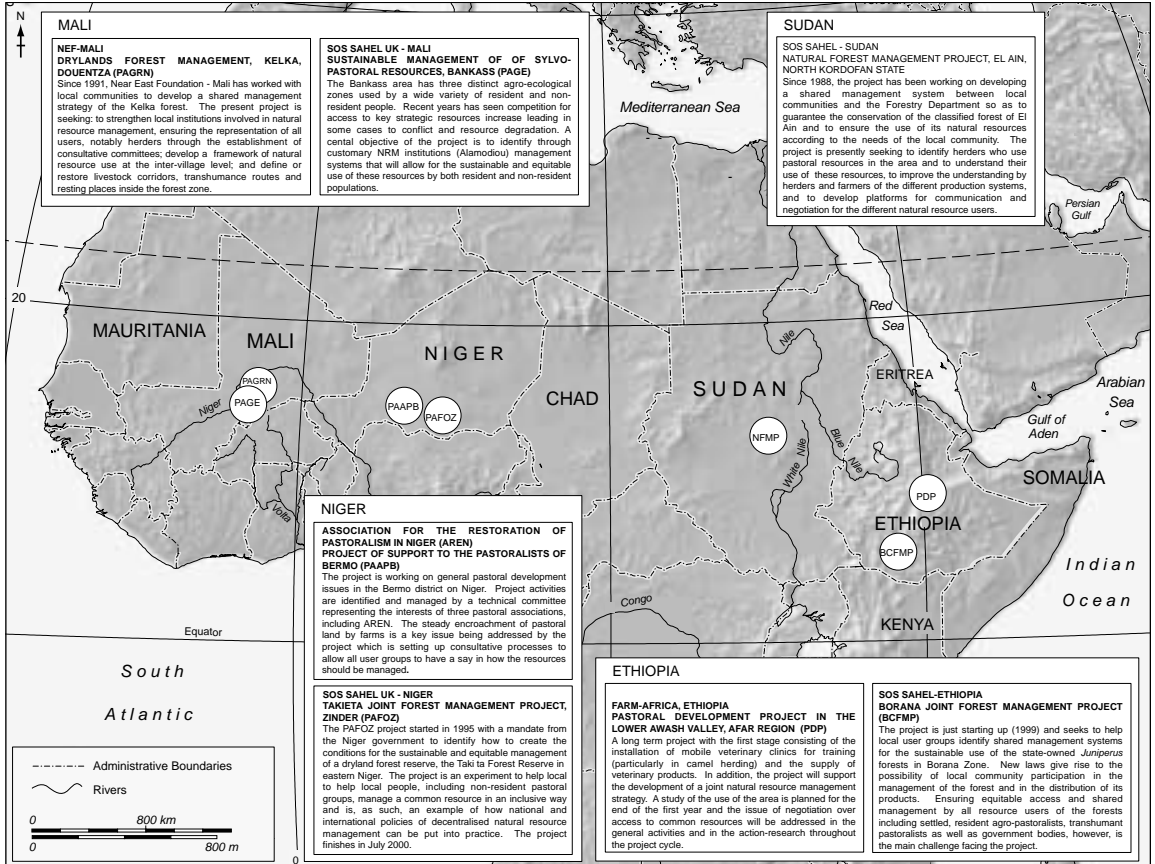
⁸ In southern Ethiopia, currently affected by severe drought, people are almost entirely dependent on selling forest products to buy food. In April 2000, following the failure of the Ganna rains for the third consecutive year, bundles of firewood were being sold around Yabello (Borana Zone) for 1 birr instead of the customary 5 birr (*pers obs*), partly because the market is saturated and partly because people do not have the cash to pay more.



Picture: Pippa Trench

An area classified as a forest can be used for rice farming, livestock rearing and fishing as illustrated by this scene from the Samori Forest, (Bankass, Mali).

Figure 1: Location of SMCPR Partners



- Rising population and drought are increasing competition over a diminishing resource base.
- Land grabbing and the privatisation of natural resources is further increasing competition and concentrating land in the hands of a few.
- Inequitable development policies are allowing some groups to exclude others from the resources upon which they depend for their livelihoods.

These factors, and others, have had a particularly adverse impact on pastoralists. Mobile herders are increasingly losing their rangeland to agriculture while having their rights of access to common property resources increasingly denied by resident groups seeking to impose exclusive management rights over their use (Dème, 1998).

Constraints to shared management of common property resources

At present, neither local people nor the state appear able to regulate competing land use needs among different users in an equitable and sustainable way. Strategic, high value common property resources such as forests or wetlands are either being 'ring-fenced' by local residents⁹ or submitted to 'open-access' regimes leading to over-exploitation, conflict and, ultimately, loss of livelihoods. This is the real 'tragedy of the commons'.

This situation is largely the result of an historical legacy of:

- inappropriate institutional frameworks and development policies;
- poorly implemented rural development assistance; and,
- the absence of equitable, local governance regimes.

As our understanding of rural livelihood systems and disequilibrium environments improves, so has our capacity to recognise the inappropriateness of inflexible technocratic solutions. These three broad areas of constraint¹⁰ need to be addressed if genuine management of resources by local people in a sustainable and equitable manner is to take place.

The following sections present the positive changes already underway in the Sahel and the major constraints that remain to be addressed.

3.1 The policy environment

Prescriptive, centrally defined legislation that details how resources are to be managed at the local level has been shown to be impracticable due to the highly scattered, unpredictable and variable nature of Sahelian natural resources

⁹ External people with political or economic clout are increasingly appropriating these areas in the Sahel.

¹⁰ Identified at the 1st planning workshop for a regional action-research programme on the shared management of common property resources in the Sahel. Niamey, Niger 1998. SOS Sahel/IIED

(Scoones, 1995). Centralised control has failed to provide either tenure security for all resource users, or a sustainable form of land management in the Sahel.

The key challenge facing policy makers is how to legitimise and reinforce existing local tenure regimes that have the capacity to ensure equitable access and take into account the diversity of local situations, *through institutional adaptation as well as national legislative reform*.

Positive signs

Profound changes are taking place to legal and institutional frameworks that may, if properly implemented, enable local people to play a central role in the regulation of competing land use practices (see box 3).

Box 3 Positive Policy Moves

At the international level

Following the Conference of Praia (1994), the CILSS¹¹ has set up various programmes, notably PADLOS¹², in order to encourage member states to implement the conference recommendations for greater local involvement in the management of natural resources. Similar provisions exist within the United Nations Convention to Combat Desertification (1992) and the Convention for Biodiversity (1992).

At the national level

Many Sahelian states are implementing decentralisation and economic liberalisation programmes as well as reviewing their tenure legislation. For example, the Malian government is currently in the process of reviewing the *Code Domanial et Foncier*¹³. Niger is experimenting with the *Code Rural* in a number of pilot areas through local tenure commissions. Burkina Faso is reviewing its tenure legislation while Senegal is considering the same with the *Loi Relative au Domaine Nationale* as part of its regionalisation programme.

Some countries are extending this process in order to clarify access and tenure rights to specific land use practices. Pastoral tenure rights are being specifically addressed through the *Code Rural* in Niger, and proposed Pastoral Charters or Codes in Mali, Niger, Burkina Faso, Senegal and Mauritania. Whether or not this additional legislation will provide greater tenure security to pastoralism remains to be seen.

11 Comité Inter-Etat de Lutte contre la Sécheresse au Sahel.

12 Projet d'Appui au Développement Local au Sahel.

13 An edict outlining amendments to the *Code Domanial et Foncier* has been recently submitted (April 2000) to parliament for ratification.

The commitment of central governments to democratisation and decentralisation processes also provides an opportunity for more open debate. This is encouraging civil society groups, local associations and NGOs to help mediate between the government and local populations (see box 4)

Box 4 Using the political process to inform and influence policy

In Mali, a regional network¹⁴ of local and national organisations is working with a group of MPs to monitor the impact of legislation on natural resources at the local level. It all started in 1999 when the network commissioned a study to look at the strengths and weaknesses of the numerous laws governing the management of natural resources. The study confirmed the ambiguity of certain laws as well as fundamental contradictions between them and local practice. Getting the government to review its legislation, however, is no easy matter even in a country like Mali undergoing profound changes to way in which the government relates to its people. The network felt that disseminating the results in the usual way through meetings and publications would be fruitless, and that a more innovative approach was needed. This is when GDRN5 contacted the National Assembly (i.e. Parliament) to encourage the MPs of the Mopti region to participate in the workshop at which the results of the study were going to be presented. The proposal was welcomed by the MPs who themselves face difficulties when having to vote on legislation which they do not necessarily understand.

Following the workshop, the MPs established a regional committee composed of themselves with representatives from the government technical departments, NGOs and other projects involved in NRM issues in the Mopti region. The network provides support to this committee helping them to analyse the implications of government policy and legislation on decentralised resource management, and by preparing working briefs for parliamentary discussion. To date the network has organised workshops to analyse the following laws: the 1995 Forestry Code and the draft Pastoral Charter. In May 2000, it has been asked to help MPs understand the proposed amendments to the national tenure law, the *Code Domanial et Foncier*.

Continuing constraints

In spite of ongoing reform processes, the avowed aims of most Sahelian governments for genuine decentralisation and self-governance are stalling. A major constraint is the reticence of policy makers to adapt the institutional framework regulating natural resource use in the Sahel to local realities (see above and Behnke & Scoones, 1993; Lane & Moorehead, 1995; Niamir-Fuller, 1999).

¹⁴ The GDRN5 network (*Réseau Gestion Décentralisé des Ressources Naturelles en 5ème Région du Mali*) is a partner of the SMCPR programme.

Reforms to the institutional framework need to consider four inter-related issues.

a) Taking a holistic approach to policy making and reform

To date government reforms have tended to consist of a piecemeal reformulation of existing sectoral policies (e.g forestry code) without any changes being made to the overall institutional framework regulating natural resource management.

There are two problems with this approach to reform.

- The continuing tendency to 'package' Sahelian land use systems into discrete sectoral entities (e.g. forestry, agriculture, animal husbandry) bears no relation to how resources are actually used and managed. Typically, local people hedge their bets against an uncertain environment by practising many different activities, often on the same piece of land, that transcend these conventionally defined sectors. Thus land that might be classified as a forest area, and regulated as such, is in practice used for many other activities (e.g. a silvo-pastoral resource, a wet season fishing ground or bush field, a religious or cultural shrine) that change over time on a seasonal and annual basis.

Similarly, production systems themselves are closely inter-linked. Livestock provide manure, traction, meat, milk and represent a form of high interest savings while agriculture provides animal fodder in the form of crop residues and, for many pastoral communities, a major human food source. A large proportion of Sahelian "farmers" own livestock that are either kept locally or with transhumant herds. Policies that apparently favour one form of land use over another may well end up having a negative impact on both.

- Piecemeal reform can cause a lot of confusion and internal contradictions if changes within one government ministry (e.g. environment) are not accompanied by similar modifications to policy in another, closely related institution (e.g. animal husbandry). It is common to find a multiplicity of articles within different legal texts, which are contradictory or ambiguous.

Reforms need to be made to the underlying institutional framework in order that policies reflect local realities and accommodate the specificities of Sahelian environments (see box 5). Such a review needs to recognise that common property resources (and to a lesser extent agricultural land) are used by a wide range of people for different activities on a seasonal and inter-annual basis.

b) Legitimising local tenure regulations

Even where a shift to decentralisation is occurring, the desire by the state to produce a set of national rules to regulate natural resource management at the

Box 5 The *Code Rural* in Niger

Niger has taken a broader and less sectoral approach to natural resource management, with the introduction of the *Principes d'orientation du Code Rural* (1993). This law attempts to integrate land tenure and natural resource management by providing an overarching piece of legislation to cover all forms of rural land use: agricultural, pastoral, forestry, water, fishing, hunting, etc. (Ordonance N° 93-015 du 2 mars 1993, Article 2).

The purpose of *Code Rural* is to clarify what were perceived to be a mass of contradictory tenure rules regulating land tenure at the local level. The basic principle was not to introduce new tenure rules but to formalise customary laws and give them the same legal status as statutory laws. Unfortunately, these worthy aims ignored the complex and ever changing nature of customary land rights in Niger which for their informality are no less effective in providing security of access to resources. In trying to clarify and formalise them, the *Code Rural* set in motion a huge number of conflicts at the local level as people seek to register their (final) claims to land (Lund, 1993; 1998).

local level is still very strong (Elbow *et al.*, 1996; Rochegude, 1998). This very 'top-down', legal approach to resource management fails to recognise both the diversity of tenure practices at the local level and the dynamic nature of Sahelian ecosystems (Lund, 1997).

Customary rules that govern resource management in the Sahel are characterised by two important principles:

- Local level negotiations and consensual decision-making processes play a key role in reconciling divergent, and often conflicting, demands made on the same resource by different groups of people.
- Flexible and reciprocal arrangements are constantly re-negotiated in order to cope with the ever-changing nature of the resource base.

Central government cannot legislate for every eventuality, particularly in relation to local resource management. Its role must be to provide an overall framework which legitimises the conditions under which locally defined rules for resource management can be established while ensuring they operate in an equitable and sustainable manner. Customary tenure systems can be strongly hierarchical and exclusive. A legislative framework is thus important, for example, to provide mechanisms for appeal and arbitration to prevent minority groups becoming marginalised.

c) Transferring authority as well as responsibility

Most reforms to legislation governing resource tenure and local governance stop short of devolving power and authority, as well as responsibility, to local level institutions (Agrawal and Ribot, *in press*). Current decentralisation laws at best endow the level of the rural commune or council with the legal right to decide how land and other resources under their jurisdiction are to be managed¹⁵. Rights to define management rules and enforce their use through sanctions usually remain in the hands of state departments (see box 6).

Box 6 Responsibility without authority

The recently amended forestry laws in Mali (1995) and Senegal (1993) that aim to provide for the local management of forest areas only devolve certain management responsibilities. The laws do not endow local people with the legal right to define how they might wish to manage their forest areas, or to impose sanctions on those who do not respect the regulations. Locally defined management plans or local forest conventions have to be in line with national forestry laws, and be endorsed by a representative body of the government (Forestry Service, District Officer), while sanctions for the disregard of these laws remain the responsibility of the state. Local control over forest resources is further compromised in Senegal where central government, through the forest service, retain overall control over all commercial exploitation of forests within the Protected Domain of the state (Ribot, 1995).

d) Strengthening subsidiarity

A key question facing policy makers and practitioners is: What is the appropriate division of authority and responsibility between the state, district government and community-based institutions for the management of such resources as village land, community forests and pastures, ponds and other surface water resources?

Under current provisions of decentralisation in Mali and Senegal, for example, management powers for these resources have been devolved to the level of the rural council. However, management itself often takes place at the level of one or a few neighbouring villages or pastoral camps and it is at this level that local people have long-established tenure institutions¹⁶.

The village or the pastoral camp has no legal identity and therefore has limited powers to prevent the illegal exploitation of their resources. Locating power at the rural council level also raises questions about how resources that either cut across, or fall between, the jurisdictions of several councils will effectively be managed.

¹⁵ Decentralisation laws in Mali, Senegal and Burkina Faso for example.

¹⁶ See section 3.3 below for a more detailed presentation of the issues surrounding customary natural resource management institutions.

3.2 Improving development approaches to decentralised NRM

Decentralised natural resource management requires local populations and government institutions to participate actively and equitably in decision-making processes. A major challenge facing development organisations is how do you support this process in a way that is both sustainable and equitable?

Positive signs

The importance of enabling the participation of local communities in planning and project implementation has been recognised by policy makers and practitioners for over twenty years. All major conventions and policy statements refer to people's participation as the basis for sustainable and equitable development¹⁷. The current processes of democratisation and decentralisation are now giving the issue greater edge.

There has also been progress in the design of the practical means by which participatory and decentralised natural resource management can be implemented. The family of participatory research, planning and evaluation approaches (RRA, PRA, PLA¹⁸) has evolved considerably over the past twenty years. Whereas in the past participatory research was seen as a tool to enable external projects better to understand local systems and priorities, it is now the means of allowing local people to identify and respond to their own development priorities (see Box 7).

Parallel to the 'PRA movement' has been the development of a succession of *Gestion de Terroir*¹⁹ models which, through the use of participatory tools, has sought to promote an integrated and participatory approach to resource management in the Sahel. This approach too has evolved over time from a simple land use planning exercise to zone village land according to different activities, to an integrated local development planning process²⁰.

Continuing constraints

Despite widespread commitment to participatory and inclusive management, and the existence of a broad range of tools for its implementation, local participation in decision-making processes remains elusive.

In spite of the rhetoric, there has been little real attempt to create an environment in which all stake holders can engage in defining exactly what 'participation' means, and how best to ensure it happens (Guèye, 1999). Using participatory tools

17 The series of CILSS conferences at Nouakchott (1984), Segou (1989), Praia (1994); the Earth Summit (1992); numerous UN conferences, etc.

18 Rapid Rural Appraisal, Participatory Research and Action, Participatory Learning and Action.

19 Best translated as village land use planning and management.

20 See section below for a critique of the *Gestion de Terroir* approach.

Box 7 Going beyond participation

New cutting-edge work on participatory planning methods continues to emerge, which, if widely disseminated and properly implemented, offers enormous potential for making decentralisation a reality. An example of such work is provided by two Senegalese organisations (ARED and CERFLA²¹) who specialise in working in African languages, with a focus on Pulaar²². Initial work consisted of translating and adapting the MARP²³ approach and tools into the Pulaar language. The goal of this first step was to strengthen the capacity of local people to analyse their local situation within a broader context through a process of self-analysis, action-research and participatory planning.

Over the past three years, ARED/CERFLA have been focusing on linking adult education and literacy training to issues of self-determination, good governance and local capacity building. This programme focuses on key themes (e.g. local land use planning, conflict management, management capacity building, NRM legislation and decentralisation) relevant to broader Sahel regional debate, that together are designed to provide civil society groups with the skills to engage with government, and other interest groups, in the management of their own affairs.

Initial work suggests a high level of interest within communities to apply the methods at their own time and pace. They are able to adapt the tools to respond to their specific social, cultural and physical environment and are not left waiting for a team of PRA experts to initiate discussions and problem solving among themselves.

is not enough in itself to ensure that local people have a genuine say in the management of their own affairs. People need to feel confident and see the potential for future benefits if they are to invest time and effort in participation.

As well as tools, participation needs an *enabling environment* if it is to have any influence (Vogt & Vogt *in press*). There needs to be a fundamental shift in attitude and working practice by development organisations to ensure that local people can work with them on a more equal footing than has been the case so far.

a) Institutionalising participation

Development organisations need to change their own operational environment to allow them to work in an open, democratic and participatory way both with their own staff and with their partners (local populations and government agencies). It is not simply a case of developing participatory tools to pass onto others. An ethos

21 Associates in Research and Education for Development and the Centre d'Education, de Recherche et de Formation en Langues Africaines.

22 Also known as Fulfulde.

23 Méthode Active de Recherche Participative (an adaptation of PRA).

and internal way of working that are compatible with a process of participatory development are essential.

There needs to be an institutional culture of respect for local knowledge, skills and priorities. This in turn requires a change in attitudes from project staff particularly as they relate to minority groups such as pastoralists and women. It also demands a revision of roles, with former managers agreeing to become facilitators and arbitrators and withdrawing from the role of decision-maker. This issue is particularly acute in government departments where collaborative management systems and devolving authority to local communities is often seen as a threat to their own power, and therefore their future.

These new roles also demand skills very different from the technical skills better known to development workers (government and NGO). For participation to become institutionalised, investment in training and support for innovation are essential.

b) Investing in participation

Participatory appraisal and planning techniques are costly and time consuming both for the trainers and facilitators and the populations themselves. Participation poses even more practical problems in pastoral areas where populations are mobile and local institutional arrangements are less well known.

Development projects need to allocate the resources (time, staff training) and invest in participatory processes of consultation with a broad spectrum of resource users, including those groups who may only be present on a seasonal or temporary basis (e.g. transhumant herders). This requires more open-ended project time frames and flexible budget management to allow local people to control processes of decision making in a democratic way (currently restricted by many donors' policies).

The role of the external agency as facilitator and not as manager of local participatory processes implies less control over time-scales and workplans. Achieving this requires a change to conventional project frameworks and a realignment of donor priorities to ensure a better balance between 'output-oriented' goals and more 'process-oriented' objectives.

c) Going beyond the project

Many conventional projects are, by their very nature, limited in two respects: space (projects frequently focus on a clearly defined area or resource) and time (projects have a fixed end point).

- Focusing their efforts on a defined area or resource (typical of the *Gestion de Terroir* approach), projects have tended to concentrate on resident populations

living within that area and have failed to develop participatory approaches to resource management that recognises the highly mobile nature of Sahelian livelihood strategies (Painter et al., 1994).

There has been an implicit assumption that local people derive a major part of their livelihoods from activities within the immediate vicinity of their village, which led to the development of 'participatory' approaches for resource management appropriate for resident populations. The approach has discriminated against non-resident or seasonal visitors. Village land use management plans are classically drawn up by resident village committees without any consultation with other user groups, such as transhumant herders. The latter, as a consequence, have found their customary rights of access to these resources curtailed as resident groups have sought to impose exclusive rights over their use.

- Sustainability demands that local populations are equipped with the skills to plan for their own development outside of any specific project context. Too often, participatory processes are used by development projects to seek community endorsement for the activities for which they have funding. Tools are needed that allow 'participation for empowerment' to enable community groups to identify their own priorities and management strategies to be incorporated into wider district-level and national policies.

d) Research – practice divide

Operational projects do not tend to invest in research activities beyond those directly concerned with the establishment of the project (i.e. PRA activities to identify local needs and endorse subsequent activities).

This divide is particularly acute in government services and, until quite recently, many national and international NGOs. Lack of resources is part of the problem but there is also a culture among operational projects that researchers 'think' and practitioners 'do'. On the one hand, research is the preserve of scientists or anthropologists and often is carried out in isolation from either real local conditions or development practice, a factor that frequently undermines practitioners' faith in research activities and results. On the other hand, development field staff are themselves isolated and do not have easy access to the latest research information. The cumulative effect is that field workers lack research expertise, do not understand local livelihood systems and are not up to date on new thinking. This is particularly noticeable for pastoral development.

Action-research carried out by project staff in a participatory way with local people is essential to ensure that development interventions are informed by, and pertinent to, local needs, cultural norms and local political realities.

3.3 Promoting good governance

The success of decentralisation will be judged on a number of different criteria, including:

- the degree to which local people effectively participate in the management of their own development;
- whether or not they do so in a democratic and equitable way; and
- whether the management strategy proves effective and sustainable.

Local communities need to develop institutions for the management of natural resources that are legitimate, accountable, inclusive and technically effective. This is essential if local people are to conform to local rules of resource management (see box 8). Decentralisation offers real opportunities for local people to do this, but to do so they need to overcome a wide range of challenges, both internal and external, if they are to play a determining role in their own development.

The demands placed on local level institutions are high. They need to be flexible to cope with climatic variability and multiple resource use. They need to be able to address the internal tensions caused by unequal power relations within their communities as a result of growing social and economic stratification. They also need to adopt management techniques that reconcile increasing demands against sustainable use. Finally, local institutions need to be outward looking and informed of global issues and processes if they are to be better able to respond a wide variety of external forces that impact on local economies and national policies.

Box 8 Consultation leads to conformity

In its efforts to protect *Acacia albida* and other tress, a community association in Senegal decided to ban all cutting of wood. Local forestry auxiliaries rigorously implemented this rule for the first year. However, following complaints made by women, it soon became apparent that a total ban on cutting was too demanding – women were finding it difficult to collect sufficient wood for cooking. The committee of the association thus decided to modify the rules, allowing women to cut wood from *Acacia albida* trees in their family fields and permitting users to cut *Guiera senegalensis* during field clearing. In addition, it was decided to introduce improved woodstoves and employ women as forest auxiliaries. The ability of women to participate, in a meaningful way, in rule-making has resulted in a greater degree of acceptance of local rules than might otherwise have been the case (Winter, 1998:6).

Positive signs

Structural adjustment and political liberalisation programmes in the Sahel over the past ten years have triggered the emergence of a wide range of civil society organisations.

These organisations have developed largely in response to problems faced by local people. To a greater or lesser degree they represent local initiatives to address the perceived inadequacy of the state to provide basic services (e.g. health, veterinary drugs and animal health care, access to credit, issues relating to human rights).

The existence of an active civil society is in itself a positive sign and an integral part of the democratisation process (Agrawal and Ribot, *in press*). So is the fact that these organisations are highly diverse, varying in size, mandate, origin and status from all-purpose community-based organisations to single gender groups involved in specific economic activities, to highly specialised associations involved in human rights activities. Some are the product of development projects and approaches, while others are based on customary institutions.

Given confidence and support, these local institutions are more likely to be able to adopt and adapt customary approaches to resource management, including the capacity to negotiate in order to accommodate variable local conditions and demands. Support to these institutions in terms of literacy, accountancy training and other areas of management and institutional capacity is increasingly being recognised as a means of assuring their longer-term sustainability.

Continuing constraints

The existence of a plethora of local organisations is not in itself an indication of a vibrant and effective civil society. Building strong, representative and equitable organisations takes time. However, the challenges and opportunities facing local institutional structures are enormous and it is far from clear, even within a climate of decentralisation, how they will be able to shoulder their new responsibilities. Some of the main practical issues that need to be addressed in the short to medium term are presented below.

a) Ensuring local representation, accountability and participation

Decentralisation is no guarantee of good local governance. The critical issue is how to ensure a balance of power between the numerous stakeholders in order that all local interests, including those of minority groups, are taken into consideration as groups vie with each for access to power.

As competition increases over natural resources, there is a tendency to exclude certain user groups, particularly those of limited political importance (e.g. women,



Picture: Pippa Trench

A "farmer" preparing for the fishing season in the Samori Forest, Bankass (Mali).

seasonal visitors, pastoralists), both from the resource itself and from decision making processes.

- Controlling resource access through exclusion is a necessary part of common property management, but has traditionally been tempered by reciprocal agreements according to local demands and social and ecological conditions. More recently established 'modern' institutions have tended to encourage less flexible arrangements, fixing boundaries and rights of exclusion.
- An absence of negotiation between different user groups in the establishment of rules and regulations raises practical questions of sustainability and control, and deteriorating social relations as well as ethical questions of equity and parity. However, external demands for equity are rarely sustainable in the long-term, particularly if they are conditional on financial assistance. Local people have to confront their traditions and assess whether they are appropriate to current conditions.

Institutions are only representative if they are consultative, transparent and accountable to the local population they are meant to represent. This demands open and equal access to information, both on the state of the resource in question and the management process. In areas where literacy is generally very low and communication channels difficult to monitor, this remains a major challenge for local institutions and the development agencies supporting them.

Even in Mali, where decentralisation process have progressed as far as electing local rural councils, the vast majority of the population, including those who will be responsible for implementing policy, do not fully understand either the decentralisation process, the policy reforms or their implications for sustainable and equitable management. Local government authorities risk being co-opted by the local elite²⁴ with potentially damaging effects on local resource management (e.g. privatisation of high value common property resources).

b) Strengthening effective natural resource management at the local level

Decentralisation empowers local elected government bodies (i.e. rural councils) to allocate and withdraw land, develop land use plans, award and monitor contracts for resource management by individuals, community based organisations or commercial bodies, and to arbitrate and management conflicts. However, in many cases, there is a lack of technical capacity at local level to carry out these and related tasks.

²⁴ Central government officials, retired civil servants, traditional leaders, wealthy traders.

External specialists using technocratic, top-down and non-participatory approaches to land use planning have dominated natural resource management in the Sahel. The emphasis has been on producing forest inventories, zoning land according to specific activities, and fixing levels of carrying capacity rather than establishing flexible management systems to cope with the variability of the resource base (Kerkhof, *in press*). Even such approaches as *Gestion de Terroir*, often failed in practice to apply their principles of participation and attention to local specificities (Painter *et al.* 1994)²⁵.

Local people need planning and management tools that are appropriate to their local situation, level of education and financial situation. Imported technical packages (e.g. 5-10 year forest management plans based on technical inventory data to establish timber and fuelwood extraction) demand skills that are not readily available and do not 'belong' or necessarily reflect the priorities of local people (Vogt and Vogt, *in press*).

²⁵ In theory, this approach could allow for greater involvement of local people in managing their own resource base according to customary practice. Unfortunately this has not always been the case as the methodology has frequently been misapplied and the village-based committees responsible for its implementation are rarely representative or democratic.

Conclusion

4

The preceding section has outlined the major constraints facing policy makers, local people and development organisations in the implementation of decentralised natural resource management in the Sahel. Although resolving these constraints will be difficult and will take time, there is good reason to be optimistic. The policy environment in the Sahel, though not perfect, is broadly favourable to devolved natural resource management²⁶. Donors, NGOs and government ministries are becoming increasingly aware of their “new” roles as facilitators and adopting, albeit gradually and with some reticence, more participatory approaches. Local people after many years of government control are becoming better informed of their rights and duties, and gradually expressing their needs and priorities particularly at the local level.

Against this broadly favourable backdrop there are numerous local initiatives working to identify appropriate tenure arrangements for the peaceful and sustainable management of common property resources in the Sahel. Many of these efforts are led by local groups themselves seeking to resolve conflicts over resource access at the community-level. Others have been created by, or receive support from, external organisations and consequently are better known.

The SMCPR programme evolved in direct response to a number of these initiatives who were finding it difficult to develop natural resource management systems for common property resources which took into account concepts of multiple user rights, livestock mobility and negotiated access. Through a process of collaborative action-research, training and lesson sharing the programme hopes to raise partner capacity to identify and implement local institutional arrangements for inclusive resource management, and inform the policy making processes in their respective countries of their experiences.

The programme overall will address three central issues which are of particular significance and broader relevance to policy makers and practitioners involved in ways to promote decentralised natural resource management in the Sahel.

²⁶ It is important to recognise that there remains considerable variation between countries in the willingness and capacity of government to engage in decentralisation and democratisation processes.

Informing policy

How can an action-research programme inform and influence policy? Influencing policy is an avowed aim of many research projects, but experience shows that getting a change in policies relevant to common property resource management in the drylands, particularly in relation to pastoral land use, has proved to be very difficult. Despite a large body of sound empirical research that shows the economic value of pastoral production and the ecological sense of communal tenure systems in Africa's drylands, policies are still being formulated to privatise the commons and settle pastoralists.

The persistence of such policies can only partly be explained by a flawed understanding of the dynamics of Sahelian production systems. Such policies may also be designed to serve the interests of groups other than the local occupiers and users of common lands and resources. For example, the Ethiopian federal government is prioritising private investment in irrigation, over the needs and priorities of local populations (*pers obs*). In this sense, informing and influencing policy is a political as well as a technical issue and can only be nurtured through a deliberate process. Understanding this process and how it might be applied is one of the objectives of the programme.

Arguing the case for inclusive management

Which institutional arrangements offer the best prospects for improving tenure security over common property resources in dryland Africa? Practical examples of how local people actually manage common property resources in an equitable and sustainable way are needed to support arguments for communal forms of tenure. A major constraint to the joint management of common property resources is the high level of transaction costs incurred in trying to involve different groups in an equitable, transparent and democratic way. Given these costs, it is necessary to demonstrate its benefits not only to the local community but policy makers as well. Current legislation governing forest lands, for example, is informed by a widespread belief that it is ecologically more productive to exclude certain production practices such as extensive pastoralism. Part of this is due to the limited understanding of the rationale of certain production systems (mentioned above), but there is also the fact there is also very little empirical evidence to demonstrate the benefits of shared management and multiple user access. Designing methods to monitor the ecological and socio-economic impact of shared management of common property resources is another objective of the programme.

Fostering partnerships

How should the programme and its partners, as external agents, work with local organisations in a collaborative and participatory manner in the promotion of inclusive management systems? Promoting inclusive management is a complex

issue for the more people there are, and the more heterogeneous the different user groups are, the harder it is to reach mutually acceptable decisions. Projects can play a critical role in bringing different groups together, but, in doing so, they must tread a fine line between controlling the process and allowing communities to go at their own pace. Providing communities with the space needed to manage the process themselves may take longer than if it was controlled externally. It may also result in communities taking decisions contrary to initial project objectives. Promoting principles of good governance in a participatory way poses many challenges and has implications for projects and their donors in terms of timing and achieving targets set to a given time-table.

Sahelian ecosystems are unpredictable, diverse and dynamic. To cope with this situation land use management strategies need to be flexible to accommodate change and uncertainty; they need to be equitable to take account of multiple user rights; and they need to be locally managed to promote sustainable use. There are no perfect models to determine how land and resources should be managed, only some basic principles. It is the purpose of this series to identify and highlight these principles through detailed case studies in order to inform policy and practice that common property areas in Africa's drylands can be managed in a sustainable and equitable way by the people themselves.

If you are working on similar issues and would like to share your experiences either through this working paper series, or more informally through the programme's six-monthly newsletter, *Browse*, please get in touch with:

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Appendix 1: The programme

The Shared Management of Common Property programme aims to research and identify how common property resources in the Sahel can be managed in an equitable, sustainable and peaceful way by the many people who rely on them for their livelihoods.

It was developed in response to difficulties expressed by many projects setting up natural resource management systems where resources are important to mobile and sedentary groups alike. Mobile groups, and transhumant herders in particular, often depend on “village lands”, “community forests” and other strategic resources, but their rights of access are being reduced. This is threatening their livelihoods, the sustainable use of the resource, as well as contributing to conflict between different user-groups.

The programme is working with seven operational projects in Niger, Mali, Sudan and Ethiopia. Four of these are forest resource management projects, two are working specifically on pastoral development and one is working more generally on natural resource management in the context of decentralisation in Mali. All are working in areas used by pastoral and agricultural communities alike.

Comic Relief, the Department for International Development (DFID) and the Norwegian Agency for Development Co-operation (NORAD) jointly fund the programme.

Five interrelated areas of activity of the SMCPR Programme:

1. Participatory research on pastoral systems to identify how resident and non-resident pastoral groups perceive and manage the common property resources in the project areas, and how this correlates to the perceptions and use patterns of other user groups.
2. Identification of local institutional arrangements for the shared management of CPRs and the extent to which existing community-based structures function effectively and interact with other groups as well represent the interests of all stakeholders.

3. Improved understanding of the socio-economic and ecological impact of shared management of CPRs. The programme aims to develop appropriate monitoring techniques to demonstrate costs and benefits of shared management.

4. Advocacy and media outreach activities to inform government and donor policy as well as broader civil society on programme findings.

5. Civic education activities to inform local communities in the programme area of the issues and stakes that decentralisation will have on the shared management of common property resources.

In addition to these activities, the programme provides a forum for experience exchange and lesson sharing between these partners, as well as others interested in this problem.

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